

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
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May 4, 2020

Seth Wilmore
Oriden
106 Isabella Street, Suite 400
Pittsburgh, PA 15212

Re: Highbanks solar project
County: Livingston Town/City: Leicester

Dear Mr. Wilmore:

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 or state-listed 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.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. 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 8 Office, Division of Environmental Permits, at dep.r8@dec.ny.gov.

Sincerely,



Heidi Krahl
Environmental Review Specialist
New York Natural Heritage Program



The following state-listed animals have been documented in the vicinity of the project site.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 8 Office at dep.r8@dec.ny.gov, (585) 226-5400.

The following species has been documented within 0.2 mile of the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Reptiles			
Spiny Softshell	<i>Apalone spinifera</i>	Special Concern	3733

The following species has been documented within 0.5 mile of the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	12690

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



The following rare plants and significant natural communities have been documented in the vicinity of the project site.

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site 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. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following natural community is considered significant from a statewide perspective by the NY Natural Heritage Program. By meeting specific, documented criteria, the NY Natural Heritage Program considers this community occurrence to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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Upland/Terrestrial Communities

Hemlock-Northern Hardwood Forest	High Quality Occurrence
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Documented within 0.35 mile southeast of the project site. This is a relatively large, high quality hemlock-northern hardwood forest lining small tributaries and ravines of the Genesee River with very few exotic species. Multiple patches of the community are regularly spaced along the river and several very small patches of old growth exist within the community. The community is centered within a 14,500 acre natural area with good to excellent overall internal integrity and buffered by surrounding natural communities. 1195

The following plants are listed as Endangered or Threatened by New York State, and/or are rare in New York State, and so are a vulnerable natural resource of conservation concern.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
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Vascular Plants

Cooper's Milkvetch	<i>Astragalus neglectus</i>	Endangered	Critically Imperiled in NYS
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Documented within 0.45 mile southeast of the project site. 2003-06-24: The plants are located on a steep (45-70 degree) west-facing, slope within a forested habitat on the upper slope just below the rim of the gorge. The trees are mostly stunted and small in height and diameter. The soils are dry-mesic and are composed of shales and loamy clay. Soils are exposed in many areas and there is also some lichen and bryophyte cover. Canopy trees are diverse and dominants are *Juniperus virginiana*, *Quercus rubra*, *Quercus velutina*, and *Pinus strobus*. Other canopy trees include *Acer saccharum*, *Pinus resinosa*, and *Amelanchier arborea*. 1537

Green Gentian	<i>Frasera caroliniensis</i>	Threatened	Imperiled in NYS
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Documented within 0.4 mile southwest of the project site. 2003-07-28: This plant is located in a forested to open habitat at the rim of the Genesee River Gorge. The area mostly has an east to south-facing aspect, but plants occur in areas with almost all aspects. Slopes vary from nearly flat to about 30 degrees. Most plants are under shade. The soils have a high clay content. Dominant trees vary. Right along the rim and in the most exposed areas *Juniperus virginiana* is dominant. Back a little from the intense erosional slopes, *Quercus rubra*, is most dominant with sub-dominants being *Quercus alba*, *Quercus montana*, *Fraxinus americana*, *Pinus strobus*, *Carya glabra*, *Tilia americana*, and *Acer saccharum*. 1384

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If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

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).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.