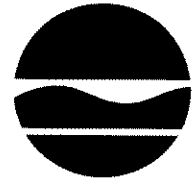


New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program

625 Broadway, 5th floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: www.dec.state.ny.



Denise M. Sheehan
Commissioner

December 12, 2006

Jennifer Vitella
Tetra Tech, Inc
1000 The American Road
Morris Plains, NJ 07950

Dear Ms. Vitella:

: In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Wind Power Project, area as indicated on the map you provided, located in the Town of Alabama, Genesee County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

PLEASE NOTE: For Windpower Projects, we report all records found within the project boundary, and any avian records that may be located within a 10-mile buffer of the project boundary. We also report Indiana bat hibernaculum that may be located within a 40-mile buffer of the project boundary.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,


Tara Seoane, Information Services
NY Natural Heritage Program



Enc.

cc: Reg. 8, Wildlife Mgr.
Jack Nasca, Environmental Permits, Albany
Mark Wothal, Bureau of Habitat, Albany

Natural Heritage Report on Rare Species

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

~This report contains **SENSITIVE** information that should not be released to the public without permission from the NY Natural Heritage Program.
~Refer to the User's Guide for explanations of codes, ranks and fields.
~We do not provide maps for species most vulnerable to disturbance.

Natural Heritage Report on Rare Species and Ecological Communities

MAMMALS

Myotis leibii
Eastern Small-footed Myotis

NY Legal Status: Special Concern

NYS Rank: S2 - Imperiled

Office Use
1676

Federal Listing:

Global Rank: G3 - Vulnerable

County: Livingston

Town: Portage

Location: Documented beyond the boundaries of the project site. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.

OTHER

Bat Colony

NY Legal Status: Unlisted

NYS Rank: SNR - Rank not assigned

Office Use
1736

Federal Listing:

Global Rank: GNR - Not ranked

County: Livingston

Town: Portage

Location: Documented beyond the boundaries of the project site. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.

2 Records Processed

These bat occurrences are within 40 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

This report contains **SENSITIVE** information that should not be released to the public without permission from the NY Natural Heritage Program.

Refer to the User's Guide for explanations of codes, ranks and fields.

Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities

BIRDS

Circus cyaneus

Northern Harrier

NY Legal Status: Threatened

NYS Rank: S3B,S3N - Vulnerable

Office Use
4388

Federal Listing:

Global Rank: G5 - Demonstrably secure

Last Report: **

EO Rank: **

ESU

County: Genesee

Town: Alabama, Oakfield

Location: At, or in the vicinity of, the project site.

Directions: **

General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.

{ Records Processed

This bird occurrence is within the project site.

Natural Heritage Report on Rare Species and Ecological Communities

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

-This report contains **SENSITIVE** information that should not be released to the public without permission from the NY Natural Heritage Program.
-Refer to the User's Guide for explanations of codes, ranks and fields.
-Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities

BIRDS

Ammodramus henslowii

Henslow's Sparrow	NY Legal Status: Threatened	NYS Rank: S3B - Vulnerable	Office Use 5140
	Federal Listing:	Global Rank: G4 - Apparently secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Orleans		
	Town: Shelby, Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Ammodramus henslowii

Henslow's Sparrow	NY Legal Status: Threatened	NYS Rank: S3B - Vulnerable	Office Use 679
	Federal Listing:	Global Rank: G4 - Apparently secure	
	Last Report: **	EO Rank: **	ESU
	County: Orleans		
	Town: Shelby		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Ardea herodias

Great Blue Heron	NY Legal Status: Protected	NYS Rank: S5 - Demonstrably secure	Office Use 2881
	Federal Listing:	Global Rank: G5 - Demonstrably secure	S
	Last Report: 1994-wi	EO Rank: Excellent	
	County: Orleans		
	Town: Shelby		
	Location: Oak Orchard Swamp Seneca Pool		
	Directions: Iroquois National Wildlife Refuge. From Alabama, go west on Route 77 to Feeder Road then north on Feeder Road which curves left. As it curves back right, stop at a dike between Seneca and Cayuga pools. Launch a canoe from the dike and paddle or walk northwest. 1993: The nests were mainly in two clusters at the eastern edge of Seneca pool. 1992: The nests were more concentrated on the west edge of the colony near dead timber and emergent marsh.		
	General Quality and Habitat: Despite greatly decreasing for 7 years, winter nest counts are still high enough to indicate more than 100 active nests. A hardwood swamp managed as a green timber impoundment to keep trees alive; water is impounded from April 1-June 15, drained until November 20, and then allowed to rise and fall naturally until April 1.		

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Asio flammeus

Short-eared Owl	NY Legal Status: Endangered	NYS Rank: S2 - Imperiled	Office Use 11099
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Orleans, Niagara		
	Town: Shelby, Barre, Alabama, Royalton		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Asio flammeus

Short-eared Owl	NY Legal Status: Endangered	NYS Rank: S2 - Imperiled	Office Use 11106
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Niagara, Orleans, Genesee		
	Town: Shelby, Barre, Alabama, Royalton		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Bartramia longicauda

Upland Sandpiper	NY Legal Status: Threatened	NYS Rank: S3B - Vulnerable	Office Use 7196
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Orleans		
	Town: Shelby		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Chlidonias niger

Black Tern	NY Legal Status: Endangered	NYS Rank: S2B - Imperiled	Office Use 9373
	Federal Listing:	Global Rank: G4 - Apparently secure	
	Last Report: **	EO Rank: **	ESU
	County: Orleans, Genesee, Niagara		
	Town: Shelby, Alabama, Royalton, Oakfield		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Circus cyaneus

Northern Harrier	NY Legal Status: Threatened	NYS Rank: S3B,S3N - Vulnerable	Office Use 4030
	Federal Listing:	Global Rank: G5 - Demonstrably secure	SL
	Last Report: **	EO Rank: **	ESU
	County: Genesee		
	Town: Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Circus cyaneus

Northern Harrier	NY Legal Status: Threatened	NYS Rank: S3B,S3N - Vulnerable	Office Use 8300
	Federal Listing:	Global Rank: G5 - Demonstrably secure	SC
	Last Report: **	EO Rank: **	ESU
	County: Genesee		
	Town: Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Circus cyaneus

Northern Harrier	NY Legal Status: Threatened	NYS Rank: S3B,S3N - Vulnerable	Office Use 10455
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Orleans		
	Town: Shelby, Alabama, Barre, Oakfield		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Cistothorus platensis

Sedge Wren	NY Legal Status: Threatened	NYS Rank: S3B - Vulnerable	Office Use 6231
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee		
	Town: Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Cistothorus platensis

Sedge Wren	NY Legal Status:	Threatened	NYS Rank:	S3B - Vulnerable	Office Use 6232
	Federal Listing:		Global Rank:	G5 - Demonstrably secure	
	Last Report:	**	EO Rank:	**	ESU
	County:	Orleans			
	Town:	Shelby			
	Location:	At, or in the vicinity of, the project site.			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.			

Haliaeetus leucocephalus

Bald Eagle	NY Legal Status:	Threatened	NYS Rank:	S2S3B,S2N - Imperiled	Office Use 9044
	Federal Listing:	Threatened	Global Rank:	G5 - Demonstrably secure	
	Last Report:	**	EO Rank:	**	ESU
	County:	Genesee			
	Town:	Oakfield			
	Location:	At, or in the vicinity of, the project site.			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.			

Haliaeetus leucocephalus

Bald Eagle	NY Legal Status:	Threatened	NYS Rank:	S2S3B,S2N - Imperiled	Office Use 883
	Federal Listing:	Threatened	Global Rank:	G5 - Demonstrably secure	
	Last Report:	**	EO Rank:	**	ESU
	County:	Genesee			
	Town:	Alabama			
	Location:	At, or in the vicinity of, the project site.			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.			

Haliaeetus leucocephalus

Bald Eagle	NY Legal Status:	Threatened	NYS Rank:	S2S3B,S2N - Imperiled	Office Use 50
	Federal Listing:	Threatened	Global Rank:	G5 - Demonstrably secure	
	Last Report:	**	EO Rank:	**	ESU
	County:	Genesee			
	Town:	Alabama			
	Location:	At, or in the vicinity of, the project site.			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.			

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Haliaeetus leucocephalus

Bald Eagle	NY Legal Status: Threatened	NYS Rank: S2S3B,S2N - Imperiled	Office Use 11597
	Federal Listing: Threatened	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Orleans		
	Town: Shelby, Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

Ixobrychus exilis

Least Bittern	NY Legal Status: Threatened	NYS Rank: S3B,S1N - Vulnerable	Office Use 6222
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Niagara		
	Town: Royaltown, Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

Ixobrychus exilis

Least Bittern	NY Legal Status: Threatened	NYS Rank: S3B,S1N - Vulnerable	Office Use 10999
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Orleans, Genesee		
	Town: Shelby, Alabama, Oakfield		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

Oxyura jamaicensis

Ruddy Duck	NY Legal Status: Game	NYS Rank: S1 - Critically imperiled	Office Use 10205
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: 2000-07-08	EO Rank: Extant	
	County: Genesee		
	Town: Alabama		
	Location: West Alabama Wetland		
	Directions:	From the intersection with Route 52 in West Alabama, follow Route 12 and Route 77 southeast for approximately 0.75 mile. The adult male was observed on the north side of the road.	
	General Quality and Habitat:	An emergent marsh with 50% emergent vegetation and 50% open water. Associated species: pied-billed grebe, American coot, common moorhen, black tern, gadwall, and American wigeon.	

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Podilymbus podiceps

Pied-billed Grebe	NY Legal Status: Threatened	NYS Rank: S3B,S1N - Vulnerable	Office Use 1496
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Orleans, Genesee		
	Town: Alabama, Oakfield, Shelby		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

Podilymbus podiceps

Pied-billed Grebe	NY Legal Status: Threatened	NYS Rank: S3B,S1N - Vulnerable	Office Use 10651
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: **	EO Rank: **	ESU
	County: Genesee, Niagara		
	Town: Alabama, Royalton		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

Protonotaria citrea

Prothonotary Warbler	NY Legal Status: Protected	NYS Rank: S2 - Imperiled	Office Use 6538
	Federal Listing:	Global Rank: G5 - Demonstrably secure	
	Last Report: 2004-06-10	EO Rank: Extant	
	County: Genesee, Orleans, Niagara		
	Town: Oakfield, Shelby, Alabama, Royalton		
	Location: Oak Orchard Swamp, Oak Orchard Swamp Sour Springs, Oak Orchard Swamp Swallow Hollow, Oak		
	Directions: The birds have been observed in several areas of Oak Orchard Swamp. Oak Orchard Swamp: From Five Corners, go north on Albion Road for about 2.2 mi to the crossing of Oak Orchard Creek. Just north of the creek, turn east on the dike and park. Walk northeast along the dike that runs between Oxbow Marsh and Oak Orchard Creek. The birds were observed in flooded deciduous woods on the east side of the creek. Oak Orchard Swamp Sour Springs: From Alabama, go north on South Gravel Road to a right turn on Robert Road		
	General Quality and Habitat:	Oak Orchard Swamp: The birds were observed in a flooded young red maple swamp in the floodplain of a creek. There are some more mature trees close to the creek. An open man-made dike runs along the west side of the creek. Oak Orchard Swamp Sour Springs: The birds were observed in seasonally flooded open woods with an understory of living brush along an undeveloped creek. Oak Orchard Swamp Swallow Hollow: The birds were observed in a freshwater marsh surrounded by seasonally flooded hardwoods.	

Rallus elegans

King Rail	NY Legal Status: Threatened	NYS Rank: S1B - Critically imperiled	Office Use 1621
	Federal Listing:	Global Rank: G4 - Apparently secure	SC
	Last Report: **	EO Rank: **	ESU
	County: Genesee		
	Town: Alabama		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.	

These bird occurrences are within 10 miles of the project site.

Natural Heritage Report on Rare Species and Ecological Communities

Rallus elegans

King Rail	NY Legal Status: Threatened	NYS Rank: S1B - Critically imperiled	Office Use 5773
	Federal Listing:	Global Rank: G4 - Apparently secure	SC
	Last Report: **	EO Rank: **	ESU
	County: Genesee		
	Town: Oakfield		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

Rallus elegans

King Rail	NY Legal Status: Threatened	NYS Rank: S1B - Critically imperiled	Office Use 7337
	Federal Listing:	Global Rank: G4 - Apparently secure	S
	Last Report: **	EO Rank: **	ESU
	County: Niagara		
	Town: Royalton		
	Location: At, or in the vicinity of, the project site.		
	Directions: **		
	General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859.		

25 Records Processed

These bird occurrences are within 10 miles of the project site.

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone: (518) 402-8935



NATURAL HERITAGE PROGRAM: The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should **not** be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK: A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.

F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

U = Extant/Historical status uncertain.

Blank = Not assigned.

LAST REPORT: The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E - Endangered Species: any species which meet one of the following criteria:

- Any native species in imminent danger of extirpation or extinction in New York.
- Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T - Threatened Species: any species which meet one of the following criteria:

- Any native species likely to become an endangered species within the foreseeable future in NY.
- Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

SC - Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

P - Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U - Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

G - Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NY LEGAL STATUS – Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

E - Endangered Species: listed species are those with:

- 5 or fewer extant sites, or
- fewer than 1,000 individuals, or
- restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
- species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

T - Threatened: listed species are those with:

- 6 to fewer than 20 extant sites, or
- 1,000 to fewer than 3,000 individuals, or
- restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
- listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.