Appendix F

Vegetation and Wildlife Reports

VEGETATION AND WILDLIFE REPORT
FISHERS RIDGE

TOWN OF VICTOR
ONTARIO COUNTY, NEW YORK

Prepared for:

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1.0 INTRODUCTION

Terrestrial Environmental Specialists, Inc. (TES) was contracted by The DiMarco Group to investigate and describe the vegetation and wildlife resources on a site for a proposed residential and commercial development in the Town of Victor, Ontario County, New York. The site is approximately 100 acres in size and is located south of Interstate 90 near Exit 45, and north of NYS Route 96 (Figure 1).

The TES investigation consisted of a review of available background information and a field survey for vegetation and wildlife resources on the site. This report addresses those resources. A variety of tables and figures are included with this report.

2.0 BACKGROUND INFORMATION

Prior to the field investigation, various maps and other sources of background information were reviewed. These included the following.

- New York State Department of Transportation (NYSDOT) topographic maps (Victor and Fairport quadrangles) (Figure 1).
- New York State Department of Environmental Conservation (NYSDEC) New York State Freshwater Wetlands map (Figure 2).
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) map (Figure 3).
- U.S.D.A. Natural Resources Conservation Service (NRCS) Soil Survey map (Figure 4) and descriptions.
- A 2002 aerial photograph obtained from NYSGIS Clearinghouse (Figure 5).
- A topographic property survey map prepared by McMahon LaRue Associates, P.C.

These background resource maps were used to prepare figures and are provided after the text of the report.

3.0 METHODS

3.1 Vegetation/Land Use Cover Types

A field survey of the Victor site was conducted on July 12, 2007. The background information maps and aerial photograph assisted in the initial identification of vegetation types and were used in the field reviews of the site. Previous fieldwork on the site was conducted by TES on November 11, 2005 and May 7, 2007, and involved the delineation of wetlands. A separate wetland delineation report was prepared for the site.

Vegetation data were collected to produce a vegetation cover type map. Vegetation cover types were characterized by the dominant plant species, and all plant species observed on the site were recorded. Vegetation cover types were recorded following *Ecological Communities of New*

York State (Edinger *et al.* 2002). Scientific nomenclature for plant species follows *A Checklist of New York State Plants* (Mitchell and Tucker 1997).

3.2 Wildlife Resources

Background information on amphibians and reptiles in the vicinity of the site is available from maps generated with data collected during the New York Herpetological Atlas Project conducted from 1990 to 1999. Data on amphibian and reptile distribution throughout the state were collected and maps are available on the NYSDEC website (www.dec.ny.gov/animals/7140.html) showing the distribution data by topographic quadrangle.

Similarly, breeding birds in the state were investigated during two NYS Breeding Bird Atlas projects, the first conducted from 1980 to 1985, and the second from 2000 to 2005. Data were collected in 5 km x 5 km "blocks" throughout the state and species lists and maps are also available on the NYSDEC website (www.dec.ny.gov/animals/7312.html).

Wildlife resources were specifically surveyed in the field on July 12, 2007, and incidental observations were recorded during other field work on the site. Amphibians and reptiles were investigated by visual observations around wet areas (ponds, streams, and ditches) on the site, and cover objects such as logs and rocks were overturned to look for individuals using such types of cover. All bird species seen or heard on the site were noted, by vegetation cover type, as were mammal species. Mammals were also recorded by sign such as tracks, scat, or tunnels.

3.3 Endangered and Threatened Species

TES visited the USFWS website (www.fws.gov/northeast/nyfo/es/section7.htm) and obtained information on Federally listed endangered and threatened species, and candidate species known or likely occurrences in Ontario County (see Appendix A for this information).

TES contacted the New York Natural Heritage Program by letter of June 20, 2007 and March 30, 2012 regarding known occurrences of state-listed species on or in the vicinity of the site. This updated correspondence and the reply, dated April 10, 2012, can be found in Appendix A.

4.0 RESULTS

4.1 General Site Description

The NYSDOT topographic map (Figure 1) shows that the site lies south of the NYS Thruway (I-90) and northeast of NYS Route 96. The topography of the site is hilly, with slopes ranging up to 25% or more. The site generally slopes from north to south with elevations ranging from 750 feet above mean sea level (msl) in the northern portion of the site to 600 feet msl near NYS Route 96. A hill in the western section of the site reaches an elevation of 725 feet msl. Portions of the site have been mined in the past, and there are numerous mine roads and trails evident on maps and the aerial photograph (Figure 5).

Drainage on the site is generally to the south. One intermittent stream is shown on the topographic map in the center of the site; it is a tributary to Irondequoit Creek. No streams are shown on the site on the NYSDEC stream classification map, although several drainages are shown on the soil survey map (Figure 4).

According to the NYSDEC New York State freshwater wetlands map, there are no state-regulated wetlands on the site, although Wetland FA-2 is approximately 500 feet to the southwest of the site (Figure 2).

The USFWS NWI map (Figure 3) shows two small ponds on the site; one is an impoundment and the other excavated. The impoundment is part of the wetlands delineated on the site. The excavated pond is either in error on the NWI map or no longer exists.

The NRCS soil survey map (Figure 4) shows a variety of gravelly soils on the property, which include: Ontario fine sandy loam, 3 to 10% slopes; Ontario fine sandy loam, eroded, 10 to 20% slopes; Ontario gravelly loam, 3 to 10% slopes; Ontario gravelly loam, eroded, 10 to 20% slopes; Ontario, Lansing, and Honeoye soils, 30 to 60% slopes; Palmyra and Howard soils, 25 to 35% slopes; Palmyra gravelly loam, 5 to 15% slopes; and Palmyra gravelly loam, 15 to 25% slopes. Ontario and Palmyra are the most common soils on the site. Because of past mining activities, the soil map may not reflect current conditions. None of the soils on the site are hydric (wetland) soils or soils with potential hydric inclusions. In the southeastern portion of the site areas of moderate sheet erosion are shown within the Palmyra soil. A fairly large area in the southern part of the site is shown on Figure 4 as having moderate sheet erosion.

The 2002 aerial photograph (Figure 5) shows a very disturbed site, with old roads and trails throughout. Dense shrublands and patches of hardwood forest dominate the site. Old fields are present in the northern portion of the site.

4.2 Vegetation

Vegetation cover types found on the site are shown on Figure 5, with the acreage of each cover type presented in Table 1. A list of the common plant species noted in each cover type is provided in Table 2.

4.2.1 Uplands

Based on the TES mapping (Figure 5), uplands represent a total of 93.4 acres or 98 percent of the site (Table 1). About half of the upland area is shrubland cover (Table 1 and Figure 5). Each upland vegetation/land use type is described in the following text.

Developed

A driveway enters the southwestern portion of the site from NYS Route 96 (Figure 5). This driveway leads to an old building and parking lot, which covers about 2.1 acres or 2.2 percent of the site. This area represents the only developed portion of the site. Plant species

characteristic of disturbed areas occur in this area. The dominant species in this area are spotted knapweed (*Centaurea maculosa*) and mugwort (*Artemisia vulgaris*).

Successional Old Field

Successional old field represented about 16.3 acres or 17.1 percent of the site (Table 1 and Figure 5). This area contained poor topsoil and portions were disturbed for ATV riding. The fields were dominated by timothy (*Phleum pratense*), Canada goldenrod (*Solidago canadensis*), smooth brome (*Bromis inermis*), narrow leaf plantain (*Plantago lanceolata*), spotted knapweed, daisy fleabane (*Erigeron annuus*), and Canada bluegrass (*Poa compressa*). Portions of this cover type were densely populated with broom sedge (*Andropogon virginicus* var. *abbreviatus*). butterfly weed (*Asclepias tuberosa*) and poverty grass (*Danthonia spicata*) were also dominant species of these successional old fields.

Successional Shrubland

Successional shrubland covered 45.7 acres or 47.8 percent of the site (Table 1 and Figure 5). Some of these areas were disturbed as part of the former mining activities. This cover type is a mix of shrubs and field areas with clumps of trees scattered throughout. Common woody plants noted in the shrubland community included: Scotch pine (*Pinus sylvestris*), green ash (*Fraxinus pennsylvanica*), multiflora rose (*Rosa multiflora*), staghorn sumac (*Rhus hirta*), and dense areas of gray stemmed dogwood (*Cornus foemina* ssp. *racemosa*). In the more disturbed areas, cottonwood (*Populus deltoides*) and autumn olive (*Eleagnus umbellata*) were dominant species. In places, herbaceous plants were abundant and included: Canada goldenrod, wild strawberry (*Fragaria virginiana*), Virginia creeper (*Parthenocissus quinquefolia*), orchard grass (*Dactylis glomerata*), wild carrot (*Daucus carota*), and daisy fleabane.

Successional Northern Hardwoods

Successional northern hardwoods cover 29.3 acres or 30.6 percent of the site (Table 1 and Figure 5). Northern hardwoods dominate this community. They vary in size, but are generally 60 to 80 feet in height and 8 to 24 inches in diameter. Common tree species included: white oak (*Quercus alba*), cottonwood, sweet cherry (*Prunus avium*), sugar maple (*Acer saccharum*), and white ash (*Fraxinus americana*). Cottonwood was abundant in northern hardwood areas that were previously disturbed by mining activities. Shagbark hickory (*Carya ovata*) was fairly dense in the southeastern portion of the site, while red maple (*Acer rubrum*) was dominant in the eastern portion. The shrub layer was quite dense under the trees and was dominated by: privet (*Ligustrum vulgare*), musclewood (*Carpinus caroliniana*), gray dogwood, multiflora rose, and honeysuckle (*Lonicera morowii*). Common herbaceous species included: garlic mustard (*Alliaria petiolata*), Virginia creeper, poison ivy (*Toxicodendron radicans*), enchanter's nightshade (*Circaea lutetiana* ssp. *canadensis*), scouring rush (*Equisetum hyemale*), and avens (*Geum* sp.). Tree seedlings were also abundant in the southeastern portion of the site.

4.2.2 Wetlands

As previously indicated, wetlands on the site were formally delineated and are described in detail in a separate wetland delineation report (TES 2007). A description of the wetland communities and the plant species are presented in this report.

Based on the vegetation cover map (Figure 5), wetlands represent a total of 2.2 acres or 2.3 percent of the site (Table 1). There are two wetland types that are found throughout the site. They are shallow emergent marsh and shrub swamp wetlands. The characteristics of each wetland cover type are described in the following section.

Shallow Emergent Marsh

Shallow emergent marshes can be found in the northeastern portion of the site (Figure 5). These wetlands cover approximately 0.8 acre or 0.8 percent of the site. An intermittent drain occurs in these emergent marshes, with patches of trees and shrubs in places. American elm (*Ulmus americana*) and green ash were two common trees in this wetland. Common elderberry (*Sambucus canadensis*) was found in the shrub layer. The herbaceous layer was dominated by common reed (*Phragmites australis*) and reed canary grass (*Phalaris arundinacea*). Common reed and reed canary grass are considered invasive species by the Corps and the USFWS and are indicators of a degraded wetland.

Shrub Swamp

Shrub swamps occur in places along the main intermittent drain, along another intermittent drain along the southeastern site boundary, and near the developed area (Figure 5). These wetlands cover 1.4 acres or 1.5 percent of the site (Table 1). In the southeastern portion of the site the soils were mucky with small rivulets running through the wetland. Common trees in the shrub swamps were willow (*Salix* sp.) and green ash. Spicebush (*Lindera benzoin*), silky dogwood (*Cornus amomum*), honeysuckle, gray stemmed dogwood, and nannyberry (*Viburnum lentago*) were common shrub species in this cover type. Aster (*Aster* sp.), touch-me-not (*Impatiens capensis*), sensitive fern (*Onoclea sensibilis*), Joe-pye-weed (*Eupatorium maculatum*), and skunk cabbage (*Symplocarpus foetidus*) were dominant species in the herbaceous layer.

4.3 Wildlife Resources

Wildlife species observed on the site are listed in Table 1. Wildlife observations include visual sightings, tracks, scat, and vocalizations.

The background search of the amphibian and reptile atlas information (Appendix Table B-1) indicates a fairly diverse assemblage of amphibians and reptiles in the vicinity of the site. It should be noted, however, that the "vicinity" covers 12 topographic quadrangles; a large area that includes many more, and less disturbed, habitats, especially wetlands, than are found on the site. The site would be expected to have a limited number of species of amphibians and reptiles, due to the limited amount of wetlands on the site.

Similarly, the breeding bird atlas information (Appendix Table B-2) represents multiple years of effort on an area that is 5 km x 5 km in size, and has much more, and less disturbed, habitats than on the site.

As previously described, the site consists largely of dense shrubland communities, with patches of northern hardwood, and successional old fields in the northern portion of the site. The several small wetlands are linear drainageways down the slopes of the site. The site is very disturbed, with trails and old roads. Much of the site has been previously mined.

Table 3 is a list of wildlife observations on the site. The most obvious wildlife using the developed area on the site is bank swallow. A colony with approximately 50 nests was located on the upper end of the nearly-vertical cut that forms the north-central edge of the developed area. The birds were foraging over all nearby habitats, on and off site. Bank swallows are common, but local, breeders in New York State due to their particular nesting habitat. Tracks of raccoon and white-tailed deer were also present in muddy areas surrounding the building.

The successional old fields on the site are breeding habitat for the following bird species: field sparrow, song sparrow, northern cardinal, and American goldfinch (Table 3). These species often use small shrubs or tall herbs in open areas as nesting locations, but are almost equally likely to be found in shrubland communities. Throughout the fields barn swallow was foraging on insects and a group of cedar waxwings was foraging on berry-laden shrubs.

Successional old fields on the site are not big enough to provide habitat for typical grassland bird species such as the savannah sparrow (*Passerculus sandwichensis*), bobolink (*Dolichonyx oryzivorus*), or eastern meadowlark (*Sturnella magna*).

Red fox tracks were seen on an old road in a disturbed area of successional old field. This species likely uses all habitats present on the site.

Successional shrubland is the largest vegetation community on the site. This cover type is very disturbed with old roads and trails, and formerly mined areas, resulting in a mosaic of areas with very dense shrubs interspersed among areas with much less shrub cover. Gray catbirds were abundant in this vegetation cover type, nesting in thick tangles of vines and shrubs, and feeding on berries and insects in this same habitat. Song sparrows and American goldfinches were also very common in this habitat.

A dead short-tailed shrew was found along an old trail in the shrubland community. This species of small mammal would actually be expected in all the upland habitats on the site.

Successional northern hardwoods is also a major vegetation community on the site and wildlife observations include several cavity-nesting bird species typical of wooded areas, such as pileated woodpecker, black-capped chickadee, and tufted titmouse. Other bird species observed are also typical of wooded areas, where nests are either constructed in the trees or on the ground. These species include: red-eyed vireo, blue jay, American crow, wood thrush, and ovenbird.

Chipmunks were common in the forested areas on site, where gravelly soils (Figure 4) are used by the species to construct tunnels and nesting chambers. Woodchuck, striped skunk, and white-tailed deer were also observed. These are all species that use a variety of habitats throughout New York State.

The wetlands on the site, collectively, are a very minor habitat. These wetlands are mostly linear drainages, sometimes only a few feet wide. Three amphibians: American toad, northern green frog, and pickerel frog were seen in these drainages (Table 3). A recently-metamorphosed American toad was observed. This species breeds in temporary water, often in water-filled tire ruts, and is not confined to waterbodies after metamorphosis. It could be found in any habitat, including uplands, on the site. Northern green frogs and pickerel frogs are associated more with waterbodies, although they move into upland habitats, especially during rains. Northern green frogs require permanent water for breeding, since tadpoles overwinter in ponds.

Three bird species seen on site that are often associated with wetlands were common yellowthroat, yellow warbler, and song sparrow. These common species nest in thick shrubs, in the vicinity of water or wetlands.

Overall, the wildlife species observed on the Fishers Rdige site are common species in New York State.

4.4 Endangered and Threatened Species

The USFWS list of endangered and threatened species and candidate species for Ontario County includes bald eagle (*Haliaeetus leucocephalus*) and bog turtle (*Glyptemys muhlenbergii*) (see Appendix A). Bog turtle is federally-listed as threatened. Bald eagles nest in large trees and feed largely on fish. There are no waterbodies on or near the site, and there is no bald eagle habitat on the site. There are no active bald eagle nests in Ontario County (M. Allen, NYSDEC, pers. comm.). Finally, it should be noted that the Final Rule for delisting the bald eagle was published in the Federal Register on July 9, 2007, with the rule effective August 8, 2007. However, the bald eagle is still protected under several federal laws and New York State law.

The USFWS list for Ontario County indicates the bog turtle in Phelps Township, Ontario County. The Town of Phelps is in the northeast corner of the county, a distance of at least 16 miles from the Victor Town Square site, and in a different drainage than the site. The site drains into Irondequoit Creek. The wetlands on the site are narrow, linear drainages down the slopes toward NYS Route 96. These wetlands are not suitable habitat for bog turtles.

The response received from the New York Natural Heritage Program indicates that they *"have no records of <u>known</u> occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site."* No state-listed endangered or threatened species were seen on the site.

5.0 SUMMARY

TES conducted a vegetation and wildlife survey of a site in the Town of Victor, Ontario County, New York. The approximately 100-acre site is located south of the NYS Thruway and north of NYS Route 96.

TES collected and reviewed available background information and maps, including topographic maps, wetland maps, soils maps and descriptions, an aerial photograph, and species lists or maps with results of the NYS amphibian and reptile atlas project and the NYS breeding bird atlas projects, which provide data for the vicinity of the site.

A field survey for vegetation and wildlife information was conducted on July 12, 2007. The site is disturbed, portions of it having been mined in the past. It now largely consists of successional old field and successional shrubland communities with patches of successional northern hardwoods. There are a number of dirt roads and trails on the site. There are a few linear wetlands along drainageways. Vegetation and wildlife species recorded on the site are provided in Tables 2 and 3.

Based on the TES mapping, uplands represent a total of 93.4 acres or 98 percent of the site. About half of the upland area is shrubland. The remainder of the uplands found on the site are developed, successional old field, and successional northern hardwoods. About 2.2 acres or 2.3 percent of the site is wetlands. There are two wetland types that are found throughout the site. They are shallow emergent marsh and shrub swamp.

Successional old fields were dominated by waste-area species including timothy, Canada goldenrod, smooth brome, narrow-leaf plantain, and spotted knapweed. The shrub areas are a mix of field and shrubs, with clumps of trees scattered throughout. Dominant plant species varied from location to location, but included multiflora rose, gray-stemmed dogwood and autumn olive. The forest was variable in terms of dominant species, size of trees, and degree of disturbance. Common tree species included white oak, cottonwood, sweet cherry, sugar maple, white ash and shagbark hickory.

Shallow emergent marsh and shrub swamp wetlands were linear along drainageways, and covered 2.3 percent of the site. The small emergent marsh was dominated by common reed and reed canary grass which are considered invasive species by the Corps and the USWFS. The shrub swamp contained some willow and green ash along with spicebush, silky dogwood, honeysuckle, gray-stemmed dogwood and nannyberry.

The wildlife resources observed on the site are reflective of the habitats present, their size, and their juxtaposition. Three species of amphibians, and only a few individuals, were observed. The wetland habitats on site are very limited, thus limiting the potential for many salamanders, frogs, and turtles.

Bird use of the site consisted of common to abundant species that use small fields, shrubland communities, and disturbed forests of various ages. The successional old fields did not support typical grassland species due to their small size and the presence of woody

vegetation. The shrubland community had a few very common birds that breed in thick tangles of vines and shrubs. Gray catbirds were abundant. The successional northern hardwoods contained some good snag habitat for cavity-nesting birds. The wooded areas varied widely in age and degree of disturbance, and provided habitat for a variety of common species.

No endangered or threatened plants or animals are known from the site or vicinity and none were observed.

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Tables

Table 1.

Acreage of Vegetation/Land Use Cover Types
Fishers Ridge Site, Ontario County, New York

Vegetation/Land Use Type	Acreage	% of Total Site
Developed (DEV)	2.1	2.2%
Successional Old Field (SOF)	16.3	17.1%
Successional Shrubland (SS)	45.7	47.8%
Successional Northern Hardwoods (SNH)	29.3	30.6%
Shallow Emergent Marsh (SEM)	0.8	0.8%
Shrub Swamp (SSW)	1.4	1.5%
Total	95.6	100.0%

Table 2.

Plant Species Noted at the Fishers Ridge Site,
Ontario County, New York

TREES		**VEGETATION COVER TYPES[a]**					
Scientific Name[b]	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Acer negundo	Box elder				X		
Acer rubrum	Red maple				X		
Acer saccharum	Sugar maple				X		
Betula alleghaniensis	Yellow birch				X		
Carya cordiformis	Butternut hickory				X		
Carya glabra	Pignut Hickory				X		
Carya ovata	Shagbark hickory				X		
Fraxinus americana	White ash				X		
Fraxinus nigra	Black ash						X
Fraxinus pennsylvanica	Green ash			X		X	X
Juglans nigra	Black walnut				X		
Malus sp.	Apple			X	X		
Morus rubra	Red mulberry						X
Pinus strobus	White pine			X			
Pinus sylvestris	Scotch pine			X			
Populus deltoides	Cottonwood			X	X		X
Populus tremuloides	Trembling aspen			X			
Prunus avium	Sweet cherry				X		
Prunus serotina	Black cherry			X	X		
Pyrus communis	Domestic pear				X		
Quercus alba	White oak				X		
Quercus rubra	Red oak				X		
Quercus velutina	Black oak				X		
Robinia pseudo-acacia	Black Locust			X			
Salix sp.	Willow			X	X		X
Salix nigra	Black willow						X
Sassafras albidum	Sassafras				X		
Thuja occidentalis	Northern white cedar				X		
Tilia americana	Basswood				X		
Ulmus americana	American elm				X	X	X

SHRUBS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Crataegus sp.	Hawthorn			X			
Cornus amomum	Silky dogwood						X
Cornus foemina ssp. *racemosa*	Gray dogwood		X	X	X		X
Cornus sericea	Red osier dogwood						X
Carpinus caroliniana	Musclewood				X		X

[a] Vegetation cover types are: DEV – Developed, SOF- Successional Old Field, SS – Successional Shrubland, SNH – Successional Northern Hardwoods, SEM– Shallow Emergent Marsh, SSW – Shrub Swamp.

[b] Nomenclature follows Mitchell and Tucker (1997).

SHRUBS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Eleagnus umbellata	Autumn olive		X	X			
Ligustrum vulgare	Privet				X		
Lindera benzoin	Spicebush						X
Lonicera morowii	Honeysuckle		X		X		X
Rhus hirta	Staghorn sumac			X	X		
Rosa multiflora	Wild rose			X	X		X
Sambucus canadensis	Common elderberry					X	
Viburnum acerifolium	Maple-leaf viburnum				X		
Viburnum lentago	Nannyberry						X
Viburnum opulus var. *americanum*	Highbush cranberry						X

HERBACEOUS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Achillea millefolium	Common yarrow		X	X			
Agrostis sp.	Bentgrass		X	X			
Alliaria petiolata	Garlic mustard				X		
Ambrosia artemisiifolia	Ragweed		X				
Amphicarpa bracteata	Hog peanut						X
Andropogon virginicus var. *abbreviatus*	Broom sedge		X	X			
Arrhenatherum elatius	Tall oats grass		X	X			
Artemisia vulgaris	Common mugwort	X	X	X			
Asclepias syriaca	Common milkweed		X				X
Asclepias tuberosa	Butterfly weed		X	X			
Aster sp.	Aster			X		X	X
Barbarea vulgaris	Yellow rocket		X				
Bromis inermis	Smooth brome	X	X				
Carex lurida	Shallow sedge						X
Carex pensylvanica	Pennsylvania sedge				X		
Carex sp.	Sedge						X
Carex stipata	Owlfruit sedge						X
Celastrus scandens	Bittersweet				X		
Centaurea maculosa	Spotted knapweed	X	X	X			
Chenopodium album	Lamb’s quarters		X				
Chrysanthemum leucanthemum	Oxeye daisy	X	X	X			
Cichorium intybus	Chicory	X	X	X			
Cicuta maculata	Water hemlock						X
Circaea lutetiana ssp. *canadensis*	Enchanter’s Nightshade				X		X
Cirsium vulgare	Bull-thistle	X					
Dactylis glomerata	Orchard grass			X			
Danthonia spicata	Poverty grass		X				
Daucus carota	Wild carrot	X	X	X			

Table 2. (Page 3 of 4)

HERBACEOUS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Dianthus armeria	Deptford pink		X	X			
Dipsacus fullonum	Common teasel		X				
Epilobium hirsutum	Great willow-herb					X	
Equisetum hyemale	Scouring rush			X	X		X
Equisetum variegatum	Variegated horsetail			X			
Erigeron annuus	Daisy fleabane		X	X			
Eupatorium maculatum	Joe pye weed						X
Euthamia graminifolia	Flat top goldenrod					X	
Festuca rubra	Red fescue		X				
Fragaria virginiana	Wild strawberry			X			
Galium sp.	Bedstraw						X
Geum canadense	White avens				X		
Geum sp.	Avens			X	X		X
Glechoma hederacea	Ground ivy						X
Glyceria striata	Fowl meadow grass						X
Hieracium vulgatum	Common hawkweed			X			
Hypericum pseudomaculatum	Spotted St. John’s wort		X	X			X
Impatiens capensis	Touch-me-nots						X
Juncus sp.	Rush			X			
Juncus tenuis	Path rush			X			
Leersia oryzoides	Rice cutgrass					X	
Lolium perenne	Perennial rye grass	X					
Lotus corniculatus	Birdsfoot trefoil	X	X	X			
Melilotus alba	White sweet clover	X	X	X			
Melilotus altissima	Tall yellow sweet clover		X				
Monarda fistulosa	Wild bergamot			X			
Monotropa uniflora	Indian pipe				X		
Oenothera sp.	Primrose	X					
Oxalis corniculata	Creeping woodsorrel				X		
Parthenocissus quinquefolia	Virginia creeper		X	X	X		X
Phalaris arundinacea	Reed canary grass					X	
Phleum pratense	Timothy		X	X			
Phragmites australis	Common reed	X				X	X
Plantago lanceolata	Narrow leaf plantain		X	X			
Plantago major	Common plantain	X	X	X			
Poa compressa	Canada bluegrass	X	X	X			
Poa pratensis	Kentucky bluegrass					X	
Poa sp.	Bluegrass			X			
Podophyllum peltatum	May apple				X		
Polygonum hydropiperoides	Mild water pepper					X	
Potentilla sp.	Cinquefoil			X			
Prunella vulgaris	Heal-all						X
Ranunculus acris	Tall buttercup				X	X	X

Table 2. (Page 4 of 4)

HERBACEOUS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Ribes sp.	Currants						X
Rubus allegheniensis	Common blackberry		X				X
Rubus idaeus	Red raspberry			X	X		
Rubus occidentalis	Black raspberry			X	X		X
Rudbeckia triloba	Brown eyed Susan		X	X			
Rumex acetosella	Field sorrel					X	
Rumex crispus	Curly dock	X					
Scirpus atrovirens	Dark green bulrush					X	
Scirpus sp.	Bulrush			X			
Solidago canadensis	Canada goldenrod		X	X			
Solidago sp.	Goldenrod			X			
Symplocarpus foetidus	Skunk cabbage						X
Thalictrum polygamum	Tall meadow rue						X
Toxicodendron radicans	Poison ivy		X	X	X		X
Trifolium repens	Red clover			X			
Tussilago farfara	Coltsfoot	X			X		X
Typha latifolia	Broad leaf cattail					X	X
Verbascum sp.	Mullein		X				
Veronica officinalis	Common speedwell				X		
Vicia sp.	Vetch						
Viola sp.	Violet						X
Vitis sp.	Grape		X		X		X

FERNS		**VEGETATION COVER TYPES**					
Scientific Name	**Common Name**	**DEV**	**SOF**	**SS**	**SNH**	**SEM**	**SSW**
Dryopteris carthusiana	Spinulose wood fern				X		
Matteuccia struthiopteris	Ostrich fern						X
Onoclea sensibilis	Sensitive fern					X	X
Osmunda claytoniana	Interrupted fern				X		
Thelypteris palustris	Marsh fern						X

Table 3.

Wildlife Observed on the Fishers Ridge Site, Ontario County, New York

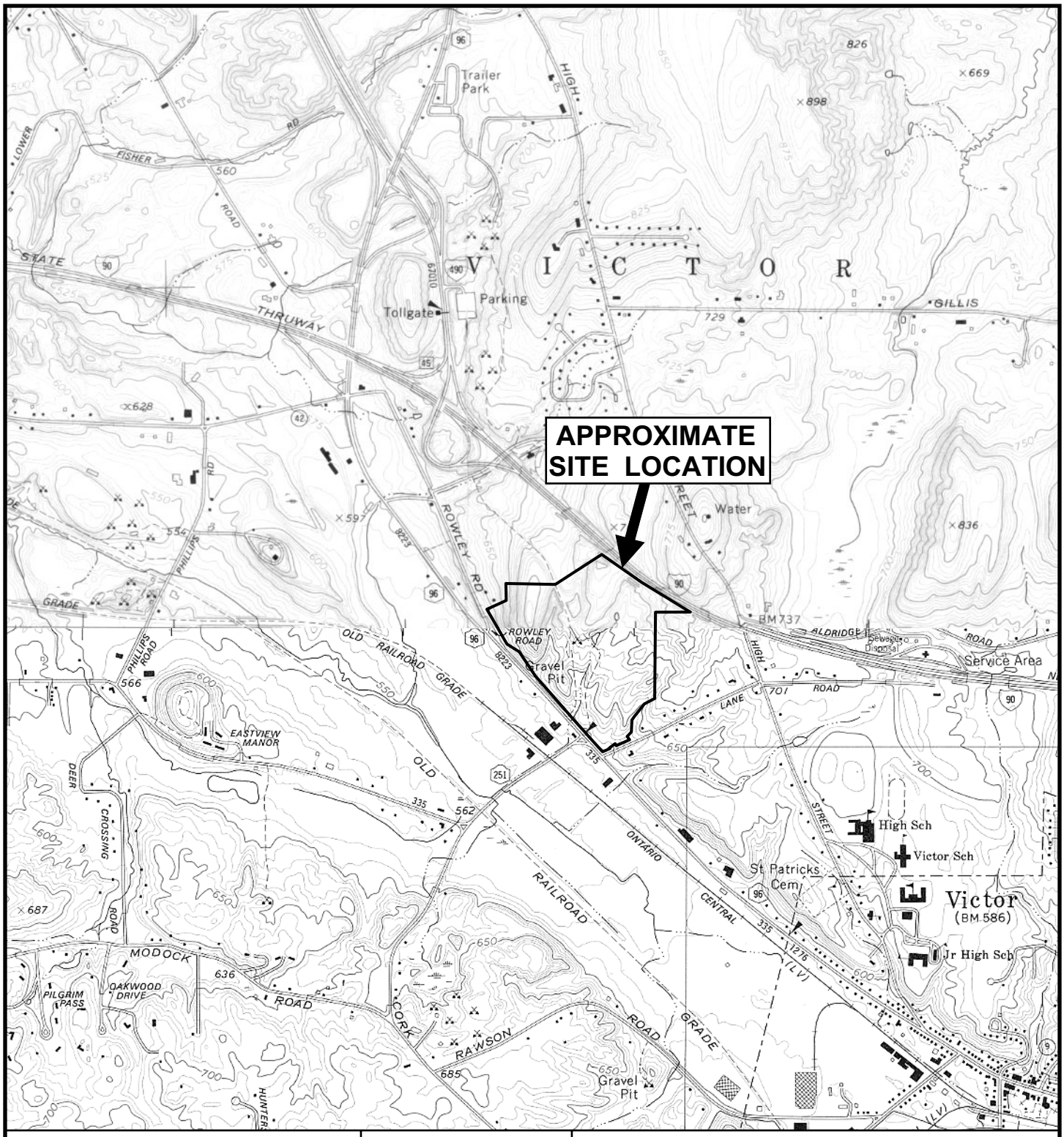
TOADS AND FROGS		**VEGETATION COVER TYPES[a]**				
Standard English Name[b]	**Scientific Name**	**DEV**	**SOF**	**SS**	**SNH**	**WET**
Eastern American Toad	*Bufo a. americanus*					X
Northern Green Frog	*Rana clamitans melanota*					X
Pickerel Frog	*Rana palustris*					X

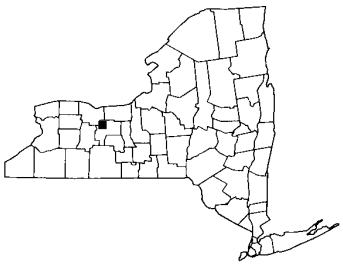
BIRDS		**VEGETATION COVER TYPES[a]**				
Standard English Name[c]	**Scientific Name**	**DEV**	**SOF**	**SS**	**SNH**	**WET**
Wild Turkey	*Meleagris gallopavo*				X	
Pileated Woodpecker	*Dryocopus pileatus*				X	
Red-eyed Vireo	*Vireo olivaceus*				X	
Blue Jay	*Cyanocitta cristata*			X	X	
American Crow	*Corvus brachyrhynchos*			f.o.	X	
Bank Swallow	*Riparia riparia*	X				
Barn Swallow	*Hirundo rustica*		X			
Black-capped Chickadee	*Poecile atricapillus*				X	
Tufted Titmouse	*Baeolophus bicolor*				X	
Wood Thrush	*Hylocichla mustelina*				X	
American Robin	*Turdus migratorius*				X	
Gray Catbird	*Dumetella carolinensis*			X	X	
Cedar Waxwing	*Bombycilla cedrorum*		X			
Blue-winged Warbler	*Vermivora pinus*			X		
Yellow Warbler	*Dendroica petechia*			X		
Ovenbird	*Seiurus aurocapilla*				X	
Common Yellowthroat	*Geothlypis trichas*					X
Eastern Towhee	*Pipilo erythrophthalmus*			X	X	
Field Sparrow	*Spizella pusilla*		X	X		
Song Sparrow	*Melospiza melodia*		X	X		
Northern Cardinal	*Cardinalis cardinalis*		X	X	X	
Brown-headed Cowbird	*Molothrus ater*				X	
American Goldfinch	*Carduelis tristis*		X	X		

MAMMALS		**VEGETATION COVER TYPES[a]**				
Standard English Name[d]	**Scientific Name**	**DEV**	**SOF**	**SS**	**SNH**	**WET**
Short-tailed Shrew	*Blarina brevicauda*			X		
Eastern Chipmunk	*Tamias striatus*				X	
Woodchuck	*Marmota monax*				X	
Red Fox	*Vulpes vulpes*		X			
Raccoon	*Procyon lotor*	X				
Striped Skunk	*Mephitis mephitis*				X	
White-tailed Deer	*Odocoileus virginianus*	X		X	X	X

[a] Vegetation Cover Types are as follows: DEV = Developed, SOF = Successional Old Field, SS = Shrubland, SNH = Successional Northern Hardwoods, and WET = Shallow Emergent Swamp and Shrub Swamp.
[b] Common and scientific names according to Crother (2000) and updates through 2003.
[c] English and scientific names according to AOU (1998) and supplements through 2006.
[d] Common and scientific names according to Whitaker and Hamilton (1998).

Figures





QUADRANGLE LOCATION

0 1000' 2000'

SCALE 1" = 2000'

NORTH

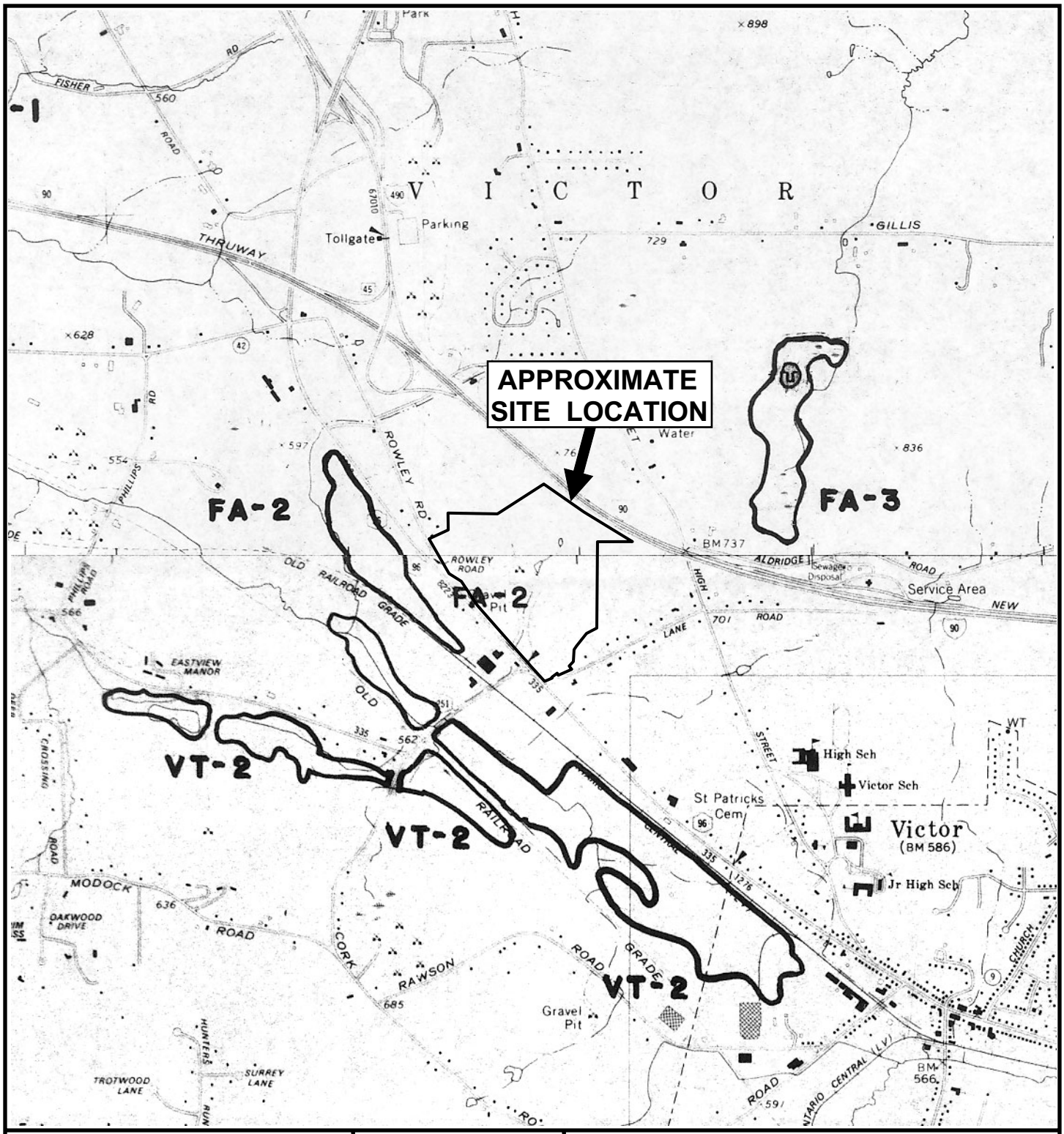
Figure 1. Site Location

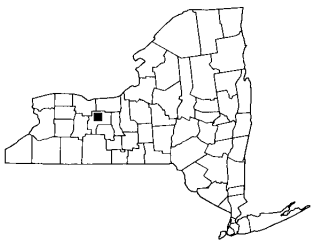
NYS DOT Topographic Map

Victor Quadrangle 1979
Fairport Quadrangle 1980

Prepared by TERRESTRIAL ENVIRONMENTAL SPECIALISTS, Inc.

TES file: COS-3050\3050fig1.dsf\6-20-07





QUADRANGLE LOCATION

0 1000' 2000'

SCALE 1" = 2000'

NORTH

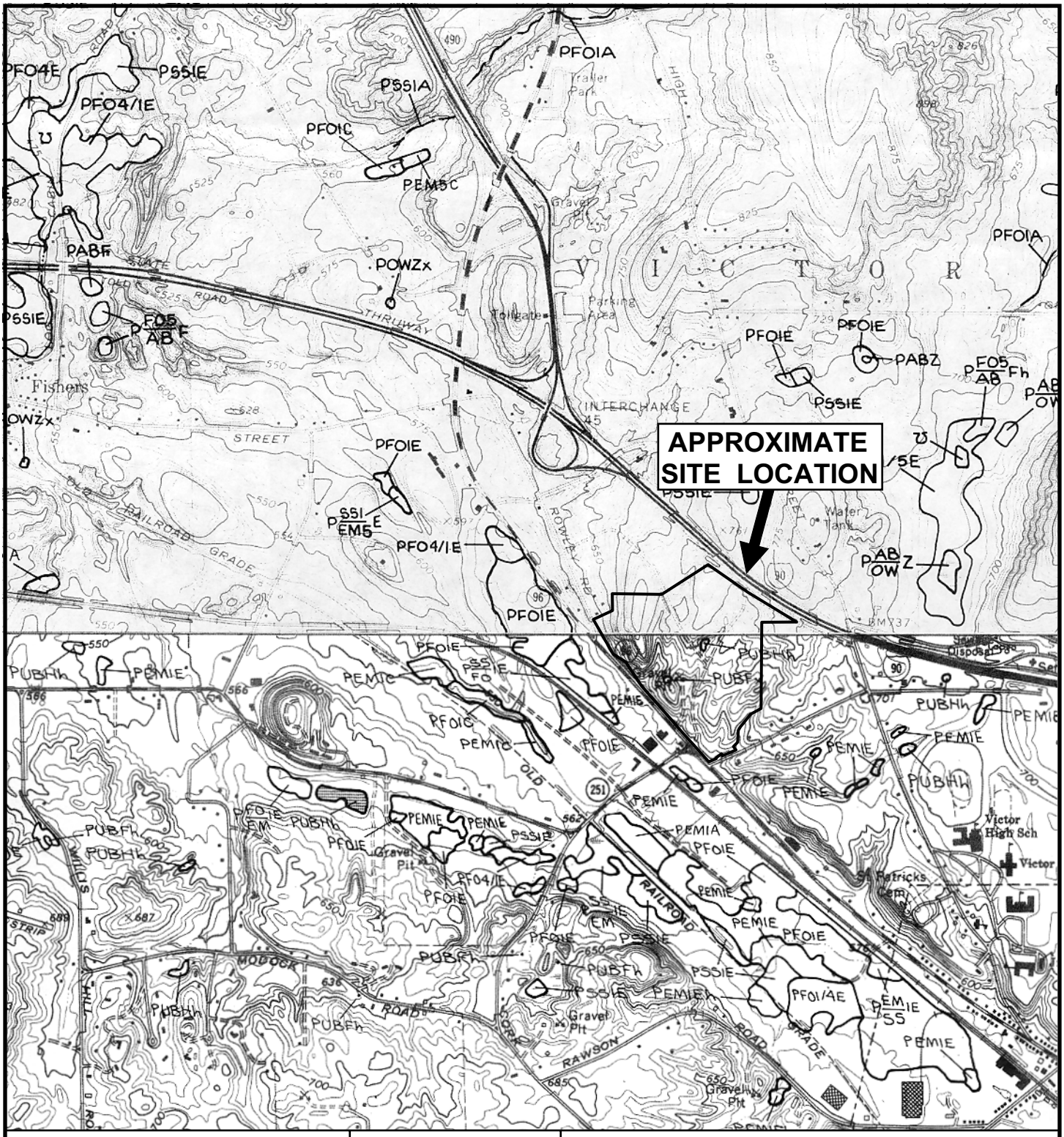
Figure 2. NYS Freshwater Wetlands Map

NYS Department of Environmental Conservation

Victor Quadrangle 1986
Fairport Quadrangle 1986

Prepared by TERRESTRIAL ENVIRONMENTAL SPECIALISTS, Inc.

TES file: COS-3050\3050fig2.dsf\6-20-07



QUADRANGLE LOCATION

0 1000' 2000'

SCALE 1" = 2000'

NORTH

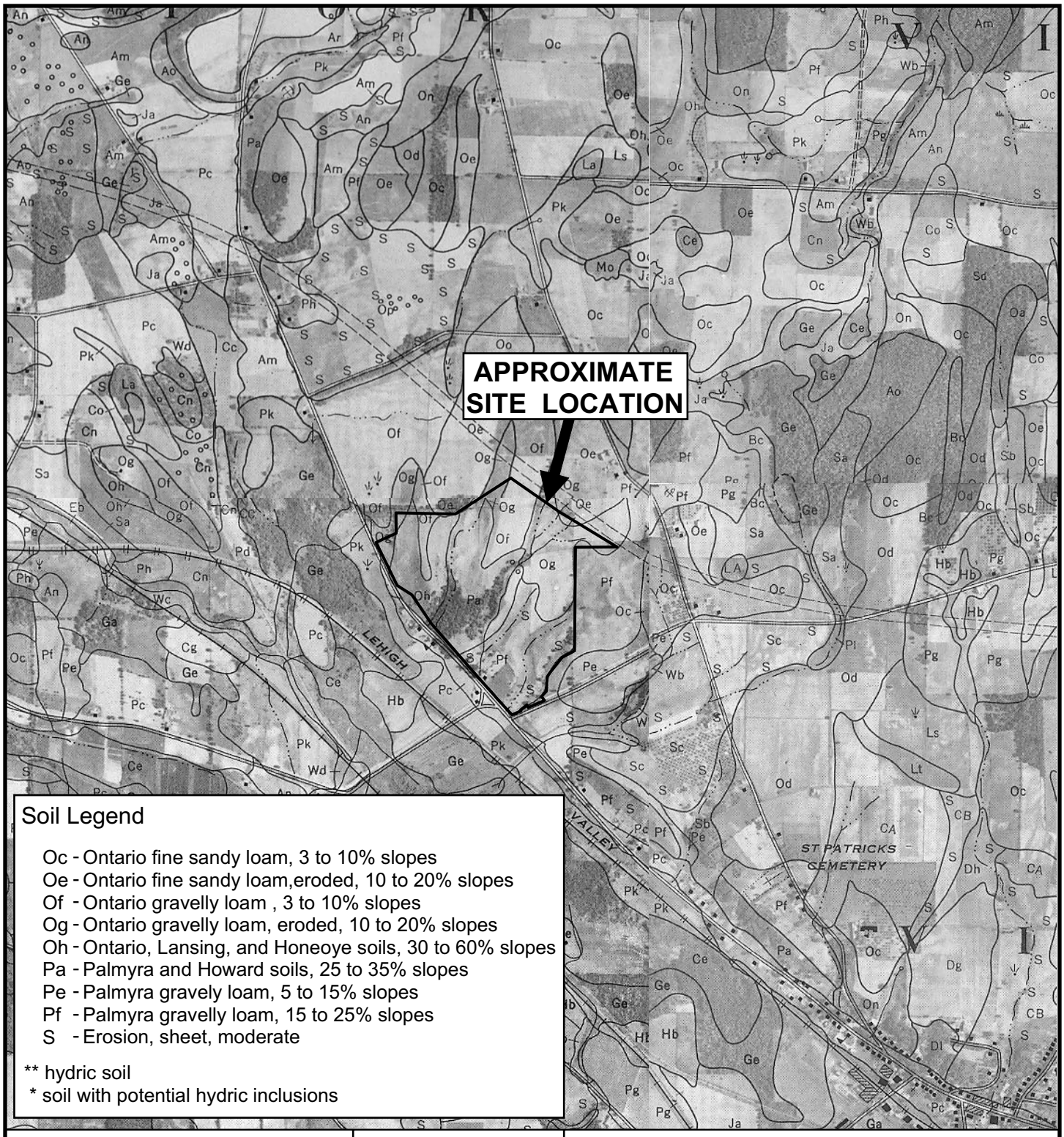
Figure 3. National Wetlands Inventory Map

U.S. Fish & Wildlife Service

Victor Quadrangle 1979
Fairport Quadrangle 1980

Prepared by TERRESTRIAL ENVIRONMENTAL SPECIALISTS, Inc.

TES file: COS-3050\3050fig3.ds4\6-20-07



Soil Legend

Oc - Ontario fine sandy loam, 3 to 10% slopes
Oe - Ontario fine sandy loam,eroded, 10 to 20% slopes
Of - Ontario gravelly loam , 3 to 10% slopes
Og - Ontario gravelly loam, eroded, 10 to 20% slopes
Oh - Ontario, Lansing, and Honeoye soils, 30 to 60% slopes
Pa - Palmyra and Howard soils, 25 to 35% slopes
Pe - Palmyra gravely loam, 5 to 15% slopes
Pf - Palmyra gravelly loam, 15 to 25% slopes
S - Erosion, sheet, moderate

** hydric soil
* soil with potential hydric inclusions

SITE LOCATION

0 833' 1666'

SCALE 1" = 1666'

NORTH

Figure 4. Soil Survey Map

U.S. Soil Conservation Service

Ontario County Soil Survey

1958

Sheets 1, 2, 7, and 8

Prepared by TERRESTRIAL ENVIRONMENTAL SPECIALISTS, Inc.

TES file: COS-3050\3050fig4.dsf\6-20-07

LEGEND

DEV - Developed
SOF - Successional Old Field
SS - Successional Shrubland
SNH - Successional Northern Hardwoods
SEM - Successional Emergent Marsh
SSW - Shrub Swamp

NORTH

0 200' 400'

Approximate Scale in Feet

Figure Prepared by Terrestrial Environmental Specialists, Inc.

2002 Aerial Photograph Obtained from New York State GIS Clearinghouse

Figure 5.

Vegetation Cover Type Map

TES File: *COS-3050/3050fig5-Revised.dsf/1-30-13*

APPENDIX A – Agency Contacts

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
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

April 10 2012

Adam Robedee
Terrestrial Environmental Specialists, Inc
23 County Route 6, Suite A
Phoenix, NY 13135

RECEIVED 4/12/2012

Dear Mr. Robedee:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed UODATE of 2007 Request, File # 3050, 100-Acre Parcel for possible Commercial Development, area as indicated on the map you provided, located in the Town of Victor, Ontario County.

We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

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.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; 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,
Jean Pietrusiak

Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
cc: Region 8

304

Terrestrial Environmental Specialists, inc.
23 COUNTY ROUTE 6, SUITE A, PHOENIX, NY 13135
(315) 695-7228 FAX (315) 695-3277 E-MAIL: tesinc@tesenvironmental.com

March 30, 2012

Information Services
New York Natural Heritage Program
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, NY 12233-4757

Re: Rare Plants and Animals and Significant Ecological Communities
Town of Victor, Ontario County, NY
TES File No. 3050

To Whom It May Concern:

I am writing to request information on any rare species of plants and animals and significant ecological communities known to occur on or in the vicinity of a 100-acre site located in the Town of Victor, Ontario County, New York (Figure 1). There is a proposed commercial development project for this site which is currently undeveloped. The information on rare species of plants and animals and significant ecological communities will assist us with the environmental review of the proposed project.

A previous information request was sent by TES in 2007. The response issued (copy enclosed) stated that there were no records of known occurrences of rare or state-listed animals or plants found on or near the site. The property currently remains undeveloped.

If you have any questions or need additional information, please feel free to contact me at 315-695-7228 or arobedee@tesenvironmental.com.

Sincerely,

TERRESTRIAL ENVIRONMENTAL SPECIALISTS, INC.

Adam Robedee
Environmental Technician

ajr
Enclosures

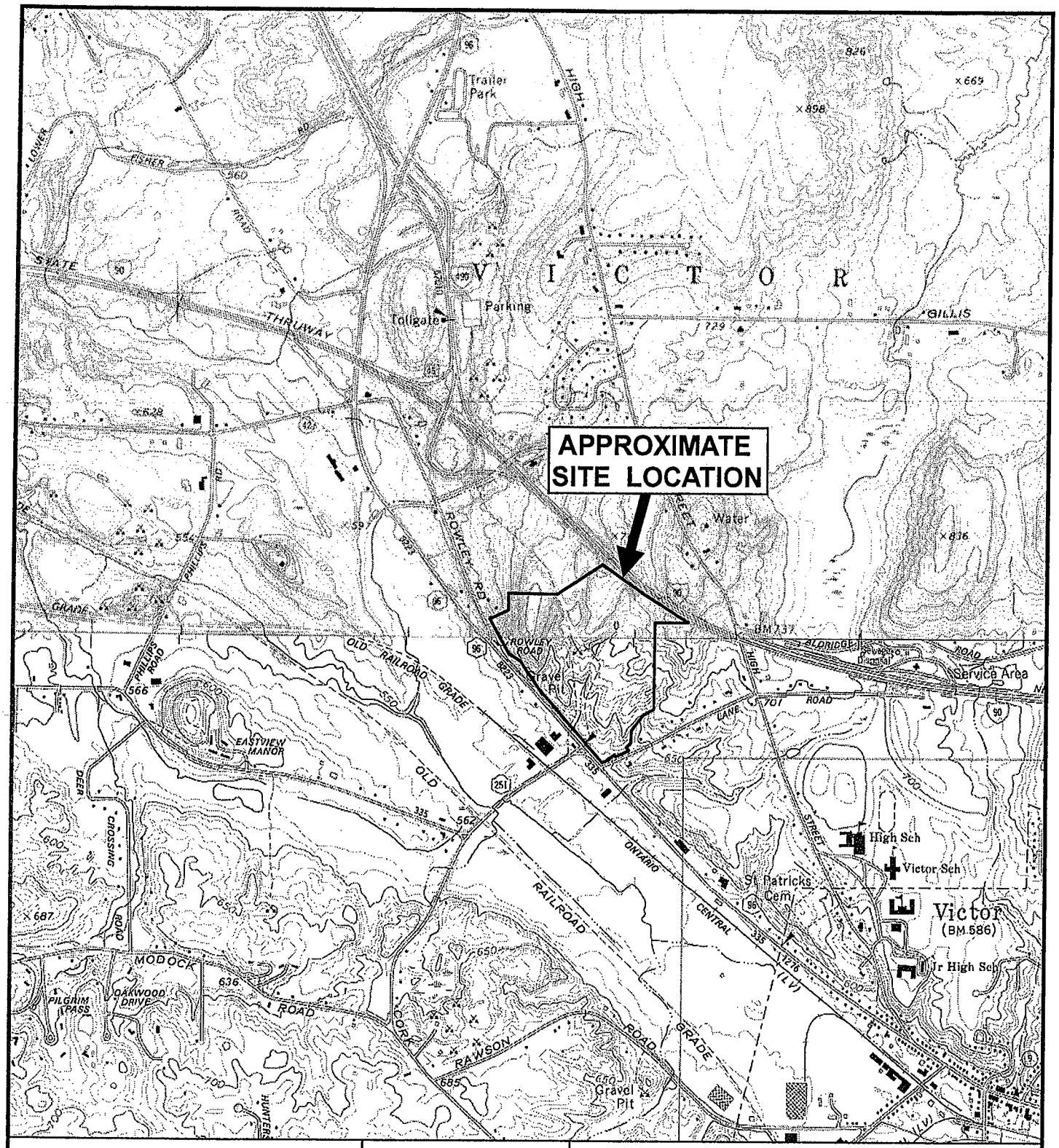


Figure 1. Site Location

NYS DOT Topographic Map

Victor Quadrangle 1979
Fairport Quadrangle 1980

Prepared by TERRESTRIAL ENVIRONMENTAL SPECIALISTS, Inc.

TES file: COS-3050\3050fig1.dsf\6-20-07

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office
3817 Luker Road, Cortland, NY 13045
Phone: (607) 753-9334
Fax: (607) 753-9699

Long Island Field Office
3 Old Barto Rd., Brookhaven, NY 11719
Phone: (631) 776-1401
Fax: (631) 776-1405

Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or "critical habitat" may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an *updated* list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is *current.*

Reminder: Section 9 of the ESA prohibits unauthorized taking** of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take**" any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take**," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, 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 (48 Stat. 401, as amended;16 U.S.C. 661 *et seq.*), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that 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. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, http://wetlands.fws.gov/mapper_tool.htm.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

*Additional information referred to above may be found on our website at: http://www.fws.gov/northeast/nyfo/es/section7.htm

** Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to ***take*** (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

Ontario County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

Common Name	Scientific Name	Status
Bald eagle	*Haliaeetus leucocephalus*	T
Bog turtle (Phelps Township)	*Clemmys muhlenbergii*	T

E=Endangered T=Threatened P=Proposed C=Candidate

Information current as of: 7/18/2007

Print Species List

APPENDIX B – Amphibian and Reptile Atlas, and Breeding Bird Atlas Tables

Appendix Table B-1.

Amphibians and Reptiles Recorded in the Vicinity of the Fishers Ridge Site During the New York Herpetological Atlas Project

SALAMANDERS			
Standard English Name[a]	**Scientific Name**	**ATLAS[b]**	**STATUS[c]**
Jefferson Salamander	*Ambystoma jeffersonianum*	IN	SPEC
Blue-spotted Salamander	*Ambystoma laterale*	ADJ	SPEC
Spotted Salamander	*Ambystoma maculatum*	IN	
Red-spotted Newt	*Notophthalmus v. viridescens*	IN	
Northern Dusky Salamander	*Desmognathus fuscus*	ADJ	
Allegheny Mountain Dusky Salamander	*Desmognathus ochrophaeus*	IN	
Eastern Red-backed Salamander	*Plethodon cinereus*	IN	
Northern Slimy Salamander	*Plethodon glutinosus*	ADJ	
Four-toed Salamander	*Hemidactylium scutatum*	ADJ	
Northern Spring Salamander	*Gyrinophilus p. porphyriticus*	ADJ	
Northern Two-lined Salamander	*Eurycea bislineata*	ADJ	

TOADS AND FROGS			
Standard English Name[a]	**Scientific Name**	**ATLAS[b]**	**STATUS[c]**
Eastern American Toad	*Bufo a. americanus*	IN	
Gray Treefrog	*Hyla versicolor*	IN	
Northern Spring Peeper	*Pseudacris c. crucifer*	IN	
Western Chorus Frog	*Pseudacris triseriata*	IN	
American Bullfrog	*Rana catesbeiana*	IN	
Northern Green Frog	*Rana clamitans melanota*	IN	
Wood Frog	*Rana sylvatica*	IN	
Northern Leopard Frog	*Rana pipiens*	IN	
Pickerel Frog	*Rana palustris*	IN	

TURTLES			
Standard English Name[a]	**Scientific Name**	**ATLAS[b]**	**STATUS[c]**
Eastern Snapping Turtle	*Chelydra s. serpentina*	IN	
Spotted Turtle	*Clemmys guttata*	IN	SPEC
Wood Turtle	*Glyptemys insculpta*	ADJ	SPEC
Northern Map Turtle	*Graptemys geographica*	ADJ	
Red-eared Slider	*Trachemys scripta elegans*	ADJ	
Midland Painted Turtle	*Chrysemys picta marginata*	IN	

LIZARDS			
Standard English Name[a]	**Scientific Name**	**ATLAS[b]**	**STATUS[c]**
Northern Coal Skink	*Eumeces a. anthracinus*	IN	

[a] Common and scientific names according to Crother (2000), and updates through 2003.
[b] Recorded during Herpetological Atlas Project (1990-1998). Interim distribution maps on NYSDEC website. IN = Recorded in Fairport or Victor quadrangles, ADJ = Recorded in any of 10 quadrangles adjacent to Fairport or Victor quadrangles.
[c] State status: END = Endangered, THR = Threatened, SPEC = Special Concern.

Appendix Table B-1. (cont.)

SNAKES			
Standard English Name[a]	**Scientific Name**	**ATLAS[b]**	**STATUS[c]**
Northern Watersnake	*Nerodia s. sipedon*	IN	
Northern Brownsnake	*Storeria d. dekayi*	IN	
Northern Red-bellied Snake	*Storeria o. occipitomaculata*	ADJ	
Common Gartersnake	*Thamnophis sirtalis*	IN	
Eastern Ribbonsnake	*Thamnophis sauritus*	ADJ	
Northern Ring-necked Snake	*Diadophis punctatus edwardsii*	ADJ	
Smooth Greensnake	*Opheodrys vernalis*	ADJ	
Eastern Milksnake	*Lampropeltis t. triangulum*	IN	

Appendix Table B-2.

Breeding Birds Recorded in the Vicinity of Fishers Ridge Site During the New York Breeding Bird Atlas Projects

BIRDS		ATLAS[a]	STATUS[b]
English Name[c]	**Scientific Name**		
Canada Goose	*Branta canadensis*	CON	
Wood Duck	*Aix sponsa*	CON	
Mallard	*Anas platyrhynchos*	POS	
Ring-necked Pheasant	*Phasianus colchicus*	POS	
Wild Turkey	*Meleagris gallopavo*	POS	
Great Blue Heron	*Ardea herodias*	CON	
Green Heron	*Butorides virescens*	POS	
Turkey Vulture	*Cathartes aura*	POS	
Sharp-shinned Hawk	*Accipiter striatus*	POS	SPEC
Cooper's Hawk	*Accipiter cooperii*	PRO	SPEC
Red-tailed Hawk	*Buteo jamaicensis*	CON	
Sora	*Porzana carolina*	PRO	
Killdeer	*Charadrius vociferus*	PRO	
Spotted Sandpiper	*Actitis macularius*	CON	
American Woodcock	*Scolopax minor*	PRO	
Rock Pigeon	*Columba livia*	CON	
Mourning Dove	*Zenaida macroura*	CON	
Black-billed Cuckoo	*Coccyzus erythropthalmus*	POS	
Eastern Screech-Owl	*Megascops asio*	PRO	
Great Horned Owl	*Bubo virginianus*	PRO	
Chimney Swift	*Chaetura pelagica*	PRO	
Ruby-throated Hummingbird	*Archilochus colubris*	CON	
Belted Kingfisher	*Ceryle alcyon*	CON	
Red-headed Woodpecker	*Melanerpes erythrocephalus*	CON	SPEC
Red-bellied Woodpecker	*Melanerpes carolinus*	CON	
Yellow-bellied Sapsucker	*Sphyrapicus varius*	PRO	
Downy Woodpecker	*Picoides pubescens*	CON	
Hairy Woodpecker	*Picoides villosus*	CON	
Northern Flicker	*Colaptes auratus*	CON	
Pileated Woodpecker	*Dryocopus pileatus*	CON	
Eastern Wood-pewee	*Contopus virens*	PRO	
Alder Flycatcher	*Empidonax alnorum*	PRO	
Willow Flycatcher	*Empidonax traillii*	PRO	
Least Flycatcher	*Empidonax minimus*	POS	
Eastern Phoebe	*Sayornis phoebe*	PRO	
Great Crested Flycatcher	*Myiarchus crinitus*	CON	
Eastern Kingbird	*Tyrannus tyrannus*	CON	
Yellow-throated Vireo	*Vireo flavifrons*	PRO	
Warbling Vireo	*Vireo gilvus*	PRO	

[a] Recorded in Atlas Block 2976D in either 1980-1985 or 2000-2005. CON = Confirmed breeder; PRO = Probable breeder; POS = Possible breeder.

[b] State status: END = Endangered, THR = Threatened, SPEC = Special Concern.

[c] English and scientific names according to AOU (1998) and supplements through 2006.

Appendix Table B-2. (cont.)

BIRDS		ATLAS[a]	STATUS[b]
English Name[c]	**Scientific Name**		
Red-eyed Vireo	*Vireo olivaceus*	PRO	
Blue Jay	*Cyanocitta cristata*	CON	
American Crow	*Corvus brachyrhynchos*	CON	
Horned Lark	*Eremophila alpestris*	CON	SPEC
Tree Swallow	*Tachycineta bicolor*	CON	
Bank Swallow	*Riparia riparia*	CON	
Barn Swallow	*Hirundo rustica*	CON	
Black-capped Chickadee	*Poecile atricapillus*	CON	
Tufted Titmouse	*Baeolophus bicolor*	CON	
White-breasted Nuthatch	*Sitta carolinensis*	CON	
Brown Creeper	*Certhia americana*	POS	
Carolina Wren	*Thryothorus ludovicianus*	PRO	
House Wren	*Troglodytes aedon*	CON	
Blue-gray Gnatcatcher	*Polioptila caerulea*	POS	
Eastern Bluebird	*Sialia sialis*	CON	
Veery	*Catharus fuscescens*	PRO	
Wood Thrush	*Hylocichla mustelina*	PRO	
American Robin	*Turdus migratorius*	CON	
Gray Catbird	*Dumetella carolinensis*	CON	
Northern Mockingbird	*Mimus polyglottos*	CON	
Brown Thrasher	*Toxostoma rufum*	CON	
European Starling	*Sturnus vulgaris*	CON	
Cedar Waxwing	*Bombycilla cedrorum*	CON	
Blue-winged Warbler	*Vermivora pinus*	PRO	
Yellow Warbler	*Dendroica petechia*	CON	
Chestnut-sided Warbler	*Dendroica pensylvanica*	PRO	
American Redstart	*Setophaga ruticilla*	PRO	
Common Yellowthroat	*Geothlypis trichas*	CON	
Hooded Warbler	*Wilsonia citrina*	PRO	
Scarlet Tanager	*Piranga olivacea*	PRO	
Eastern Towhee	*Pipilo erythrophthalmus*	CON	
Chipping Sparrow	*Spizella passerina*	CON	
Field Sparrow	*Spizella pusilla*	PRO	
Savannah Sparrow	*Passerculus sandwichensis*	PRO	
Grasshopper Sparrow	*Ammodramus savannarum*	POS	SPEC
Song Sparrow	*Melospiza melodia*	CON	
Swamp Sparrow	*Melospiza georgiana*	PRO	
Northern Cardinal	*Cardinalis cardinalis*	CON	
Rose-breasted Grosbeak	*Pheucticus ludovicianus*	CON	
Indigo Bunting	*Passerina cyanea*	PRO	
Bobolink	*Dolichonyx oryzivorus*	PRO	
Red-winged Blackbird	*Agelaius phoeniceus*	CON	
Eastern Meadowlark	*Sturnella magna*	PRO	
Common Grackle	*Quiscalus quiscula*	CON	
Brown-headed Cowbird	*Molothrus ater*	CON	

Appendix Table B-2. (cont.)

BIRDS		**ATLAS[a]**	**STATUS[b]**
English Name[c]	**Scientific Name**		
Baltimore Oriole	*Icterus galbula*	CON	
Purple Finch	*Carpodacus purpureus*	CON	
House Finch	*Carpodacus mexicanus*	CON	
American Goldfinch	*Carduelis tristis*	CON	
House Sparrow	*Passer domesticus*	CON	

Terrestrial Environmental Specialists, inc.
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(315) 695-7228 FAX (315) 695-3277 E-MAIL: tesinc@alltel.net

May 14, 2008

Ms. Kim Thompson
Bergmann Associates
200 First Federal Plaza
28 East Main Street
Rochester, New York 14614

Re: Twin-Leaf Survey, Fishers Ridge Project, Town of Victor, Ontario County, New York
TES File No. 3050

Dear Kim:

As discussed, Terrestrial Environmental Specialists, Inc. (TES) performed a search for the state-listed plant twin-leaf (*Jeffersonia diphylla*) at the above-referenced site.

The effort included the following tasks: 1) review of correspondence with state and federal agencies and literature for twin-leaf, 2) review of natural resource maps and aerial photographs for the site, 3) a field survey by a TES botanist, and 4) this letter report.

Agency Contacts and Literature Review

TES previously contacted the New York Natural Heritage Program (NYNHP) and reviewed the U.S. Fish and Wildlife Service (USFWS) files for known records of listed species for the area. Neither of these organizations reported any known rare species conflicts for the area. However, as part of the SEQR review process, the New York State Department of Environmental Conservation (NYSDEC) noted in a letter dated November 13, 2007 that twin-leaf was of historic record from the general vicinity of the site. The NYSDEC recommended a survey to determine if the species was actually present.

Background Information

Prior to the field investigation, various maps and other sources of background information were reviewed. This included the Vegetation and Wildlife Report prepared by TES (TES 2007), which contains a vegetation cover map with a description of each vegetation community. A 2002 aerial photograph was also reviewed and used during the field survey.

Field Surveys

Field surveys were performed on the site on May 9, 2008. The surveys were performed by Joseph M. McMullen. Each habitat/cover type present on the site was reviewed and searches made for twin-leaf in appropriate areas. All forested areas were thoroughly searched, as twin-leaf occurs in upland deciduous forest habitat. No twin-leaf was found during the field surveys. More detailed results of the field surveys are included in the following discussion.

Results/Discussion

Twin-leaf is a state-listed species. It is listed as threatened in New York in 6 NYCRR Part 193.3, pursuant to Section 9-1503 of the Environmental Conservation Law. Twin-leaf is not federally listed.

Twin-leaf is a showy, early spring-flowering species that ranges from New York and southern Ontario to Wisconsin and Indiana, south to Maryland and Alabama (Gleason 1952, Gleason and Cronquist 1991). Mitchell (1983) reported it from counties in western New York. Presently, there are confirmed records of the species in several counties, including: Allegheny, Cayuga, Erie, Genesee, Livingston, Monroe, Onondaga, Ontario, Rensselaer, Seneca, Steuben, and Yates (Young 2007).

The two records of twin-leaf indicated by the NYSDEC in the vicinity of the site are historic records (1914 and 1917) from the Fishers area, and appear to be located north of the Thruway approximately 2 miles from the site. There are no recent records of twin-leaf from this portion of Ontario County, although a population was discovered recently in the eastern portion of the county.

Twin-leaf primarily occurs in rich deciduous woods in deep calcareous soils (Mitchell 1983). It often occurs on slopes where there is limited competing herbaceous vegetation. It is not usually associated with oaks.

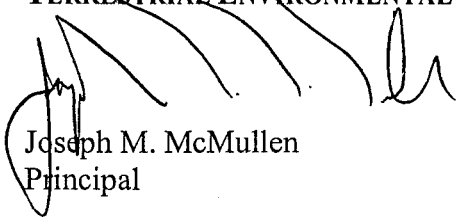
Searches were made throughout the Fishers Ridge site and no twin-leaf was found. Wooded slopes were targeted during these searches. Some slopes were dominated by oaks (*Quercus* spp.) and were obviously not calcareous. In other areas there was dense shrub and ground layer vegetation, which is not conducive to twin-leaf occurrence. Many of these latter areas were disturbed by past mining activities.

In summary, twin-leaf does not occur on the site.

I trust this letter report responds to your request. Please contact me should you have any questions or need anything additional.

Sincerely,

TERRESTRIAL ENVIRONMENTAL SPECIALISTS, INC.



Joseph M. McMullen
Principal

JMM/dmm

cc: J. DiMarco
M. Johns

References

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TES. 2007. Vegetation and Wildlife Report, Victor Town Square, Town of Victor, Ontario County, New York. Terrestrial Environmental Specialists, Inc., Phoenix, NY.

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4. Threatened and Endangered Species

A review has been made of the available information in the New York Natural Heritage Program databases on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats located within the areas of the proposed pipeline, stockyard and compressor station.

Only two occurrences for the same threatened vascular plant, the twin leaf, were found in the database near to the protect site. The following table provides the common name, scientific name, status, last observation and location information for this plant species.

Common Name	Scientific Name	Status	Last Observed	Details of Location
Twin Leaf	Jeffersonia diphylla	Threatened	1. 1914-05-17 2. 1917-04-29	1. The railroad culvert #79 near Fishers. 2. Sullivan's Swamp near Fishers, east of Log Cabin Road, north of Fishers, north of NYS Thruway.

It is recommended that a professional (botanist or landscape architect) familiar with the identification of this species undertake a survey of the literature and determine if the proposed site for the compressor station contains habitats which would favor these species. If favorable habitats exist, a field survey would be needed to determine if the species is actually present. If populations of the endangered species are found to be in the project area, project modifications should be considered to avoid or minimize the project's impact.

For most sites, comprehensive field surveys have not been conducted; the information above only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

5. Archaeologically Sensitive Area

Most of the project site is located within an archaeologically sensitive area, based on a review of the New Your State Archaeological Site Map. State agencies reviewing the project will be required to ensure that the project will not disturb significant state cultural resources, as required by the State Historic Preservation Act (SHPA). Any review of this project under the State Environmental Quality