

**APPENDIX O: RARE
THREATENED AND
ENDANGERED SPECIES
AND SIGNIFICANT
NATURAL COMMUNITIES
CASE 10-T-0139**

To: New York State Department of Public Service (NYS DPS)

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Reference: Astoria Rainey Cable Project – Segment 23
Appendix O – Rare Threatened and Endangered Species and Significant
Natural Communities

1.0 Summary of Agency Correspondence

Based on available mapping and consultation conducted through the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper, NYSDEC EAF Mapper and U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool, various threatened and endangered plant and wildlife species have been identified for impact consideration along the alignment. A response from the NYSDEC Natural Heritage Program regarding information on the occurrence of threatened or endangered species on or within close proximity to the Astoria Rainey Cable Project – Segment 23 alignment is currently pending issuance. The following species have been noted for consideration or potential effect for the project.

USFWS

- Northern long-eared bat (*Myotis septentrionalis*) – Federal Endangered
- Piping plover (*Charadrius melodus*) – Federal Threatened
- Red knot (*Calidris canutus rufa*) – Federal Threatened
- Roseate tern (*Sterna dougallii dougallii*) – Federal Endangered
- Seabeach amaranth (*Amaranthus pumilus*) - Federal Threatened

NYSDEC

- Peregrine falcon (*Falco peregrinus*) – State Endangered

2.0 Evaluation of Habitat Suitability for Threatened and Endangered Species

This section provides information about the habitat requirements of state and federally listed threatened and endangered species identified in the vicinity of the overland segments of the Project Corridor. Significant natural communities identified during agency consultation are discussed in Section 3.4.

Federally Listed Species

Northern Long-eared Bat (NLEB)

the USFWS IPaC tool has identified NLEB as a species that should be considered in an effects analysis for the Project. In order to avoid the ‘take’ or adverse impact to NLEB, USFWS/NYSDEC recommends conducting removal of trees between November 1 and March 31 (while bats are hibernating).

NLEB are known to inhabit dense forests¹. Generally, NLEB summer habitat consists of assorted forest/wooded habitats including woodlands to loose aggregates of trees, inclusive of fencerows, riparian forests, and other wooded corridors. NLEB may also utilize areas adjacent to forests/woodlands (e.g. agricultural field edges, emergent wetlands, old fields, and pastures) and areas with interspersed non-forested habitats. The forested/wooded habitat can have variable canopy cover².

During their active season, NLEB typically roost in trees; roosting singly or colonially³. Males are typically found roosting individually⁴. Males and non-reproductive females roost sites can be found in cooler areas, including caves and mines, than “maternity roost” locations (areas were pregnant and post-partum females and pups gather colonially). Maternity roosts are generally, found in warmer locations (e.g. with sun exposure) that maximize the growth rate of pups⁵ (USFWS, 2019 and Thompson (Ed.), 2006).

¹Kopsco, H., Hall, M., and Davenport, M. (2014, updated 2015). *New Jersey Endangered and Threatened Species Field Guide: Northern Myotis, Myotis septentrionalis*. Conserve Wildlife Foundation of New Jersey. Retrieved December 21, 2021 from <http://www.conservewildlifenj.org/species/fieldguide/view/Myotis%20septentrionalis/>.

²United States Fish and Wildlife Service (USFWS). (March 2020). Range-Wide Indiana Bat Survey Guidelines. Retrieved electronically on December 20, 2021 from <https://www.fws.gov/midwest/endangered/mammals/inba/surveys/pdf/FINAL%20Range-wide%20Bat%20Survey%20Guidelines%203.23.20.pdf>.

³USFWS: NJFO. (April 11, 2019). Northern Long-eared Bat (*Myotis septentrionalis*) [threatened]. Retrieved December 20, 2021 from <https://www.fws.gov/northeast/njfieldoffice/endangered/NLEbat.html>.

⁴Swingen, M., Moen, R., Walker, M., Baker, Nordquist, G., Catton, T., Kirschbaum, K., Dirks, B., and Dietz, N. (2018). Northern Long-eared Bat Roost Tree Characteristics 2015-2017. Natural Resources Research Institute, University of Minnesota Duluth. Technical Report NRRI/TR-2018/41, 88 p. Retrieved December 29, 2021 from <https://nrri.umn.edu/research/publications>.

⁵Thompson, F.R. III (Ed.). (2006). Conservation Assessment for Five Forest Bat Species in the Eastern United States: Technical Report. United States Department of Agriculture (USDA) Forest Service. General Technical Report NC-280. Retrieved on December 29, 2021 from <https://books.google.com>

Roost trees are typically three (3) inches or greater in diameter at breast height (DBH). These trees can be living or snags with the following characteristics: exfoliating/sloughing bark, crevices, or cavities present. Although, individual trees with these characteristics that are greater than 1,000 feet from a forested edge/woodland are not considered potential roost habitat² (USFWS, 2020).

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any work within naturally vegetated or wooded areas that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

Piping Plover

The piping plover (*Charadrius melodus*) is state and federally listed as threatened. Piping plovers nest in sandy areas along the Atlantic Coast, Great Plains, and Great Lakes. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any work within or along sandy shorelines or beaches that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

⁶ New York State Department of Environmental Conservation (NYSDEC). 2022a. Online Species Profile for Piping Plover. Available at: <https://www.dec.ny.gov/animals/7086.html>. Accessed June 23, 2022.

Red Knot

The red knot (*Calidris canutus rufa*) is state and federally listed as threatened. According to the Cornell Lab of Ornithology guide,⁷ the red knot exclusively occupies marine habitat that contains an abundance of invertebrate prey (i.e., sandy beaches, saltmarshes, lagoons, mudflats of estuaries and bays). In New York State, [REDACTED] [REDACTED],⁸ and is therefore not anticipated to occur in the vicinity of the Project.

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any work within or along beaches, marshes, lagoons or mudflats that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

Roseate Tern

The roseate tern (*Sterna dougallii dougallii*) is state and federally listed as endangered. According to the NYSDEC website,⁹ the roseate tern is a marine coastal species that tends to breed on salt marsh islands and barrier beaches with sparse vegetation. Typically, these areas are associated with shallow waters accessible for foraging. [REDACTED]

[REDACTED] Therefore, this species is not anticipated to occur in the vicinity of the Project Corridor.

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any work on salt marsh islands or barrier beaches that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

⁷Cornell Lab of Ornithology. All About Birds. 2022. Red Knot Life History. Available from: https://www.allaboutbirds.org/guide/Red_Knot/lifehistory. Accessed May 27, 2022.

⁸NYSDEC. 2014. Species Status Assessment – Red Knot. Available at: https://www.dec.ny.gov/docs/wildlife_pdf/sgcnredknot.pdf. Accessed June 1, 2022.

⁹NYSDEC. 2022b. Roseate Tern. Available from: <https://www.dec.ny.gov/animals/7084.html>. Accessed May 27, 2022.

Seabeach Amaranth

The seabeach amaranth (*Amaranthus pumilus*) is a globally imperiled plant that is both state- and federally listed as threatened. According to the NYNHP online conservation guide,¹⁰ the seabeach amaranth grows within undisturbed areas along barrier island beaches and on open over wash areas behind the foredune. This habitat is not present within or adjacent to the Project Corridor. [REDACTED]

[REDACTED] Since habitat for seabeach amaranth is not present within the current Project Corridor, no impacts to this species are anticipated.

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any work on or near barrier island beaches or dunes that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

State Listed Wildlife Species

Peregrine Falcon

Peregrine falcon (*Falco peregrinus*) is state listed as endangered and is also protected under the federal Migratory Bird Treaty Act. The peregrine falcon is a nearly cosmopolitan bird that breeds on every continent except Antarctica. They often nest on ledges or holes on the faces of rocky cliffs, and in more urban areas, on manmade structures such as bridges and tall buildings. Wintering birds frequent buildings, towers, and steeples in urban areas, and open areas with plentiful prey in more natural settings. [REDACTED]

[REDACTED]

[REDACTED]

¹⁰ NYNHP. 2022e. Online Conservation Guide for Seabeach Amaranth. Available from: <https://guides.nynhp.org/seabeach-amaranth/> (Accessed May 27, 2022).

¹¹ NYNHP. 2022k. Online Conservation Guide for Peregrine Falcon. Available from: <https://guides.nynhp.org/peregrine-falcon/> (Accessed May 27, 2022).

Habitat Suitability

The proposed improvements will occur within the footprint of existing roadways or other development/disturbance and will not require any alteration of existing structures (e.g., buildings, towers, bridges) that may afford suitable habitat for the referenced species. As a result, the project is not expected to adversely impact this species.

3.0 NYSDEC Significant Natural Communities

According to NYSDEC maps, the location of the alignment and nearby proximity are absent of area designated as “significant natural communities”. As a result, the project effect areas designated by NYSDEC as “significant natural communities”.

4.0 Conclusions

Based on the location and character of the subject alignment and consideration of the species and associated habitat referenced above, the Project is not expected to adversely impact threatened, endangered, or rare plant and animal species.

The Certificate Holders have implemented species-specific avoidance, minimization, and mitigation measures for these species where they occur along the Project route, as described in detail in Section 10 of the relevant EM&CPs. In addition, known locations of rare, threatened, or endangered plant species or significant natural communities will be identified on the EM&CP maps and construction drawings. Access through or impact to any documented rare plant locations will be avoided or minimized to the extent practicable. Per the Environmental Conservation Law §9-1503, it is a violation to collect or destroy listed plants without the permission of the landowner. Therefore, if impacts to rare, threatened, or endangered plants become unavoidable during Project design, the Certificate Holders will coordinate with the landowners for approval of any proposed clearing or disturbance.