

V. **NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

The following comments are taken from a letter from Karl Parker of the New York State Department of Environmental Conservation dated April 24, 1996. A copy of the letter is provided in Appendix 1.

1. **Comment:**

*Section II-8 - The statement appears on this page that "the total amount of wetland within the Study Area should remain unchanged ... because a standard condition of nearly all state and federal permits is that wetland losses must be mitigated with a comparable amount of created wetland." The document also cautions that existing regulations are subject to change. If an important premise of this GEIS is that the total amount of wetland within the Study Area will in fact remain unchanged, then it should be so stated with a recommendation that the town adopt a policy of no net loss of wetlands (state and federal) within the study area. In addition, specific ways for the town to achieve and enforce that policy, on its own if necessary, should be identified and incorporated as recommended mitigation measures.*

**Response:**

The Town recognizes the current State and federal wetland regulations as sufficient for protecting wetland resources within the Town and Study Area. At the time of LUMAC's preparation (1988) there was concern over the loss of wetlands not regulated by the State (less than 12.4 acres in size). However, federal regulations, including the federal no net loss policy, afford protection to smaller wetlands such that local regulation would not result in any greater protection.

2. **Comment:**

*Section II-12 - The idea of using zoning, or special overlay districts to protect wetlands in the town is not mentioned, or recommended. Probably one of the best ways to achieve voluntary protection of wetlands is through an appropriate property tax structure that taxes wetlands at a significantly reduced rate. Although the document mentions a LUMAC recommendation of a local wetland law, the concept is not set forth as a recommended mitigation measure of this GEIS.*

**Response:**

Refer to the response to Comment V.1.

**3. Comment:**

*Figure II-D-3, & Section II-27 - Regulated wetland A-3 is not shown on this figure or mentioned in the text.*

**Response:**

The comment is noted. Wetland A-3 is shown on the revised Figure II-D-3. This wetland is a deciduous swamp, approximately 17 acres in size and designated Class II.

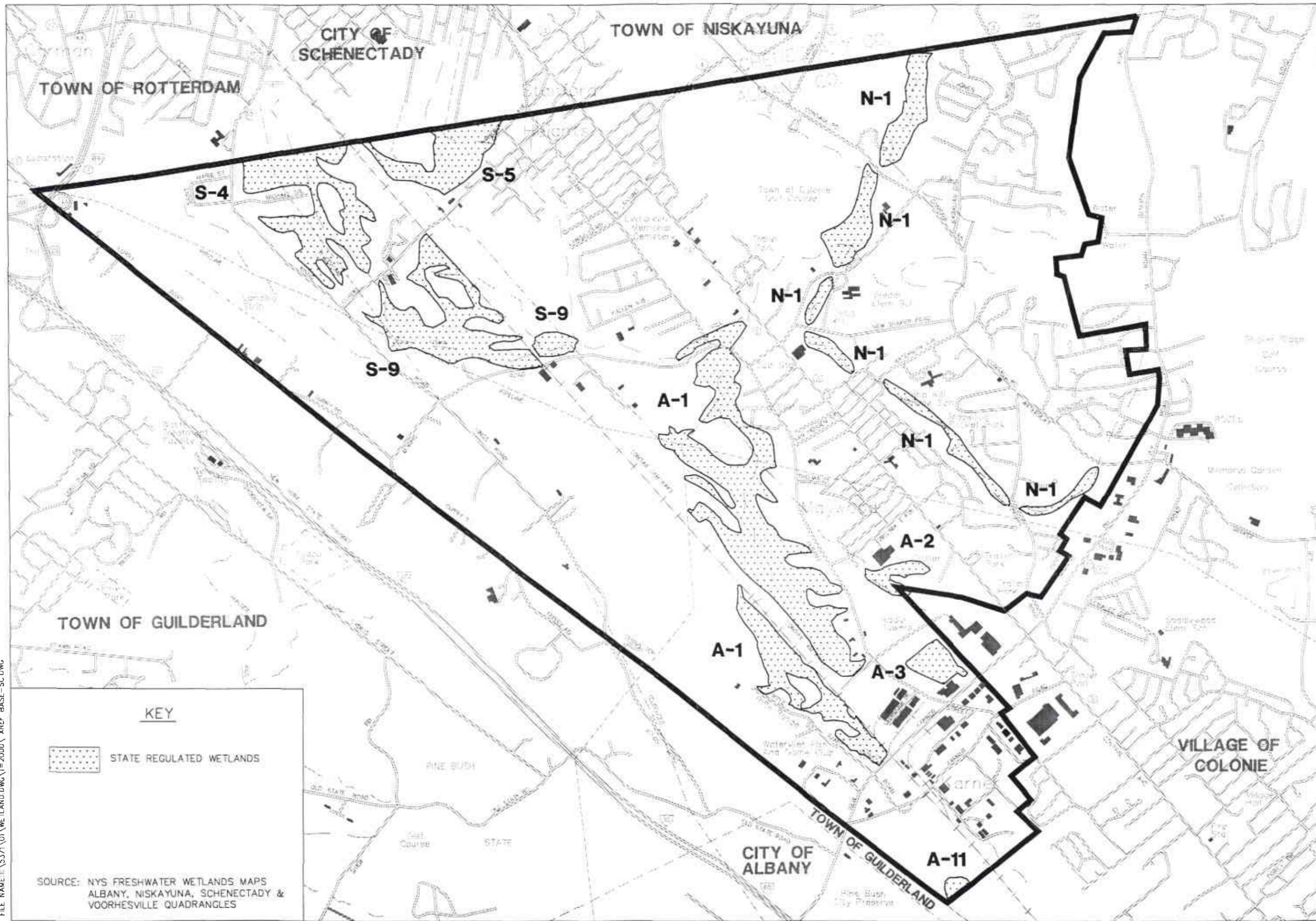
**4. Comment:**

*Section II-28, Wildlife - The section on wildlife is extremely inadequate, and of very limited value. Rather than listing a few of the common species, it would be far preferable to discuss in this section important issues related to wildlife in regard to the study area. One important concept is that people like to have wildlife in their lives, but typically want to maximize the benefits provided, while minimizing the costs associated with wildlife. People do not want to be constrained from solving wildlife damage problems, or from preventing them from occurring.*

*For example, the study area has a high deer population which causes impacts to humans (vehicle collisions, damage to crops, damage to landscape vegetation), impacts to the natural ecology (by damaging or eliminating native vegetation), but also provides important benefits in the form of viewing and hunting opportunity. This section should identify and discuss how the Projected Growth Scenario is expected to affect deer populations, deer impacts to humans and benefits to humans. Increased development around remaining open spaces may result in increased vehicle collisions, and increased damage because of fewer and fewer areas where deer can be legally hunted. Damage to native vegetation may also increase. What mitigation measures will be taken by the town to ensure that the deer population will be able to be controlled in the future? A similar discussion could be made concerning wild turkeys and many other species.*

*Another important concept is that of maintaining habitat diversity. The GEIS should discuss how the Projected Growth Scenario impact on wildlife which use farmlands, old fields or other areas which may be highly suitable for development. How will frogs, turtles, salamanders, or songbirds be impacted if wetlands are protected but upland areas which are also needed by these species are developed? Specific mitigative measures should be recommended to address these likely scenarios. For example, there are a variety of ways for the town to encourage the continued existence of active farms or agricultural fields within the study area.*

FILE NAME: I:\3371\01\WETLAND DWG\1=2000\XREF BASE-SC.DWG



**KEY**

 STATE REGULATED WETLANDS

SOURCE: NYS FRESHWATER WETLANDS MAPS ALBANY, NISKAYUNA, SCHENECTADY & VOORHESVILLE QUADRANGLES

STATE REGULATED WETLANDS

LISHA KILL - KINGS ROAD AREA

GENERIC ENVIRONMENTAL IMPACT STATEMENT



**CHA** CLOUGH, HARBOUR & ASSOCIATES LLP  
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SCALE: 1" = 2000'

FIGURE NO. II-D-3 (REVISED)

*While stream corridors (p. II-30) are important to wildlife movement, the absence of a stream on a project site should not mean that no corridor is created. Rather, a recommendation should be made to create vegetated corridors between, through, or around developed areas so as to avoid creating a landscape of isolated habitat patches that is of low value to wildlife.*

*In view of the difficulty in conducting any realistic wildlife inventory on a study area of this size, this obviously has not been done within the scope of this GEIS. Therefore, a recommendation within the mitigation measures section must be made that suitable ecological inventories and evaluations be done on a project by project basis, as required by SEQOR, prior to approval. These inventories should consider all wildlife species, not just rare or endangered ones.*

**Response:**

This list of common wildlife is appropriately provided in the existing conditions portion of the wildlife discussion in DGEIS Section II.D. Furthermore, this portion of the discussion provides information on known rare and endangered species and their habitat. The impacts and mitigation section (p.II-32) provides some specific mitigation guidelines to preserve habitat. The DGEIS clearly states that development will occur and, as it does, there will be an unavoidable loss of wildlife habitat. Mitigation is provided to address significant habitat, such as the Pine Bush and Karner blue butterfly habitat, and general habitat preservation concepts, such as clustering and linking habitat (avoiding fragmentation, providing corridors). These concepts will benefit deer populations as well as other common and endangered species.

Mitigation measures beyond that provided in the DGEIS would be more appropriate for a management plan for individual wildlife species. For example additional mitigation measures to reduce deer-vehicle collisions should be developed as part of a state or regional plan for management of the deer herd. Any attempt to manage wildlife for an area the size of the Study Area would, therefore, prove ineffective.

In response to comments provided by the Albany Pine Bush Preserve Commission, "disturbed vegetation communities," which include farmland and open field, are included on the revised Vegetative Communities map (Figure II-D-1).

Evaluation of site ecology for site specific projects is a valid mitigation guideline and was discussed in Section II.D. of the DGEIS.

**5. Comment:**

*Section II-28, Rare & Endangered Species - The section on rare and endangered species has a number of inadequacies which should be rectified. As above, the GEIS must not be considered to substitute for site-specific wildlife inventories conducted at the time of project proposal. Secondly, one of the most important issues related to Karner blue butterfly management is not addressed at all in the section. That issue is the work of the statewide Karner Blue Recovery Team to achieve a viable metapopulation within the greater Albany Pine Bush. Key to the success of that effort is the ability of butterfly subpopulations to be linked to one another. Within the study area are a number of occupied or formerly occupied Karner blue sites. (These do not all fall within the limits of the current or proposed Albany Pine Bush Preserve.) These sites should be identified on a map of the study area, at least at a gross scale. In addition, the closest occupied sites outside of the study area (such as the Fort Hunter site, Town of Rotterdam and Apollo Drive site, Town of Guilderland) should also be indicated. Finally, specific corridors to connect these sites should be identified on the same map. The establishment of these dispersal corridors and protection of individual Karner blue butterfly sites should be identified in the GEIS as a recommended mitigation measure.*

**Response:**

Refer to the response to Comment A.24.

**6. Comment:**

*Section II-31 - It would be very useful to include an overlay showing those watercourses afforded local protection under the Watercourse Area Management Local Law. In addition, there should be discussion of the possible need to expand or strengthen this law for some important watercourses (especially the Lisha Kill) in the study area.*

**Response:**

Chapter 195, Article 1, Watercourse Area Management, of the Code of the Town of Colonie, is thoroughly discussed in DGEIS Section II.E (p.II-33). Figure II-E-1, provided in the DGEIS following page II-33, illustrates streams protected under the Watercourse Area Management regulations. These regulations provide significant protection of the streams in the Study Area.

7. **Comment:**

*Section II-73 - The section on transportation includes a number of recommendations regarding road development or improvement. Unfortunately, no indication of the potential environmental impacts of these various projects is given. For some of these potential transportation projects, the impacts may be quite great. These are detailed below:*

- a. **New Karner Road** - The widening of New Karner Road will have potential impacts on Karner blue butterfly populations which exist immediately along the road, and on a larger scale, may create a substantial barrier for butterfly movement between Preserve lands on either side of the road.*
- b. **Albany Street to Central Avenue Service Road** - The potential of establishing a connector from Central Ave. south across Albany Street all the way to the railroad to "vacant lands south of Albany Street" would have the likely effect of encouraging the development of land which is currently state and/or federal wetland. In addition, much of the area south of Albany Street has been identified by the Albany Pine Bush Commission as a recommended full protection area. To consider directing development to such an area by increasing the infrastructure seems unwise, and contrary to earlier sections of this GEIS.*
- c. **Lisha Kill Road to Cordell Road Connector** - This suggested road would run through the middle of state wetlands S-9 and A-1. In addition, it would directly impact and encourage subsequent further development within areas identified by the Albany Pine Bush Commission as recommended for full protection. Again, the impacts of such road development seen substantial, and contrary to the earlier recommendations of this GEIS to protect wetlands and the Albany Pine Bush.*
- d. **Cordell Road Extension** - Extending Cordell Road through to Curry Road would impact federal wetlands associated with a tributary to the Lisha Kill, and would create an additional barrier to linkage and movement of Karner blue butterflies between the Curry Road site (and in Rotterdam) and the Pine Bush Preserve.*

**Response:**

Refer to response to Comment A.25.

**8. Comment:**

*Section VI-1 - It should be recognized and plainly stated in this section that development will cause the loss of wildlife habitat, as well as a loss of habitat diversity, which will (not "may") result in both direct and indirect mortality of wildlife, as well as a possible reduction in the variety of wildlife which inhabit the study area. Habitat loss can be likened to a game of musical chairs - as habitat is limited and already occupied, there will be individuals left without a chair. The majority of those animals will die. What often happens, however, is that over time, certain species tolerant of humans will reoccupy the margins of developed land, while less tolerant species will be lost. This accounts for the high populations of deer, raccoons, skunks, etc. in suburban areas.*

**Response:**

The impact to wildlife from development under the Projected Growth Development Scenario is clearly stated in DGEIS Section II.D. It is agreed that the statement provided in DGEIS Section VI (p.VI-1) should be changed to read: "Future development in the Study Area would require the removal of existing vegetation which in turn *would* displace wildlife." This is consistent with the statements made in DGEIS Section II.D.

**9. Comment:**

*Perhaps one of the greatest weakness of this draft GEIS is that it does not do a good job of specifying concrete actions that should be taken by the Town to achieve the Projected Growth Scenario and to ensure the discussed mitigation measures actually occur. Actions such as zoning changes, overlay districts, tax law changes, new ordinances (local wetlands law) or strengthening existing ones (watercourse protection ordinance, subdivision and site plan review regulations), or establishment of town policies (no net loss of wetlands, endorsement of the Pine Bush Commission's Protection and Project Review Implementation Guidelines) are necessary for the Town to get to where it wants to be in the future.*

*Such changes would ensure that the future impacts to the study area are addressed in a consistent and comprehensive manner, rather than project by project. Further, it provides important information to landowners and potential project sponsors about the framework within which development will be approved.*

**Response:**

Clear recommendations through mitigation guidelines have been addressed throughout the DGEIS. Many of the actions identified in the question are not

considered by the Town to be necessary based on the current level of regulation and guidance afforded by current regulations and land use plans, as well as the recommendations of the DGEIS. Some items, such as mitigation costs for purchase of Pine Bush lands and a conservation overlay district, are under consideration. With regard to the Albany Pine Bush Preserve Commission's Implementation Guidelines, see response to comment A.3.