

Niagara Gorge Corridor

***Robert Moses Parkway Removal
Main Street to Findlay Drive
Niagara Falls, NY***

Design Report/ Environmental Assessment

Appendix F - Ecological Information

- F.1 NYNHP Correspondence**
- F.2 List of Plant Species Observed Within
the Project Study Area**
- F.3 Programmatic Section 7 ESA Process**

PIN 5761.90

July 2016

In cooperation with:

**New York State Department of Transportation
New York Power Authority
USA Niagara Development Corporation
The City of Niagara Falls, NY**

F.1 NYNHP Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

September 23, 2014

Sara Stebbins
EDR
217 Montgomery Street, Suite 1000
Syracuse, NY 13202

Re: Robert Moses Parkway North Segment (EDR Project No. 14066)
Town/City: City Of Niagara Falls. County: Niagara.

Dear Sara Stebbins :

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, which our databases indicate 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 databases. 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 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.

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.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



The following rare plants, rare animals, and significant natural communities have been documented at your project site, or in its vicinity.

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.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Animal Assemblages			
Gull Colony			
			9280
Goat Island, 1998-05-25: The nests are in open rocky areas on cliff ledges and talus slope. The slope below the cliff has sections of trees, shrubs and grass.			
Freshwater Mussels			
Rainbow	<i>Villosa iris</i>	Unlisted	Imperiled in NYS
			8707
Niagara River Buckhorn Island and Goat Island, 1997-06-10: Buckhorn Island: The mussels were found on a sand bar of firm sand under 0.25-1 meter of water fringing a deep channel. There are patches of macrophytes such as Scirpus, Potamogeton and the water is clear. Goat Island: The mussels were found near Goat Island. The water current is fast as it leads to Niagara Falls.			
Hickorynut	<i>Obovaria olivaria</i>	Unlisted	Critically Imperiled in NYS
			11306
Niagara River Buckhorn Island and Goat Island, 1997-06-10: Buckhorn Island: The mussels were found on a sand bar of firm sand under 0.25-1 meter of water fringing a deep channel. There are patches of macrophytes (Scirpus, Potamogeton) and the water is clear. Goat Island: The mussels were found near Goat Island. The water current is fast as it leads to Niagara Falls.			

The following significant natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. They are either occurrences of a community type that is rare in the state, or a high quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

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Upland/Terrestrial Communities

Calcareous Talus Slope Woodland	High Quality Occurrence of Uncommon Community Type
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Niagara Gorge Whirlpool Woods: The community is of moderate size, but within a largely developed landscape. A number of exotic species can be found in communities directly adjacent to the cliff face, but generally not at high densities directly on the cliff face. Restoring areas of the cliff to a more natural state and eliminating some activities could potentially raise the overall rank of this community.	5496
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Calcareous Cliff Community	High Quality Occurrence of Uncommon Community Type
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Niagara Gorge Whirlpool Woods: The community is of moderate size, but within a largely developed landscape. A number of exotic species can be found in communities directly adjacent to the cliff face, but generally not at high densities directly on the cliff face. Restoring areas of the cliff to a more natural state and eliminating some activities could potentially raise the overall rank.	10512
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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.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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Vascular Plants

Smooth Cliff Brake	<i>Pellaea glabella ssp. glabella</i>	Threatened	Imperiled in NYS
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Niagara Gorge Railway Trail, 2009-10-01: The population is located in a deep river gorge. The plants are growing rooted in cracks and crevices on limestone and dolomite rock formations with a northeastern exposure, adjacent to the trail.	13694
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Mountain Death Camas	<i>Anticlea elegans ssp. glaucus</i>	Threatened	Imperiled in NYS
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Niagara Gorge Whirlpool Woods, 2011-06-28: The plants are rooted in well-drained soil in dolomitic limestone crevices on the cliff face near a frequently used staircase used to reach the bottom of the Niagara River Gorge. The plants are in relatively open sun, only slightly shaded by the stunted cedar rooted just below the plants. The cliff is wet in some areas. The wettest areas have the greatest diversity of plants.	2682
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Elk Sedge	<i>Carex garberi</i>	Endangered	Critically Imperiled in NYS
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Niagara Gorge Railway Trail, 2009-10-01: The plants are growing in a deep river gorge on a talus slope upslope from the trail. These are areas where groundwater seeps to the surface and the plants are rooted in perennially moist, moderately well-drained soil. The area is located within a hardwood forest.	13696
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Smooth Cliff Brake	<i>Pellaea glabella ssp. glabella</i>	Threatened	Imperiled in NYS
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Niagara Gorge Whirlpool Woods, 2011-09-16: This plant is scattered within the deep river gorge carved out by the Niagara River just below Niagara Falls. The plants are found within a calcareous cliff community and calcareous talus slope woodland. The vegetation is sparse in many areas and the soils are well drained. The remains of an old railroad bed are evident within this gorge system. The "Giant Rock population" is found on a two-plus story tall dolomitic boulder that fell from the Lockport formation cliffs located above. One side of this rock is directly adjacent to the trail the traverses the entire lower gorge and the other side of this rock rests near the edge of the Niagara River. The plants are mostly found on the south side in partial to full sunlight.	7406
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Slender Blazing-star *Liatris cylindracea* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 2011-09-16: This species requires high light levels, thus they are found in openings, talus, and disturbed areas. The plants are found on and around a large boulder within the deep gorge of the Niagara River. Additional plants may be found within the talus slope near this large boulder. A trail that parallels the swift-moving rapids of the Niagara River is located approximately 4 meters from this boulder and plants are located directly along the edge of this trail. The plants are growing within the calcareous talus and within cracks of larger dolomite boulders and bedrock.

5818

Sky-blue Aster *Symphotrichum oolentangiense* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 2011-09-15: The plants are found in two distinct areas. Groups 1, 3, 4: The plants are located at the top rim of a deep river gorge, just above a high calcareous cliff community. Group 1 is located in a small remnant grassland between a parking lot and the top rim of the gorge. From this vantage point, there is a great view of the Niagara River gorge and Canada. Groups 3 and 4 are in a grassy median of a parkway and at the edge of woods. Group 2: The plants are located within the calcareous talus slope and on the dolomitic limestone flats at the base of the gorge. The soils are well drained and normally quite dry. Within the gorge, there is the remains of an old railroad bed.

9142

Elk Sedge *Carex garberi* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 1990-06-16: Deep river gorge with calcareous cliff community of sparse vegetation and large areas of talus. Soils well drained, loose, shaly.

9751

Lesser Fringed Gentian *Gentianopsis virgata* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 1990-10-06: Deep river gorge with calcareous cliff community of sparse vegetation and large areas of talus. Soils well drained. Remains of an old railroad bed are evident.

10448

Lesser Fringed Gentian *Gentianopsis virgata* Endangered Critically Imperiled in NYS

Niagara Gorge Railway Trail, 2009-10-01: The plants are growing in a deep river gorge on a talus slope upslope from the trail. These are areas where groundwater seeps to the surface and the plants are rooted in perennially moist, moderately well-drained soil. The area is located within a hardwood forest.

13698

This report only includes records from the NY Natural Heritage databases. 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, from NatureServe Explorer at <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. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft 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>
Vascular Plants			
Puttyroot	<i>Aplectrum hyemale</i>	Endangered	Critically Imperiled in NYS
1865-06-05: Specimen label: Woods.			6115
Northern Pondweed	<i>Potamogeton alpinus</i>	Threatened	Imperiled in NYS
1886-08-21: Niagara Falls. In a river.			6996

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U.S. Fish and Wildlife Service

Trust Resources List

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

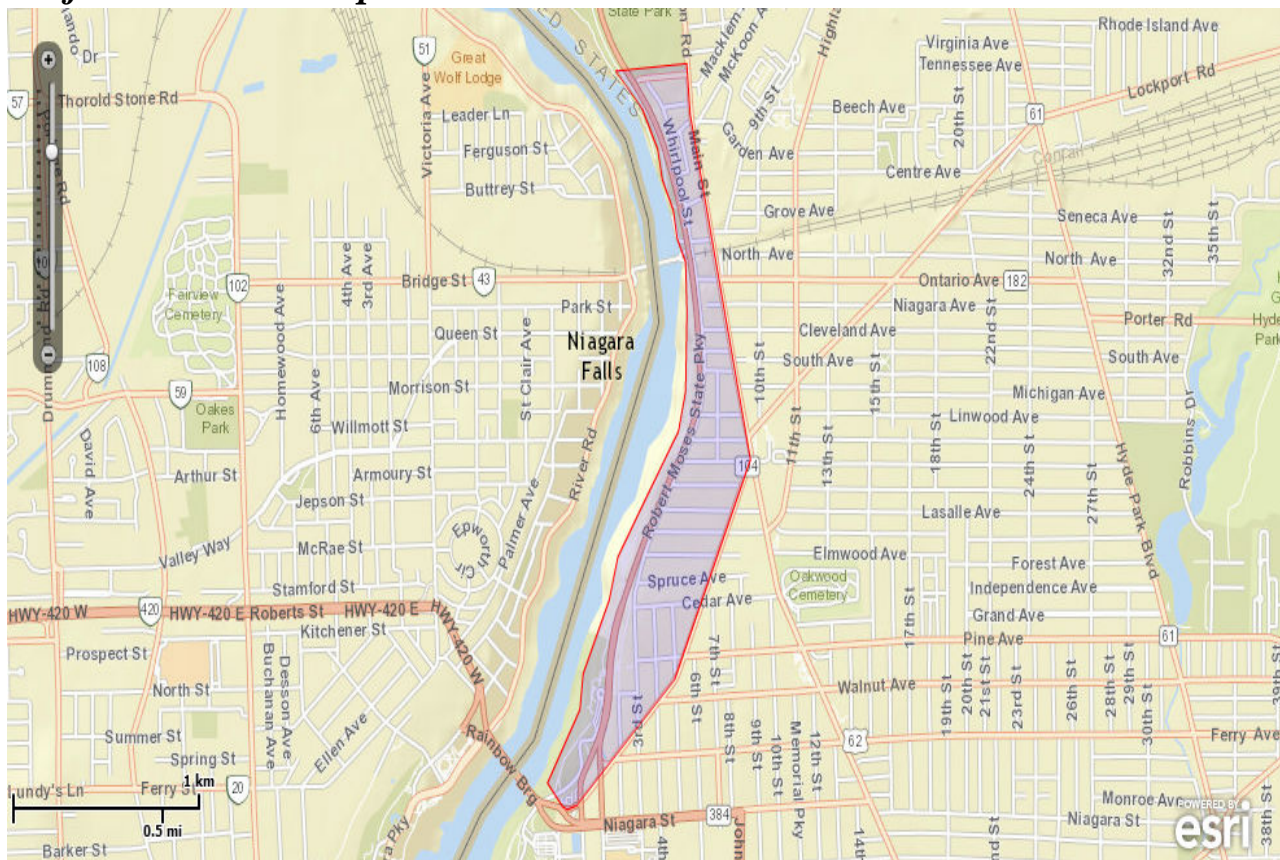
Project Name:

Robert Moses



Trust Resources List

Project Location Map:



Project Counties:

Niagara, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-79.0561861 43.1167027, -79.0559627 43.1147911, -79.0519715 43.1018204, -79.0569906 43.0935479, -79.0634708 43.0888157, -79.0641145 43.088659, -79.0644149 43.0887843, -79.065402 43.0896619, -79.0632617 43.0924167, -79.0630493 43.0937658, -79.0613306 43.0965236, -79.0607362 43.0981531, -79.056744 43.1028861, -79.0562719 43.1043901, -79.0561861 43.1073354, -79.0562719 43.1092465, -79.0568298 43.1101238, -79.0570873 43.111189, -79.0578168 43.1123482, -79.0581173 43.113476, -79.0591472 43.1150111, -79.0609068 43.1164208, -79.0561861 43.1167027)))



Trust Resources List

Project Type:

Transportation

Endangered Species Act Species List ([USFWS Endangered Species Program](#))

There are a total of 1 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 fishes may appear on the species list because a project could cause downstream effects on the 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 below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Mammals	Status		Has Critical Habitat	Contact
Northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Threatened	species info		New York Ecological Services Field Office

Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#))

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#))

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). 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)). The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>.



Trust Resources List

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>.

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at: <http://www.fws.gov/migratorybirds/CCMB2.htm>.

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/migratorybirds/CCMB2.htm>.

Migratory birds of concern that may be affected by your project:

There are **12** birds on your Migratory birds of concern list. The underlying data layers used to generate the migratory bird list of concern will continue to be updated regularly as new and better information is obtained. User feedback is one method of identifying any needed improvements. Therefore, users are encouraged to submit comments about any questions regarding species ranges (e.g., a bird on the USFWS BCC list you know does not occur in the specified location appears on the list, or a BCC species that you know does occur there is not appearing on the list). Comments should be sent to [the ECOS Help Desk](#).

Species Name	Bird of Conservation Concern (BCC)	Species Profile	Seasonal Occurrence in Project Area
American bittern (<i>Botaurus lentiginosus</i>)	Yes	species info	Breeding
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	species info	Year-round
Black tern (<i>Chlidonias niger</i>)	Yes	species info	Breeding
Black-crowned Night-Heron (<i>Nycticorax nycticorax</i>)	Yes	species info	Breeding
Blue-winged Warbler (<i>Vermivora pinus</i>)	Yes	species info	Breeding
cerulean warbler (<i>Dendroica cerulea</i>)	Yes	species info	Breeding



Trust Resources List

Common tern (<i>Sterna hirundo</i>)	Yes	species info	Breeding
Golden-Winged Warbler (<i>Vermivora chrysoptera</i>)	Yes	species info	Breeding
Least Bittern (<i>Ixobrychus exilis</i>)	Yes	species info	Breeding
Pied-billed Grebe (<i>Podilymbus podiceps</i>)	Yes	species info	Breeding
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	Yes	species info	Breeding
Wood Thrush (<i>Hylocichla mustelina</i>)	Yes	species info	Breeding

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

Data Limitations, Exclusions and Precautions

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.



U.S. Fish and Wildlife Service

Trust Resources List

Wetlands or other mapped features may have changed since the date of the imagery and/or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Exclusions - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Precautions - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

IPaC is unable to display wetland information at this time.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



March 24, 2016

Sara Stebbins
Environmental Design & Research
217 Montgomery Street, Suite 1000
Syracuse, NY 13202

Re: Robert Moses Parkway North Segment highway removal and recreational improvement project
(EDR No. 14066)

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Sincerely,

A handwritten signature in cursive script that reads "Andrea Chaloux".

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



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Calcareous Talus Slope Woodland			High-quality Occurrence of Uncommon Community Type
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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.

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Niagara Gorge Whirlpool Woods, 2011-09-15: The plants are found in two distinct areas. Groups 1, 3, 4: The plants are located at the top rim of a deep river gorge, just above a high calcareous cliff community. Group 1 is located in a small remnant grassland between a parking lot and the top rim of the gorge. From this vantage point, there is a great view of the Niagara River gorge and Canada. Groups 3 and 4 are in a grassy median of a parkway and at the edge of woods. Group 2: The plants are located within the calcareous talus slope and on the dolomitic limestone flats at the base of the gorge. The soils are well drained and normally quite dry. Within the gorge, there is the remains of an old railroad bed.			9142
Lesser Fringed Gentian	<i>Gentianopsis virgata</i>	Endangered	Critically Imperiled in NYS
Niagara Gorge Railway Trail, 2009-10-01: The plants are growing in a deep river gorge on a talus slope upslope from the trail. These are areas where groundwater seeps to the surface and the plants are rooted in perennially moist, moderately well-drained soil. The area is located within a hardwood forest.			13698

Lesser Fringed Gentian *Gentianopsis virgata* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 1990-10-06: Deep river gorge with calcareous cliff community of sparse vegetation and large areas of talus. Soils well drained. Remains of an old railroad bed are evident.

10448

Smooth Cliff Brake *Pellaea glabella ssp. glabella* Threatened Imperiled in NYS

Niagara Gorge Whirlpool Woods, 2011-09-16: This plant is scattered within the deep river gorge carved out by the Niagara River just below Niagara Falls. The plants are found within a calcareous cliff community and calcareous talus slope woodland. The vegetation is sparse in many areas and the soils are well drained. The remains of an old railroad bed are evident within this gorge system. The "Giant Rock population" is found on a two-plus story tall dolomitic boulder that fell from the Lockport formation cliffs located above. One side of this rock is directly adjacent to the trail the traverses the entire lower gorge and the other side of this rock rests near the edge of the Niagara River. The plants are mostly found on the south side in partial to full sunlight.

7406

Smooth Cliff Brake *Pellaea glabella ssp. glabella* Threatened Imperiled in NYS

Niagara Gorge Railway Trail, 2009-10-01: The population is located in a deep river gorge. The plants are growing rooted in cracks and crevices on limestone and dolomite rock formations with a northeastern exposure, adjacent to the trail.

13694

Slender Blazing-star *Liatris cylindracea* Endangered Critically Imperiled in NYS

Niagara Gorge Whirlpool Woods, 2011-09-16: This species requires high light levels, thus they are found in openings, talus, and disturbed areas. The plants are found on and around a large boulder within the deep gorge of the Niagara River. Additional plants may be found within the talus slope near this large boulder. A trail that parallels the swift-moving rapids of the Niagara River is located approximately 4 meters from this boulder and plants are located directly along the edge of this trail. The plants are growing within the calcareous talus and within cracks of larger dolomite boulders and bedrock.

5818

Mountain Death Camas *Anticlea elegans ssp. glaucus* Threatened Imperiled in NYS

Niagara Gorge Whirlpool Woods, 2011-06-28: The plants are rooted in well-drained soil in dolomitic limestone crevices on the cliff face near a frequently used staircase used to reach the bottom of the Niagara River Gorge. The plants are in relatively open sun, only slightly shaded by the stunted cedar rooted just below the plants. The cliff is wet in some areas. The wettest areas have the greatest diversity of plants.

2682

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, from NatureServe Explorer at 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. For descriptions of all community types, go to 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>
Vascular Plants			
Northern Pondweed	<i>Potamogeton alpinus</i>	Threatened	Imperiled in NYS
1886-08-21: Niagara Falls. In a river.			6996
Puttyroot	<i>Aplectrum hyemale</i>	Endangered	Critically Imperiled in NYS
1865-06-05: Specimen label: Woods.			6115

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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F.2 List of Plant Species Within the Study Area

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
1	Aceraceae	<i>Acer</i>	<i>negundo</i>	box elder
1,2	Aceraceae	<i>Acer</i>	<i>platanoides</i>	Norway maple
1,2	Aceraceae	<i>Acer</i>	<i>pseudoplatanus</i>	sycamore maple
	Aceraceae	<i>Acer</i>	<i>rubrum</i>	red maple
	Aceraceae	<i>Acer</i>	<i>saccharinum</i>	silver maple
	Aceraceae	<i>Acer</i>	<i>saccharum</i>	sugar maple
	Adoxaceae	<i>Sambucus</i>	<i>racemosa</i>	red elderberry
	Adoxaceae	<i>Viburnum</i>	<i>acerifolium</i>	mapleleaf viburnum
1	Adoxaceae	<i>Viburnum</i>	<i>lantana</i>	wayfaring tree
	Adoxaceae	<i>Viburnum</i>	<i>opulus</i>	highbush cranberry
1	Altingiaceae	<i>Liquidambar</i>	<i>styraciflua</i>	sweet gum
1	Anacardiaceae	<i>Cotinus</i>	<i>coggygria</i>	smoketree
	Anacardiaceae	<i>Rhus</i>	<i>aromatica</i>	fragrant sumac
	Anacardiaceae	<i>Rhus</i>	<i>typhina</i>	staghorn sumac
	Anacardiaceae	<i>Toxicodendron</i>	<i>radicans</i>	poison ivy
1	Apiaceae	<i>Daucus</i>	<i>carota</i>	Queen Anne's lace
	Apocynaceae	<i>Apocynum</i>	<i>androsaemifolium</i>	spreading dogbane
	Apocynaceae	<i>Asclepias</i>	<i>syriaca</i>	common milkweed
1	Apocynaceae	<i>Vinca</i>	<i>minor</i>	periwinkle
	Aquifoliaceae	<i>Ilex</i>	<i>opaca</i>	American holly
	Araceae	<i>Arisaema</i>	<i>triphillum</i>	jack-in-the-pulpit
1	Araliaceae	<i>Hedera</i>	<i>helix</i>	English ivy
1	Asteraceae	<i>Achillea</i>	<i>millefolium</i>	common yarrow
	Asteraceae	<i>Ageratina</i>	<i>altissima</i>	white snakeroot
	Asteraceae	<i>Ambrosia</i>	<i>artemisiifolia</i>	annual ragweed
	Asteraceae	<i>Antennaria</i>	<i>neglecta</i>	field pussytoes
1	Asteraceae	<i>Arctium</i>	<i>minus</i>	common burdock
1,2	Asteraceae	<i>Artemisia</i>	<i>vulgaris</i>	common mugwort
1	Asteraceae	<i>Bellis</i>	<i>perennis</i>	English daisy
1	Asteraceae	<i>Centaurea</i>	<i>jacea</i>	brown knapweed
1,2	Asteraceae	<i>Centaurea</i>	<i>stoebe</i>	spotted knapweed
1	Asteraceae	<i>Cichorium</i>	<i>intybus</i>	chicory
1,2	Asteraceae	<i>Cirsium</i>	<i>arvense</i>	Canada thistle
1	Asteraceae	<i>Cirsium</i>	<i>vulgare</i>	bull thistle
	Asteraceae	<i>Conyza</i>	<i>canadensis</i>	horseweed
	Asteraceae	<i>Erigeron</i>	<i>annuus</i>	daisy fleabane
	Asteraceae	<i>Erigeron</i>	<i>philadelphicus</i>	Philadelphia fleabane
	Asteraceae	<i>Eupatorium</i>	<i>perfoliatum</i>	boneset
	Asteraceae	<i>Euthamia</i>	<i>graminifolia</i>	flat-topped goldenrod
	Asteraceae	<i>Eutrochium</i>	<i>maculatum</i>	spotted Joe-pye weed

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
1	Asteraceae	<i>Lapsana</i>	<i>communis</i>	nipplewort
1	Asteraceae	<i>Leucanthemum</i>	<i>vulgare</i>	ox-eye daisy
1	Asteraceae	<i>Pilosella</i>	<i>caespitosa</i>	meadow hawkweed
1	Asteraceae	<i>Pilosella</i>	<i>piloselloides</i>	king devil
	Asteraceae	<i>Prenanthes</i>	sp.	rattlesnake-root
	Asteraceae	<i>Rudbeckia</i>	<i>hirta</i>	black-eyed Susan
	Asteraceae	<i>Solidago</i>	<i>flexicaulis</i>	zigzag goldenrod
	Asteraceae	<i>Symphyotrichum</i>	<i>ericoides</i>	white heath aster
	Asteraceae	<i>Symphyotrichum</i>	<i>lanceolatum</i>	white panicle aster
	Asteraceae	<i>Symphyotrichum</i>	<i>lateriflorum</i>	calico aster
	Asteraceae	<i>Symphyotrichum</i>	<i>novae-angliae</i>	New England aster
	Asteraceae	<i>Symphyotrichum</i>	<i>oolentangiensis</i>	skyblue aster
	Asteraceae	<i>Symphyotrichum</i>	<i>prenanthoides</i>	crooked stem aster
1	Asteraceae	<i>Taraxacum</i>	<i>officinale</i>	dandelion
1	Asteraceae	<i>Tragopogon</i>	<i>porrifolius</i>	purple goat's-beard
1	Asteraceae	<i>Tragopogon</i>	<i>pratensis</i>	goat's-beard
1	Asteraceae	<i>Tussilago</i>	<i>farfara</i>	coltsfoot
	Balsaminaceae	<i>Impatiens</i>	<i>pallida</i>	pale jewelweed
1.2	Berberidaceae	<i>Berberis</i>	<i>thunbergii</i>	Japanese barberry
1	Berberidaceae	<i>Berberis</i>	<i>vulgaris</i>	common barberry
	Berberidaceae	<i>Podophyllum</i>	<i>peltatum</i>	may-apple
1	Betulaceae	<i>Betula</i>	<i>nigra</i>	river birch
	Betulaceae	<i>Betula</i>	<i>papyrifera</i>	paper birch
	Betulaceae	<i>Betula</i>	<i>populifolia</i>	gray birch
1	Betulaceae	<i>Corylus</i>	<i>avellana</i>	European hazelnut
	Betulaceae	<i>Ostrya</i>	<i>virginiana</i>	eastern hophornbeam
1	Bignoniaceae	<i>Catalpa</i>	<i>speciosa</i>	catalpa
1	Boraginaceae	<i>Brunnera</i>	<i>macrophylla</i>	largeleaf brunnera
1.2	Brassicaceae	<i>Alliaria</i>	<i>petiolata</i>	garlic mustard
1	Brassicaceae	<i>Barbarea</i>	<i>vulgaris</i>	yellow rocket
	Brassicaceae	<i>Cardamine</i>	<i>concatenata</i>	cutleaf toothwort
1	Brassicaceae	<i>Hesperis</i>	<i>matronalis</i>	dame's rocket
1	Brassicaceae	<i>Lepidium</i>	<i>campestre</i>	field pepperweed
1.2	Caprifoliaceae	<i>Lonicera</i>	<i>maackii</i>	Amur honeysuckle
1.2	Caprifoliaceae	<i>Lonicera</i>	<i>morrowii</i>	Morrow honeysuckle
1.2	Caprifoliaceae	<i>Lonicera</i>	<i>tatarica</i>	Tartarian honeysuckle
1.2	Caprifoliaceae	<i>Lonicera</i>	<i>x bella</i>	fly honeysuckle
1	Caryophyllaceae	<i>Cerastium</i>	<i>fontanum</i>	mouse-ear chickweed
1.2	Celastraceae	<i>Celastrus</i>	<i>orbiculatus</i>	Oriental bittersweet
1	Chenopodiaceae	<i>Chenopodium</i>	<i>album</i>	pigweed

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
1	Convolvulaceae	<i>Convolvulus</i>	<i>arvensis</i>	field bindweed
	Cornaceae	<i>Cornus</i>	<i>alternifolia</i>	alternate-leaved dogwood
	Cornaceae	<i>Cornus</i>	<i>amomum</i>	silky dogwood
	Cornaceae	<i>Cornus</i>	<i>racemosa</i>	grey dogwood
	Cornaceae	<i>Cornus</i>	<i>sericea</i>	red osier dogwood
	Cupressaceae	<i>Juniperus</i>	<i>virginiana</i>	red cedar
	Cupressaceae	<i>Thuja</i>	<i>occidentalis</i>	white cedar
	Cyperaceae	<i>Carex</i>	<i>pennsylvanica</i>	Pennsylvania sedge
	Cyperaceae	<i>Scirpus</i>	<i>atrovirens</i>	green bulrush
	Cyperaceae	<i>Scirpus</i>	<i>cyperinus</i>	wool grass
1	Dipsacaceae	<i>Dipsacus</i>	<i>fullonum</i>	Fuller's teasel
	Dryopteridaceae	<i>Dryopteris</i>	<i>carthusiana</i>	spinulose woodfern
1,2	Elaeagnaceae	<i>Elaeagnus</i>	<i>umbellata</i>	autumn olive
1	Fabaceae	<i>Cercis</i>	<i>canadensis</i>	eastern redbud
1	Fabaceae	<i>Coronilla</i>	<i>varia</i>	crown vetch
1	Fabaceae	<i>Gleditsia</i>	<i>triacanthos</i>	honey locust
1	Fabaceae	<i>Gymnocladus</i>	<i>dioicus</i>	Kentucky coffee tree
1	Fabaceae	<i>Lotus</i>	<i>corniculatus</i>	bird's foot trefoil
1	Fabaceae	<i>Mellilotus</i>	<i>albus</i>	white sweet clover
1	Fabaceae	<i>Mellilotus</i>	<i>officinalis</i>	yellow sweet clover
1,2	Fabaceae	<i>Robinia</i>	<i>pseudoacacia</i>	black locust
1	Fabaceae	<i>Trifolium</i>	<i>aureum</i>	hop-clover
1	Fabaceae	<i>Trifolium</i>	<i>pratense</i>	red clover
1	Fabaceae	<i>Trifolium</i>	<i>repens</i>	white clover
1	Fabaceae	<i>Vicia</i>	<i>cracca</i>	cow vetch
	Fagaceae	<i>Fagus</i>	<i>grandifolia</i>	American beech
1	Fagaceae	<i>Fagus</i>	<i>sylvatica</i>	European beech
	Fagaceae	<i>Quercus</i>	<i>alba</i>	white oak
	Fagaceae	<i>Quercus</i>	<i>muehlenbergii</i>	chinkapin oak
	Fagaceae	<i>Quercus</i>	<i>rubra</i>	red oak
	Fagaceae	<i>Quercus</i>	<i>velutina</i>	black oak
	Geraniaceae	<i>Geranium</i>	<i>maculatum</i>	wild geranium
	Geraniaceae	<i>Geranium</i>	<i>robertianum</i>	herb-robert
	Grossulariaceae	<i>Ribes</i>	<i>americanum</i>	wild black currant
	Hamamelidaceae	<i>Hamamelis</i>	<i>virginiana</i>	witch-hazel
1	Hippocastanaceae	<i>Aesculus</i>	<i>sp.</i>	buckeye
1	Hydrangeaceae	<i>Philadelphus</i>	<i>coronarius</i>	mock-orange
	Hydrophyllaceae	<i>Hydrophyllum</i>	<i>virginianum</i>	Virginia waterleaf
1	Hypericaceae	<i>Hypericum</i>	<i>perforatum</i>	common St. John's-wort
	Juglandaceae	<i>Carya</i>	<i>cordiformis</i>	bitternut hickory

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
	Juglandaceae	<i>Carya</i>	<i>ovata</i>	shagbark hickory
	Juglandaceae	<i>Juglans</i>	<i>nigra</i>	black walnut
	Juncaceae	<i>Juncus</i>	<i>effusus</i>	soft rush
	Juncaceae	<i>Juncus</i>	<i>tenuis</i>	path rush
1	Lamiaceae	<i>Glechoma</i>	<i>hederacea</i>	ground ivy
1	Lamiaceae	<i>Leonurus</i>	<i>cardiaca</i>	motherwort
1	Lamiaceae	<i>Nepeta</i>	<i>cataria</i>	catnip
1	Lamiaceae	<i>Prunella</i>	<i>vulgaris</i>	self-heal
	Lauraceae	<i>Lindera</i>	<i>benzoin</i>	spicebush
	Liliaceae	<i>Erythronium</i>	<i>americanum</i>	trout lily
	Magnoliaceae	<i>Liriodendron</i>	<i>tulipifera</i>	tulip tree
1	Malvaceae	<i>Malva</i>	<i>neglecta</i>	common mallow
1	Moraceae	<i>Morus</i>	<i>alba</i>	white mulberry
	Oleaceae	<i>Fraxinus</i>	<i>americana</i>	white ash
	Oleaceae	<i>Fraxinus</i>	<i>pennsylvanica</i>	green ash
1,2	Oleaceae	<i>Ligustrum</i>	<i>sp.</i>	privet
1	Oleaceae	<i>Syringa</i>	<i>vulgaris</i>	common lilac
	Onagraceae	<i>Epilobium</i>	<i>coloratum</i>	eastern willow-herb
	Onagraceae	<i>Circaea</i>	<i>lutetiana</i>	enchanter's nightshade
	Onagraceae	<i>Oenothera</i>	<i>biennis</i>	evening primrose
1	Orchidaceae	<i>Epipactis</i>	<i>helleborine</i>	weed orchid
1	Papaveraceae	<i>Chelidonium</i>	<i>majus</i>	greater celadine
	Pinaceae	<i>Abies</i>	<i>balsamea</i>	balsam fir
1	Pinaceae	<i>Picea</i>	<i>abies</i>	Norway spruce
	Pinaceae	<i>Picea</i>	<i>glauca</i>	white spruce
1	Pinaceae	<i>Picea</i>	<i>pungens</i>	blue spruce
	Pinaceae	<i>Pinus</i>	<i>resinosa</i>	red pine
	Pinaceae	<i>Pinus</i>	<i>strobus</i>	white pine
1	Pinaceae	<i>Pinus</i>	<i>sylvestris</i>	Scotch pine
	Pinaceae	<i>Tsuga</i>	<i>canadensis</i>	hemlock
1	Plantaginaceae	<i>Linaria</i>	<i>vulgaris</i>	butter-and-eggs
	Plantaginaceae	<i>Penstemon</i>	<i>hirsutus</i>	hairy beard-tongue
1	Plantaginaceae	<i>Plantago</i>	<i>lanceolata</i>	English plantain
1	Plantaginaceae	<i>Plantago</i>	<i>major</i>	common plantain
1	Plantaginaceae	<i>Veronica</i>	<i>officinalis</i>	common speedwell
1	Plantaginaceae	<i>Veronica</i>	<i>serpyllifolia</i>	thyme-leaved speedwell
	Platanaceae	<i>Platanus</i>	<i>occidentalis</i>	sycamore
1	Poaceae	<i>Alopecurus</i>	<i>pratensis</i>	meadow foxtail
	Poaceae	<i>Andropogon</i>	<i>gerardii</i>	big bluestem
1	Poaceae	<i>Bromus</i>	<i>inermis</i>	smooth brome

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
1	Poaceae	<i>Dactylis</i>	<i>glomerata</i>	orchard grass
1	Poaceae	<i>Lolium</i>	<i>perenne</i>	rye grass
1	Poaceae	<i>Phleum</i>	<i>pratense</i>	timothy
1,2	Poaceae	<i>Phragmites</i>	<i>australis</i>	common reed
1	Poaceae	<i>Poa</i>	<i>compressa</i>	Canada bluegrass
	Poaceae	<i>Schizachyrium</i>	<i>scoparium</i>	little bluestem
	Poaceae	<i>Sorghastrum</i>	<i>nutans</i>	Indian grass
	Polygonaceae	<i>Persicaria</i>	<i>virginiana</i>	jumpseed
1	Polygonaceae	<i>Polygonum</i>	<i>aviculare</i>	doorweed
1,2	Polygonaceae	<i>Reynoutria</i>	<i>japonica</i>	Japanese knotweed
1	Polygonaceae	<i>Rumex</i>	<i>crispus</i>	curly dock
	Portulacaceae	<i>Claytonia</i>	<i>virginica</i>	Virginia spring beauty
1	Primulaceae	<i>Lysimachia</i>	<i>nummularia</i>	creeping Jennie
	Pteridaceae	<i>Pellaea</i>	<i>glabella</i>	smoth cliff brake
	Ranunculaceae	<i>Aquilegia</i>	<i>canadensis</i>	wild columbine
	Ranunculaceae	<i>Clematis</i>	<i>virginiana</i>	virgin's bower
1,2	Ranunculaceae	<i>Ficaria</i>	<i>verna</i>	fig buttercup
	Ranunculaceae	<i>Ranunculus</i>	<i>abortivus</i>	small-flowered crowfoot
1	Ranunculaceae	<i>Ranunculus</i>	<i>acris</i>	tall buttercup
	Ranunculaceae	<i>Thalictrum</i>	<i>dioicum</i>	early meadow-rue
1,2	Rhamnaceae	<i>Rhamnus</i>	<i>cathartica</i>	buckthorn
	Rosaceae	<i>Amelanchier</i>	spp.	serviceberries
1	Rosaceae	<i>Crataegus</i>	<i>monogyna</i>	oneseed hawthorn
1	Rosaceae	<i>Duchesnea</i>	<i>indica</i>	mock-strawberry
	Rosaceae	<i>Fragaria</i>	<i>virginiana</i>	wild strawberry
	Rosaceae	<i>Geum</i>	<i>aleppicum</i>	yellow avens
	Rosaceae	<i>Geum</i>	<i>canadense</i>	white avens
1	Rosaceae	<i>Malus</i>	<i>sp.</i>	crabapple
1	Rosaceae	<i>Potentilla</i>	<i>recta</i>	sulfur cinquefoil
	Rosaceae	<i>Potentilla</i>	<i>simplex</i>	old field cinquefoil
1	Rosaceae	<i>Prunus</i>	<i>avium</i>	bird cherry
	Rosaceae	<i>Prunus</i>	<i>serotina</i>	black cherry
	Rosaceae	<i>Prunus</i>	<i>virginiana</i>	chokecherry
1	Rosaceae	<i>Pyrus</i>	<i>calleryana</i>	Callery pear
1	Rosaceae	<i>Rhodotypos</i>	<i>scandens</i>	black jetbead
1,2	Rosaceae	<i>Rosa</i>	<i>multiflora</i>	multiflora rose
	Rosaceae	<i>Rubus</i>	<i>alleghaniensis</i>	blackberry
	Rosaceae	<i>Rubus</i>	<i>idaeus</i>	red raspberry
	Rosaceae	<i>Rubus</i>	<i>occidentalis</i>	black raspberry
	Rosaceae	<i>Rubus</i>	<i>odoratus</i>	flowering raspberry

PLANT SPECIES INVENTORY

Observed On-Site During EDR Surveys

	<u>Family</u>	<u>Genus</u>	<u>species</u>	<u>common name</u>
1,2	Rosaceae	<i>Rubus</i>	<i>phoenicolasius</i>	wineberry
1	Rosaceae	<i>Sorbus</i>	<i>aucuparia</i>	European mountain-ash
	Rubiaceae	<i>Galium</i>	<i>asprellum</i>	rough bedstraw
1	Rubiaceae	<i>Galium</i>	<i>mollugo</i>	wild madder
	Rubiaceae	<i>Houstonia</i>	<i>longifolia</i>	longleaf bluet
	Ruscaceae	<i>Maianthemum</i>	<i>racemosum</i>	false Solomon's-seal
	Ruscaceae	<i>Polygonatum</i>	<i>biflorum</i>	giant Solomon's-seal
1	Salicaceae	<i>Populus</i>	<i>alba</i>	white poplar
	Salicaceae	<i>Populus</i>	<i>deltoides</i>	eastern cottonwood
	Salicaceae	<i>Populus</i>	<i>grandidentata</i>	bigtooth aspen
	Salicaceae	<i>Populus</i>	<i>tremuloides</i>	quaking aspen
	Salicaceae	<i>Salix</i>	spp.	willows
1	Scrophulariaceae	<i>Verbascum</i>	<i>blattaria</i>	moth mullein
1	Scrophulariaceae	<i>Verbascum</i>	<i>thapsus</i>	common mullein
1	Simaroubaceae	<i>Ailanthus</i>	<i>altissima</i>	tree-of-heaven
1	Solanaceae	<i>Solanum</i>	<i>dulcamara</i>	deadly nightshade
	Solanaceae	<i>Solanum</i>	<i>ptychanthum</i>	black nightshade
	Taxaceae	<i>Taxus</i>	<i>canadensis</i>	Canada yew
	Tiliaceae	<i>Tilia</i>	<i>americana</i>	American basswood
1	Tiliaceae	<i>Tilia</i>	<i>cordata</i>	littleleaf linden
	Ulmaceae	<i>Celtis</i>	<i>occidentalis</i>	hackberry
	Ulmaceae	<i>Ulmus</i>	<i>americana</i>	American elm
	Violaceae	<i>Viola</i>	<i>sororia</i>	common violet
	Vitaceae	<i>Parthenocissus</i>	<i>quinquefolia</i>	Virginia creeper
	Vitaceae	<i>Vitis</i>	<i>riparia</i>	riverbank grape
1	Xanthorrhoeaceae	<i>Hemerocallis</i>	<i>fulva</i>	orange daylily

Notes:

1. These species are not native in western New York (Weldy & Werrier, 2014; Eckel, 2012).
 2. These species are prohibited or regulated invasive species in New York State (NYSDEC, 2014).
- Nomenclature follows New York Flora Atlas (Weldy & Werrier, 2014).

F.3 Programmatic Section 7 ESA Process

Rangewide Bat Consultation Form

In submitting this form, FHWA ensures that the proposed project(s) adhere to the criteria of the range-wide programmatic informal BA. NYSDOT submits this form to the USFWS requesting their concurrence with NYSDOT's determination, with a cc: to the FHWA Area Engineer. The USFWS has 14 calendar days to comment or request additional information, and will "reply to all". If FHWA/NYSDOT is not notified within 14 days, Section 7 consultation for bat species is complete under the rangewide programmatic informal consultation. The Area Engineer will then issue an ESA Concurrence Letter to NYSDOT.

Project Name: Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive

PIN: 5757.91.121

Lat/Long: (43.10473, -79.05559)

Region: Niagara Falls Region

Project Description: **Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive** - The Build Alternative would involve removal of the Robert Moses Parkway (RMP) (i.e., all vehicular lanes, lanes used for the RMP Trail, the Whirlpool Bridge Plaza overpass, and all other RMP interchange/accessory facilities) from Main Street (NYS Route 104) to Findlay Drive. The Build Alternative would also include:

- Reconstruction of Whirlpool Street from Main Street to Walnut Avenue and from Cedar Avenue to Findlay Drive as an at-grade, two-lane, 30-MPH road to accommodate north-south vehicular and potential future bus access, and removal of Whirlpool Street from Cedar Avenue to Walnut Avenue;
- Reconstruction of Third Street from Main Street to Cedar Avenue in a manner consistent with that of Whirlpool Street;
- Restoration of the landscape / habitat on lands reclaimed along the Niagara Gorge rim from the removal of the RMP with native species;
- Construction of a pedestrian / bicycle trail network along the Gorge rim, connecting to other trail systems and adjoining neighborhoods; and
- Incorporation of amenities / betterments associated with the above improvements.

FWS Consultation Code (Taken from IPaC project search): _____

Does the project contain documented forage or roost sites? If it does, NYSDOT must instead use the 7-step traditional process found at: at <http://www.fws.gov/northeast/nyfo/es/step1.htm>. YES NO **X**

Acres of trees to be cut, or number of trees to be cut: 160 trees are estimated to be removed.

1. If the project is a bridge project, will current permanent lighting and roosting potential remain the same? Also- The Bridge/Bat Survey Form is required to be completed and submit it to FHWA. See Attachment 3. YES NO **N/A X**

- 2. Are trees to be cut between October 1 and March 31, and will they be marked to distinguish them from trees that are not to be cut? YES NO N/A
- 3. Are trees to be cut located within 100-feet of the existing road surface? YES NO N/A
- 4. Are all other appropriate AMMs included in the project? YES NO N/A

If the answers to the above four questions are YES (or N/A for some bridge projects), then the determination is "May Affect, Not Likely to Adversely Affect" either Indiana bat or the northern long-eared bat. Is this the determination that NYSDOT is concluding? YES NO

If there are other species (from IPaC) that have a "May Affect" determination, please attach the determination/ paperwork. Are there other species? YES NO

Name (individual completing the form)/ Agency: Kim Lorenz, New York State Department of Transportation, Region 5

Phone Number: 716-847-3420

Email Address: kimberly.lorenz@dot.ny.gov

Signature: _____

Date: _____

FHWA Area Engineer: _____
716-847-3420

Suitable Habitat Definitions: Indiana Bat and Northern Long-eared Bat (Trees)

Habitat definitions are based on the USFWS “2015 Summer Survey Guidelines” for assessing suitable bat habitat.

Suitable summer habitat for both bat species:

Suitable summer habitat consists of a wide variety of forested/wooded habitats where bats roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. This includes forests and woodlots containing potential roosts, as well as linear features such as fencerows, riparian forests, and other wooded corridors that may be used for forage. Early successional habitat with small diameter trees may be used as foraging habitat by bats. Please use species composition of the area, size composition, the below guidelines, and scientific judgment to determine if forage habitat exists. Be prepared to characterize the habitat in the Suitable Habitat Assessment Form. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet of other forested/wooded habitat.

Specific habitat requirements for Indiana bat:

Regarding potential roost habitat, Indiana bats prefer live trees and/or snags ≥ 5 inches dbh that have exfoliating bark, cracks, crevices, and/or hollows for their roost sites. Areas above 900' NGVD are not suitable for Indiana bat for roosting or foraging.

Suitable habitat requirements for northern long-eared bat:

Regarding potential roost habitat, northern long-eared bats prefer live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat.

Examples of areas that are “not suitable habitat” for either bat species:

- Individual trees that are greater than 1000 feet from forested/wooded areas;
- Urban street trees (trees found in highly-developed urban areas);
- A pure stand of 3-inch dbh trees (or less) that are not mixed with larger trees;
- Apple orchards;
- Buckthorn patches; and
- Christmas tree stands that are actively managed.

Suitable Habitat Assessment Form (Trees)

Project Name: Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive

PIN: PIN: 5757.91.121, D003554

Number of Trees Proposed to be Cut: ~160 trees proposed to be removed

Lat/Long: (43.10473, -79.05559)

Project Description: **Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive** - The Build Alternative would involve removal of the Robert Moses Parkway (RMP) (i.e., all vehicular lanes, lanes used for the RMP Trail, the Whirlpool Bridge Plaza overpass, and all other RMP interchange/accessory facilities) from Main Street (NYS Route 104) to Findlay Drive. The Build Alternative would also include:

- Reconstruction of Whirlpool Street from Main Street to Walnut Avenue and from Cedar Avenue to Findlay Drive as an at-grade, two-lane, 30-MPH road to accommodate north-south vehicular and potential future bus access, and removal of Whirlpool Street from Cedar Avenue to Walnut Avenue;
- Reconstruction of Third Street from Main Street to Cedar Avenue in a manner consistent with that of Whirlpool Street;
- Restoration of the landscape / habitat on lands reclaimed along the Niagara Gorge rim from the removal of the RMP with native species;
- Construction of a pedestrian / bicycle trail network along the Gorge rim, connecting to other trail systems and adjoining neighborhoods; and
- Incorporation of amenities / betterments associated with the above improvements.

Results of Phase 1: Mapped Occurrences:

IPaC Species List	NYNHP Species List
Northern long-eared bat	No bat species identified

Results of Phase 2: Field-based Suitable Bat Habitat Assessment:

- Does the Cutting Area/Project Site contain forested/wooded habitat that is made up of trees greater than 3” dbh, that also exhibit signs of exfoliating bark, cracks crevices, and/or cavities, OR that also is mixed with larger trees?

The Project Site is located within the developed/urban landscape of the City of Niagara Falls, and forested/wooded areas are extremely limited within the Study Limits. A small stand of mixed hardwoods (oaks, maples, etc.) occurs just north of Findlay Drive (outside of the Study Limits), east of and immediately adjacent to the Robert Moses Parkway. This is a narrow strip of woodland, never wider than a few hundred feet.

- Does the Cutting Area/Project Site have individual trees that have exfoliating bark, cracks, crevices, and/or cavities, and are closer than 1000' from other forested/wooded habitat?

The small patch of woodland described above (north of Findlay Drive) contains trees with these characteristics, and thus represents potential roost habitat. As indicated above, the narrow strip of woodland continues to the north, and those areas also likely contain potential roost habitat. The Niagara Gorge (also outside the Study Limits but within 1,000 feet) is also likely to contain potential roost trees.

- Does the Cutting Area contain adjacent and interspersed emergent wetlands and adjacent areas of agricultural fields, old fields, and pastures, and forests and woodlots (range from dense to loose aggregates of trees) that contain live trees and/or snags greater or equal to 3" dbh that have exfoliating bark, cracks, crevices, and/or cavities?

New York State Parks appears to manage the area immediately northeast of the small woodland as an old field, with mowed recreation paths throughout. Portions of the Robert Moses Parkway median and verges are also managed as old field. However, there are no wetlands or agricultural areas nearby. The Study Limits are within the City of Niagara Falls, and disturbed/developed lands (i.e., yards, structures and pavement) is by far the dominant cover type.

If the answer is yes to any of the above questions, the determination is that "Suitable Bat Habitat" exists within the Cutting Area.

Determination: X Suitable Bat Habitat No Suitable Bat Habitat

Characterization/Description of the Habitat: This potential habitat is marginal due to the small amount of forests/woodland, limited habitat diversity for foraging nearby, and location within a highly developed urban area.

Comments (include specific bat species, if applicable, such as no Indiana bats if project elevation is over 900 ft NGVD, or roost trees for northern long-eared bat specifically were noted by NYNHP): _____

Name (individual completing the field assessment): _____

Signature: 

Date: January 8, 2016

ESA Programmatic “No Effect” Determination Project Eligibility Checklist

PIN: **5757.91.121** Date Completed: January 8, 2016
Completed by: New York State Department of Transportation, Region 5

If all of the criteria listed below are met (marked YES), the project is **eligible** for coverage under the Programmatic “No Effect” Determination. If any criterion is not met (marked NO), the project is **not eligible** and the standard review procedures for endangered and threatened species apply (see TEM 4.4.9.3). The word “bat” below refers to both Indiana bat and northern long-eared bat.

1. The proposed activity is a NYSDOT or locally administered project using Federal-aid funding and FHWA is the NEPA Lead Agency.
 YES NO
2. The proposed activity is located within the operational right-of-way and existing facilities.
 YES NO
3. The proposed activity is included on the list of eligible highway/bridge work types (see next page).
 YES NO
4. The proposed activity does not include the repair, rehabilitation, replacement, or construction of culverts and open drainage systems, or bridge work within rivers, streams, or wetlands.
 YES NO
5. The proposed activity does not involve removal of suitable summer bat habitat (see Attachment 2: Suitable Bat Habitat Determination Protocol). NOTE: Checking “YES” requires the submittal of the Suitable Habitat Assessment Form to the FHWA Area Engineer and FHWA’s Environmental Specialist.
 YES NO
6. The proposed activity does not occur within 0.5 miles of a known bat hibernaculum or 1.5 miles of a known summer roost location or forage habitat (Use IPaC- Information for Planning and Conservation- and NYNHP- New York Natural Heritage Database Program- for locations).
 YES NO
7. If the proposed project involves bridge work: The bridge work (maintenance, alteration, construction, demolition) will occur from October 1 to March 31, and the project does not involve any other type of work not included in the eligible highway/bridge types (see next page).
 YES N/A
8. If the proposed project involves bridge work: The bridge work (maintenance, alteration, construction, demolition) will occur from April 1 to September 30 and the project does not involve any other type of work not included in the eligible highway/bridge types (see next page). NOTE: This is a conditional “No Effect”. The project is required to have a Bridge/Bat Survey (See Bridge/Bat Survey Protocol) completed within 7 days of anticipated work that concludes that there are no signs of bats for this “No Effect” to be valid. The Bridge/Bat Survey Form must be submitted to the FHWA Environmental Specialist upon completion. If there is a failure to conduct the Bridge/Bat Survey, this “No Effect” is invalidated. If the Bridge/Bat Survey shows signs of bats, this “No Effect” is invalidated and clearance is required from the USFWS before work can begin.
 YES N/A

Highway/Bridge Work Types

1. Joint and Crack Sealing
2. Pavement Marking
3. Impact Attenuator Repair or Replacement
4. Repair and Replace Loop Detectors
5. On-call Guide Rail Repair
6. Rigid Pavement Repairs (spall repair, grinding, etc.)
7. Pavement Grooving
8. Microsurfacing and Chip Sealing
9. Shoulder Rumble Strip Installation
10. Delineator and/or Reference Marker Placement or Replacement
11. Graffiti Removal and/or Prevention
12. Shoulder Rehabilitation and/or Repair
13. Traffic Management Systems Maintenance (communications cable, hardware for ITS, RWIS, etc.)
14. Highway Lighting Upgrading (excluding luminaire replacement and installation of high mast lighting)
15. Bicycle Path and Walkway Rehabilitation (e.g. ADA curb ramps)
16. Install, Replace and/or Repair Permanent Traffic Count Detectors
17. Install, Replace and/or Repair Weigh-in-Motion Detectors
18. Recharge Basin Reconditioning
19. Underdrain Installation
20. Guide Rail and/or Median Barrier Upgrading (including placement of new guide railing or median barrier)
21. Upgrading Sign(s) and/or Traffic Signal(s)
22. Install, Replace and/or Repair Right-Of-Way, Pedestrian and Permanent Snow Fencing
23. Park and Ride Lot Rehabilitation
24. 1R Projects that do not involve drainage work or work off of the paved surface/shoulder
25. 2R Projects that do not involve drainage work or work off of the paved surface/shoulder
26. 3R Projects (freeway and non-freeway) that do not involve drainage work, bridge work, or work off of the paved surface/shoulder
27. Highway-Rail Grade Crossing: installation of new and/or replacement of existing automatic warning devices
28. Highway-Rail Grade Crossing: installation of new and/or replacement of existing signage
29. Highway-Rail Grade Crossing: interconnection of grade crossing warning systems with vehicular traffic signal system
30. Highway-Rail Grade Crossing: surface replacement or upgrade
31. Bridge Work: Maintenance, alteration, and demolition of bridges/structures from October 1 to March 31 that does not include alteration of permanent street lighting and does not alter bat roost potential, or involve any work within rivers, streams, or wetlands, OR the same type of work between April 1 and September 30 that has negative Bridge/Bat Survey results.
32. Maintenance and Protection of Traffic (M&PT) activities within the operational right-of-way.

Supplementary Information

Operational right-of-way: As defined in 23 CFR Part 771.117 (c)(22), operational right-of-way refers to that which has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

Drainage work (1R, 2R and 3R projects): Certain drainage activities have the potential to directly or indirectly affect federally listed species and therefore are *ineligible for coverage* under this Programmatic No Effect Determination. These activities include the repair, rehabilitation, replacement or construction of culverts and open drainage systems.

The following drainage activities do not have the potential to directly or indirectly affect federally listed species; therefore, projects involving such work may be *eligible for coverage* under this Programmatic No Effect Determination:

- Repair, rehabilitation, replacement or construction of closed drainage systems and drainage structures; and
- Cleaning of sediment and debris from culverts, pipes and drainage structures.

Bridge work (1R, 2R and 3R projects) during any time of year: The following bridge work activities do not have the potential to directly or indirectly affect federally listed species; therefore, projects involving such work may be *eligible for coverage* under this Programmatic No Effect Determination:

- Deck or railing work that does not involve access to the underside of the bridge, or drilling down to the underside of the bridge (e.g., deck polymer overlay with micro-surfacing prep); and
- Repair, rehabilitation, replacement of bridge joints that does not involve access to the underside of the bridge, or drilling down to the underside of the bridge.

Work within rivers, streams, or wetlands is *ineligible for coverage* under this Programmatic No Effect Determination.

Work off of the paved surface/shoulder (1R, 2R and 3R projects): Curb ramps, traffic signals, sidewalks and trails are considered to be part of the paved surface; therefore, projects involving work in such areas may be *eligible for coverage* under this Programmatic No Effect Determination.

Minor ground disturbance: Ground disturbance may be considered minor if it is anticipated to have no effect or a negligible effect on soil stability, quality of receiving waters, flora and fauna. This determination is based on the best professional judgment of NYSDOT Environmental/Landscape Architecture staff.

Date (entered on Project Eligibility Checklist and Tracking Spreadsheet): Record the date that the Project Eligibility Checklist was completed. This may be done at any time prior to the environmental determination. Each region should maintain a consistent approach in order to avoid counting the same project in two different reporting periods.



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

DARRELL F. KAMINSKI, P.E.
Regional Director

February 23, 2016

United States Fish and Wildlife Office Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

**RE: ESA SECTION 7 COORDINATION 14 DAY REVIEW (02/24/2016 – 03/11/2016)
ROBERT MOSES PARKWAY REMOVAL PROJECT: MAIN STREET TO
FINDLAY DRIVE, NIAGARA FALLS
D003554, PIN 5757.91.121**

Dear Sir/Madam:

The New York State Office of Parks, Recreation and Historic Preservation ("State Parks"), in partnership with New York State Department of Transportation (NYSDOT), the City of Niagara Falls, USA Niagara Development Corporation, and the New York Power Authority are proposing construction of the Niagara Gorge Corridor: Robert Moses Parkway (RMP) Removal Project: Main Street to Findlay Drive, Niagara Falls, NY (the "Project"). The Project involves the removal of the existing RMP between Main Street and Findlay Drive, a distance of almost two (2) miles, and the reconstruction of local streets that are immediately adjacent to the RMP along this segment to provide all local/Niagara Gorge Corridor vehicular access.

As part of our environmental process, a review of the Endangered Species Act (ESA) Section 7, determination of rare, threatened, or endangered species within the project corridor is required. NYSDOT reviewed the ESA Programmatic "No Effect" Determination Project Eligibility Checklist (PNE) and determined the current project is ineligible for the PNE due to potential bat habitat near the study area. Therefore, NYSDOT has completed and attached for your review a Range-Wide Bat Consultation form as part of our Range-Wide Programmatic Informal Consultation Package.

Based on correspondence from the New York National Heritage Program dated September 23, 2014, this project will have "*No effect*" on any state listed species, other than the state listing of the northern long-eared bat (NLEB) (*Myotis septentrionalis*).

An IPAC review was also conducted on February 1, 2016 and the NLEB was the only federally listed, proposed endangered or threatened species under the USFWS's jurisdiction identified. Any tree removals greater than 3 inches in diameter require review and assessment as suitable habitat for the NLEB. The project location is not within a known capture site or acoustic detection location. In addition, the project proposes to remove approximately 160 trees and is located within 1000' of a wooded

United States Fish and Wildlife Office Service

PIN 5757.91.121

February 23, 2016

Page 2 of 2

habitat. The trees will be cut prior to construction of this project during the winter cutting window of October 1 to March 31.

State Parks, in coordination with NYSDOT, has made a preliminary effect determination of *"May affect, but not likely to adversely affect"* for this species due to trees being cut during the winter cutting window. Additionally, pursuant to 6 NYCRR Part 182, State Parks and NYSDOT have determined that the proposed activity is not likely to result in the take or taking of the NLEB and therefore, is not subject to regulation under this Part. It is our understanding that according to the Section 7 ESA process, agreed to by the Federal Highway Administration (FHWA) and United States Fish and Wildlife Office Service (USFWS), USFWS will review and process the information provided within 14 days or request additional information. If no response is received after 14 days, FHWA can issue an ESA concurrence letter to NYSDOT.

If you have any questions or require additional information please contact me at (716) 847-3865 or you may contact Michael Thompson, Environmental Specialist, at (716) 847-5262.

Sincerely,



Sylvia J. Jones
Regional Environmental Contact

SJJ/MOT/llg
Attachment

cc: Hans Anker, P.E., Senior Area Engineer, FHWA, New York Division (w/attach)
Emilio Rende, Acting Wildlife Manager, NYSDEC (w/o attach)
Andrew Giarrizzo, Senior Landscape Architecture, New York State Parks (e-mail)
Thomas Desantis, Senior Planner, City of Niagara Falls (e-mail)
Paul J. Tronolone, VP Policy, Planning & Project Development, ESD (e-mail)
Craig S. Mozrall, P.E., Special Projects Manager, NYSDOT (e-mail)
Thomas Donohue, Senior Project Manager, Parsons (e-mail)
Kimberly A. Lorenz, Landscape Arch/Environmental Mngr., NYSDOT (e-mail)

Rangewide Bat Consultation Form

In submitting this form, FHWA ensures that the proposed project(s) adhere to the criteria of the range-wide programmatic informal BA. NYSDOT submits this form to the USFWS requesting their concurrence with NYSDOT's determination, with a cc: to the FHWA Area Engineer. The USFWS has 14 calendar days to comment or request additional information, and will "reply to all". If FHWA/NYSDOT is not notified within 14 days, Section 7 consultation for bat species is complete under the rangewide programmatic informal consultation. The Area Engineer will then issue an ESA Concurrence Letter to NYSDOT.

Project Name: Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive

PIN: 5757.91.121

Lat/Long: (43.10473, -79.05559)

Region: Niagara Falls Region

Project Description: **Niagara Gorge Corridor, RMP Removal Project: Main Street to Findlay Drive** - The Build Alternative would involve removal of the Robert Moses Parkway (RMP) (i.e., all vehicular lanes, lanes used for the RMP Trail, the Whirlpool Bridge Plaza overpass, and all other RMP interchange/accessory facilities) from Main Street (NYS Route 104) to Findlay Drive. The Build Alternative would also include:

- Reconstruction of Whirlpool Street from Main Street to Walnut Avenue and from Cedar Avenue to Findlay Drive as an at-grade, two-lane, 30-MPH road to accommodate north-south vehicular and potential future bus access, and removal of Whirlpool Street from Cedar Avenue to Walnut Avenue;
- Reconstruction of Third Street from Main Street to Cedar Avenue in a manner consistent with that of Whirlpool Street;
- Restoration of the landscape / habitat on lands reclaimed along the Niagara Gorge rim from the removal of the RMP with native species;
- Construction of a pedestrian / bicycle trail network along the Gorge rim, connecting to other trail systems and adjoining neighborhoods; and
- Incorporation of amenities / betterments associated with the above improvements.

FWS Consultation Code (Taken from IPaC project search): 05E1NY00-2016-SLI-0847

Does the project contain documented forage or roost sites? If it does, NYSDOT must instead use the 7-step traditional process found at: <http://www.fws.gov/northeast/nvfo/es/step1.htm>. YES NO X

Number of trees to be cut: 160 trees are estimated to be removed.

1. If the project is a bridge project, will current permanent lighting and roosting potential remain the same? Also- The Bridge/Bat Survey Form is required to be completed and submit it to FHWA. See Attachment 3. YES X NO N/A

- 2. Are trees to be cut between October 1 and March 31, and will they be marked to distinguish them from trees that are not to be cut? YES NO N/A
- 3. Are trees to be cut located within 100-feet of the existing road surface? YES NO N/A
- 4. Are all other appropriate AMMs included in the project? YES NO N/A

If the answers to the above four questions are YES (or N/A for some bridge projects), then the determination is "May Affect, Not Likely to Adversely Affect" either Indiana bat or the northern long-eared bat. Is this the determination that NYSDOT is concluding? YES NO

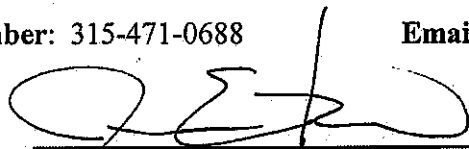
If there are other species (from IPaC) that have a "May Affect" determination, please attach the determination/ paperwork. Are there other species? YES NO

Name (individual completing the form)/ Agency: Jane Rice, Environmental Design Research

Phone Number: 315-471-0688

Email Address: jrice@edrdpc.com

Signature:



Date: 2.03.2016

FHWA Area Engineer:
716-847-
3420

Hans Anker, P.E. hans.anker@DOT.gov



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

March 11, 2016

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HED-NY

Ms. Sylvia Jones
New York State Department of Transportation, Region 5
100 Seneca Street
Buffalo, NY 14203-2939

Subject: PIN 5757.91 - Threatened and Endangered Species Concurrence
Robert Moses Parkway Removal Project
City of Niagara Falls, Niagara County

Dear Ms. Jones:

We have reviewed the documentation dated February 23 regarding ESA consultation for the subject project. The Federal Highway Administration (FHWA) concurs with your determination that the proposed project "May Affect but is not Likely to Adversely Affect" the endangered northern long eared bat (*Myotis septentrionalis*). Approximately 160 trees will be removed within the Oct 1 and March 31 cutting window.

NYSDOT submitted the Rangewide Bat Consultation Form to the USFWS Office. USFWS has not responded within 14 calendar days of receiving this form. Section 7 consultation for bat species is complete under the rangewide programmatic information consultation.

If at any time during construction the presence of Federally-listed species or their habitat is discovered or suspected, construction activities must be stopped. Activities cannot be resumed until FHWA and the USFWS are consulted.

If you have any questions, please contact me at (518) 431-8896.

Sincerely,

Hans Anker, P.E.
Senior Area Engineer

bcc:

