

## **APPENDIX K**

### Endangered Species Act Consultation



FEMA

To: U.S. Fish and Wildlife Service, New York Field Office

FAX: (607) 753-9699 Email: sandra\_doran@fws.gov MaryEllen\_VanDonsel@fws.gov and Megan\_Patch@fws.gov

Request for review pursuant to Section 7(a)(2) of the Endangered Species Act of 1973

Declaration #:  FEMA 4020 -DR-NY

Date: 10/23/2015 Program PA

Project/PW # DR-4020 PW #7632

Project name: Lobdell Lane Bridge replacement

Applicant: Essex Co. DPW

Location: Lobdell Lane at US Rt. 9, Town of Elizabethtown

County: Essex County

Latitude: 44.18941

Longitude: -73.61406

FEMA Representative: Christine Piwonka-Bernstein

Email: christine.piwonkabernstein@fema.dhs.gov

Desk phone: 518-396-3842

Cell: 518-414-0416

Project description: Replacement of Lobdell Lane Bridge in original location; installation of temporary crossing

See attachment for additional information

**Threatened (T), Endangered (E), Proposed (P), or Candidate (C) species under USFWS jurisdiction with potential to occur in proposed project area:**

Bog turtle - T

Northern wild monkshood – T

New England cottontail - C

Dwarf wedgemussel - E

Piping plover – T

Small whorled pogonia - E

Indiana bat – E

Sandplain gerardia - E

Northern long-eared bat – T

Karner blue butterfly - E

Seabeach amaranth – T

Red knot - P

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

**FEMA has determined the proposed project:**

no effect \_\_\_\_\_

may affect, but is not likely to adversely affect Indiana bat (I-bat) and northern long-eared bat (NLEB).

is likely to adversely affect \_\_\_\_\_

See attachment for the rationale for the above-listed determination(s).

RATIONALE & CONDITIONS: The proposed scope of work includes the removal of a temporary bridge that has served the site since 2011, the installation and subsequent removal of a new temporary bridge approximately 60' east of the current alignment, and the removal of trees over 4" in diameter at breast height. According to information provided by the New York Natural Heritage Program, there are no known NLEB maternity roost trees within 1/4 mile of the proposed site; however, the nearest NLEB hibernaculum is approximately 2.7 miles southeast of the site, and the nearest I-bat hibernaculum is approximately 7.6 miles southeast of the site. Because of the proximity of the I-bat hibernaculum, the work will be conditioned based on the more restrictive October 1 - March 31 construction window. Conditions also acknowledge that, while uncommon, NLEB have been known to roost under bridges.

The project will be conditioned with the following language:

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USFWS review and/or concurrence with our Section 7 consultation determination

Additional assistance to make our Section 7 consultation determination

**The U.S. Fish and Wildlife Service:**

concurs with your NLTAAs determination(s), no further ESA consultation/coordination required

requests additional information

USFWS Contact: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor Approval: \_\_\_\_\_

Date: \_\_\_\_\_

## PROJECT DESCRIPTION

**Subgrantee:** Essex County Department of Public Works  
**PW/SGA:** PA-02-NY-4020- PW-07632  
**Purpose:** Lobdell Lane Bridge Replacement  
**Location:** Lobdell Lane at US Rt. 9, Elizabethtown, NY (Essex County)  
**Lat/Long:** 44.18941 -73.61406

The Federal Emergency Management Agency (FEMA) proposes to provide Public Assistance (PA) Federal grant funding to Essex County (Sub-grantee) to replace the Lobdell Lane Bridge. FEMA has determined that the proposed project requires an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and 44 Code of Federal Regulations (CFR) Part 10.8. The PA grant reference number is PA-02-NY-4020-PW-07632.

Hurricane Irene damaged the Lobdell Lane Bridge over the Bouquet River in the Town of Elizabethtown, Essex County, NY. A temporary Mabey Bridge has been in place since the original structure was removed and the abutments stabilized following the damage.

The proposed project would build a second temporary bridge 60' east of the existing alignment, tie in a temporary road between the temporary bridge and existing road alignment, increase the clear waterway under the bridge from the current 34' width to 87' (based on findings from a hydraulic and hydrology study of the site), build new cast in-place abutments to accommodate the new stream geometry, install new a single-lane bridge deck and approach roadway, and finally remove the second temporary bridge and temporary road.

Approximately 2 acres of land will be cleared and grubbed, however, most woody vegetation in the project area consists of shrubs and young trees, and few trees at the site are greater than 4" in diameter. Tree species include birch, white pine, elm and red maple. Please see figures 2 – 6, which illustrate the character of the vegetation on the site, and see the preliminary site plan for an indication of where removal of woody vegetation will take place.

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Figure 1 – USGS map of project location. Source: Acme Mapper.



Figure 2: Aerial photograph of project area. Photo Source: Google Maps.



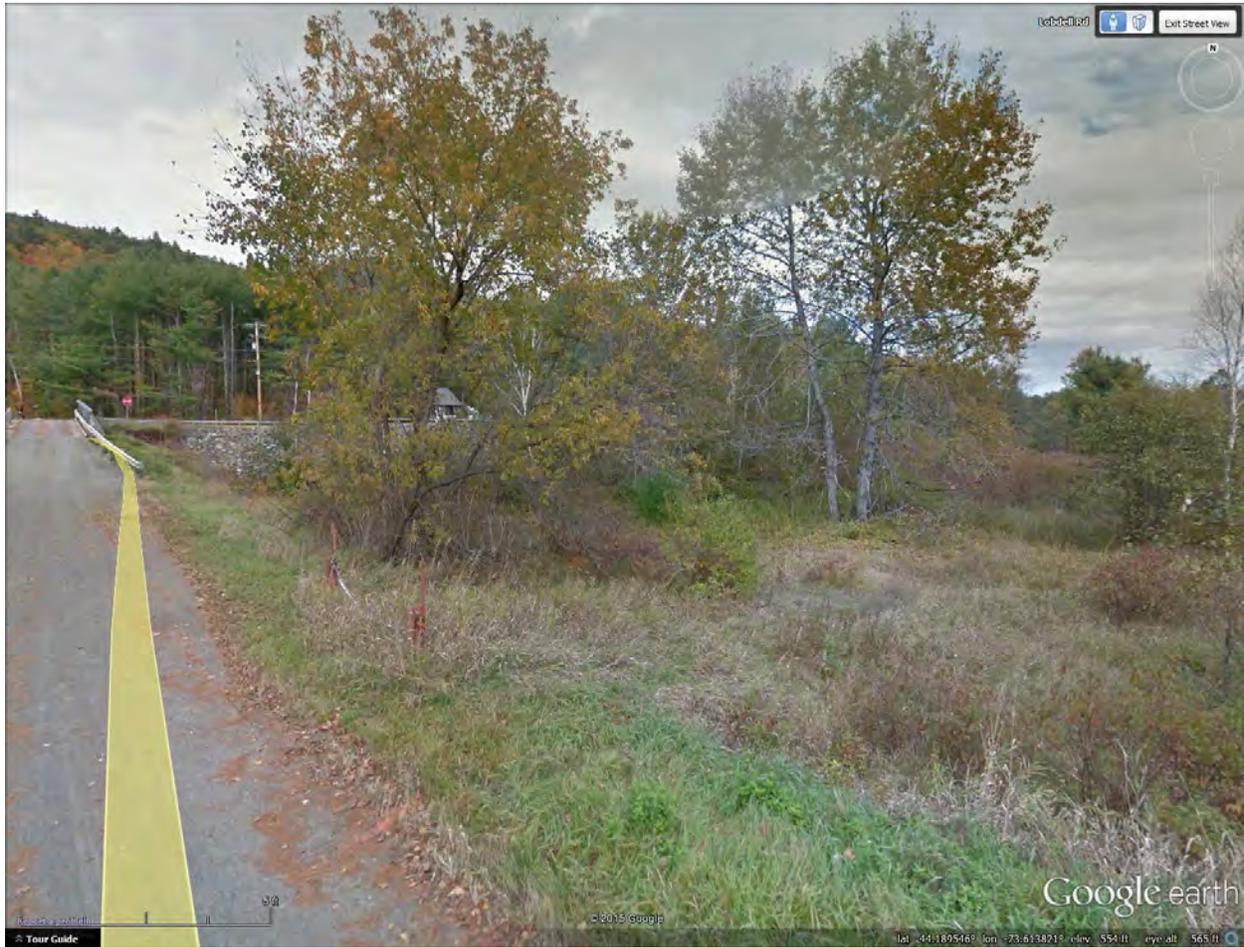
Figure 3: View of embankment to be cleared, from Rt. 9. Source: Google Streetview. Imagery date 10/2014; accessed 10/23/15.



Figure 4: Lobdell Lane Bridge site from temporary bridge, looking SE down Lobdell Lane. Source: Google Streetview. Imagery date 10/2014; accessed 10/23/15.



Figure 5: Approximate location of temporary crossing, looking SE from Rt. 9. Source: Google Streetview. Imagery date 10/2014; accessed 10/23/15.



*Figure 6: Lobdell Lane Bridge site, looking NW from approximate location where temporary road will connect to existing road.  
Source: Google Streetview. Imagery date 10/2014; accessed 10/23/15.*

**Attachments:**

Attachment 1 – Preliminary Site Plan



Robert J. Decker  
(reputed owner)  
L. 1624 P. 149  
tax map 64.04-1-19.1

BENCHMARK  
LAG BOLT IN UTILITY  
POLE IN SECT. L407 58  
ELEV. = 553.86'

BENCHMARK  
LAG BOLT IN 12"  
ELM TREE  
ELEV. = 550.59'

Foley Family Revocable Trust  
Agreement  
(reputed owners)  
L. 1418 P. 295  
tax map 64.04-1-19.211

Joseph E. and Linda S. Martin  
(reputed owners)  
L. 614 P. 273  
tax map 64.04-1-9

Foley Family Revocable Trust  
Agreement  
(reputed owners)  
L. 1418 P. 295  
tax map 64.04-1-19.211

**LEGEND**

- 550--- EXIST. CONTOUR
- EXIST. OVERHEAD UTILITY
- EXIST. EDGE OF STREAM
- CONSTRUCTION BASELINE
- TREE LINE

REVISIONS		
REV.	DATE	DESCRIPTION
X	X	X

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**Sr SCHODER RIVERS ASSOCIATES**  
Consulting Engineers, P.C.  
Evergreen Professional Park  
453 Dixon Road, Suite 7, Bldg. 3  
Queensbury, New York 12804  
(518) 761-0417, FAX: (518) 761-0513

SCALE: 1"=30'-0" DRAWN BY: SRA  
DATE: 4/17/15 ENG. BY: CBS  
PROJ. NO: 12-474.15 CHK'D BY: CBS

CLIENT NAME  
ESSEX COUNTY DEPARTMENT  
OF PUBLIC WORKS  
Elizabethtown, N.Y.

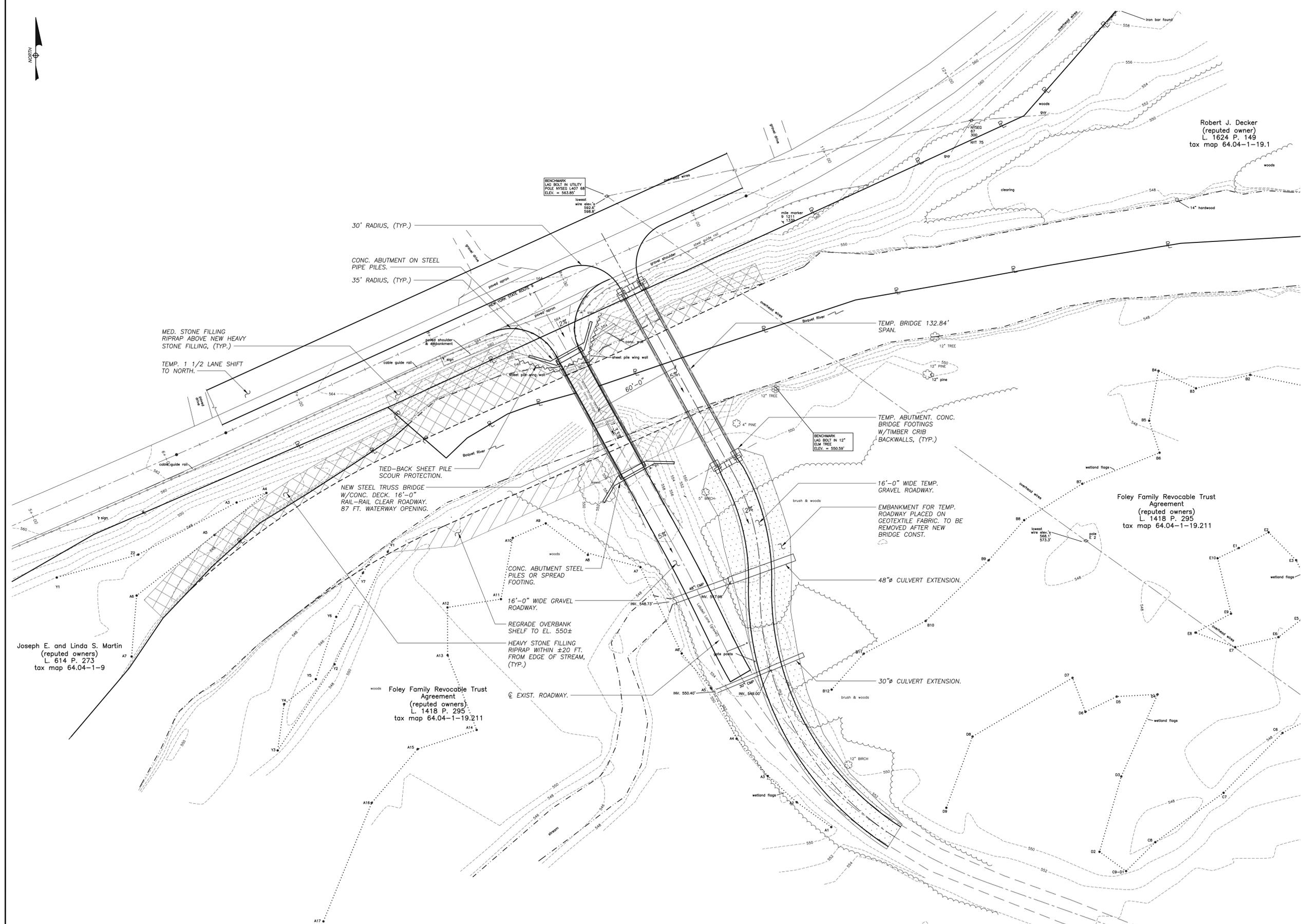
DRAWING TITLE  
LOBDELL LANE BRIDGE  
OVER BOQUET RIVER

PRELIM. SITE PLAN  
ORIGINAL ALIGNMENT OPTION

DRAWING NO. **P-1** SHT. 2 OF X  
REV. X

**PRELIMINARY SITE PLAN**  
1"=30'-0"

**SURVEYED BY**  
DAVID F. BARRASS  
LAND SURVEYOR  
5 MAPLE STREET  
CORINTH, NEW YORK



# Lobdell Lane Bridge

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## *IPaC Trust Resource Report*

Generated October 23, 2015 09:08 AM MDT

This report is for informational purposes only and should not be used for planning or analyzing project-level impacts. For projects that require FWS review, please return to this project on the IPaC website and request an official species list from the Regulatory Documents page.



US Fish &amp; Wildlife Service

# IPaC Trust Resource Report



## Project Description

**NAME**

Lobdell Lane Bridge

**PROJECT CODE**

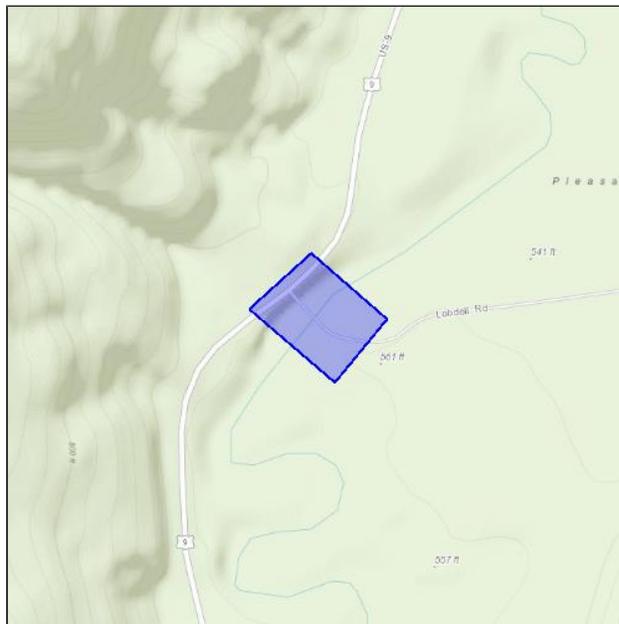
FPKQM-XHU4N-FT7FE-LZCCY-UVYPD4

**LOCATION**

Essex County, New York

**DESCRIPTION**

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9349

(607) 753-9334

# Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an official species list on the Regulatory Documents page.

## Mammals

### Indiana Bat *Myotis sodalis*

**Endangered**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A000>

### Northern Long-eared Bat *Myotis septentrionalis*

**Threatened**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0JE>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

# Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the Bald and Golden Eagle Protection Act.

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

<p><b>American Bittern</b> <i>Botaurus lentiginosus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3</a></p>	<b>Bird of conservation concern</b>
<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008</a></p>	<b>Bird of conservation concern</b>
<p><b>Bicknell's Thrush</b> <i>Catharus bicknelli</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AY">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AY</a></p>	<b>Bird of conservation concern</b>
<p><b>Black Tern</b> <i>Chlidonias niger</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B09F">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B09F</a></p>	<b>Bird of conservation concern</b>
<p><b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HI">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HI</a></p>	<b>Bird of conservation concern</b>
<p><b>Canada Warbler</b> <i>Wilsonia canadensis</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Common Tern</b> <i>Sterna hirundo</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B09G">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B09G</a></p>	<b>Bird of conservation concern</b>
<p><b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G4">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G4</a></p>	<b>Bird of conservation concern</b>
<p><b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0AN</a></p>	<b>Bird of conservation concern</b>
<p><b>Peregrine Falcon</b> <i>Falco peregrinus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0FU</a></p>	<b>Bird of conservation concern</b>
<p><b>Pied-billed Grebe</b> <i>Podilymbus podiceps</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>

**Short-eared Owl** *Asio flammeus*

**Bird of conservation concern**

Year-round

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?scode=B0HD>

**Wood Thrush** *Hylocichla mustelina*

**Bird of conservation concern**

Season: Breeding

## Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

There are no refuges within this project area

# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

## DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

## DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

## DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

There are no wetlands identified in this project area



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Date: 10/23/2015 Program PA

Project/PW # DR-4020 PW #7632

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- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bog turtle - T             | <input type="checkbox"/> Northern wild monkshood - T | <input type="checkbox"/> New England cottontail - C             |
| <input type="checkbox"/> Dwarf wedgemussel - E      | <input type="checkbox"/> Piping plover - T           | <input type="checkbox"/> Small whorled pogonia - E              |
| <input checked="" type="checkbox"/> Indiana bat - E | <input type="checkbox"/> Sandplain gerardia - E      | <input checked="" type="checkbox"/> Northern long-eared bat - T |
| <input type="checkbox"/> Karner blue butterfly - E  | <input type="checkbox"/> Seabeach amaranth - T       | <input type="checkbox"/> Red knot - P                           |
| <input type="checkbox"/> Other _____                | <input type="checkbox"/> Other _____                 | <input type="checkbox"/> Other _____                            |

**FEMA has determined the proposed project:**

- no effect \_\_\_\_\_
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