

APPENDIX L.3

**NATURAL RESOURCES—
LIST OF CORRESPONDENCE**

Appendix L.3:**Natural Resources—List of Correspondence**

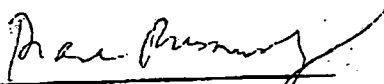
1. United States National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Habitat Conservation Division, Diane Rusanowsky, Memorandum to AKRF, Inc. dated December 2, 2002.
2. Memorandum to file, dated September 19, 2002.
3. United States Department of the Interior, Fish and Wildlife Service, Mark W. Clough acting for David Stilwell, letter to AKRF, Inc. dated May 2, 2002.
4. United States Department of the Interior, Fish and Wildlife Service, Mark W. Clough acting for David Stilwell, letter to AKRF, Inc. dated January 3, 2002.

**National Marine Fisheries Service
Habitat Conservation Division
Milford Field Office, 212 Rogers Avenue
Milford, Connecticut 06460**

TO: Ms. Betsi Nemeth
Environmental Analyst
Allee, King, Rosen & Fleming, Inc.
117 East 29th Street
New York, New York 10016

DATE: 2 December 2002

SUBJECT: Second Avenue Subway Project, Greater NYC


Diane Rusanowsky
(Reviewing Biologist)

We have reviewed the information provided to us regarding the above subject project. We offer the following preliminary comments pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act:

Endangered and Threatened Species

 There are no endangered or threatened species in the project area.

 XX The following endangered or threatened species may be present in the project area as occasional, seasonal transients:

 shortnose sturgeon (*Acipenser brevirostrum*)

sea turtles: XX loggerhead (*Caretta caretta*)

 XX Kemp's ridley (*Lepidochelys kempii*)

 XX green (*Chelonia mydas*)

 XX leatherback (*Dermochelys coriacea*)

Other: _____

Fish and Wildlife Coordination Act Species

 XX The following may be present in the project area: Anadromous and resident fish, forage and benthic species

Please contact the appropriate Regional Office of the New York State Department of Environmental Conservation to confirm the presence of anadromous or resident aquatic populations. Habitat use by some species or life stages may be seasonal (e.g. over-wintering.)

Essential Fish Habitat

 XX The project area has been designated as Essential Fish Habitat (EFH) for one or more species. When details of the project are made available and permit applications have been made, conservation recommendations may be given. For a listing of EFH and further information, please go to our website at <http://www.nmfs.gov/ro/doc/webintro.html>. Based on the information provided to date, it is not possible to determine whether or not an EFH assessment will be necessary.

 No EFH presently designated in the project area.

MEMORANDUM

To: To the Files

From: Elizabeth Nemeth 

Re: 2nd Avenue Subway

Date: 9/19/02

Natural Resources

Ms. Holly Heiser, an environmental planner and former employee of AKRF, Inc. had conversations on May 14, 2002 with Mr. Steve Young, a botanist with the New York Heritage Program (NHP) about habitat requirements for those threatened and endangered species listed in the NHP database as potentially occurring within the project area, including white milkweed (*Asclepias variegata*), curly heads (*Clematis ochroleuca*), Carey's Smartweed (*Polygonum careyi*), and retrorse flatsedge (*Cyperus retrorsus*). NHP indicated that these species have been determined to be extirpated from Brooklyn and Queens and that the NHP databases have not yet been updated to reflect this information.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

May 2, 2002

Ms. Holly Heiser
Environmental Planner
Allee King Rosen & Fleming, Inc.
34 South Broadway
White Plains, NY 10601-4400

Dear Ms. Heiser:

This responds to your letter of April 24, 2002, requesting information on the presence of endangered or threatened species in the vicinity of projects proposed at the following locations:

1. A track bridge over Coney Island Creek between the Belt Parkway and Neptune Street in the Borough of Brooklyn, Kings County, New York.
2. The removal of construction spoils from the construction of a subway along Second Avenue to barges at Pier 6 on the East River in the Borough of Manhattan, New York County, New York.
3. The removal of construction spoils from the construction of a subway along Second Avenue to barges at Harlem River Drive between 125th and 130th Streets on the Harlem River in the Borough of Manhattan, New York County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the respective project impact areas. In addition, no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under 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: [732] 872-3037).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

Since culverts or bridges are involved in the proposed track bridge project, the Service suggests that you consider methods for enhancing fish and wildlife use of culverted waterways. We generally recommend that box culverts be used rather than circular culverts to convey stream flow. Box culverts are more likely than circular culverts to duplicate existing flows and allow normal fish passage (Warren and Pardew 1998). In addition, streambed conditions can be better replicated within box culverts to create aquatic habitat, and benches can be installed along one or both sides of the culvert or bridge to allow for dry passage of wildlife during high water periods (Jackson and Griffin 1998, Bates 1999).

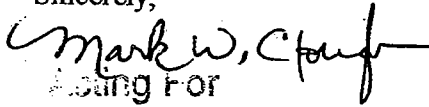
Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the respective project areas. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating 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 the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,



David A. Stilwell
Field Supervisor

Literature Cited:

- Bates, K. 1999. Fish passage design at road culverts: a design manual for fish passage at road crossings. Washington Department of Fish and Wildlife, Habitat and Lands Program, Environmental Engineering Division, Olympia, WA.
- Jackson, S.D. and C.R. Griffin. 1998. Toward a practical strategy for mitigating highway impacts on wildlife. Proceedings of the International Conference on Wildlife Ecology and Transportation, Fort Myers, FL, USA, February 10-12, 1998, pp. 17-22.
- Warren, M.L., Jr. and M.G. Pardew. 1998. Road crossings as barriers to small-stream fish movement. Transactions of the American Fisheries Society 127:637-644.

Enclosure

- cc: NYSDEC, Long Island City, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
NMFS, Highlands, NJ (Attn: S. Gorski)
NMFS, Milford, CT (Attn: M. Ludwig)
COE, Buffalo, NY



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

January 3, 2002

RECEIVED

JAN 07 2002

ALLEE KING/AKRF

Ms. Holly Heiser
Environmental Planner
Allee King Rosen & Fleming, Inc.
Environmental and Planning Consultants
34 South Broadway
White Plains, NY 10601-4400

Dear Ms. Heiser:

This responds to your letter of December 11, 2001, requesting information on the presence of endangered or threatened species in the vicinity of the proposed subway construction in Manhattan, New York County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under 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, FAX: [908] 872-3077).

The New York State Department of Environmental Conservation (State) requests that you be advised that the peregrine falcon (*Falco peregrinus*), listed as endangered by the State of New York, is known to occur in the vicinity of the project area. The project should, therefore, be coordinated with the State. The State contact for the peregrine falcon is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

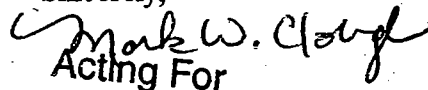
Since wetlands are present (East and Harlem Rivers), you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands 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
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If you require additional information please contact Robyn Niver at (607) 753-9334.

Sincerely,



Acting For

David A. Stilwell
Field Supervisor

Enclosure

cc: NYSDEC, Long Island City, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)
NMFS, Highlands, NJ (Attn: S. Gorski)
NMFS, Milford, CT (Attn: M. Ludwig)
COE, New York, NY