

APPENDIX I – ENDANGERED SPECIES REPORT

December 22, 2011

Mr. Steven M. Boisvert, P.E.
Associate/Regional Office Manager
Bergmann Associates
10-B Madison Avenue Extension
Albany, New York 12203

Re: Sales Distribution Center, Town of Schodack, Rensselaer County, New York
TES File No. 3713

Dear Steve:

Terrestrial Environmental Specialists, Inc. (TES) conducted an endangered and threatened species investigation of an approximately 106-acre site located south of NYS Route 150 (Schodack Valley Road), east of NY Interstate Route 90, and west of Columbia Turnpike (NYS Routes 9 and 20) in the Town of Schodack, Rensselaer County, New York (Figure 1).

Background Information

A contact letter was sent to the New York Natural Heritage Program regarding threatened animals or plants or significant natural communities or habitats within the vicinity of the project site. The New York State Department of Environmental Conservation (NYSDEC) reported that “they have no records of rare or state listed animals or plants, significant natural communities or other significant habitats on or in the immediate vicinity of your site” (Attached).

TES reviewed the U.S. Fish and Wildlife Service (USFWS) website prior to the field survey to determine whether there are any known or likely county occurrences of federally-listed endangered or threatened candidate species (Attached). The USFWS website listed three species for Rensselaer County. These are the bald eagle (*Haliaeetus leucocephalus*), Indiana bat (*Myotis sodalis*), and the shortnose sturgeon (*Acipenser brevirostrum*).

Bald Eagle

The bald eagle was delisted from the endangered species list on August 8, 2007. Bald eagles continue to receive protection under the Bald and Golden Eagle Protection Act.

Indiana Bat

The USFWS reports “while Indiana bats were known to winter in Albany County, we now believe they are likely extirpated or in such small numbers that it is unlikely that they would be present and impacted by any specific projects in Albany, Rensselaer...counties.”

Shortnose Sturgeon

This anadromous fish species primarily occurs in the main stem of the Hudson River. The project site is not adjacent vicinity of the Hudson River, so there is no potential for this species to occur.

Endangered Species Investigation

TES conducted an on-site endangered species assessment on November 16 and 17, 2011. TES found that the project site consisted primarily of deciduous forest and evergreen forest upland plant communities. An abandoned sand and gravel pit occurs on the northern edge of the site. The southeast corner of the site contains an open water pond with a shrub fringe. Two vernal pools are located in the southwest corner of the site. A tributary to the Moordener Kill occurs on the northeastern property line. A small portion of the Moodener Kill forms the northwest property boundary.

TES recorded a variety of bird and mammal species on the project site. These species included white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), black-capped chickadee (*Parus atricapillus*), white-breasted nuthatch (*Sitta carolinensis*), American robin (*Turdus migratorius*), and numerous woodpecker species. All the wildlife species found on the site were common species found in forested habitat.

TES searched the project site for the presence of bald eagle nesting activity. Based on the habitat available, there was very low potential for bald eagles to nest on the project site. TES did not record any large stick nests that would be used for nesting by bald eagle. Based on this review there are no nesting bald eagles on the project site.

TES did not find any on-site habitat for known endangered, threatened, or rare state-listed or federally-listed animal or plant species on the project site. The forested habitats which are the dominant plant community on the site are not unique habitats in eastern New York State. TES would not expect any endangered, threatened or rare species to occur.

Summary

TES conducted an endangered and threatened species investigation on a 106-acre site located south of NYS Route 150, east of NYS Interstate Route 90, and west of Columbia Turnpike (NYS Routes 9 and 20) in the Town of Schodack, Rensselaer County, New York.

TES contacted the NYSDEC Natural Heritage Program. They reported no known species or unique communities in the project vicinity. The USFWS website lists three species for Rensselaer County. The bald eagle has been delisted from the federal Endangered Species Act. Based on the field investigation, there were no stick nests on the site that would be used for nesting bald eagles. The Indiana bat is considered not to be present or in such small numbers that there would be no impact to this species. The shortnose sturgeon is known only from the Hudson River and its immediate vicinity.

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TES biologists conducted a field investigation on November 16 and 17, 2011. Plant communities found on the project site are common habitats in New York State and this site did not contain any rare animal or plant species. No endangered, threatened, or rare federally-listed or state-listed species were recorded on the site and none are expected to occur.

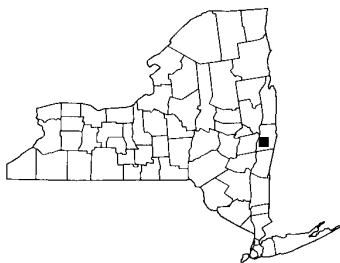
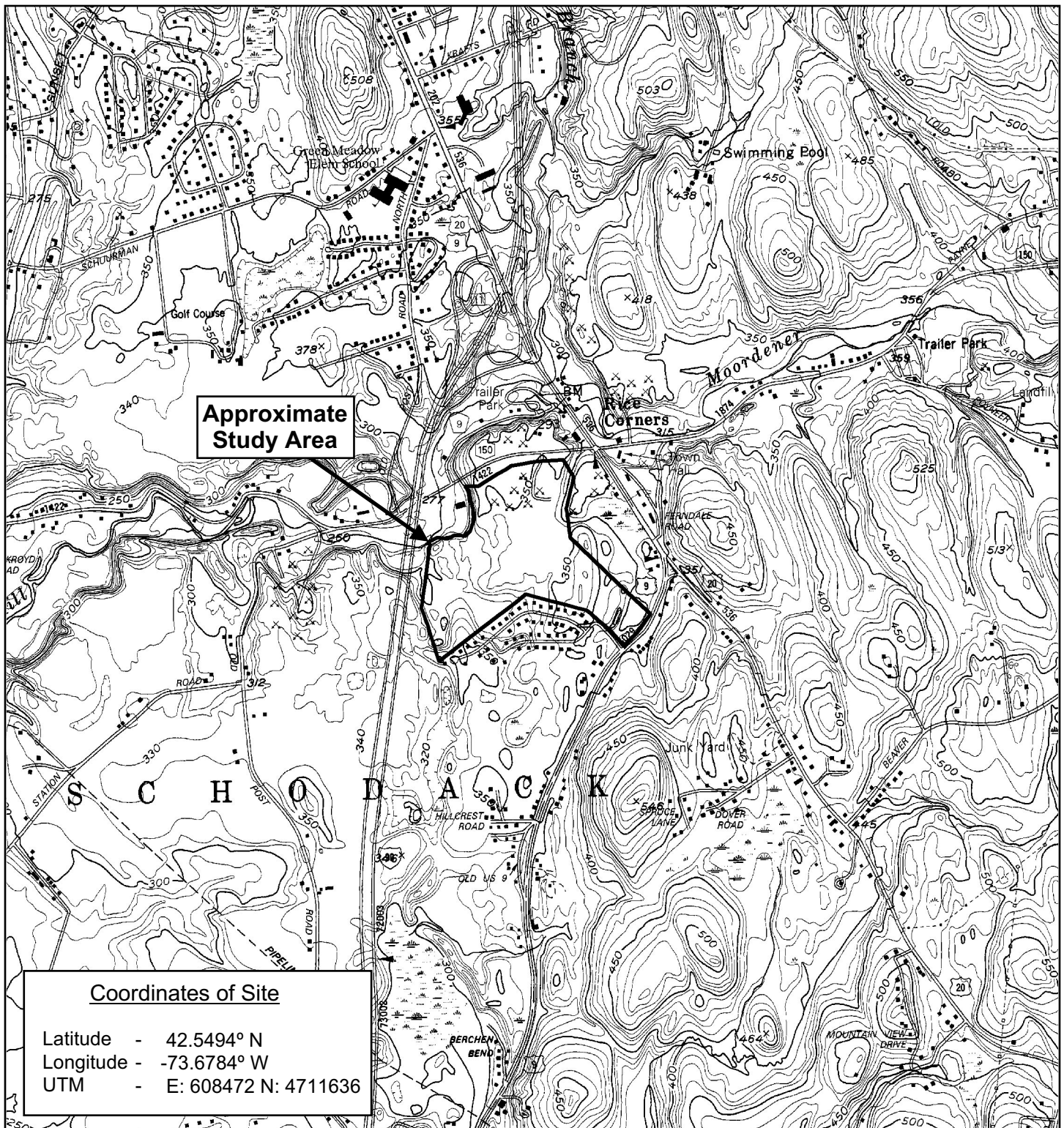
If you have any further questions, please give me or Bruce Workman a call.

Sincerely,
TERRESTRIAL ENVIRONMENTAL SPECIALISTS, INC.

A handwritten signature in black ink, appearing to read "Bernard P. Carr", with a long horizontal flourish extending to the right.

Bernard P. Carr
Vice President
Senior Environmental Scientist

BPC/dmm



QUADRANGLE LOCATION



SCALE 1" = 2000'

NORTH



Figure 1. Site Location

NYS DOT Topographic Map

East Greenbush Quadrangle
1993

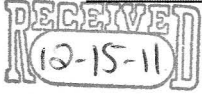
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife & Marine Resources

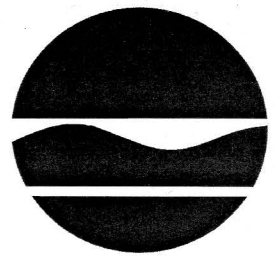
625 Broadway, 5th Floor, Albany, New York 12233-4757

Phone: (518) 402-8935 • **Fax:** (518) 402-8925

Website: www.dec.ny.gov



December 12, 2011



Joe Martens
Commissioner

Megan Caves
Terrestrial Environmental Specialists
23 County Route 6, Suite A
Phoenix, NY 13135

Dear Ms. Caves:

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 Commercial/Industrial Development, Project # 3713 - 106- Acre Parcel – area as indicated on the map you provided, located in the Town of Schodack, Rensselaer County.

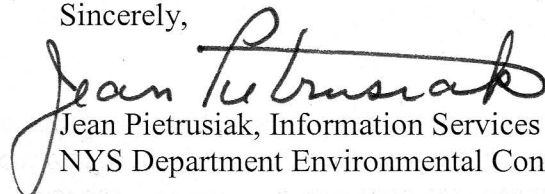
We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which 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. This information should not be substituted for on-site surveys that may be required for environmental assessment.

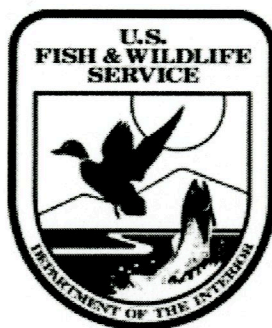
Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other 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, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,


Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc. #1178
cc: Region 4



Rensselaer County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

| <u>Common Name</u> | <u>Scientific Name</u> | <u>Status</u> |
|---------------------------------|---------------------------------|---------------|
| Bald eagle ¹ | <i>Haliaeetus leucocephalus</i> | D |
| Indiana bat (S) ² | <i>Myotis sodalis</i> | E |
| Shortnose sturgeon ³ | <i>Acipenser brevirostrum</i> | E |

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

W=Winter S=Summer

¹ The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

² "While Indiana bats were known to winter in Albany County, we now believe they are likely extirpated or in such small numbers that it is unlikely that they would be present and impacted by any specific proposed projects in Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties. This determination may change as we receive new information."

³ Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 12/21/11

Print Species List