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Bally's Bronx
Agency Correspondence: Natural Resources

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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: 03/29/2024 23:46:01 UTC
Project Code: 2024-0070398
Project Name: Bally's New York

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 IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC 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: https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.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 Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service (fws.gov).

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/library/collections/threats-birds.

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/partner/council-conservation-migratory-birds.

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: 2024-0070398
Project Name: Bally's New York
Project Type: New Constr - Above Ground
Project Description: Bally’s New York Operating Company, LLC, which operates the Golf Course, intends to construct a 17-story gaming facility within a portion of the Bally's Links Golf Course that is currently used for parking, the course clubhouse, pro shop, and the course practice greens. The project would also improve the Ferry Point Park Ring Road and create two new outfalls in the East River.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.81227755,-73.83675731281166,14z



Counties: Bronx 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. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], 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.

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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 *Myotis septentrionalis*	Endangered
Tricolored Bat *Perimyotis subflavus*	Proposed Endangered

No critical habitat has been designated for this species.
This species only needs to be considered under the following conditions:
- This species only needs to be considered if the project includes wind turbine operations.

Species profile: https://ecos.fws.gov/ecp/species/9045

No critical habitat has been designated for this species.
This species only needs to be considered under the following conditions:
- This species only needs to be considered if the project includes wind turbine operations.

Species profile: https://ecos.fws.gov/ecp/species/10515

BIRDS

NAME	STATUS
Piping Plover *Charadrius melodus*	Threatened

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

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/9743

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: Private Entity
Name: Max Stember-Young
Address: 360 West 31st Street, 8th Floor
City: New York
State: NY
Zip: 10001
Email mstemberyoung@langan.com
Phone: 2124795594

LEAD AGENCY CONTACT INFORMATION

Lead Agency: New York city
Name: Max Stember-Young
Email: mstemberyoung@langan.com

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

Greater Atlantic Regional Office
Atlantic Highly Migratory Species Management Division

Query Results

Degrees, Minutes, Seconds: Latitude = 40º 48' 40" N, Longitude = 74º 9' 58" W
Decimal Degrees: Latitude = 40.811, Longitude = -73.834

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

***** W A R N I N G *****

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Atlantic Butterfish	Adult, Eggs, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Herring	Adult, Juvenile	New England	Amendment 3 to the Atlantic Herring FMP
		Atlantic Mackerel	Adult, Eggs, Juvenile, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Black Sea Bass	Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Bluefish	Adult, Juvenile	Mid-Atlantic	Bluefish
		Little Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Longfin Inshore Squid	Adult, Eggs,	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Juvenile		Amendment 11
		Pollock	Adult, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Red Hake	Adult, Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Scup	Adult, Eggs, Juvenile, Larvae	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Summer Flounder	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Windowpane Flounder	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Flounder	Eggs, Juvenile, Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP

Pacific Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

Atlantic Salmon

No Atlantic Salmon were identified at the report location.

HAPCs

Link	Data Caveats	HAPC Name	Management Council
		Summer Flounder SAV	Mid-Atlantic Fishery Management Council

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.
****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**

All EFH species have been mapped for the Greater Atlantic region,
Atlantic Highly Migratory Species EFH,
Bigeye Sand Tiger Shark,
Bigeye Sixgill Shark,
Caribbean Sharpnose Shark,
Galapagos Shark,
Narrowtooth Shark,
Sevengill Shark,

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data. ****For links to all EFH text descriptions see the complete data inventory: open data inventory -->**
Sixgill Shark, Smooth Hammerhead Shark, Smalltail Shark

Study Area & Overlapping S7 Consultation Areas

Area of Interest (AOI) Information

Area : 138.08 acres

Apr 23 2024 15:30:34 Eastern Daylight Time



Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	2	5.43	N/A
Shortnose Sturgeon	1	2.72	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	4	10.85	N/A
Atlantic Large Whales	0	0	N/A
In or Near Critical Habitat	0	0	N/A

Atlantic Sturgeon

#	Feature ID	Species	Lifestage	Behavior	Zone
1	ANS_EAS_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	East River
2	ANS_EAS_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	East River

#	From	Until	From (2)	Until (2)	Area(acres)
1	01/01	12/31	N/A	N/A	2.72
2	01/01	12/31	N/A	N/A	2.72

Shortnose Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone
1	SNS_EAS_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	East River

#	From	Until	From (2)	Until (2)	Area(acres)
1	04/01	11/30	N/A	N/A	2.72

Sea Turtles

#	Feature ID	Species	Life Stage	Behavior	Zone
1	GRN_STS_AJV_MAF	Green sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
2	KMP_STS_AJV_MAF	Kemp's ridley sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
3	LTR_STS_AJV_MAF	Leatherback sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia
4	LOG_STS_AJV_MAF	Loggerhead sea turtle	Adults and juveniles	Migrating & Foraging	Massachusetts (S of Cape Cod) through Virginia

#	From	Until	From (2)	Until (2)	Area(acres)
1	5/1	11/30	*No Data*	*No Data*	2.71
2	5/1	11/30	*No Data*	*No Data*	2.71
3	5/1	11/30	*No Data*	*No Data*	2.71
4	5/1	11/30	*No Data*	*No Data*	2.71

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 which 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:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone: E-Mail:	
Address:		
City/PO: q	State:	Zip Code:

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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? If Yes, list agency(s) name and permit or approval:	NO ☐	YES ☐

3. a. Total acreage of the site of the proposed action? _____ acres
   b. Total acreage to be physically disturbed? _____ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
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?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☐

	NO	YES
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?	☑	☐
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?	☐	☑

	NO	YES
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?	☐	☑
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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☐	☑
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?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____ _____		
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: _____ _____		
~~1~~9. 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: _____ _____		
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: _____ _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: _____ Date: _____

Signature: _____ Title: _____

PRINT FORM

EAF Mapper Summary Report

Thursday, April 25, 2024 9:46 AM



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.



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]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Bridge/Structure Bat Assessment Form

Date & Time of Assessment: 6/25/24 09:00	DOT Project Number: N/A (MTA bridge)	Route/Facility Carried: I-678	County: Bronx
Federal Structure ID: 5521229	Structure Coordinates (latitude and longitude): 40.811229°N, 73.835565°W	Structure Height (approximate): ~40-50'	Structure Length: 6890' (total) ~385' surveyed

Structure Type (check one)

Bridge Construction Style

- (●) Cast-in-place
- ( ) Flat Slab/Box
- ( ) Truss (Side View)
- ( ) Parallel Box Beam
- ( ) Pre-stressed Girder
- ( ) Steel I-beam
- ( ) Covered
- ( ) Other:

Culvert Type: N/A

- ( ) Box
- ( ) Pipe/Round
- ( ) Other:

Other Structure

- ( )

Structure Material (check all that apply)

Deck Material	*Beam Material*	*End/Back Wall Material*
[✓] Metal	[ ] None	[✓] Concrete
[ ] Concrete	[ ] Concrete	[ ] Timber
[ ] Timber	[✓] Steel	[ ] Stone/Masonry
[ ] Open grid	[ ] Timber	[ ] Other:
[ ] Other:	[ ] Other:	

Culvert Material: N/A

- [ ] Metal
- [ ] Concrete
- [ ] Plastic
- [ ] Stone/Masonry
- [ ] Other:

Creosote Evidence

- ( ) Yes (●) No
- ( ) Unknown

Notes:

Crossings Traversed (check all that apply)

- [ ] Bare ground
- [✓] Rip-rap
- [ ] Flowing water
- [ ] Standing water
- [ ] Seasonal water
- [ ] Open vegetation
- [ ] Closed vegetation
- [ ] Railroad
- [ ] Road/trail - Type:
- [ ] Other:

Surrounding Habitat (check all that apply)

- [ ] Agricultural
- [✓] Commercial
- [ ] Residential-urban
- [ ] Residential-rural
- [ ] Woodland/forested
- [ ] Grassland
- [ ] Ranching
- [✓] Riparian (wetland)
- [ ] Mixed use
- [✓] Other: Golf Course & Parklands

Areas Assessed (check all that apply)

Check all areas that apply. If an area is not present in the structure, check the "not present" box.
Document all bat indicators observed during the assessment. Include the species present, if known, and provide photo documentation as indicated.

Area (check if assessed)	Assessment Notes	Evidence of Bats (include photos if present)		
[✓] All crevices and cracks: **Bridges/culverts:** rough surfaces or imperfections in concrete **Other structures:** soffits, rafters, attic areas	[✓] Not present; Concrete new no cracking Bridge deck new/Retrofitted no cracking/peeling paint	[ ] Visual - live # None dead # [ ] Guano None [ ] Staining None	[ ] Audible [ ] Odor N/A [ ] Photos	[ ] Species N/A
[✓] Concrete surfaces (open roosting on concrete)	[✓] Not present; none observed	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[✓] Spaces between concrete end walls and the bridge deck	[✓] Not present; none observed	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[ ] Crack between concrete railings on top of the bridge deck (Gap / Railing)	[ ] Not present; unable to access	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[✓] N/A Vertical surfaces on concrete I-beams	[✓] Not present; ~~none observed~~	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[✓] Spaces between walls, ceiling joists	[ ] Not present	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[ ] Weep holes, scupper drains, and inlets/pipes N/A	[ ] Not present	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[ ] All guiderails	[ ] Not present; unable to access	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species
[✓] All expansion joints	[ ] Not present; Sealed from beneath or not able to observe from topdeck	[ ] Visual - live # dead # [ ] Guano [ ] Staining	[ ] Audible [ ] Odor [ ] Photos	[ ] Species

Name: Victoria Schaller

Signature: Victoria Schaller



Photograph No. 1 – View of structural support immediately north of Ring Road, facing east. Screened-in area at top of support visible, where several active birds were observed.



Photograph No. 2 – View of north face of structural supports closest to Ring Road to the south, and adjacent rip-rap area beneath bridge, looking southeast.



Photograph No. 3 – View of south face of structural supports closest to Ring Road to the south, and adjacent rip-rap area beneath bridge, looking northwest.



Photograph No. 4 – View of north face of structural supports second closest to Ring Road to the south, and adjacent rip-rap area beneath bridge, looking south.



Photograph No. 5 – View of south face of structural supports second closest to Ring Road to the south, and adjacent rip-rap area beneath bridge, looking northeast.



Photograph No. 6 – View of north face of structural supports third closest to Ring Road to the south, and adjacent rip-rap area beneath bridge, looking southeast.



Photograph No. 7 – Characteristic view of bridge deck underside, looking southeast.



Photograph No. 8 – Characteristic view of southwest side of bridge, facing north.



Photograph No. 9 – Characteristic view of northeast side of bridge, facing northwest.



Photograph No. 10 – View of staining suspected to be associated with runoff from area of collected bird droppings behind screening, facing northwest.



Photograph No. 11 – Detail view of screened area and associated detritus, suspected to be from birds active within screened area, facing northwest.



Photograph No. 12 – View of metal panel on side of bridge deck, and bird perched beneath it. Note that the metal panel is not attached to the bridge along its bottom edge.

Bats: Suitable Habitat Assessment Form for Trees (SHAFT), UPSTATE

Project Name: Bally's Bronx PIN: _____

Acres Proposed to be Cut (#trees, if individuals): approximately 95 trees Lat/Long: 40.812835°N / 73.836610°W

Project Description: The project involves construction of a gaming and recreation facility, and widening of an existing public roadway.

Summary of NHP Database Results (proximity to known hibernacula, roost trees, maternity colonies, or forage locations): No known occurrences within 5 miles of the tree removal area

Results of Field-based Suitable Bat Habitat Assessment

Maternity/Roost Habitat:

- Are the trees with the Tree Removal Area 3" dbh (4" for IBat) or greater? Yes and,
- Does one or more of the trees within the Tree Removal Area exhibit signs of exfoliating bark, cracks crevices, and/or cavities that could host roosting bats? Yes and,
- Are those trees part of, or within 1000' from a contiguous forested patch? Yes

If the answer is yes to all of the above questions, the determination is that "Suitable Habitat" exists within the Tree Removal Area.

Forage Habitat:

- Is the Tree Removal Area within 5 miles of a known occurrence (NHP database)? No
- Does the Tree Removal Area provide forage habitat? No

If the answer is yes to both, the determination is "Suitable Habitat" exists within the Tree Removal Area.

Determination: ☑ Suitable Habitat ☐ No Suitable Habitat

*You can conclude "No Effect", No Suitable Habitat.

Characterization/Description of the Habitat: The tree removal area consists of sparse, fragmented stands of landscaped trees adjacent to active public roadways and existing development. In the tree removal area, a total of nine (9) trees exhibiting the sufficient minimum size (3" DBH) and features (foliating bark, crevices, split limbs, etc) associated with suitable NLEB roosting habitat were observed. These nine trees were generally 20 to 40 feet tall and up to 13 inches DBH, with a maximum DBH of 33 inches.

Comments (include specific bat species, if applicable, such as no roost trees specifically were noted by NHP): While the tree removal area is located within 1,000 feet of two wooded areas, it should be noted that these two areas are approximately 8 and 12 acres in size, and are surrounded by open parkland and scattered landscaped trees. No forested land is located within 1,000 feet of these areas. Due to the fragmented nature of the study area and distance from larger contiguous forested patches, as well as no known occurrences of NLEB within 5 miles of the tree removal area, it is not anticipated that NLEB currently utilize the tree removal area as habitat.

Name (individual completing the field assessment): Sarah Parks

Signature: Sarah Parks Date: 11/19/2024

Phone Number: 973-560-4299 E-mail Address: sparks@langan.com

SHAFT 1 of 1 Name of Attached Map/ Photo file: _____

