

To: Frank Podufalski, Supervisor
Town of Enfield
168 Enfield Main Rd.
Ithaca, NY 14850

Dear Frank.

I am a birder, a professional ornithologist whose research area is avian conservation, and a supporter of wind power sited in the right location. I spoke about a year ago at one of the Town Meetings for the Town of Enfield. I retired from Ithaca College, where I taught various environmental courses for 37 years, and continue as a Scholar in Residence with three grants supporting my efforts to restore habitat for rare and declining birds.

I am also a member of the New York State Ornithological Association and two years ago I chaired the committee that created the NYSOA position on wind power, subsequently adapted by a very strong majority vote of the association members. Our position paper places more emphasis on avian protection than do the state guidelines. The NYSOA position argued in favor of wind power if sited in a location that would present minimal avian danger. I have appended the adapted resolution and refer you to lines 5-12.

Our guidelines specifically recommend barring wind power development on sites with a concentration of birds; either migrants, or wintering hawks and owls, or an area of concentration of species that have aerial displays as part of their courtship (lines 50-69). The location of the proposed wind towers on Connecticut Hill is not within the exclusionary conditions in the NYSOA position paper.

There are some uncommon forest birds in the nearby state forest, but these birds are truly forest birds. The proportion that would venture into the wind tower area is small and the fraction of that small number that might be killed is much smaller yet. There are some birds, e.g., American Woodcock that might use the wind tower sites for aerial courtship. Yet, no woodcock were killed in an intensive survey at the Maple Ridge Wind Farm, a much larger facility that proposed for Connecticut Hill. (Annual Report for the Maple Ridge Wind Power Project Postconstruction Bird and Bat Fatality Study 2006, Aaftab Jain et al. 2007) All wind power development will kill some birds, out of the 10-20 billion estimated to migrate out of the U.S. each fall. A assessment paper by the national Academy of Sciences sited a study that the fullest development of wind power (20,000-30,000 towers) in the mid-Atlantic region would kill 0.003% of all the birds already killed by human activity (National Academies Press, 2007; <http://www.nap.edu/catalog/11935/html>.)

The production, distribution and use of all sources of power kill some birds. Wind power kills fewer per unit of energy than most others. Wind power has the major advantage of not producing green house gasses and thereby contributing to global warming with immense human and environmental damage. The proposed wind development on Connecticut Hill, in my opinion, on balance is far more likely to benefit the environment than any of our real alternatives.

The NYSOA guidelines require avian assessment at each site. I know that as I wrote the position paper that I was thinking of large facilities with 100+ towers. The scale of the Connecticut Hill proposal is much smaller than the scale considered in the NYSOA position paper. I anticipate that an avian survey would not raise issues of major environmental concern. Unlike those sites with hundreds of towers and sites on locations with a known high concentration of migrating birds or wintering raptors, I believe the Connecticut Hill site does not warrant an extensive avian survey. A moderate effort would provide sufficient information to fulfill the recommended surveys (Lines 45-53). Much of this information could be compiled by compiling records of previous bird observations. The goal of such a survey would be to provide adequate evidence that there is no unknown exceptional red flag for this site.

Sincerely,

John Confer

(W) 607-274-3978 © 607-229-5952. I will be out of town for the next two months, and Verizon does not work where I am going in AZ. I will check email at confer@ithaca.edu

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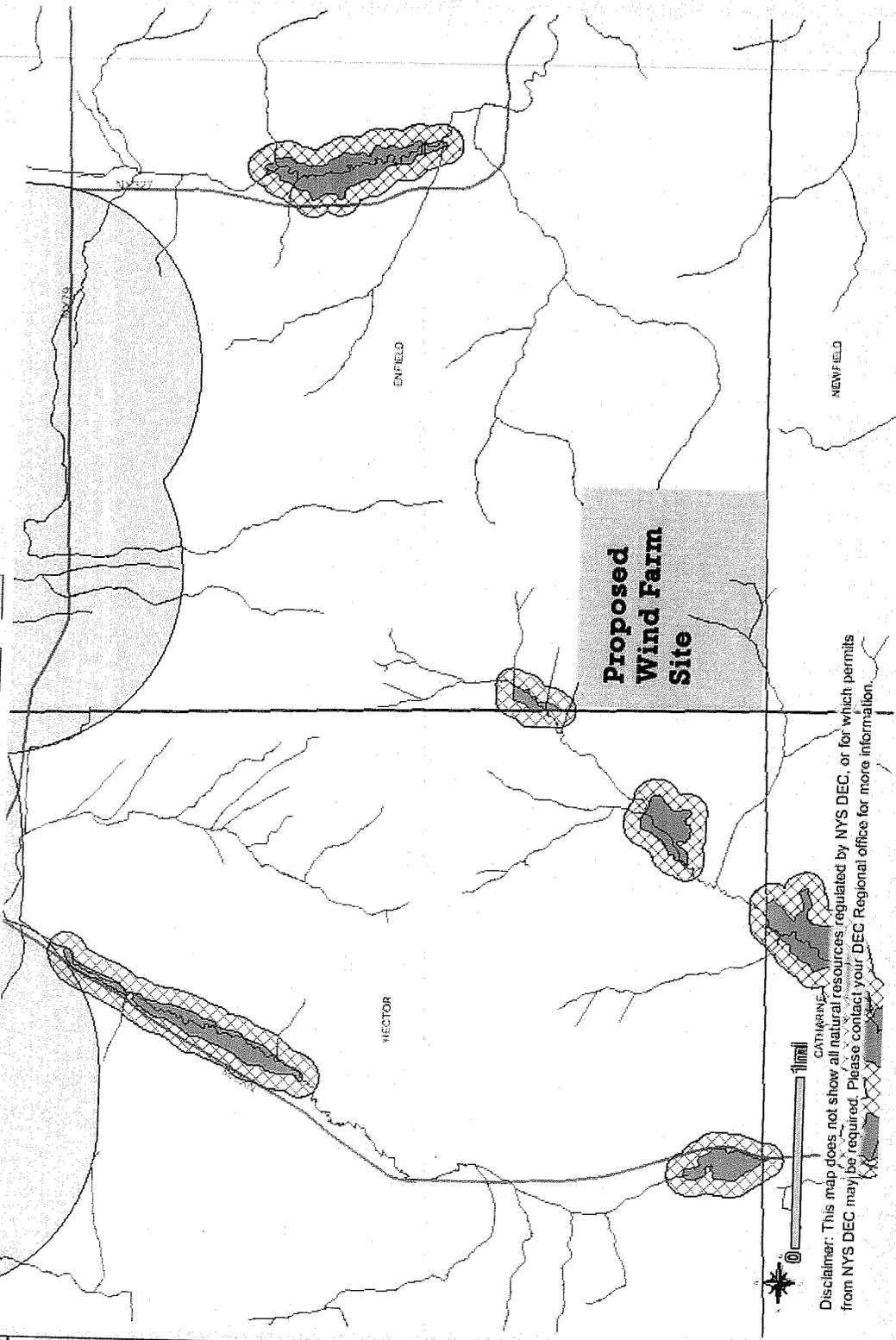
Map Layers & Legend
More layers appear as you zoom in.

- Classified Water Bodies
- Classified Water Bodies
- State-Regulated Freshwater Wetlands
- Wetland Checkzone ?
- Rare Plants and Rare Animals
- Significant Natural Communities
- Natural Communities Vicinity ?
- Background Map
- Adirondack Park Boundary
- Counties

Click "Refresh Layers" to activate and deactivate layers.

[Refresh Layers](#)

Locations of old and potential reservoirs of 1975



1000ft
CATHARINE
Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

APPENDIX D

Threatened and Endangered Species Information



**STEBEN COUNTY
INDUSTRIAL
DEVELOPMENT
AGENCY**

*Driving the Wheels
of Change*

TO: SERVICE LIST 3/26/04 OF ECOGEN, LLC
PRATTSBURGH/ITALY WIND FARM

FROM: JAMES P. SHERRON, Executive Director
Steuben County IDA

DATE: MARCH 31, 2004

RE: DRAFT PUBLIC SCOPING DOCUMENT

The Steuben County Industrial Development Agency (SCIDA), in its role as Lead Agency for the State Environmental Quality Review process of the Ecogen, LLC Prattsburgh/Italy Wind Farm Project, has reviewed the potential environmental impacts of the proposed project against the criteria listed in 6 NYCRR Part 617.7. The SCIDA has issued a "Positive Declaration, Notice of Determination of Significance". SCIDA understands that the applicant will complete a Draft Generic Environmental Impact Statement (DGEIS).

Although not required as part of the SEQRA process, SCIDA has decided to perform public scoping in accordance with 6 NYCRR Part 617.8. The primary goals of scoping are to focus the DGEIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. The SCIDA is soliciting comment on the Draft Public Scoping Document, a copy of which is attached, along with a copy of the Resolution by the SCIDA Approving the Draft Scope. The SCIDA will also have a public scoping session at 7:00 pm, April 22, 2004 at Prattsburgh Central School, 1 Academy Street, Town of Prattsburgh, New York. Please provide comments, in writing, on the Draft Public Scoping document by 5:00 p.m. Thursday, May 6, 2004, to the SCIDA at the address below.

If you have any questions or comments, please direct them to James P. Sherron, Executive Director, at the address and phone number below.

JPS

Encs.

cc: Service List Attached

RESOLUTION APPROVING DRAFT SCOPE

MARCH 25, 2004

RESOLUTIONS:

Whereas, the Steuben County Industrial Development Agency ("SCIDA") has received an application for assistance from Ecogen, LLC ("Ecogen") relative to the construction by Ecogen of a wind power generation project to be located in the Town of Prattsburgh, Steuben County, as well as in the Town of Italy, Yates County, New York.

Whereas, the SCIDA is an involved agency pursuant to the State Environmental Quality Review Act and the implementing regulations (6 NYCRR Part 617); and

Whereas, the SCIDA has decided to initiate the environmental review process under the SEQRA and perform a coordinated review with other involved or interested agencies; and

Whereas, the SCIDA has identified the project to be a Type 1 Action for the purpose of SEQRA Review Pursuant to 6 NYCRR 617; and

Whereas, the SCIDA is the Lead Agency for the SEQRA review of the project; and

Whereas, the SCIDA reviewed the potential environmental impacts of the Action against the criteria listed in 6 NYCRR Part 617.7 and determined that the Action may have a significant effect on the environment; and

Whereas, the SCIDA will file and publish a "Positive Declaration, Notice of Determination of Significant" pursuant to 6 NYCRR 617.12; and

Whereas, the SCIDA will coordinate the completion of the SEQR Process, including Generic Environmental Impact Statement prior to approving the application for assistance for the project.

Resolved, that the SCIDA will hold a public scoping session on April 22, 2004, 7:00 p.m. at Prattsburgh Central School, 1 Academy Street, Town of Prattsburgh, New York to solicit input for the preparation of an Environmental Impact Statement.

Resolved, that the SCIDA, as Lead Agency under SEQRA regulations, will submit for comment a Draft Public Scoping Document to all involved agencies and interested parties. Comments will be accepted until 5:00 p.m. on Thursday, May 6, 2004.

Motion By: Philip Roche

Seconded By: George Connor

Ayes: 4

Nays: 0

Abstain: 0

Absent: Ellsworth Beckman, Robert Hollands, Rick Weakland

Dated: 3-25-04

Draft Public Scoping Document

Ecogen, LLC Prattsburgh/Italy Wind Farm

Town of Prattsburgh, Steuben County, New York
and
Town of Italy, Yates County, New York

March 25, 2004

- Lead Agency:** Steuben County Industrial Development Agency
- Project Sponsor:** Ecogen, LLC
- Proposed Action:** Construction of 53 ± wind turbine units for the purpose of generating 79.5 megawatts, or less, of electricity.
- Project Location:** The project area is generally bounded by Twelve Mile Creek Road to the west, McMichael Road to the east, Shay and Sliter Roads to the North and West Creek Road to the south. The project area is generally bisected by NYS Route 53. See Figure 1.

Draft Public Scoping:

The Steuben County Industrial Development Agency (SCIDA) identified the project as a Type 1 action for the purposes of SEQR under 6 NYCRR Part 617 – State Environmental Quality Review. The SCIDA, in its role as Lead Agency, coordinated the review with other involved agencies and interested parties. The SCIDA reviewed the potential environmental impacts of the Action against the criteria listed in Part 617.7 and determined that the Action may have a significant effect on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared.

As part of the DGEIS process and in accordance with SEQR §617.8, a public scoping session will be held on April 22, 2004 at 7:00 p.m. at the Prattsburgh Central School, 1 Academy Street, Town of Prattsburgh, NY. The scoping session will be conducted to solicit public input into the preparation of this document in order to ensure that the DGEIS will include relevant public concerns and will be appropriate in its scope and content. This document presents the Draft Public Scoping for the preparation of the DGEIS.

An Environmental Assessment Form (EAF) - Parts 1 and 2 were prepared in order to describe the project and to identify potential environmental impacts. Those impacts identified as being potentially large were further evaluated in an EAF Part 3. Potentially large impacts that require further evaluation in the DGEIS are presented in the Notice of Determination of Significance – Positive Declaration, adopted by the SCIDA, in their role as Lead Agency on March 25, 2004.

The issues of concern and the proposed scope to study these impacts are summarized below:

Project Description

- A comprehensive project description will be included in the DGEIS. A project location map identifying initial target areas having adequate conditions for wind energy generation will supplement the project description. Within those target areas, approximately 100 initial sites showing potential for turbine unit installation will be identified. These initial target areas and turbine sites have been identified for initial review at this time and will be better defined as the project develops. The intent is for the environmental assessment to result in criteria to be used in selecting approximately 53 viable sites having the least impacts. See Figure 1.

General Setting

- This section of the DGEIS will present the general environmental setting, addressing existing conditions and providing base line information.
 - This section will describe the current status of land use regulations in the Towns. It will acknowledge that the Town of Italy is currently preparing a master plan with the intent to create zoning for the community.
 - This section will discuss the implications of the Town's possible adoption of new land use controls on the project, as well as the project's influence on the planning process.
 - This section will discuss the implications on the project from the proposed Local Law A: "Town of Italy Wind Turbine Tower, Relay Station and Support Facility Moratorium Law 2004".
- This section of the DGEIS will characterize topographic and geologic features and landforms. This will be done for both the Finger Lakes regional setting as well as the local project setting.
- This section of the DGEIS describes the general land use and residential / rural character of the study area.

Impact on Land

- This section will assess the project's potential impacts on land forms as discussed in the general setting, including steep slopes and hillside development.
- This section will assess the potential impact on existing land use patterns, including impact on future residential development.

Impact on Water

- This section of the DGEIS will include a description of all streams within proposed project site. Specifically, locations of state or federal protected streams within the proposed project area will be identified, as well as an analysis of potential effects on streams from project construction and project operation.
- Impacts to the physical qualities of the on-site streams and surface waters shall be discussed in the DGEIS. Impacts on hydrology and water quality shall be assessed and suitable mitigation measures proposed for any potentially significant impacts that are identified.
- A storm water management plan for the construction phase of the action shall be prepared and describe measures proposed to mitigate impacts from changes in drainage patterns that will result from topographic alterations.
- The DGEIS shall discuss how the project will meet the conditions of regulatory agencies storm water permits including preparation of a Storm Water Pollution Prevention Plan in accordance with the "Watershed Regulations" and NYSDEC's State Pollutant Discharge Elimination System (SPDES) "General Permit". Suitable storm water management mitigation measures shall be proposed for any potentially significant impacts identified.
- The DGEIS shall also discuss how proposed sediment and storm water controls will be developed, maintained during construction and following construction.
- State and federal wetland boundaries shall be identified as will any state wetland adjacent areas.
- The DGEIS shall include a description of the wetland delineation methodology.
- Site planning consideration given to wetlands shall be discussed in the DGEIS. The DGEIS shall also discuss what measures were taken to avoid or minimize wetland impacts.
- Permitting requirements for any wetland activities shall be discussed in the DGEIS.

The DGEIS shall include a wetland mitigation plan to compensate for any losses in wetland function and value. The mitigation plan shall specify the areas and location of any proposed wetland mitigation.

Impact on Wildlife or Habitat

- Impacts to any rare, threatened, or endangered plant or animal species shall be discussed in the DGEIS. Research will include contacting the New York Natural Heritage Program, New York State Department of Environmental Conservation Division of Fish, Wildlife and Marine Resources, and the US Department of Fish and Wildlife.
- The DGEIS shall contain a description of the flora and fauna of the project site based upon field investigations, interviews and file searches with regulatory agencies, and document research
- A list shall be compiled of all species observed on the site and those species likely to occur on the site based on habitat requirements and documented geographical distribution. Mitigation measures shall be provided in the DGEIS for impacts identified as potentially significant or to offset effects associated with the Project. Potential Avian Impacts
 - Potential impacts to resident and migratory avian species known to occupy wildlife habitats outside the primary study area will be considered in the DGEIS. These areas include an "out-parcel" of the Montezuma Wildlife Refuge, the NYS High Tor Game Management Area and Hemlock Lake.
 - The DGEIS will consider the US Department of Fish and Wildlife Service Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines in developing proposed measures to mitigate potential avian impacts.
 - DGEIS will address the Indiana Bat issue, as it relates to the study area.

Impact on Agricultural Resources

- Impacts such as soil compaction, operational limitations and access to agricultural land shall be discussed in the DGEIS.
- Mitigation measures shall be provided in the DGEIS for impacts identified as potentially significant. Potential mitigation measures may include creation of new areas or restoration of dormant agricultural land.

Impact on Aesthetic Resources

- The GEIS will characterize the existing visual environment focusing primarily on the visibility of the project from surrounding lands containing sensitive receptors.
- The New York State Department of Environmental Conservation policy on Assessing and Mitigating Visual Impacts will be considered during the assessment of visual effects.

Impact on Historic or Archeological Resources

- The DGEIS shall contain a review of Cultural Resources based upon file searches of regulatory agencies, document research and, if necessary field investigations.
- The DGEIS shall discuss potential impacts to historic or prehistoric resources identified during the investigations of the property.
- The results of these reports shall be summarized in this section of the DGEIS and include a discussion of potential presence and significance of any historic or prehistoric cultural resources that may be affected by site planning.
- Any conflict of the development plan with potentially significant resources shall be identified along with the nature of the conflict (i.e. grading, filling).
- A description of any necessary mitigation measures, including avoidance or on-site archeological monitoring during construction, shall also be included.

Impact on Energy

- The DGEIS shall contain a review of the impact on energy resources as a result on the operation of this project.

Impact on Noise

- The DGEIS shall contain a review of the impact on noise sensitive receptors as a result on the operation of this project.
- Where necessary, suitable mitigation measures intended to attenuate potential sound impacts will be proposed, including avoidance or buffer zones around noise sensitive receptors. Mitigation measures shall assess the reduction in sound levels that would be anticipated by implementing the proposed measures.
- The New York State Department of Environmental Conservation's policy for Assessing and Mitigating Noise Impacts will be considered during the study of changes in sound levels associated with the project.

Unavoidable Adverse Environmental Impacts

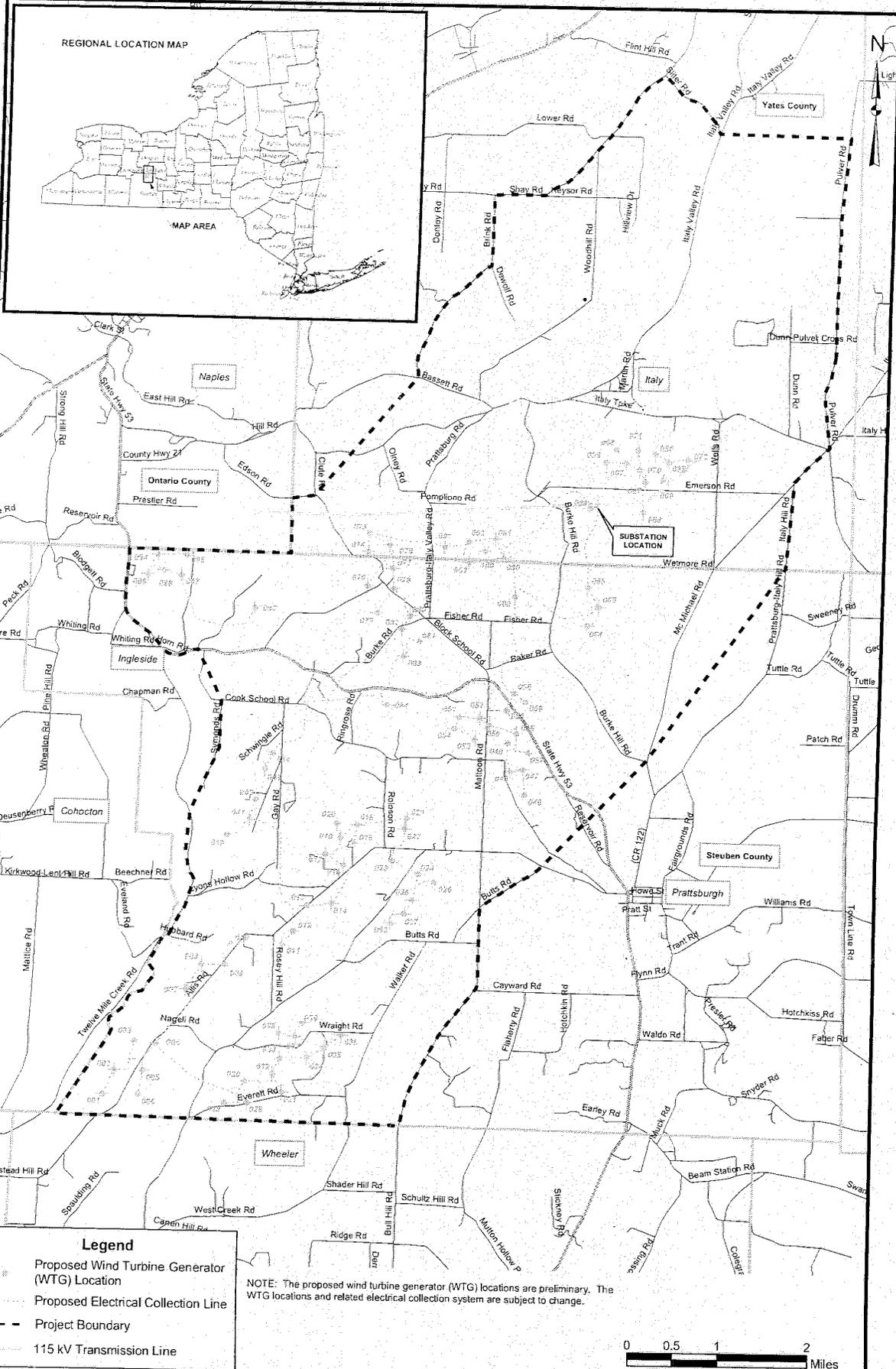
- A description of the unavoidable adverse environmental impacts shall include necessary information on the extent, likelihood and long-term consequences of the identified impacts.

Cumulative Impact Analysis

- The section on potential cumulative impacts will acknowledge the potential impacts that, when taken together, may have a significant environmental effect. This section will consider that status of a second wind energy project in the area, and identify elements of the projects, which may require contemporaneous consideration during the assessment of impacts.

Environmental Justice

- If determined to be appropriate, the DGEIS will consider Environmental Justice issues related to the fair treatment and meaningful involvement of all people.



Legend

- * Proposed Wind Turbine Generator (WTG) Location
- Proposed Electrical Collection Line
- - - Project Boundary
- _____ 115 kV Transmission Line

NOTE: The proposed wind turbine generator (WTG) locations are preliminary. The WTG locations and related electrical collection system are subject to change.



ECOGEN-PRATTSBURGH/ITALY WIND FARM
PRELIMINARY SITE PLAN

FIGURE 1.0-1

ECOGEN, LLC PRATTSBURGH/ITALY WIND FARM

SERVICE LIST

1. ***Town of Prattsburgh**
Attn: Pamela Kula - Town Clerk
P.O. Box 427
15 Chapel Street
Prattsburgh, NY 14873
2. **Prattsburgh Library**
P.O. Box 426
26 North Main Street
Prattsburgh, NY 14873
3. ***Town of Italy**
Attn: Ruth Craig - Town Clerk
6060 Italy Valley Road
Naples, NY 14512
4. ***Yates County Planning Board**
Attn: Barbara Johnston, Interim Planner
417 Liberty Street - Suite 1093
Penn Yan, NY 14527-1122
5. ***Steuben County Planning Board**
Attn: Amy Dlugos
3 East Pulteney Square
Bath, NY 14810
6. **Steuben County Industrial Dev. Agency**
Attn: James P. Sherron - Exec. Director
7234 Route 54 North
Post Office Box 393
Bath, NY 14810-0393
7. ***NYS Dept. of Agriculture and Markets**
Attn: Matthew Brower
1 Winners Circle
Albany, NY 12235
8. ***NY State Dept. of Env. Conservation**
Attn: Rudyard G. Edick
625 Broadway - 4th Floor
Albany, NY 12233-1750
9. ***Yates County Industrial Dev. Agency**
Attn: Steve E. Isaacs, Executive Director
One Keuka Business Park
Penn Yan, NY 14527
10. ***NYS Department of Public Service**
Attn: Doug May
Three Empire State Plaza
Albany, NY 12223-1350
11. **Ecogen, LLC**
Attn: Thomas L. Hagner, Manager
950-A Union Road, Suite 20
West Seneca, NY 14224-3454
12. **URS Corp.**
Attn: Mark Colmerauer
Geologist
77 Goodell Street
Buffalo, NY 14203
13. **Dr. Alice Sokolow**
34 Avonmore Way
Penfield, NY 14526
14. ***NYSDEC - Region 8**
Attn: Peter Lent
6274 E. Avon - Lima Road
Avon, NY 14414-9519
15. ***NYSDOT**
Attn: James Clements
107 Broadway
Hornell, NY 14843
16. **Rick VenVertloh**
LaBella Associates P.C.
300 State Street, Suite 201
Rochester, NY 14614
17. **Ruth Matilsky**
6724 Baker Road
Prattsburgh, NY 14873
18. **John Servo**
4433 Buffalo Road
North Chile, NY 14514

19. **Cindy Cole**
Riders' Rest
6154 Route 53 N.
Prattsburgh, NY 14873
20. **Nancy Wahlstrom**
11327 Symonds Road
Prattsburgh, NY 14873
21. **Laura Pearce**
2950 Emerson Road
Branchport, NY 14418
22. **Louise Faro**
6775 State Route 53N
Prattsburgh, NY 14873
23. **Arthur J. Giacalone**
Attorney at Law
140 Knox Road
P.O. Box 63
East Aurora, NY 14052
24. **Southern Tier Central Regional Planning Council (MPO)**
145 Village Square
Painted Post, NY 14870
25. **Town of Naples**
Attn: Joanne Lincoln, Town Clerk
106 South Main Street
Naples, NY 14512
26. **Town of Cohocton**
Attn: Sandy, Town Clerk
15 South Main
Cohocton, NY 14826
27. **Town of Wheeler**
Attn: Jean Derick, Town Clerk
6439 Gardner Road
Bath, NY 14810
28. **Town of Avoca**
Attn: Ms. Kim F. Jackson, Town Clerk
3 Chase Street
Avoca, NY 14809
29. **Town of Middlesex**
Attn: Kathy Pelton, Town Clerk
P.O. Box 147
Middlesex, NY 14507
30. **Town of Jerusalem**
Attn: Town Clerk
3816 Italy Hill Road
Branchport, NY 14418
31. **Town of Pulteny**
Attn: Town Clerk
9068 Main Street
Pulteny, NY 14874
32. **Donna Farrington**
41 Merwin Avenue
Rochester, NY 14609
33. **June Summers**
208 Rhea Crescent
Rochester, NY 14615-1212
34. **Bruce Penrod**
DEC High Tor Manager
NYS Dept. of Env. Conservation
DEC Region 8 Bath Suboffice
7291 Coon Road
Bath, NY 14810
35. **Margaret A. Crawford**
Biologist, Auburn Field Office
Regulatory Branch
US Army Corps of Eng., Bflo. District
7413 County House road
Auburn, NY 13021
36. **Timothy R. Sullivan, Biologist**
U.S. Fish & Wildlife Service
NY Field Office
3817 Luker Road
Cortland, NY 13045
37. **Michael F. Stoll, Biologist**
U.S. Fish & Wildlife Services
NY Field Office
3817 Luker Road
Cortland, NY 13045

38. **Richard Marx**
7445 County Line Road
Prattsburgh, NY 14873
39. **William Evans**
Old Bird Inc.
605 West State Street
Ithaca, NY 14850
40. **Jillian Liner**
IBA Program Coordinator - Audubon, NY
c/o Cornell Lab of Ornithology
159 Sapsucker Woods Road
Ithaca, NY 14850
41. **John L. Cole**
Environmental Analyst 2
NYS Dept. of Env. Conservation
6274 E. Avon-Lima road
Avon, NY 14414-9519
42. **Assembly Member Jim Bacalles**
136th Assembly District
103 Gansevoort Street
Bath, NY 14810
43. **Senator John R. Juhl, Jr.**
18 Buell Street
P.O. Box 153
Bath, NY 14810
44. **Mark Woythal**
NYS Dept. of Env. Conservation
Fish & Wildlife
625 Broadway, 5th Floor
Albany, NY 12233
45. **Peter Nye**
NYS Dept. of Env. Conservation
Fish & Wildlife
625 Broadway, 5th Floor
Albany, NY 12233
46. **Molly Kuhn**
Chair of Zoning Commission
Town of Italy
3845 Pineview Drive
Naples, NY 14512-9636
47. **Stephen A. Kubber**
U.S. Dept. of Agriculture
8237 Kanona Road
Avoca, NY 14809
48. **June Sharrow**
25 Sabastian Drive
Rochester, NY 14625
49. **Rob Price**
Steuben-Courier Advocate
10 W. Steuben Street
Bath, NY 14810
50. **Russell E. Gaenzle, Esq.**
Harris Beach, LLP
Attorneys at Law
99 Garnsey Road
Pittsford, NY 14534
51. **Mary Perham**
The Leader
10 West Steuben Street
Bath, NY 14810
52. **Douglas Robb**
Chronicle Express
138 Main Street
Penn Yan, NY 14527
53. **Gina Muscato**
Finger Lakes Times News
24 E. Main Street
Penn Yan, NY 14527-1629
54. **Daily Messenger**
c/o Donald Fee
365 Gibson Street
Canandaigua, NY 14424
55. **Amanda Gorton**
Councilwoman - Town of Italy
3939 Dewolf Road
Naples, NY 14512-9622
56. **Steuben Sierra Committee**
c/o Rachael Treichler
7988 Van Amburg Road
Hammondsport, NY 14840

57. **Rochester Regional Group of the Sierra Club**
c/o Robert Siegel
Energy Committee Chair
52 Woodside Drive
Penfield, NY 14526
58. **Todd A. Wolfer**
111 Clinton Street
Avon, NY 14414
59. **Kestrel Haven Avian Migration Observatory**
Attn: John & Sue Gregoire
Field Ornithologists
5373 Fitzgerald Road
Burdett, NY 14818
60. **Ms. Gail Baker**
59 Florendin Drive
Henrietta, NY 14467
61. **The Naples Record**
Attn: Mike Fowler, Editor
P.O. Box 370
Naples, NY 14512
62. **Robert Allison**
32 Trestle Trail
North Chili, NY 14514
63. **Robert W. Burgdorf, Esq.**
Nixon Peabody, LLP
Clinton Square
P.O. Box 31051
Rochester, New York 14603-1051
64. **Patricia Rodger**
7206 Eelpot Road
Naples, NY 14512
65. **Francis G. Schnauber**
10438 Walker Road
Prattsburgh, NY 14873
66. **Mr. Chris Roberts, Project Director**
The Nature Conservancy
1048 University Avenue
Rochester, NY 14607
67. **Mr. William Barker**
225 Edgerton Street
Rochester, NY 14607
68. **Antonia C. Novello, M.D.**
M.P.H. Commissioner
NYS Department of Health ESP
Corning Tower Building
Albany, NY 12237
69. **Sean T. Hanna**
NYS Dept. of Env. Conservation
Regional Director – Region 8
6274 E. Avon – Lima Road
Avon, NY 14414-9519
70. **Gabrielle M. Weiss**
3239 Flint Hill Road
Naples, NY 14512-9634
71. **Joyce Janowski**
8748 Belcher Road
Bloomfield, NY 14469
72. **Barbara Wagner**
244 Barry Road
Rochester, NY 14617
73. **Steve Rowan**
6 Airy Drive
Spencerport, NY 14559
74. **Walter Swett**
Rangel Campaign Headquarters
378 Pacific Street
Brooklyn, NY 11217
75. **Corydon (Corry) Ireland**
Democrat & Chronicle
55 Exchange Building
Rochester, NY 14614-2001
76. **Naples Historical Society**
Attn: Beth Flory, President
P.O. Box 489
Naples, NY 14512
77. **Erin Jensen**
11498 Nickles Road
Prattsburgh, NY 14873

6/29/04

78. **Naples Central School**
Brenda C. Keith – Superintendent
136 North Main Street
Naples, NY 14512
79. **The Naples Library**
Blanche Warner – Library Manager
118 Main Street
P.O. Box 157
Naples, NY 14512
80. **Mr. David Snaith**
Ms. Donna Starr
11109 Roloson Road
Prattsburgh, NY 14873
81. **Mr. Allan N. Muscianese**
6110 Cook School Road
Prattsburgh, NY 14873
82. **Mr. Reginald Harding**
1060 Crittenden Road
Rochester, NY 14623
83. Larry Rosenthal
5813 Dillenbeck Road
Prattsburgh, NY 14873
84. Paul & MaryLou Stark
5312 East Lake Road
Honeoye, NY 14471
85. Mr. Jeff Black
Prattsburgh Central School
One Academy Street
P.O. Box 249
Prattsburgh, NY 14873
86. R.W. Morich
PO Box 19
Prattsburgh, NY 14873
87. **Village of Naples New York**
Will Sherwood, Mayor
P.O. Box 386
106 South Main Street
Naples, NY 14512
88. **NYS OPRHP**
Attn: Ms. Ruth Pierpont
Director – Field Services Bureau
Peebles Island State Park
Cohoes, New York 12047
89. **Town of Naples Volunteer
Fire & Ambulance**
P.O. Box 306
5 Race Street
Naples, NY 14512
90. **Town of Prattsburgh Volunteer
Fire & Ambulance**
P.O. Box 356
15 Chapel Street
Prattsburgh, NY 14873

*Sent Certified



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

December 29, 2004

Mr. Thomas P. Connare
Senior Environmental Scientist
URS Corporation
640 Ellicot Street
Buffalo, NY 14203

Dear Mr. Connare:

This responds to your letter of April 6, 2004, requesting information on the presence of endangered or threatened species in the vicinity of the proposed Ecogen, LLC, wind power project in the Towns of Italy and Prattsburg, Steuben and Yates Counties, New York.

Endangered or Threatened Species

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) (ESA). Therefore, no further ESA coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York* is available for your information. If your project is not completed within one year from the date of this determination, we recommend that you contact us to ensure that the listed species presence/absence information for your proposed project is current.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. This response does not preclude additional Service comments under the Fish and Wildlife Coordination Act or other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s),* and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233-4757
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853-5601
(607) 255-6520
web: <http://iris.css.cornell.edu>
email: cornell-iris@cornell.edu

Work in certain waters of the United States, including wetlands, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

Migratory Species

Background

It appears that the proposed project could affect occasional transient individuals under Service jurisdiction, however, further information is necessary to adequately make any determinations. This additional information includes a more detailed project description (*e.g.*, estimate of the operational lifespan of the project, the length of roads to be constructed, whether transmission lines will be buried or overhead), as well as information on bird and bat use within the proposed project area. We are providing the following comments pursuant to the Migratory Bird Treaty Act (16 U.S.C. 703-712) (MBTA), the ESA, and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). In addition to these comments, we may provide additional future comments under other legislation such as the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

One purpose of this letter is to advise the project sponsor of the prohibitions and permitting aspects of the applicable Federal wildlife laws. We do this so your client can make an informed decision regarding site selection, project design, the risk of violating these acts, and whether applying for a permit to cover the anticipated take of a species is appropriate, where such a mechanism is available.

Migratory birds, such as waterfowl, passerines, and raptors, are Federal trust resources and are protected by provisions of the MBTA and the Service is the primary Federal agency responsible for administering and enforcing the MBTA. This act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests except when specifically authorized by the Service. The word "take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect." The unauthorized taking of even one bird is legally considered a "take" under the MBTA and is a violation of the law. Neither the MBTA nor its implementing regulations, 50 CFR Part 21, provide for permitting of "incidental take" of migratory birds that may be killed or injured by wind projects. However, we recognize that some birds may be killed at structures such as wind turbines even if all reasonable measures to avoid it are implemented. Depending on the circumstances, the Service's Office of Law Enforcement may exercise enforcement discretion. The Service focuses on those individuals, companies, or agencies that take migratory birds with disregard for their actions and the law, especially when conservation measures have been developed but are not properly implemented.

Operational wind turbines can adversely affect wildlife in a variety of ways. Foremost, the potential exists for bird and bat collision within the rotor-swept area of each turbine. It has been documented that wind turbines cause bat and bird mortality in a variety of species (Erickson et al. 2001). Research to date indicates that raptors are prone to wind turbine collisions. Songbirds, particularly those individuals migrating at night under poor visibility conditions, are even more susceptible. Recently, it has been reported that large numbers of bats have also been killed by these structures located on ridges.

Recognizing the potential impacts to wildlife due to development of wind power projects, the Service developed *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines* (U.S. Fish and Wildlife Service 2003). A copy of this document may be obtained from our office or found on the Internet at www.fws.gov/r9dhcbfa/windenergy.htm. These Guidelines include recommendations for: 1) proper evaluation of wind resource areas; 2) proper siting and design of turbines within development areas; and 3) pre- and post-construction research and monitoring to identify and/or assess impacts to wildlife. We suggest the project sponsor review this information during the development of the project design.

The potential for bat and bird mortality from this type of project appears to be dependent on factors such as wildlife abundance, presence of a migration corridor, geographic location, and particular landscape features. As specified in the Guidelines, the project site should be evaluated for habitat features such as the presence of breeding, feeding, and roosting areas. Unique habitats, such as wetlands, must also be considered.

Recommendations

A bat and bird risk assessment should be conducted by the project sponsor. This assessment should include a review of all available data and literature relevant to bat and bird use of this site. In addition, the assessment should identify potential impacts as a result of collisions with turbines including the potential effects on, but not limited to, raptors, passerines, and bats, as well as cumulative effects of collision mortality from the proposed turbines. The physical disturbance, direct loss, and fragmentation of grassland and forest habitat should also be included in the evaluation. This information should be incorporated into the project's environmental documents for review.

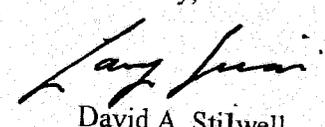
If the results of the risk assessment indicate there may be the potential for adverse effects, we may recommend pre-construction studies of bird use of the proposed project site. Pre-construction studies of bats for this location are recommended (see endangered species comments). These studies should be of sufficient rigor to determine the temporal and spatial distribution of resident and migrating bat and bird species in and adjacent to the project area during various weather conditions (e.g., fog, rain, low cloud ceilings, clear skies, etc.). Information on monitoring the project site for bird species can be obtained from "Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and Methods for Determining or Monitoring Potential Impacts on Birds at Existing and Proposed Wind Energy Sites" (National Wind Coordinating Committee 1999).

In order to determine the potential collision-hazard for a particular site, the spatial and temporal uses of the airspace by birds and bats needs to be defined during a multi-year period. This can best be accomplished by using remote sensing technology (radar, acoustic, and infrared) to collect data in various spatial and temporal scales (day and night, season to season, and year to year). Traditional sampling protocols (e.g., visual observation and/or mist netting) may be appropriate to supplement the remote sensing work and would likely be necessary to ground truth the data for individual species. Survey techniques are currently evolving and the applicant should work closely with this office and the New York State Department of Environmental Conservation (State) to develop a draft study design prior to conducting any studies. Survey results should also be submitted to us for review and comment, along with proposed project-specific avoidance and minimization methods to reduce the risk of bat and bird mortality.

Finally, the Service recommends that all wind power projects that proceed to construction be monitored for impacts to wildlife following construction and during turbine operation. Therefore, we recommend monitoring for the newly proposed turbines. Post-construction bat and bird mortality monitoring should occur for a minimum of three years. Methods should be coordinated with both the Service and the State. Information gained from post-construction monitoring will continue to aid the Service and project sponsors as we learn more about the potential impacts, or lack thereof, to wildlife (including listed species - see below) in the project area.

If you require additional information or assistance please contact Michael Stoll (ESA) or Timothy Sullivan (MBTA) at (607) 753-9334.

Sincerely,


David A. Stilwell
Field Supervisor

References:

Erickson, W.P., G.D. Johnson, M.D. Strickland, D.P. Young, Jr., K.J. Sernka, and R.E. Good. 2001. Avian collisions with wind turbines: A summary of existing studies and comparisons to other sources of avian collision mortality in the United States. National Wind Coordinating Committee publication.

National Wind Coordinating Committee. 1999. Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and Methods for Determining or Monitoring Potential Impacts on Birds at Existing and Proposed Wind Energy Sites.

U.S. Fish and Wildlife Service. 2003. Interim guidelines to avoid and minimize wildlife impacts from wind turbines. Web site address:
<http://www.fws.gov/r9dhcbfa/WindTurbineGuidelines.pdf>

*Additional information referred to above may be found on our website at:
<http://nyfo.fws.gov/es/esdesc.htm>.

cc: NYSDEC, Avon, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, Buffalo, NY



Tim_R_Sullivan@fws.gov

01/06/2005 11:14 AM

To: Thomas_Connare@urscorp.com
cc: Mark_Colmerauer@urscorp.com, thagner@choiceonemail.com,
rgedick@gw.dec.state.ny.us
Subject: Re: Ecogen Proposed Bat Study and Indiana Bat

Hi Tom,

By now, you should have received a copy of a letter dated December 29, 2004, from our office to you, concerning the presence Federally-listed or proposed endangered or threatened species. In that letter, we state that except for the occasional transient individual, no species are known to occur in the project area. I believe this response essentially addresses your questions outlined in the email below regarding Indiana bat survey protocols for the Ecogen LLC wind project. Because wind projects are relatively new to this state and there is a general lack of information regarding bat use at the project site, it took us some time to review the existing information to make our determination. Compounding the problem is the large numbers of bats that have been killed recently at other wind projects. Certainly, we are taking a cautious approach until more information is gathered regarding wind turbines and bats in New York State.

However, your survey efforts this summer were certainly not wasted as the project team did collect some useful information on bat species composition, distribution and abundance. Both the NYSDEC and the Service are requesting these surveys for all bat species at all wind project sites. Your earlier email indicated that no Indiana bats were found at the project site. When the analysis of the bat data is complete, please forward that information to us for review. Thank you for contacting us regarding Federally-listed species and we look forward to working with you in the future.

Tim Sullivan
Fish & Wildlife Biologist
U.S. Fish & Wildlife Service
New York Field Office (Region
5)
3817 Luker Rd.
Cortland, NY 13045
(607) 753-9334 (voice)
(607) 753-9699 (fax)
<http://nyfo.fws.gov> (web)
tim_sullivan@fws.gov (email)

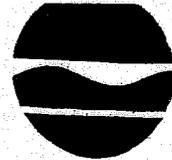
New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources

New York Natural Heritage Program

625 Broadway, 5th floor, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: www.dec.state.ny



Erin M. Crotty
Commissioner

May 13, 2004

Tom Connare

Thomas P. Connare
URS Corporation
640 Ellicott Street
Buffalo, NY 14203

Dear Mr. Connare:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Ecogen, LLC Wind Power Project - 53 Turbines, area as indicated on the map you provided, located in the Towns of Prattsburg and Italy, Steuben and Yates Counties.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

PLEASE NOTE: The NYS High Tor Wildlife Management Area abuts your Project Boundary.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,
Betty Ketcham
Betty A. Ketcham, Information Services
NY Natural Heritage Program

Enc.

Cc: Reg. 8, Wildlife Mgr.
Rudyard Edick, Environmental Permits, Albany, 4th floor
Peter Nye, Endangered Species Unit, Albany

Natural Heritage Report on Rare Species and Ecological Communities

Records within a 15 mile radius

Prepared 12 May 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

This report contains SENSITIVE information that should be treated in a sensitive manner -- Please see cover letter. Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.



County	Town	Scientific Name, COMMON NAME, & Group Name	NY Legal Status, Heritage Rank, & Federal Status	EO Rank & List Seen	Detailed Location	General Habitat and Quality	Office Use
** CUNYINGSTON		<i>Haliaeetus leucocephalus</i> BALD EAGLE Bird	UNPROTECTED S3S4	H 1977-PRE	GROVELAND FLATS Catsaeraga Creek. The area lies between the villages of Mount Morris on the northern end and Cumminsville on the southern end. The area is bounded on the north, east, and west, by state Routes 408, 63, and 36, respectively.	The area is seasonally flooded flats, wooded swamp and shrub swamps, as well as farmland. This was part of Catsaeraga Swamp, which remained in a natural state until the late nineteenth century. Periodic flooding is common, especially in the spring.	4207767 S
** SPRINGWATER, CONESUS		<i>Haliaeetus leucocephalus</i> BALD EAGLE Bird	THREATENED G4 S2S3B,S2N (PS-LT,PDL)		HEMLOCK LAKE		4207765 ESU
** LIVINGSTON, ONTARIO CONESUS, CANADICE		<i>Haliaeetus leucocephalus</i> BALD EAGLE Bird	THREATENED G4 S2S3B,S2N (PS-LT,PDL)		HEMLOCK LAKE		4207765 ESU
** ITALY, MIDDLESEX, SOUTH BRISTOL		<i>Haliaeetus leucocephalus</i> BALD EAGLE Bird	THREATENED G4 S2S3B,S2N (PS-LT,PDL)		HEMLOCK LAKE		4207765 ESU

Records within a 15 mile radius

STATUS OF ENDANGERED SPECIES AND ECOLOGICAL COMMUNITIES

Prepared 12 May 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

This report contains SENSITIVE information that should be treated in a sensitive manner -- Please see cover letter. Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.

State of New York
 Natural Heritage Program

Scientific Name,
 Common Name, &
 Family

NY Legal Status,
 Heritage Ranks, &
 Federal Status

EO Rank &
 Last Seen

Detailed Location

General Habitat
 and Quality

Office
 Use

* ONTARIO, YATES
 ** ITALY, MIDDLESEX,
 SOUTH BRISTOL

Haliaeetus leucocephalus
 BALD EAGLE
 Bird

THREATENED
 G4 S2S3B,S2N
 (PS:LT,PDL)

CANANDAIGUA LAKE
 Canandaigua Lake, southern end.

4207763
 ESU

For information on the population at this location
 and management considerations, please contact the
 NYS DEC Regional Wildlife Manager or NYS
 DEC Endangered Species Unit at 518-402-8859.

** MIDDLESEX, ITALY,
 SOUTH BRISTOL

Haliaeetus leucocephalus
 BALD EAGLE
 Bird

THREATENED
 G4 S2S3B,S2N
 (PS:LT,PDL)

CANANDAIGUA LAKE
 Canandaigua Lake at the southern end.

4207763
 ESU

For information on the population at this location
 and management considerations, please contact the
 NYS DEC Regional Wildlife Manager or NYS
 DEC Endangered Species Unit at 518-402-8859.

SENECA, SCHUYLER,
 YATES, ONTARIO
 ** TORREY, DIX,
 CITY OF

GENEVA, LOBI,
 STARKEY, FAYETTE,
 QUID, WATERLOO,
 READING, ROMULUS,

WATERFOWL
 CONCENTRATION AREA
 Other

UNPROTECTED
 S3S4
 A
 1994-01-21

SENECA LAKE

Seneca Lake- Black ducks and mallards concentrate around Dresden Station;
 diving ducks are found throughout the entire lake.

4207668

A long and narrow inland lake of glacial origin,
 with a mean depth of 291 ft.

Records within a 15 mile radius

Natural Heritage Report on Rare Species and Ecological Communities

Prepared 12 May 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

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* County
** Town

Scientific Name,
COMMON NAME, &
Group Name

NY Legal Status,
Heritage Ranks, &
Federal Status

EO Rank &
Last Seen

Detailed Location

General Habitat
and Quality

Office
Use

* STEUBEN
** AVOCA

Spizella pallida
CLAY-COLORED SPARROW
Bird

PROTECTED
G5 S2

E
2000-07-08

WAGNER HILL
From Avoca, go northeast on Route 7. There is a tree farm on the right. The birds were observed in the Christmas trees.

4207744

A christmas tree farm with overgrown weeds. The tree heights varied from 3 to 10 feet.

* WHEELER

Ardea herodias
GREAT BLUE HERON
Bird

PROTECTED
G5 S5

R
1981-04-22

SALMON CREEK ROAD
From the community of Wheeler, follow the road northwest until it ends at a "T". Go north at the "T" about 0.5 mi to Salmon Creek Road. West on Salmon Creek Road about 0.7 miles. The rookery is about 0.3 mi north of the road.

4207743
S

Hillside with mixed hemlock and maple. A ravine, which has been logged, is at the bottom of the hill and separates the colony from adjacent agricultural land.

* YATES, ONTARIO
** CANANDAIGUA, SOUTH
BRISTOL, MIDDLESEX,
ITALY, GORHAM, CITY
OF CANANDAIGUA

WATERFOWL
CONCENTRATION AREA
Other

UNPROTECTED
S3S4

A
1995-01-28

CANANDAIGUA LAKE
Canandaigua Lake.

4207763
S

A long, narrow, inland lake with a mean depth of 127 feet. From 1973-1994 this area contained had over 30% of the New York wintering population of *Aythya americana*.

* YATES, STEUBEN

URBANA, BARRINGTON,
WAYNE, MILO,
SHEPHEARD, PULTENEY

Natural Heritage Report on Rare Species and Ecological Communities

Records within a 15 mile radius

Prepared 12 May 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

This report contains SENSITIVE information that should be treated in a sensitive manner -- Please see cover letter. Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.



* County	** Town	Scientific Name, COMMON NAME, & Group Name	NY Legal Status, Heritage Rank, & Federal Status	EO Rank & Last Seen	Detailed Location	General Habitat and Quality	Office Use
		WATERFOWL REGENERATION AREA	UNPROTECTED S3S4	A 1995-01-28	KEUKA LAKE Keuka lake.		4207742 S

A long, narrow, inland lake with a mean depth of 100 feet. The southern-most corner of the lake is contiguous to a wetland, where common and water milfoil beds as well as other submergents are present. The lake does freeze over in some years. From 1973-1994, this area had 20% of New York wintering population of Aythya americana.

DIVISION OF ENVIRONMENTAL PERMITS

June 200

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk Telephone: (631) 444-0365	John Pavacic NYS-DEC BLDG. 40 SUNY at Stony Brook Stony Brook, NY 11790-2356
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island) Telephone: (718) 482-4997	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester Telephone: (845) 256-3054	Margaret Duke (Peg) NYS-DEC 21 South Pitt Corners Road New Paltz, NY 12561-1696
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady Telephone: (518) 357-2069	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014
4 (sub-office)	Delaware, Otsego & Schoharie Telephone: (607) 652-7741	John Feltman NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503
5	Clinton, Essex, Franklin & Hamilton Telephone: (518) 897-1234	Richard Wild NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296
5 (sub-office)	Fulton, Saratoga, Warren & Washington Telephone: (518) 623- 1281	Thomas Hall* NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220
6	Jefferson, Lewis & St. Lawrence Telephone: (315) 785-2245	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787
6 (sub-office)	Herkimer & Oneida Telephone: (315) 793-2555	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, Albany, NY, 12233-4757 (518) 402-8935

NATURAL HERITAGE PROGRAM: The Natural Heritage Program is an ongoing, systematic, scientific inventory whose goal is to compile and maintain data on the rare plants and animals native to New York State, and significant ecological communities. The data provided in the report facilitate sound planning, conservation, and natural resource management and help to conserve the plants, animals and ecological communities that represent New York natural heritage.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

NATURAL HERITAGE REPORTS (may contain any of the following types of data):

COUNTY NAME: County where the occurrence of a rare species or significant ecological community is located.

TOWN NAME: Town where the occurrence of a rare species or significant ecological community is located.

USGS 7 1/2 TOPOGRAPHIC MAP: Name of 7.5 minute US Geological Survey (USGS) quadrangle map (scale 1:24,000).

SIZE (acres): Approximate acres occupied by the rare species or significant ecological community at this location. A blank indicates unknown size.

SCIENTIFIC NAME: Scientific name of the occurrence of a rare species or significant ecological community.

COMMON NAME: Common name of the occurrence of a rare species or significant ecological community.

ELEMENT TYPE: Type of element (i.e. plant, animal, significant ecological community, other, etc.)

LAST SEEN: Year rare species or significant ecological community last observed extant at this location.

EO RANK: Comparative evaluation summarizing the quality, condition, viability and defensibility of this occurrence. Use with LAST SEEN.

A-E = Extant: A=excellent, B=good, C=fair, D=poor, E=extant but with insufficient data to assign a rank of A - D.

F = Failed to find. Did not locate species, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

? = Unknown.

Blank = Not assigned.

NEW YORK STATE STATUS (animals): Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E = Endangered Species: any species which meet one of the following criteria:

1) Any native species in imminent danger of extirpation or extinction in New York.

2) Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T = Threatened Species: any species which meet one of the following criteria:

1) Any native species likely to become an endangered species within the foreseeable future in NY.

2) Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

SC = Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

P = Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U = Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

G = Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NEW YORK STATE STATUS (plants): The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

E = Endangered Species: listed species are those with:

1) 5 or fewer extant sites, or

2) fewer than 1,000 individuals, or

3) restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or

4) species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

T = Threatened: listed species are those with:

1) 6 to fewer than 20 extant sites, or

2) 1,000 to fewer than 3,000 individuals, or

3) restricted to not less than 4 or more than 7 U.S.G.S. 7 and 1/2 minute topographical maps, or

4) listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

R = Rare: listed species have:

1) 20 to 35 extant sites, or

2) 3,000 to 5,000 individuals statewide.

V = Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

U = Unprotected; no state status.

continued next page