

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Dollar General Fresh Distribution Center		
Project Location (describe, and attach a general location map): 2000 State Highway 5S, North of NYS Hwy 5S and East of Fort Hunter Road.		
Brief Description of Proposed Action (include purpose or need): Dollar General has committed to bringing fresh products to the community. To accomplish this, additional cold storage is required for warehousing and distribution of product. The project includes a 167,500 square foot (sf) warehouse building with administration and dispatch offices, as well as support buildings such as a 24/7 manned guardhouse and pumphouse with water tank reservoir. The site includes a fuel island, paved trailer parking, tractor parking, and employee parking. All parking is either with the secured fence accessible through the guardhouse or through a gate arm at the employee lot. Site Plan Review and Subdivision approvals are required from the Town of Florida Planning Board. Refer to project narrative and site and grading plan for a more detailed description and plan of the proposed action.		
Name of Applicant/Sponsor: Dollar General Corporation, Kacey Levine, Director, Supply Chain Operations	Telephone: 404-309-9846	
	E-Mail: klevine@dollargeneral.com	
Address: 100 Mission Ridge		
City/PO: Goodlettsville	State: TN	Zip Code: 37072
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): MCIDA, Ken Rose, Director	Telephone: 518-853-8334	
	E-Mail: krose@co.montgomery.ny.us	
Address: 9 Park Street		
City/PO: Fonda	State: NY	Zip Code: 12068

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	T/Florida: Water and Sewer Connections C/Amsterdam: Water Source & WW Discharge	May 2023
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Florida PB: Site Plan Approval and Subdivision	September 1, 2022
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	GML 239 Referral	June 2023
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES, Sewer, & 401 WQC; NYS DOT Drainage Permit; DOH Water Design; OPRHP	May 2023
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	USACE Nationwide Permit	January 2023
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Florida Business Park

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Greater Amsterdam School District

b. What police or other public protection forces serve the project site?

Mongomery County Sheriff's Department and NYS Police

c. Which fire protection and emergency medical services serve the project site?

Fort Hunter Fire District

d. What parks serve the project site?

Town of Florida

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial - Cold Storage Warehouse and Distribution

b. a. Total acreage of the site of the proposed action? 21.47 acres

b. Total acreage to be physically disturbed? 21.0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 21.47 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

Minor Subdivision - Industrial lot to be part of Florida Business Park

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? 2

iv. Minimum and maximum proposed lot sizes? Minimum 21.47 Maximum 35

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 18 months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>3</u> ii. Dimensions (in feet) of largest proposed structure: <u>51.5'</u> height; <u>316</u> width; and <u>544</u> length iii. Approximate extent of building space to be heated or cooled: <u>169,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: <u>Note: Stormwater Management Ponds on site may impound water</u> ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>Fire tank is steel</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Minor fill impacts of ~0.24 acres to Corps-Federal jurisdictional wetlands are anticipated within the limits of the Nationwide Permit Program. Compensatory Mitigation will be required.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
A ditch from NYS Highway 5S drains through the center of the site to a small wetland at the northern central area of the site that will be filled to fit the building. Fill impacts are anticipated at 0.24 acres of unavoidable fill impact. Compensatory wetland mitigation is required for fill impacts greater than 0.1 acres.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ ~5,000 - 7,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Town of Florida Water District - City of Amsterdam water source
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ ~5,000 - 7,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: City of Amsterdam WWTP
- Name of district: Town of Florida Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

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<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ ~20 round trips per day</p> <p>iii. Parking spaces: Existing <u>0</u> Proposed <u>145</u> Net increase/decrease <u>145</u></p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: NYS DOT is bidding a separate project to widen NYS Hwy 5S directly in front of the parcel. Access will be from two new entrances from a local street.</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ 3,800,000 kW/year</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): National Grid</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 am to 7 pm</u> • Saturday: <u>7 am to 7 pm</u> • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Midnight Monday to 3 PM Friday</u> • Saturday: _____ • Sunday: <u>12 pm to Midnight</u> • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 am to 7 pm</u> • Saturday: <u>7 am to 7 pm</u> • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Midnight Monday to 3 PM Friday</u> • Saturday: _____ • Sunday: <u>12 pm to Midnight</u> • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7 am to 7 pm</u> • Saturday: <u>7 am to 7 pm</u> • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>Midnight Monday to 3 PM Friday</u> • Saturday: _____ • Sunday: <u>12 pm to Midnight</u> • Holidays: _____ 		

*Note: Dollar General will have two (2) shifts during operation of the facility, five (5) days a week, Monday through Friday, with shift overlap starting on Sunday's at 12 p, and extending to Friday at 3 PM. No Saturday or Sunday operations are planned, except for their normal 5-day shift overlap and facility maintenance.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Temporary noise impact during construction associated with heavy equipment operations.</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Full cut-off downward direction LED lighting package to be provided documenting no light trespass at the property line.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored <u>Diesel fuel for on-site vehicles (20,000 gallon AST)</u></p> <p>ii. Volume(s) <u>000</u> gallons per unit time <u>week</u> (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>Above ground, double containment tank requiring registration with NYSDEC</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ ~2-4 tons per _____ month (unit of time) • Operation : _____ ~1-2 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>In general, materials will be reused if possible and separated from solid waste materials for disposal.</u> • Operation: <u>In general, materials will be reused if possible, and recyclable materials such as cardboard and plastic wrap will be separated from solid waste materials for disposal.</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Permitted or otherwise authorized Solid Waste Management Facility - specific facility to be determined by Contractor.</u> • Operation: <u>Permitted or otherwise authorized Solid Waste Management Facility - specific facility to be determined by Dollar General.</u> 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
<p>a. Existing land uses.</p> <p>i. Check all uses that occur on, adjoining and near the project site.</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Rural (non-farm)</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Forest</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Other (specify): <u>Business Park</u></div> </div> <p>ii. If mix of uses, generally describe:</p> <p>The proposed project is a right-of-use and will take place entirely within the Florida Business Park (FBP), consistent with both the original GEIS SEQRA record for the FBP, including but not limited to the zoning change for the expansion of the FBP.</p>			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	12.63	12.63
• Forested	0.68	0.29	-0.39
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.60	7.08	6.48
• Agricultural (includes active orchards, field, greenhouse etc.)	19.7	0	-19.7
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	1.22	1.09
• Wetlands (freshwater or tidal)	0.49	0.25	-0.24
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

<p>c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p><i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ _____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ >75 feet													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Darien silt loam</td> <td style="width: 20%; text-align: right;">70 %</td> <td style="width: 20%;"></td> </tr> <tr> <td>Lansing silt loam</td> <td style="text-align: right;">30 %</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		Darien silt loam	70 %		Lansing silt loam	30 %			%				
Darien silt loam	70 %												
Lansing silt loam	30 %												
	%												
d. What is the average depth to the water table on the project site? Average: _____ 3-6 feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 30%; text-align: right;">_____ % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">50 % of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">50 % of site</td> <td></td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site		<input checked="" type="checkbox"/> Moderately Well Drained:	50 % of site		<input checked="" type="checkbox"/> Poorly Drained	50 % of site				
<input type="checkbox"/> Well Drained:	_____ % of site												
<input checked="" type="checkbox"/> Moderately Well Drained:	50 % of site												
<input checked="" type="checkbox"/> Poorly Drained	50 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 20%; text-align: right;">_____ % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	_____ % of site		<input checked="" type="checkbox"/> 10-15%:	_____ % of site		<input checked="" type="checkbox"/> 15% or greater:	_____ % of site				
<input checked="" type="checkbox"/> 0-10%:	_____ % of site												
<input checked="" type="checkbox"/> 10-15%:	_____ % of site												
<input checked="" type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.													
<div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> NOTE: Mapper answered No, however there is one delineated wetland on site. See section D.2.b </div>													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:													
i. Name of aquifer: Principal Aquifer _____													

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">common wildlife species: _____</td> <td style="width: 33%;">various bird species _____</td> <td style="width: 33%;">ground hog _____</td> </tr> <tr> <td>deer _____</td> <td>voles/moles _____</td> <td>squirrel/chipmunk _____</td> </tr> <tr> <td>raccoon _____</td> <td>rabbit _____</td> <td>coyote _____</td> </tr> </table>			common wildlife species: _____	various bird species _____	ground hog _____	deer _____	voles/moles _____	squirrel/chipmunk _____	raccoon _____	rabbit _____	coyote _____
common wildlife species: _____	various bird species _____	ground hog _____									
deer _____	voles/moles _____	squirrel/chipmunk _____									
raccoon _____	rabbit _____	coyote _____									
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 											
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>											
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>											
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>											
<p>E.3. Designated Public Resources On or Near Project Site</p>											
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: <u>MONT003</u></p>											
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>											
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>											
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>											

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: <i>NOTE: The property is adjacent to a property that does have an archaeologically sensitive area. However, it is well out of the APE for this project.</i> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Kacey Levine Date 08/31/2022

Signature  Title Director, Supply Chain Operations



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	MONT003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Section F Additional Information

The Part 1 Full Environmental Assessment Form (EAF) for the Dollar General Fresh Distribution Center includes by reference the existing SEQRA record for the Florida Business Park (FBP), including but not limited to the original GEIS and subsequent zoning changes and their associated SEQRA documentation for expansion of the FBP.

The List of Existing Landowners is as follows:

Tax Parcel 54.-2-2.31
Montgomery County Industrial Development Authority (MCIDA)
Contact: Ken Rose, Montgomery County Business Development Center
9 Park Street, P.O. Box 1500
Fonda NY 12068
Phone #: 518-853-8334
Email: kruse@co.montgomery.ny.us

Specific documentation provided in the following pages includes the following:

1. NYSDEC Zoning Change of the Florida Business Park correspondence dated October 24, 2008.
2. Bird Survey prepared by CHA dated March 26, 2009.
3. NYSDEC Northern Harrier & Short-eared Owl correspondence dated May 26, 2009.
4. NYS Office of Parks Recreation and Historic Preservation (OPRHP) correspondence dated January 29, 2014.
5. U.S. Army Corps of Engineers wetlands correspondence dated January 30, 2014.
6. NYS Department of Agriculture and Markets correspondence dated March 31, 2022.

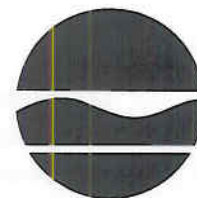
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

October 24, 2008

Harold Hermance, Chairman
Town of Florida Planning Board
181 St Hwy 161
Amsterdam, NY 12010

RE: Lead Agency Coordination Response
Proposed Florida Business Park Expansion
Change of Zoning Request - 134.3 Acres Total
North & South of Rt 5S - 3.1 miles west Rt 30 interchange
Town of Florida, Montgomery County

Dear Mr. Hermance:

This letter responds to your communication of October 16, 2008, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The Department has the following interest in this project:

Name of Action: Florida Business Park Expansion - Change of Zoning Request

DEC Permits (if any): 401 Water Quality Certification; A State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity; Water Supply Permit; Sewer Plan Approval.

DEC Contact Person: James J. Eldred

DEC Position: Based on the information provided, DEC has no objection to the Town of Florida Planning Board assuming lead agency status for this action.

Comments:

Freshwater Wetlands

Based on the information provided, it appears that there are no mapped New York State freshwater wetlands or protected streams within the project site, however, the conceptual site plan provided has identified wetlands on the parcels. If disturbance to any wetlands or waters identified will require a federal permit from the U.S. Army Corps of Engineers, a 401 Water Quality Certification may also be required from this office.

Water Supply permit:

The town will be required to obtain a water supply permit from this Department if:

- the project requires the town to form or extend a water district in order to provide municipal water to the proposed subdivision;

- the project would result in taking a greater amount of water than that which is allowed under an existing water supply permit for that district; or
- the project is in an existing water district or district extension formally created by the town but the town has not yet obtained a water supply permit from this office to provide water into that district.

The existing municipal water supply which is proposed to serve the business park must also be able to meet the increased demand to supply water and maintain limits for flow, pressure, disinfection (if any) and all other parameters as set forth in the current water supply permit or which may be required as a result of this action.

Sewer Plan Approval:

Extension of the sewer mains (or district) may require a review and approval from the New York State DEC, Division of Water. The existing Sewage Treatment Facility, which will receive the waste stream, must also be capable of meeting the increased flows anticipated to be generated from the proposed development. Please contact Kevin O'Connor at (518) 357-2381 to determine if the sewer plans need to be reviewed, and if so, what needs to be submitted.

Threatened or Endangered Species

Please note that the project area has been identified as potential habitat for the state endangered Short-eared Owl, the state threatened Northern Harrier and other potential grassland bird species of concern. In order to determine the potential impacts to these species and their habitat, surveys may be required to identify the potential use of the site by these species and extent of the habitat.

Historic/Archeological resources:

The site is within an archeological area of concern. If a permit is required from this Department, we may be required to consult with the NYS Office of Parks, Recreation and Historic Preservation regarding potential impacts to those resources and archeological surveys of the parcel may be required.

If you do not concur with the DEC position indicated above, please contact this office to resolve designation of lead agency within the time allowable under Part 617.

Please feel free to contact this office for further information or discussion.

Sincerely,



James J. Eldred
Environmental Analyst

cc: William Strevy, Supervisor, Town of Florida
Ann Thane, Mayor, City of Amsterdam

ecc: USACE, NY District
Ken Rose, Montgomery County IDA, krose@co.montgomery.ny.us



March 26, 2009

Mr. Karl Parker
Senior Wildlife Biologist
NYS Department of Environmental Conservation
1130 North Westcott Road
Schenectady, NY 12306

**RE: MCIDA, GOTTLER PROPERTY
NORTHERN HARRIER & SHORT EAR OWL SURVEY
CHA FILE: 19477**

Dear Mr. Parker:

As you know, biologists from CHA conducted bird surveys of the above referenced site with the main intent of gaining an understanding of northern harrier (*Circus cyaneus*) and short-eared owl (*Asio flammeus*) wintering use of the site. Surveys were conducted between November 20 – December 3, 2008 and March 4-13, 2009. Surveys were conducted twice per week and included one morning survey (from ½ hour before sun-up until late morning) and one afternoon survey (from late afternoon until at least ½ hour after sunset) (Refer to Attachment 1 - Data Sheets). Surveys were conducted by traversing the site on foot and by sitting stationary at certain vantage points. Binoculars were used.

The proposed development area consists of harvested corn fields which are bounded on the north and south by forested area and Federal Interstate 90 respectively. State Road 5S bisects the property. To the east of the property is a fallow field and a hay field is to the west. Four areas were identified that would provide ample views of the proposed development and surrounding areas. (Refer to Attachment 2 – Survey Area Map).

The fall survey focused primarily on documenting the use of the area by northern harriers. During this survey a harrier was observed hunting in the adjacent hay field on two different occasions. It is not definite that the same bird was observed both times, but both sightings were of a male harrier. Other species observed during this survey period were birds that are common to the area.

In the initial proposal, surveys for short-eared owls were to begin in late February – early March and commencement was dependant on snow depth. Due to the abundance of snow on the site during late February, the surveys were begun during the first week of March when there was less than 6 inches of snow and some residual vegetation showing throughout the area. Over the previous months CHA biologists have been assisting DEC with short-eared owl surveys and due to this experience we slightly modified the survey protocol. Since the owls are most active when visibility is low, surveys were begun before the proposed start time of ½ hour before sunrise and ended when it was too dark for the surveyor

March 25, 2009

Page 2

to see. During this time each of the four locations were monitored to determine if owls were using the area. No short-eared owls or northern harriers were observed during this survey. The species observed consisted of common species that would typically be observed in the area during this time of year. One exception was a bald eagle (*Haliaeetus leucocephalus*) that flew over the site. Additionally, an unknown raptor was observed several times on site. Biologists were able to determine that it was of the Buteo genus, but were unable to determine the species and assume it was either a red-tailed hawk (*Buteo jamaicensis*) or rough-legged hawk (*Buteo lagopus*). On the final survey a great horned owl (*Bubo virginianus*) was heard calling from the wooded area located immediately north of the site. This species is known to prey upon raptors and regularly kill and eat other owls (Cornell Lab of Ornithology). Its presence may be one factor that deters short-eared owls and northern harriers from occupying the site.

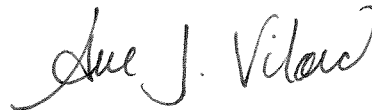
Approximately 27 bird species were documented during the surveys. Data sheets noting all birds seen during the surveys have been included for your review. Numerous mammals were also documented by direct observation or their call, scat, or tracks.

Based on our assessment we can conclude that northern harriers may use properties adjacent to the proposed development during migration. Short-eared owls do not appear to use the site as a communal roost during the winter.

At this time the surveys have ceased and a breeding season survey is not anticipated.

Please feel free to contact me at 453-3953 if you have any questions.

Very truly yours,



Sue J. Vilord
Senior Ecologist

Encl.

cc: K. Rose, Montgomery Co. IDA, w/ enclosure
R. Treers, CHA
C. Einstein, CHA



Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 11-20-08

Surveyors: DM & SV

GPS Location

Beginning time: 2:35 am

Beginning temperature: 35°

Beginning wind: 6 mph

Ending time: 4:32

Ending temperature: 30°

Ending wind: 3-5 mph

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor. Reason:

Snow cover (in): _____ Moon Phase: None $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ Full

(Note below if conditions change during survey)

[illegible]

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 21 Nov 08

Surveyors: SG, DM

GPS Location _____

Beginning time: 0740

Beginning temperature: 20°F

Beginning wind: 5.5 mph

Ending time: 0951

Ending temperature: 25°F

Ending wind: 5.4

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor. Reason: _____

Snow cover (in): 0 Moon Phase: None 1/4 1/2 3/4 Full

(Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
0745	White-crowned	30			Corn field	flying over cornfield, some landed
0753	Blue jay	###			Corn field	
0757	Dark-eyed junco	5				
0800	Pigeon	12				
0805	A. Crow	### ### ### ### ###				
0827						
0830						
0831	Pigeon	###11				
0832	A. Crow	### ###				
0834	Robin	###1				
0857	Coopers hawk	1				flew thru, perched on hedge NW, took off
0910	Canada goose	11				
0914						
0922	N. Harrier Adult male	1	100yd.	♂ Adult	Hayfield / corn field edge	hunting. @ 0926 flew NW thru the fields towards log cabin then NW over trees + gone.
0932	Can. goose	24	200yd		Fields	Flew over
0934	D.E. Junc	9	70yd		Corn Field	Flew, landed, Flew
0936	A. Crow	1	50yd		" "	Flew thru.
0938	DONE					
0951	Nothing					

Observation Point 1

Observation Point 2

start obs. pt. 3

NOT on site

on site

off site

off site

site 4

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 24 Nov 08

Surveyors: DL, DM

GPS Location

Beginning time: 0230

Beginning temperature:

Beginning wind: 3.9 mph

Ending time:

Ending temperature:

Ending wind: _____

Precipitation: None

Light

Medium

Snow

Rain

Drizzle.

Eng

Cloud Cover: 0-25%

25-50

50-75%

75-100%

DELELLI

106

Visibility: Excellent

Good

Fair Poor.

Reason:

Snow cover (in):

0

Moon Phase: None

 i/a $\frac{1}{2}$

3/8

Full

(Note below if conditions change during survey)

[illegible]

Obs point
4

Oban Point
1

Obs Point
2

Obs Point
3

<p>Hunting, over corn & hay field</p>	<p>1860 site</p>
<p>flew off site towards</p>	
	<p>90 over the hedgerow</p>

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 11-25-08

Surveyors: GW, SV

GPS Location

Beginning time: 7:09

Beginning temperature: 40°

Beginning wind:

Ending time: 9:18

Ending temperature: 41°

Ending wind:

Precipitation: None

Light

Medium

Snow

Rain

Drizzle

Fog

Cloud Cover: 0-25%

25-50%

50-75%

75-100%

Visibility: Excellent

Good

Poor.

Reason:

Snow cover (in):

Moon Phase: None

 $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$

Full

(Note below if conditions change during survey)

[illegible]

7:09
observation
point 1

7:40
observation
point 2

8:15
observation
part 3

845
obs point
4

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 3 Dec 08

Surveyors: GW, DM

GPS Location

Beginning time: 0715

Beginning temperature: 27°F

Beginning wind: 1.5 mph

Ending time: 0920

Ending temperature: 34°F

Ending wind: 0.5 mph

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor. Reason:

Snow cover (in): 0 Moon Phase: None 1/4 1/2 3/4 Full

(Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
7:15	M. Dove	3				
7:18	m Dove	6 ¹¹	(40-50 ft)			in cornfield
7:18	Crow	3 ¹¹				flying over site
	Gull	11				flying over site
7:40	Turkey	11				
<hr/>						
6745						
	Crow	111111				flying over site
	Blue jay	111				trees by feeder
	Woodpecker	1				11
	Mourning Dove	111111				Over cornfield
	Rock Dove	11				trees by feeder
	C. Goose	111				
<hr/>						
0815						
	C. Goose	1111 1111				
	A. Crow	111				
	Mourning Dove	111 111				
	Rock Dove	111 111				
<hr/>						
0850						
	dark eyed Junco	111				
	C. Geese	111 111 111				
	Mourning Dove	111				
	Blue Jay	1				
	Rock Dove	111 111 111 111				

Goldfinch 11

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 12/3/08

Surveyors: Vilord + Greaves

GPS Location

Beginning time: 1:15

Beginning temperature: 40°

Beginning wind: 1.5

Ending time: 3:26

Ending temperature: 46°

Ending wind: 2.0

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor. Reason:

Snow cover (in): 0 Moon Phase: None 1/4 1/2 3/4 Full

(Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
1:17	Pigeon	2	100yd	-	Corn Field	Flew in
1:17	m.Dove	1	"	-	" "	"
1:18	"	3	"	-	" "	Flew thru
1:19	Pigeons	5	20yd	-	" "	" "
1:20	"	"	"	"	"	"
1:21	"	21	90yd	"	"	"
1:23	m.Dove	1	15yd	-	hedge row	perched
1:23	Blue jay	1	15yd	-	"	"
1:24	m.Dove	5	30yd		Corn Field	Flew thru
1:35	" "	8	15yd		hedge row	Flew in + perched
"	Pigeon	15	30yd		Corn Field	Flying around
1:38	R.T. Hawk	1	150yd		Trees along T-way	Perched
1:40	A crow	1	70yd		Corn Field	Flew over
1:45	end					
OP#1 → 1:50	N. Flicker	1	20yd		Corn field	Flew thru
1:54	m.Dove	2	"		"	"
1:56	Hairy W. Packer	1	15yd		"	Flew thru + landed on tree near OP#4.
2:00	A. Crow	~100	varied		"	Flew over + thru.
2:01	m.Dove	15	15yd		"	Flew thru.
2:03	A. Crow	4	100yd		"	" "
2:06	"	100	50yd		"	landed in C.F. + tree edge.
2:20	end					
OP#2 → 2:21	m.Dove	4	70yd		"	Flew thru
2:22	A. Crow	1	50yd		"	" "
2:33	m.Dove	6	10yd		"	Flew thru
2:34	RWBB	15	100yd		"	Flew thru + landed on tree on site
2:34	Pigeon	~20	"		"	Flew thru
2:37	m.Dove	15	20yd		"	" "

[illegible]

Comments: Great weather

Wind Beaufort Number ¹	Indicators of Wind Speed	Wind Speed in km/h or m/h
0	Smoke Rises Vertically	<2/<1
1	Wind direction shown by smoke drift	2-5/1-3
2	Wind felt on face, leaves rustle	6-12/4-7
3	Leaves, small twigs in constant motion; light flag extended	13-19/8-12
4	Raises dust and loose paper; small branches are moved	20-29/13-18

¹ U.S. Department of the Interior U.S. Geological Survey Patuxent Wildlife Research Center. Breeding Bird Survey Learning Tools. Laurel, MD, USA 20708-4038 <http://www.pwrc.usgs.gov/bbs/> viewed 11-29-2007.

Bird/Wildlife Inventory Form

Site name: MCIDA, Gottier Property Date: 3-4-09
 Surveyors: S. Vilord GPS Location _____
 Beginning time: 0545 Beginning temperature: 10°F Beginning wind: 0
 Ending time: 0730 Ending temperature: 10°F Ending wind: 0
 Precipitation: None Light Medium Snow Rain Drizzle Fog
 Cloud Cover: 0-25% 25-50% 50-75% 75-100%
 Visibility: Excellent Good Fair Poor. Reason: _____
 Snow cover (in): 2-4" Moon Phase: None 1/4 1/2 3/4 Full
 (Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
0545	watched					
622 #3	Crows	16				flying over site
626	"	2				" " "
#2 629	"	1				" " "
637	"	2				walking through corn field
657	"	2				perched in tree
659	Red-tail Hawk	1				" " " flushed south
#1 700	Crow	1				flying over site
705	"	3				feeding in corn field
707	"	2				flying over site
#4 710	Blue jay	1				
715	Crow	6				flying over site

Comments: _____

Wind Beaufort Number ¹	Indicators of Wind Speed	Wind Speed in km/h or m/h
0	Smoke Rises Vertically	<2/<1
1	Wind direction shown by smoke drift	2-5/1-3
2	Wind felt on face, leaves rustle	6-12/4-7
3	Leaves, small twigs in constant motion; light flag extended	13-19/8-12
4	Raises dust and loose paper; small branches are moved	20-29/13-18

¹ U.S. Department of the Interior U.S. Geological Survey Patuxent Wildlife Research Center. Breeding Bird Survey Learning Tools. Laurel, MD, USA 20708-4038 <http://www.pwrc.usgs.gov/bbs/> viewed 11-29-2007.

Gottier Site

Date: 5/4/09

GPS Location

Ending time: 6:20 Ending temperature: 27°F Ending wind: 2

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Snow cover (in): 0-6 patchy Moon Phase: None $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ Full

[illegible]

Op# 3

OP# 2

OP# 1

CP#4

AP# 1

Ice under
Snow hard
enough to
walk on.
Would this
water will
use?

not a late
start because
the road
was closed
due to a bad
accident.

Bird/Wildlife Inventory Form

Site name: MCIDA, Town of Florida

Date: 5-5-07

Surveyors: S. Vilard

GPS Location _____

Beginning time: 5:40am

Beginning temperature: 10°

Beginning wind: 0

Ending time: 7:30

Ending temperature: 11°

Ending wind: 0

Precipitation: None

Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25%

25-50% 50-75% 75-100%

Visibility: Excellent

Good Fair Poor. Reason: _____

Snow cover (in): 4.6

Moon Phase: None $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ Full

(Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
5:40-550	Washed new behind	no 58				
607	RTH	1				Flying over site to
608	Crow	1				" " " to
611	"	3				" " "
617	"	19				Flying west over site
619	"	3				perched in tree
621	RTH	1				sitting on billboard
624	Crows	4				landed in tree line next
627	Starling	5				then flew north
634	Crows	4				perched in tree
637	Crows	2				foraging in corn field
640	"	1				flying N, 1 perched in
645	"	3				flying N over site
647	RTH	1				flying + foraging around
						perched in conifer NW of
						likely same as above
649	Blue Jay	1				near houses center of
652	Starling	3				flying W over site
654	Rwbkbr	4				perched in trees near house
706	Mournd.	26				in conifers by road
706	Blue J	1				" " "

Bird/Wildlife Inventory Form

Site name: Beechnut, Town of Florida

Date: 3/5/09

Surveyors: J. Greaves

GPS Location

Beginning time: 5:08

Beginning temperature: 37°F

Beginning wind:

Ending time: 6:22

Ending temperature: 34° F

Ending wind:

Precipitation: None

Light

Medium

Snow

Rain

Drizzle

Fog

Fog

Cloud Cover: 0-25%

25-50%

50-75%

75-100%

1

Visibility: Excellent

Good

Fair Poor.

Reason

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

Snow cover (in):

Patchy 0-6

Moon Phase: None

 $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$

Full

(Note below if conditions change during survey)

[illegible]

in way in
searched the
FBI for
GP#4 →

OP# 1-7

Slide 7 →

OP#5 →

02 →

- Hard pack snow all around.
- Seems like hunting voles would be tough.
- Mostly corn fields - low vole populations likely??

Bird/Wildlife Inventory Form

Site name: Beechnut, Town of Florida

Date: 3/9/09

Surveyors: L. Greaves

GPS Location

Beginning time: 5:55

Beginning temperature: 35°F

Beginning wind: 2

Ending time: 7:34

Ending temperature: 33°F

Ending wind: 4

Precipitation: ☒ None ☐ Light ☐ Medium ☐ Snow ☐ Rain ☐ Drizzle ☐ Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent ☐ Good ☐ Fair ☒ Poor. ☐ Reason: Clear but NO SUN

Snow cover (in): patchy 0-2" Moon Phase: None $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ **Full**

(Note below if conditions change during survey)

[illegible]

Flow N to
S along
Fort Hunter Rd

From the NW

new along
middle of S.

My S.

div α

Bird/Wildlife Inventory Form


Site name: MCIDA, Gottier Site, Town of Florida

Date: 3-10-09

Surveyors: S. Vitor GPS Location

Beginning time: 0635

Beginning temperature: 34.01

Beginning wind: 

Ending time: 08/7

Ending temperature: 32°F

Ending wind: 0

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100% overcast

Visibility: Excellent Good Fair Poor. Reason: _____

Snow cover (in): 0.5 Moon Phase: None ☐ 1/4 ☐ 1/2 ☐ 3/4 ☒ Full

(Note below if conditions change during survey)

[illegible]

Bird/Wildlife Inventory Form

Site name: MCIDA, Gortier Site, Town of Florida

Date: 03-13-09

Surveyors: S. Ward

GPS Location _____

Beginning time: 0632

Beginning temperature: 19°

Beginning wind: 0

Ending time: 0815

Ending temperature: 19°

Ending wind: 4 mph

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor. Reason: _____

Snow cover (in): _____ Moon Phase: None 1/4 1/2 3/4 Full

(Note below if conditions change during survey)

Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
<u>Loc #4? 632-650</u>						
0654	Crows	11				perched in top of tree s portion of site
0658	Deer	18				grazing in field behind house
0700	Crow	1				flying w over site
0701	Crows	31				huddled in tree s portion of site
						not w/others above
						then 24 flushed + flew south
703	something					sprayed deer herd ran into hay field w of site
705	Crows	2				flying s over site
<u>Loc #2</u>						
711	RTH	1				perched in tree
712	Crow	2				perched in tree s. of RTH
						then flew off to w.
714	Deer (8)					entered corn field + ran across road to forest on N. - flushed RTH which flew south
719	Crow	2				perched in tree s of site
725	RTH	1				perched in same tree line as before just to south of prev. loc.
<u>Loc #1</u>						
731	Crow	1				flying s over site
738	Grackle	8				
739	Crow	1				landed in corn field + began foraging
744	low blackbird	32				flying n across site
<u>Loc #4</u>						
754	Blue J	1				
	song sparrow	1				
	rob	14				
	grackle	26				
	M Dove	6				
801	Crow	3				flying w over site
<u>* spent 10 min before survey start time @ loc 4? to</u>						
804	Crow	5				flying w over site

Bird/Wildlife Inventory Form

Site name: Beechnut, Town of Florida

Date: 3/13/09

Surveyors: John Greaves

GPS Location

Beginning time: 6:00

Beginning temperature: 30°F

Beginning wind: 0

Ending time: 7:38

Ending temperature: 33°F

Ending wind: 0

Precipitation: None Light Medium Snow Rain Drizzle Fog

Cloud Cover: 0-25% 25-50% 50-75% 75-100%

Visibility: Excellent Good Fair Poor Reason:

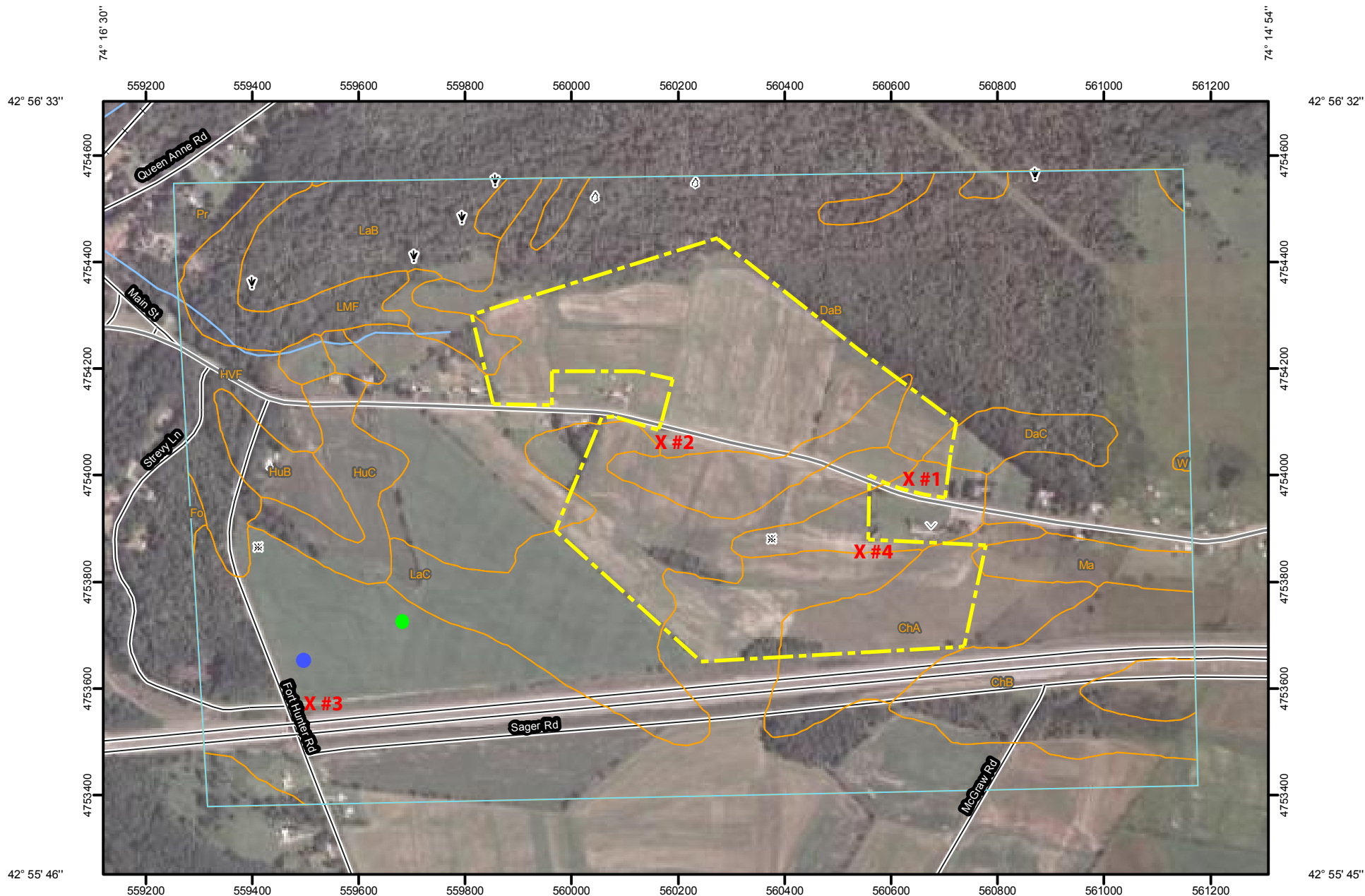
Snow cover (in): very little 0-1" Moon Phase: None 1/4 1/2 3/4 Full

(Note below if conditions change during survey)

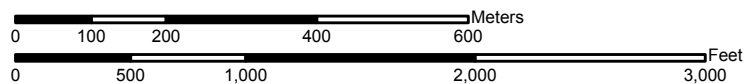
Time	Species	# Observed	Distance	Gender	Habitat	Notes/behavior: hunting, feeding, perching, times, etc
OP#3 6:00	C. Goose	~20	250yd		Corn Fields	Flew in and landed near OP#4 Area
6:02	A. Crow	~30	"		" "	hanging out in western portion of site
6:07	Buteo	1	250yd		hedge row tree	perched - too far to ID
6:09	Red winged B.B.	~60	100yd		Corn Fields	Flew over and past
6:15	A. Crow	~30	250yd		hedge row trees + Corn Fields	- hanging out
6:18	C. Goose	8	"		Corn Fields	Flew thru
	A. Crow	~200			"	Constantly coming in and also through
	C. Goose	~100			"	Constantly coming in, some land, some fly through
6:20	RWBB	100+	30yd			Flew thru
OP#4 → 6:29	Kestrel ♀	1	20yd			perched on tree near parking/building
6:31	Grackle	3	10'			perched in Conifer
6:38	C. Goose	~300	70yd			standing in Corn Field near billboard, some feeding
	RWBB	~100	80-250yd			perched in trees all over
	A. Crow	300+	"		" "	" " " (Also many flying East)
6:44	C. Goose	~20	50yd			Flew over and landed near OP#1
OP#1 → 6:49	W.T. Deer	10	200yd		Corn Field	Feeding
6:50	M. Dove	6	10yd		" "	Flew away (were on ground)
6:52	C. Goose	100-150	120yd		" "	on ground Feeding
6:54	Great H. Owl	1	100yd+		Woods to N	heard it (hoot hoot hoot... hoot)
7:02	RWBB	~30	50yd		Corn Field	Flew thru
7:03	C. Goose	1	100yd		" "	" "
7:07	C. Goose	1000+	50yd		" "	Spooked as I walked by and took flight
OP#2 → 7:13	C. Goose	20	"		FI "	Still some in Field to North
7:16	" "	12	80yd		" "	Flew over
7:17	" "	5	50yd		" "	" "
OP#5 → 7:28	Nothing					
OP#4 → 7:38	Nothing	(still observable - decent light)				

RWBB = Red Winged Black Bird

Soil Map



Map Scale: 1:9,930 if printed on A size (8.5" x 11") sheet.



- X = Observation Point
- = Project Boundary
- = Harrier Observation on 11/21/08
(Adult Male)
- = Harrier Observation on 11/24/08
(Adult Male)

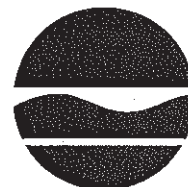
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.state.ny.us



Alexander B. Grannis

Commissioner

RECEIVED

MAY 28 2009

May 26, 2009

Mr. Kenneth Rose, Director
Montgomery County
Development Center
P.O. Box 1500
Fonda, NY 12068

Re: Northern Harrier & Short-eared Owl survey
MCIDA - Florida Business Park Expansion
Gottier Property - Rt 5S
Florida(T), Montgomery County

Dear Mr. Rose:

The Department has received the Northern Harrier & Short-eared Owl survey report prepared on your behalf by Clough Harbour & Associates, dated March 26, 2009. The report summarizes the results of the bird surveys requested by the Department to establish the presence and use of the site for these species. As potential habitat exists on the site, the surveys were required to support and aide determinations being made pursuant to the State Environmental Quality Review and potential permits which may be required as a result of development of these lands to expand the Florida Business Park.

After review of the information presented, it has been determined that Clough Harbour & Associates has conducted the surveys according to the procedures discussed with them by the Department, and that they have occurred at appropriate times of the year and day to maximize the opportunity to observe the species of interest. Further, the Department has found nothing that raises concerns about impacts to endangered or threatened raptors such as harriers or short-eared owls as a result of the development of the site as proposed.

The survey sheets have also identified a fly-over of the site by an eagle but since the site is very close to the Mohawk River, and the Schoharie Creek, both being primary areas of use to be expected by eagles in this vicinity, the Department does not anticipate that the project would have any impacts to this species.

In conclusion, the surveys have adequately documented the presence and use of the site by the Northern Harrier & Short-eared Owl and have satisfactorily addressed the habitat concerns raised in previous correspondence from the Department.

Please feel free to contact me by phone at (518) 357-2445, or email jjeldred@gw.dec.state.ny.us, if you have any questions or for further discussion.

Sincerely,

James J Eldred
Environmental Analyst

cc: William Strevy, Supervisor, Town of Florida
ec: John Greaves, CHA LLP
Karl Parker, Wildlife, DEC Region 4
Bruce Wurz, GORR



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

January 29, 2014

Stephen Oberon
Columbia Heritage, Ltd.
PO Box 235
Old Chatham, New York 12136

Re: DEC
Florida Business Park Expansion
NY 5 & Fort Hunter Rd/FLORIDA,
Montgomery County
14PR00310

Dear Mr. Oberon:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that your project will have **No Impact** upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

The historic cemetery appears to be located within the property boundary but outside of the Area of Potential Effect. **Should the scope of the project change, please reopen consultation with OPRHP so that any impacts to the cemetery can be determined.**

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Daniel A. Bagrow
Historic Preservation Specialist



DEPARTMENT OF THE ARMY
US Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

JAN 30 2014

Upstate New York Section

SUBJECT: Permit Application Number NAN-2013-01233
by Montgomery County Industrial Development Agency
Town of Florida, Montgomery County, New York

Kenneth Rose, Director
Montgomery County Economic Development Agency
PO Box 1500
Old County Courthouse
Fonda, NY 12068

Dear Mr. Rose:

On September 25, 2013, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army preliminary jurisdictional determination for an approximately 77.3 acre area. This request was made by Copeland Environmental, LLC, as consultant for Montgomery County Industrial Development Agency. The site is located in the Mohawk River watershed, along Fort Hunter Road and NYS Route 5S, in the Town of Florida, Montgomery County, New York.

The submittal received by this office on September 25, 2013, included a proposed delineation of the extent of potential waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on December 6, 2013, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On January 13, 2014, this office received the modified delineation.

Based on the material submitted, including the drawings entitled "Wetland Delineation Map, Waters of the U.S., Lands N/F of Gilbert Soodal, NYS Route 5S", prepared by John M. McDonald Engineering, P.C., dated September 23, 2013, and last revised December 22, 2013, there are 0.42 acres of wetlands, including 880 linear feet of stream channel within the 77.3-acre review area, that may be jurisdictional under Section 404 of the Clean Water Act.

This preliminary jurisdictional determination (JD) is non-binding and indicates that there may be waters of the United States, including wetlands, within the review area. A preliminary JD is advisory in nature, and may not be appealed. As you requested, enclosed is a copy of the Preliminary Jurisdictional Determination Form signed by this office. Please be aware that for purposes of computation of impacts, compensatory mitigation requirements, and other resources protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be

affected by the permitted activity as jurisdictional. If you wish, prior to commencement of any work on the site you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at:

<http://www.usace.army.mil/CECW/Documents/cecwo/reg/rgls/rgl08-02.pdf>

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expiration dates." However, it is strongly recommended that the boundaries of the delineated waters be re-evaluated by a qualified consultant after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while working on your project site.

These determinations may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

If any questions should arise concerning this matter, please contact Brad Sherwood, of my staff, at (518) 266-6355.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Delon" or similar, with a stylized flourish at the end.

Amy L. Gitchell
Chief, Upstate New York Section

Enclosures

cc: NYSDEC, Region 4, Schenectady
Town of Florida
Copenhaver, K. – Copeland Environmental, LLC
McDonald, J. – John M. McDonald Engineering, P.C.

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): JAN 30 2014

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Kenneth Rose, Director
Montgomery County Economic Development Agency
PO Box 1500
Old County Courthouse
Fonda, NY 12068

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: New York District;
Montgomery County Economic Development Agency; NAN-2013-01233

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES
AT DIFFERENT SITES)**

State: NY County/parish/borough: Montgomery City: Florida

Center coordinates of site (lat/long in degree decimal format):

Lat. 42.93520° N, Long. 74.26965° W.

Universal Transverse Mercator:

Name of nearest waterbody: Unnamed tributary to Schoharie Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 880 linear feet: 3 width (ft) and/or acres.

Cowardin Class: Riverine

Stream Flow: Intermittent

Wetlands: 0.42 acres.

Cowardin Class: Emergent

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): 12-6-13

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: "Wetland Delineation Map, Waters of the U.S., Lands N/F of Gilbert Soodal, NYS Route 5S", prepared by John M. McDonald Engineering, P.C., dated September 23, 2013, and last revised December 22, 2013

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name:

☐ USDA Natural Resources Conservation Service Soil Survey. Citation:.

☐ National wetlands inventory map(s). Cite name:

☐ State/Local wetland inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

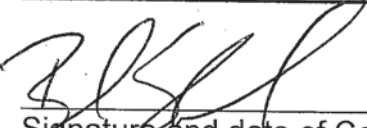
☒ Photographs: ☒ Aerial (Name & Date):

or ☒ Other (Name & Date): 7-12-13.

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and date of Corps
Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)



Agriculture and Markets

KATHY HOCHUL
Governor

RICHARD A. BALL
Commissioner

March 31, 2022

Kenneth Rose
Montgomery County IDA
9 Park Street
Fonda, NY 12068

**RE: Final Notice of Intent to Undertake an Action within an Agricultural District,
Proposed Warehouse Distribution Facility in the Town of Florida, Montgomery
County Agricultural District No. 3**

Dear Mr. Rose:

I have determined that the enclosed Final Notice of Intent, filed with this Department by Montgomery County IDA, for the advance of public funds for the construction of a of a warehouse distribution facility, in the Town of Florida, located in Montgomery County Agricultural District No. 3, is complete.

The Final Notice has been forwarded to the Commissioner of Environmental Conservation, the Advisory Council on Agriculture, and the County Agricultural and Farmland Protection Board. In consultation with them, the Commissioner shall review the proposed action during the next forty-five (45) day period commencing March 31, 2022 and make an initial determination whether the action will have an unreasonably adverse effect on the continuing viability of a farm enterprise, or enterprises within the district and state environmental plans, policies and objectives. Furthermore, the Department will be exploring acceptable mitigation options for the proposed project during the next forty (30) days.

Please be advised that the Department's acceptance as complete of the Final Notice of Intent for the proposed action does not authorize commencement of the project. In order to comply with the provisions of Section 305(4), no funds may be advanced to construct the facility or to acquire land within the district until the Notice process has been completed as set forth in Section 305(4).

Please do not hesitate to contact me, at (518) 457-3186 if you have any questions regarding your Notice filing.

Sincerely,

Kate Tylutki
Senior Environmental Analyst

cc: Martin Kelly, Chairman, Montgomery County AFBP
Eric Mead, Supervisor, Town of Florida

File: 22/016-NOI