

Alexander B. Grannis  
Commissioner

## MEMORANDUM

TO: Christopher Amato, Assistant Commissioner

FROM: Patricia Riexinger, Director, DFWMR

SUBJECT: MONTHLY REPORT - November 2007

DATE: January 9, 2008

### *Information and Extension*

Washington County Grasslands Public Information Meeting Held in Argyle - Biologist Casey Holzworth, working with Wildlife Manager Ken Kogut, Real Property Specialist Glenna Ort, and Central Office Bird Specialist Tim Post, conducted the second presentation of the Washington County Grassland project at a public meeting held at the Argyle Fire Hall in Washington County. The public meeting was held to inform the citizens of Argyle of the plan to purchase roughly 2,000 acres of land in Ft. Edward and Argyle for the protection of threatened and endangered grassland bird species. The plan was viewed favorably by the audience of about 40 citizens. Once letters of support are received from the two towns, the Department in Region 5 will be able to take action to preserve some of this unique grassland habitat.

*Bureau of Wildlife*

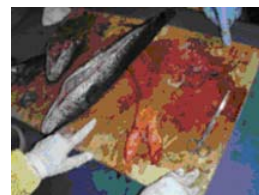
Ken Kogut

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### *Non-native Species*

Snakehead Dissection: Region 2 staff dissected northern snakeheads to help determine the diet of these fish and remove otoliths. The dissected fish were approximately 45 cm in length, collected from Meadow Lake, Queens in June, 2005. While we could not locate otoliths, we did find remains of silversides, killifish and grass shrimp in the fish. One of the fish was gravid (see egg sac picture). In addition to the species mentioned above, Meadow Lake is home to gizzard shad, pumpkin seeds, American eels, white perch and carp. R2 staff plans to conduct additional dissections on northern snakeheads, including those in the 70-75 cm size range, to further define the diet of the fish and locate otoliths.



*Bureau of Fisheries*

Melissa Cohen

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## *Protection*

Important Changes Made to the State Water Quality Regulations- On November 28 the Environmental Board approved a suite of changes to the State Water Quality Regulations (6NYCRR Parts 701 - 706). This is the first change to the Water Quality Regulations since 1998, and it contains some of the most significant changes relative to Fish, Wildlife, and Marine Resources since the regulations were originally promulgated. First and foremost of the changes was the adoption of a flow standard. The Bureau of Habitat began work on the flow standard in 1995. By adopting a flow standard, the State Water Quality Regulations now protect stream organisms from water withdrawals and diversions that would otherwise be harmful. Another important change is in the wording of the various water quality classifications themselves. Waters are classified by their best uses. Up until now, most of the classifications identify a best use of "Fishing; these waters shall be suitable for fish propagation and survival." The regulations will now read: "Fishing; these waters shall be suitable for fish, shellfish and wildlife propagation and survival." Finally, the regulations adopted definitions for trout waters and trout spawning waters, and added a section explaining the "T" and "TS" parenthetical classifications. This last change does not affect the use of the T and TS classifications, it simply moved the explanation to the part of the regulation containing all of the classifications (6NYCRR Part 701) where it can easily be found. Until now, the explanation of the T and TS classifications was found only in the section of regulations where the classification of individual stream segments were listed (6NYCRR Parts 800 - 940). The proposed changes have been approved by the Environmental Board. Once Commissioner Grannis signs off on the revised regulations, they will be filed with the Department of State and become effective 30 days later.

*Bureau of Habitat*

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Draft Guidelines for Wind Energy Studies Prepared - Guidelines for wind energy developers to study potential bird and bat impacts from turbine operations were prepared by staff from the Instream Flow and Wind Unit (Brianna Gary, Mark Woythal), the Endangered Species Unit (Al Hicks) as well as from Division of Environmental Permits, and are currently being reviewed by Executive. The Guidelines contain study protocols for pre-construction studies to characterize ecological resources at a proposed wind farm location as well as post-construction monitoring protocols for mortality studies. The mortality studies are intended to document the impacts of turbine operation and include ground searches for carcasses, searcher efficiency studies and scavenger removal studies to provide parameters for estimating actual mortality. Post-mortality studies are currently ongoing at the Maple Ridge wind farm in Lewis County where 196 turbines are now operational. Studies from Maple Ridge and elsewhere in the country indicate that mortality of bats may be a greater impact than mortality of birds, especially when the turbine blades are spinning at very low wind speeds. This finding presents a significant concern for the endangered Indiana bat as well as red, hoary and silver-haired bats in New York. The reason for this apparent inability of bats to detect slowly spinning turbine blades is unknown, but studies are currently under way at operational wind farms throughout the eastern U.S. Once approved by Executive, the Guidelines will be sent for public review and comment before being finalized. Implementation of the Guidelines by wind developers will provide standardized information which the Department can use to gauge the impacts of wind energy development on a statewide basis.

*Bureau of Habitat*

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## Protection

Bat hibernaculum repaired- Staff from endangered species, special licenses, and the Landowner Incentive Program, led by the inimitable Al Hicks, undertook quick and decisive steps to protect a colony of endangered Indiana bats. With the landowner's enthusiastic approval, this team used insulating expanding foam to temporarily seal an opening in the ceiling of the Indiana Bat wintering site, preventing trapped warm air from escaping and keeping the temperature suitable for the hibernating bats. Without this repair, funded in part through the Landowner Incentive Program, thousands of endangered bats may have frozen to death over the winter.

*Bureau of Wildlife*

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Recipients announced for the Landowner Incentive Program grants for Grassland Protection and Management- Following a rigorous selection process, DEC has announced the recipients for this grant program to benefit dwindling grassland bird populations. Many expert staff from Central Office and the Regions cooperated to select the best applications from hundreds of excellent ones. Ultimately 23 applications, representing over 2100 acres of the best grasslands across the State, were chosen. Under contract, Audubon NY has developed management plans for landowners to follow. Grant recipients will need to manage their land through delayed mowing, reduced grazing, tree removal and other methods for a period of five years. Now comes the difficult process of contracting with 22 individual landowners. This stage will hopefully be completed in preparation of the 2008 nesting season. Regional staff will play an important role in monitoring management and bird recovery.

*Bureau of Wildlife*

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## Research and Monitoring

Pre-Fish Passage Sampling on Chautauqua Creek: Staff from the Lake Erie Fisheries Unit worked in conjunction with SUNY Fredonia to estimate the abundance of juvenile (YOY) steelhead and collect information on the occurrence of fish species prior to fish passage on Chautauqua Creek in the town of Westfield. Altogether, five sections below the dam and two sections above the dam were sampled. A section on Little Chautauqua Creek (below dam) was also sampled. YOY steelhead were found in every sampling site except for the lowermost site below the dam, but densities were over twice as high below the dam as they were above. Other sampled fish species included western blacknose dace, longnose dace, rainbow darters, central stonerollers, creek and river chubs, hogsuckers, and mottled sculpins. These same sites are scheduled to be repeated next year as well as post-fish passage to document any changes in the fish assemblages and in natural steelhead production.



*Bureau of Fisheries*

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Sea Lamprey Control on Lake Champlain: The region 5 fisheries unit, in cooperation with the Vermont Department of Fish and Wildlife and the US Fish & Wildlife Service (USFWS), conducted a sea lamprey control treatment of the Boquet River on September 19, 2007. The treatment went well and post-treatment sampling conducted by the USFWS revealed the treatment was successful, with at least a 97% reduction in sea lamprey numbers.



Another sea lamprey control treatment was conducted on Beaver Brook, located just south of Westport, NY on September 26, 2007. Beaver Brook has traditionally been a difficult treatment because of low flows and changing water chemistry variables as the brook flows downstream. For this treatment the main application point was moved downstream to just above the upstream-most larval habitat, and a boost was used to compensate for the changed water chemistries to raise TFM concentrations into an effective range. Post-treatment sampling conducted by the USFWS revealed the treatment was successful, with at least a 97% reduction in sea

## ***Research and Monitoring***

lamprey numbers.

A sea lamprey control treatment of the Poultney River was successfully completed on November 8, 2007. The treatment followed several delays due to a variety of causes. The treatment had originally been scheduled to occur in October. However, the initial permit issued by the Vermont Agency of Natural Resources did not allow for an effective treatment concentration of TFM, so the Department and the USFWS declined to participate in what may have been an ineffective treatment. Following additional discussions and information exchanges, a permit modification was issued that did allow for a more effective treatment. A count conducted immediately following the treatment indicated non-target mortality was relatively light, and no eastern sand darters or channel darters (two species of special concern in the Poultney River) were observed to be affected by the treatment. Initial indications are that the treatment was successful, insofar as TFM concentrations in all the monitoring stations were above the minimum level required for an effective kill. However, there were also many wetland and tributary inputs of fresh water from the recent rain that likely made for numerous localized refugia for sea lamprey. The ultimate assessment of treatment effectiveness will be based on post-treatment electrofishing to be conducted by the USFWS. With the onset of cold weather, that sampling will have to wait until late spring or early summer.

Region 5 Bureau of Fisheries has completed construction of a sea lamprey trap for Beaver Brook in Essex County, New York. Beaver Brook has been subject to several sea lamprey control treatments as part of New York and Vermont's joint sea lamprey control program for Lake Champlain, including a chemical treatment in September of 2007. Beaver Brook has been a difficult stream to treat chemically due to typically low autumn flows and persistent beaver dams, and success had been marginal. The upper reaches of the stream have been particularly difficult to treat successfully. In recent years the USFWS has conducted preliminary trapping of adult sea lamprey during the spring spawning run to ascertain if the Beaver Brook population can be controlled by this method. If successful, the operation of such a trap would mean that future chemical treatments of Beaver Brook would be limited to the lower brook. A permanent wooden base for a trap was constructed this summer by Fisheries staff. A removable metal fish trap has been constructed at the Ray Brook office this fall by Fish and Wildlife Technician Nathan Favreau, with technical assistance from Aquatic Biologist Leo Demong. Current plans are to test the trap this fall and if successful, the structure will be placed in trapping mode next spring.

*Bureau of Fisheries*

Leo Demong, Lance Durfey

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## ***Research and Monitoring***

Poster Presented at Albany Conference - A poster 'Mercury in Fish from New York State Lakes' was presented at the recent conference on Environmental Monitoring, Evaluation, and Protection in New York. The conference is held every two years by the New York State Energy Research and Development Authority (NYSERDA). Biologists Howard Simonin, Jeff Loukmas, Larry Skinner and Karen Roy prepared and presented the poster dealing with the recently completed four-year project which monitored mercury in fish from 131 lakes across New York State. Over 300 people attended the two-day conference, which included presentations by nationally known scientists on climate change, alternative energy sources, air pollution, acidic deposition and mercury.

Our bureau's relationship with NYSERDA and the scientists involved with NYSERDA research has been invaluable in our efforts to further protect the State's resources and reduce both mercury in the environment and acidic deposition. Through NYSERDA-sponsored research and the publication of scientific reports, the impacts of atmospheric deposition of pollutants have been publicized. Professional communication and cooperative research with these scientists ensures that DEC is involved with and aware of cutting-edge research and possible solutions to environmental problems.

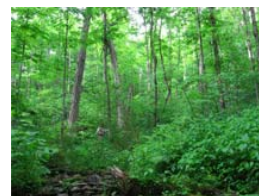
*Bureau of Habitat*

Howard Simonin

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State Lands Biodiversity Inventory Highlights - NY Natural Heritage conducted inventories on NYS DEC State Forest and Forest Preserve lands for rare plants and animals and for rare or significant natural communities. The 2007 field season focused on State Forests in Region 6, highlights of which include a pair of territorial Peregrine Falcons at Pulpit Rock State Forest, the rediscovery of the state-threatened bird's eye primrose (*Primula mistassinica*) at Lookout State Forest, and a new, physiognomically diverse pine-northern hardwood forest at Wolf Lake State Forest to name a few. This winter, members of the State Lands Inventory team will process and analyze field data for entry into the Natural Heritage databases and for a report to be completed in the spring covering State Lands in Regions 5 and 6. Photo - Tim Howard, Natural Heritage Program Scientist, at a significant example of a beech-maple mesic forest on a detached Forest Preserve parcel in Lewis County.



*Bureau of Habitat*

Aissa Feldmann

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Pharsalia WMA User Survey - Recreational user surveys have begun on Pharsalia Wildlife Management Area. A total of 45 surveys were completed and/or handed out on the opening day of the regular hunting season. Big game hunting constituted 99% of activity on the property thus far. Hunters have traveled from such places as Staten Island, Vermont, New Hampshire, and Plattsburg. Most have reported they return to Pharsalia every year. The majority of participants were enthusiastic about the surveys and have supplied us with their comments and suggestions on how the land is maintained. Another interesting find, notes and usage statements, dated back to May 2007, written on plain paper were found in the survey boxes and appear to have been left by hikers in the area. The survey will be conducted one weekday and one weekend day every week and will continue until November 2008.

*Bureau of Wildlife*

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Statewide & Containment Area CWD Surveillance Effort - As of September 1, 2007, approximately 20,000 wild white-tailed deer have been tested for Chronic Wasting Disease (CWD) and no additional positive cases have been detected. With regular deer season well under way, CWD sampling in 2007 is in full swing. The third year of mandatory deer checking within the Oneida-Madison County containment area is winding down. The check station on Rome WMA has been operational seven days per week since September 27. It remained operational thru

## ***Research and Monitoring***

December 19, one day after the close of all Containment Area deer hunting seasons. Since September, approximately 750 samples have been collected from successful hunters in the Containment Area. This is substantially lower than the numbers sampled at this point in 2005 and 2006, when 1285 and 1180, respectively, deer had been sampled. The reason for the 2007 decline in the number of deer harvested, and ultimately sampled from the containment area, is unknown. However, it may be a result of impacts from a combination of warm weather, low deer activity, slightly higher harvest rates over the last several seasons and/or hunter participation. Regional staff continued checking deer at meat lockers and collecting heads for Chronic Wasting Disease samples. As of November 20, Clinton and Franklin Counties have reached the CWD sample quota for this year. Sample collections will continue in the other six regional counties until their individual quotas are reached and the total collection goal of 434 heads or more is obtained. To date, Region 6 has collected almost 500 deer from outside of the Oneida-Madison County area, as part of the statewide sampling effort. This represents nearly 95 % of the minimum regional sample. The bulk of these samples were provided by cooperating meat processors within the region. CWD has not been detected in any of these samples, and sample collection will continue until the minimum sample size is achieved.

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## Restoration

Heritage Strain Brook Trout Egg Takes Successful: Region 5 & 6 Fisheries staff completed their annual egg take efforts to maintain three heritage strains of Adirondack brook trout. Besides helping to maintain heritage genetics, the use of these fish in stockings is thought to provide fish that have a higher potential to thrive and spawn in the water conditions common to Adirondack ponds.



Mountain Pond, Town of Brighton, Franklin County, was trapnetted in late October at the peak of the spawning cycle. Approximately 27,000 eggs were taken from 32 pairs of Windfall strain brook trout. More than 130 brook trout were caught and the average size was good. However, more than 500 brown bullhead and lesser numbers of golden shiner and creek chub were also netted. The condition factor for trout in Mountain Pond appears to be declining as these competitive species establish larger populations. Mountain Pond may need to be reclaimed in three to five years.

Fishbrook Pond, Town of Fort Ann, Washington County, was netted for Horn Lake strain eggs. More than 230 trout were trapnetted in one night of effort, but only six ripe females could be stripped for ~3,800 eggs. Unlike Mountain Pond, it was early in the run at Fishbrook Pond. Unfortunately, helicopter time could not be obtained to return to Fishbrook Pond later in the season. Horn Lake strain brook trout were successfully taken from Horn Lake. Typically, Horn Lake strain eggs have come from other easier to access brood waters. Occasional egg takes from the natal heritage water allow us to be sure that we are keeping on track towards the mission of preserving the strains that have been found to be unique to NY.

A supply of about 25,000 Little Tupper strain brook trout eggs was provided by Brandon Enterprises. Brandon will rear 6,000 to 8,000 of the Little Tupper with the remainder of the eggs going to the state hatchery in Rome. Windfall strain eggs will be reared to spring fingerling size for stocking this year at the state hatchery in South Otselic. The Warren County Fish Hatchery will be raising the Horn Lake strain brookies.

The egg takes were made possible through the help from staff of the Rome Lab and Hatchery, the Warren County Fish Hatchery, and State Police Aviation.

Estimates of egg counts are 7,000 viable Little Tupper eggs and 12,247 Horn Lake strain eggs (total from three different waters). Both Region 5 and Region 6 collect and stock heritage strain fish and will be working together to come up with the fish needed to stock the waters that are part of the heritage strain stocking program.

*Bureau of Fisheries*

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Round Whitefish Egg Take Successful: Lower Cascade Lake, Town of North Elba, Essex County, was trapnetted on November 19 - 20 to capture round whitefish. Lower Cascade Lake is one of only six lakes left in New York with a naturally-reproducing population of this endangered fish species. The Department has implemented a plan to recover this species and has stocked round whitefish into eight lakes throughout the Adirondacks in recent years. The stocked whitefish were all progeny of egg take efforts in Lower Cascade Lake. This year's effort was successful, yielding an estimated 6,000 to 8,000 eggs from 20 pairs of fish. A total of 98 round whitefish were netted with most of the catch (75 fish) being ripe males. All the females caught were ripe or partially spent, indicating that it was the peak of the run or just past the peak. The eggs will be transported to the Department's Constantia Hatchery for rearing to a spring fingerling size prior to stocking next May or early June. Candidate stocking waters have yet to be finalized. Round whitefish egg take efforts will continue after Thanksgiving with additional netting being done in Little Green Pond, a broodstock pond established especially for this species.

**Staff Development**

Staff Attends SETAC! Six members of the Bureau of Habitat attended the 28th annual meeting of the Society of Environmental Toxicology and Chemistry (SETAC), November 11 - 15, 2007, in Milwaukee, Wisconsin. The attendees were Eric Paul from the Rome Field Station, Dave Mayack from the Hale Creek Field Station, Sean Madden from the Hudson River NRD Unit, Mary Jo Crance and Corbin Gosier from the Inactive Hazardous Waste Site Evaluation Unit, and Tim Sinnott from the Ecotoxicology and Standards Unit. The Annual SETAC meeting is not so much a meeting as it is a symposium of everything that is going on in the arena of toxicology and environmental chemistry. Each day consists of selecting which presentations to attend from an array of eight to ten simultaneous platform sessions on relevant topics such as, just to name a few examples: “Remediation/Restoration”; “Environmental Risk Assessment of Pharmaceuticals”; “Biomarkers - so what? Integration of Biomarkers and Ecologically-Relevant Endpoints”; and “Fate and Effects of Metals: Terrestrial/Wetland Perspective.” If there wasn’t a platform session of interest, there was always the 500 - 600 poster presentations to look at. SETAC always tries to highlight up and coming issues, such as the environmental concerns associated with nanotechnology and emerging contaminants such as endocrine disruptors. After eight or nine hours of continuous intense science each day, relief was found at the Milwaukee Ale House or Mo’s Irish Pub. Sean and Corbin also participated in the SETAC 5K “Fun Run,” and finished this international event by placing second and third, respectively. Corbin modestly noted that it was Sean’s turn to finish first (between the two), and next time, he would take the honors.

