APPENDIX F

NATURAL RESOURCES

Project Site Vegetation

Scientific Name	Common Name	NYSDEC Status	Waterfront vs. Upland
Acer platanoides	Norway Maple	Very highly invasive	Upland
Acer pseudoplatanus	Sycamore maple	Highly invasive	Both
Acer saccharinum	Silver maple		Upland
Ailanthus altissima	Tree of heaven		Both
Amaranthus retroflexus	Redroot pigweed		Waterfront
Artemesia vulgaris	Mugwort	Highly invasive	Both
Catalpa speciosa	Northern catalpa		Waterfront
Caucus carota	Queen Anne's lace		Waterfront
Celastrus orbiculatus	Oriental bittersweet	Very highly invasive	Waterfront
Conyza canadensis	Horseweed		Both
Crataegus sp.	Hawthorne		Waterfront
Euonymus alatus	Winged euonymus	Very highly invasive	Upland
Eupatorium havanense	White boneset		Both
Fagopyrum sagittatum	Buckwheat		Upland
Fallopia japonica	Japanese knotweed		Both
Hamamelis virginiana	Witch-hazel		Upland
Hedera helix	English ivy		Upland
Lepidium virginicum	Virginia pepperweed		Upland
Malus sp.	Apple		Upland
Melilotus alba	Sweetclover		Both
Morus alba	White mulberry		Waterfront
Morus rubra	Red mulberry		Both
Panicum sp.	Panicgrass		Both
Paulownia tomentosa	Empress tree		Both
Phgramites australis	Common reed	Very highly invasive	Waterfront
Phytolacca americana	American pokeweed		Upland
Polygonum pensylvanicum	Pennsylvania smartweed		Waterfront
Populus deltoides	Eastern cottonwood		Both
Prunus padus	Hackberry		Upland
Prunus serotina	Black cherry		Upland
Prunus virginiana	Chokecherry		Waterfront
Robinia pseudoacacia	Black locust	Very highly invasive	Waterfront
Rosa multiflora	Multiflora rose	Very highly invasive	Upland
Setaria viridis	Green foxtail		Upland
Sicyos angulatus	Burr cucumber		Upland
Taraxacum sp.	Dandelion		Waterfront
Toxicodendron radicans	Poison ivy		Upland
Ulmus americana	American elm		Waterfront
Urtica dioica	Stinging nettle		Upland
Verbascum thapsus	Common mullein		Waterfront
Vitis labrusca	Fox grape		Both

Source: Reconnaissance investigation performed by Great Ecology on November 15, 2013

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

RECEIVED
NOV - 7 2013
Philip Habib & Assoc.

NOV - 4 2013

Christina Michaelian
Philip Habib & Associates
102 Madison Avenue
New York, NY 10016

Re: Astoria Cove Mixed-Use Development (CEQR No. 13DCP127Q)

Dear Ms. Michaelian:

On October 28, 2013, we received your letter dated October 24, 2013 requesting information on endangered, threatened, and candidate species in the vicinity of the project site located along Pot Cove in the East River in Astoria, Queens, New York.

The following Endangered Species Act (ESA)-listed species under NOAA's National Marine Fisheries Service (NMFS) jurisdiction may occur within the waters of the East River:

Threatened Species

- Gulf of Maine Distinct Population Segment (DPS) of Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*)

Endangered Species

- New York Bight DPS of Atlantic sturgeon
- Chesapeake Bay DPS of Atlantic sturgeon
- Carolina DPS of Atlantic sturgeon
- South Atlantic DPS of Atlantic sturgeon

Although ESA-listed species of Atlantic sturgeon may occur in the East River, we do not expect ESA-listed species to occur in the vicinity of Pot Cove and thus, no species listed under our jurisdiction is likely to be exposed to any direct or indirect effects of the proposed project. Based on this information, no further coordination is needed with NMFS Protected Resources Division.

Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact Jennifer Goebel (978-281-9373; jennifer.goebel@noaa.gov).

Enclosed you will also find information regarding Essential Fish Habitat provided by the Habitat Conservation Division.

Sincerely,

for Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

Encl.

EC: Goebel, F/NER3
Boelke, F/NER4

File Code: Sec 7/Nonfisheries/ACOE/Technical Assistance/2013/Astoria Pot Cove-PHA

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2290

RESPONSE TO INFORMATION REQUEST

This standard form is provided in response to your request for information regarding the presence and distribution of essential fish habitat (EFH) and fishery resources in the vicinity of your proposed action.

Essential Fish Habitat
A complete list of species and life stages for which EFH has been designated can be found on the National Marine Fisheries Service (NMFS) Habitat Conservation Division website at: http://www.nero.noaa.gov/habitat/. The website also contains information on descriptions of EFH for each species, guidance on the EFH consultation process including EFH assessments, and information relevant to other NMFS mandates.

The Magnuson-Stevens Fisheries Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act (FWCA) require federal agencies to consult with the NMFS on their proposed activities. Insofar as a project involves EFH, this process is guided by the requirements of our EFH regulations at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure.

The required contents of an EFH assessment include: 1) a description of the action; 2) an analysis of the potential adverse effects of the action on EFH and the managed species; 3) the federal agency's conclusion regarding the effects of the action on EFH; and 4) proposed mitigation, if applicable. Other information that should be contained in the EFH assessment, if appropriate, includes: 1) the results of on-site inspections to evaluate the habitat and site-specific effects; 2) the views of recognized experts on the habitat or the species that may be affected; 3) a review of pertinent literature and related information; and 4) an analysis of alternatives to the action that could avoid or minimize the adverse effects on EFH. Upon submittal of an EFH assessment by the federal action agency, the NMFS will provide conservation recommendations for the proposed project, as necessary.

In addition, there are a number of measures for avoiding and minimizing adverse effects on NMFS trust resources that may be appropriate for your project. For example, NMFS HCD has published a NOAA Technical Memorandum (*Impacts to Marine Fisheries Habitat from Nonfishing Activities in the Northeastern United States*), which provides a number of best management practices and conservation recommendations for proposed actions in coastal and marine areas that could adversely affect NMFS trust resources. This document can be accessed and downloaded at http://www.nefsc.noaa.gov/publications/tm/tm209/index.html.

Information provided.

Protected Species

Information regarding the Endangered Species Act or Marine Mammal Protection Act will be provided under separate cover from the NMFS Protected Resources Division. Questions regarding Endangered Species Act Section 7 consultations should be directed to Mark Murray-Brown, Mark.Murray-Brown@noaa.gov, 978-281-9300 x 6306.

Additional Information

Should you require additional information regarding EFH or FWCA consultations, please contact Chris Boelke, Field Offices Supervisor for Habitat Conservation, Christopher.Boelke@noaa.gov, 978-281-9131.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
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

October 29, 2013

Christina Michaelian
Philip Habib & Associates
102 Madison Avenue, 11th Floor
New York, NY 10016

Re: Astoria Cove Mixed-Use Development
Town/City: Queens. County: Queens.

Dear Christina Michaelian :

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, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to 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.

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.

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 appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,



Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program

983

The following state-listed animals have been documented at your project site, or in its vicinity.

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. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at http://www.dec.ny.gov/about/558.html.

The following species and habitats have been documented at or near the project site, generally within 0.5 mile. Potential onsite and offsite impacts from the project may need to be addressed.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*FEDERAL LISTING*	
Birds				
Peregrine Falcon *Breeding*	*Falco peregrinus*	Endangered		11375

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

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 http://www.dec.ny.gov/animals/7494.html.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NatureServe Explorer at http://www.natureserve.org/explorer.

Fleming Lee Shue

Environmental Management & Consulting

MEMORANDUM

To: Astoria Cove Project Team
Re: Draft EIS Text
From: A. Fleming
Date: March 18, 2014

The 1974 Tidal Wetland Boundary presents the location of the NYSDEC jurisdiction line based upon the standards set forth in the Tidal Wetland Regulations, NYCRR Part 661. Under the regulations the NYSDEC has jurisdiction over the first 150 feet upland of the tidal wetland line unless there is a specific physical feature set forth in the regulations as follows:

1. There is a significant structure present in 1977 and functional. The rip-rap edge currently in place is significant and functional as evidenced by the lack of erosion on the slope that it is protecting. Additionally, because the rip-rap consists of concrete rubble, a material the NYSDEC currently considers unsuitable for this purpose, the DEC may not judge the rip-rap to meet the regulatory requirements.

2. To an elevation of 10 feet above mean high tide (NVDG). The survey of the site is in Queens Boro Datum (QBD), where elevation 0 is 2.725 feet above NGVD. Thus, the elevation in QBD that stops the upland jurisdiction is elevation 7.275 feet. This contour falls on the steep sloped river bank at the Site. When the jurisdictional line falls on a slope that is equal or greater than the soils natural angle of repose, approximately 35 degrees, then the jurisdictional line goes to the top of the slope where the angle is less than 35 degrees. Because the slope of the riverbank is more than 35 degrees, the location of the jurisdiction line would be the top of the embankment at the Site.

An examination of aerial photos from 1974 to today including the building locations does not show any filling or removal of soils that would indicate changes to the shore line since 1974. As such, in our professional opinion, the NYSDEC has jurisdiction to an elevation of 10 feet above mean high tide (NVDG), which would be the top of the embankment at the Site.

Subject: RE: Astoria Cove (1051E) [= Halletts Cove, DEC Application No. 2-6308-00019/00147]
From: "John Cryan" <jfcryan@gw.dec.state.ny.us>
Date: 1/31/2013 3:47 PM
To: "Ron Mandel" <rm@dhclegal.com>
CC: "Christina Michaelian" <cmichael@phaeng.com>

We need the following information/additions/revisions to be able to determine for sure whether all construction work on this project will be out of our permitting jurisdiction:

The "proposed 40" shore public walkway" is undefined, and shown in what looks to be regulated Tidal Wetland Adjacent Areas in some locations - please clarify on the drawing and explain what the "proposed 40" shore public walkway" is and please add the regulated Tidal Wetland Adjacent Area line to the drawing on Page 4.

John F. Cryan
Regional Permit Administrator
NYS DEC Region 2 Headquarters
47-40 21st Street
Long Island City, NY 11101
(718) 482-4976

NOT FOR RELEASE - CONFIDENTIAL>>> "Mandel, Ron" <rm@dhclegal.com> 1/30/2013 5:35 PM >>>
John,

My firm is working with Christina Michelian and Philip Habib & Associates on the Astoria Cove project.

Are you and Susan Maresca available to meet this Friday or early next week to discuss our waterfront project and DEC's role, if any, in the project?

Thank you,
Ron

Ron J. Mandel
Davidoff Hutcher & Citron LLP
605 Third Avenue, 34th Floor
New York, NY 10158
(646) 428-3270 Direct
(212) 557-7200 Main
(212) 286-1884 Fax
www.dhclegal.com
RM@dhclegal.com

From: John Cryan [mailto:jfcryan@gw.dec.state.ny.us]
Sent: Thursday, January 03, 2013 2:04 PM
To: Christina Michaelian
Subject: Re: Astoria Cove (1051E)

Thanks; checking w/ Susan Maresca of Marine Resources to see if it's out of jurisdiction.

If so, we are not an involved agency anymore, unless there is a pending permit application for the old plan that has not been withdrawn.

>>> Christina Michaelian <cmichael@phaeng.com> 1/3/2013 8:56 AM >>>
I reduced the file size so that all three files are about 1.6 MB or
less. Please let me know if you still have an issue.

I also just want to note that the waterfront construction does not
extend into the water or the rip-rap. Please let me know if you have
any questions. Thanks.

Christina

John Cryan wrote:
> We would be an involved agency as we have permitting jurisdiction over
> the waterfront part of the construction.
>
> I had to delete this file because it was so large crashed my computer;
> is there some way to post the material to a web address?
>
>
> John F. Cryan
> Regional Permit Administrator
> NYS DEC Region 2 Headquarters
> 47-40 21st Street
> Long Island City, NY 11101
> (718) 482-4976
>
> NOT FOR RELEASE - CONFIDENTIAL>>> Christina Michaelian
> <cmichael@phaeng.com> 1/2/2013 4:16 PM >>>
> Mr. Cryan:
> Philip Habib & Associates is currently preparing the Draft Scope of Work
> for an Environmental Impact Statement for the proposed Astoria Cove
> mixed-use development located in Astoria, Queens. The New York City
> Department of City Planning (DCP) is currently reviewing the Draft Scope
> of Work and requested that we reach out to you to discuss whether the
> Department of Environmental Conservation would need to be involved in
> the review of the proposed project.
>
> Attached please find a letter describing the proposed project and
> required actions. Also attached is a copy of the survey for the project
> site as well as a graphic showing the site plan superimposed on the
> survey for your review.
>
> DCP would like us to confirm whether DEC would be an involved agency
> before scheduling the scoping hearing. As we are trying to schedule the
> scoping hearing as soon as possible, an expedited response would be
> greatly appreciated. After you review the project description and
> enclosed materials, please contact me at 212-929-5656 to discuss whether
> DEC would need to be included as an involved agency for the review of
> the proposed waterfront open space.
>
> Thank you,
>

> Christina Michaelian
>
> --
> Christina Michaelian, AICP
> Philip Habib & Associates
> 102 Madison Avenue, 11th Floor
> New York, NY 10016
> t: 212-929-5656
> f: 212-929-5605
> email: cmichael@phaeng.com
>
>
>
>

--
Christina Michaelian, AICP
Philip Habib & Associates
102 Madison Avenue, 11th Floor
New York, NY 10016
t: 212-929-5656
f: 212-929-5605
email: cmichael@phaeng.com

****
STATEMENT OF CONFIDENTIALITY
The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately by email reply to sender or by telephone to Davidoff Hutcher & Citron LLP at (800) 793-2843, ext. 3281, and destroy all copies of this message and any attachments.

IRS DISCLOSURE NOTICE
In accordance with Internal Revenue Service Circular 230, we inform you that any discussion of a federal tax issue contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by any recipient for the purpose of (i) avoiding penalties that may be imposed on the recipient under United States federal tax laws, or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.
****