



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 19, 2023

Field Supervisor
USFWS Long Island Ecological Services Field Office
340 Smith Road
Shirly, NY 11967
FW5ES_NYFO@fws.gov

Re: Docket No. FD 36575, Townline Rail Terminal, LLC –Construction and Operation Exemption – Hamlet of Kings Park, Town of Smithtown, Suffolk County, NY; **USFWS Informal Section 7 Consultation** - USFWS Project Code: 2023-0108152¹

Dear Mr. Tobin:

The Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) is in the process of preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and related environmental laws to assess the potential environmental impacts of granting a license to Townline Rail Terminal, LLC (Townline or Applicant) to construct and operate a new common carrier rail line (the Project) in Smithtown, New York. Pursuant to Endangered Species Act (ESA) Section 7(a)(2), OEA is initiating consultation with the United States Fish and Wildlife Service (USFWS) regarding the potential effects of the Project on ESA-listed species that may occur in the project area.²

PROPOSED ACTION

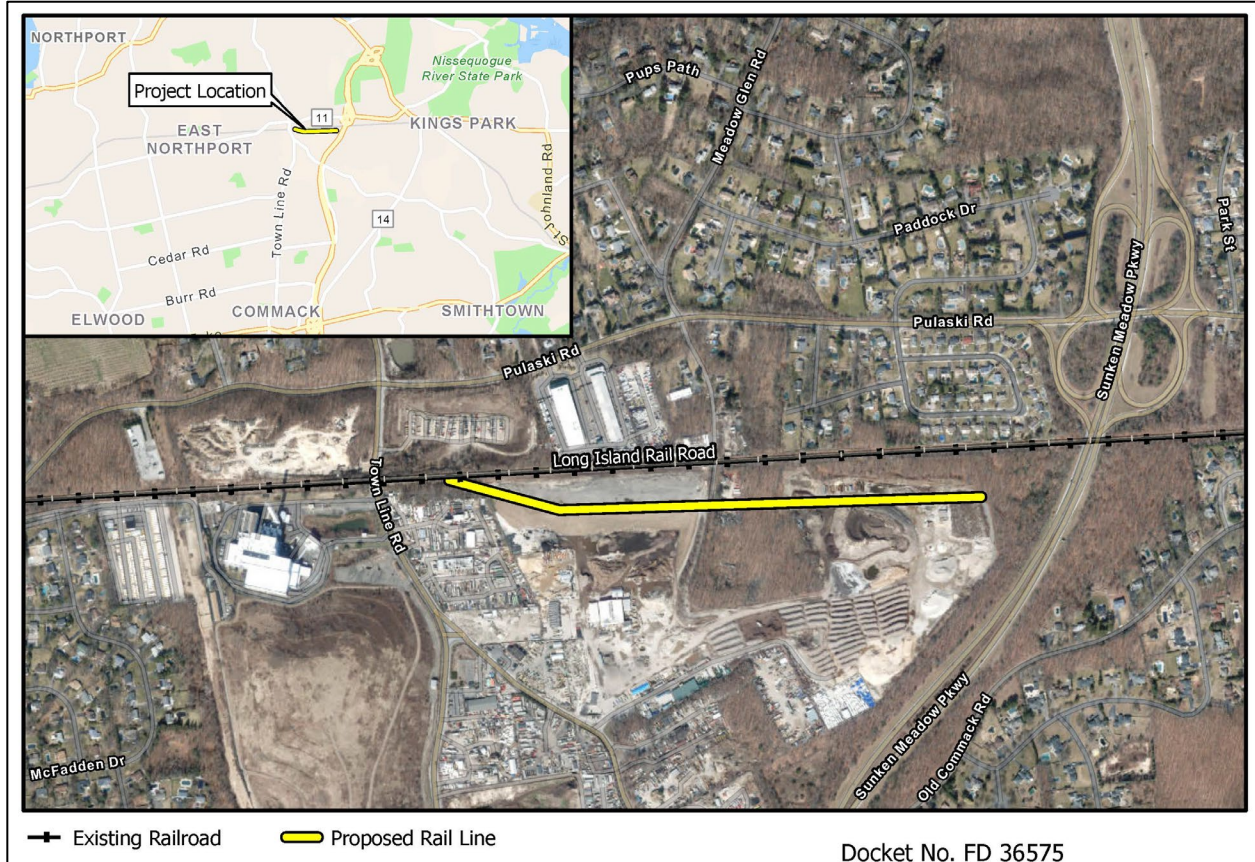
On November 17, 2022, Townline filed a petition in Docket No. FD 36575 seeking authorization from the Board to construct and operate approximately 5,000 feet of new common carrier rail line and associated switching and sidetrack in Smithtown, New York (the Proposed Action; **Figure 1**). Townline states the Proposed Action is needed to provide a rail option for transporting incinerator ash and construction and demolition (C&D) debris off Long Island. The service would also be marketed to local customers for import of goods and commodities. Townline railcars would be transported to and from the project site by the New York and Atlantic Railway (NYA), which is a short line freight railroad operating in New York’s Suffolk,

¹ USFWS Official Species List, dated July 24, 2023 (see Attachment B) lists the project name as “Proposed Towline Rail.” Correct name is listed above “Townline Rail Terminal, LLC – Construction and Operation Exemption.”

² Note that OEA sent a project initiation letter to the Long Island Ecological Services Field Office on June 22, 2022.

Nassau, Kings, and Queens Counties, on tracks owned by the Metropolitan Transportation Authority's (MTA) Long Island Railroad (LIRR).

Figure 1. Project Location



BACKGROUND AND PROJECT DESCRIPTION

The project site is located on an 82-acre industrial property that includes an existing 66-acre waste transfer facility.³ As noted above, the Project is needed to provide a rail option for transporting incinerator ash and C&D debris off Long Island to customers. In 2024, the Brookhaven landfill (the only disposal option for incinerator ash and C&D debris on Long Island) will reach maximum capacity and close.⁴ Once Brookhaven Landfill is closed, manufacturers will need to transport all incinerator ash and C&D waste off Long Island. The Project would offer an alternative to truck transport (the current mode of transport at the facility) off Long Island by providing efficient, direct rail transportation via LIRR's Port Jefferson Rail Line (Port Jefferson Line) to the interstate rail network.

³ The property and waste transfer facility (New York State Department of Environmental Conservation-permitted) are owned and operated by Carlson Corp, Inc. (Carlson). Carlson established Townline in 2021 to be a common carrier railroad.

⁴ Brookhaven Landfill is the final destination for the C&D and incinerator ash (over 20 miles from the project site).

The Project includes the construction and operation of approximately 5,000 feet of new, common carrier single-line rail track and associated switching and sidetrack in the northern portion of the 82-acre industrial property (**Figure 2**). The conceptual design illustrates the proposed track and associated switching and sidetrack offset approximately 150 feet from the existing LIRR track. Townline would construct the Project on an embankment to be consistent with the elevation of the adjacent LIRR track. This configuration (of the rail line adjacent to the LIRR) would allow for efficient operations of the train pulling in and out of the property.

Figure 2. Proposed Conceptual Track Layout



Carlson would construct and operate roads and buildings independently of the Proposed Action that are subject to state and local regulation. These facilities include an indoor 200-foot(ft) x 400-ft rail transfer station and a semi-enclosed 100-ft x 200-ft material storage building (**Figure 2**). The buildings would be accessed by approximately 5,675 ft of new roads on the property to facilitate transload between railcars and trucks. The construction and operation of these facilities are not within the Board’s jurisdiction but, for ESA purposes, would be considered a consequence caused by the Proposed Action that is reasonably certain to occur.⁵ As such, these ancillary facilities are also considered as “effects of the action”, as defined in ESA regulations at 50 CFR 402.02.

⁵ These facilities are being evaluated as cumulative impacts in the Draft Environmental Assessment because Carlson would construct and operate these roads and buildings independently of the Proposed Action.

Construction

Townline proposes to construct the Project across 14.40 acres within the northern portion of the 82-acre industrial property, adjacent to and parallel with the Port Jefferson Line (**Figure 2**). As illustrated in **Figure 2**, new construction would occur within the entirety of the project area, as well as within the footprints of the access roads and buildings that Carlson would construct. Townline anticipates that the temporary construction footprint would be approximately 25 feet on either side of each track roadbed. Townline anticipates construction would last approximately 12 months and would occur during daytime hours. Construction materials would be delivered to the project site by truck, as there is currently no active rail siding at the project site and offloading from the Port Jefferson Line is not permitted. Certain material (e.g., ties, rail) could be delivered by rail to the nearest available siding along the Port Jefferson Line (St. James or Greenlawn) and trucked to the project site. Construction materials will be stored on the property between the proposed rail line and the LIRR in a laydown area (see **Figure 2**). Equipment needed to construct the Project includes dump trucks, excavators, backhoes, bulldozers, rollers/soil compactors, grapple/boom trucks, welding trucks, track surfacing equipment (tamper, ballast regulator, stabilizer), and truck-mounted cranes. Appropriate erosion and stormwater control measures will be installed for the duration of the construction period.

Operations

The proposed rail line would transport incinerator ash and clean C&D debris off Long Island. The owner would also market the service to other potential customers for importing goods and commodities, such as importing aggregate and construction materials to supply local Huntington and Smithtown businesses (e.g., an asphalt plant, cement ready-mix plant, and precast producer). In coordination with Townline, NYA would operate one round-trip train per day, five days a week, during operations. Materials would be shipped in sealed containers or on open rail cars pursuant to industry standards. NYA trains delivering and picking up cars would be an average of 1,900 feet long and consist of two locomotives per train, with a maximum of 27 cars per train. The proposed 5,000 feet of track would hold 54 cars at one time. Twenty-seven cars per train is the maximum the site can support for interchange with NYA without switching on the Port Jefferson Branch, which is the preferred operation for NYA and LIRR. Townline expects that train length will average 16 cars but would not exceed 27 cars. Operations would occur during daytime and nighttime hours. Daytime operations would occur generally between 6:00 am and 6:00 pm (Monday through Saturday), which are the permissible hours of operation for the waste transfer facility. NYA would serve the facility at night (i.e., outside of daytime hours) during off-peak periods when adequate slots are available for freight movement along the LIRR mainline track. Inbound trains would pull in, drop cars on one or more-yard tracks, pick up cars from other tracks, and depart during the night.

Applicant Proposed Avoidance and Minimization Measures

As part of the Project, Townline has voluntarily proposed the following measures to avoid impacts on the federally endangered Northern Long-Eared Bat (NLEB) (see Attachment C). If the Board authorizes the Proposed Action, Townline, their employees, and their contractors

would be required to strictly adhere to these measures, as well as any additional mitigation measures recommended by OEA and imposed by the Board in its final decision.

- The Applicant would not conduct construction-related tree removal for the Project during the NLEB active season (March 1 to November 30 [New York State Department of Environmental Conservation’s NLEB active season for Suffolk County]).⁶
- During construction, the Applicant would take steps to reduce the unnecessary removal of bat habitat by limiting tree removal to only the areas necessary to safely construct and operate the Project, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.
- During construction, the Applicant would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). The Applicant would use downward-facing, full cut-off lens lights for any temporary lighting used during construction of the Project.
- During operations, the Applicant would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

ACTION AREA

ESA regulations define the action area as all areas to be affected directly or indirectly by the proposed project and not merely the area immediately adjacent to the action. Therefore, the action area includes the project area and the footprints of the roads and buildings (See **Figure 2**) plus all areas surrounding these areas where construction or operations activities could potentially affect the environment (i.e., potential noise and visual impacts).

FEDERALLY LISTED SPECIES AND HABITATS IN THE ACTION AREA

OEA obtained an official species list from the USFWS’s Information for Planning and Consultation (IPaC) tool on July 24, 2023, identifying federally listed species that may occur or potentially occur in the action area (Attachment B; **Table 1**).

⁶ Note that the USFWS considers the NLEB active season in New York to be April 1 to October 31 (https://www.fws.gov/sites/default/files/documents/Inactive%20Season%20Dates%20for%20Swarming%20and%20Staging%20Areas_0.pdf).

Table 1: Federally Listed Threatened, Endangered, and Candidate Species that May Occur in the Action Area

Species	Federal Status	Species Habitat Description ^{3,4}	Habitat Present in the Action Area
piping plover (<i>Charadrius melodus</i>)	Threatened ¹	Oceanfront beaches and barrier islands; forages on intertidal beaches, exposed mudflats and sandflats, wrack lines and shorelines.	No
red knot (<i>Calidris canutus rufa</i>)	Threatened ²	Oceanfront beaches and barrier islands during migration; tidal flats (sand or mud), shoals, sand bars, and unvegetated portions of salt marshes (e.g., pans, blowouts); nests in Canada and migrates to South America.	No
northern long-eared bat (<i>Myotis septentrionalis</i>)	Endangered	Winter: hibernacula in caves and mines; Summer: roost and maternity trees (≥ 3 inches diameter) with loose bark or cavities, cracks, and/or crevices. Forages in open forests, edges, and around wetlands or water.	Yes
monarch butterfly (<i>Danaus plexippus</i>)	Candidate ⁵	Anywhere with milkweed and an abundance of native nectar plants.	Yes

¹ Critical habitat is designated for this species but it is not present in the action area.

² Critical habitat is proposed for this species but it has not been proposed in the action area.

³ New York Natural Heritage Program. Online Conservation Guides. Available at: <https://guides.nynhp.org/> Accessed September 2023.

⁴ United States Fish and Wildlife Service. Long Island Recovery Efforts. Available at: <https://www.fws.gov/northeast/nyfo/es/lirecovery.htm> Accessed September 2023.

⁵ Candidate species are provided no statutory protection under the Endangered Species Act.

OEA conducted a field survey on July 14, 2023 to characterize the existing habitats and to determine the potential for threatened and endangered species habitat to occur within the action area. Most of the action area is predominately disturbed and unvegetated, with most of the area cleared for existing operations of the waste transfer facility. Vegetated habitat within the project area (as depicted in **Figure 2**) is limited to 3.13 acres of early successional habitat in one area and 2.22 acres of forested habitat in three separate areas (see Figure 1 in Attachment A).⁷ The forested habitat within the project area includes a successional woodland, as well as forested habitats dominated by mature oaks. The oak-dominated forested habitats support a canopy of mature trees and understory vegetation that are common within the general surrounding area of the action area and in Suffolk County. Beyond the project area, an additional 2.62 acres of

⁷ These forested areas are depicted as habitat areas SP-1, SP-3, and SP-4 in Figure 1 in Attachment A.

similar forested habitat occurs within the footprints of ancillary facilities (building and roadway), with similar forested habitat extending beyond the ancillary facilities.⁸

All of the vegetated habitats within the action area exhibit substantial evidence of historical and ongoing disturbance, including clearing, grading, and storage of materials and equipment. In a regional context, the action area is surrounded by developed areas (e.g., residential housing and other industrial land use), state highways and local roads, and a rail line, all which limits habitat connectivity and results in a patchwork across that landscape of mostly smaller, isolated forested areas.

Piping Plover, Red Knot, Monarch Butterfly

Based on the field survey, piping plover and red knot habitat is not present in the action area and the species are not anticipated to be present; therefore, OEA is dismissing these species from further consideration.⁹ The monarch butterfly, as a candidate species, is provided no statutory protection under the ESA. The species was not observed within the action area during the field survey, nor were its milkweed genus (*Asclepias* spp.) host plants. Other flowering plants within the action area represent potential feeding habitat for monarch butterfly adults.

Northern Long-eared Bat (NLEB)

Based on the field survey, 4.84 acres of forested habitat were identified as potentially suitable NLEB roosting and foraging habitat (as described above). OEA performed NLEB habitat assessments of the forested areas within the project area, pursuant to USFWS protocols, as set forth in the *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines* (2023) (information included as Attachment D).¹⁰ As described above, the NLEB habitat consists of successional woodland on steeply sloped terrain located between the adjacent LIRR tracks and lower elevation, and oak-dominated woodlands with disturbed groundcover strata that exhibit evidence of historical clearing, grading, and debris placement, as well disturbance from all-terrain (ATV) vehicle use.

OEA also accessed databases to determine if there are records of NLEB in and around the action area. Regionally, the USFWS has identified Smithtown as a town with summer records for NLEB.¹¹ However, at the local level in and around the action area, according to correspondence from the New York Natural Heritage Program (NYNHP), dated July 17, 2023, and NYDEC's Environmental Assessment Form (EAF) mapper, there are no records for occurrences of NLEB (Attachment B).

⁸ This forested area is part of habitat area SP-3 (see Attachment A Figure 1).

⁹ OEA's official effects determination under ESA Section 7(a)(2) for these two species is **No Effect**.

¹⁰ Note that the forested habitat in the footprint of the rail transfer station and roadway is part of the same forest habitat (identified as SP-3) in the project area.

¹¹ USFWS (https://www.fws.gov/sites/default/files/documents/508_northernlongeared_townswithmaternityroosts_1.pdf).

EFFECTS OF THE PROJECT

Construction

Construction of the Project could affect the NLEB primarily through, 1) habitat removal, 2) temporary noise, and 3) temporary lighting, if the species utilizes the potential habitat in the action area.

Habitat Removal: Construction would remove 4.84 acres of forested habitat that could potentially support NLEB (see Attachment A Figure 2). While some natural vegetation regrowth would occur, construction would permanently alter forest cover; and regrowth would likely be sparse in areas that would be continually disturbed by railroad operation and maintenance. To avoid potential direct impacts on individuals, construction clearing in potentially suitable NLEB habitat would occur outside of the NYSDEC's NLEB active season for Suffolk County (March 1 to November 30) when NLEB are in hibernacula habitat (i.e., caves, mines) (see *Applicant Proposed Avoidance and Minimization Measures* above). In addition, the Applicant would take steps to reduce the unnecessary removal of potential bat habitat by marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field (see *Applicant Proposed Avoidance and Minimization Measures* above).

Temporary Noise: Construction could generate noise in excess of ambient conditions due to vehicles and equipment used to construct the Project. If non-clearing construction activities occur during the active season, and NLEB happen to be present, individuals may be exposed to noise at an intensity that they have not experienced, depending on the location of the individual. However, the action area is within a developed area and ambient noise around the project site consists of the operation of the adjacent LIRR mainline, as well as surrounding roadways, including the Sunken Meadow State Parkway. As part of the noise analysis for the Draft EA, OEA computed existing noise levels in the vicinity of the LIRR mainline using the Computer Aided Noise Abatement (CADNA) environmental noise software application. The analysis concluded that existing noise levels around the project site are consistent with a "very noisy urban residential area." As such, potential construction noise is not anticipated to be substantially noticeable compared to ambient conditions, and any NLEB that may utilize the potential habitat in the action area would likely be acclimated to noise around the Project.

Temporary Lighting: NLEB may be attracted to insect prey drawn by any lighting needed for construction, but this would not represent a substantial behavioral alteration given the existence of artificial lighting present in the vicinity of the Project (i.e., industrial and residential development, and road infrastructure). To minimize potential impacts of temporary construction lighting, the Applicant would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). The Applicant would use downward-facing, full cut-off lens lights for any temporary lighting used during the construction of the Proposed Action see (*Applicant Proposed Avoidance and Minimization Measures* above).

Summary: Overall, there is potentially suitable NLEB habitat present in the action area, and construction would remove this habitat and would generate noise and light conditions that

could adversely affect NLEB. Therefore, constructing the Project *may affect* NLEB. However, OEA anticipates the potential for NLEB presence in the action area would be low due to the degraded habitat conditions (by the current land use of the Project area and ambient noise conditions) and fragmented habitat conditions in the surrounding area. In addition, construction noise and lighting would be temporary. Further, the Applicant would implement avoidance and minimization measures to reduce potential impacts on NLEB. Therefore, for these reasons, OEA anticipates constructing the Project is ***not likely to adversely affect*** NLEB.

Operations

Operation of the Project could affect the NLEB primarily through noise and permanent lighting, if the species utilizes the potential habitat in the action area.

Noise: Noise generated from train operations at the project site could affect NLEB if they are present and have not been exposed to noise at an intensity not previously experienced. However, as previously described for construction impacts, noise modeling concluded that ambient noise conditions are consistent with “very noisy urban residential area.” While operations impacts would be long term, the noise is not anticipated to be notably different than ambient conditions, and any NLEB utilizing the potential habitat in the action area would likely be acclimated to noise around the Project.

Permanent Lighting: Operational lighting would be permanent and could affect NLEB as described above under construction. Rail operations would include lighting poles not to exceed 25 feet in height. Lighting with 2.0 footcandles would be provided in areas along a pathway between the east and west end of the tracks in accordance with American Railway Engineering and Maintenance-of-Way Association (AREMA) recommendations for illumination of flat switching yards. To minimize lighting impacts, the Applicant would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

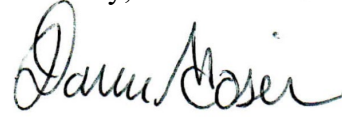
Summary: Overall, there is potentially suitable NLEB habitat present in the action area, and operations would generate noise and light conditions that could adversely affect NLEB. Therefore, operations *may affect* NLEB. However, OEA anticipates the potential for NLEB presence in the action area would be low due to the degraded habitat conditions (by the current land use of the Project area and ambient noise conditions) and fragmented habitat conditions in the surrounding area. Ambient noise levels around the project site are consistent with a noisy urban environment and train operations are not anticipated to substantially add to this noise. Further, the Applicant would implement a lighting minimization measure to reduce potential lighting impacts on NLEB. Therefore, for these reasons, OEA anticipates operating the Project is ***not likely to adversely affect*** NLEB.

CONCLUSION

Based on the results of the habitat assessment, as well the Applicant’s voluntary avoidance, minimization and mitigation measures, OEA has determined that the Project **may affect, but is not likely to adversely affect** NLEB. If you agree with this determination, please

send your written concurrence within 30 days. We appreciate your review and assistance in the consultation process and look forward to hearing from you. For further information or questions, please feel free to contact Andrea Poole of my staff at 202-245-0305 or by email at Andrea.Poole@stb.gov.

Sincerely,



Danielle Gosselin

Director

Office of Environmental Analysis

Enclosure:

Attachment A – Figure 1. Habitat in Project Area; Figure 2. Forest Impacts

Attachment B - IPaC Official Species List, and NYNHP and NYDEC Information










Attachment C – Applicant’s Voluntary Mitigation Measures for NLEB

Attachment D – NLEB Survey Forms and Photographs

Attachment A: Figure 1. Habitat in Project Area; Figure 2. Forest Impacts



Legend

- | | | | |
|---|---|--|---|
|  Project Area |  Parcel Boundary |  Main Track |  Facilities |
|  Turnout |  Laydown Area |  Yard Track |  Vegetated Areas |
| | |  Access Roads | |

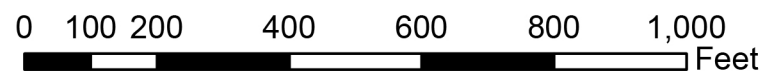


Figure 1



Legend

- Project Area
- Turnout
- Laydown Area
- Main Track
- Yard Track
- Access Roads
- Facilities

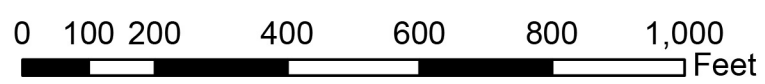


Figure 2

Attachment B: IPaC Official Species List, and NYNHP and NYDEC Information



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:
Project Code: 2023-0108152
Project Name: Proposed Towline Rail

July 24, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office

340 Smith Road

Shirley, NY 11967-2258

(631) 286-0485

PROJECT SUMMARY

Project Code: 2023-0108152

Project Name: Proposed Towline Rail

Project Type: Railroad - New Construction

Project Description: Towline Rail Terminal, LLC (Towline) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new common carrier line at the above-referenced location. The Proposed Action includes the construction and operation of approximately 5,000 feet of new, common carrier single-line track and associated switching and sidetrack. The Proposed Action would require some clearing, excavating, and filling of 5.35 acres of existing vegetated areas for the rail line, including 2.82 acres of forested habitat, which would result in temporary and permanent loss or alteration of vegetation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.8791186,-73.28065636166849,14z>



Counties: Suffolk County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot <i>Calidris canutus rufa</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Surface Transportation Board
Name: Candice Andre
Address: 940 Main Campus Drive
Address Line 2: Suite 500
City: Raleigh
State: NC
Zip: 27606
Email: candre@vhb.com
Phone: 9197415346

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board
Name: Andrea Poole

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Heritage Program

625 Broadway, Fifth Floor, Albany, NY 12233-4757

Phone: (518) 402-8935 | Fax: (518) 402-8925

www.dec.ny.gov

07/17/2023

The attached report from the Environmental Resource Mapper includes information from the New York Natural Heritage Program database with respect to the location indicated on the map below. This letter, together with the attached report from the Environmental Resource Mapper, is equivalent to, and carries the same validity, as a letter from the New York Natural Heritage Program, including for projects where a Natural Heritage letter is required.

If your location of interest does not fall within an area covered by the Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York Natural Heritage has no records to report in the vicinity of your project site. Submitting a project screening request to NY Natural Heritage is not necessary.

If the attached report lists that your location of interest is in the vicinity of state-listed animals, including state-listed bats, please consult the [EAF Mapper](#) to obtain a list of the species involved. (You do not have to be filling out an Environmental Assessment Form in order to use the EAF Mapper). Then consult the appropriate [NYSDEC Regional Office](#) for information on any project requirements or permit conditions.

If the attached report lists unlisted animals, rare plants, or significant natural communities, and if you would like more information on these, please submit a project screening request to [New York Natural Heritage](#). For more information, please see the DEC webpage [Request Natural Heritage Information for Project Screening](#).

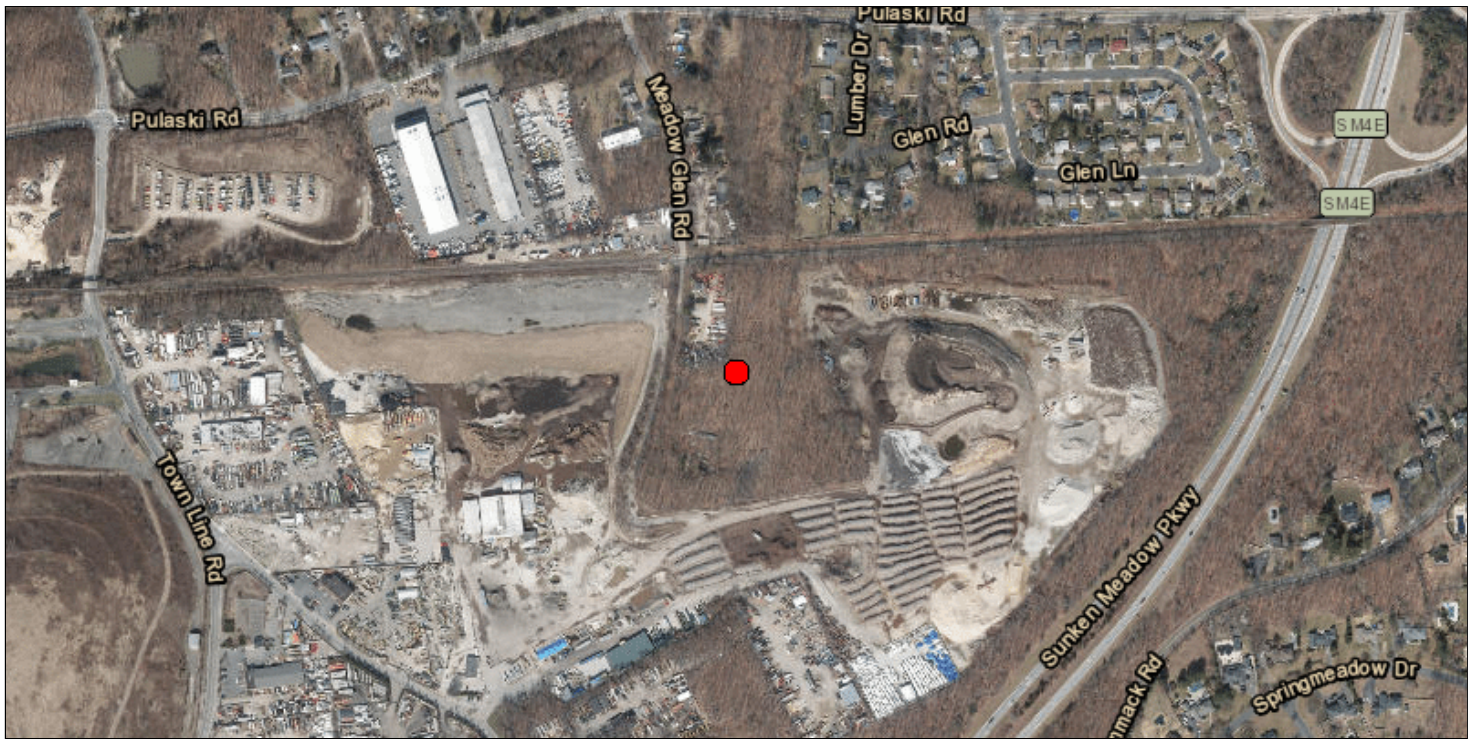
The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, NYNHP files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. NYNHP cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources from a proposed project.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the NYNHP database.

New York Natural Heritage Program

<https://www.nynhp.org/>.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 644889.7158980172

Northing: 4527037.566220474

Longitude/Latitude

Longitude: -73.28031713049876

Latitude: 40.88161317874766

The approximate address of the point you clicked on is:

61-99 Meadow Glen Rd, Kings Park, New York, 11754

County: Suffolk

Town: Smithtown

USGS Quad: NORTHPORT

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

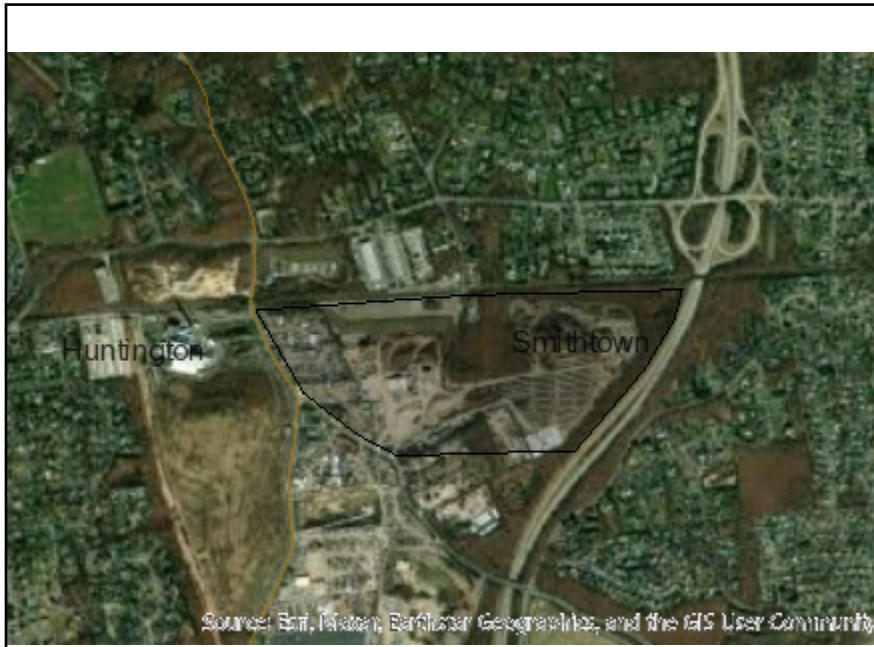
If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Print Preview



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	152040
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:LONG ISLAND RAIL ROAD TRESTLE
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Attachment C: Applicant's Voluntary Mitigation Measures for NLEB

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October 17, 2023

Danielle Gosselin
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Townline Rail Terminal, LLC
– Construction and Operation of a Line of Railroad –
In Suffolk County, NY
Surface Transportation Board Finance Docket 36575
Voluntary Mitigation Measure – Northern Long-Eared Bat

Dear Ms. Gosselin:

Townline Rail Terminal, LLC ("Townline") submits this letter to propose the following voluntary mitigation measures related to the northern long-eared bat ("NLEB") to be incorporated into the Environmental Analysis of the proposed line.

If the Surface Transportation Board authorizes Townline's proposed line, Townline, their employees, and their contractors voluntarily agree to strictly adhere to these measures, as well as any additional mitigation measures recommended by OEA and imposed by the Board in its final decision.

- Townline would not conduct construction-related tree removal for the Project during the NLEB active season (March 1 to November 30 [New York State Department of Environmental Conservation's NLEB active season for Suffolk County]).
- During construction, Townline would take steps to reduce the unnecessary removal of bat habitat by limiting tree removal to only the areas necessary to safely construct and operate the proposed line, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.
- During construction, Townline would direct any temporary lighting away from suitable NLEB habitat during the active season for this species (March 1 to November 30). Townline would use downward-facing, full cut-off lens lights for any temporary lighting used during construction of the proposed line.

October 17, 2023
Page 2

- During operations, the Townline would use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting) for the proposed permanent lights.

If you have any questions regarding these voluntary measures, please let me know.

Sincerely,



Justin J. Marks
Counsel for Townline Rail Terminal, LLC

Attachment D: NLEB Survey Forms and Photographs

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

BAT HABITAT ASSESSMENT DATASHEET

Project Name: Proposed Townline Rail Terminal Date: July 14, 2023
 Township/Range/Section: Kings Park, Town of Smithtown
 Lat Long/UTM/ Zone: _____ Surveyor: D. Kennedy

Brief Project Description
 Construction and operation of approximately 5,000 feet of new, common carrier single-track rail line with associated switching and sidetrack on an 82-acre industrial property (see attached site photographs).

Project Area				
	Total Acres	Forest Acres		Open Acres
Project	14.40	2.22		12.18*
Proposed Tree Removal (ac)	Completely cleared	Partially cleared (will leave trees)	Preserve acres- no clearing	*Comprised of 9.05 acres of unevgetated land occupied by site operations and 3.13 acres of early successional habitat with no trees.
	2.22	0	0	

Vegetation Cover Types	
Pre-Project	Post-Project
Forested: 2.22 acres Early successional: 3.13 acres Unvegetated: 9.05 acres	

Landscape within 5 mile radius
Flight corridors to other forested areas?
 Flight corridors to other forested areas are limited due to surrounding roads and rail lines (i.e., Sunken Meadow State Parkway, Town Line Road, Old Northport Road, Long Island Rail Road).
Describe Adjacent Properties (e.g. forested, grassland, commercial or residential development, water sources)
 Areas adjacent to the Project Area are occupied by construction and demolition debris processing operations, composting operations, a waste transport facility, a capped landfill, the Long Island Rail Road, and forested habitat (see attached site photographs).

Proximity to Public Land
What is the distance (mi.) from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas, wildlife management areas)?
 The closest forested public lands are Sunken Meadow State Park, located 0.95±-mile to the northeast of the Project Area, and Kings Park Unique Area, located 1.4±-miles to the east.



Photograph No. 1: View of forest habitat and adjacent site operations at the Project Area, facing southwest (July 14, 2023).



Photograph No. 2: View of site operations at the Project Area, facing south (July 14, 2023).



Photograph No. 3: View of site operations at and adjacent to the Project Area, facing south-southwest (July 14, 2023).



Photograph No. 4: View of site operations at and adjacent the Project Area, facing southwest (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area
A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-1</u>
Successional Southern Hardwoods

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	N/A	5	6	
Dominant Species of Mature Trees	<i>Robinia pseudoacacia, Prunus serotina</i>			
% Trees w/ Exfoliating Bark				50
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	80	20	0	
No. of Suitable Snags	0	0	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (limited suitability - see comments below)

Additional Comments: Non-dominant trees include: <i>Acer plantanoides</i> . The sample site occurs within a linear woodland border area that occupies steeply sloped terrain located between the adjacent Long Island Rail Road tracks and lower elevation, unvegetated areas used for site operations. The observed ecological community is a disturbed successional woodland comprised primarily of trees between one and eight inches dbh. Noise levels from surrounding C&D processing, composting operations, truck and heavy equipment operation, and the adjacent railroad are prevalent within the sample site and surrounding woodland. Habitat viability for NLEB is limited. Groundcover layer is generally dense. Dominant species include: <i>Rosa multiflora, Toxicodendron radicans, Celastrus orbiculatus, Lonicera tatarica, Artemisia vulgaris</i> , and sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-1, facing west (July 14, 2023).



Photograph No. 2: Exterior view of Sample Plot SP-1 woodland edge along the Long Island Rail Road tracks, facing west (July 14, 2023).



Photograph No. 3: Interior view of midstory and dense understory strata at Sample Plot SP-1 (July 14, 2023).



Photograph No. 4: Dominant Black Cherry (*Quercus alba*) and Black Locust (*Robinia pseudoacacia*) trees on steeply sloped terrain at Sample Plot SP-1 (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

*Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area
A single sheet can be used for multiple sample sites if habitat is the same*

Sample Site Description
Sample Site No.(s): <u>SP-2</u>
Successional Old Field - herbaceous groundcover vegetation only, no trees present.

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81-100%
Dominant Species of Mature Trees				
% Trees w/ Exfoliating Bark				
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	0	0	0	
No. of Suitable Snags				

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments: The sample site and surrounding vegetated habitat is an early successional habitat comprised of herbaceous vegetation only, with no trees. Habitat for NLEB does not occur.
--

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: View of treeless, early successional habitat at Sample Plot SP-3, facing west (July 14, 2023).



Photograph No. 2: Mugwort (*Artemisia vulgaris*) and other early successional vegetation at Sample Plot SP-2, facing southeast (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-3</u>
Oak-dominated Forest

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	3	4	2	
Dominant Species of Mature Trees	<i>Quercus alba, Quercus coccinea</i>			
% Trees w/ Exfoliating Bark				60
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	55	40	5	
No. of Suitable Snags	1	2	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (habitat suitability is impaired, see comments below).

Additional Comments:
Non-dominant trees include: <i>Sassafras albidum, Prunus serotina, and Carya glabra.</i>
The sample site and surrounding woodland area exhibit evidence of historical disturbance including clearing, grading, and placement of debris. Noise levels from surrounding, C&D processing, composting operations, truck and heavy equipment operation, and train operation are prevalent within the sample site and surrounding woodland area. Potential habitat for NLEB is present but impaired.
Groundcover layer is low density with patchy distribution. Dominant species include <i>Toxicodendron radicans, Pteridium aquilinum, Gaylussacia baccata, Carex pensylvanica, and</i> sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-3 edge habitat and site operations, facing northwest (July 14, 2023).



Photograph No. 2: View of unpaved site road and woodland edge habitat adjacent to Sample Plot SP-3, facing north (July 14, 2023).



Photograph No. 3: Interior view of canopy, midstory, and understory strata at Sample Plot SP-3 (July 14, 2023).



Photograph No. 4: Dominant White Oak (*Quercus alba*) (with exfoliating bark) and Scarlet Oak (*Quercus coccinea*) trees at Sample Plot SP-3 (July 14, 2023).



Photograph No. 5: Exterior view of live trees and snag (as indicated by the arrow) at Sample Plot SP-3, facing east (July 14, 2023).



Photograph No. 6: Exterior view of woodland edge and site operations to the south of Sample Plot SP-3, facing east (July 14, 2023).

APPENDIX C: PHASE 1 HABITAT ASSESSMENTS

Use additional sheets to assess discrete habitat types at multiple sites in a project area

Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No.(s): <u>SP-4</u>
Oak-dominated Forest

Water Resources at Sample Site				N/A - no water resources observed.
Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources:
	Open and accessible to bats?			
Pools/Ponds (# and size)				
Wetlands (approx. ac.)	Permanent	Seasonal		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100%
	2	4	4	
Dominant Species of Mature Trees	<i>Quercus alba, Quercus velutina, Quercus coccinea</i>			
% Trees w/ Exfoliating Bark				70
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	30	50	20	
No. of Suitable Snags	1	1	0	

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? N/A

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes (habitat suitability is impaired, see comments below).

Additional Comments:
Non-dominant trees include: <i>Prunus serotina</i> , and <i>Sassafras albidum</i> .
The sample site and surrounding woodland area exhibit evidence of disturbance from ATV use. Noise levels from surrounding, C&D processing, composting operations, truck and heavy equipment operation, and the Sunken Meadow State Parkway are prevalent within the sample site and surrounding woodland area. Potential habitat for NLEB is present but impaired.
Groundcover layer is generally dense. Dominant species include: <i>Gaylussacia baccata</i> , <i>Vaccinium angustifolium</i> , <i>Toxicodendron radicans</i> , <i>Parthenocissus quinquefolia</i> , and sapling trees.

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations; understory/midstory/canopy; examples of potential suitable snags and live trees; water sources



Photograph No. 1: Exterior view of Sample Plot SP-4, facing northeast (July 14, 2023).



Photograph No. 2: Exterior view of the woodlands surrounding Sample Plot SP-4 from the shoulder of the Sunken Meadow Parkway, facing southwest (July 14, 2023).



Photograph No. 3: Interior view of midstory and understory strata along ATV trails at Sample Plot SP-4 (July 14, 2023).



Photograph No. 4: Interior view of dense midstory and understory strata at Sample Plot SP-4 (July 14, 2023).



Photograph No. 5: Interior view of canopy and midstory strata at Sample Plot SP-4 (July 14, 2023).