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**Basher Kill Subdivision at Deer Park
Comments on Draft Scoping Document (DSD) and Draft Environmental Impact
Statement (DEIS)**

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EXECUTIVE SUMMARY

I am a biologist engaged by the Basha Kill Area Association. I am commenting here on the Draft Scoping Document (DSD) and Draft Environmental Impact Statement (DEIS) for the Basher Kill Subdivision in the Town of Deerpark.

The DSD does not adequately specify the content of the DEIS, and so provides loopholes for the developer to avoid detailed discussions of critical impacts. Despite these shortcomings, the DSD clearly mandates at least five environmental analyses that are not provided in the DEIS.

Rare species assessments specified in the DSD, including timber rattlesnake, dragonflies and butterflies, are not in the DEIS. No rare plant species are discussed. The assessment that the endangered bog turtle could not occur on the site is incorrect.

Although site surveys “are to be completed during seasonal periods when those species are active,” these were performed on a single day, September 19, late in the growing season when many rare species are inactive or not detectable. This short reconnaissance cannot substitute for the “thorough survey” mandated by the DSD.

The DEIS is riddled with vague, minimal and unscientific verbiage that provides no basis for the conclusions reached about ecological issues. These conclusions are presented without supporting evidence or sound logic.

The description of ecological communities in the DEIS is muddled and does not consistently reference onsite communities by standard New York Natural Heritage Program community names. As many as four communities are combined under one apparently invented name. There is confusion regarding plant species and plant communities (geographically or ecologically related assemblages of species).

Discussion of impacts to wildlife in the DEIS is minimal and uninformative, little more than an unsupported assurance that such impacts will be mitigated. The discussion of impacts to rare, endangered and threatened species and their habitats does not support the conclusion that impacts will be minimal or nonexistent.

Inexplicably the DEIS claims that the New York Natural Heritage Program lists only one rare species, Longtail Salamander, for the area of the site. I obtained from the Natural

Heritage Program a list of 22 rare species for the Town of Deerpark. I cannot explain why the developer's inquiry to Natural Heritage returned only one species, but obviously this result is wrong. This correspondence with Natural Heritage is not appended to the DEIS.

The DSD requires that the DEIS assess impacts on all rare species potentially occurring on the site. The DEIS does not contain most of these required impact assessments because the developer did not identify most of the rare species potentially occurring on the site. Furthermore, the DEIS does not analyze the site's potential for other rare species that have not been recorded near the site, but which could occur in suitable habitat. In all responses to request for rare species information, the Heritage Program explains that the most common reason for lack of records is lack biological surveys. For example, floodplain forest along the Basha Kill has potential for rare plants such as beak grass, false hop sedge, Davis sedge and other rare plants, as well as animals such as river otter and wood turtle. The developer must hire qualified people to perform these necessary surveys.

A one-day site reconnaissance (September 19, 2006) is inadequate to provide the information called for in the DSD. Surveys were to be conducted "at appropriate times of the growing season," which means spring, summer or fall depending on the species. With 22 species under consideration, that means three site visits as a bare minimum.

The assessment of the site's potential for the threatened bog turtle is flawed, and its conclusion that the site has no potential for this species is incorrect. Wetland habitats of the site are mischaracterized as poor bog turtle habitat when in fact these habitats have potential for bog turtles. Site surveys for bog turtles were conducted on September 19, an inappropriate time of year when turtles are likely to be dormant and concealed. Surveys should be conducted in spring.

There is no mention of an Indiana bat survey in the DEIS, another serious omission. The DEIS says only that "the species was not observed on the site." There appears to have been no Phase 1 Indiana bat survey – that is, no habitat assessment, and no survey to locate summer roosting trees used by bats. Despite the lack of a bat survey, the developer proposes to cut a large area of forest that could contain roosting trees for summer colonies of Indiana bat. Phase 1 and Phase 2 Indiana bat surveys should be performed according to Federal standards and guidelines.

These are not the only critical comments I could make in regard to this DEIS. There are smaller errors, omissions and confusing statements that I might point out, all supporting my conclusion that this DEIS fails to meet the standards of Scoping, and fails to meet minimum generally accepted standards of scientific accuracy and thoroughness for environmental impact statements. These shortcomings need to be redressed by performing the surveys mandated in the DSD.

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