

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 4

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Alexander B. Grannis  
Commissioner

November 25, 2008

Richard Nicholson, Planner  
City of Albany  
Dept. of Economic Development & Neighborhood Planning  
21 Lodge Street  
Albany, NY 12207

Re: Supplemental Draft Environmental Impact Statement (SDEIS)  
Tharaldson Development Company  
Proposed Residence Inn project  
City of Albany, Albany County

Dear Mr. Nicholson:

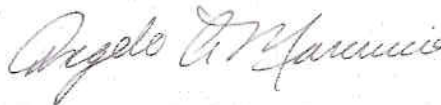
The Department of Environmental Conservation (DEC) Region 4 Bureau of Wildlife staff reviewed the Supplemental Final Environmental Impact Statement (SFEIS) for this project, which was accepted by the SEQR Lead Agency on November 17, and we offer the following comments pertaining to that document.

1. The DEC has provided comments on this project from its very inception and we are concerned that we were not provided with any notice of the availability of the SFEIS nor of the public hearing that took place on November 17. Staff was not able to review that document and provide comments before the city adopted it.
2. As stated in our previous letter of August 13, the worm snake is a species of Special Concern in New York State and it is a very rare resident in the Albany Pine Bush. Beginning with DEC's discovery of an individual snake in the immediate vicinity of the project site in August 2008, there have been three other observations of worm snakes in this immediate area. As previously identified in the August letter, the last previous record of a worm snake for Albany County was in 1986 or 1987 on the powerline just a short distance from the more current observations. This strongly suggests that this species has occurred at this site for the past 21 years and likely much longer. So, in that regard the overall site is of importance to this Species of Special Concern.

3. The "Site Map with Herptile Occurrence" in this document does not record the location of the worm snake located by DEC staff on September 4, 2008. On page 6 of the B. Laing report, it states that this individual was located on the Tharaldson project site.
4. In regard to the mitigative measures proposed on page 8 of the Laing report, we are glad that the project sponsor agrees that taking specific steps to avoid and mitigate impacts to this Species of Special Concern is appropriate. However, at the present time, DEC is not able to agree that the mitigation measures proposed are appropriate or fully sufficient. The project engineer has recently offered to meet with DEC Bureau of Wildlife staff to discuss details of a mitigation proposal, and we hope that such a meeting will occur in the near future. Until such time as mitigation measures for this rare Pine Bush species are agreed to, we ask that the City not issue any final approval for this project.
5. We would greatly appreciate receiving a copy of a larger project plan, if one is available.

Please feel free to contact me should you have any questions or comments pertaining to this letter.

Sincerely,



Angelo A. Marcuccio  
Environmental Analyst

cc: Karl Parker, Bureau of Wildlife, Region 4  
Peter Innes, Supervisor, Natural Resources, Region 4