

June 18, 2019

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

Thank you for your efforts to fight climate change through the promotion of carbon-neutral, green power in New York State. We agree climate change is a profound threat to humans and wildlife alike. We also believe large energy projects should be sited to avoid serious impacts to endangered and threatened wildlife.

The Bluestone Wind Project proposed in eastern Broome County poses an unacceptable risk to Bald and Golden Eagles. The project is near a Bald Eagle concentration area below the Cannonsville Reservoir in Deposit, NY. In addition, the highest numbers of resident Golden Eagles ever found in New York were documented within the project area during late-winter/spring surveys in 2018 and 2019. Golden Eagles are on the list of New York State Endangered Species.

As part of the Article 10 review process, the Delaware-Otsego Audubon Society (DOAS) conducted 384 hours of independent raptor surveys in the project area from October 2017 to March 2019. Observers found an astounding and unexpected number of eagles, many seen along ridges where turbines are to be sited.

The New York State Department of Environmental Conservation (NYSDEC) requested that DOAS map eagle flight paths as part of these surveys. During 236 hours of winter/spring surveys, DOAS mapped 502 eagle flight paths which included observations of 70 Golden Eagles. Such observation rates are unprecedented - normally only found at the best migratory concentration points.

Many of these eagles were not migrants. The distinction between resident and migrating eagles is important: while migrating eagles can clear a wind project in minutes, resident and stopover eagles may spend weeks or even months in an area, increasing the risk from turbines. DOAS documented resident eagles flying and hunting at proposed turbine sites. Flight paths and other data from these surveys are available in reports filed on the New York State Department of Public Service's DMM website.

The US Fish and Wildlife Service (USFWS) uses a risk model to predict how many eagles will be "taken" (killed) by a wind project. The developer requested, and was granted confidential status for those numbers. An Article 10 Protective Order keeps the predicted eagle kills from being part of a public discussion about the costs and benefits of this project. The public is not able to be fully informed and therefore is not capable of providing thoughtful comments. The NYS Department of Public Service Fact Sheet on siting wind farms states: "The Article 10 law streamlines the application process for developers, while providing a rigorous process for local input and ensuring environmental and public health laws are followed." The ability of developers to keep important information from the public violates the spirit of this purpose. The USFWS model should inform New York State agency positions on this project in regards to how many Bald and Golden Eagles may be killed under take permits issued by your administration.

We have additional concerns about visibility issues compromising the developer's eagle data. A computer visibility analysis for this project determined that only 12% of the project area could be seen from the developer's survey points--well below the 30% figure recommended by USFWS. Further on the ground analysis found that vegetation and other obstacles reduced visibility even more--with an average of only 22% of the full area necessary for risk assessment visible at the sites examined. These very limited views affected the counts of eagles. However, NYSDEC and NYSDPS accepted the developer's survey results in their positive recommendations for the project.

The very high numbers of both Bald and Golden Eagles documented at the Bluestone Wind area clearly show that this is an inappropriate site for such a project. The Delaware-Otsego Audubon Society has worked to resolve issues relating to high eagle use in this area since learning of the project in January 2017, including participation in the Article 10 review process and holding meetings with the developer, NYSDEC and USFWS. Recently, testimony was submitted by parties as part of the Article 10 review process. Both NYS DPS and DEC testimonies recognize the Project poses a threat to Bald and Golden Eagles, however the NYSDEC biologists' only reference to the findings detailed above is the acknowledgement "both species of eagles have been documented in the Project" area. Both agencies accept Bluestone's low numbers of predicted birds to be taken (numbers exceptionally lower than the USFWS model), as well as their assertions that they can minimize impacts adequately. NYSDEC does not give weight to the significant body of evidence DOAS contributed to this process.

We respectfully urge you to:

1. Make the USFWS model's estimates of numbers of eagles likely to be 'taken' as a result of this project public information so that extreme discrepancies between the federal take estimates and those in the state application are transparent (Bluestone Wind Net Conservation Benefit Plan sections 4.2.3 & 4.3.3).
2. Ask all involved state agencies to recognize the value of independent, expert data and its meaning for risks to eagles.
3. Reject the project application at this location due to exceptionally high level eagle presence, flaws in the avian risk assessment and a lack of effective compensatory mitigation for Golden Eagles.

The signatories to this letter support your efforts to reduce carbon emissions. We support properly sited wind projects, and in fact financially supported the first wind project in New York State in Madison County. The Bluestone Wind Project, however, poses a high risk to New York's two eagle species, one threatened, one endangered. We believe that if you and the public become fully informed of the impacts, you will agree that this project, as currently proposed, poses an unacceptable risk to eagles.

Sincerely,

Delaware-Otsego Audubon Society, Inc.

(Please see the following pages for complete list of organizations.)

Cc:

Dale Bryk, Deputy Secretary for Energy and the Environment

Evan Preminger, Assistant Secretary for the Environment

Basil Seggos, Commissioner NYS Department of Environmental Conservation

Amanda Lefton, First Assistant Secretary for Energy and the Environment,

John Rhodes, Chair of the Public Service Commission, and

Judy Drabicki, Deputy Commissioner for Natural Resources

NYS Senator Todd Kaminsky, Chair, Senate Committee on Environmental Conservation

NYS Senator James L. Seward

NYS Senator Jen Metzger

NYS Senator Fred Akshar

Assemblyman Steve Englebright, Chair, Assembly Committee on Environmental Conservation

Assembly Representative Clifford W. Crouch

Assembly Representative Donna A. Lupardo

US Senator Kirsten Gillibrand

US Senator Charles E. Schumer

US Representative Antonio Delgado

US Representative Anthony Brindisi