

*July 2023: NYS DEC example notes for **Blanding's turtles** for most types of development projects. These notes would be combined with impact assessment and other measures to avoid or minimize project impacts as well as DEC review. These are general or typical plan notes and may need to be changed or modified based on project details. Additional measures or more restrictive measures may also be needed to avoid impacts for some projects:*

## **FOR RESIDENTIAL CONSTRUCTION OR OTHER TEMPORARY GROUND DISTURBANCE PROJECTS**

### **BLANDING'S TURTLE PLAN NOTES**

The following measures will be utilized around the perimeter of each lot/limit of disturbance to assure that potential direct impacts during construction are avoided and minimized:

1. Site work (earth moving for fields and structure foundation installation) should be conducted between October 16 and April 14 when practical.
2. A turtle monitor shall be on site during ground disturbance activities that occurs between April 14th and October 16th. The turtle monitor must be licensed by the NYSDEC to handle Blanding's turtles. The monitor would be responsible for:
  - a. Conducting reconnaissance surveys for Blanding's turtles within the work area prior to the initiation of any disturbance activities, and relocating turtles as required.
  - b. Training personnel working at the site on the details of the Education and Encounter plan, including how to identify Blanding's turtles and who to contact in the event of an encounter.
  - c. Monitoring the proper placement and maintenance of temporary restrictive barriers.
  - d. Providing oversight during the disturbance phase of the project.
  - e. Providing any necessary reports or notifications to NYSDEC on turtle encounters.
3. For work between April 15<sup>th</sup> and October 15<sup>th</sup>, a temporary restrictive barrier shall be used for land disturbance activities with the barrier enclosing each area of disturbance on each lot as shown on the plan. Regular daily inspection will occur to ensure continued effectiveness. Details depicting the design and installation of the fence and installation locations are on the plan. The barrier shall be installed on each lot prior to any disturbance activities. If needed, a functional gate would be installed that would also keep turtles from accessing the site. The default status of such a gate would be closed unless staff or materials are moving into or out of the work site. **Where a barrier is installed perpendicular to a roadway, care should be taken to not lead animals into traffic by adding turn backs.** The barrier will be installed during the winter hibernation period (October 16th - Apr 14th)), if practical, and must be;
  - a. maintained until the end of the construction phase of the project or until the beginning of the next winter hibernation period, whichever occurs first;
  - b. inspected daily and, if necessary, repaired immediately to a fully functional condition. A log of daily inspections will be kept on the project site; and
  - c. constructed in accordance with the following design specifications (see detail):
    - i. Made of fine-mesh (¼ inch square) filter-fabric or non-woven geotextiles;
    - ii. A minimum of 42" high;
    - iii. Anchored into the ground with reinforcement bars placed on the "disturbance side" of the barrier and spaced between 6 - 8 feet apart;
    - iv. Secured at the base (barrier/ground interface) with at least 8" of fence material covered with soil backfill.

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4. If the barrier is installed between October 16<sup>th</sup> and April 14<sup>th</sup>, it should be inspected by the turtle monitor before work begins April 15<sup>th</sup>. If installed from April 15<sup>th</sup> to October 15<sup>th</sup>, the monitor must sweep the area within the barrier for turtles before work can start. To avoid impacts to nests laid during the turtle nesting season, barriers should be installed before May 15<sup>th</sup>, or after October 1<sup>st</sup>.
5. Site contractors and workers, maintenance personnel and residents will be trained by the turtle monitor with the prepared educational and encounter plan (*provide as attachment*). The turtle monitor will initially instruct the site contractors on identification of the species and procedure if a turtle is found prior to sitework.
6. Blanding's Turtle Encounter Plan: The following guidelines will be used in the event that a turtle is encountered on the site during the construction:
  - a. Personnel working at the site will be trained to be able to identify, and locate Blanding's turtles by a knowledgeable biologist. Turtles can only be moved by a qualified biologist with knowledge of Blanding's turtles and relocation procedures who is also licensed by the NYSDEC to handle Blanding's turtles.
  - b. It is illegal to take, import, transport, possess, or sell an animal listed as threatened without a license.
  - c. If a turtle is seen, stop all ground disturbing work immediately.
  - d. Contact the contractor in charge and delay work in the area until the turtle has moved safely from the area. Allow the turtle to continue on its way.
  - e. If the turtle does not move along on its own, contact the response number below to have a trained, NYS licensed professional safely relocate the turtle. \_\_\_\_\_ at \_\_\_\_\_
  - f. Contact the NYSDEC Wildlife Office to report the incident within 24 hours at 845-256-3098 Wildlife.R3@dec.ny.gov. Please provide the location, the project name, and explanation of incident.
  - g. If the turtle was found within a Turtle exclusion fence, or restrictive barrier fence, work cannot commence till fencing and the work area is inspected and signed off on by a knowledgeable Blanding's Turtle consultant.
  - h. The Project sponsor will provide educational materials for all contractors to inform them of the potential for Blanding's Turtle encounters and what to do if a turtle is encountered to ensure the animals are not collected or persecuted.
7. Trap Hazard Protection:
  - a. Water control structures, such as drainpipes, may create a trap hazard to Blanding's turtles. To prevent possible entrapment of Blanding's turtles, the storm drain grates will be designed with the smallest possible grate opening without compromising safety or necessary flow rate.
  - b. Below-ground swimming pools should be surrounded by fencing to exclude turtles of all age classes. Fine grade wire cloth (14 inch square mesh size) at the base of a picket fence or a 10"-12" high barrier can be used to prevent turtles from traveling into the hazard area.

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- c. Window wells should have grates (1 inch square mesh size or less) or 10" -12" high vertical barriers surrounding the well.
- d. Any excavation work done between April 14th and October 16th should be backfilled on the same day as excavated or ramps (30 degree angle maximum) should be placed inside the excavation to enable turtles to climb out.