



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov



In Reply Refer To:
Project Code: 2022-0069692
Project Name: Arkport Dam Report

January 08, 2024

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 \(fws.gov\)](https://www.fws.gov/partner/council-conservation-migratory-birds).

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:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

PROJECT SUMMARY

Project Code: 2022-0069692

Project Name: Arkport Dam Report

Project Type: Management Plans Land Management/Restoration

Project Description: The purpose of this project is to update the Master Plan and Environmental Assessment for Arkport Dam in Steuben County, New York. The Arkport Dam Master Plan is the strategic land use management document that guides the comprehensive management and development of all recreational, natural, and cultural resources throughout life of the project. It is the basic document guiding United States Army Corps of Engineers responsibilities pursuant to Federal Laws to preserve, conserve, restore, maintain, manage, and develop the project lands, waters, and associated resources.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.39273885,-77.72647553491868,14z>



Counties: Allegany and Steuben counties, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

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

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

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

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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 <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

CLAMS

NAME	STATUS
Green Floater <i>Lasmigona subviridis</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7541	Proposed Threatened

INSECTS

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

CRITICAL HABITATS

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

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

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers

Name: Joseph Chandler

Address: 2 Hopkins Plaza

City: Baltimore

State: MD

Zip: 21201

Email: joseph.w.chandler@usace.army.mil

Phone: 4109622809

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

October 12, 2022

Joe Chandler
U.S. Army Corps of Engineers - Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Re: Arkport Dam Master Plan
County: Allegany, Steuben Town/City: Almond, Hornellsville

Dear Joe Chandler:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities within the Arkport Dam Study Area or in its immediate vicinity. (Note that the New York Natural Heritage database does not include locations of Monarch Butterfly (*Danaus plexippus*.)

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

The New York Natural Heritage Program provides this information from its database as a service for the NYS Department of Environmental Conservation (NYS DEC). This inquiry and response is not an official consultation with NYS DEC regarding any conservation measures NYSDEC recommends for the protection of species at the project study area. For information regarding coordination with NYS DEC regarding regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 8 Office, Division of Environmental Permits, at dep.r8@dec.ny.gov.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

R. Daniel Mackay
Deputy SHPO
New York Division of Historic Preservation
P.O. Box 189
Waterford, NY 12188-0189

March 7, 2024

Dear Mr. Mackay:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding an update to the Arkport Dam Master Plan. The U.S. Army Corps of Engineers, Baltimore District (USACE) is updating the Master Plan for the Arkport Dam in Steuben County, New York (Enclosure 1). Arkport Dam is a dry dam that is operated and maintained by USACE.

The 2024 Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years. The Master Plan is a strategic land use management document that guides the comprehensive management and development of all natural and cultural resources throughout the life of the project. To comply with the National Environmental Policy Act, an Environmental Assessment is also being prepared as part of this update.

The Master Plan update does not include any specifically proposed actions or projects; therefore, effects to historic properties are not anticipated as part of this effort. Any future actions or projects will have their own environmental and cultural review and coordination, as appropriate. Should we become aware of any specific undertakings with the potential to affect historic properties, we will consult further with your office regarding identification and/or assessment of those resources.

Thank you for assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel M. Bierly", is located below the "Sincerely," text.

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Joe Stahlman, THPO
Seneca Nation of Indians
90 Ohi yo' Way
Salamanca, NY 14779

March 7, 2024

Dear Mr. Stahlman:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding an update to the Arkport Dam Master Plan. The U.S. Army Corps of Engineers, Baltimore District (USACE) is updating the Master Plan for the Arkport Dam in Steuben County, New York (Enclosure 1). Arkport Dam is a dry dam that is operated and maintained by USACE.

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Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bierly", is positioned below the "Sincerely," text.

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

William Tarrant, THPO
Seneca-Cayuga Nation of Indians
P.O. Box 453220
Grove, OK 74345-3220

March 7, 2024

Dear Mr. Tarrant:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 Code of Federal Regulations Part 800, regarding an update to the Arkport Dam Master Plan. The U.S. Army Corps of Engineers, Baltimore District (USACE) is updating the Master Plan for the Arkport Dam in Steuben County, New York (Enclosure 1). Arkport Dam is a dry dam that is operated and maintained by USACE.

The 2024 Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years. The Master Plan is a strategic land use management document that guides the comprehensive management and development of all natural and cultural resources throughout the life of the project. To comply with the National Environmental Policy Act, an Environmental Assessment is also being prepared as part of this update.

The Master Plan update does not include any specifically proposed actions or projects; therefore, effects to historic properties are not anticipated as part of this effort. Any future actions or projects will have their own environmental and cultural review and coordination, as appropriate. Should we become aware of any specific undertakings with the potential to affect historic properties, we will consult further with your office regarding identification and/or assessment of those resources.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at consultation meetings, and we will fully consider any information you wish to provide.

Thank you for assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel M. Bierly", is positioned above the typed name.


Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

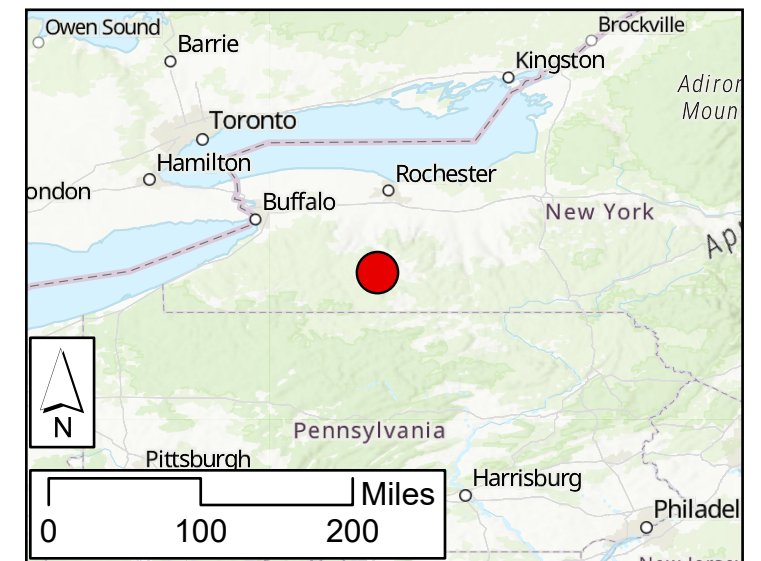
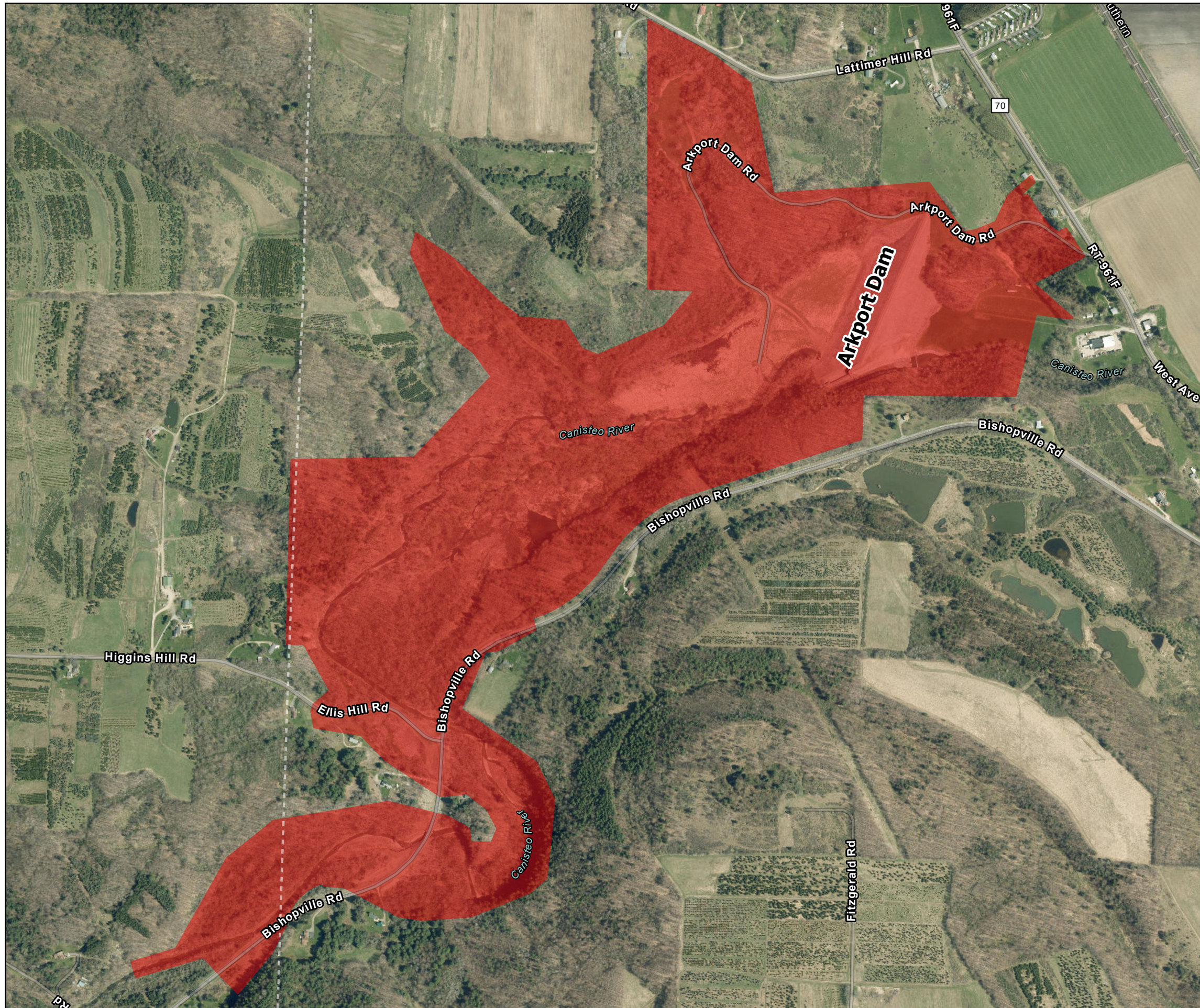
Enclosure

Arkport Dam Master Plan Update

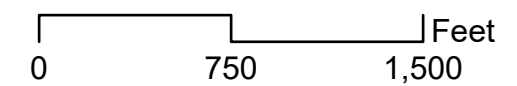
Study Area Map

Legend

 Arkport Study Area



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner *Pro Tempore*

March 13, 2024

Ethan Bean
Archaeologist
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

Re: USACE
Arkport Dam 2024 Master Plan Update
Town of Hornellsville, Steuben County, NY
24PR02105

Dear Ethan Bean:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

The SHPO understands that any future actions or projects will have their own environmental and cultural review and coordination. Therefore, we have no cultural resource concerns with the Master Plan update.

If you have any questions, I can be reached at Sydney.Snyder@parks.ny.gov.

Sincerely,

Sydney Snyder
Scientist - Archaeology

From: [Joe Stahlman](#)
To: [Bean, Ethan A CIV USARMY CENAB \(USA\)](#)
Cc: [Mcdonald, Lauren N CIV USARMY CENAB \(USA\)](#)
Subject: [Non-DoD Source] RE: Section 106 Review - Arkport Dam Master Plan 2024 Update
Date: Wednesday, March 27, 2024 1:34:13 PM
Attachments: [image002.jpg](#)
[image003.png](#)
[image004.png](#)

Mr. Bean,
SNI THPO has no comment on this project.

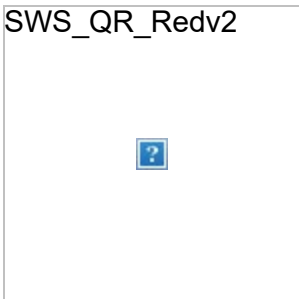
Thank you,

Joe

Dr. Joe Stahlman
Tribal Historic Preservation Office
Seneca Nation
82 W. Hetzel Street
Salamanca, NY 14779
Phone (716) 945-1760
Joe.Stahlman@sni.org



SWS_QR_Redv2



From: Bean, Ethan A CIV USARMY CENAB (USA) <ETHAN.A.BEAN@usace.army.mil>
Sent: Thursday, March 7, 2024 2:01 PM
To: Joe Stahlman <joe.stahlman@sni.org>
Cc: Mcdonald, Lauren N CIV USARMY CENAB (USA) <Lauren.N.Mcdonald@usace.army.mil>

Subject: Section 106 Review - Arkport Dam Master Plan 2024 Update

Good afternoon,

Please find attached for your review information regarding the proposed 2024 update to the Arkport Dam Master Plan in Steuben County, New York. Please let me know if you have any questions or comments.

Respectfully,
Ethan Bean

Ethan A. Bean, M.S.
Cultural Resources Specialist
History Program Manager
U.S. Army Corps of Engineers
Baltimore District

Work - Desk: (410) 962-2173
Work - Cell: (443) 742-8048
Personal: (765) 716-5828 (*text preferred*)



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