

Threatened and Endangered Species Assessment

District East Redevelopment Project

Town of Dewitt

Onondaga County, New York

Prepared by:



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1.0 INTRODUCTION

OHB Redev, LLC (OHB) is proposing to redevelop the former Shoppingtown Mall into “District East” (Project). The Project site is located in the Town of DeWitt, east of Erie Boulevard and south of Kinne Road. The proposed Project focuses on transforming the approximately 69-acre property into a blended, multi-use site that will include retail space, medical/office space, residential, hotel, grocery and entertainment.

2.0 ENVIRONMENTAL RESOURCES REVIEW

EDR performed an analysis of environmental resources in the Project site, and this report specifically focuses on rare, threatened or endangered (RTE) species that may be present.

EDR personnel completed a preliminary desktop review of publicly available data to identify potential RTE species and/or habitat that may occur at or in the vicinity of the Project. Based on a review of the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) and the Environmental Assessment Form (EAF) Mapper, Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) habitats are located near the Project Site. The NYSDEC ERM describes the Project Site location as “in the vicinity of bats listed as endangered or threatened.” The EAF Mapper indicates that the Project Site may contain Indiana bats, northern long-eared bats, or an area identified as habitat for these species.

On January 5, 2023, EDR submitted an information request to the New York Natural Heritage Program (NYNHP) requesting more specific information on potential RTE species’ ranges within the vicinity of the Project. **[Details of NHP response to be provided here upon receipt]**

The United States Fish and Wildlife Service (USFWS) Information Planning for Consultation (IPaC) Official Species List for the site, which was obtained on January 4, 2023 (Appendix A), indicates that federally-listed Indiana bat (endangered), northern long-eared bat (endangered)¹, eastern massasauga rattlesnake (*Sistrurus catenatus*; threatened), and monarch butterfly (*Danaus plexippus*; candidate)² may be present in proximity to the Project. The following provides a summary of these species and their habitat:

Indiana Bat and Northern Long-eared Bat

Indiana bat is a state and federally listed endangered species that hibernates in caves during the winter and roosts in hardwood forests in the summer months. Potential impacts to this species

¹ On November 29, 2022 the USFWS changed the status of Northern long-eared bat from threatened to endangered; the rule takes effect January 30, 2023.

² Listed as a candidate species, which indicates the USFWS is currently reviewing to determine if this species should be listed under the Endangered Species Act. Therefore, this species is not currently listed as either threatened or endangered.

must be considered for any Project in New York State that may disturb forest patches, potential roost trees, or hibernaculum (USFWS, 2016b). Of particular importance are projects that involve clearing of trees greater than four inches in diameter at breast height (DBH) with loose or exfoliating bark, as these trees meet the majority of roosting requirements by this species (USFWS, 2016b).

The northern long-eared bat, whose range encompasses all of New York State, is listed as endangered by the USFWS and New York State as of January 30, 2023. Habitat for the summer period may include day roosts in buildings, under tree bark or behind shutters, or in caves during the night. In the winter, hibernation sites are typically in mines or caves (USFWS, 2015). According to the USFWS New York Field Office's 2016 guidance, clearing of trees is generally considered to have no effect on the northern long-eared bat provided the trees are not cut within a 0.25-mile radius of a known northern long eared bat hibernaculum, and tree clearing does not occur within a 150-foot radius of a known occupied maternity roost during the pup season (June 1 through July 31) (USFWS, 2016c). Updated guidance provided by the USFWS in 2022 suggests that if a project site is located in range of bat species, it must be assessed for suitable habitat and potential adverse effects to both Indiana and northern long-eared bats (USFWS, 2022).

Eastern Massasauga

Massasaugas live in wet areas including wet prairies, marshes and low areas along rivers and lakes. In many areas massasaugas also use adjacent uplands during part of the year. They often hibernate in crayfish burrows but may also be found under logs and tree roots or in small mammal burrows (USFWS, 2016a).

EDR personnel visited the Project site on January 10, 2023, to assess the potential for suitable habitat for state or federally listed species. No wetlands, wet areas, or surface waters were observed that would provide adequate habitat for Eastern massasauga rattlesnakes. Therefore, suitable massasauga habitat is not present on-site and impacts to this species are not anticipated. With respect to suitable habitat for listed bat species, EDR personnel observed a few (less than 10) trees at the edge of the site and in the site's interior (associated with formerly maintained landscaping) with cavities and tree bark that could potentially provide summer roost habitat for Indiana bat and northern long-eared bat. However, according to *Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines* for initial project screening, "if the project may result in adverse effect to Indiana bats and/or northern long-eared bats, but impacts can be adequately assessed and conservation measures can be designed to minimize those effects without additional presence/absence information...then no further surveys are recommended" (USFWS, 2022). Based on the presence of potential summer bat habitat, the conservation measure recommended to minimize potential effects, would be to clear potential roost trees only from October 1 to March 31. If a site is found to be less than 10 miles from a hibernaculum, tree clearing should occur only from October 31 to March 31 (USFWS, 2016b). Specific to this Project, the nearest hibernaculum is in Jamesville, approximately 3 miles from the site. Therefore, tree clearing will be restricted to occur only from October 31 to March 31.

3.0 REFERENCES

United States Fish and Wildlife Service (USFWS). 2006. *Indiana Bat Fact Sheet*. Available at: https://www.fws.gov/sites/default/files/documents/508_Indiana%20bat%20fact%20sheet.pdf. Accessed January 2023.

USFWS. 2015. *Northern Long-Eared Bat Fact Sheet*. Available at: https://www.fws.gov/sites/default/files/documents/508_NLEB%20fact%20sheet.pdf. Accessed January 2023.

USFWS. 2016a. *Eastern Massasauga Fact Sheet*. Available at <https://www.fws.gov/sites/default/files/documents/EMRfactsheetSept2016.pdf>. Accessed January 2023.

USFWS. 2016b. *Indiana Bat Project Review Fact Sheet*. New York Field Office, Cortland, New York.

USFWS. 2016c. *Northern Long-Eared Bat Project Review Fact Sheet*. New York Field Office, Cortland, New York.

USFWS. 2022. *Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines*. Available at: https://www.fws.gov/sites/default/files/documents/USFWS_Range-wide_IBat_%26_NLEB_Survey_Guidelines_2022.03.29.pdf. Accessed January 2022.

APPENDIX A

USFWS IPaC Official Species List



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
Email Address: fw5es_nyfo@fws.gov



In Reply Refer To:
Project Code: 2023-0030169
Project Name: 22101_District East

January 04, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location 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>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Code 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

Project Summary

Project Code: 2023-0030169

Project Name: 22101_District East

Project Type: Mixed-Use Construction

Project Description: Shoppingtown Mall is a vacant regional shopping mall located in DeWitt, just East of the City of Syracuse. Constructed on a series of six parcels, the former Shoppingtown Mall encompasses more than 68 acres of land for potential redevelopment opportunity. OHB Redev, LLC has developed a proposal to reimagine Shoppingtown as “District East,” which entails demolition of the current shopping center and installation of 247,212 SF of Retail Space, 272,283 SF of Medical Office Space, 42,000 of General Office Space, 112,836 of Institutional/Educational Use, a 53,220 SF Movie Theater, and 504 residential units including single family and multi-tenanted buildings. OHB has broken the master plan development into a series of stages.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.03972745,-76.0639658477696,14z>



Counties: Onondaga County, New York

Endangered Species Act Species

There is a total of 4 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 Fisheries¹, 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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2202	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

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

IPaC User Contact Information

Agency: EDRDPC
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State: NY
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Phone: 3154710688

APPENDIX B

NYSNHP Correspondence



January 5, 2023

Environmental Review Specialist
New York Natural Heritage Program
Submitted electronically to: NaturalHeritage@dec.ny.gov

**RE: District East Redevelopment Project
EDR Project No. 22101**

To Whom it May Concern:

Environmental Design and Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) is compiling ecological information for the environmental review of a proposed mixed use development project to be located on the site of the former Shoppingtown Mall in the Town of Dewitt, Onondaga County, New York.

Please accept this request for information regarding documented rare, threatened, or endangered species, and/or significant natural communities in the vicinity of this project. I have enclosed a map of the proposed Project Site, which is located within the Syracuse East USGS 7.5-Minute quadrangle.

If you have any questions regarding this data request or require additional information, please contact me at abutler@edrdpc.com or (833) 337-0010 x244.

Sincerely,

A handwritten signature in black ink that reads "Anna Butler". The script is cursive and fluid.

Anna Butler
Environmental Analyst

Attachments: Attachment 1: Project Layout Map

Project Overview



District East Redevelopment Project

Town of DeWitt, Onondaga County, New York

 Project Site

