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PO Box 544
Oneonta, NY 13820

December 24, 2013

Ms. Sally Jewell, Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Jewell:

As advocates for wildlife and birds, the following Audubon Chapters in New York State are outraged and dismayed to learn of the Department of the Interior's decision to provide 30-year authorizations to wind companies to kill Bald and Golden Eagles. We respectfully request that you withdraw this proposed rule and ensure our important raptor species are protected.

Our organizations have been involved in avian impact assessments for wind projects in New York State for many years. While some assessments are done well, others are clearly deficient. To issue permits for 30 years when there are wind projects located where they should never have been sited is irresponsible, even reckless.

A clear example of an industry failure to assess the risk to eagles is the recently proposed South Mountain wind project proposed to be built within an Audubon Important Bird Area in the Town of Walton, Delaware Co., New York. In regards to impacts to both Golden and Bald Eagles, the Co-Chair of the nearby Franklin Mountain Hawk Watch has called the site “possibly the worst place in New York to build a wind project.” While the United States Fish and Wildlife Service (USFWS) staff in Cortland, NY, are now familiar with the controversy surrounding this project, no federal or state regulator questioned the data provided by the developer until Audubon became involved. Before we brought problematic data to their attention, a permit to “take” Bald Eagles was under consideration. Even though the area is as important to Golden Eagles as it is to Bald Eagles, Golden Eagle – a NYS Endangered Species - was totally ignored in the NYS Environmental Assessment Form.

The developer failed to follow the recommendations of the USFWS, NY State Department of Environmental Conservation, and the New York State Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects. They failed to adequately survey for migrating and winter resident eagles, hiring surveyors who could not accurately identify raptors. They also ignored significant Bald and Golden Eagle migration data from 10 miles “upstream” of the project. There are multiple other failures regarding this project, all of which highlight that a blanket permit for the take of Bald and Golden Eagles would lead to devastating impacts on these species from improperly planned wind developments. We would gladly provide you with the documentation given to USFWS staff in New York on the inadequacies of the South Mountain wind project.

While other impact assessments may not be as egregious as the South Mountain project's, the fact remains that the number of eagle deaths at some sites remains guesswork. Since our organizations were not contacted by any agency or the developer of the South Mountain wind project, it is possible a “take” permit would have been issued based on very poor data. The 30-year permit rule is a blank

check for the wind industry and provides no comfort or confidence at all that you will be protecting America's majestic Bald and Golden Eagles and safeguarding their populations.

In fact, your agency has not approved a single Advanced Conservation Practice that is scientifically defensible, and has little or no ability to monitor wind projects, as demonstrated by the above example and others. Yet, your permit rule has been represented as a conservation maneuver because of the presence of Advanced Conservation Practices and monitoring.

You have made the terribly misguided decision to lock in bad practices for 30 years, which will result directly in an untold number of dead eagles, rolling back years of conservation gains.

We once again urge you to withdraw this rule and do what's right for America's symbol, the Bald Eagle.

Sincerely,

John Loz
President
Audubon Society of the Capital Region

Carol Cioppa
President
Bedford Audubon Society

Jeanne Alpert
President
Central Westchester Audubon Society

Mary Anne Perks
President
Chemung Valley Audubon Society

Andy Mason
Co-President
Delaware-Otsego Audubon Society Inc.

Susan Krause
President
Four Harbors Audubon Society

June Summers
President
Genesee Valley Audubon Society

Judy Davis
President
Great South Bay Audubon Society

Stella Miller
President
Huntington-Oyster Bay Audubon Society

Susan B. Elbin, Ph.D.
Director of Conservation and Science
New York City Audubon

Debbie O'Kane
President
North Fork Audubon Society

Joyce Bryk
Co-President
North Shore Audubon Society

Larry Federman
President
Northern Catskills Audubon Society

Joan Collins
Conservation Chair
Northern New York Audubon Society

Paul Richardson
President
Onondaga Audubon Society

Elinor B. (Lynn) Barber
President
Orange County Audubon Society, Inc

Connie Mayer-Bakall
President
Putnam Highlands Audubon Society

Robert McCrillis
President
Saw Mill River Audubon Society

Jim Brown
President
South Shore Audubon Society

Jason Goldsmith
Conservation Chair
Southern Adirondack Audubon Society

Valerie Freer
President
Sullivan County Audubon Society

Bronx River Sound Shore Audubon Society
Doug Bloom
Vice President