

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790

P: (631) 444-0365 | F: (631) 444-0360

www.dec.ny.gov

LETTER OF NO PERMIT NECESSARY - ENDANGERED SPECIES ACT

November 1st, 2022

Discovery Land Company
c/o DLV Quogue, LLC
c/o Mark Hissey
14605 N 73rd St
Scottsdale, AZ 85260

Re: Application #1-4736-07248/00004
DLV Quogue, LLC Property— Lewis Rd & Spinney Rd, East Quogue, NY 11942

Dear Applicant:

The New York State Department of Environmental Conservation (DEC) has determined that:

Your proposed project to conduct tree removal/clearing activities is located within 1.5 miles of documented summer occurrence of the Northern Long Eared Bat (NLEB) (*Myotis septentrionalis*), a species listed as "threatened" by both New York State and the US Fish & Wildlife Service.

Tree cutting at this location between March 1 and November 30 could result in the "take" of this threatened species or their habitat within the meaning of Environmental Conservation Law (ECL) §11-535. The term "take" is defined in part as the direct killing or injury of individual members of a protected species, interference with critical breeding, foraging, migratory or other essential behaviors, or the adverse modification of the species' habitat. The "take" of a species listed as threatened is prohibited in the absence of a permit from this Department issued pursuant to ECL §11-535.

Based on the plans provided by P.W. Grosser, dated 8/29/2022, the DEC does not anticipate your proposed action to result in a take of Northern Long Eared Bat (NLEB) (*Myotis septentrionalis*). Therefore, no permit is required at this time pursuant to the implementing regulations (6NYCRR Part 182) of the New York State Endangered Species Act (Article 11-0535) if the following guidelines are met.

As labeled on the above referenced site plans –

GWA - No concern

GWB - No concern

GWD - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.

GWE - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.

GWG - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.

GWH - No concern

BW1 - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.

BW2 - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.

BW3 - Minimize disturbance along route to well. Avoid removal of large diameter trees. Limb trees for access when possible. Only chip cut trees between December 1st and February 28th.



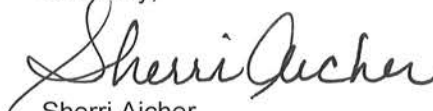
Department of
Environmental
Conservation

If you have questions about the presence of protected species on or near your property, the potential effects of activities on these species or your responsibilities as a landowner or project sponsor under the Endangered Species Regulations, please contact the Fredrick Hamilton at (631) 444-0310.

Be advised that any changes in location, alteration of the footprint of the project, modifications of the scope, clearing and/or ground disturbance, or changes in the timing of proposed actions that are not identified in the submission referenced above may trigger DEC authorization. Please reinstate contact with this office if such activities are contemplated.

Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

Sincerely,

A handwritten signature in black ink that reads "Sherri Aicher". The signature is fluid and cursive, with the first name "Sherri" being more prominent than the last name "Aicher".

Sherri Aicher
Permit Administrator

cc: NPV
Wildlife
File