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## Town of Guilderland Request for Comments on NLEB Reclassification - Proposed Costco Special Use Permit

1 message

Kenneth Kovalchik &lt;kovalchikk@togny.org&gt;

Thu, Mar 16, 2023 at 10:06 AM

To: "Gabriel, Trish M (DEC)" &lt;trish.gabriel@dec.ny.gov&gt;, Jacqueline Coons &lt;coonsj@togny.org&gt;

Trish,

The applicant for the Costco project has submitted updated plans and the Town Planning Board will commence their site plan review at their March 22nd meeting. See the link below for the project webpage that has been created on the town website:

<https://www.townofguilderland.org/planning-board/pages/proposed-costco>

The DEC played a critical role during the EIS process for the Costco site and the two other project sites analyzed during the EIS process. Since the adoption of the EIS by the Planning Board in August 2020 the USFWS has reclassified the NLEB from threatened to endangered. Based on the January 23rd PR from the USFWS ( <https://www.fws.gov/press-release/2023-01/effective-date-reclassify-northern-long-eared-bat-endangered-extended>) the effective date of the reclassification has been extended to March 31, 2023.

The town is requesting comments from DEC on the following questions and if DEC could reply within 30 days of this email:

1. Does DEC have any updated draft regulations related to the NLEB that may impact the review of the proposed Costco?
2. If the effective date for the reclassification is March 31, 2023 will any new regulations to be enacted by DEC also take effect on March 31st?
3. In DEC's opinion, if any new regulations are to be enacted by the DEC related to the NLEB reclassification, will this require an addendum to the previously adopted EIS by the Planning Board?

I've attached a letter from the applicant's environmental consultant related to the NLEB reclassification for DEC's consideration in this matter.

Regards.

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**Letter 2023--01--09 from B Laing Assoc re Costco and NLEB Reclassification to Endangered.pdf**  
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