

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



October 16, 2016

Kimberly Bay
Western Ecosystems Technology, Inc.
415 West 17th Street, Suite 200
Cheyenne, WY 82001

Dear Ms. Bay:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the proposed Revised Number Three Wind Farm in the Towns of Denmark, Harrisburg, and Lowville, Lewis County.

Enclosed are reports of rare or state-listed animals and plants, and significant natural communities, that our database indicates occur, or may occur, on your site or in the immediate vicinity of your site. For further guidance regarding the state-listed animals listed in the reports, please contact the NYS DEC Region 6 Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

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 reports only include 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.

Our database is 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,

A handwritten signature in cursive script that reads "Andrea Chaloux".

Andrea Chaloux
Environmental Review Specialist
NY Natural Heritage Program



The following state-listed animals have been documented in the vicinity of the proposed Revised Number Three Wind Farm.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 6 Office. For information about potential impacts of your project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Wildlife Manager.

A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species have been documented near the project area, within 0.5 mile.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Upland Sandpiper <i>Breeding, within 500 yards</i>	<i>Bartramia longicauda</i>	Threatened	10946
Northern Harrier <i>Breeding</i>	<i>Circus cyaneus</i>	Threatened	12705

This report only includes records from the NY Natural Heritage database. 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 listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



The following rare plants, rare animals, and significant natural communities have been documented in the proposed Revised Number Three Wind Farm area, and in its vicinity.

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities 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 SEQRA. 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 significant natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. They are either occurrences of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Wetland/Aquatic Communities			
Confined River			High-quality Occurrence of Uncommon Community Type
Deer River: This is a large example with few and mostly minor instream disturbances. There is good habitat and species diversity and mostly intact hydrology. The upper portions are in a large, recovering natural landscape, and the lower portions are within a narrow forested corridor in an otherwise predominantly agricultural watershed.			11017
Upland/Terrestrial Communities			
Riverside Sand/Gravel Bar			High-quality Occurrence of Uncommon Community Type
Deer River Gorge: This is a large, extensive community along 6 to 7 miles of river floodplain, in excellent condition, maintained as a meadow by annual flood scouring, and surrounded by a shale cliff and talus community on walls of the gorge.			6799
Shale Cliff and Talus Community			High-quality Occurrence of Uncommon Community Type
Deer River Gorge: The community is very large with good diversity, minimal disturbance, and only a few exotic species. There are no imminent threats, but it is poorly buffered in many areas along its outer periphery from its working landscape of managed forests, hayfields, and farmlands. There is comparatively only moderate habitat diversity (e.g., both wet and dry cliffs) relative to some other gorges.			8549

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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 www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org.

For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.



**The following rare plants and rare animals have
historical records
at or near the proposed Revised Number Three Wind Farm.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NYS LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Vascular Plants			
Rock-cress	<i>Draba arabisans</i>	Threatened	Imperiled in NYS
1923-06-25: Copenhagen. Cliff tops along river gorge.			2361
Calypso	<i>Calypso bulbosa var. americana</i>	Endangered	Historical Records Only in NYS
1800s-late: Lowville. Specimen label: swamp.			3834

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**The following rare birds and rare bats have been documented in the
general vicinity of the proposed Revised Number Three Wind Farm.**

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

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS*
Indiana Bat <i>Four (4) bachelor colonies</i> <i>Two (2) maternity colonies</i> <i>Two (2) hibernacula</i>	<i>Myotis sodalis</i>	Endangered <i>and Federally Listed as Endangered</i>	S1
Northern Long-eared Bat <i>Two (2) maternity colonies</i> <i>Three (3) hibernacula</i> <i>Five (5) non-winter locations</i>	<i>Myotis septentrionalis</i>	Threatened <i>and Federally Listed as Threatened</i>	S1
Eastern Small-footed Myotis <i>One (1) bachelor colony</i> <i>Two (2) hibernacula</i>	<i>Myotis leibii</i>	Special Concern	S1S3
Bat Colony <i>Three (3) hibernacula</i>	<i>Bat Colony</i>		SNR

Birds within 10 miles

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS*
Upland Sandpiper <i>Breeding</i>	<i>Bartramia longicauda</i>	Threatened	S3B
Northern Harrier <i>Breeding</i>	<i>Circus cyaneus</i>	Threatened	S3B,S3N
Common Loon <i>Breeding</i>	<i>Gavia immer</i>	Special Concern	S4

* 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.

Lewis County, NY

IPaC Trust Resources Report

Generated October 18, 2016 01:24 PM MDT, IPaC v3.0.9

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.

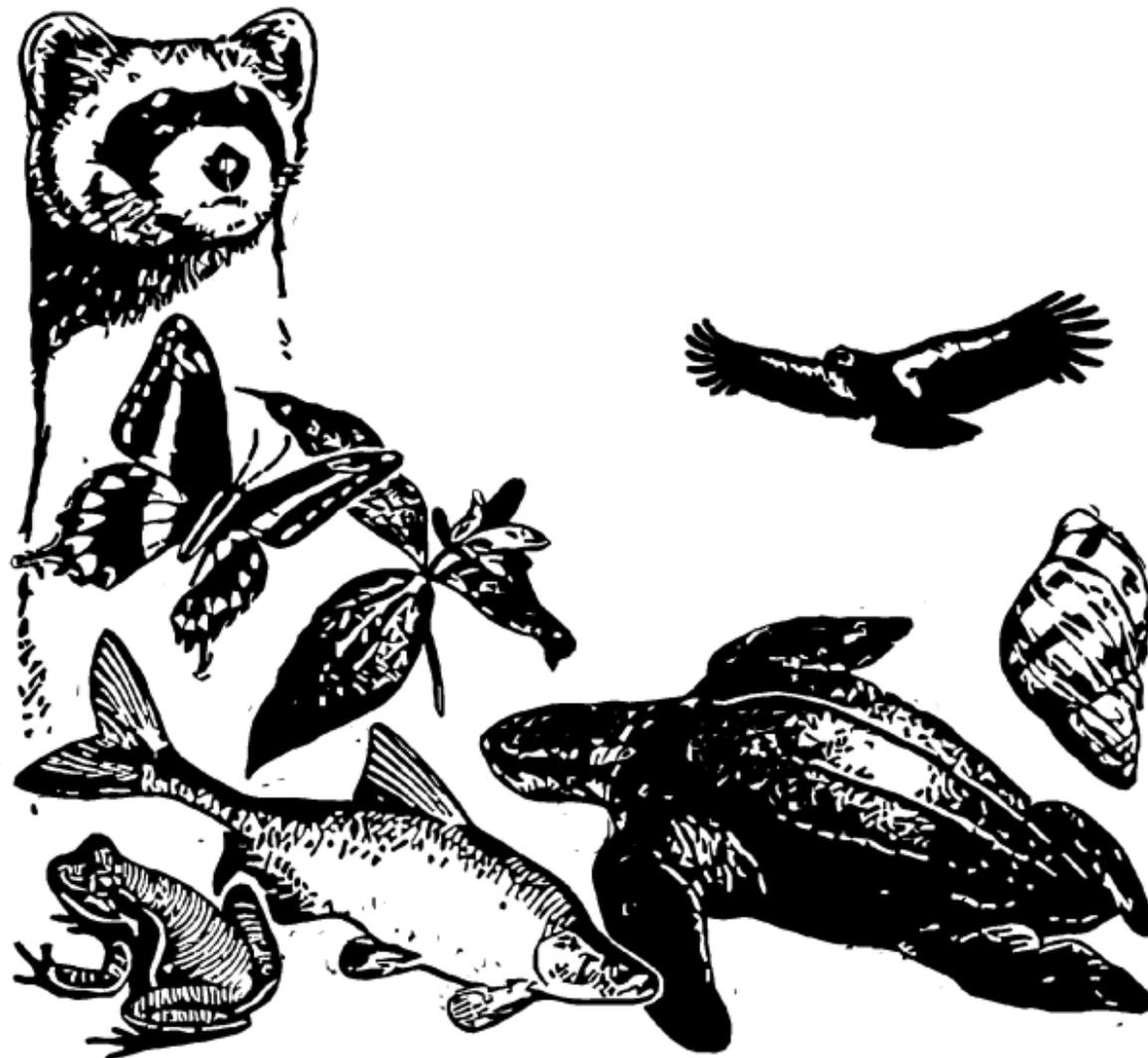


Table of Contents

- IPaC Trust Resources Report [1](#)
- Project Description [1](#)
- Endangered Species [2](#)
- Migratory Birds [3](#)
- Refuges & Hatcheries [5](#)
- Wetlands [6](#)

U.S. Fish & Wildlife Service

IPaC Trust Resources Report



NAME

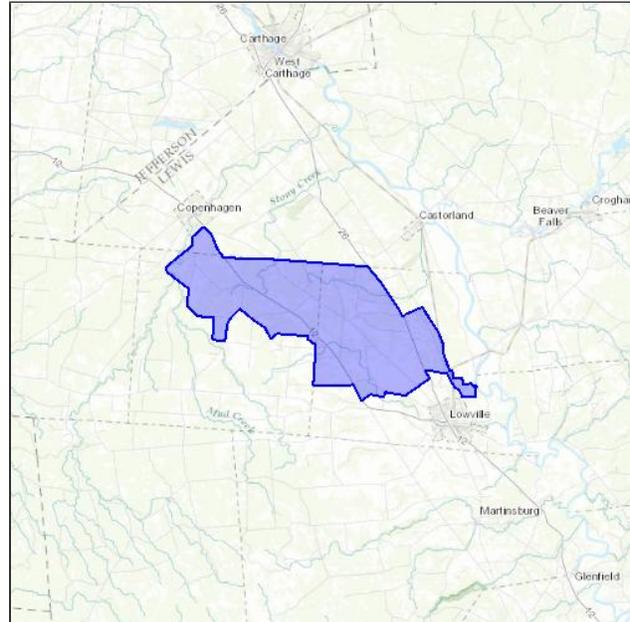
Lewis County, NY

LOCATION

Lewis County, New York

IPAC LINK

<https://ecos.fws.gov/ipac/project/QK4TP-KBJWV-DMJEB-YNNIP-UIRG4A>



U.S. Fish & Wildlife Service 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 USFWS 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 either from the Regulatory Documents section in IPaC or from the local field office directly.

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

Mammals

Northern Long-eared Bat *Myotis septentrionalis* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=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 that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & 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.

1. 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>
- 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.birdscanada.org/birdmon/default/datasummaries.jsp>

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 http://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0F3	
Bald Eagle <i>Haliaeetus leucocephalus</i>	Bird of conservation concern
Season: Year-round http://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B008	
Black Tern <i>Chlidonias niger</i>	Bird of conservation concern
Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B09F	
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i>	Bird of conservation concern
Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0H1	

Blue-winged Warbler <i>Vermivora pinus</i> Season: Breeding	Bird of conservation concern
Canada Warbler <i>Wilsonia canadensis</i> Season: Breeding	Bird of conservation concern
Common Tern <i>Sterna hirundo</i> Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09G	Bird of conservation concern
Golden-winged Warbler <i>Vermivora chrysoptera</i> Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4	Bird of conservation concern
Least Bittern <i>Ixobrychus exilis</i> Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B092	
Olive-sided Flycatcher <i>Contopus cooperi</i> Season: Breeding http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN	Bird of conservation concern
Peregrine Falcon <i>Falco peregrinus</i> Season: Breeding http://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
Prairie Warbler <i>Dendroica discolor</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 http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD	Bird of conservation concern
Willow Flycatcher <i>Empidonax traillii</i> Season: Breeding http://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

Wildlife refuges and fish hatcheries

There are no refuges or fish hatcheries 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.