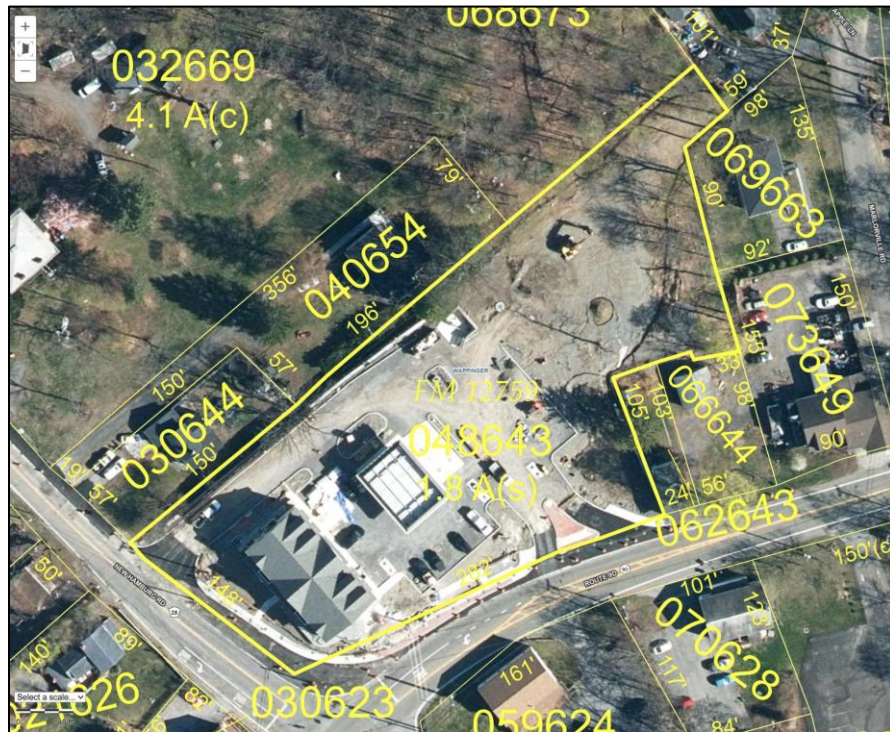


Short Environmental Assessment Form Part 1

Gas Land Petroleum – Route 9D

Town of Wappinger
Dutchess County, NY



August 5, 2026

Prepared for:
Gas Land Petroleum
3 S Ohioville Road
New Paltz, NY 12561

Prepared by:
LaBella Associates
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-486-1541

LaBella Project No. 81941



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PROJECT DESCRIPTION

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The Applicant, Gas Land Petroleum Inc, currently operates a gasoline station with convenience store and second-floor apartments on an approximately 1.8-acre-acre parcel located at 2357-2365 Route 9F, in the Town of Wappinger, Dutchess County, NY (Tax Parcel ID 135689-6157-01-048643). The Applicant is seeking amended site plan and special permit approval for minor modifications to the site and operations. The proposed amended site plan includes:

- extending the hours of operation by one hour until 12:00am midnight (the previously approved hours of operation were 5:00am-11:00pm),
- adding an air pump,
- adding an approximately 2'x6' propane tank exchange cabinet¹ (for customer drop-off/pick up) with an associated 4'x6' concrete pad as base, and
- relocating one designated parking space (for the apartment)

There are no proposed changes to existing buildings, gasoline pumps, site access and circulation, or land use. Municipal water service and private septic will continue to serve the site. There are no proposed changes to the amount of parking currently offered at the site.

The project site is located within the Hamlet Mixed Use (HM) zoning district, as designated by the Town of Wappinger Zoning Map. The existing gasoline station and mixed use are permitted uses in the HM Zoning District. According to the Town Zoning Code, a gasoline station and mixed use are subject to the supplemental requirements of Zoning Sections 240-52 and 240-81.7, site plan and special use permit approval. The Applicant received a SEQR resolution of negative declaration for the existing site on July 26, 2021 and site plan and special use permit approvals on July 21, 2022. The Applicant is currently seeking an amendment to those approvals. There is no modification requested for the previously granted waiver from §240-21D for encroachment in the front yard. The amended plan will not affect this condition.

The Short Environmental Assessment Form (SEAF) was completed utilizing the NYSDEC EAF Mapper. The EAF Mapper tool sometimes indicates limited availability for certain digital data. This SEAF narrative is provided for certain responses to provide clarification of or reference used for the response

¹ Customers will exchange their empty 20 pound propane tank for a new 20 pound propane tank which they purchase in the store.

SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF) PART 1 WITH ENDNOTES

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Gas Land Petroleum - Route 9D			
Project Location (describe, and attach a location map): 2357-2365 Route 9D, Town of Wappinger, Dutchess County, NY (Tax Parcel ID 135689-6157-01-048643)			
Brief Description of Proposed Action: The Applicant, Gas Land Petroleum Inc, currently operates a gasoline station with convenience store and second-floor apartments on an approximately 1.8-acre-acre parcel located at 2357-2365 Route 9F, in the Town of Wappinger, Dutchess County, NY (Tax Parcel ID 135689-6157-01-048643). The Applicant is seeking amended site plan and special permit approval for minor modifications to the site and operations. The proposed amended site plan includes: extending the hours of operation by one hour until 12:00am midnight (the previously approved hours of operation were 5:00am-11:00pm), adding an air pump, adding an approximately 2'x6' propane tank exchange cabinet (for customer drop-off/pick up) with an associated 4'x6' concrete pad as base, and relocating one designated parking space (for the apartment). There are no proposed changes to existing buildings, gasoline pumps, site access and circulation, or land use. Municipal water service and private septic will continue to serve the site. There are no proposed changes to the amount of parking currently offered at the site. The project site is located within the Hamlet Mixed Use (HM) zoning district, as designated by the Town of Wappinger Zoning Map. The existing gasoline station and mixed use are permitted uses in the HM Zoning District. According to the Town Zoning Code, a gasoline station and mixed use are subject to the supplemental requirements of Zoning Sections 240-52 and 240-81.7, site plan and special use permit approval. The Applicant received a SEQR resolution of negative declaration for the existing site on July 26, 2021 and site plan and special use permit approvals on July 21, 2022. The Applicant is currently seeking an amendment to those approvals. There is no modification requested for the previously granted waiver from §240-21D for encroachment in the front yard. The amended plan will not affect this condition.			
Name of Applicant or Sponsor: Gas Land Petroleum Inc		Telephone: (845) 331-7545 E-Mail: gasland.zeidan@gmail.com	
Address: 3 S Ohioville Road			
City/PO: New Paltz		State: NY	Zip Code: 12561
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: Town Planning Board (amended site plan and special use permit approval)		☐	☒
3. a. Total acreage of the site of the proposed action?		1.80 acres	
b. Total acreage to be physically disturbed?		0.0011 acres (50 SF within disturbed area)	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.80 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): NYS Route 9D, New Hamburg Road, Auto Body Shop ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
No change proposed to number of gas pumps, building, or employees	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
Public Bus Stop at Route 9D N & CR 28 (Old Hopewell Rd)			
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
Pedestrian sidewalk in front of existing convenience store.			
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☐	
N/A, site is connected and no changes are proposed.			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☐	
N/A, site is connected and no changes are proposed.			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
See narrative.			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? (50 SF of disturbance proposed within disturbed area) NYSDEC: Indiana Bat, Northern Long-eared Bat. USFWS: Indiana Bat, Northern Long-eared Bat, Monarch Butterfly. No critical habitats.	NO	YES
	☐	☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? Stormwater will flow the same direction as existing conditions. See narrative. b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Stormwater will flow the same direction as existing conditions. See narrative.	NO	YES
	☐	☒
	☐	☒
	☐	☒
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? See narrative. If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): See narrative.	NO	YES
	☐	☒
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Gas Land Petroleum Inc</u> Date: <u>August 5, 2026</u> Signature: <u>Danielle Stark</u> Danielle Stark, Agent for Applicant Title: <u>Planner / Project Manager, LaBella Associates</u>		



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 to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat, Indiana Bat
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	No
Part 1 / Question 21 [Disadvantaged Community]	Yes

ENDNOTES

1. Land Use, Zoning, and Public Policy

Land Use

The project site is located on the north side of NYS Route 9D in the Hamlet of Hughsonville. Uses in the vicinity of the project site include commercial uses clustered around the intersection of NYS Route 9D and New Hamburg Road. The Hughsonville Fire Station is located south of the site off Old Hopewell Road. Residential development in the vicinity of the site generally features detached single-, two-, and three-family homes in a suburban setting. The existing gasoline station and mixed use development, as amended, will continue to be consistent with area land uses. The proposed amendment will not change the land use.

Zoning

The amended site plan is regulated pursuant to the supplemental requirements of Zoning Sections 240-52 and 240-81.7, site plan and special use permit approval. There is no modification requested for the previously granted waiver from §240-21D for encroachment in the front yard. The amended plan will not affect this condition. The amended site plan complies with Zoning Sections 240-52 and 240-81.7 and special permit criteria, as follows:

The special use requirements of §240-52 Gasoline Filling Stations are as follows:

A. Fuel pumps and storage tank inlets shall be set back at least 25 and 15 feet, respectively, from the perimeter property lines of the site. Further, fuel pumps and storage tank inlets shall be located and oriented in such a manner as to prevent the stacking of vehicles into any road right-of-way and the blocking of any point of site ingress or egress. For the purposes of this section, canopies over commercial fuel pumps and filling areas shall be permitted to extend into the minimum required front yard for the district in which the property is located, but in no case shall any canopy be located within five feet of any lot line.

The existing conditions and proposed project comply with these requirements.

B. All automobile parts, partially dismantled motor vehicles or similar articles shall be stored within a building. All repair and service work, including car washing, but excluding emergency service and the sale of fuel and lubricants, shall be conducted entirely within either a building or, where deemed appropriate by the Planning Board due to such factors as the size of the property involved and/or its location, shall be conducted entirely within a fenced-in area in which such work is visually screened from all adjoining properties and roadways. In no case shall any vehicles awaiting service or repair work be stored outdoors for a period exceeding five days, unless such vehicles are entirely located within a fenced-in area and are visually screened from all adjoining properties and roadways. Body work, major structural repair or painting shall not be permitted.

No repair and/or service work is proposed as part of the proposed action.

C. Use of a building for any residence or sleeping quarters shall not be permitted, except that in the Hamlet Mixed Use District, dwelling units which are separate from the gas station use may be permitted above the commercial ground floor use in the principal gas station building.

The existing conditions and proposed project complies with this requirement. There is no change to the entry to the residential apartments, which is on the west and south sides of the building.

As demonstrated, the proposed action complies with the requirements of §240-52.

The special use requirements of §240-81.7 Mixed Uses, are as follows:

A. Density.

(1) The residential density in a mixed-use development shall not exceed three dwelling units per acre of net lot area devoted to the residential component of the mixed use.

The existing condition includes three dwelling units on a 1.00 acre site, which complies with the requirement. There are no proposed changes to existing dwelling units.

(2) The commercial density in a mixed-use development shall not exceed the maximum floor area ratio (FAR) for the zoning district in which the development is located, based upon the net lot area devoted to the commercial component of the mixed use.

There are no proposed changes to existing commercial density.

(3) The residential and commercial components of the mixed use shall not, individually or in combination, exceed the maximum density standards of Subsection A(1) and (2) immediately above. Further, the net lot area used to derive density for the residential component of the mixed use shall not be utilized to derive density for the commercial component and vice versa.

The existing condition complies individually and in combination for residential and commercial based upon A(1) and A(2). There are no proposed changes to residential or commercial density.

B. Minimum residential and commercial components. As measured by net lot area, the mixed use shall be at least 25% residential and at least 25% commercial.

There are no proposed changes to residential or commercial ratios.

C. Yards. The mixed-use development shall comply with the minimum front, side and rear yard requirements of the RMF-3 Multifamily Residence District.

There is no modification requested for the previously granted waiver from §240-21D for encroachment in the front yard. The amended plan will not affect this condition and the project complies with zoning.

Per §240-43(A)(1)(b), the proposed use will implement or otherwise not interfere with the statement of purposes found in §240-2 or the rationale/intent of the HM Zoning District per §240-7, as noted below.

§ 240-2 Statement of purposes.

For the purpose of promoting the health, safety, morals and the general welfare of the community, the Town Board of the Town of Wappinger, County of Dutchess and State of New York, under the authority granted by § 261 of the Town Law and in accordance with the procedures in § 264 of the Town Law and § 239-m of the General Municipal Law, hereby adopts this chapter in furtherance of the adopted Town law, including the following:

A. To guide the future development of the Town in accordance with a Comprehensive Plan designed to represent and promote the most beneficial and convenient relationship among the residential, commercial, industrial and public areas of the Town considering the suitability of each area for such uses as indicated by existing conditions, trends and development and changing modes in living, and have due regard for the use of land, building development and social, cultural and economic activity, both within the Town and with respect to the relationship of the Town to area outside thereof.

Proposed Project: No zoning text amendment or zoning map amendment is proposed as part of the project. The proposed action incorporates the amended site plan for two special permit uses which were previously approved for the site. Such uses are expressly permitted by the Zoning Code in the HM District.

B. To secure safety from fire, flood, panic and other dangers.

Proposed Project: There are no proposed changes to existing structures, utility connections, access or circulation, or land use type. The proposed propane exchange cabinet is accessible by fire truck as demonstrated in the site plan. Therefore, impacts to emergency operations are not anticipated.

C. To provide adequate light, air and privacy.

Proposed Project: The proposed project will not interfere with the Town's objective to provide adequate light, air and privacy.

D. To prevent overcrowding of the land and undue congestion of population.

Proposed Project: The existing facility serves residents, employees of nearby businesses and visitors in the area, providing needed goods and services to promote the growth of this community. The existing conditions exceed the Town's minimum lot area requirements and meets the Town's residential density requirements for mixed use projects. The existing development does not overcrowd the land or result in undue congestion. There are no proposed changes to existing structures, utility connections, access or circulation, or land use type; therefore, overcrowding and undue congestion are not anticipated.

E. To promote the most beneficial relation between the use of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion of streets and provision of safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings throughout the Town.

Proposed Project: The existing facility incorporates local architectural styles (e.g., clapboard siding, cornices with brackets, asphalt roof shingles, double hung windows and stone, brick or concrete foundations) into the design. The facility is a mixed use redevelopment project in the center of the Hughsonville Hamlet which provides ample landscaping, sidewalks along Route 9D and New Hamburg Road, and pedestrian-scale connections through the site. The existing gasoline pumps and canopy take a secondary position and the parking is located in the rear interlaced with extensive landscaping. There are no proposed changes to the existing access or circulation and the amended site plan will not result in a significant increase or change in pedestrian or vehicular circulation.

F. To facilitate the adequate provision of transportation, water, schools, parks and other public requirements.

Proposed Project: The existing facility positively contributes to the Town's objective to provide transportation, water, schools, parks and other public requirements. The Applicant previously extended Town water infrastructure from New Hamburg Road to Marlerville Road with an easement dedicated to the Town. In addition, the original project included several traffic improvements. There are no proposed changes to existing access, circulation, structures, or utility connections.

G. To protect and conserve the value of land and buildings and the social and economic stability of all parts of the Town.

Proposed Project: No zoning text amendment or zoning map amendment is proposed as part of the project. The existing facility received approval for two special permit uses on the site as part of the original site plan and special use permit application. Such uses are expressly permitted by the Zoning Code in the HM District. The existing facility resulted in economic growth for the community and the proposed business is a positive addition to the community. In addition, the Applicant extended Town water infrastructure from New Hamburg Road to Marlerville Road, with an easement dedicated to the Town. The extension of water infrastructure allowed additional growth in the community and increased the value of land and buildings. All of this has contributed to economic and social stability for the community. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

H. To prevent the pollution of watercourses and wetlands; to safeguard the water table; to avoid hazardous conditions and excessive damage resulting from stormwater runoff and flooding; and to encourage the appropriate use and sound management of natural resources throughout the Town.

Proposed Project: The existing facility is located in a developed area of the Town and does not adversely impact watercourses or wetlands. The previous development of

the site was consistent with the NYSDEC general permit for stormwater discharges during construction and stormwater practices located on site. The site is not located within a 100-year floodplain and there are no watercourses or wetlands located on the property. There are no proposed changes to existing land use, access, circulation, structures, utility connections, disturbance to aquatic resources, or modifications to the approved stormwater management plan.

I. To preserve the natural beauty of the physiography of the Town, to protect the Town against unsightly, obtrusive and obnoxious land uses and operations to enhance the aesthetic aspect of the natural and man-made elements of the Town and to ensure appropriate development with regard to those elements.

Proposed Project: The HM District is zoned to include the Hughsonville Hamlet and the area generally located at the intersection of New Hamburg Road and NYS Route 9D. The existing facility received approval for two special permit uses on the site as part of the original site plan and special use permit application. Such uses are expressly permitted by the Zoning Code in the HM District. The intersection of these two main roadways was an obvious and suitable choice for a gas station. Notwithstanding that, the development also included residential apartments facing the intersection, which enlivened the district. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

J. To promote the preservation of the existing historic character of the Town and to encourage the development of uses which would add to or be in harmony with this character.

Proposed Project: The building located at the corner of New Hamburg and NYS Route 9D, built in 1870, has undergone multiple modifications (1900, 1963, and 2000) and is clad in vinyl siding. The remaining buildings are deteriorating, and the proposed project incorporates local architectural styles (e.g., clapboard siding, cornices with brackets, asphalt roof shingles, double hung windows and stone, brick or concrete foundations) into the design. The development of the existing building required certain characteristics that make the reuse of the corner building structure infeasible. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

K. To provide adequate and suitably located areas for recreation activities.

Proposed Project: The existing facility does not interfere with the Town's objective to provide adequate and suitable recreation areas. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

L. To bring the gradual conformity of the uses of land and buildings throughout the Town to the adopted Town Development Plan and to minimize conflicts among the uses of land and buildings.

Proposed Project: The existing facility resulted in a conforming use within the HM District. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

§240-7 Rationale/intent of various district designations:

HM - Hamlet Mixed Use. Intent: To preserve the historical character, concentrated development pattern and mixture of uses in existing commercial hamlets, particularly Hughsonville and Swartoutville, by encouraging restoration, reuse and visual improvement of existing structures.

Proposed Project: As described above, the existing establishment is an architecturally appropriate mixed use development, which included a large investment in pedestrian infrastructure, provision of capital upgrades to the Town's water infrastructure, and improved traffic conditions, and were a significant step towards achieving local Town goals. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

Special Permitted Uses are also required to comply with the following standards listed in §240-44:

A. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

The existing gasoline filling station with a convenience store and three, one-bedroom apartments above is permitted by special use permit pursuant to §240-52 and §240-81.7. The Comprehensive Plan indicates that additional residential density in the form of mixed use development is a desired use within the HM zoning district. The existing facility complies with applicable landscaping requirements and replaced existing buildings with an attractive mixed use development. There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

B. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

The existing condition is compliant with zoning, with some exception.

An exception per §240-21D was previously sought and approved for the front yard setback off New Hamburg Road and NYS Route 9D because within 150 feet of the project site there is a pronounced uniformity of alignments of the depths of front yards less than the required minimum depths specified in the Schedule of Dimensional Regulations for Residential Districts. The front yard conforms as nearly as practicable with those existing on adjacent lots located on the north side of NYS Route 9D, which on average have front yards of less than 10 feet. Similarly, the existing building is aligned with the building located immediately north on New Hamburg Road, which is setback approximately 57.2 feet from the front property line. As indicated, both NYS Route 9D and New Hamburg Road are developed with buildings that currently encroach on the required front yard setback. The existing facility has been designed to be uniform with existing buildings to maintain a consistent street front within the Hamlet center.

There are no proposed changes to existing bulk dimensional conditions.

C. Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, illumination or other characteristics, than would be the operations of any permitted use not requiring a special permit.

The existing gasoline filling station with a convenience store and three, one-bedroom apartments above is permitted by special use permit pursuant to §240-52 and §240-81.7. The existing facility contains two, 12,000 gallon underground petroleum bulk storage tanks. The double walled fiberglass tanks feature a monitoring space between the walls to allow for the containment of leaked product from the primary tank and continuous automatic leak detection functions. The tanks required NYSDEC registration for underground bulk petroleum storage. As demonstrated, the existing facility complies with the requirements of §240-52 for gasoline filling stations and meets applicable local, state and federal regulations. Specifically, Article 12, Title 10 of the Environmental Conservation Law, "Control of Bulk Storage of Petroleum," regulates how fuel is stored and dispensed. The NYSDEC has regularly updated these standards to ensure that the risk associated with handling petroleum is minimized. Facility registration with NYSDEC ensures compliance with these standards.

The Town of Wappingers General Legislation Chapter 166 "Noise" provides clear and enforceable limits on noise levels. The existing facility adheres to those standards to ensure that the surrounding properties are not unduly disturbed.

There are no proposed changes to existing land use, access, circulation, structures, or utility connections.

D. Parking areas will be of adequate size for the particular use, will be properly located and suitably screened from adjoining residential uses and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The existing site includes landscaping and required parking pursuant to the Zoning Ordinance requirements. Recognizing that the project site is in a traditional Hamlet, the Applicant situated the parking amongst ample landscaping and provided the minimum required surface parking. There are no proposed changes to existing land use, access, circulation, structures, or utility connections. The Applicant seeks to relocate one of the existing designated parking spaces for the apartments which is not anticipated to impact safety.

Public Policy

The Town of Wappinger adopted its current Comprehensive Plan on September 27, 2010. The Hughsonville Hamlet is featured prominently within the Plan and is the subject of many recommendations, including methods to enhance community character, increase residential and mixed use development, improve traffic flow, and expand municipal water and sewer service. As demonstrated by the previously approved site plan and special use permit application, the existing development of the site with a gasoline fueling station and convenience store with apartments above is consistent with the Comprehensive Plan. Since

there are no proposed changes to the type or intensity of the existing land use of the property as part of the amended site plan application, the project will continue to comply with the Comprehensive Plan.

According to the NYSDEC EAF Mapper and DECInfo Locator Mapper, the project site is within a NYS designated disadvantaged community (Census Tract Identifier 36027190301). As described, the amended site plan includes minor modifications that are consistent with the existing use, which was approved in 2022. The modification to extend hours of operation by a single hour, add an air pump, provide access to propane tanks for purchase, move a parking space within an already disturbed area will not result in significant adverse impacts to the disadvantaged community as it pertains to wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management. See also sections below and the SEAF form.

2. Access, Traffic, and Parking

The existing property contains 32 parking spaces, which includes 26 spaces for the first-floor retail and 6 spaces designated for the second-floor apartments. The Applicant seeks to relocate one of the existing designated parking spaces for the apartments from next to the refuse enclosure to the other end of the existing row of designated parking spaces for the apartments. The space next to the refuse enclosure will then become a non-designated parking space which is available to gasoline station/convenience store customers who seek to use the new propane tank exchange cabinet which is proposed next to that space. There are no proposed changes to the amount of the existing parking offered on the property or the existing site access or circulation. Since the area of the existing building, number of gasoline pumps, and number of employees will remain the same, there is no anticipated impact to existing adjacent street traffic.

3. Water, Wastewater, and Stormwater

Municipal water service and private septic currently serves the site and will continue to as part of the amended site plan. There are no proposed changes to the existing connections. Since the area of the existing building, number of gasoline pumps, and number of employees will remain the same, there is no anticipated impact to existing water demand or wastewater generation.

Stormwater will flow the same direction as existing conditions. Currently runoff flows off site directly to the two existing catch basins in the ROW. On-site stormwater management consists of a variety of best management practices. Roof runoff from the canopy, building, and some parking areas is collected and routed through a hydrodynamic separator (providing water quality pre-treatment) and then through infiltrator chambers. Remaining run off from the fueling area and remaining parking is pretreated (hydrodynamic separator) and then released through subsurface piping to a lined bioretention area. A yard drain collects any overflow during storm events. There are no proposed changes to the stormwater management. Therefore, the proposed project is not expected to result in any adverse impacts in regard to stormwater.

4. Cultural/Historic Resources

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapper, there are no sites listed or eligible to be listed on the National or State Historic Register within or substantially contiguous to the project site. The potential project site is located within an area considered to be sensitive for archaeological resources. Since the proposed work is within the disturbed area of the site and no significant adverse impacts to cultural or historic resources will occur and consultation with New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) is not necessary.

5. Aquatic Resources and Floodplain

According to the NYSDEC Environmental Assessment Form (EAF), NYSDEC Environmental Resource Map and USFWS National Wetlands Inventory Map, the project site does not contain aquatic resources. The NYSDEC indicates that the site is not located over or immediately adjoining a primary, principal or sole source aquifer. Additionally, according to the Federal Emergency Management Agency (FEMA) mapping, there are no floodways, 100-year or 500-year floodplains within or adjacent to the project site. Finally, the proposed work is within the disturbed area of the site and no significant adverse impacts to aquatic resources will occur.

6. Endangered, Threatened, and/or Rare Species and Significant Natural Communities

The NYSDEC EAF and NYSDEC Environmental Resource Map indicate that the project site may contain suitable habitat for endangered or threatened species, including Northern Long-eared Bat (state-endangered) and Indiana Bat (state-endangered). The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) notes the potential for presence of the Northern Long-eared Bat (federally endangered), Indiana Bat (federally endangered), and Monarch Butterfly (proposed federally threatened) (Attachment A). The proposed work is within the disturbed area of the site and no significant adverse impacts to regulated species will occur.

ATTACHMENT A
USFWS IPAC TRUST RESOURCE REPORT

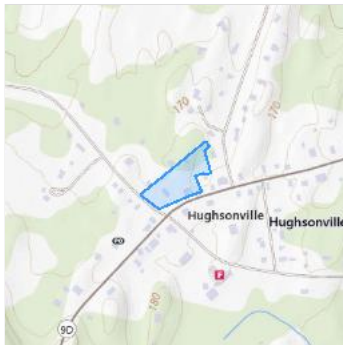
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Dutchess County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

✉ fw5es_nyfo@fws.gov

3817 Luker Road
Cortland, NY 13045-9385

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
- 2. [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.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana bat <i>Myotis sodalis</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-Eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered

Insects

NAME	STATUS
Monarch butterfly <i>Danaus plexippus</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your

Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

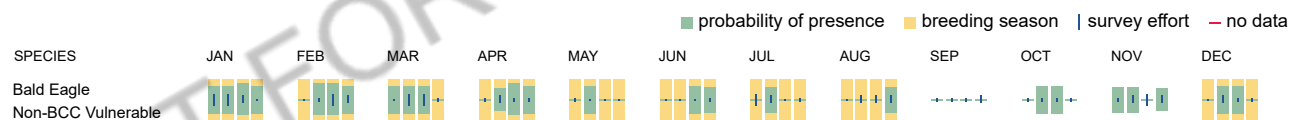
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

- 1. The [Migratory Birds Treaty Act](#) of 1918.
- 2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

Belted Kingfisher <i>Megaceryle alcyon</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 15 to Jul 25
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Blue-winged Warbler <i>Vermivora cyanoptera</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Setophaga cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 20 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Aug 10
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rose-breasted Grosbeak <i>Pheucticus ludovicianus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 15 to Jul 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (🟡)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

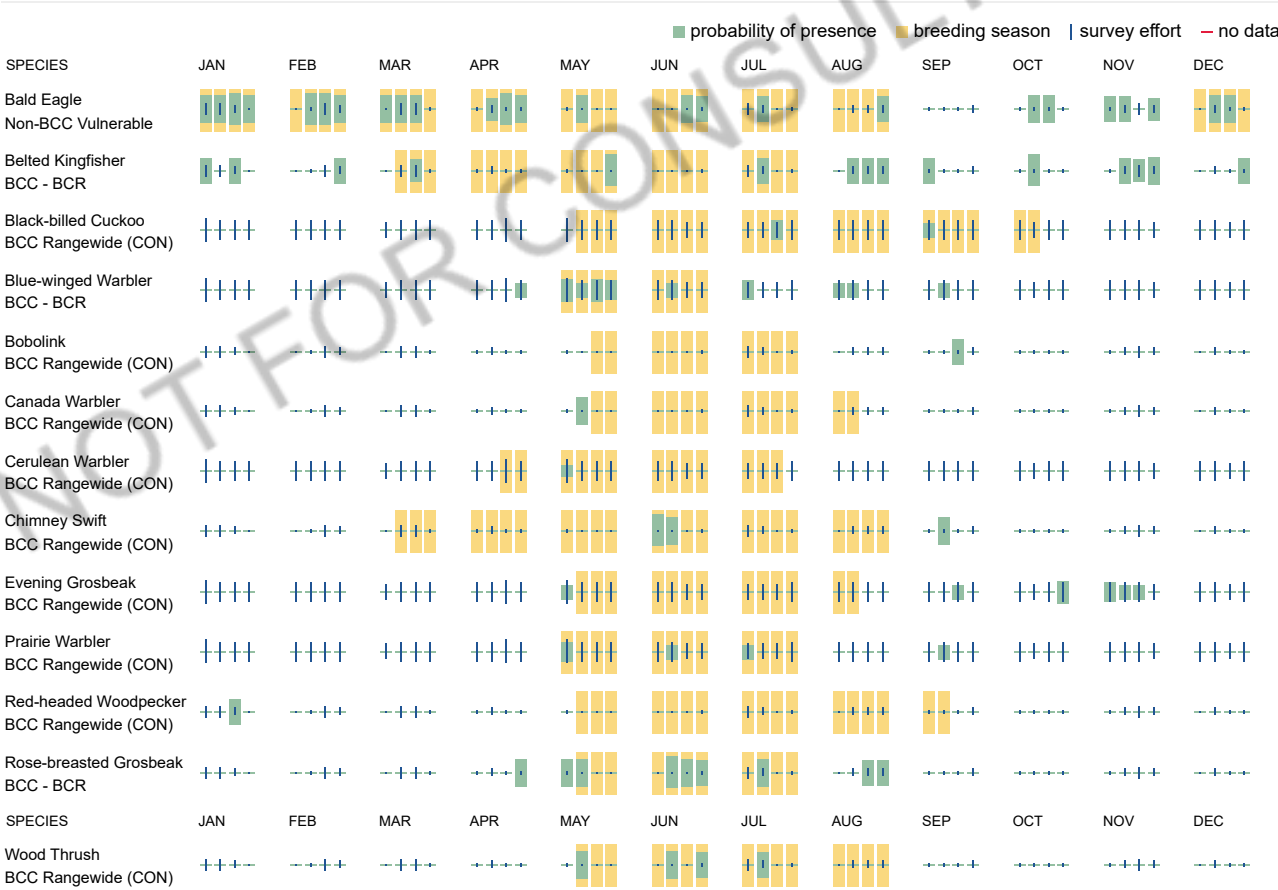
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the [Probability of Presence Summary](#). [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

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

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

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.

NOT FOR CONSULTATION