HABITAT SURVEY REPORT

125 Bath Street
Ballston Spa, New York 12020
LaBella Project No. 2250232

Prepared For:
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Date:
February 2025

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1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

Conifer Realty (Client) retained LaBella Associates, D.P.C. (LaBella) to perform a habitat survey for the 125 Bath Street Project. For the purposes of the habitat survey, the Study Area is defined as a 6.3-acre area consisting of tax parcel ID: 216.32-1-96.2 in the Village of Ballston Spa, Saratoga County, New York. Please refer to Appendix A, Figure 1 for the Study Area location and boundary. The geographic coordinates of the approximate Study Area center are: 43.004577, -73.85179 (NAD83). LaBella conducted a field survey to document existing habitats, plants, and wildlife within the Study Area on January 8, 2025.

1.2 PURPOSE

This report was prepared for the purpose of obtaining concurrence from the United States Fish and Wildlife Service (USFWS) on the potential for protected species habitat within the Study Area, in support of the Project. Specific tasks performed for this report include a field survey to document vegetation cover types and plant species composition on-site, and noting existing conditions including any structures or disturbances

This report describes the results of the survey and data collection efforts performed by LaBella, and a description of the habitats that were surveyed. This document is intended to provide the information required to support consultation with USFWS on federally listed species.

2.0 METHODOLOGY

2.1 RESOURCES

Materials and literature supporting this investigation are derived from a number of sources, including: USFWS list of protected species that occur within the general range of the Study Area (letter dated January 29, 2025); NY State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) for protected wildlife, plants, and significant habitats in the vicinity of the Study Area; NYSDEC Environmental Assessment Form (EAF) Mapper; United States Geological Survey (USGS) topographic mapping; NY Natural Heritage Program (NYNHP) New York State Rare Plant Status Lists (Ring, 2023); NYNHP October 2017 Rare Animal Status List (Schlesinger, 2017) and a site prep and demo plan (dated January 16, 2025).

3.0 PROPOSED PROJECT AND SITE DESCRIPTION

The proposed Project entails the construction of residential housing with associated features including parking areas, utilities, sidewalks, and stormwater features. The site prep and demo plan is included in Appendix B (dated January 16, 2025). The Study Area is currently comprised of former commercial development, paved parking area, streams, and a small portion of undeveloped forest along the western boundary of the Study Area. Large retaining walls/old building foundations are located along the western portion of the Study Area. A channelized stream located within concrete walls borders the

Study Area to the south. The surrounding area is comprised of residential and commercial development, paved parking areas, and undeveloped forest.

Photographs of the Study Area and impact areas are attached as Appendix C. A complete list of plant species observed within the Study Area is included as Appendix E.

4.0 SPECIES OF CONCERN

LaBella reviewed USFWS correspondence (USFWS Species List dated January 29, 2025) which lists several species that may occur within the general vicinity of the Study Area. Similarly, NYSDEC ERM and EAF Mapper were reviewed, which provided a record of no known occurrences of state listed species within the vicinity of the Study Area. The species indicated by USFWS are listed below:

Table 1. Species listed by USFWS for the Study Area

Scientific Name	Common Name	Federal Listing	State Listing	Flagged by
Mammals				
Myotis septentrionalis	Northern long-eared bat	Endangered	Endangered	USFWS
Perimyotis subflavus	Tricolored bat	Proposed Endangered	Not listed	USFWS
Butterflies				
Danaus Plexippus	Monarch butterfly	Proposed Threatened	Not listed	USFWS
Lycaeides melissa samuelis	Karner blue butterfly	Endangered	Endangered	USFWS

There are no mapped NYNHP significant natural communities on, or within the vicinity of, the Study Area. Similarly, there are no USFWS critical habitats within the Study Area (USFWS 2025C).

The 6.3-acre Study Area was reviewed by LaBella during the site visit to determine the potential presence of suitable habitat for listed species within the Study Area. Descriptions of each of the species flagged for the Study Area are provided below, along with information gathered from USFWS and other resources, and the results of the on-site survey.

4.1 Monarch Butterfly – Danaus plexippus

The monarch butterfly is large, easily recognizable butterfly with orange and black wings that is well known for its transcontinental migrations each year. This butterfly is found throughout New York in the summer months, and prefers weedy areas along roadsides, pastures, and fields where milkweed (*Asclepias spp.*) is found. Female monarch butterflies lay eggs on milkweed, their obligate host plant species, in the spring and monarch caterpillars feed on the milkweed plant. Habitat loss and fragmentation has occurred throughout the range of the monarch butterfly, and populations have declined significantly over the past 20 years (USFWS, 2025B).

USFWS announced in December 2024 a proposed rule to list the monarch butterfly as a threatened species under the Endangered Species Act with a 4(d) rule. The proposed listing and draft 4(d) rule are currently under a 90-day comment period, ending on March 12, 2025. Once the proposed listing

is finalized, it is anticipated that public guidance will be made available from USFWS and coordination with appropriate regulatory agencies will be warranted.

4.2 Karner Blue Butterfly – Lycaeides melissa samuelis

Karner blue butterfly is a small, silvery blue butterfly with orange crescents on the margins along the underside of the wings. The wingspan for this butterfly is about 1 inch, and Karner blue butterflies are the only butterfly with this distinctive orange crescent banding (NYNHP, 2025A). The caterpillars of the Karner blue butterfly feed exclusively on the plant leaves of wild blue lupine (*Lupinus perennis*), which grows in dry, open sandy areas often associated with pitch pine-scrub oak barren habitats, though other areas that represent suitable habitat may include openings in oak woodlands or along right-of-ways with sandy soils (USFWS, 2003). Karner blue butterfly is unlikely to be seen more than a few yards from blue lupine. Prime Karner blue habitat is located nearby in the Albany Pine Bush, where extensive management through the use of frequent mowing and prescribed burns, and restoration efforts allow suitable habitat for blue lupine and therefore Karner blue butterfly.

Karner blue butterfly is listed by both NYSDEC and USFWS as endangered. The ideal time to survey for the potential presence of blue lupine is in late spring (May through June) when the plant is at peak flowering and easy to identify. Considering the Karner blue butterfly is dependent on the presence of wild blue lupine, surveys can determine if open sandy areas occur within the Study Area which may support this plant species. Habitat assessments for Karner blue butterfly follow guidelines outlined in *Karner Blue Butterfly (Lycaeides melissa samuelis) Survey Protocols Within the State of New York* (USFWS and NYSDEC, 2008).

4.3 Northern Long-Eared Bat – Myotis septentrionalis

The northern long-eared bat (NLEB) was relatively common in New York prior to the wide-spread fungal infection known as “white-nose syndrome” (WNS) (NYNHP, 2025B). NLEB was listed as endangered by both USFWS and NYSDEC in March 2023.

NLEB overwinter in hibernacula that include caves and abandoned mines. After emerging from hibernation in the spring, NLEB will typically migrate about 40 to 50 miles to summer roost sites. Suitable summer roosting habitat typically consists of trees (dead, dying, or alive) with loose or peeling bark. Trees such as shagbark hickory (*Carya ovata*) and black locust (*Robinia pseudoacacia*) often have loose exfoliating bark, though many other tree species can be considered suitable roosting habitat. NLEB could also potentially use cracks or crevices in trees and have also been known to occasionally use tree cavities. In general, suitable roost trees are over 3 inches in diameter at breast height (DBH) and include snags (dead trees/tree sections) and trees with exfoliating bark.

WNS is the predominant threat to NLEB. Other threats to NLEB include winter habitat loss and disturbance to winter habitat, the loss of summer habitat which may result in longer flights between suitable roosting and foraging habitat and the fragmentation of maternity colonies, and direct impacts to bats while bats are active on the landscape or roosting in trees. To avoid potential direct impacts to roosting NLEB, tree removal is generally recommended by USFWS to occur between November 1 and March 31 of any given year, though other restrictions may apply due to overall acreage or tree removal or if known roost trees or hibernacula are in the vicinity of a proposed project.

NYSDEC concurs with USFWS that NLEB population decline is not the result of habitat loss, and with the exception of Suffolk County, trees are not currently a limiting resource for NLEB in New York. However, this bat species utilizes all types of forests for foraging and other life behaviors and when forests are converted to another use, such areas no longer provide benefits to NLEB. NYSDEC encourages the voluntary implementation of all forest management activities during the hibernation period for NLEB, which is between November 1 and March 31 throughout New York State, with the exception of Suffolk County, which is between December 1 and February 28. In areas deemed as occupied habitat by NYSDEC, which means a project site within 5 miles of a known hibernation site or 3 miles from a documented summer occurrence, additional protections for such occupied habitat are required which usually entails various restrictions on tree cutting to avoid a take of NLEB.

There are no known records of NLEB on or in the immediate vicinity of the Study Area based on the ERM and EAF mappers. From LaBella's review, the nearest known NLEB hibernacula is located in the Town of Greenfield, New York, approximately 10 miles northwest of the Study Area. With respect to potential summer NLEB occurrences or known maternity roost trees, LaBella found no record of summer occurrences or maternity roosting trees in the Village of Ballston Spa or surrounding areas (NYSDEC, 2022).

LaBella assessed the area of disturbance for potential summer roosting habitat for the NLEB, which entailed documenting the presence of suitable roost trees over 3 inches DBH, such as snags (dead trees/tree sections) and trees with exfoliating bark. The area along the western boundary of the Study Area contains trees larger than 3 inches DBH, with several trees containing suitable roosting habitat. Based on the site prep and demo plan (dated January 16, 2025), approximately 0.63 acres of tree removal is planned for the proposed Project.

4.4 Tricolored Bat – Perimyotis subflavus

The tri-colored bat is found along the east coast from Georgia north to Nova Scotia (NYNHP, 2025C). While it is likely that tri-colored bats were never very common in New York, it is noted that populations have declined significantly after the introduction of WNS.

This bat utilizes open woodlands and riparian forests, and hibernates it caves and mines during the winter months (USFWS, 2025D). In general, tri-colored bats roost in open woods near water. Some studies have shown that the bats tend to select roosts away from roads in forests that have a high level of habitat heterogeneity or in areas along riparian buffers (NYNHP, 2025C). The tri-colored bat is proposed to be listed by USFWS as endangered and is unlisted by the state. As noted above, approximately 0.63 acres of tree removal is planned for the proposed Project.

5.0 RESULTS AND CONCLUSIONS

Monarch Butterfly

No habitat for monarch butterfly was found onsite, therefore the Project should have no effect on the species. As noted above, the monarch butterfly has recently been listed by USFWS as Proposed Threatened and is not listed by NYSDEC. The proposed USFWS listing and draft 4(d) rule are currently under a 90-day comment period, ending on March 12, 2025. Once the proposed listing is finalized, it

is anticipated that public guidance will be made available from USFWS and coordination with appropriate regulatory agencies may be warranted.

Karner Blue Butterfly

USFWS flagged the Study Area for being in the range of Karner blue butterfly. The Study Area does not contain wild blue lupine which grows in dry, open sandy areas often associated with pitch-pine scrub oak barren habitats. The Study area contains an existing commercial development with paved parking areas, and a forested area along the western boundary. The Study Area is highly disturbed and contains fill. There are no known records of this species on or within the vicinity of the Study Area. It is LaBella's opinion that Karner blue butterfly habitat is not present within the Study Area and this species would not be impacted by the proposed Project.

Bats (Northern Long-eared and Tricolored)

USFWS flagged the Study Area for being in range of NLEB and tricolored bat, though there are no known occurrence records on or within the Study Area or immediate vicinity. Suitable roosting habitat for both NLEB and tricolored bat is found primarily along the western boundary of the Study Area. The trees observed during the site visit include maples (*Acer spp.*), black locust, and eastern cottonwood (*Populus deltoides*) with a DBH range of approximately 3 to 32 inches. Additionally, remnants of concrete walls with large cracks are located towards the southwestern boundary of the Study Area and could potentially provide suitable roosting habitat for NLEB.

Tree clearing is minimal and approximately 0.63 acres of tree clearing is proposed. Winter tree clearing, when bats are off the landscape and hibernating, may be required between November 1 and March 31 in order to avoid direct impacts to roosting bats.

6.0 SIGNATURE OF ECOLOGICAL PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Mark Kiburz at 518-231-1437.

Report Prepared By:

Mark Kiburz, PWS
Wetlands Ecologist

Report Prepared By:

Jeffrey Rice
Environmental Scientist

7.0 REFERENCES

NYNHP. 2025A. Online Conservation Guide for Plebejus melissa samuelis. Available from: https://guides.nynhp.org/karner-blue/. (Accessed January 2025).

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USFWS. 2003. Final Recovery Plan for the Karner Blue Butterfly (Lycaeides melissa samuelis). USFWS, Fort Snelling, Minnesota. 273p.

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USFWS. 2025C. USFWS Critical Habitat. Available at: https://ecos.fws.gov/ecp/report/table/critical-habitat.html. Accessed January 2025.

USFWS. 2025D. Tri-Colored Bat. Available from: https://ecos.fws.gov/ecp/species/10515. Accessed January, 2025.

APPENDIX A

FIGURES

Path: B:\GLOBAL\Projects\Conifer Realty\2250232 - 125 Bath St Env and Geotech\06_Drawings\Environmental\Habitat Assessment\Figure 1 - USGS Site Location.mxd

Creator: JR Reviewer: LD

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Conifer Realty

Habitat Assessment Report

125 Bath Street
Ballston Spa, NY

N

0 1,000 2,000 Feet

1 inch = 2,000 feet

Legend

Study Area

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI USA Topo Map (Updated: 2019) in reference to USGS Topographic Saratoga Springs (1967), Round Lake (1980), Burnt Hills (1980) & Middle Grove (1967) Quadrangles.

USGS Site Location

FIGURE 1

LaBella Project No: 2250232
Date: January 2025

Path: B:\GLOBAL\Projects\Conifer Realty\2250232 - 125 Bath St Env and Geotech\06_Drawings\Environmental\Habitat Assessment\Figure 2 - Aerial Site Location.mxd

Creator: JR Reviewer: LD

LaBella
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Conifer Realty

Habitat Assessment Report

125 Bath Street
Ballston Spa, NY

N

0 50 100 Feet

1 inch = 100 feet

Legend

Study Area

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, DigitalGloce, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS AeroGRID, IGN, and GIS User Community 2021.

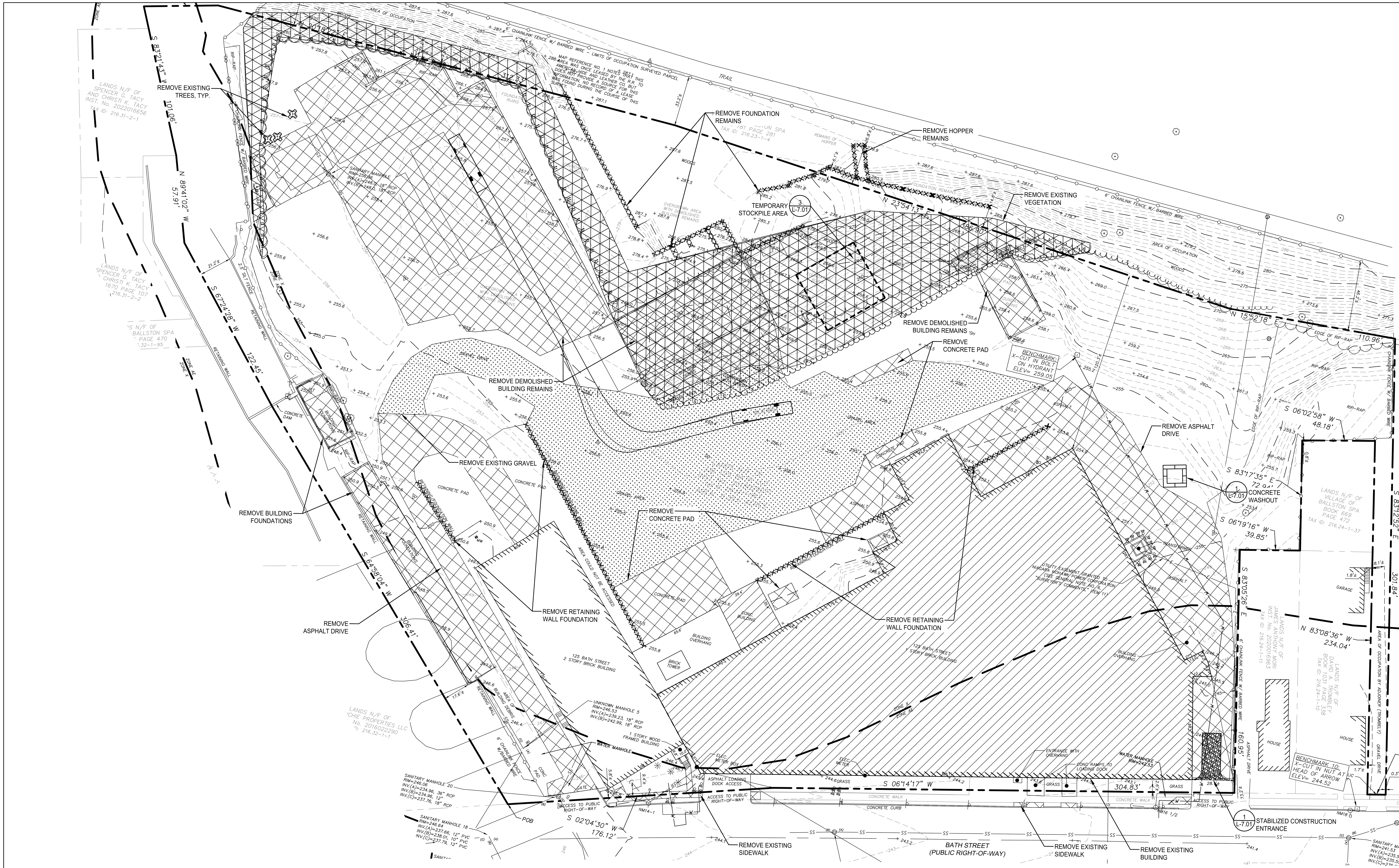
Aerial Site Location

FIGURE 2

LaBella Project No: 2250232
Date: January 2025

APPENDIX B

SITE PREP AND DEMO PLAN



SITE PREPARATION NOTES:

1. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL ARRANGE PRE-CONSTRUCTION MEETING WITH OWNER/OWNER'S REPRESENTATIVE TO REVIEW ALL APPLICABLE PERMIT CONDITIONS, THE CONSTRUCTION PLANS AND GENERAL CONSTRUCTION SCHEDULE.
2. THE CONTRACTOR'S ATTENTION IS DIRECTED TO THE GENERAL SURVEY NOTES, UTILITY NOTES AND UTILITY LOCATING SERVICE REQUIREMENTS. NO WORK SHALL COMMENCE UNTIL UNDERGROUND UTILITIES WITHIN THE SITE HAVE BEEN IDENTIFIED AND LOCATED.
3. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY EARTH DISTURBING ACTIVITIES. REFER TO PROJECT PLANS, NOTES AND DETAILS.
4. THE GENERAL CONTRACTOR SHALL COORDINATE ALL ADJUSTMENT OR ABANDONMENT OF UTILITIES WITH THE RESPECTIVE UTILITY COMPANY AND PAY ALL ASSOCIATED COSTS.

PROTECTION NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE INSIDE AND OUTSIDE THE LIMIT OF WORK DUE TO THEIR CONTRACT OPERATIONS.
2. CONTRACTOR SHALL PROTECT AND SUSTAIN IN NORMAL SERVICE ALL EXISTING UTILITIES, STRUCTURES, EQUIPMENT, ROADWAYS AND DRIVEWAYS.
3. CONTRACTOR SHALL MAINTAIN NECESSARY TRAFFIC CONTROL DEVICES, DRUMS, DELINEATORS, SIGNS, FENCES, AND BARRICADES IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL MUTCD WITH NYS SUPPLEMENT TO PROPERLY PROTECT WORK, EQUIPMENT, PERSONS, AND PROPERTY FROM DAMAGE.
4. BEFORE ANY CLEARING IS DONE, THE CONTRACTOR SHALL ARRANGE A CONFERENCE ON THE SITE WITH THE LANDSCAPE ARCHITECT TO IDENTIFY TREES WHICH ARE TO BE PROTECTED OR REMOVED. DO NO CLEARING WITHOUT A CLEAR UNDERSTANDING OF EXISTING CONDITIONS TO BE PRESERVED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND PLANTS DESIGNATED TO REMAIN FOR THE LENGTH OF THE CONSTRUCTION PERIOD AND SHALL, AT A MINIMUM, INSTALL TREE PROTECTION FENCE IN ACCORDANCE WITH PROJECT PLANS, DETAILS AND SPECIFICATIONS. VEHICLES SHALL NOT BE PARKED WITHIN THE DRIP LINE OR WHERE DAMAGE MAY RESULT TO TREES TO BE SAVED, AND CONSTRUCTION MATERIALS SHALL NOT BE STORED BENEATH TREES TO BE SAVED.
6. THE CONTRACTOR SHALL REVIEW THE LOCATIONS OF THE TREE PROTECTION FENCING FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INITIATION OF SITE WORK OPERATIONS.
7. AT ALL LOCATIONS WHERE EXISTING PAVEMENT ABUTS NEW CONSTRUCTION, THE EDGE OF THE EXISTING PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH AND SHARP EDGE AND PROTECTED UNTIL ABUTTING MATERIALS ARE INSTALLED.

REMOVALS NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE OWNER'S REPRESENTATIVE ON ALL MATERIALS TO BE REMOVED AND RECYCLED/DISPOSED OF OFF SITE. ALL HANDLING OF MATERIALS TO BE REMOVED, RECYCLED, OR DISPOSED OF MUST BE DONE SO IN A SAFE, LEGAL MANNER, IN ACCORDANCE WITH ALL LOCAL, COUNTY, STATE, FEDERAL AND ANY OTHER APPLICABLE REGULATIONS.
2. ALL ITEMS REQUIRING REMOVAL SHALL BE REMOVED TO FULL DEPTH TO INCLUDE BASE MATERIAL AND FOOTINGS OR FOUNDATIONS AS APPLICABLE UNLESS OTHERWISE NOTED.
3. EXISTING ITEMS INDICATED TO BE SALVAGED OR STOCKPILED SHALL BE CAREFULLY REMOVED AND STORED AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
4. TREE, SHRUB AND VEGETATION REMOVAL SHALL INCLUDE THE FILLING, CUTTING, GRUBBING OUT OF ENTIRE ROOT SYSTEM AND SATISFACTORY OFF-SITE DISPOSAL OF ALL TREES, SHRUBS, STUMPS, VEGETATIVE AND EXTRANEOUS DEBRIS PRODUCED THROUGH THE REMOVAL OPERATIONS. FELL TREES IN SUCH A WAY AS TO NOT DAMAGE ADJACENT BUILDINGS OR OTHER TREES TO BE SAVED.
5. CONTRACTOR SHALL STRIP AND STOCKPILE EXISTING TOPSOIL TO FULL DEPTH WITHIN LIMIT OF GRADING BEFORE COMMENCING EXCAVATION AND GRADING OPERATIONS. TOPSOIL SHALL NOT BE REMOVED FROM THE SITE, UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE.

LEGEND

- PROPERTY LINE
- LIMIT OF DISTURBANCE
- EXISTING STORM LINE
- EXISTING SANITARY LINE
- EXISTING WATER LINE
- EXISTING OVERHEAD UTILITY
- INLET PROTECTION
- REMOVE ITEM
- REMOVE STRUCTURE
- REMOVE PAVEMENT
- REMOVE GRAVEL
- REMOVE VEGETATION

30 0 10 20 30
Scale: 1" = 30'

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Tannery Commons, LLC
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Project Title:

Ballston Spa Tannery

125 Bath Street
Ballston Spa, NY 12020

Project No.:			2023024
Design:			MCB
Drawn:	JTM	Ch'k'd:	DBH
Date:	1/16/2025	Scale:	1"=30'

Rev:	Description:	Date:

Drawing Title

SITE PREP & DEMO

Drawing No.

L-1.0

APPENDIX C

PHOTO LOG

Habitat Assessment Photos – 125 Bath Street

Village of Ballston Spa – January 8, 2025

Photo 1. View of Study Area facing East.

Photo 2. Potential bat roost trees along western boundary of Study Area.

Photo 3. Large cracks and crevices along old foundation/retaining walls, which could be potential bat roosting habitat.

Photo 4. View of Study Area facing North.

Photo 5. Overall view of Undeveloped area along western boundary of Study Area.

Photo 6. View of the eastern boundary of the Study Area.

Photo 7. View of southern boundary of the Study Area.

Photo 8. View of the northern boundary of the Study Area.

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APPENDIX D

AGENCY RESOURCES

NYSDEC ERM

January 29, 2025

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

New York State, Maxar, Esri, HERE, Garmin, iPC

NYS Department of Environmental Conservation
Not a legal document

EAF Mapper Summary Report

Wednesday, January 29, 2025 10:41 AM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:C546055, NYS Heritage Areas:Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C546055
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C546055, V00487, 546060, 546021
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	941-166
E.2.h.iv [Surface Water Features - Stream Classification]	C

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Village Hall, Brookside
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To: 01/29/2025 15:48:16 UTC
Project Code: 2025-0048866
Project Name: 125 Bath Street

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2025-0048866
Project Name: 125 Bath Street
Project Type: Residential Construction
Project Description: Residential Housing Project
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@43.00415665,-73.85225759249218,14z

Counties: Saratoga County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Karner Blue Butterfly *Lycaeides melissa samuelis* There is **proposed** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: LaBella Associates
Name: Jeffrey Rice
Address: 4 British American Boulevard
City: Latham
State: NY
Zip: 12110
Email jrice@labellapc.com
Phone: 5855907953

APPENDIX E

PLANT SPECIES LIST

Table 1. Species observed within the Study Area	
Scientific Name	Common Name
Acer saccharum	Sugar Maple
Centaurea stoebe	Spotted Knapweed
Daucus carota	Wild Carrot
Populus deltoides	Eastern Cottonwood
Prunus serotina	Black Cherry
Reynoutria japonica	Japanese Knotweed
Rhus typhina	Staghorn Sumac
Robinia psuedoacacia	Black Locust
Rubus allegheniensis	Highbush Blackberry
Rubus occidentalis	Black Raspberry