



Genesee Valley Audubon Society

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BY ELECTRONIC MAIL

May 11, 2020

Hon. Michelle L. Phillips (secretary@dps.ny.gov)
Secretary to the Commission
New York State Public Service Commission

RE: Case 16-F-0546, Application of Heritage Wind, Comments on Avian Studies

Dear Secretary Phillips,

Below are more comments for you, Judges Moreno, Clarke and Sherman to consider as well as the other parties.

As mention on the first set of comments sent in by Genesee Valley Audubon Society and Rochester Birding Association mentioned that radar studies have been done in in the Heritage Wind area that were not used in their studies. One such USFWS study (Rathbun et al. 2016) included an inland radar location, about 6 miles southeast of Oak Orchard WMA, in addition to sites closer to the Lake Ontario shoreline. The study found that migratory activity was heavy at the Genesee County site. *The proximity of the [Iroquois National Wildlife] refuge combined with the time periods sampled and a possible migratory pathway from the eastern end of Lake Erie to the shore of Lake Ontario could explain why our sole inland site appeared to have higher activity than our shoreline sites.*

The Breeding Bird atlases of 1980 -1985, 2000-2005 and (2020-2025 data available through ebird) show **71 bird species of Greater Conservation Need or higher protected status** in Oak Orchard WMA. The WMA is also part of the Western NY Grassland Focus Area for breeding grassland birds. There are also Bald Eagles, Osprey and Harriers nesting in Oak Orchard WMA.

Raptor counts require dedicated vigilance. A number weather conditions, wind and sun, affect the migration of raptors and spot point counts cannot collect as complete a dataset as longer term and longer time period datasets.

Why have no breeding bird surveys been performed along the project area closest to the boundary of Oak Orchard WMA. The potentially buildable areas and any sensitive habitat in that southwest corner of the site should be surveyed.

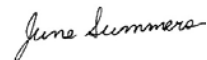
Discussion should include some of the recent Canadian studies of crashing numbers of formerly common species, such as swallows in wind project areas. Swallow populations have crashed around the Erie Shores project since the project opened in 2006. This can be seen by analyzing ebird data and there are professional papers documenting this as well.

Rochester Birding Association and Genesee Valley Audubon Society remain concerned that migrating shorebirds, waterfowl, warblers, thrushes and rarer species of greater conservation need have not been adequately assessed as part of the bird studies. The only migratory studies completed by Heritage Wind were for raptor species. Many songbirds and shorebirds migrate at night and would not be noted during raptor surveys.

Three turbines (T 1 – 3) will be 2.6 miles from Iroquois National Wildlife Management Area and along with turbines T 4 – 6; all six are 0.75 miles from the northern boundary of Oak Orchard State Wildlife Management Area. These make a cluster with tip of blades at 655 feet and 489 feet rotor diameter (for the N149). Blades moving at 210 mph are going to be a challenge for birds trying to land in these two wildlife management areas. Would Heritage Wind consider removing these turbines from the plan.

While Heritage Wind has mentioned plans for bat abatement in their application, they have not mentioned plans for migratory bird abatement. Since we know from USFWS radar studies that this is a heavily used passerine migratory pathway, what are their plans for abatement of bird during migration?

Respectfully,



June Summers
President
Genesee Valley Audubon Soc.

Sincerely,



Amy Kahn
Conservation Chair
Rochester Birding Association