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MEMORANDUM

TO: Town of Tyre
Ronald F. McGreevy, Supervisor **JN. 1650.001.001**

FROM: Adam Cummings, P.E., BCEE

DATE: 8 September 2015

SUBJECT: USFWS Response Comment and Recommendation
Project Proposal SEQRA Documentation and Development Plan Review for
Lago Casino and Resort, Town of Tyre, Seneca County, New York

Staff from B&L has examined the September 3, 2015 letter response and submittals of BME Associates to the August 11, 2015 letter sent by the United States Fish and Wildlife Service (“USFWS”) to Virginia Robbins, Bond, Schoeneck & King, representing the Town of Tyre, that provided the additional information requested by USFWS.

Based on this current, direct consultation between the applicant and USFWS, I would like to provide clarification of the following comment in our memorandum to the Town of Tyre, dated September 3, 2015, regarding the referenced documentation:

Excerpted from September 3, 2015 Memorandum:

Endangered Species Comments

- 1. The species list provided is an Unofficial List populated by the iPac online resource created and maintained by the U.S. Fish and Wildlife Service [(“USFWS”)]. Please provide an Official List to ensure that the appropriate species have been identified and evaluated.*

We acknowledge that USFWS has referred us to an Official List in its August 11, 2015 letter to Bond, Schoeneck & King.





**USFWS Response Comment and Recommendation
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According to Mr. Stilwell, the Official List can be found on the USFWS website at www.fws.gov/northeast/nyfo/es/section7.htm and should be checked every 90 days to ensure that listed species presence/absence information for the proposed project is current until the proposed project is complete.

At this point in time, it is recognized that none of the identified threatened or endangered species have been identified to be present on the site and appropriate measures have been taken to leave potential habitats that may be attractive to the identified bat species (northern long-eared bat and Indiana bat) intact. However, to ensure that newly listed species will not be impacted by this project, we recommend that the applicant or their designated representatives follow the recommended monitoring measure stated by Mr. Stilwell with USFWS and provide the updated list to the Town of Tyre every 90 days until completion of the proposed project.