APPENDIX D

NATURAL RESOURCES

- *Agency Correspondence*

November 23, 2020

U.S. Fish and Wildlife Service
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967

RE: Rare, Endangered and Threatened Species Information in the Vicinity of Astoria West Cove at 3-15 26th Avenue (Block 911, Lots 1 and 49) in Queens, New York

Subject: Request for Clearance: Piping Plover, Red Knot, Roseate Tern and Seabeach Amaranth

To Whom It May Concern,

Astoria Owners, LLC (the "Applicant") is seeking a series of land use actions to facilitate the development of a mixed-use development (the "Proposed Project") on an approximately 164,000 square foot (sf) property identified as Queens Block 911, Lot 1 (the "Development Site"). The Project Area comprises of the Development Site and one additional property identified as Block 911, Lot 49 which is not controlled by the Applicant. The Project Area would be developed with residential units, retail space, community facility space, and accessory parking garage/spaces along the waterfront on the Halletts Point peninsula in Astoria, Queens. . The Project Area currently contains vacant land and/or industrial/warehouse buildings (please refer to Project Area Map included with this letter).

According to USFWS's IPaC Trust Resource attached response letter (November 10, 2020) the piping plover, red knot, roseate tern and seabeach amaranth have been known to be present within the vicinity of the project site; however, there is no critical habitat within the project area for any of the named species (see attached).

IDENTIFIED SPECIES AND HABITATS

PIPING PLOVER (CHARADRIUS MELODUS)
The piping plover is listed as an endangered species in New York State (Federally threatened). These small shorebirds, approximately 5.5-inches in length, have a sand-colored upper body, a white underside, and orange legs. Piping plovers use wide, flat, open, sandy beaches with very little grass or other vegetation. Piping plovers are migratory birds and breed during the spring and summer in northern United States and Canada. Piping plovers nest in North America along the shorelines of the Great Lakes, the shores of rivers and lakes in the Northern Great Plains, and along the Atlantic Coast.

RED KNOT (CALIDRIS CANUTUS RUFA)
The red knot is listed as federally threatened. These small shorebirds, approximately 9-11-inches in length, have varying body colors related to the season. The red knot are migratory birds and breed in Canadian Arctic and winters in parts of the United States, the Caribbean and South America. Red knot uses well-known stopover areas on the Atlantic Coast.

ROSEATE TERN (STERNA DOUGALLII DOUGALLII)
The roseate tern is listed as an endangered species in New York State. The roseate tern is approximately 14- to 17-inches in length, with light-gray wings and back. According to the NYSDEC Fact Sheet, the roseate tern is a marine coastal species. Populations of the roseate tern are known from the Atlantic Coast to North Carolina within the United States, Canada and Bermuda.

225 PARK AVENUE SOUTH
NEW YORK, NEW YORK 10003-1604
(212) 777-4400 FAX: (212) 529-5237

STV Incorporated

SEABEACH AMARANTH (AMARANTHUS PUMILUS)
Seabeach amaranth is a federally threatened plant species. It is found along the Atlantic Coast and barrier islands. According the USFWS New Jersey Field Office website the plant is annual member of the amaranth family. Seabeach amaranth usually grows on a nearly pure sand substrate, occasionally with shell fragments mixed in.

POTENTIAL EFFECTS

The site is located in an urban area comprised of commercial, industrial, and residential land uses in Queens. The closest waterbody to the project site is East River, located north adjacent to the development site. The piping plover, red knot and roseate tern are shorebirds that nest and feed along coastal sand and gravel beaches. Seabeach amaranth also thrives along sandy beaches. Neither the project site nor any location within a 1-mile radius of the site contain suitable shoreline habitat for the birds or the plant species, and therefore, the project would not threaten the piping plover, red knot and roseate tern, seabeach amaranth or their habitat.

Please let us know if there are any additional species that may be located within the Project Area. If not, we request clearance of the above identified species for the project area and that no further coordination will be required.

Sincerely,

Carly Gazze

Carly Gazze
225 Park Avenue South
Environmental – 4th Floor
New York, New York 10003

Encl.: Attachment



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c)

STV 100 Years

225 PARK AVENUE SOUTH, NY, NY 10003

ASTORIA COVE WEST
3-15 26TH AVENUE
QUEENS, NEW YORK 11102

ASTORIA OWNERS, LLC

SITE LOCATION MAP

DATE: NOVEMBER 2020

SCALE: 1:24,000

SHEET NO: FIGURE 1

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:
Consultation Code: 05E1LI00-2021-SLI-0099
Event Code: 05E1LI00-2021-E-00219
Project Name: Astoria West Cove Development

November 10, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Consultation Code: 05E1LI00-2021-SLI-0099

Event Code: 05E1LI00-2021-E-00219

Project Name: Astoria West Cove Development

Project Type: DEVELOPMENT

Project Description: The Proposed Project would on the Applicant's Development Site would consist of a new mixed-use 1,044,452 gsf development containing 1,400 DUs (of which 420 would be affordable), 3,590 gsf of retail space, and 9,745 gsf of community facility space. The Proposed Project would include three towers (23-story, 30-story, and 35-story) along the waterfront on the Halletts Point peninsula in Astoria, Queens. The Proposed Project would also include a 300-space accessory parking garage. As a result of the Proposed Project, 3rd Street, which is a mapped but unbuilt street north of 26th Avenue, would be built out as a public street. Access to the accessory parking garage would be via 3rd Street. The Proposed Project would also contain 41,363 sf of publicly accessible open space along the waterfront that would run along the entire length of the Development Site, providing multi-layered active and passive recreation space. The anticipated Build Year is 2030.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/40.77704254731409N73.93260521769903W



Counties: New York, NY | Queens, NY

Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red Knot *Calidris canutus rufa* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened
Roseate Tern *Sterna dougallii dougallii* Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Flowering Plants

NAME	STATUS
Seabeach Amaranth *Amaranthus pumilus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8549	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

December 31, 2020

Carly Gazze
STV Incorporated
225 Park Avenue South
New York, NY 10003

Re: Astoria West Cove Development Project, 3-15 26th Avenue (STV Project No. 40-20640
County: Queens Town/City: City Of New York

Dear Ms. Gazze:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site.

Peregrine Falcon (*Falco peregrinus*, state-listed as Endangered) has been documented nesting within 0.3 mile of the project site. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 2 Office, Division of Environmental Permits, at dep.r2@dec.ny.gov, (718) 482-4997.

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. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the Permits staff at the NYSDEC Region 2 Office as described above.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

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