Appendix R

Fish and Wildlife Responses

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish and Wildlife, 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

February 6, 2017

Lindsay Mairs
EA Engineering, Science, and Technology, Inc.
6712 Brooklawn Pkwy #104
Buffalo, NY 13211

Re: Remedial investigation of 5565 River Road (NYSDEC Site 915239)
Town/City: Tonawanda. County: Erie.

Dear Ms. Mairs:

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 animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. 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 database is 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. 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 NYS DEC Region 9 Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

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The following rare plant and significant animal concentration area have been documented in the vicinity of the subject property.

We recommend that potential onsite and offsite impacts on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process. Field surveys of the subject property 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.

The following animal, while not listed by New York State as Endangered or Threatened, is of conservation concern to the state, and is considered rare by the New York Natural Heritage Program.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*HERITAGE CONSERVATION STATUS*	
Plant				
Stiff-leaf Goldenrod	*Oligoneuron rigidum* var. *rigidum*	Threatened	Imperiled in NYS	9378

Shore of Niagara River in Isle View Park and in Nia-wanda Park, .25 mile from subject property, **o**n road embankments, 1993.

Animal Concentrion Area

Waterfowl Winter Concentration Area 6681

Upper Niagara River, including area of subject property.

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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).