



March 22, 2022

Commissioner Basil Seggos
NYS Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-0001

Dear Commissioner Seggos:

The Long Island Builders Institute, the largest residential builder trade association in New York State, wishes to bring to your attention an issue which is becoming of increasing concern to our members.

Many properties on Long Island are significantly restricted by a DEC rule which limits the clearing window on Long Island to a short period of December 1st to February 28th of each year because of the impact of the Northern Long Eared Bat. This restricted period has imposed substantially short periods of time allowed for actual clearing, especially since many local and other permits are necessary for such clearing to actually take place. In many cases, because of local permit delays, an entire time period for clearing may be missed, causing an almost one-year delay in clearing opportunities, thus causing substantial financial delays relating to the project.

The Long Island Builders Institute would respectfully request that DEC review the following options to determine what revisions can be made to the current restrictions:

1. A review of the current three-month clearing window to see if it can either be eliminated or revised to include a longer period of time on either end
2. Provide an expedited process whereby projects can either be completely eliminated from the current restrictions or create specific releases from the restrictions for specific projects

Such a process would necessitate a specific time period review and decisions as to allow any project to be eligible and to move forward such action. While we are aware that Article 11 has such a process, the time period for such decisions can be very long and there are no specific or objective guidelines for such decisions.

The Long Island Builders Institute is well aware of the needs of the environment on Long Island but this series of restrictions to a very limited window has impacted very negatively many of our projects which have already been approved by our local municipalities. We are very hopeful that changes can be made to the current restrictions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mitchell H. Pally". The signature is fluid and cursive, written over a light grey rectangular background.

Mitchell H. Pally
Chief Executive Officer

Cc: Governor Kathy Hochul
ESD @ President Hope Knight
LI State Assembly/Senate Delegation