



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Corland, NY 13045

70289

April 14, 1999

Ms. Helen Chernoff
Senior Scientist
TAMS Consultants, Inc.
200 Pendennis Drive
Bloomfield, NJ 07003

Dear Ms. Chernoff:

This responds to your letter of March 23, 1999, requesting information on the presence of Federally listed or proposed endangered or threatened species in and within one mile of the Hudson River from Hudson Falls to the Battery in New York City, New York and New Jersey. This information will be used in the preparation of a Baseline Ecological Risk Assessment.

The Indiana bat (*Myotis sodalis*) and peregrine falcon (*Falco peregrinus*), Federally listed endangered species and the bald eagle (*Haliaeetus leucocephalus*) and bog turtle (*Clemmys muhlenbergii*), Federally listed threatened species, are known to occur in the Hudson River or within one mile of it in the area of interest. The project's environmental documents should identify any direct, indirect, and cumulative impacts on the above species and/or their habitat, and include appropriate measures, if necessary, to protect these species and their habitat. When specific plans are identified, the plans and the results of the evaluation should be provided to this office to determine the need for further consultation pursuant to Section 7 of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Except for the Indiana bat, peregrine falcon, bald eagle, bog turtle, and occasional transient individuals, no other Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information. The peregrine falcon is the only species occurring in New Jersey.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional U.S. Fish and Wildlife Service (Service) comments under the Fish and Wildlife Coordination Act or other legislation.

Federally listed endangered and threatened marine species may be found near the project area. These species are under the jurisdiction of the National Marine Fisheries Service. You should contact Mr. Stanley Gorski, Habitat and Protected Resources Division, Area Coordinator, National Marine Fisheries Service, James J. Howard Marine Sciences Laboratory, 74 Magruder Road, Highlands, NJ 07732, for additional information (telephone: [908] 872-3037).

The Indiana bat, peregrine falcon, bald eagle, and bog turtle are also listed as endangered by the State of New York (State). The State contact for these species is Mr. Peter Nye, New York State Department of Environmental Conservation (NYSDEC), Endangered Species Unit, Wildlife Resources Center, Delmar, NY 12054-9767 (telephone: [518] 439-7635).

Further, the Blanding's turtle (*Emydoidea blandingii*), handsome sedge (*Carex formosa*), and micranthemum (*Micranthemum micranthemoides*) are species of concern reported from the vicinity of the proposed work. The Blanding's turtle, handsome sedge, and micranthemum are considered species of concern (formerly known as a Category 2 Candidate species) by the Service and their status is being monitored throughout much of their ranges. Species of concern do not receive substantive or procedural protection under the Endangered Species Act; however, the Service does encourage Federal agencies and other appropriate parties to consider these species in the project planning process.

The Blanding's turtle is also of concern to the State. The State contact for the Blanding's turtle is Mr. Peter Nye whose address and telephone number are provided above.

The handsome sedge and micranthemum are also of concern to the State. The State contact for these species is Dr. Kathryn J. Schneider, NYSDEC, New York Natural Heritage Program, 700 Troy-Schenectady Road, Latham, New York, 12110-2400 (telephone: [518] 783-3932).

For additional information on fish and wildlife resources or State-listed species in Bronx and New York Counties, we suggest you contact the NYSDEC at the above address in Latham, New York, and the Region 2 Office at 47-40 21st Street, Long Island City, NY 11101 (telephone: [718] 482-4900). For additional information on fish and wildlife resources or State-listed species in Dutchess, Orange, Putnam, Rockland, Westchester, and Ulster Counties, we suggest you contact the NYSDEC at the above address in Latham, New York, and the Region 3 Office at 21 South Putt Corners Road, New Paltz, NY 12561-1676 (telephone: [914] 256-3000). For additional information on fish and wildlife resources or State-listed species in Albany, Columbia, Greene, and Rensselaer Counties, we suggest you contact the NYSDEC at the above address in Latham, New York, and the Region 4 Office at 1150 N. Westcott Road, Schenectady, NY 12306 (telephone: [518] 357-2066). For additional information on fish and wildlife resources or State-listed species in Saratoga, Warren, and Washington Counties, we suggest you contact the NYSDEC at the above address in Latham, New York, and the Region 5 Office on Route 86, Ray Brook, NY 12977 (telephone: [518] 897-1333).

The peregrine falcon is also listed as endangered by the State of New Jersey. The State of New Jersey contacts for the peregrine falcon and other State-listed species in New Jersey are:

Mr. Thomas Breden
Division of Parks and Forestry
CN404
Trenton, NJ 08625
(609) 984-0097

Mr. Larry Niles
Endangered & Non-Game Species Program
CN400
Trenton, NJ 08625
(609) 292-9400

National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting Mr. Joseph Seebode, Chief, Regulatory Branch, U.S. Army Corps of Engineers, 26 Federal Plaza, New York, NY 10278 (telephone: [212] 264-3996).

Sincerely,

Mark W. Clough

ACTING FOR

David A. Stilwell
Acting Field Supervisor

Enclosure

cc: NYSDEC, Long Island City, New Paltz, Ray Brook, and Schenectady, NY (Env. Permits)
NYSDEC, Latham, NY (Attn: Dr. K. Schneider)
NYSDEC, Delmar, NY (Attn: P. Nye)
NMFS, Highlands, NJ (Attn: S. Gorski)
NMFS, Milford, CT
EPA, Div. of Environmental Planning & Protection, New York, NY
COE, New York, NY
FWS, NJFO, Pleasantville, NJ

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES IN NEW YORK

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
FISHES			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
REPTILES			
Turtle, bog	<i>Clemmys muhlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
BIRDS			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Falcon, peregrine	<i>Falco peregrinus</i>	E	Entire state - re-establishment to former breeding range in progress
Dover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed
Tern, roseate	<i>Sterna dougallii dougallii</i>	T	Remainder of coastal New York
		E	Southeastern coastal portions of state
MAMMALS			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor couguar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic
MOLLUSKS			
Snail, Chittenango ovate amber	<i>Succinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmodonta heterodon</i>	E	Orange County - lower Neversink River

* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES IN NEW YORK (Cont'd)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>BUTTERFLIES</u>			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
<u>PLANTS</u>			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled	<i>Isotria medeoloides</i>	T	Entire state
Swamp pink	<i>Helonias bullata</i>	T	Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Rosetooth, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

E=endangered T=threatened P=proposed

