



October 7, 2019

Mr. Kenneth Kovalchik (*via electronic mail only*)  
Town of Guilderland Planner  
Guilderland Town Hall – 2<sup>nd</sup> floor  
5209 Western Avenue  
P.O. Box 339  
Guilderland, NY 12084

RE: 222 Unit Rapp Road Residential Development – Rapp Rd Bypass Proposal

Dear Mr. Kovalchik,

Thank you for providing the Albany Pine Bush Preserve Commission (APBPC) with a copy of the City of Albany Department of Planning and Development's September 16, 2019 draft scope comments, and associated conceptual renderings of a Rapp Road Bypass, and requesting APBPC review and comment. The APBPC appreciates the opportunity to work with the Town of Guilderland and the applicant to balance appropriately located development with the successful conservation of the Albany Pine Bush (APB). The APBPC Technical Committee reviewed the materials at its October 1, 2019 meeting. The comments provided below are a result of that meeting and the materials provided.

The APB supports the world's best remaining example of an inland pitch pine-scrub oak barrens, 78 wildlife Species of Greatest Conservation Need (SGCN), including the federal and state endangered Karner blue butterfly (Kbb) and state threatened frosted elfin butterfly (FE), the largest inland sand dune system in eastern North America and has been designated a National Natural Landmark, a National Heritage Area Site, a NYS Bird Conservation Area and a National Audubon Society Important Bird Area. Coordinating the review of development proposals within the Albany Pine Bush Preserve (APBP) Study Area is therefore an essential part of achieving the vision for the APBP consistent with Environmental Conservation Law (ECL) Article 46, the 2017 Management Plan Update for the APBP (APBPC 2017; <http://www.albanypinebush.org/commission/management-plan>), the Town of Guilderland Comprehensive Plan and the Albany 2030 Comprehensive Plan.

The Technical Committee indicated several concerns and recommendations regarding the potential short and long-term adverse environmental impacts associated with the proposed Rapp Road Bypass, including:

Protection: The proposal is located within the APB Study Area, described in the 2017 Management Plan Update for the APBP and, as proposed, would result in the irreversible loss of a significant portion of an area not only recommended for Full Protection (Area 62), but also previously committed by the applicant as part of a series of actions designed to minimize and mitigate potentially significant adverse impacts of their initial proposal on the APBPC's ability to create and maintain a viable Pine Bush Preserve. As such, the proposed Bypass is inconsistent with ECL Article 46 and the 2017 Management Plan Update for the APBP.

The proposed Rapp Road Bypass also appears incompatible with natural resource protection strategies described in the Albany 2030 Comprehensive Plan. Specifically:

*"NH-1 Work with the Albany Pine Bush Commission to support and implement the recommendations of the 2010 Management Plan/ Final Environmental Impact Statement for the Albany Pine Bush Preserve."*

And

*"NH-1 e. Support the recommendations for areas designated for full protection, partial protection, and open space. Work with the APB Commission, county, and towns to review development proposals for property within these areas to ensure that development will not have a direct adverse impact on the Albany Pine Bush Preserve."*

State Environmental Quality Review Act (SEQR): The Technical Committee noted that the proposed Bypass introduces additional potentially significant adverse environmental impacts that, itself, exceed the potential impacts of the initial Rapp Road Residential development proposal. These additional impacts, exceed several SEQR Type 1 thresholds and are likely to have a significant adverse impact on the environment, and should therefore be thoroughly evaluated within a Draft Environmental Impact Statement (DEIS) consistent with the hard look required by 6 NYCRR Part 617.

Those likely impacts include, but are not necessarily limited to,

- Irreversible loss of areas recommended for protection (Full Protection Area 62) as part of the Albany Pine Bush Preserve.
- Loss of highly restorable inland pitch pine-scrub oak barrens. Unlike the proposed site of the residential development (Partial Protection Area 57), Full Protection Area 62 supports existing, but fire-suppressed, inland pitch pine-scrub oak barrens. Restoring the area to quality inland barrens is highly feasible if the lands are protected.
- Alteration of a historic sand dune. The proposed Bypass traverses a large dune and would likely result in significant excavation. The 2014 National Natural Landmark designation indicated that the Pine Bush protects the largest remaining area of inland sand dunes in the eastern United States.
- Direct, indirect and cumulative impacts on wildlife species listed as threatened and endangered with extinction, including the Karner blue butterfly and frosted elfin butterfly, through habitat loss and fragmentation. Both species are known to

already inhabit Full Protection Area 62. Consultation with New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (USFWS) is requisite to determining the extent to which the site is occupied by listed species.

- Direct, indirect and cumulative impacts on multiple NYS listed SGCN wildlife, including rare birds, reptiles and important pollinators (butterflies, moths, and bees), through habitat loss and fragmentation. In particular, the proposed Bypass, would likely result in increased traffic volume and therefore further worsen, rather than improve, the ability of wildlife to successfully cross Rapp Road and move between preserve properties.

Preserve Management: The proposed Bypass is likely to have potentially adverse impacts on the APBPC's ability to manage adjacent protected lands as outlined in the 2017 Management Plan Update for the APBP (APBPC 2017). The project is likely to have similar potentially negative impacts on the NYSDEC's ability to manage the Karner Blue Butterfly Preserve pursuant to NYSDEC Permit #4-0130-00007/0002, issued December 10, 1996. The site of the proposed Bypass is adjacent to existing preserve and the Karner Blue Butterfly Preserve, owned by the applicant and managed by the NYSDEC in consultation with the APBPC.

Traffic: A coordinated SEQR review should also provide the necessary hard look at how potential changes in traffic volume resulting from the proposed Bypass, may affect the ability of rare wildlife to disperse between protected properties. The City of Albany, The Nature Conservancy (TNC), The Town of Guilderland, Albany County and the applicant have all cooperatively protected considerable habitat on both sides of Rapp Road that help provide a critical linkage between the Karner Blue Butterfly Preserve and APBP. Successful dispersal between these properties, however, is highly contingent upon these species successfully crossing Rapp Road. Studies of Kbb and spotted turtle movement and dispersal patterns along Albany County Route 155, for example, illustrate that traffic volume plays a significant role in impeding wildlife dispersal across roads. When combined with potential direct impacts to wildlife habitat, the impact of increased traffic on Rapp Road, as a result of the Bypass, is likely significant and will further reduce the APBPC's and NYSDEC's ability to successfully manage these rare wildlife populations.

The Technical Committee recommends fully evaluating alternative traffic mitigation measures, including those previously proposed by the applicant, which can reduce both traffic volume and speed along Rapp Road between protected properties, to reduce rather than exacerbate existing and anticipated impacts of traffic on wildlife moving between protected properties. Technical Committee members noted that encouraging use of the Crossgates Mall Ring Road would reduce wildlife-related traffic impacts on Rapp Road and be more consistent with the Transit Oriented District, by channeling traffic to the larger highways better capable of managing the volume.

Mitigation: Since the proposed Rapp Road Bypass would likely result in additional significant adverse impacts on the environment and the APBPC's ability to create and manage a viable preserve, consistent with ECL Article 46 and the 2017 Management Plan Update for the

Albany Pine Bush Preserve, mitigation in addition to that already proposed should be identified as part of the DEIS alternatives analysis. In addition to the mitigation already proposed by the applicant, if additional opportunities for open space protection are not viable in this part of the APB Study Area, we recommend mitigation in the form of habitat or fees sufficient to protect 2 acres of open space elsewhere in the APB Study Area, for every acre lost in Full Protection Area 62.

Interested and Involved Agencies: Since federal and state endangered and threatened species and storm water management permits (or permit modifications) are likely required for this project, please include the USFWS and NYSDEC as involved agencies and the City of Albany, Albany County and the APBPC as interested agencies in SEQR-related coordinated review of the project.

Alternatives: A SEQR coordinated review should include an evaluation of development and associated potential environmental impacts and mitigation alternatives including reduced footprint and no-build alternatives.

In conclusion, the additional Rapp Road Bypass proposed by the City of Albany Department of Planning and Economic Development is likely to result in significant additional direct and indirect short and long-term adverse effects on the environment and the APBPC's ability to create and manage a viable preserve, as described in ECL Article 46 and the 2017 Management Plan Update for the APBP, and the long term potential viability of the many rare and endangered species that exist within it. As such, these additional impacts and commensurate additional mitigation measures should be fully evaluated, either as part of the Rapp Road Residential Development DEIS process, or by initiating a separate SEQRA Type I analysis.

The APBPC appreciates the Town of Guilderland's long-standing support for creating and managing a viable preserve and for its efforts to balance conservation and economic development throughout the Town. We look forward to continuing that tradition with this proposal. Thank you for your consideration of these comments and recommendations. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,



Neil A. Gifford  
Conservation Director  
Albany Pine Bush Preserve Commission

Encl: Southeast Pine Bush Context Map

cc: APBPC Technical Committee  
Mr. Keith Goertz, APBPC Chair – NYSDEC Region 4 Director

Mr. Christopher A. Hawver, APBPC Executive Director  
Ms. Robyn Niver, Endangered Species Biologist, USFWS – NYS Field Office  
Ms. Kathy O’Brien, Endangered Species Biologist, NYSDEC  
Ms. Trisha Gabriel, NYSDEC Environmental Analyst – Region 4  
Mr. Michael Clark, Regional Wildlife Supervisor, NYSDEC-Region 4

Citations:

APBPC. 2017. Management Plan Update for the Albany Pine Bush Preserve. Albany, NY. ([www.albanypinebush.org](http://www.albanypinebush.org))



# Southeastern Pine Bush

