

FAX Cover Sheet



Audubon NEW YORK

To: Town Planning Board 716-373-4522

From: Jillian Liner

Date: May 3, 2010

Subject: Comments on Allegany Wind project DEIS

You should receive 7 pages including this cover sheet.

*Important Bird Area Program
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Western New York

Allegheny Forest Tract

Multiple municipalities,
Cattaraugus and Chautauqua Counties



195,000 acres
1,310-2,385' elevation

42.1153°N
78.7233°W

IBA Criteria Met

| | | | | |
|-----------------|---------------------|---|---------------------------|---|
| Species at Risk | Osprey | 4CO, 0PR, 2PO | Breeding | NY BBA 2000 |
| Species at Risk | Bald Eagle | 4 pairs in 2002-2004; daily counts in winter include at least 25 ind. in 2004, 23 in 2003 | Breeding and Winter | Tom LeBlanc pers. comm. 2004 |
| Species at Risk | Sharp-shinned Hawk | 2CO, 1PR, 2PO | Breeding | NY BBA 2000 |
| Species at Risk | Cooper's Hawk | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met [1]; 1CO, 0PR, 4PO [2] | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Species at Risk | Northern Goshawk | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met [1]; 2CO, 0PR, 0PO [2] | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Species at Risk | Red-shouldered Hawk | 5+ breeding pairs | Breeding | Tim Baird pers. comm. 2003 |
| Species at Risk | American Woodcock | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met [1]; 0CO, 2PR, 4PO [2] | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Species at Risk | Willow Flycatcher | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met [1]; 0CO, 4PR, 2PO [2] | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Species at Risk | Wood Thrush | 1CO, 10PR, 3PO | Breeding | NY BBA 2000 |

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|--|--|---|----------|---|
| Species at Risk | Blue-winged Warbler | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met (1); 2CO, 7PR, 2PO (2) | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Species at Risk | Cerulean Warbler | 57 ind. in 1997, 93 in 1998, 21 in 1999 | Breeding | Cerulean Warbler Atlas Project |
| Species at Risk | Canada Warbler | Extent of habitat and breeding atlas presence strongly suggest that the threshold is being met (1); 2CO, 4PR, 3PO (2) | Breeding | 1. Technical Committee consensus; 2. NY BBA 2000 |
| Responsibility Species Assemblage-Forest | Sharp-shinned Hawk, Black-billed Cuckoo, Northern Flicker, Eastern Wood-Pewee, Least Flycatcher, Yellow-throated Vireo, Blue-gray Gnatcatcher, Wood Thrush, Black-throated Blue Warbler, Cerulean Warbler, Black-and-white Warbler, Louisiana Waterthrush, Hooded Warbler, Canada Warbler, Scarlet Tanager, Rose-breasted Grosbeak | Breed | Breeding | NY BBA 2000 |
| Congregations-Individual Species | Bald Eagle | 5% of state Bald Eagle winter population has been documented | Winter | Tim Baird pers. comm. 2003 |
| Congregations-Individual Species | Cerulean Warbler | 1%-3% of the estimated state Cerulean Warbler breeding population has been documented | Breeding | Cerulean Warbler Atlas Project |

Description: This site includes the Allegany State Park (almost 65,000 acres) and extensive surrounding forested lands. According to the NY GAP land cover data, almost 95% of site is forest habitat, which includes sugar maple mesic, oak, successional hardwood, evergreen northern hardwood, evergreen plantation, and deciduous wetland forests. The Kinzua Dam creates the Allegheny Reservoir, and the reservoir water level varies from year to year.

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Birds: This site supports a diverse assemblage of wood warblers (20-plus species) and other representative forest species, including the breeding Sharp-shinned Hawk, Black-billed Cuckoo, Northern Flicker, Eastern Wood-Pewee, Least Flycatcher, Yellow-throated Vireo, Blue-gray Gnatcatcher, Wood Thrush, Black-throated Blue Warbler, Cerulean Warbler, Black-and-white Warbler, Louisiana Waterthrush, Hooded Warbler, Canada Warbler, Scarlet Tanager, and Rose-breasted Grosbeak. At-risk species supported at the site include the American Black Duck (migrant), Common Loon (migrant), Pied-billed Grebe (migrant), American Bittern (migrant), Osprey (breeds), Bald Eagle (breeds), Northern Harrier (migrant), Sharp-shinned Hawk (breeds), Cooper's Hawk (breeds), Northern Goshawk (breeds), Red-shouldered Hawk (breeds), Golden Eagle (rare migrant), American Golden-Plover (rare migrant), Hudsonian Godwit (rare migrant), Short-billed Dowitcher (rare migrant), American Woodcock (breeds), Common Nighthawk (migrant), Olive-sided Flycatcher (migrant), Willow Flycatcher (breeds), Wood Thrush (breeds), Blue-winged Warbler (breeds), Golden-winged Warbler (possible breeder), Bay-breasted Warbler (rare migrant), Cerulean Warbler (breeds), Worm-eating Warbler (rare visitor), Kentucky Warbler (possible breeder), Canada Warbler (breeds), Yellow-breasted Chat (probable breeder), and Rusty Blackbird (migrant). The reservoir is a resting stopover for a diverse group of waterfowl, including large numbers of Tundra Swans under certain weather conditions.

Conservation: A portion of this site is listed in the 2002 State Open Space Conservation Plan as a priority site under the project name Allegany State Park. Long-term protection and stewardship of private lands within the site are needed. Options include public acquisition, purchase of conservation easements, and sustainable forestry agreements. Research conducted at the site includes Red-shouldered Hawk surveys, Saw-whet Owl banding (13 individuals were banded in 2004), and a Monitoring Avian Productivity and Survivorship (MAPS) banding station. Inventory and monitoring, especially of at-risk species, should continue. The forest interior receives a significant amount of trail and other recreational uses. Such uses seem to be compatible with the resources and with bird conservation. The reservoir is heavily used during the summer for recreation. During the first round of IBA site identifications, this site was recognized under the research criterion because long-term research and monitoring projects are based there.



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May 3, 2010

Town of Allegany Planning Board
 Town Hall
 52 West Main Street
 Allegany, NY 14706

**Re: Comments on the Draft Environmental Impact Statement
 Allegany Wind**

Dear Town of Allegany Planning Board,

On behalf of Audubon New York, the nearly 50,000-member state program of the National Audubon Society, I want to thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Allegany Wind Project in the Town of Allegany, New York. The mission of Audubon New York is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Audubon New York has interest in this project because it is partially located within an area Audubon recognized as the Allegany Forest Tract Important Bird Area (IBA).

The Important Bird Areas (IBA) Program identifies sites in New York that provide critical habitat for birds based on a set of standardized site criteria. The Allegany Forest Tract IBA was identified as an IBA because it supports an assemblage of forest nesting species of conservation concern in a relatively unfragmented landscape as well as a number of state-listed endangered, threatened and special concern species. Audubon's list of birds of conservation concern includes federally and state-listed species, but also other species that are also considered to be of concern based on assessments conducted by several different organizations and initiatives at a range scales. Our comprehensive list of species of conservation concern is informed by a global perspective to ensure that conservation actions here in New York contribute to regional and continental goals, as well as a state-centric perspective to help maintain the full range of avian diversity here in New York.

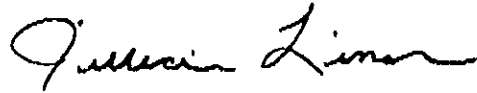
Forest species of conservation concern found within the IBA include Sharp-shinned Hawk, Black-billed Cuckoo, Northern Flicker, Eastern Wood-Pewee, Least Flycatcher, Yellow-throated Vireo, Blue-gray Gnatcatcher, Wood Thrush, Black throated Blue Warbler, Cerulean Warbler, Black-and-white Warbler, Louisiana Waterthrush, Hooded Warbler, Canada Warbler, Scarlet Tanager, and Rose-breasted Grosbeak. Additional state-listed species supported at the IBA include Osprey, Bald Eagle, Cooper's Hawk, and Northern Goshawk. Bald Eagles and Cerulean Warblers are found in relatively high concentrations compared to other sites in New York. *The species identified as part of the DEIS avian studies confirm the IBA status and indicate that the project area does indeed support a number of the birds of conservation concern (as defined above), including the Cerulean Warbler.*

Audubon New York commends the Town of Allegany for requiring an environmental impact statement be conducted as well as two years of avian and bat surveys. The Allegany Forest Tract's relatively unfragmented forest landscape consists of forest in various stages of succession, but mostly consists of mature forests. The Allegany Forest Tract is one of the few remaining places in New York where it is still feasible to maintain and restore a functional forest ecosystem that supports a full diversity of birds and wildlife. This is because it is a large tract of forest relatively lacking in permanent structures or non-forest land uses. Contrary to statements included in the DEIS about the disturbed nature of the project area and that it is relatively less important than nearby forests, Audubon New York believes that the project site is providing quality breeding habitat for several species of birds of conservation concern. Many disturbances like logging cause only temporary challenges for breeding birds that moderate over time as the forest regenerates. More-or-less permanent openings and roads associated with operation and maintenance of wind turbines, however, will have a lasting negative impact on this area. This project will result in permanent habitat loss and fragmentation. *We encourage the town to direct this project so that it reduces to amount of the habitat loss and degree of habitat fragmentation (e.g., use existing network of roads) and avoids sensitive areas such as wetlands and state significant habitats, like the high quality forest habitat found at this site.*

In addition to measures reducing the development footprint and degree of fragmentation, *Audubon strongly encourages the town to require post-construction monitoring and mitigation measures to ensure that if this project moves forward any unforeseen, unacceptable impacts to birds and other wildlife will be detected and can be addressed.* Although the degree of displacement cannot be predicted because detailed studies have not yet been conducted in similar habitat in New York State, studies from around the country indicate that birds are indeed displaced by turbines. Pre and post-construction surveys should be designed to monitor this impact and include multiple years since research has shown that displacement may not be seen in the initial years following construction. Post-construction surveys should be reviewed and guided by a panel of experts and the results should be used to determine whether or not mitigation measures are needed. Mitigation measures could include modifications to the timing of turbine operation and/or providing biologically comparable/equivalent habitat to that impacted.

Thank you for your consideration and attention to this state-wide significant habitat.

Sincerely,

A handwritten signature in black ink, appearing to read "Jillian Liner". The signature is written in a cursive, flowing style.

Jillian M. Liner
Director of Bird Conservation