

**TREE-CLEARING REPORT FOR “SITE 2”
TOWN OF GUILDERLAND,
ALBANY COUNTY, NEW YORK**

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INTRODUCTION

This report presents findings of the regulatory review of Site 2 with regard to tree-clearing and the federally and state-threatened Northern Long-eared Bat (*Myotis septentrionalis*). B. Laing Associates, Inc. has previously analyzed the site in relation to its ecology and presented those findings in an October 2019 report. The proposed retail development was also analyzed in relation to environmental/ecological disturbance and for any potential, significant, adverse environmental impacts to natural resources as a result of the tree clearing.

EXISTING CONDITION

As above, the ±14.8-acre site is referred to as Site 2 and is located north of Western Avenue and east of the southwestern Crossgates Mall Road in the Town of Guilderland, Albany County, New York. It is bordered on the north by the Crossgates Mall and to the east by largely vacant residential properties on Lawton Terrace, Tiernan Court and Rielton Court and Gabriel Terrace. The property was cleared before being subdivided to numerous residential lots. The lots and the homes on them are largely unoccupied, some for decades. Currently, the site is occupied by secondary, successional woodland, the remnants of old Rapp Road, and the unoccupied residences mixed with mostly landscaped trees and shrubs. These residential properties are still maintained; however, the vegetation is tending toward secondary succession. In addition, the very disturbed ecological condition of the Site's western half is the result of the abandonment of old Rapp Road with its relocation westward as Crossgates Mall Road where it connects to Western Avenue.

Vegetation on-site is consistent with a secondary succession woodland as a result of new growth after decades of use as a residential development. The Site is mostly treed and the canopy of the woodland is moderately closed (in the western half, flanking old Rapp Road) to open (in the eastern half, minimally-maintained residential lots and houses) and composed of young white pine (*Pinus strobus*, FACU), red maple (*Acer rubrum*, FAC), black cherry (*Prunus serotina*, FACU), cottonwood (*Populus deltoides*, FAC), and boxelder (*Acer negundo*, FAC). These tree species are largely transitional in nature and less numerous than a "typical" woodland as they are interrupted by the remnants of former development.

The understory herbaceous layer on-site is thick in the western half of the site, flanking old Rapp Road, and consists mainly of upland species. It is composed of dispersed Virginia creeper (*Parthenocissus quinquefolia*), goldenrod (*Solidago sp.*), garlic mustard (*Alliaria petiolate*, FACU), Queen Anne's lace (*Daucus carota*, UPL), daisy fleabane (*Erigeron annuus*, FACU), and wild geranium (*Geranium maculatum*, FACU). Invasive vine species, such as Oriental bittersweet (*Celastrus orbiculatus*) are especially dominant in the vicinity of the old Rapp Road, where they are so thickly occurring that they are smothering other trees and shrubs and themselves. The eastern half of the Site consists of residential lots and houses, the shrub layer is mostly absent but consists largely of landscape species such as daylilies (*Hemerocallis sp.*), hostas (*Hosta sp.*), burning bush (*Euonymus alatus*), etc.

There is no Albany Pine Bush habitat on Site 2. The Site lacks pitch pine (*Pinus rigida*)¹ or scrub oak (*Quercus ilicifolia*) and contains very few grassland species. Blue lupine (*Lupinus perrennis*) was specifically searched for and was not found. The Albany Pine Bush Preserve Commission's March 10, 2020 letter states Sites 2 and 3 are not within the areas recommended for protection in the 2017 Management Plan update and elimination of non-native invasive plants are consistent for other non-protection areas within the APB Study Area.

PROPOSED TREE CLEARING

The owner is proposing to clear trees on Site 2 without removing the stumps. If the site was closer to the winter hibernating habitat (i.e., 5 miles or less away versus 7 miles away) of the Northern Long eared bat, the tree clearing activity on Site 2, would be assumed by New York State Department of Conservation (NYSDEC) and the federal government to have the potential to impact summer roosting habitats for the Northern Long eared bat species.

The northern long-eared bat (*Myotis septentrionalis*) is listed by (NYSDEC) and federal US Fish and Wildlife Service (USFWS) as Threatened. The northern long-eared bat's range includes much of the eastern and north central United States, and all Canadian provinces from the Atlantic Ocean west to the southern Yukon Territory and eastern British Columbia. Like most northeastern bats, they feed solely on flying insects. Presumably males spend the summer preparing for the breeding season and winter that follows; the females spend the summer raising their pups.

Northern long-eared bats are typically associated with caves (or abandoned mines) when hibernating in the winter and trees with crevasses and snags for roosting in the summer. Suitable potential summer roosting/maternity habitat is characterized by numerous trees (e.g. dead, dying, or alive) or snags, down to 3 inches diameter breast height (d.b.h.). The northern long-eared bat is currently presumed by USFWS to have a biology and life history very similar to the Indiana bat (*Myotis sodalis*), with a difference being that the northern long-eared bat will also roost in old, loosely sealed, or abandoned structures during summer. The Indiana bat is a federal and State Endangered species.

Northern long-eared bat was considered New York's third most common bat species as recently as 2005, with a population above 500,000 individuals. However, since white-nose syndrome-- a disease affecting hibernating bat populations-- was discovered in New York in 2006, a 98% decline in northern long-eared bat abundance has been observed.

As above, Site 2 is largely comprised secondary successional woodland as a result of new growth after decades of use as a horse farm followed by residential development. The site does not contain any cave habitats and is, therefore, not suitable habitat for winter-hibernating northern long-eared. Given the sizes and number of trees on the site, it is possible that older, broken (or dead) trees have the potential to provide summer roosting habitat for this species. However, as noted below, there is little, if any, potential impacts prior to April 1 when the bats are still in winter hibernation.

Per the NYSDEC, the main issue causing the decline in the northern long-eared bat's is not due to deforestation or habitat loss; it is due to the white-nose syndrome². The NYSDEC guidance

¹ Save for one or two individuals used as ornamental/landscape vegetation in the unoccupied residential lots.

² Whitenosesyndrome.org (via USFWS).

does not consider the removal of trees from the landscape to be harmful to these bat's populations, unless the trees are removed during the time in which bats may be roosting therein³. The NYSDEC guidance encourages the voluntary implementation of tree clearing (beyond a five mile radius from the winter hibernacula) to be done between November 1 through April 1, when northern long-eared bats would be hibernating⁴. However, there are no tree cutting restrictions unless a project is located within 5 miles of a known hibernaculum or 1.5 miles of a known summer occurrence of the species⁵. Per the NYSDEC, the closest winter hibernacula occurrence of northern long-eared bat is approximately 7 miles to the west of Site 2, but the specific locations are not public⁶. No confirmed occurrences of northern long-eared bats in summer roosting trees have been observed in the Town of Guilderland, per the NYSDEC.

In summary, the proposed tree clearing of Site 2 would not have a significant impact on northern long-eared. Even though no confirmed summer occurrences of northern long-eared bats have been observed in the Town of Guilderland, if all tree clearing is done between November 1 and April 1, the owner's actions will be consistent with state and federal guidance and such tree clearing (and leaving the stumps) before April 1, 2020 is specifically authorized and no significant environmental impacts are to be expected. Therefore, we recommend, in an abundance of caution, that tree clearing activities on Site 2 occur between November 1 and April 1.

³ January 14, 2016, USFWS, Final 4(d) Rule for the Northern long-eared bat (NLEB) and NYSDEC NLEB Occupied Habitat Guidance.

⁴ Ibid.

⁵ Ibid.

⁶ NYSDEC -Northern Long-eared Bat Occurrences by Town and personal communication.