

Proposed Distribution Facility Project
7211 and 7219 Morgan Road
Town of Clay, Onondaga County, New York

Exhibit J

Threatened and Endangered Species Assessment

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Proposed Distribution Facility Project
7211 and 7219 Morgan Road
Town of Clay, Onondaga County, New York

Existing Conditions

Based on a response from the New York State Department of Environmental Conservation (NYSDEC) Natural Heritage Program (NHP), there are no records of rare or state-listed animals, plants or significant natural communities at the project site or in its immediate vicinity. The response from the NHP notes that within two miles of the site, summer colonies and roosts of Indiana bat (state and federally endangered) have been documented.

An Official Species List was generated for the site in July 2019 using the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool. The Official Species List identifies Indiana bat, northern long-eared bat and eastern massasauga (rattlesnake) as species that should be considered in an effects analysis for the project.

Threatened and Endangered Species Evaluation

Indiana bat

For purposes of compliance with the Endangered Species Act, both the NYSDEC and USFWS will consider suitable Indiana bat habitat in wooded or treed areas within 2.5 miles of a known Indiana bat summer colony. Trees providing suitable habitat are characterized by USFWS as those with a diameter at breast height (DBH) \geq 5 inches that have exfoliating bark, cracks, crevices or hollows. The project will require the removal of trees along the site perimeter and between existing fairways that appear to meet this definition.

In order to avoid the 'take' of Indiana bat, USFWS/NYSDEC recommends conducting removal of trees suitable for Indiana bat between November 1 and March 31. All trees within the project area identified as suitable habitat for Indiana bat will be removed during the recommended time period.

Northern Long-eared Bat

According to the NYSDEC NHP determination, there are no known occurrences of northern long-eared bat (NLEB) on or within close proximity to the site. Additionally, based on the NHP determination and pursuant to the federal 4(d) rule under the Endangered Species Act, since the project is not expected to remove any known, occupied maternity roost trees, any trees within 150 feet of a known occupied maternity roost tree or any trees within 0.25 miles of a NLEB hibernaculum, the project will not result in a prohibited take of NLEB.

Eastern Massasauga

Based on the NYSDEC NHP determination the site is not known to contain eastern massasauga. The USFWS indicates that habitat for eastern massasauga consists of wet prairies, marshes and low areas along rivers and lakes. According to the *NYSDEC Fact Sheet for Eastern Massasauga*, there are only two known populations remaining in New York, both occurring in boggy, forested wetlands with open areas of low vegetation. The site and specifically the project area mainly consists of uplands. Wetlands identified onsite are not characteristic of boggy, forested wetlands. As such, the project is not expected to impact eastern massasauga rattlesnakes.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program

625 Broadway, Fifth Floor, Albany, NY 12233-4757

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July 26, 2019

Morgan Devlin
Langan Engineering and Environmental Services Inc.
300 Kimball Drive, 4th Floor
Parsippany, NJ 07054

Re: Project Clay warehouse development (Langan 100796101)
County: Onondaga Town/City: Clay, Salina

Dear Ms. Devlin:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity.

Within two miles of the project site several summer colonies and roosts of **Indiana bat** (*Myotis sodalis*, state and federally listed as Endangered) have been documented. These bats may travel 2.5 miles from documented locations. The main impact of concern is the cutting or removal of potential roost trees. For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 7 Office at dep.r7@dec.ny.gov, 315-426-7438.

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. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits, as described above.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



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

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

July 08, 2019

Consultation Code: 05E1NY00-2019-SLI-2556

Event Code: 05E1NY00-2019-E-07941

Project Name: Project Clay

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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 site 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. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

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](#)). Additionally, wind energy projects should follow the Services 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 ESA. 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(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

Consultation Code: 05E1NY00-2019-SLI-2556

Event Code: 05E1NY00-2019-E-07941

Project Name: Project Clay

Project Type: ** OTHER **

Project Description: The site is currently a golf course. The site is proposed to be redeveloped.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.12158106715695N76.20919828294797W>



Counties: Onondaga, NY

Endangered Species Act Species

There is a total of 3 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 is outside 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	Threatened

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

Critical habitats

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