



# NEW YORK STATE ORNITHOLOGICAL ASSOCIATION, INC.

*for the birds and birders of New York State since 1948*

New York State Department of Environmental Conservation  
Albany, NY

April 8, 2015

I am writing on behalf of our organization with comments on the pending draft *2015 Bald Eagle Conservation Management Plan*. NYSOA is the umbrella group for bird clubs and a number of Audubon chapters in NY State, representing 42 member organizations and over 600 individual members. One of our primary focuses is conservation and protection of the birds of the state, with particular concern for at-risk species.

We appreciate the Department's past and ongoing efforts to bring back and conserve Bald Eagles. This has been an outstanding success story and a model for other states and other reintroduction efforts. This plan for the future of the species is well-considered and thorough and continues the state's commitment to Bald Eagles.

The objectives and strategies laid out in the plan to achieve perpetuation of a healthy Bald Eagle population are commendable. As always, budget constraints and political considerations will hinder the implementation of some of these objectives and strategies. However, having them stated on paper provides some backing when the birds face dangers.

Among the strategies that we see most impacting eagles are:

- Participate in environmental review of projects potentially impacting eagles or eagle habitat.
- Provide guidance for the siting and ongoing operation of wind turbines, communication towers, and high voltage lines.
- Provide outreach regarding alternatives to lead ammunition for hunting.
- Identify and protect important wintering areas.

However, the specifics of these strategies fall short of providing sufficient protections in some cases. Regarding review of projects potentially impacting eagles, the plan relies heavily on convincing developers to avoid activity when birds are most sensitive to disturbance. This includes courtship, egg laying, incubation, and early and late nestling periods. The plan calls for no construction activity within 660 ft. of a nest if a visual barrier exists between the work and the nest, and no such activity within ¼ mile of a nest without a barrier. It is questionable whether the 660 ft. buffer—slightly more than the length of two football fields—is adequate to protect active nests from major, ongoing construction such as that increasingly occurring with oil and gas pipelines. We believe this buffer should be increased to 1000 ft. at a minimum.

The strategy to “provide guidance” for siting of wind turbines, towers and transmission lines is largely the same as DEC’s current approach, which is not applied with consistency, often due to staffing and budget shortages. Numerous wind projects in the state have been approved without adequate review of avian studies, including the presence and movements of eagles. There needs to be a well-defined and transparent process to ensure that impacts on eagles and other birds receive the necessary scrutiny, including keeping the public and interested parties informed during the Department’s reviews.

NYSOA has been involved in the lead issue, calling on DEC to address this serious threat to eagles and other scavengers (see <http://nybirds.org/FedConservation.htm>). Although the Department has made some modest efforts, it has not been a priority for them, and the language of this plan offers no change. The agency has not even required its own staff to use non-toxic ammo—a glaring contradiction. We believe the plan should include concrete efforts to reduce this ongoing danger to eagles and other wildlife. Among these could be pilot programs to provide hunters with non-toxic ammunition, requiring use of non-toxic ammo on DEC-managed lands, and requiring its use by DEC personnel and contractors in their official duties.

Recognition of the importance of Bald Eagle wintering areas is a plus in the plan. As noted, significant winter concentrations are found in the upper Delaware, Hudson River and St. Lawrence areas of the state, among others. A strategy of protecting these areas, including deep winter roosts sheltered from the elements, is a necessary action, and the larger recognition of the importance of NY State as a critical wintering territory for eagles is welcome.

We also call on the Department to increase its commitment to public education and awareness of the dangers to Bald Eagles and particularly nests from close approach and other disturbance. There have been instances of failed nests where this sort of disturbance may be a factor. As the birds establish new territories and continue to expand in the state, this becomes even more important.

We believe that with these changes, the draft Bald Eagle management plan can fulfill the promise of maintaining this iconic species as a presence in the state for all citizens to appreciate.

Sincerely,



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