



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



February 2, 2018

Ms. Melanie Musarra  
Environmental Resource Specialist  
Environmental Design Partnership, LLP  
900 Rt. 146  
Clifton Park, NY 12065

Dear Ms. Musarra:

This letter is in response to your January 8, 2018, letter and February 1, 2018, electronic mail requesting U.S. Fish and Wildlife Service (Service) review of the proposed residential subdivision located off Kaydeross Park Road in the Town of Saratoga Springs, Saratoga County, New York. The proposed project includes the construction of 22 single family homes within a 12.63 acre parcel.

We appreciate the opportunity to provide the following comments pertaining to threatened or endangered species under our jurisdiction pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). We understand that there is no federal nexus (*i.e.*, funding, permitting) associated with this project.

We understand that Environmental Design Partnership, LLP, determined that potentially suitable habitat exists on the project site for the federally listed northern long-eared bat (*Myotis septentrionalis*; Threatened; NLEB). Environmental Design Partnership, LLP, determined that the project, as proposed, will not adversely impact the NLEB. We agree that “take”<sup>1</sup> of this bat species is not anticipated given that there are no known roosts or hibernacula within or adjacent to the project area and that a relatively small number of trees (approximately 7.38 acres) will be removed. In addition, the following conservation measures will be incorporated into the project plans to avoid and minimize impacts to the NLEB:

- Tree removal will occur between November 1 and March 31, when bats are in hibernation;

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<sup>1</sup> Take is defined in section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.

- Bright orange construction fencing and/or flagging (or similar) will be used to demarcate trees to be protected compared with those to be cut prior to the initiation of any construction; and
- Lighting proposed for the housing will be limited in scope, include motion sensors, be shielded and downward facing towards the ground and/or buildings.

Environmental Design Partnership, LLP, also determined that the proposed project will have no impact on the federally listed Karner blue butterfly (*Lycaeides melissa samuelis*; Endangered; KBB) as no suitable habitat was present for this species. The Service agrees that no take is anticipated for KBB.

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website regularly to ensure that listed species presence/absence information for the proposed project is current.\*

Any new information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

Thank you for your time. If you require additional information or assistance please contact Noelle Rayman-Metcalf at 607-753-9334. Future correspondence with us on this project should reference project file 17TA3301.

Sincerely,

  
 David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Ray Brook, NY (Env. Permits)