



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



September 14, 2016

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Office of Renewable  
Energy Programs

Michelle Morin, Chief  
Environmental Branch for Renewable Energy  
Bureau of Ocean Energy Management  
Washington, DC 20240-0001

Dear Ms. Morin:

This is the U.S. Fish and Wildlife Service's (Service) response to your July 27, 2016, correspondence requesting consultation under the Endangered Species Act of 1973, as amended (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq) for the Bureau of Ocean Energy Management's (BOEM) proposed "*Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New York – Biological Assessment*" dated July 2016. We previously provided comments and recommendations related to endangered species avoidance and minimization measures, and monitoring on BOEM's "*Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New York Environmental Assessment*" in a letter dated July 20, 2016.

Your agency has reached a determination of not likely to adversely affect for avian listed species including the piping plover (*Charadrius melodus*; threatened), roseate tern (*Sterna dougallii dougallii*; endangered), and red knot (*Calidris canutus rufa*; threatened), and a no effect determination for the northern long-eared bat (*Myotis septentrionalis*; threatened) during the construction, use, and decommissioning of the meteorological tower. Two buoys associated with the tower were not considered in the Biological Assessment, as BOEM concluded their effect would be negligible to these species.

In terms of the risk of collision between avian species and the single tower, BOEM noted that the "*likelihood of a roseate tern, piping plover, or red knot encountering a single tower located within the 32,832 ha WEA under climatological conditions that would force a migrating bird low enough to actually collide with a tower is so small that the impact of such collisions on federally-listed or ESA candidate bird species is discountable.*" The BOEM also addressed the issue of lighting and its effects on these species stating, "*...to decrease the likelihood of attracting red knots, piping plovers, roseate terns, and Bermuda petrels, plus any other migratory bird species to the meteorological tower, red flashing lights would be used on the tower to reduce the risk of bird collisions. Finally, it is anticipated that any additional lights (e.g., work lights) on the tower and support vessels will be used only when necessary and be hooded downward and directed when, possible to, reduce upward illumination and illumination of adjacent waters. Therefore,*



*the potential impacts from the artificial lighting of the tower on federally-listed or ESA candidate bird species would be negligible."*

The Service concurs with your not likely to adversely affect determination for the piping plover, roseate tern, and red knot. The construction, maintenance, and decommissioning of the proposed single meteorological tower would not pose a significant collision risk to these species. We also acknowledge your no effect determination for the northern long-eared bat.

If you have any questions or require further assistance, please have your staff contact Steve Papa of the Long Island Field Office at 631-286-0485 extension 2120.

Sincerely,

*Anne D. Secord*

for David A. Stilwell  
Field Supervisor