

## **Appendix A – Correspondence**

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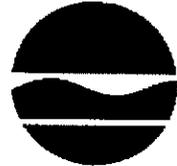
**New York State Department of Environmental Conservation  
Division of Fish, Wildlife & Marine Resources**

**New York Natural Heritage Program**

625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: [www.dec.state.ny](http://www.dec.state.ny).



Erin M. Crotty  
Commissioner

April 27, 2005

Doug Pierson  
Louis Berger Group, Inc  
One Seaport Pl, 199 Water St, 23<sup>rd</sup> floor  
New York, NY 10038

Dear Mr. Pierson:

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 Stapleton Waterfront Project, area as indicated on the map you provided, located in New York City.

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 may not be released to the public without permission from the New York Natural Heritage Program.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. 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 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 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 environment 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,

*Charlene Houle* *jp*  
Charlene Houle, Information Services  
NY Natural Heritage Program

Encs.

cc: Reg. 2, Wildlife Mgr.  
Reg. 2, Fisheries Mgr.

# 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 may 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 if 1) the species is vulnerable to disturbance, 2) the location and/or extent is not precisely known, and/or 3) the location and/or extent is too large to display.

## VASCULAR PLANTS

### *Carex collinsii*

Office Use

<b>Collins' Sedge</b>	<b>NY Legal Status:</b> Endangered	<b>NYS Rank:</b> S1S2; Critically imperiled	9422
	<b>Last Report:</b> 1870	<b>Global Rank:</b> G4; Apparently secure	
		<b>EO Rank:</b> Failed to find but search more	
	<b>County:</b> Richmond		
	<b>Town:</b> City Of New York		
	<b>Location:</b> Staten Island		
	<b>Directions:</b>		
	<b>General Quality and Habitat:</b> Magnolia swamps.		

### *Cynoglossum virginianum var. virginianum*

Office Use

<b>Wild Comfrey</b>	<b>NY Legal Status:</b> Endangered	<b>NYS Rank:</b> SH; Historical	1231
	<b>Last Report:</b> 1914-06-10	<b>Global Rank:</b> G5T5; Demonstrably secure	
		<b>EO Rank:</b> Historical, no recent information	
	<b>County:</b> Richmond		
	<b>Town:</b> City Of New York		
	<b>Location:</b> Staten Island		
	<b>Directions:</b> Woods, south part of Staten Island.		
	<b>General Quality and Habitat:</b> Woods.		

### *Digitaria filiformis*

Office Use

<b>Slender Crabgrass</b>	<b>NY Legal Status:</b> Threatened	<b>NYS Rank:</b> S2; Imperiled	7528
	<b>Last Report:</b> 1878-08	<b>Global Rank:</b> G5; Demonstrably secure	
		<b>EO Rank:</b> Historical, no recent information	
	<b>County:</b> Richmond		
	<b>Town:</b> City Of New York		
	<b>Location:</b> Staten Island		
	<b>Directions:</b>		
	<b>General Quality and Habitat:</b>		



**DIVISION OF ENVIRONMENTAL PERMITS REGIONAL OFFICES**

January 2004

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk	John Pavacic NYS-DEC BLDG. 40 SUNY at Stony Brook Stony Brook, NY 11790-2356 Telephone: (631) 444-0365
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island)	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407 Telephone: (718) 482-4997
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester	Margaret Duke NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696 Telephone: (845) 256-3054
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014 Telephone: (518) 357-2069
4 (sub-office)	Delaware, Otsego & Schoharie	Kent Sanders NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503 Telephone: (607) 652-7741
5	Clinton, Essex, Franklin & Hamilton	Thomas Hall NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296 Telephone: (518) 897-1234
5 (sub-office)	Fulton, Saratoga, Warren & Washington	Thomas Hall NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220 Telephone: (518) 623-1281
6	Jefferson, Lewis & St. Lawrence	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787 Telephone: (315) 785-2245
6 (sub-office)	Herkimer & Oneida	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885 Telephone: (315) 793-2555

7	Cayuga, Madison, Onondaga & Oswego	John Feltman NYS-DEC 615 Erie Blvd. West (Env. Permits Room 206) Syracuse, NY 13204-2400 Telephone: (315) 426-7438
7 (sub-office)	Broome, Chenango, Cortland, Tioga & Thompson	Michael Barylski* NYS-DEC 1285 Fisher Avenue Cortland, NY 13045-1090 Telephone: (607) 753-3095
8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne & Yates	Peter Lent NYS-DEC 6774 East Avon Lima Road Avon, NY 14414-9519 Telephone: (716) 226-2466
9	Erie, Niagara & Wyoming	Steve Doleski NYS-DEC 270 Michigan Avenue Buffalo, NY 14203-2999 Telephone: (716) 851-7165
9 (sub-office)	Allegany, Cattaraugus, Chautauqua	Ken Taft* NYS-DEC 182 East Union, Suite 3 Allegany, NY 14706-1328 Telephone: (716) 372-0645

\* Deputy Regional Permit Administrator

## USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5<sup>th</sup> 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. Department 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.

**R - Rare:** listed species have:

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide.

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- V - Exploitably vulnerable:** listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.
- U - Unprotected;** no state status.

**FEDERAL STATUS (PLANTS and ANIMALS):** The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

- (blank) = No Federal Endangered Species Act status.  
LE = The element is formally listed as endangered.  
LT = The element is formally listed as threatened.  
PE = The element is proposed as endangered.  
PT = The element is proposed as threatened.  
C = The element is a candidate for listing.  
LE,LT = The species is formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.  
LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting.  
(LE) = If the element is a full species, all subspecies or varieties are listed as endangered; if the element is a subspecies, the full species is listed as endangered.  
LT,T(S/A) = One or more subspecies or populations of the species is formally listed as threatened, and the others are treated as threatened because of similarity of appearance to the listed threatened subspecies or populations.  
PS = Partial status: the species is listed in parts of its range and not in others; or, one or more subspecies or varieties is listed, while the others are not listed.

**GLOBAL AND STATE RANKS** (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the infraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

#### GLOBAL RANK:

- G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.  
G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.  
G3 - Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.  
G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.  
G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.  
GH - Historically known, with the expectation that it might be rediscovered.  
GX - Species believed to be extinct.

#### NYS RANK:

- S1 - Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.  
S2 - Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.  
S3 - Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.  
S4 - Apparently secure in New York State.  
S5 - Demonstrably secure in New York State.  
SH - Historically known from New York State, but not seen in the past 15 years.  
SX - Apparently extirpated from New York State.  
SZ - Present in New York State only as a transient migrant.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B)populations and the non-breeding populations (N), respectively, of the species.

**TAXON (T) RANK:** The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 - See Global Rank definitions above.

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity.

New York State Department of Environmental Conservation  
New York Natural Heritage Program Information Services  
625 Broadway  
Albany, NY 12233-4757  
(518) 402-8935

If you require additional information or assistance please contact Jill Olin of our Long Island Field Office at (631) 581-2941.

Sincerely,



David A. Stilwell  
Field Supervisor

\* Additional information referred to above may be found at our website at:  
<http://nyfo.fws.gov/es/esdesc.htm>.

cc: NYSDEC, Long Island City, NY (Environmental Permits)  
NYSDEC, Albany, NY (Natural Heritage Program)



FAX TRANSMITTAL RE: LISTED SPECIES REQUEST  
U.S. FISH AND WILDLIFE SERVICE  
Long Island Field Office  
500 St. Marks Lane, Islip, NY 11751  
Phone: (631) 581.2941 Fax: (631) 581.2972



March 30, 2005

To: Mr. Doug Pierson, Senior Planner  
The Louis Berger Group, Inc.  
One Seaport Plaza, 199 Water Street, 23<sup>rd</sup> Floor  
New York, NY 10038

This responds to your March 23, 2005, request for listed species information in the vicinity of the New Stapleton Waterfront Plan, located between the Verrazano-Narrows Bridge and the Staten Island Ferry Plaza, Stapleton, Richmond County, New York.

Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist within the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further ESA coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York\* is available for your information. If the proposed project is not completed within one year from the date of this FAX, we recommend that you contact us to ensure that the listed species presence/absence information for the proposed project is current. Should our determination change and any part of the proposed project be authorized, funded, or carried out, in whole or in part, by a Federal agency, further consultation between the Service and that Federal agency pursuant to the ESA may be necessary.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate State regional office(s),\* and:

New York State Department of Environmental Conservation  
New York Natural Heritage Program Information Services  
625 Broadway  
Albany, NY 12233-4757  
(518) 402-8935

Thank you for your time. If you require additional information please contact me at (631) 581.2941.

Sincerely,

Jill A. Olin  
Fish and Wildlife Biologist

\*Additional information referred to above may be found on our website at:  
<http://nyfo.fws.gov/es/section7.htm>