

**Appendix C**  
**Natural Resources**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Long Island Ecological Services Field Office  
340 SMITH ROAD  
SHIRLEY, NY 11967  
PHONE: (631)286-0485 FAX: (631)286-4003

Consultation Code: 05E1LI00-2016-SLI-0245

May 12, 2016

Event Code: 05E1LI00-2016-E-00236

Project Name: Riverside Galleria

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 (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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 Act, 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 website 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.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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 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 Act. 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



United States Department of Interior  
Fish and Wildlife Service

Project name: Riverside Galleria

## Official Species List

### Provided by:

Long Island Ecological Services Field Office  
340 SMITH ROAD  
SHIRLEY, NY 11967  
(631) 286-0485

**Consultation Code:** 05E1LI00-2016-SLI-0245

**Event Code:** 05E1LI00-2016-E-00236

**Project Type:** DEVELOPMENT

**Project Name:** Riverside Galleria

**Project Description:** Commercial development between the Arthur Kill, Outerbridge, Arthur Kill Road, and Richmond Valley Road

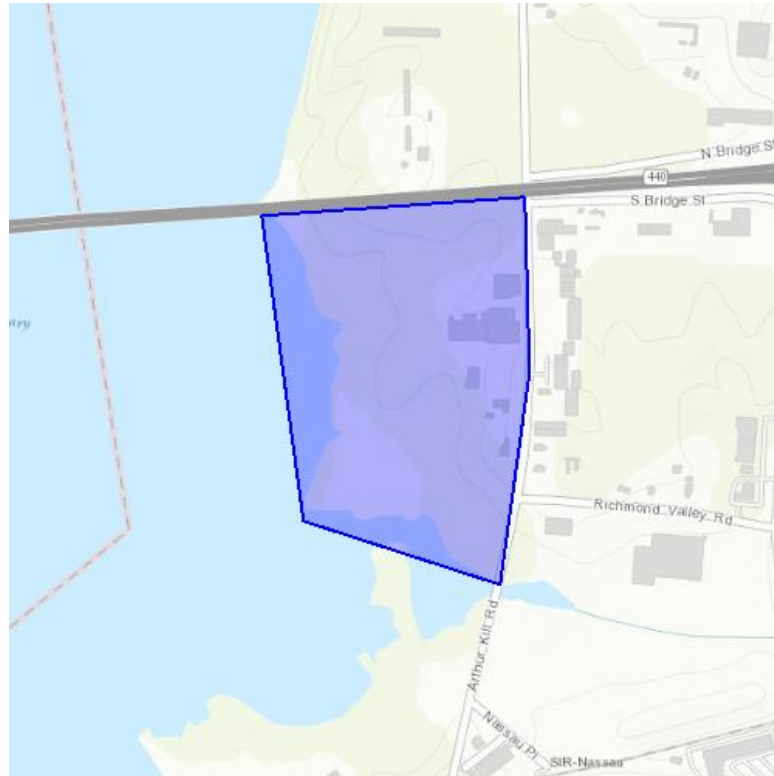
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Riverside Galleria

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-74.23933982849121 40.5251358601705, -74.24373865127562 40.52489120332347, -74.24304127693176 40.521009195186714, -74.23974752426147 40.52020177449593, -74.23924326896667 40.522901294464475, -74.23933982849121 40.5251358601705)))

**Project Counties:** Richmond, NY



United States Department of Interior  
Fish and Wildlife Service

Project name: Riverside Galleria

## Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Piping Plover ( <i>Charadrius melodus</i> ) Population: except Great Lakes watershed	Threatened	Final designated	
Roseate tern ( <i>Sterna dougallii dougallii</i> ) Population: northeast U.S. nesting pop.	Endangered		



United States Department of Interior  
Fish and Wildlife Service

Project name: Riverside Galleria

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

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



Joe Martens  
Commissioner

May 21, 2015

Kelly DeGuzman  
Carpenter Environmental Associates, Inc.  
610 County Rt. 1, Unit 2F  
Pine Island, NY 10969

Re: Waterfront Commons - proposed mixed-use commercial center along Arthur Kill Road, Staten Island  
Town/City: New York. County: Richmond.

Dear Kelly DeGuzman :

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, or may occur, on your site or in the immediate vicinity of your 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 appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,

Andrea Chaloux  
Environmental Review Specialist  
New York Natural Heritage Program





**The following state-listed animals have been documented  
in the vicinity of your 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 potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.**

**The following species have been documented near the project site, generally within 0.25 mile. Potential onsite and offsite impacts from the project may need to be addressed.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Birds</b>			
<b>Peregrine Falcon</b> <i>Breeding</i>	<i>Falco peregrinus</i>	Endangered	1592

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

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).



**The following rare plants, rare animals, and significant natural communities have been documented in the vicinity of your project site.**

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Dragonflies and Damselflies</b>			
<b>Comet Darner</b>	<i>Anax longipes</i>	Unlisted	Imperiled in NYS
Comet Pond, 2008-07-08: The odonates were observed in the fields, marshes, and trails near a pond.			

13441

**The following plants are listed as Endangered or Threatened by New York State, and/or are considered rare by the New York Natural Heritage Program, and so are a vulnerable natural resource of conservation concern.**

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS
<b>Vascular Plants</b>			
<b>Torrey's Mountain-mint</b>	<i>Pycnanthemum torrei</i>	Endangered	Critically Imperiled in NYS and Globally Rare
Clay Pit Ponds Bloomingdale Road, 2003-08-12: A vegetated roadside about 4-6 feet wide. The plants are mostly native and it appears to be seldom mowed. Part of the roadside is dominated by <i>Artemisia</i> . The roadside is backed by a berm with trees.			

10717

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

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 rare animals and plants 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), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org). For descriptions of all community types, go to [www.dec.ny.gov/animals/97703.html](http://www.dec.ny.gov/animals/97703.html) for Ecological Communities of New York State.



**The following rare plants and rare animals have  
historical records  
at your project site, or in its vicinity.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NYS LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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Vascular Plants - The following plants were documented in Tottenville in the mid-1800s to mid-1900s.

<b>Wild Potato-vine</b>	<i>Ipomoea pandurata</i>	Endangered	Critically Imperiled in NYS 11
<b>Smooth Tick-trefoil</b>	<i>Desmodium laevigatum</i>	Endangered	Historical Records Only in NYS 300
<b>Round-leaf Boneset</b>	<i>Eupatorium rotundifolium</i>	Endangered	Historical Records Only in NYS 778
<b>Scirpus-like Rush</b>	<i>Juncus scirpoides</i>	Endangered	Critically Imperiled in NYS 1729
<b>Slender Spikegrass</b>	<i>Chasmanthium laxum</i>	Endangered	Critically Imperiled in NYS 3041
<b>Little-leaf Tick-trefoil</b>	<i>Desmodium ciliare</i>	Threatened	Imperiled in NYS 3680
<b>Retorse Flatsedge</b>	<i>Cyperus retrorsus var. retrorsus</i>	Endangered	Critically Imperiled in NYS 5723
<b>White Milkweed</b>	<i>Asclepias variegata</i>	Endangered	Critically Imperiled in NYS 6349
<b>Tiny Blue-curls</b>	<i>Trichostema setaceum</i>	Endangered	Critically Imperiled in NYS 7519
<b>Pink Wild Bean</b>	<i>Strophostyles umbellata</i>	Endangered	Critically Imperiled in NYS 6847
<b>Flax-leaf Whitetop</b>	<i>Sericocarpus linifolius</i>	Threatened	Imperiled in NYS 6870

COMMON NAME	SCIENTIFIC NAME	NYS LISTING	HERITAGE CONSERVATION STATUS
<b>Nuttall's Tick-trefoil</b>	<i>Desmodium nuttallii</i>	Endangered	Historical Records Only in NYS 8353
<b>Dwarf Hawthorn</b>	<i>Crataegus uniflora</i>	Endangered	Critically Imperiled in NYS 6729
<b>American Ipecac</b>	<i>Euphorbia ipecacuanhae</i>	Endangered	Critically Imperiled in NYS 9253
<b>Bead Pinweed</b>	<i>Lechea pulchella</i> var. <i>moniliformis</i>	Endangered	Critically Imperiled in NYS 9590
<b>Saltmarsh Aster</b>	<i>Symphotrichum subulatum</i> var. <i>subulatum</i>	Threatened	Imperiled in NYS 7901
<b>Persimmon</b>	<i>Diospyros virginiana</i>	Threatened	Imperiled in NYS 8372
<b>Sand Blackberry</b>	<i>Rubus cuneifolius</i>	Endangered	Historical Records Only in NYS 784

Vascular Plants - The following plant was documented in Richmond Valley on July 22, 1869.

<b>Whorled Mountain-mint</b>	<i>Pycnanthemum verticillatum</i> var. <i>verticillatum</i>	Endangered	Critically Imperiled in NYS 5662
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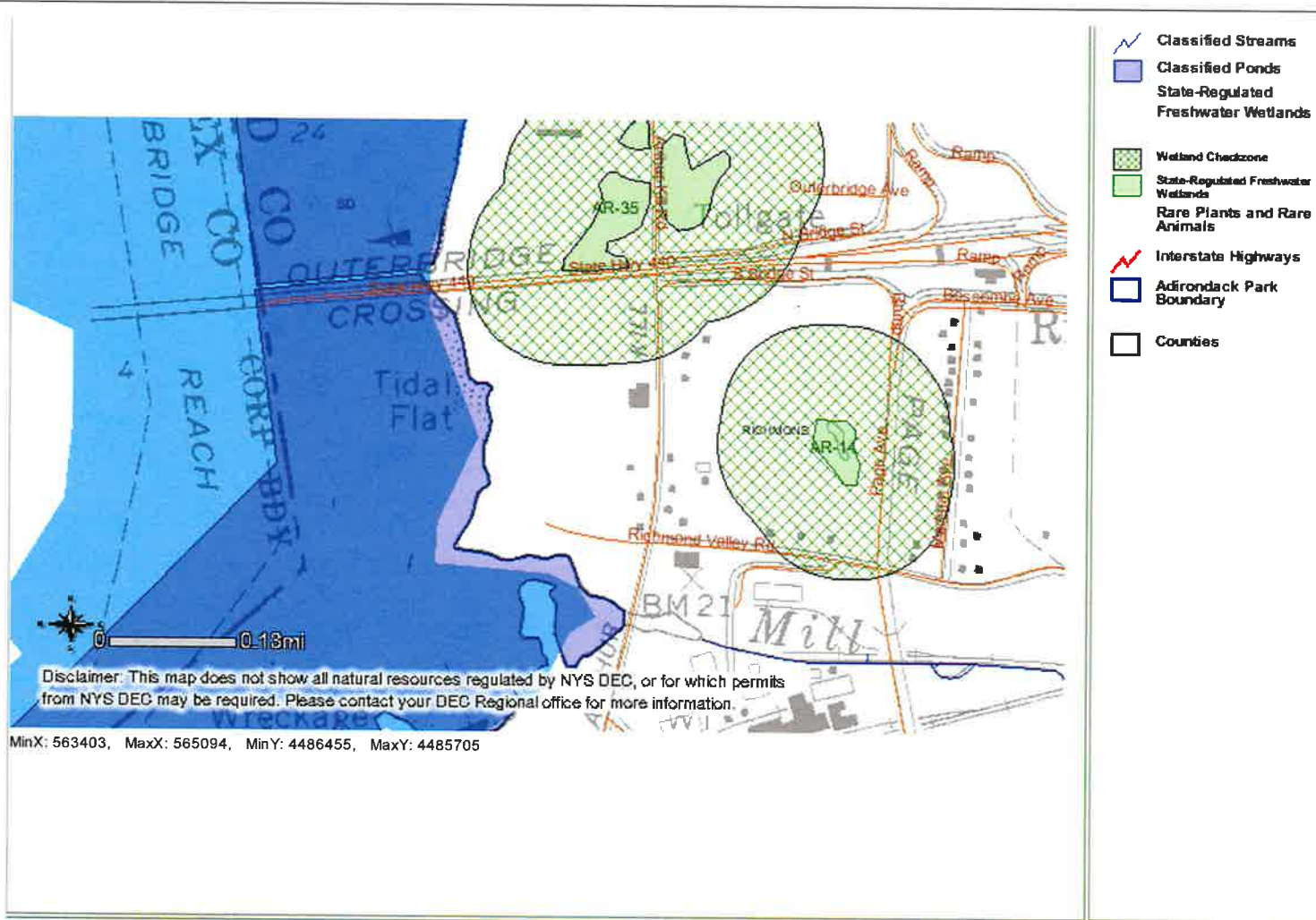
Vascular Plants - The following plant was documented in Kreischerville in June of 1882.

<b>American Ipecac</b>	<i>Euphorbia ipecacuanhae</i>	Endangered	Critically Imperiled in NYS 4506
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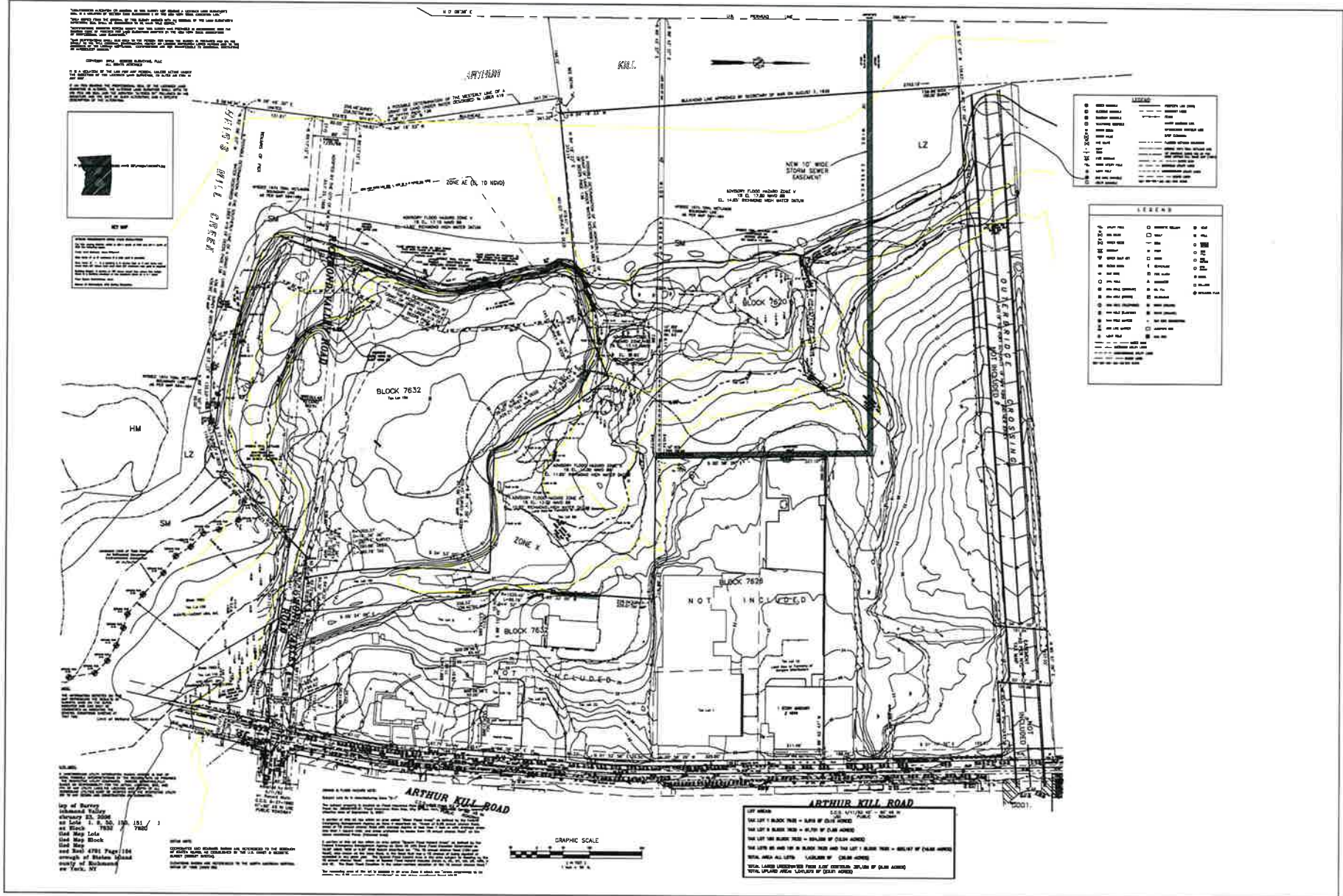
**This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.**

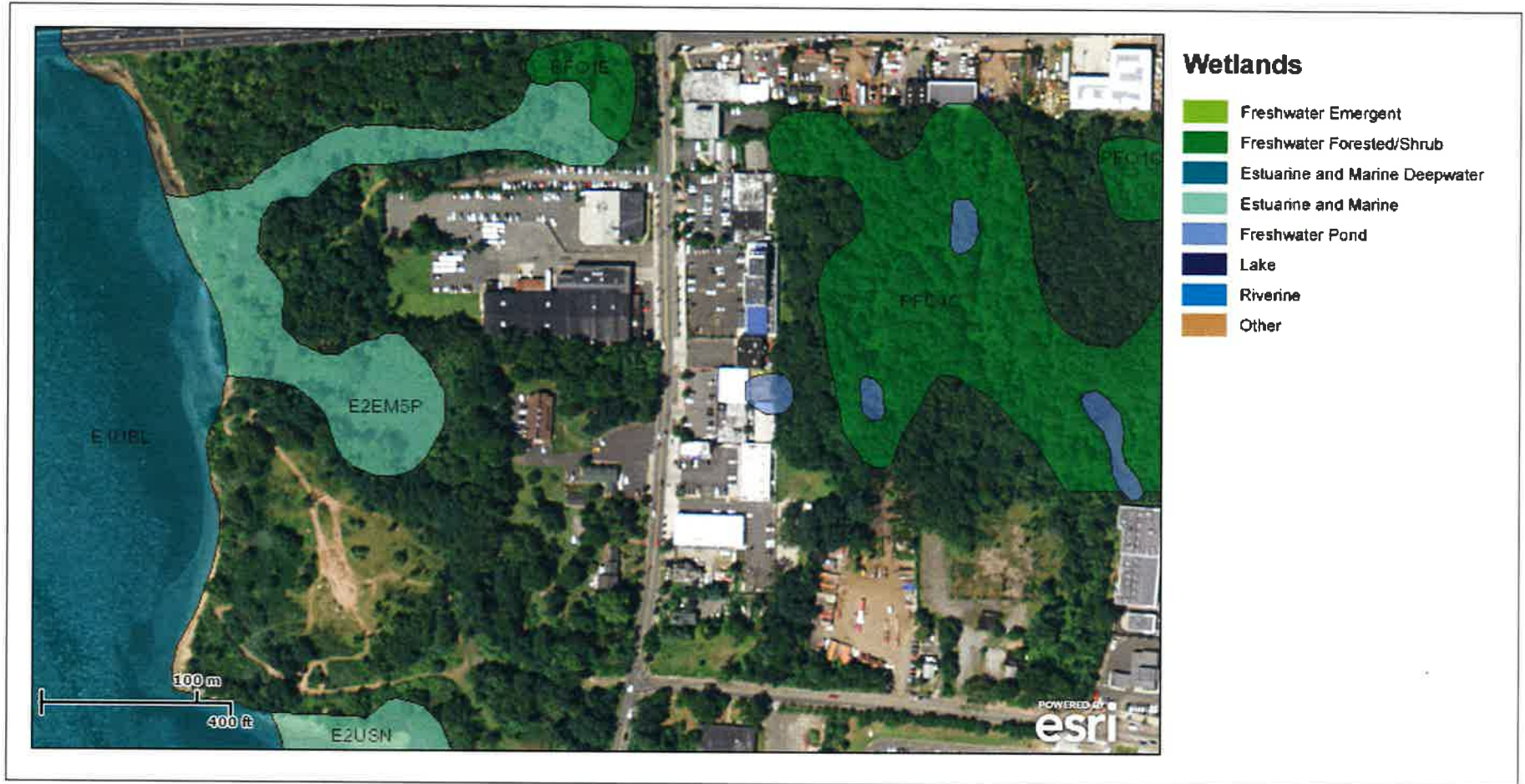
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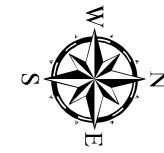
Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).





Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



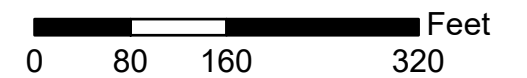




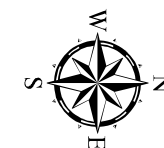
**Legend**

-  Property Boundary
-  Study Area Boundary

**Transect Locations**  
Riverside Galleria  
Block 7620, Lot 1  
Block 7632, Lots 1,6,50, 150 & 151  
Staten Island, New York







**Legend**

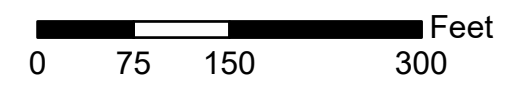
- Project Disturbance Limits

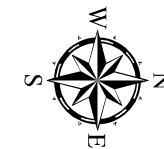
**Ecological Communities**

**Description**

- Reedgrass/Purple Loosestrife Marsh
- Estuarine Riprap/Artificial Shore
- Successional Old Field
- Successional Maritime Forest
- Unpaved Road/Path
- Paved Road/Path
- Mowed Lawn with Trees

**Ecological Communities**  
**within Project Limit**  
**6/1/2016 Survey**  
**Development 3/13/2013**  
**Overlay**  
 Riverside Galleria  
 Block 7620, Lot 1  
 Block 7632, Lots 1,6,50, 150 & 151  
 Staten Island, New York








**Legend**

 Project Disturbance Limits

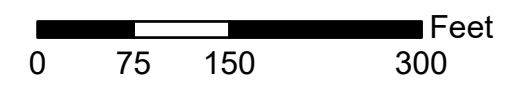
**Ecological Communities**

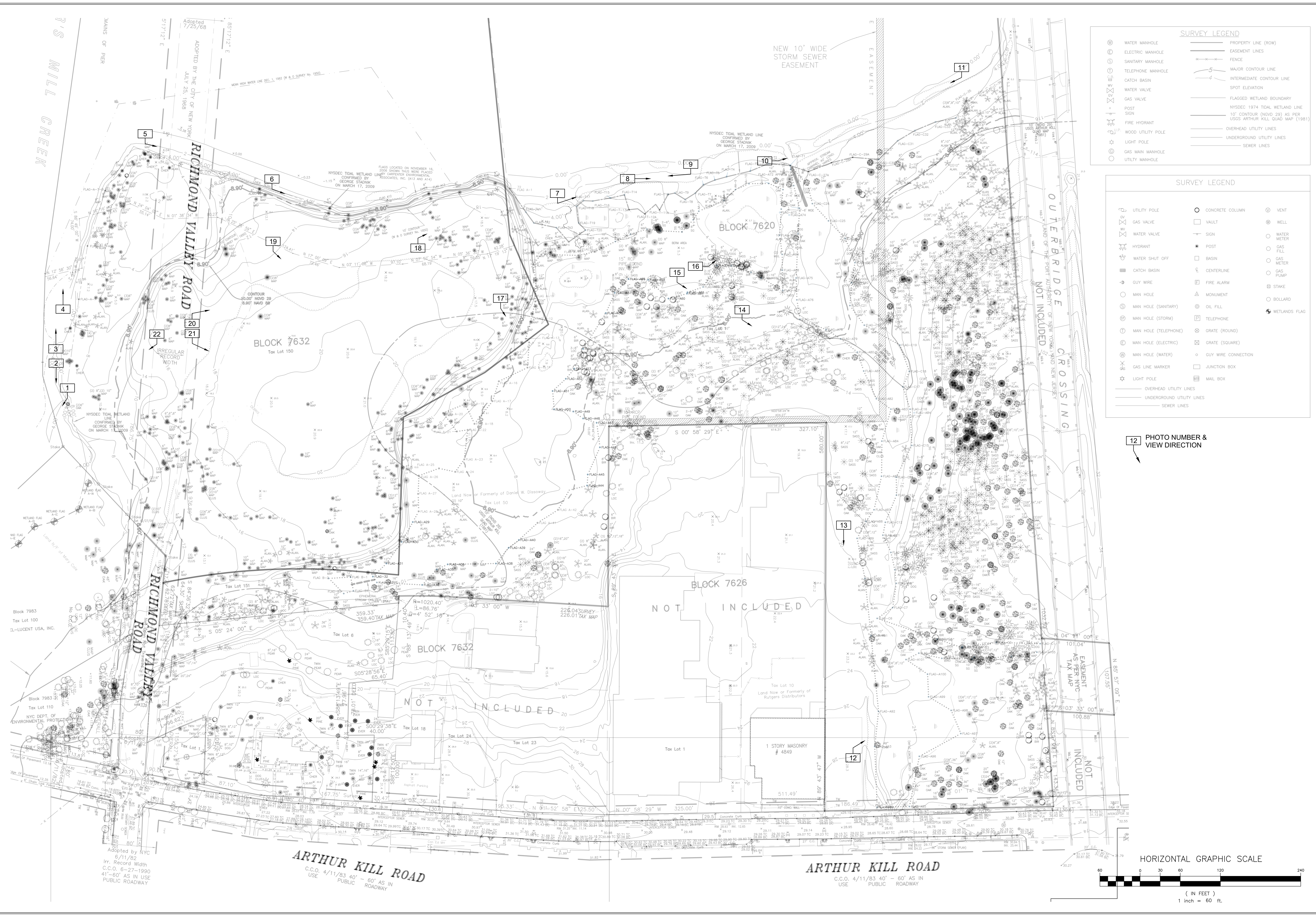
**Description**

-  Reedgrass/Purple Loosestrife Marsh
-  Low Salt Marsh
-  Estuarine Riprap/Artificial Shore
-  Maritime Beach
-  Successional Old Field
-  Successional Maritime Forest
-  Unpaved Road/Path
-  Paved Road/Path
-  Mowed Lawn with Trees
-  Tidal River

**Project Limit Disturbance  
of Ecological Communities  
6/1/2016 Survey  
Development 3/13/2013  
Overlay**

Riverside Galleria  
Block 7620, Lot 1  
Block 7632, Lots 1, 6, 50, 150 & 151  
Staten Island, New York





**SURVEY LEGEND**

⊗	WATER MANHOLE	—	PROPERTY LINE (ROW)
⊕	ELECTRIC MANHOLE	—	EASEMENT LINES
⊗	SANITARY MANHOLE	—	FENCE
⊗	TELEPHONE MANHOLE	—	MAJOR CONTOUR LINE
⊗	CATCH BASIN	—	INTERMEDIATE CONTOUR LINE
⊗	WATER VALVE	—	SPOT ELEVATION
⊗	GAS VALVE	—	FLAGGED WETLAND BOUNDARY
⊗	POST SIGN	—	NYSDEC 1974 TIDAL WETLAND LINE
⊗	FIRE HYDRANT	—	10' CONTOUR (NOV. 29) AS PER USGS ARTHUR KILL QUAD MAP (1981)
⊗	WOOD UTILITY POLE	—	OVERHEAD UTILITY LINES
⊗	LIGHT POLE	—	UNDERGROUND UTILITY LINES
⊗	GAS MAN MANHOLE	—	SEWER LINES
⊗	UTILITY MANHOLE		

**SURVEY LEGEND**

⊗	UTILITY POLE	⊗	CONCRETE COLUMN	⊗	VENT
⊗	GAS VALVE	⊗	VAULT	⊗	WELL
⊗	WATER VALVE	⊗	SIGN	⊗	WATER METER
⊗	HYDRANT	⊗	POST	⊗	GAS FILL
⊗	WATER SHUT OFF	⊗	BASIN	⊗	GAS METER
⊗	CATCH BASIN	⊗	FIRE ALARM	⊗	GAS PUMP
⊗	GUY WIRE	⊗	CENTERLINE	⊗	STAKE
⊗	MAN HOLE	⊗	MONUMENT	⊗	ROLLARD
⊗	MAN HOLE (SANITARY)	⊗	OIL FILL	⊗	WETLANDS FLAG
⊗	MAN HOLE (STORM)	⊗	TELEPHONE		
⊗	MAN HOLE (TELEPHONE)	⊗	GRATE (ROUND)		
⊗	MAN HOLE (ELECTRIC)	⊗	GRATE (SQUARE)		
⊗	MAN HOLE (WATER)	⊗	GUY WIRE CONNECTION		
⊗	GAS LINE MARKER	⊗	JUNCTION BOX		
⊗	LIGHT POLE	⊗	MAIL BOX		
—	OVERHEAD UTILITY LINES				
—	UNDERGROUND UTILITY LINES				
—	SEWER LINES				

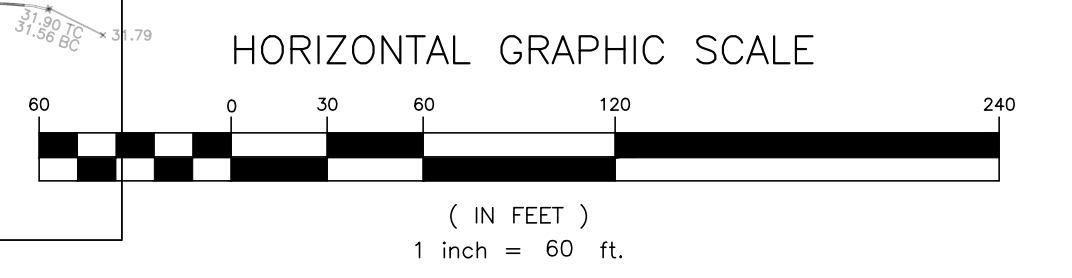
12 PHOTO NUMBER & VIEW DIRECTION

NO.	DATE	REVISION	BY

REFERENCES: Survey: Rogers Surveying, Staten Island, NY, South Richmond Topographical, Dwg. File 29916-NAVD88, 6/1/16

PHOTO KEY

Date	3/22/2016
Scale	AS NOTED
Sheet No.	1 OF 1
File No.	16001_Photo
Sheet Reference No.	PH1



**ARTHUR KILL ROAD**  
C.C.O. 4/11/83 40' - 60' AS IN  
USE PUBLIC ROADWAY

**ARTHUR KILL ROAD**  
C.C.O. 4/11/83 40' - 60' AS IN  
USE PUBLIC ROADWAY



1 – South Shoreline – View SE



2 – South Shoreline – View SE (2)



3 – South Shoreline – View W



4 – South Shoreline – View W (2)



5 – West Shoreline – View N



6 – South Shoreline – View N (2)



7 – West Shoreline – View N (3)



8 – West Shoreline – View N (4)



9 – West Shoreline – View S



10 – West Shoreline – View N (5)





11 – West Shoreline – View S (2)



12 – North Roadway – View NW



13 – North Roadway – View E



14 – West Center – View NE



15 – West Center – View NE (2)



16 – West Center – View NW



17 – South Center – View NE



18 – South Center – View NW



19 – South Center – View NE (2)



20 – South Center – View NW



21 – South Center – View N



22 – South Center – View E