



# New York Field Office

<http://nyfo.fws.gov>

## Federal Activities



### Congressional District #18

Nita M. Lowey

*The U.S. Fish and Wildlife Service is a premier Federal fish and wildlife conservation agency. Our mission for over 60 years has been to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.*

#### **Wetland and Waterway Protection**

Every year, our office reviews approximately 250 public notices prepared by the U.S. Army Corps of Engineers and U.S. Coast Guard. In these public notices, applicants propose to impact wetlands, streams, and other water bodies. The Service is effective at reducing the impacts of these projects on fish and wildlife resources and ensuring that mitigation is provided to achieve fish and wildlife benefits.

The Service has raised a number of concerns about the Millennium pipeline, particularly the Hudson River crossing at Haverstraw Bay. We are continuing to review project documentation on modified pipeline routes and working with other natural resource agencies to identify sensitive resources and avoid and minimize environmental impacts.

The Service is a cooperating agency in the development of the various project alternatives for the I-287/Tappan Zee Bridge Corridor Transportation Planning Project to improve transportation in Rockland and Westchester Counties. We have assisted in the identification of significant resources and provided recommendations to reduce impacts to those resources.

#### **Energy Development**

**Hydroelectric Power** The New York Field Office reviews non-Federal hydroelectric projects that are licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. Section 10(j) of the Federal Power Act allows the Service to make recommendations for measures to mitigate for project impacts to fish and wildlife resources and to provide protection and enhancement. These measures or an equivalent level of protection must be accepted by FERC. Section 18 gives the Service authority to prescribe fish passage; these prescriptions are mandatory and must be included in the license.

There are currently 172 active projects in New York, including 17 currently undergoing relicensing. The major issues of concern to the Service are protecting fish from being entrained into the turbines, upstream and downstream fish passage past the dams, base flows downstream of the projects, impoundment fluctuations, flows in dewatered reaches, wetland impacts, and public access.

In recent years, many project relicensings are being conducted with wide-scale public participation resulting in negotiated settlements for license conditions. This process

allows interested stakeholders to negotiate a balanced package of conditions that include energy production, environmental protection and enhancement, economic benefits, and recreational amenities.

**Tidal Energy** Verdant Power, LLC, is proposing to utilize tidal energy and construct multiple underwater hydroelectric turbines (200-400) spanning approximately 1 mile of the East River adjacent to Roosevelt Island. The NYFO is participating in project review and study development. We are concerned with the proposed project's potential adverse impacts on fish and aquatic life. The U.S. Coast Guard has expressed concerns with navigational impacts.



**Wind Energy** The New York State Renewable Portfolio Standard and the interest in wind power is keeping our staff busy reviewing potential wind projects across the state. At least 15 new projects have been proposed where the wind resource is sufficient to generate electricity. A majority of the projects are proposed in western New York. Several projects are being reviewed closely by our staff related to endangered species and migratory bird issues. One project of interest is the Flat Rock project in Lewis County which is located close to habitat for the Federally endangered Indiana bat

(*Myotis sodalis*). Another project is sited between two bald eagle (*Haliaeetus leucocephalus*) nests in Chautauqua County. The Service is working with both project developers as well as state and local officials to evaluate potential impacts to listed species.

We will soon be working with the New York State Energy Research and Development Authority to evaluate the cumulative effects of numerous wind projects within the state. Funding sources are being sought to convene a committee of stakeholders which will discuss wind energy development issues at the state level.

### Federal Projects



The U.S. Army Corps of Engineers coordinates with the Service on all proposed construction projects, such as for flood control, shoreline stabilization, or navigation. Our role is to ensure that construction is planned with a view toward conservation of fish and wildlife.

**Hudson River Restoration** Many freshwater tidal wetlands along the Hudson River have been lost to historic dredge/fill operations and shoreline development such as riprap or bulkhead installation. These habitat are valuable nursery and foraging areas for a variety of fish species. They are also used by wading birds, waterfowl, and shorebirds. The Service is assisting the U.S. Army Corps of Engineers in restoring and enhancing some of these wetlands on Schodack-Houghtaling Island and near the mouth of Mill Creek in Greene and Columbia Counties. Restoration efforts include removal of historic fill material and establishing tidal flow to these areas. Enhancement efforts include improving the flow in tidal creeks that feed these wetlands, removing invasive/exotic plant species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*), and establishing native plant communities with high value to fish and wildlife species.

*“Wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation”*

1958 Fish and Wildlife Coordination Act (P.L. 85-624)