

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.ny.gov



Joe Martens
Commissioner

April 21, 2015

John Wojcikiewicz
EDR
217 Montgomery Street, Suite 1000
Syracuse, NY 13202

Dear Mr. Wojcikiewicz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the proposed Cassadaga Wind Power Project (EDR Project No. 14048), Towns of Charlotte, Cherry Creek, and Stockton, Chautauqua County.

Enclosed is a report of a rare animal which our databases indicate occurs within the project area of the proposed Cassadaga Wind Power Project. Also enclosed is a report of rare birds documented within 10 miles of the project site, and rare bats documented within 40 miles of the project site, for use in assessing potential impacts of bird and bat collisions. For information on NYSDEC's environmental review of proposed wind energy projects, and for the document *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects*, please go to www.dec.ny.gov/energy/66494.html.

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 as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

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,

Nicholas B. Conrad
Information Resources Coordinator
NY Natural Heritage Program



The following rare animals have been documented within the Cassadaga Wind Power Project site.

We recommend that potential onsite and offsite impacts of the proposed project on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Butterflies			
West Virginia White	<i>Pieris virginiensis</i>	Unlisted	Vulnerable in NYS and Globally Uncommon
Arab Hill, trail on State Forest between Sanford Road and Swanson Road, 2003-05-09.			

11826

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



**The following rare animals have been documented in the
general vicinity of the Cassadaga Wind Power Project.**

The impacts of wind turbines on animals include both impacts due to disturbance at the site of the turbines, and impacts due to flying birds and bats colliding with turbine blades. Therefore, when screening proposed wind energy projects for potential impacts on rare species, in addition to reporting rare plants and animals documented at the project site itself, NY Natural Heritage reports species of rare birds documented within 10 miles of the project site, and rare bats documented within 40 miles of the project site. These distances were determined in consultation with the NYSDEC Division of Fish, Wildlife and Marine Resources.

For information on NYSDEC’s environmental review of proposed wind energy projects, and for the document Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects, please go to www.dec.ny.gov/energy/66494.html.

Bats within 40 miles

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS*</i>
Northern Long-eared Bat <i>Summer location</i>	<i>Myotis septentrionalis</i>	Unlisted <i>and Federally Listed as Candidate</i>	S3S4

Birds within 10 miles

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS*</i>
Great Blue Heron <i>Rookery</i>	<i>Ardea herodias</i>	Protected Bird	S5
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	S2S3B,S2N
Sedge Wren <i>Breeding</i>	<i>Cistothorus platensis</i>	Threatened	S3B
Common Loon <i>Breeding</i>	<i>Gavia immer</i>	Special Concern	S4
Northern Harrier <i>Breeding</i>	<i>Circus cyaneus</i>	Threatened	S3B,S3N
Red-headed Woodpecker <i>Breeding</i>	<i>Melanerpes erythrocephalus</i>	Special Concern	S2?B
Henslow's Sparrow <i>Breeding</i>	<i>Ammodramus henslowii</i>	Threatened	S3B
Short-eared Owl <i>Nonbreeding</i>	<i>Asio flammeus</i>	Endangered	S2

* Conservation status in NYS as ranked by NY Natural Heritage Program on a 1 to 5 scale:

S1 = Critically imperiled

S2 = Imperiled

S3 = Rare or uncommon

S4 = Abundant and apparently secure

S5 = Demonstrably abundant and secure

B after one of the above ranks indicates the status rank is for breeding populations only.

N after one of the above ranks indicates the status rank is for nonbreeding wintering populations only.

IPaC Trust Resource Report

Generated February 19, 2016 11:50 AM MST, IPaC v2.3.2

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



US Fish & Wildlife Service

IPaC Trust Resource Report

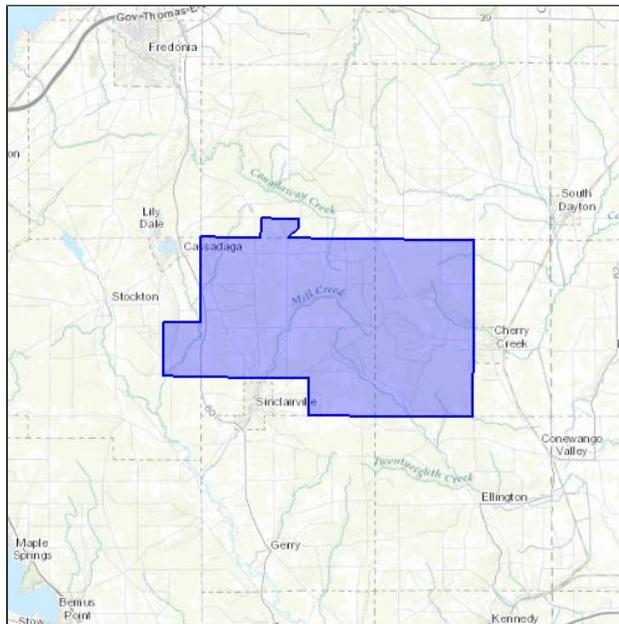


LOCATION

Chautauqua County, New York

IPAC LINK

<https://ecos.fws.gov/ipac/project/Q5OBS-T2OKZ-EB7CV-GXQ53-JUEAXY>



U.S. Fish & Wildlife Contact Information

Trust resources in this location are managed by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9349

(607) 753-9334

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the [Endangered Species Program](#) of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require FWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

[Section 7](#) of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from the Regulatory Documents section in IPaC.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Clams

Clubshell *Pleurobema clava* Endangered
 CRITICAL HABITAT
No critical habitat has been designated for this species.
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=F01D

Rayed Bean *Villosa fabalis* Endangered
 CRITICAL HABITAT
No critical habitat has been designated for this species.
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=F01A

Mammals

Northern Long-eared Bat *Myotis septentrionalis* Threatened
 CRITICAL HABITAT
No critical habitat has been designated for this species.
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

Additional information can be found using the following links:

- Birds of Conservation Concern
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

The following species of migratory birds could potentially be affected by activities in this location:

American Bittern <i>Botaurus lentiginosus</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0F3	
Bald Eagle <i>Haliaeetus leucocephalus</i>	Bird of conservation concern
Year-round https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B008	
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HI	
Black-crowned Night-heron <i>Nycticorax nycticorax</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0EU	
Blue-winged Warbler <i>Vermivora pinus</i>	Bird of conservation concern
Season: Breeding	
Canada Warbler <i>Wilsonia canadensis</i>	Bird of conservation concern
Season: Breeding	
Common Tern <i>Sterna hirundo</i>	Bird of conservation concern
Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B09G	

Golden-winged Warbler <i>Vermivora chrysoptera</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0G4	Bird of conservation concern
Least Bittern <i>Ixobrychus exilis</i> Season: Breeding	Bird of conservation concern
Olive-sided Flycatcher <i>Contopus cooperi</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0AN	Bird of conservation concern
Peregrine Falcon <i>Falco peregrinus</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0FU	Bird of conservation concern
Pied-billed Grebe <i>Podilymbus podiceps</i> Season: Breeding	Bird of conservation concern
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> Season: Breeding	Bird of conservation concern
Short-eared Owl <i>Asio flammeus</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HD	Bird of conservation concern
Upland Sandpiper <i>Bartramia longicauda</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HC	Bird of conservation concern
Willow Flycatcher <i>Empidonax traillii</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0F6	Bird of conservation concern
Wood Thrush <i>Hylocichla mustelina</i> Season: Breeding	Bird of conservation concern

Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuges in this location

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Wetland data is unavailable at this time.

Emma Freeland

From: Rothrock, Anne O (DEC) <anne.rothrock@dec.ny.gov>
Sent: Monday, March 07, 2016 3:04 PM
To: Emma Freeland; Adams, Connie M (DEC); Gary, Brianna M (DEC); Edick, Rudyard (DEC)
Cc: Benjamin Brazell
Subject: RE: Cassadaga Wind Project: Request for Data
Attachments: Checklist of Amphibians, Reptiles, Birds and Mammals of New York State.pdf

Emma,
I'm sorry for the delay.

As for mammal occurrence with the site, such data does not specifically exist. The attached pdf will provide the species that occur in NY from which you could work to narrow it down further, although the legal status information would not be completely accurate in this particular document. Further information about certain species is available on our website.

As for other T/E/SGCN species, I do not have any known occurrences to offer within the project area other than what natural heritage has provided or the eagle nest information I have previously provided. There is documentation for Blanding's, Wood, and Box turtles, as well as most bat species in the County, potentially among other SGCN species, but no information specific to this site is available.

Anne

Anne O. Rothrock

Senior Wildlife Biologist, Division of Fish, Wildlife, & Marine Resources

New York State Department of Environmental Conservation

182 E. Union St. Suite 3, Allegany, NY 14706

P: (716) 372-0645 | F: (716) 372-2113 | anne.rothrock@dec.ny.gov

www.dec.ny.gov |  | 

From: Emma Freeland [<mailto:EFreeland@edrco.onmicrosoft.com>]

Sent: Monday, March 07, 2016 2:25 PM

To: Rothrock, Anne O (DEC); Adams, Connie M (DEC); Gary, Brianna M (DEC); Edick, Rudyard (DEC)

Cc: Benjamin Brazell

Subject: RE: Cassadaga Wind Project: Request for Data

Hi Anne, Connie, and Brianna,

I just wanted to follow up with the data request I sent on Friday, February 19 (see below). We are requesting these data in support of an environmental review for an Article 10 Application we are preparing for the Cassadaga Wind Project in Chautauqua County.

I realize this may be an unusual request, and the additional records we seek may not exist. If these data are available, would you be able to provide them? If these data are not available, would you be able to confirm that they are not as far as you are aware?

Thank you,

Emma Freeland
Ecological Resources Specialist

Environmental Design & Research,
Landscape Architecture, Engineering, & Environmental Services, D.P.C. (EDR)
217 Montgomery Street, Suite 1000, Syracuse, New York 13202
P. 315.471.0688 :: F. 315.471.1061 :: www.edrdpc.com

EDR is a certified WBE/DBE/SBE

From: Emma Freeland
Sent: Friday, February 19, 2016 11:52 AM
To: 'anne.rothrock@dec.ny.gov' <anne.rothrock@dec.ny.gov>; 'connie.adams@dec.ny.gov' <connie.adams@dec.ny.gov>; 'brianna.gary@dec.ny.gov' <brianna.gary@dec.ny.gov>; Edick, Rudyard (DEC) <rudyard.edick@dec.ny.gov>
Cc: Benjamin Brazell <bbrazell@edrdpc.com>
Subject: RE: Cassadaga Wind Project: Request for Data

Hi all,

After sending that data request, I realized I didn't copy in Rudyard. I have copied him on this email so that he is in the loop going forward.

Thanks,

Emma Freeland
Ecological Resources Specialist

Environmental Design & Research,
Landscape Architecture, Engineering, & Environmental Services, D.P.C. (EDR)
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EDR is a certified WBE/DBE/SBE

From: Emma Freeland
Sent: Friday, February 19, 2016 11:34 AM
To: 'anne.rothrock@dec.ny.gov' <anne.rothrock@dec.ny.gov>; 'connie.adams@dec.ny.gov' <connie.adams@dec.ny.gov>; 'brianna.gary@dec.ny.gov' <brianna.gary@dec.ny.gov>
Cc: Benjamin Brazell <bbrazell@edrdpc.com>
Subject: Cassadaga Wind Project: Request for Data

Hello Anne, Connie, and Brianna,

I spoke with Rudyard Edick this morning regarding an information request I had originally directed (via phone) to the Regional Office in Buffalo. Through a series of phone calls my request got passed to Rudyard, and he gave me your contact information.

We are currently preparing an Article 10 Application for the proposed Cassadaga Wind Project in Chautauqua County, and specifically we are working on compiling a wildlife inventory for the Project. As you are aware, the Project Sponsor has conducted on-site surveys for birds and bats, and we have also noted presence and sign of mammalian species while on-site. In the PSS for this project, we made a commitment that we would submit an inquiry to the NYSDEC Regional Office for additional data regarding mammal occurrences that might be available. As you know, public information on mammal occurrence data is sparse compared to information sources for birds, reptiles, amphibians, etc. (Breeding Bird Survey, Breeding Bird Atlas, Amphibian and Reptile Atlas etc.). We submitted a similar request for fish data to Shaun Keeler and Chris Legard last spring, and they were able to provide database records for streams we identified. If you have any site-specific or county-level data on known mammalian occurrences in the vicinity of the project site, would you be able to provide us with it?

In addition, in the most recent comments on the Cassadaga stipulations the following language was added (new language identified in bold italics for purposes of this email only): “Documented T&E and SGCN species will be based on database records obtained from the NYS Natural Heritage Program (NHP), **other known records documented by NYSDEC staff...**” Brianna, Rudyard suggested we contact you as well as Anne and Connie at the Regional Office for this information. If you have any other records of known T&E or SGCN occurrences, would you be able to provide us with those so we can conform with the NYSDEC’s edits to this portion of the Stipulations?

I have attached a shapefile of the PSS Project Area as well as a map of the regional project location. If the data we’ve requested do not exist, would you be able to provide confirmation? I appreciate your help in tracking down these data for our application!

Thanks,

Emma Freeland
Ecological Resources Specialist

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