

Responsiveness Summary for Determination #2024-0820.D

Re: For the Class II designation of a wetland off East Hill Road in Plainfield

The Department of Environmental Conservation (DEC) placed the determination petition on public notice on 5/14/2024 and the public comment period remained open until 05/28/2024.

DEC received written comments from the following people and entities: the petitioners Kayle Hope and Susan Bourque. The following is a summary of the public comments received on Determination 2024-0820.D and DEC's responses to those comments. Where appropriate, comments have been paraphrased, consolidated, and categorized for clarity.

Comment 1: Petitioners would like to clarify that with Finding #8: Rare, Threatened and Endangered Species Habitat — Non-significance was not confirmed by section 11 of the petition. Section 11 was not checked as a function that was present when the evaluation happened. However, in Section 11.1: Remarks on RTE Habitat, the Wetland's Ecologist wrote: The RTE habitat could be present, the area examined was limited and occurred in early Fall of 2023, so the spring plant community is largely unknown.

Non-significance was not confirmed as it was not necessary to confirm significance or non-significance for the purposes of this petition. For this determination application, there was no further exploration of RTE function, which is largely unknown. Additionally, on Pg. 9 of the Wetland Evaluation Form (Included with the petition), the Wetland's Ecologist identified that there is credible documentation that the wetland provides habitat for multiple uncommon species of plants or animals (S3 rank), and noted that *Plantanthera aquilonis* and S3 species were identified, but due to time of year it is unknown if there are other rare, threatened or endangered plants present.

ANR Response 1: Based on the evidence submitted, the Agency cannot find the wetland as significant for RTE. There are no records of rare, threatened or endangered plants in this wetland complex. Creditable documentation would consist of a documented occurrence in the Nongame Natural Heritage Inventory (NNHI) database, or if your consultant found these RTE species in their wetland evaluation. There are many wetlands that have potential habitat for RTE species, but only those with documented occurrence, either in field survey, a current NNHI report, or a historical record meet the criteria for this function. The consultant who filled out the determination petition understood this, so did not check off this function. If significant RTE habitat is found within the wetland at a later date and a permit application submitted, the Program would evaluate the permit standards for that function.

Comment 2: In Section 1 the Draft Decision states: A complete petition was received from Kayle Hope and Susan Bourque for a Wetland Determination #2023-820.D on November 2, 2023 in association with an application for a general permit authorization. However, Section 3.4.3 of the petition application (pg.3) states: This is an application to get a large unmapped Class 2 wetland mapped, petitioners have no project.

ANR Response 2: Commenter is correct that there is no general permit authorization associated with this petition. The wording about the general permit has been removed in the final decision.