

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



May 31, 2016

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 Baron Winds Project (EDR No. 13039), located in the Towns Avoca, Cohocton, Dansville, Fremont, Howard, and Wayland, in Steuben County.

We have no records of rare or state-listed animals or plants, or of significant natural communities, at this site or in its immediate vicinity. 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 at the proposed site 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 in the
general vicinity of your proposed 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](http://www.dec.ny.gov/energy/66494.html), 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>
Eastern Small-footed Myotis <i>Maternity colony</i>	<i>Myotis leibii</i>	Special Concern	S1S3
Eastern Small-footed Myotis <i>Hibernaculum</i>	<i>Myotis leibii</i>	Special Concern	S1S3
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened <i>and Federally Listed as Threatened</i>	S1
Northern Long-eared Bat <i>Non-winter location</i>	<i>Myotis septentrionalis</i>	Threatened <i>and Federally Listed as Threatened</i>	S1

Birds within 10 miles

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS*</i>
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	S2S3B,S2N

* 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.

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July 19, 2017

Samantha Holcomb
Environmental Design & Research, Landscape Architecture, Engineering &
Environmental Se 217 Montgomery Street
Syracuse, NY 13202

Dear Ms. Holcomb:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the proposed Barons Wind Project, located in the Towns of Cohocton, Dansville, Fremont, and Wayland in Steuben County NY.

We have no records of rare or state-listed animals or plants, or of significant natural communities, at this site or in its immediate vicinity. 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 database. 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.

Sincerely,

Colleen Lutz
Assistant Biologist
NY Natural Heritage Program

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The following rare animals have been documented in the general vicinity of your proposed 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>
Eastern Small-footed Myotis <i>Hibernaculum</i>	<i>Myotis leibii</i>	Special Concern	S1S3
Eastern Small-footed Myotis <i>Maternity colony</i>	<i>Myotis leibii</i>	Special Concern	S1S3
Northern Long-eared Bat <i>Non-winter location</i>	<i>Myotis septentrionalis</i>	Threatened <i>and Federally Listed as Threatened</i>	S1
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened <i>and Federally Listed as Threatened</i>	S1

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>Breeding</i>	<i>Ardea herodias</i>	Protected Bird	S5
Bald Eagle <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	S2S3B,S2N

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

- S1 = Critically imperiled
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- 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 resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

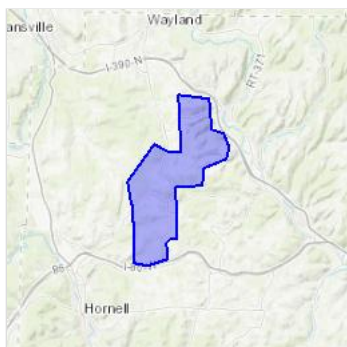
Project information

NAME

Baron Winds

LOCATION

Steuben County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

3817 Luker Road
Cortland, NY 13045-9349

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

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 either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service.

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. 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, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

- Nationwide conservation measures for birds

<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are [USFWS Birds of Conservation Concern](#) that might be affected by activities in this location. The list does not contain every bird you may find in this location, nor is it guaranteed that all of the birds on the list will be found on or near this location. To get a better idea of the specific locations where certain species have been reported and their level of occurrence, please refer to resources such as the [E-bird data mapping tool](#) (year-round bird sightings by birders and the general public) and [Breeding Bird Survey](#) (relative abundance maps for breeding birds). Although it is important to try to avoid and minimize impacts to all birds, special attention should be given to the birds on the list below. To get a list of all birds potentially present in your project area, visit the [E-bird Explore Data Tool](#).

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Black-capped Chickadee <i>Poecile atricapillus praticus</i>	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i>	Breeds May 20 to Jul 31
Canada Warbler <i>Wilsonia canadensis</i>	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> https://ecos.fws.gov/ecp/species/2974	Breeds Aug 20 to Jul 20
Kentucky Warbler <i>Oporornis formosus</i>	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i>	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i>	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i>	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i>	Breeds May 10 to Aug 31
Yellow-bellied Sapsucker <i>sphyrapicus varius</i> https://ecos.fws.gov/ecp/species/8792	Breeds May 10 to Jul 15

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in your project's counties during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote when the bird breeds in the Bird Conservation Region(s) in which your project lies. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the counties of your project area. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

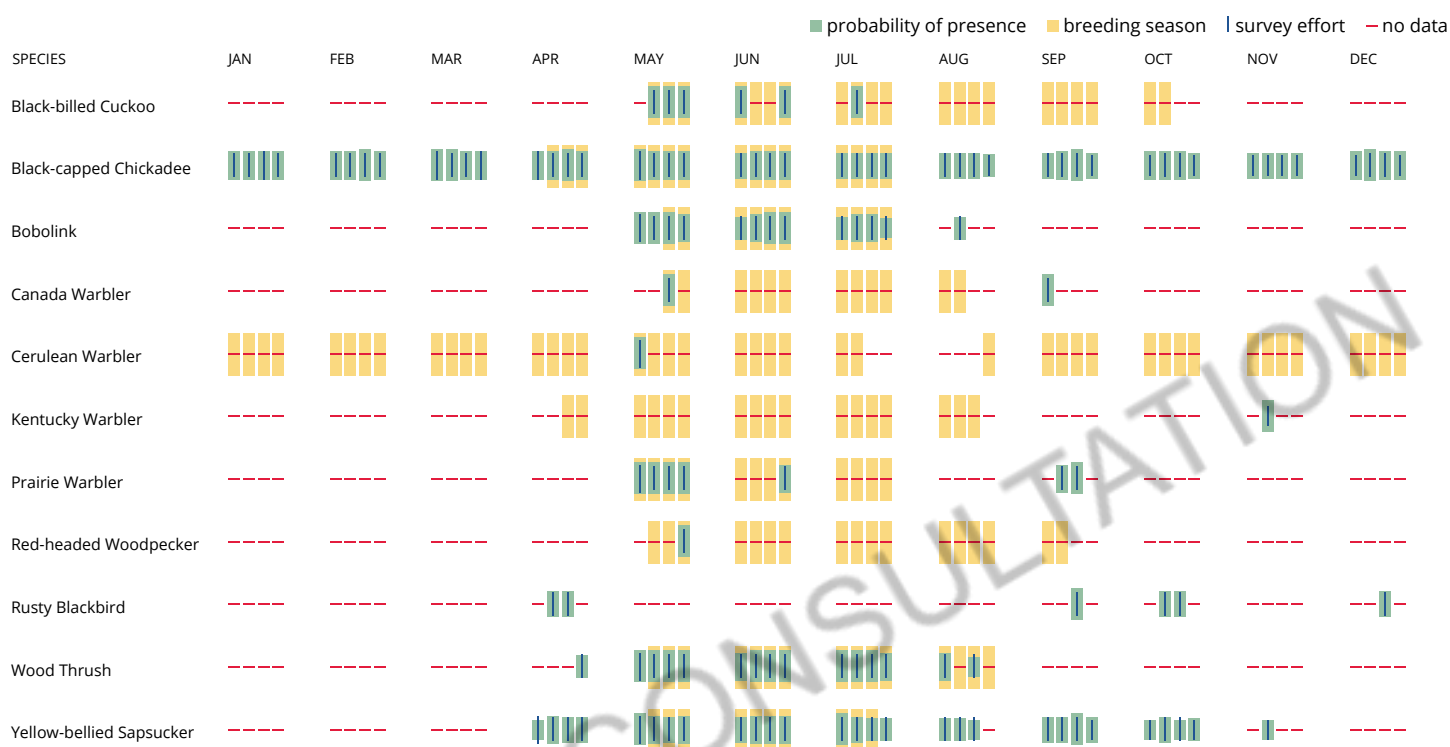
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Such measures are particularly important when birds are most likely to occur in the project area. To see when birds are most likely to occur in your project area, view the Probability of Presence Summary. Special attention should be made to look for nests and avoid nest destruction during the breeding season. The best information about when birds are breeding can be found in [Birds of North America \(BNA\) Online](#) under the "Breeding Phenology" section of each species profile. Note that accessing this information may require a [subscription](#). [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) that might be affected by activities in your project location. These birds are of priority concern because it has been determined that without additional conservation actions, they are likely to become candidates for listing under the [Endangered Species Act \(ESA\)](#).

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#). The AKN list represents all birds reported to be occurring at some level throughout the year in the counties in which your project lies. That list is then narrowed to only the Birds of Conservation Concern for your project area.

Again, the Migratory Bird Resource list only includes species of particular priority concern, and is not representative of all birds that may occur in your project area. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird entry on your migratory bird species list indicates a breeding season, it is probable the bird breeds in your project's counties at some point within the time-frame specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Facilities

National Wildlife Refuge lands

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

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT 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](#).

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1E](#)
[PEM1B](#)
[PEM1/SS1B](#)
[PEM1Fb](#)
[PEM1Eb](#)
[PEM1C](#)
[PEM1E](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)
[PFO4E](#)
[PSS1/EM1E](#)
[PSS1E](#)
[PSS1A](#)
[PSS1/FO1E](#)
[PFO1E](#)
[PFO4/1E](#)
[PSS1C](#)
[PFO1/4E](#)
[PFO1/EM1E](#)
[PSS1Cd](#)
[PFO4A](#)
[PSS3Ba](#)

FRESHWATER POND

[PUBHh](#)
[PUBHx](#)
[PUBFh](#)
[PUBFb](#)

A full description for each wetland code can be found at the National Wetlands Inventory website: <https://ecos.fws.gov/ipac/wetlands/decoder>

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.

NOT FOR CONSULTATION