

Appendix C-2

NYS Natural Heritage Program Correspondence



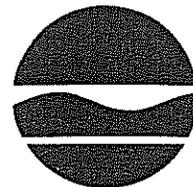
**NEW YORK STATE DEPARTMENT OF CONSERVATION
DIVISION OF FISH, WILDLIFE & MARINE RESOURCES**

New York Natural Heritage Program

625 Broadway, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

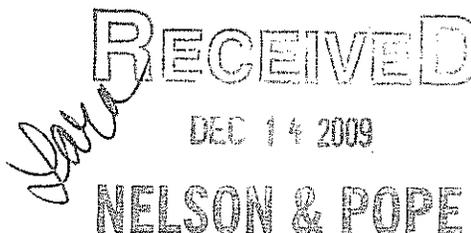
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

December 14, 2009

Lara H. Pomi-Urbat
Nelson Pope & Voorhis
572 Walt Whitman Road
Melville, NY 11747



Dear Ms. Urbat:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Subdivision - De Forest Williams Estate - 42 Acres, Project 95018, area as indicated on the map you provided, located on Shore Road, Town of Huntington, Suffolk County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

PLEASE NOTE: This Project is Near to Cold Spring Harbor State Park

This project location is adjacent to a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

Jeff Zappieri - (518) 474-6000
NYS Department of State
Office Coastal, Local Government and Community Sustainability
1 Commerce Plaza, 99 Washington Avenue,
Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed Project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

A handwritten signature in cursive script that reads "Tara Salerno" followed by a small flourish.

Tara Salerno

Information Services

NY Natural Heritage Program

Enc.

cc: Reg. 1, Wildlife Mgr.

Reg. 1, Fisheries Mgr.

Tom Lyons, NYS OPRHP, Empire State Pl, Bldg 1, Albany 12238, 17th floor

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

- ~This report contains SENSITIVE information that should not be released to the public without permission from the NY Natural Heritage Program.
~Refer to the User's Guide for explanations of codes, ranks and fields.
~Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



COMMUNITIES

Coastal oak-laurel forest

This occurrence of Coastal Oak-Laurel Forest is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

Office Use

NY Legal Status: Unlisted

NYS Rank: S3

10737

Federal Listing:

Global Rank: G3G4

Last Report: 2003-09-18

EO Rank:

County: Suffolk

Town: Huntington

Location: Cold Spring Harbor

Directions: From the intersection of Harbor Road (Route 25A) and Goose Hill Road in the village of Cold Spring Harbor, follow Harbor Road (Route 25A) south for about 0.75 miles and park in the lot for Cold Spring Harbor State Park on the east side of the road, across from the harbor. Follow the trail that begins in the parking lot. The trail intersects the first, northernmost patch of coastal oak-laurel forest in approximately 0.3 miles. Additional patches are slightly further south.

General Quality and Habitat: This is a small coastal oak-laurel forest in good condition contained within a landscape that is surrounded by development. Four patches of *Quercus montana*/*Kalmia latifolia*-dominated coastal oak-laurel forest on a series of hilltops; lower slopes surrounding the community contain oak-tulip tree forest. Other communities within the park include coastal oak-hickory forest, successional southern hardwoods, and successional shrubland. The larger landscape is being developed quickly; development has encroached a bit onto protected state park land.

VASCULAR PLANTS

Scirpus georgianus

Georgia Bulrush NY Legal Status: Endangered

NYS Rank: S1 - Critically imperiled

Office Use

13047

Federal Listing:

Global Rank: G5 - Secure

Last Report: 2006-07-10

EO Rank: Extant

County: Nassau

Town: Oyster Bay

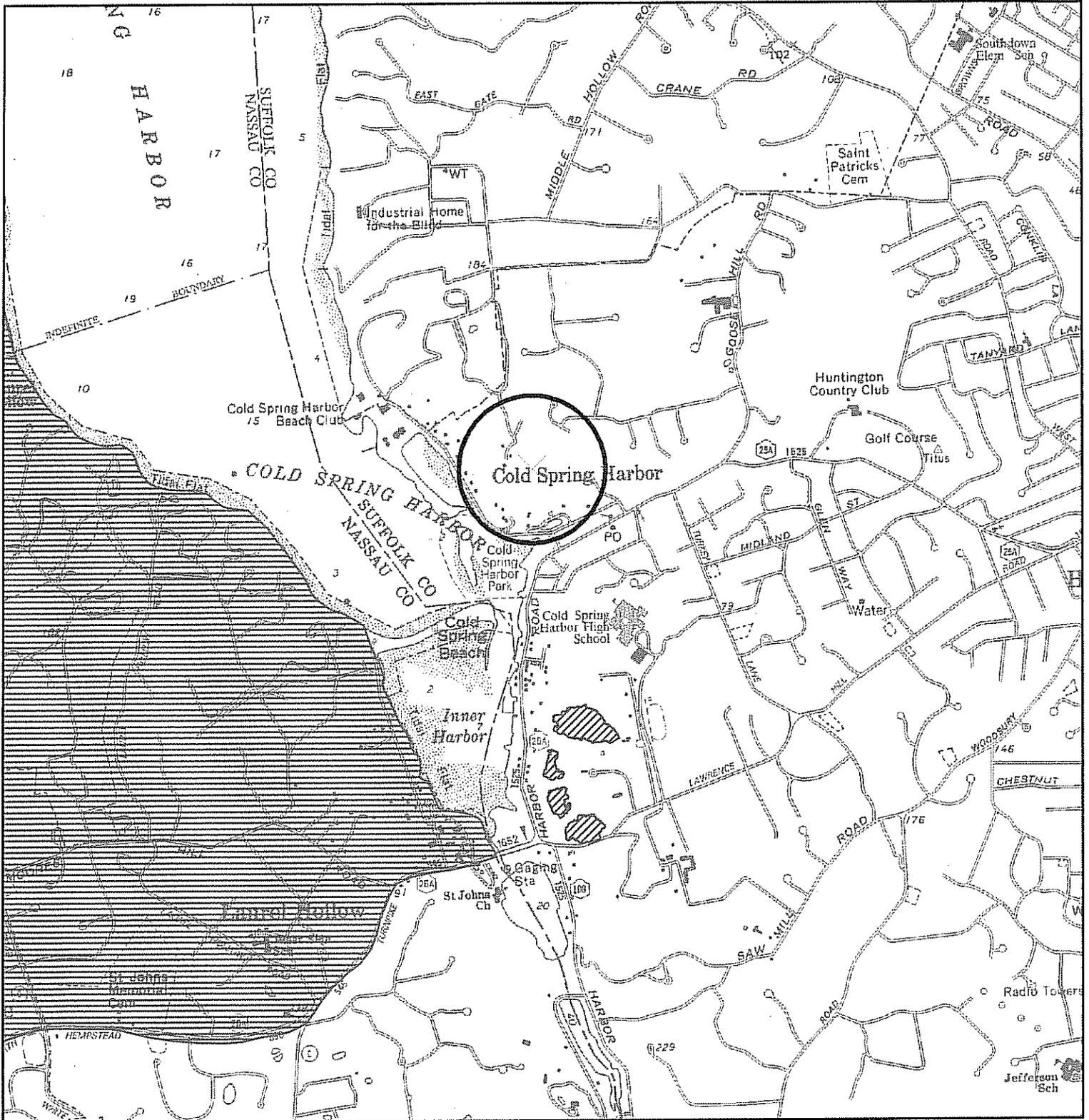
Location: Laurel Hollow

Directions: Specimen label: USA, NEW YORK, Nassau County, Oyster Bay, Cove Neck/Oyster Bay Cove/Laurel Hollow.

General Quality and Habitat: Specimen label: Wet roadside.

Natural Heritage Map of Rare Species and Ecological Communities

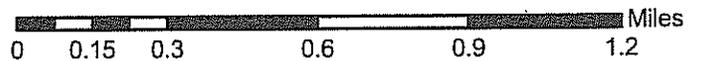
Prepared December 2, 2009 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

-  Project Site
- NY Natural Heritage Program Database Records*
 -  Coastal Oak-Laurel Forest
 -  Georgia Bulrush

1:24,000



*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier.

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



VASCULAR PLANTS

Carex hormathodes

Marsh Straw
Sedge

NY Legal Status: Threatened

NYS Rank: S2S3 - Imperiled

Office Use
289

Federal Listing:

Global Rank: G4G5 - Apparently secure

Last Report: 1920-06-14

EO Rank: Historical, no recent
information

County: Nassau, Suffolk
Town: Huntington, Oyster Bay
Location: Cold Spring Harbor
Directions: Cold Spring Harbor.
General Quality and Habitat: Cold brackish marsh.

M

Cyperus flavescens

Yellow Flatsedge

NY Legal Status: Endangered

NYS Rank: S1 - Critically imperiled

Office Use
619

Federal Listing:

Global Rank: G5 - Secure

Last Report: 1928-10-30

EO Rank: Historical, no recent
information

County: Suffolk
Town: Huntington
Location: Cold Spring Harbor
Directions: Cold Spring Harbor. Wet sandy shore of pond.
General Quality and Habitat: Wet sandy pond shore.

M



Desmodium ciliare

Little-leaf
Tick-trefoil

NY Legal Status: Threatened

NYS Rank: S2S3 - Imperiled

Office Use
7962

Federal Listing:

Last Report: 1919-09-09

Global Rank: G5 - Secure

EO Rank: Historical, no recent
information

County: Nassau, Suffolk
Town: Huntington, Oyster Bay
Location: Cold Spring Harbor
Directions: Cold Spring Harbor.
General Quality and Habitat: Dry sandy soil.

M

Rumex hastatulus

Heart Sorrel

NY Legal Status: Endangered

NYS Rank: SH - Historical

Office Use
2883

Federal Listing:

Last Report: 1914-06-01

Global Rank: G5 - Secure

EO Rank: Historical, no recent
information

County: Nassau, Suffolk
Town: Huntington, Oyster Bay
Location: Cold Spring Harbor
Directions: Cold Spring Harbor.
General Quality and Habitat:

M

4 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone: (518) 402-8935



NATURAL HERITAGE PROGRAM: The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our Mission is to facilitate the conservation of New York's biodiversity by providing comprehensive information and scientific expertise on rare species and natural ecosystems to resource managers and other conservation partners. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK: A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

- A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.
- F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.
- H = Historical. Historical occurrence without any recent field information.
- X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.
- U = Extant/Historical status uncertain.
- Blank = Not assigned.

LAST REPORT: The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Animals listed as Endangered, Threatened, or Special Concern are protected against taking, importation, transportation, possession, or sale without a permit. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species:** any species which meet one of the following criteria:
 - Any native species in imminent danger of extirpation or extinction in New York.
 - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.
- T - Threatened Species:** any species which meet one of the following criteria:
 - Any native species likely to become an endangered species within the foreseeable future in NY.
 - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.
- SC - Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York.
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.
- G - Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NY LEGAL STATUS – Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species:** listed species are those with:
 - 5 or fewer extant sites, or
 - fewer than 1,000 individuals, or
 - restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
 - species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.
- T - Threatened:** listed species are those with:
 - 6 to fewer than 20 extant sites, or
 - 1,000 to fewer than 3,000 individuals, or
 - restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
 - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

R - Rare: listed species have:

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide.

V - **Exploitably vulnerable**: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

U - **Unprotected**; no state status.

FEDERAL STATUS (PLANTS and ANIMALS): The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50.CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status.

LE = Formally listed as endangered.

LT = Formally listed as threatened.

C = Candidate for listing.

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting.

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the intraspecific taxon's rank throughout the world. ? = Indicates that the state or global rank is uncertain and more information is needed. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK:

G1 - **Critically imperiled** globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

G2 - **Imperiled** globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

G3 - **Vulnerable**: Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.

G4 - **Apparently secure** globally, though it may be quite rare in parts of its range, especially at the periphery.

G5 - **Demonstrably secure** globally, though it may be quite rare in parts of its range, especially at the periphery.

GH - **Historically known**, with the expectation that it might be rediscovered.

GX - **Species believed to be extinct**.

GU - **Lack of information or substantial conflicting information** about status or trends makes ranking infeasible at this time.

NYS RANK:

S1 - **Critically imperiled**: Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.

S2 - **Imperiled**: Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

S3 - **Vulnerable**: Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

S4 - **Apparently secure** in New York State.

S5 - **Demonstrably secure** in New York State.

SH - **Historically known** from New York State, but not seen in the past 20 years.

SX - **Apparently extirpated** from New York State.

SU - **Lack of information or substantial conflicting information** about status or trends makes ranking infeasible at this time.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B)populations and the non-breeding populations (N), respectively, of the species.

TAXON (T) RANK: The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 - See Global Rank definitions above.

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity.