

# VILLAGE OF CELORON, NEW YORK REQUEST FOR PROPOSALS

## Improvements to Lucille Ball Memorial Park – Architectural/Engineering Services for the Design & Construction of a Park Amenities Building

*Minority- and Women-Owned Business Enterprises are encouraged to respond.*

**RFP Issue Date: September 6, 2018**

**Proposal Due Date: October 4, 2018 at 4:00 PM ET**

**Submit Proposals To: Village of Celoron**

**21 Boulevard Avenue**

**P.O. Box 577**

**Celoron, NY 14720-0577**

### **A. Project Description**

The Village of Celoron, NY is seeking proposals from qualified firms to design and provide bid assistance, construction-phase, and post-construction-phase services for the construction of certain public access and recreation improvements to Lucille Ball Memorial Park. Improvements to Lucille Ball Memorial Park under this Request for Proposals (RFP) include:

- **Construction of a new amenities building to include Americans with Disabilities Act (ADA) compliant restrooms, drinking fountain, security system, and a storage area.**

Specific elements for design will include separate restroom facilities for men and women containing one ADA compliant toilet, a baby changing station, two sinks and a minimum of four toilets or urinals on each side, a drinking fountain, a minimum of 48 square foot surveillance equipment office, and a minimum of 176 square foot storage area. A preliminary conceptual design and figure showing the planned location of the building is attached.

Funding for this project is being provided by the New York State Department of State (NYS DOS) with funds provided under Title 11 of the Environmental Protection Fund. The selected consultant must comply with all provisions in the contract between the NYS DOS and the Village, including the NYS DOS Minority and Women-Owned Business Enterprises (MWBE) goals. **NYS DOS has established an overall MWBE participation goal of 30% with 15% for Minority-Owned Business Enterprises (MBE) and 15% for Women-Owned Business Enterprises (WBE). Respondents are expected to demonstrate how they will achieve these goals.**

Guidelines for proposal format, submission, and evaluation are included in Sections D and E. See Section F for general instructions related to this RFP.

### **B. Project Attribution and Number of copies**

The selected consultant must ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the NYS DOS to the project. The materials must include the Department of State logo and the following acknowledgment:

*"This (document, report, map, etc.) was prepared for the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund."*

The consultant must submit the following:

- Draft products: two paper copies of each product. In addition, all draft products must be submitted as an electronic copy in Microsoft Word and Adobe® Acrobat® Portable Document Format – PDF (created using 300 dpi scanning resolution).
- Final products: two paper copies of each product. In addition, all final products (including reports, designs, maps, drawings, and plans must be submitted as an electronic copy in Microsoft Word and Adobe® Acrobat® Portable Document Format – PDF (created using 300 dpi scanning resolution) and be submitted on a labeled CD-R type CD. The CD must be labeled with the contractor name, the New York State Department of State's contract #, and project title.
- Electronic data for all Geographic Information System-based mapping products must be included in either ArcGIS format, or similar product acceptable to the Department, and comply with the requirements for Contract GIS Products.
- Electronic data for all designs, drawings, and plans must be submitted in the original software that they were created (such as CAD format or other similar product acceptable to the New York State Department of State) as well as in JPEG or GIF format.
- Pictures and photographs must be dated and captioned with the location and a brief description of the activity being documented. Electronic data for all pictures and photographs must be submitted in JPG format or other similar product acceptable to the New York State Department of State.

### **C. Scope of Work**

The selected consultant will complete the following scope of work:

#### **Task One: Meetings**

The Village of Celoron, NYS DOS, and consultant(s) shall hold a minimum of eight (8) meetings:

- Meeting 1: A project kick-off meeting will be held to review the project scope, project requirements, roles and responsibilities
- Meeting 2: A second meeting will be held to review site conditions, identify new information needs and next steps; and transfer any information to the consultant(s) who would assist in completion of the project.
- Meetings 3-5: Three advisory committee meetings to review schematics, final design and cost estimates.
- Meeting 6: A public meeting to review and seek input on the proposed alternatives for the design of the project.
- Meetings 7-8: Two meetings to prepare for and/or review bid package.

**Product: Meeting summaries prepared, with note of agreements/understandings reached, and distributed to meeting participants.**

#### **Task Two: Site Reconnaissance and Schematic Designs (To commence after Meeting 2, above)**

##### **A. Site Reconnaissance**

The consultant(s) shall conduct site-specific reconnaissance, in preparation for design. Work shall include, at a minimum, identification and mapping of the following:

- Site survey showing extent of project boundary
- Ownership/grant/lease status of all lands to be incorporated into the design
- Manmade structures, buildings, or facilities on or adjacent to the site
- Above and below ground infrastructure, including storm water treatment structures, sewer, water, and former structure footings (if identified within the project area)
- Transportation/circulation systems (truck, car, bus, ferry, train, pedestrian, bicycle, etc.) that serve or are located near the site
- Adjacent land and water uses
- Historic and archeological resources
- Soil and, as appropriate, core sampling to determine site stability

- Topography and hydrology
- Natural resources, including location of mature trees
- View corridors
- Zoning and other applicable designations
- Analysis of site constraints, needs and opportunities

**Products: Map(s) and written summary describing the above information and any other appropriate information identified during the project kick-off meeting.**

## B. Schematic Designs

The consultant(s) shall prepare alternative schematic designs of the facility or facilities, considering and including a summary of the following, as applicable:

- Best management practices to be employed to avoid or reduce water quality impairments from upland runoff or in-water activities, and
- Impacts, if any, to State designated Significant Coastal Fish and Wildlife Habitat areas, Scenic Areas of Statewide Significance, other Coastal Management Program special management areas, or other sensitive resources, and how those impacts should be avoided or mitigated.

Unless otherwise specified during the project kick-off meeting, the consultant(s) shall prepare a minimum of three (3) alternative schematic designs for review by the project advisory committee.

The Village of Celoron shall select one of the alternative schematic designs as the basis for final design and engineering/construction plans and specifications, or shall work with the consultant(s) to develop a final schematic design incorporating elements of or building upon the alternative schematic designs. Final design and engineering/construction plans and specifications shall be prepared based on the selected schematic design.

**Products: Alternative schematic designs. Schematic design alternative selected.**

### Task Three: Public Meeting

A public information meeting shall be conducted to solicit public input on the schematic designs to assist in selecting a preferred alternative. A written summary of public input obtained at this meeting shall be prepared and provided.

**Product: Minutes/Summary of meeting prepared.**

### Task Four: Construction Requirement Analysis

The consultant(s) shall prepare an analysis of all federal, state and local requirements for the selected schematic design alternative, including necessary permits and approvals, and a description of how these requirements will be satisfied by the design to be presented to the advisory committee for review. The Village has engaged in preliminary correspondences with the New York State Historic Preservation Office, the U.S. Fish & Wildlife Service, and the New York State Department of Environmental Conservation Natural Heritage Program. Copies of correspondences are attached at the end of this RFP as background information for proposers. The selected consultant(s) will be responsible for identifying and completing all outstanding regulatory requirements for the project as part of Tasks 4, 5, and 8.

**Products: Written construction requirement analysis. Pre-permitting meeting with identified entities.**

### Task Five: Environmental Quality Review

The consultant(s) shall prepare all documents necessary to comply with the State Environmental Quality Review Act (SEQRA) through determination of significance. If a positive declaration is made, a Draft

Environmental Impact Statement shall be prepared. The Village has determined that the proposed project is a Type II Action under SEQRA. A copy of the Village resolution, dated 2/12/18 is available upon request.

**Products SEQRA documents and, if necessary, a Draft Environmental Impact Statement.**

#### **Task Six: Draft Final Design**

The consultant(s) shall prepare a draft final design based on the selected schematic design alternative. The draft final design shall include all required maps, tables, data, written discussions, and other information identified in the contract and subcontract work plans and during the project kick-off meeting. The draft final design shall be provided to the NYS DOS and the project advisory committee for review at least two weeks prior to the due date for comments. NYS DOS comments must be addressed to the satisfaction of the NYS DOS in subsequent revisions of the products and the final design.

**Products: Draft final design and supporting materials.**

#### **Task Seven: Final Design and Construction Documents**

The consultant(s) shall prepare the final design and construction drawings, plans, specifications, and cost estimates. The final design and construction documents shall be provided to the NYS DOS and the project advisory committee for review at least two weeks prior to the due date for comments. Final design and construction documents are subject to approval by the NYS DOS. These documents must be certified by a licensed professional engineer, architect, or landscape architect and the appropriate seal must be affixed to these documents.

**Products: Final design and construction documents, certified by a licenses professional engineer, architect or landscape architect.**

#### **Task Eight: Permits**

After the final design and construction documents have been approved by the NYS DOS, the consultant(s) shall prepare the necessary permit or other approval applications and obtain the required permits or approvals. A pre-application meeting with the NYS DOS and the appropriate federal, state and local regulatory authorities may be required to discuss the necessary permit or other approval applications. Prior to filing, the consultant(s) shall submit all applications to the NYS DOS for review and comment.

Potential permitting and approval agencies include but are not limited to:

- federal agencies such as the United States Army Corps of Engineers;
- the NYS DOS, pursuant to the consistency provisions of the federal Coastal Zone Management Act;
- other New York State agencies such as the Department of Environmental Conservation; the Office of General Services pursuant to the Public Lands Law; or similar authorization from the Power Authority (in certain areas of the St. Lawrence Seaway or Canal Authority [in the State Canal System]), in order to use or occupy certain State-owned lands or waters overlying those lands; and the Office of Parks, Recreation, and Historic Preservation or the State Historic Preservation Officer; and
- agencies of a county, city, town, village, or special purpose district, including but not limited to: town boards, boards of trustees, or city councils; planning commissions, boards or departments; and/or building or health officials.

Prior to construction the consultant(s) shall also demonstrate that the project is in compliance with 6 NYCRR Part 502, "Floodplain Management Criteria For State Projects" by obtaining a floodplain development permit, if local regulations establish such requirements, or by submitting a signed certification, by an official authorized to enforce local floodplain management regulations, that the project complies with the requirements of the statute.

**Products: All required permits and approvals received. Written certification of compliance with floodplain management regulations, if applicable.**

#### **Task Nine: Bid Process and Selection of Construction Subcontractor**

After the final design and construction documents have been approved by the NYS DOS, the consultant(s) shall prepare and distribute a bid invitation to select a construction subcontractor or subcontractors. The bid invitation shall require the respondents to demonstrate their ability to satisfy any applicable MWBE requirements. Prior to distributing the bid invitation, the consultant(s) shall submit the bid invitation to the NYS DOS for review and comment.

The consultant(s) shall attend the bid opening meeting, review bids and assist with the negotiation of the contractor(s) contract. The consultant(s) shall prepare a draft contract or contract(s) to conduct the work with the selected construction subcontractor(s). The contract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of project completion, a payment schedule (payments should be tied to project milestones), the project cost and MWBE requirements.

**Products: Bid documents and correspondence regarding bid review, contractor negotiation, executed construction subcontract(s)**

#### **Task Ten: Site Inspections/Construction Phase Services**

The consultant(s) shall verify progress and completion of construction work through periodic site inspections and photo documentation. The consultant(s) shall submit written summaries of progress and identification of problems to be addressed based on periodic site inspections with services to include:

- a. Attending a pre-construction meeting with the Village and Contractor
- b. Receiving and reviewing all material submittals and shop drawings
- c. Attending routine project coordination meetings (assume bi-weekly)
- d. Receiving RFI's track appropriately and respond
- e. Issuing change orders as necessary
- f. Fielding miscellaneous questions from Village representatives
- g. Reviewing contractor pay requests
- h. Performing a "punch list" walk through with Village staff and contractors
- i. Final acceptance of completed work

**Products: Periodic site visits during construction. Written summary of periodic site visits including photo-documentation (pre-construction, during construction, and once the project is completed) and identification of any problems that need to be addressed. Punch list and construction completion estimates.**

#### **Task Eleven: Project Completion**

Following satisfaction of punch list items, the consultant(s) shall submit a statement that the work has been completed in accordance with the contract and subcontract(s), the final design and construction specifications, and all permit requirements. The completion statement must be prepared and/or certified by a licensed professional engineer, architect or landscape architect. Unless otherwise specified during the project kick-off meeting, the consultant(s) shall submit two sets of as-built plans, certified by a licensed professional engineer, architect or landscape architect. When the consultant is satisfied work is complete, it shall submit a final project report, including a copy of the completion statement and a copy of the certified as-built plans and photo-documentation in the form of digital images of the site prior to, during and upon completion of work.

**Products: Statement of completion, certified as-built plans, and final project report including photo-documentation.**

## D. Proposals

Proposals should include the following:

- a. The **experience, qualifications, and capacity** of the consultant and project team
- b. How the **scope of work** will be achieved
- c. A **proposed timeline** for project completion (see required schedule below)
- d. The **cost** to complete the project (in a separate sealed envelope), which includes the following:
  - i. Please provide an overall cost summary, and attach a detailed itemization of the cost structure of the project, that clearly identifies personnel by name and/or job title, hours, billing rates, and all other details by which project costs have been derived.
  - ii. The cost information provided must allow reviewers to clearly determine total hours, hours by task, and hours for key personnel by task.
  - iii. Attach, or incorporate in above materials, rate sheet(s) for personnel (including proposed subcontractors) and equipment proposed to be utilized (if any).
- e. Proposals should clearly demonstrate that the following estimated **schedule** shall be met (schedule is subject to change depending on NYS grant timeline or other factors):
  - i. Assume Notice to Proceed is issued by Village on/around October 22, 2018
  - ii. Complete Schematic Designs: November/December 2018
  - iii. Selection of Preferred Schematic Design: December 2018
  - iv. Complete Draft Design: January 2019
  - v. Complete Final Design & Construction Documents: February 2019
  - vi. Issue Invitation for Bids: March 2019
  - vii. Commence Construction: May 2019
  - viii. Complete Construction & Certify Project as Complete: October 2019
- f. Respondent's plan to **comply with New York State's MBE and WBE goals**.
- g. Responders must **sign and attach to their proposal the "Non-Collusive Bidding Certification"** – a copy of which is attached to this RFP.

**Firms should submit three (3) hard copies and two (2) CDs.**

Cost Proposals must be submitted in a separate sealed and labeled envelope in the same number and type indicated above.

Proposals lacking any of the required information may be deemed incomplete and not be considered by the evaluation committee.

No facsimile or electronic-only submissions will be accepted. The Village reserves the right to reject any or all proposals.

## E. Proposal Evaluation

The Village will review and rank the proposals using the factors listed below to select the preferred consultant. Based upon the evaluation of the proposals, the Village of Celoron reserves the right to invite any or all consultants for an interview before making a final selection. Such an invitation does not commit the Village of Celoron to pay any costs incurred in participating in said interview. Proposals shall be evaluated based on the specified criteria, and not solely on the basis of price.

The evaluation factors are:

1. Experience, Qualifications, and Capacity of the Consultant

The capabilities of each responding firm will be evaluated in these specific areas:

- a. Recent relevant experience of the firm in similar projects

- b. The extent to which the firm has personnel, equipment, and facilities to perform the scope of work
- c. Experience of recent clients for similar services

## 2. Qualifications of the Project Team

- a. The quality and experience of the proposed staff and the proper balance of relevant skills
- b. The quality and experience of any proposed sub-contractors

## 3. Proposals

The proposals will be evaluated for their demonstrated understanding of the requirements of the RFP and their ability to meet the study objectives. This will include:

- a. Quality and completeness of the response
- b. Understanding of the proposed scope of work
- c. Cost-effectiveness of the proposal
- d. Ability to meet an aggressive work schedule
- e. Ability to comply with New York State's MBE and WBE goals

**Proposals (three hard copies and two CDs) are due by  
October 4, 2018, at 4:00 PM ET to:**

Village of Celoron  
21 Boulevard Avenue  
P.O. Box 577  
Celoron, NY 14720-0577

Questions may be sent to Shirley Sanfilippo, Clerk-Treasurer at [clerk@celoronny.org](mailto:clerk@celoronny.org)

## F. General Information

- i. Proposals will be accepted until the time and date stated on the cover sheet. An official agent or representative of the company submitting the proposal must sign at least one original proposal.
- ii. Village encourages all qualified applicants, including Minority-owned Business Enterprises (MBE), Women-owned Business Enterprises (WBE), Service Disabled Veteran-owned Business Enterprises (SDVOB), Small business Enterprises, and Disadvantaged Business Enterprises (DBE), to partake in the solicitation of these and all other services. The successful proposer must be an Equal Opportunity Employer.
- iii. Village is exempt from all Federal and State taxes.
- iv. Insurance must be in place prior to execution of the agreement and shall be up to date and maintained for the contract term. Contractor shall maintain the kinds and amounts of insurance deemed appropriate by the Village for the type of work to be performed under this Agreement.

- v. If the organization submitting a proposal must outsource or contract any work to meet the requirements contained herein, this must be clearly stated in the proposal. Additionally, all costs included in proposals must be all-inclusive to include any outsourced or contracted work. Any proposals that call for outsourcing or contracting work must include a name and description of the organizations being contracted.
- vi. The prime consultant will be required to assume the responsibility for all services offered in the proposal whether or not directly performed by the prime consultant with regard to contractual matters.
- vii. All costs must be itemized to include an explanation of all fees and costs; No proposal will be considered which is not accompanied by pricing information for services to be rendered, and all proposals shall be signed by an authorized individual.
- viii. Proposal content may be publicly available by FOIL request before or after the award of the Contract by the Village. If you consider any portion of your proposal to be proprietary information or a trade secret, please contact the Village prior to submitting such information.
- ix. A proposal that is in the possession of the Village may be altered by a sealed letter bearing the signature or name of the authorized person, provided it is received PRIOR to the date and time of the opening. Fax, email, telephone or verbal alterations will not be accepted. A proposal that is in the possession of the Village or its Agent may be withdrawn by the vendor up to the time of the opening. Failure of the successful proposer to furnish the service awarded, as a result of this Request for Proposal, may eliminate the proposer from the active vendors list for a period of time as determined by the Village.
- x. No proposal will be considered which modifies, in any manner, any of the provisions, scope of work, or minimum requirements set forth in the Request for Proposal.
- xi. In case of error in the extension of prices in the proposal, unit prices will govern, where applicable.
- xii. Proposers are expected to examine special provisions, the scope of work, schedules and instructions included in this Request. Failure to do so will be at the proposer's risk.
- xiii. The Village will not reimburse proposers for any costs associated with the preparation and submittal of any proposal, or for any travel and/or per diem costs that are incurred; nor shall the Village be liable for any cost incurred by any party responding to the RFP prior to the execution of a contract.
- xiv. The Village or its Agent shall have the right to take such steps as it deems necessary to determine the ability of the proposer to perform obligations under the Contract, and the proposer shall furnish to the Village or its Agent all such information and data for this purpose as may be requested.
- xv. The Village reserves the right to reject any proposal where an investigation of the available evidence or information does not satisfy the Village that in its sole discretion, the proposer is qualified to properly carry out the terms of the Contract.
- xvi. The Village reserves the right to seek any clarifications needed to determine the most qualified submittal and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a proposer's proposal and/or to determine compliance with the requirements of the solicitation.



- xvii. A contract may be awarded to the proposer whose proposal achieves the highest evaluation ranking by the evaluation committee based on the specified criteria, and not solely on the basis of price.
- xviii. The Village, in its sole discretion, reserves the right to cancel or reissue the RFP, or to revise the timeline, at any time during this process. The Village reserves the right to reject any or all proposals and to waive minor irregularities in the proposal process. The Village may accept any proposal and/or negotiate the scope of any proposal if such action is believed to be in the best interest of the Village.
- xix. Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of sixty (60) days from the due date of the proposals.
- xx. The proposer agrees that should their firm be awarded a contract, proposer will not discriminate against any person who performs work hereunder because of age, race, color, sex, creed, sexual orientation, national origin, or disability.
- xxi. The proposer expressly warrants to the Village that it has the ability and expertise to perform its responsibilities hereunder and in so doing shall use the highest standards of professional workmanship.
- xxii. Village reserves the right to reject any or all proposals, to waive any informality or technical defect in the proposals, or to award the contract in whole or in part, if deemed to be in the best interest of the Village to do so. Explanations of Village decisions shall not be required except as otherwise provided by law.
- xxiii. The successful proposer will be required to enter into and sign an Agreement (Contract) with the Village with reasonable adjustments acceptable to the Village. This RFP and the response of the successful proposer may become a part of the Contract and will be in effect for the duration of the contract. The Contract language will control over any conflicting language contained within this RFP.
- xxiv. Contract terms and conditions will be negotiated upon selection of the winning proposer for this RFP. All contractual terms and conditions will be subject to review by the Village's legal counsel, and will include scope, budget, schedule, and other necessary items pertaining to the project.

## **G. Attachments**

- 1. Non-Collusive Bidding Certification (To be completed and attached to all proposals)**
2. Preliminary Conceptual Design and Location Map
3. NYS Historic Preservation Office Project Inquiry Letter
4. U.S. Fish & Wildlife Service Project Inquiry Letter
5. NYS Department of Environmental Conservation Natural Heritage Program Project Inquiry Letter

## NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury that to the best of his/her knowledge and behalf:

1) The prices of this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

2) Unless otherwise required by law, the prices which have been quoted in the bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or any competitor.

3) No attempt had been made or will be made by the bidder to induce any such person, partnership, or corporation to submit or not to submit to a bid for the purpose of restricting competition.

The person assigning this bid or proposal certifies that he/she has fully informed himself/herself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the bidder as well as to the person signing in his/her behalf.

In witness whereof, the undersigned corporation has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(name of corporation)

by \_\_\_\_\_

\_\_\_\_\_  
(title of officer executing)

Place seal here





ANDREW M. CUOMO  
Governor

## Parks, Recreation, and Historic Preservation

ROSE HARVEY  
Commissioner

June 07, 2018

Mrs. Shirley Sanfilippo  
Clerk-Treasurer  
Village of Celoron, NY  
21 Boulevard Ave.  
P.O. Box 577  
Celoron, NY 14720-0577

Re: USDA  
Improvements to Lucille Ball Memorial Park  
47 Dunham Avenue, Village of Celoron, Chautauqua County, NY  
18PR03325

Dear Mrs. Sanfilippo:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project 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 potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA  
Director, Division for Historic Preservation

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Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)



## 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

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

June 22, 2018

Consultation Code: 05E1NY00-2018-SLI-2451

Event Code: 05E1NY00-2018-E-07372

Project Name: Lucille Ball Memorial Park Amenities Building Construction and Parking Lot Re-paving (Celoron, NY)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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 ESA. Please include the Consultation Tracking Number 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





## Endangered Species Act Species

There is a total of 1 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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

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

## 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](http://www.dec.ny.gov)

July 2, 2018

Shirley Sanfilippo  
 Village of Celoron  
 21 Boulevard Avenue  
 Celoron, NY 14720

Re: Village of Celoron Recreational Facility Improvements  
 County: Chautauqua Town/City: Ellicott

Dear Ms. Sanfilippo:

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

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to 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 sources may be required to fully assess impacts on biological resources.

Our database is 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.

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 other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 9 Office, Division of Environmental Permits at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov), (716) 851-7165.

Sincerely,



Heidi Krahlung  
 Environmental Review Specialist  
 New York Natural Heritage Program

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**The following state-listed animals have been documented  
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 9 Office at [dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov), (716) 851-7165. For information about potential impacts of your project on this species, and how to avoid, minimize, or mitigate any impacts, contact the Region 9 Wildlife staff at (716) 851-7010.

**The following species has been documented within 110 yards of the project site.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Reptiles</b>			
<b>Spiny Softshell</b>	<i>Apalone spinifera</i>	Special Concern	11131

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).