



## MEMORANDUM

To: Town of Southeast Planning Board  
From: Stephen W. Coleman  
Date: April 7, 2019  
Re: **Commercial Campus at Fields Corners FEIS (formerly known as Northeast Interstate Logistics)**  
Cc: JMC, Dan Richmond

I have completed a preliminary review of the draft of the Commercial Campus at Fields Corners FEIS last revised March 19, 2019. My comments are as follows:

### Potential Impacts and Mitigation Measures:

#### E. Surface Water and Wetlands

1. Due to the proposed changes from the DEIS and the FEIS, the document should provide a summary table of the differences in wetland and wetland buffer impacts, plus include a map that graphically shows the differences between the DEIS and the FEIS.
2. The FEIS shows an actual increase in the amount of buffer impacts to both NYSDEC and Town regulated wetlands. The reason for this increase requires further clarification and an explanation as to why these impacts are necessary and unavoidable. The explanation should be consistent with required efforts to first avoid and then minimize wetland impacts. It is unclear why this preferred plan would consider additional buffer impacts to be an acceptable approach, and that building footprint reductions could occur to avoid additional buffer disturbance.

#### H. Vegetation and Wildlife

3. As requested in the DEIS, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained to provide an opinion regarding the suitability of the proposed site for rare amphibian and reptile inhabitation. The results of the Survey has identified a potential list of 37 species of amphibians and reptiles. This list includes several rare species that require updated field surveys to determine their presence on site and to provide follow up management recommendations to protect these species and their habitats.

4. Of the list, the Bog Turtle is listed as endangered in NY and threatened on a federal level. There are an additional 7 potential species that are listed as "Species of Special Concern" by NYSDEC. These include the Jefferson Salamander, Blue-spotted Salamander, Marbled Salamander, Spotted Turtle, Wood Turtle, Eastern Box Turtle, and Eastern Hog-nosed Snake. Three additional species are considered "Species of Greatest Conservation Need" by NYSDEC and include the Four-toed Salamander, Atlantic Coast Leopard Frog, and Eastern Musk Turtle.
5. Due to the number of potential rare species identified, follow up field surveys to determine species presence are required. If any of these species are observed to be present on the subject site, additional avoidance measures and mitigation may be necessary. The field surveys should be completed during the spring/summer of 2019.
6. The Survey performed by MACHAC also identified potentially suitable aquatic habitats, and, also potentially suitable critical upland habitats throughout the central core of the site and between the locations of the two proposed warehouse facilities. In my experience, when potential aquatic and critical upland habitat is observed to be present, that both NYSDEC and USFWS would require that a Phase II Bog Turtle Survey be completed. This survey can only be performed by qualified individuals approved by these agencies. This Survey should also be completed in the spring-early summer of 2019. The results of this assessment could potentially require significant changes to the proposed building layout.
7. Due to the lack of these follow up surveys, and the respective outcomes, it is premature to fully evaluate the proposed Wetland Mitigation/Upland Restoration Report. Depending upon the results of additional field studies, the type of mitigation and restoration strategies may need to be altered or modified.
8. The general concepts described in the Proposed Monitoring and Maintenance of Wetland and Wetland Buffer Mitigation/Restoration Plantings Report have a lot of merit and likely will be acceptable as part of the overall mitigation and restoration strategies. The exception is the plans rely almost exclusively on seed mixes. Due to the extensive amount of invasive seed stock, the plans will need to address site preparation and removals of invasive species and how seed mixes will be applied and compete with existing seed stock and root systems that are present. The proposed habitat restoration will need to incorporate a greater reliance on live plantings of ground covers and shrubs, plus fencing and other protective measures. The proposed replacement ratios are aggressive and in concept should assist with minimizing potential impacts to habitat and potential species.
9. The agreement by the Applicant to abide by the extended tree-cutting prohibition period for the Indiana and Northern Long-eared Bats is well explained and acceptable.

## Responses to Comments:

### III.6 Surface Water and Wetlands:

1. Response 6-1: The FEIS should include an updated map of watercourses identified by NYCDEP and incorporate the description provided on the map.
2. Response 6-2: The wetlands located on the subject parcel have been confirmed by my office as well as NYSDEC. The applicant is filing a Joint Application with NYSDEC/ACOE which will provide a response from USACOE regarding whether the ACOE will require permits and confirmation of field data on the wetland prior to review of the proposed 0.05 acres of wetland impact as a result of the widening of Barrett Road. This approach is considered acceptable.
3. Response 6-3: The proposed re-directing of surface water to different wetland areas requires further clarification of the potential impacts to water budgets of wetlands 4 and 6. An existing water budget should be provided for each wetland area and tables and assessments provided that show their will be no corresponding changes to existing hydrology.
4. Response 6-5: As requested, the actual wetland validation block signed by NYSDEC should be added to the site plans.
5. Response 6-6: Please refer to comment E-2 above. The plans should show what measures were employed or could be employed to further reduce the amount of buffer disturbance from the Preferred Alternative Plan. This should include to use of walls, changes to footprints, road design, etc. to bring the amount of disturbance back to proposed levels within the DEIS.
6. Response 6-7: Please refer to comments H-7-8 above. A specific invasive species management plan should be prepared that serves as the basis for the Wetland Buffer/Habitat Restoration Plans.
7. Response 6-17: The proposed wetland mitigation plans should provide a detailed description of the extent of degraded sections and the reasons for the degradation and methodology for the restoration of this section of wetland 4. The current proposed plan relies too heavily on the use of seed mixes. Details on site preparation and long-term management of invasive species should be included. The planting plan should be expanded to include the use of live plants of species that are currently present within more intact sections of the wetland.
8. Response 6-28: The wetland water monitoring data is from 2004 and tested under a different development scenario. Although a variety of technical measures will be implemented to minimize potential disturbance, the fact that there is a need for such extensive mitigation strategies suggests that changes to

the building footprint and overall scope of the project is too large for the long-term sustainability of the site's hydrological impacts to existing wetland resources. Updated studies or an analysis provided by an independent hydrogeologist to substantiate the claims made within the FEIS would assist with addressing this potential long-term cumulative impact.

### III. 9. Vegetation and Wildlife

1. Response 9-1: As requested, the FEIS did retain MACHAC to do an informed suitability analysis of the site's ability to support rare species of reptiles and amphibians. The results of the Survey clearly demonstrate the need for follow up site specific field surveys as noted above in comments H. 3-7. Additional follow up biological surveys are also warranted to fully document other existing natural resources that are present on the site. The recommended follow up surveys should include a breeding bird survey, amphibian and reptile surveys (as discussed above), assessment of habitat for the New England cottontail, and a comprehensive botanical survey for special concern, threatened and endangered plants and habitats (successional agricultural fields, Class I wetlands).
2. Response 9-2: The protocols for Vernal Pool Buffer areas as described in Calhoun and Klemens, 2002, should be provided for the vernal pool habitat. Although species identified are not legally protected, the critical and vernal pool envelope should be identified and shown on a map.
3. Response 9-3: A follow up Phase II Bog Turtle Survey is recommended for the critical aquatic and upland habitat. The Survey will determine the potential suitability of the central core wetland areas and whether specific protection measures will be necessary. The information presented appears to be inconsistent with the criteria outlined in the USFWS Bog Turtle Recovery Plan. The standard criteria and how the proposed project impacts these criteria should be presented in a table and a summary narrative.
4. Response 9-23: The expanded road improvements and the 24/7 use of the interior roads may create potential mortality of resident wildlife species and create barriers for access to critical habitat and movement corridors. Mitigation measures should be explored that include the use of curbing, culverts, etc, that allow safe and effective wildlife crossings.
5. Response 9-25: The Habitat Restoration and Wetland Mitigation Plans rely heavily on the management of invasive plant species. A separate Invasive Species Management Plan should be prepared that addresses the identification of species, management techniques for removal of these species, monitoring and maintenance strategies.

This completes my preliminary review of specific sections of the FEIS. Please let me know if you have further questions or require additional information.