

Dear Thomas Haley,

I am thankful that the NYS Department of Environmental Conservation (DEC) is welcoming comments on the Article 11 Part 182 Take Permit proposal to use the habitat of the endangered Short-Eared Owl and the threatened Northern Harrier for industrial purposes at STAMP in Alabama, NY. As a physician and public health professional, I'm outraged with the proposal to build a massive industrial park in between the Iroquois National Wildlife Refuge, the Tonawanda State Wildlife Management Area, the John White Wildlife Management Area, and the Tonawanda Seneca Nation (which is sparsely populated by people, and essentially functions as a fourth wildlife refuge bordering STAMP).

THE WORST POSSIBLE PLACE: These wildlife refuges are home to many endangered and threatened species that would naturally visit the "STAMP" lands in the middle of them. Yet, if an industrial park is permitted to function in the worst possible place, then these species will do more than simply abandon the land that the Genesee County Economic Development Center (GCEDC) has hungered over. Naturally, the immense disturbance of a STAMP industrial park would inevitably drive many of them far from these four wildlife refuges. If profits motives go unchecked, then endangered and threatened species will clearly become even more imperiled.

THE RESERVATION: The reservation of the Tonawanda Seneca Nation ends right at the western edge of STAMP, which clearly infringes on their Nation's sovereignty. Worse yet, the most pristine region of wilderness in their Nation—the Big Woods—sits adjacent to STAMP. The Nation continues to oppose factory development on their traditional land that was unjustly stolen from them long ago.

GOODBYE TO THE BIRDS: GCEDC would like to develop 665 acres of open habitat at STAMP, most of which is ideal for endangered Short-Eared Owls and threatened Northern Harriers to live in. Both species have been seen repeatedly at STAMP and on the neighboring state and federal wildlife refuges, yet this won't be the case for long. This is because they were both spotted dozens of times in surveys last winter, while Short-Eared Owls weren't at all spotted and Northern Harriers were only spotted once at STAMP this winter. Power Plug, the first tenant of the would-be industrial park, has clearly already chased them away; I can't imagine how many species the next two factories would disrupt.

A JOKE OF A "MITIGATION PLAN": The GCEDC (via CC Environment & Planning) claims that the killing or harming of these species can be justified through a mitigation plan which provides benefits for affected species even as it harms them. They claim that "a 1:1 (new/improved: impacted) ratio of quality habitat must be created or enhanced." By their own logic, as much land must be given to these species as is being taken from them: a 1:1 ratio. Even so, GCEDC aims to develop 665 acres of ideal habitat for these owls and harriers while only allotting two grassland fields to them, totaling only 58 acres. The ratio 665:58 acres is actually an 11:1 ratio whereby 11 times more land goes to greedy industry than to these endangered and threatened species.

While these species could use the entirety of STAMP land previously, industrial park conversion would mean that they could only use the few areas not converted to factories and parking lots. Taking a pitiful 58 acres of farmland and making it grassland would not benefit them in any substantial way, especially for Short-Eared Owls since they generally require unbroken tracks of at least 247 acres (Wiggins et al. 2006). Further, both grasslands and cultivated crops serve as primary habitats per the DEC's Short-eared Owl Special Status Assessment.

WHAT WOULD SCARE THE BIRDS AWAY:

1)**Construction:** GCEDC would like factory construction at STAMP to occur over the course of six stages over multiple years, scaring away birds over an extensive period with bulldozing, excavating, rerouting power lines, factory building, water storage tank construction, and creating parking lots.

2)**Buildings:** In addition to Plug Power's ongoing factory construction at STAMP, Edwards Vacuum intends to build two 1,750 foot-long factory buildings on top of two wetlands and Scannell intends to build three 1,219 foot-long factories.

3)**Parking lots:** In addition to Plug Power's lot, Edwards Vacuum would like to pave up to 500 parking spaces and Scannell aims to pave 991 parking spaces worth of habitat.

4)**Food source loss:** As insects, other birds, voles, and other small mammals flee the area for all of these reasons, then these endangered and threatened birds will lose their sources of food.

5)**People:** Over 9,000 people would be employed at STAMP according to GCEDC claims, most likely from far-away places. Yet even small groups of people commonly cause birds to flee their habitat.

6)**Vehicles:** GCEDC expects 2,749 vehicle trips at the Peak PM hour (which equates to 1 vehicle every 1.3 seconds), and 2,034 vehicle trips at the AM Peak hour (which equates to 1 vehicle every 1.77 seconds).

7)**Noise:** Construction, functioning factories, vehicles, and people would obviously create a lot of noise which would easily scare away birds and other animals.

8)**Light:** Nighttime lighting on 10 to 20-foot poles would further deter birds from visiting their habitats that are being renamed as STAMP.

9)**Air emissions:** Plug Power and Edwards Vacuum aim to house explosive liquids and gases, while the latter will emit various toxins into the air that can cause cancer and irritate the eyes and respiratory track of people and other animals. Scannell has not specified what they'd like to make and how it will pollute the environment.

The GCEDC (via CC Environment & Planning) claims that "mitigation will be required to offset unavoidable habitat impacts". Yet there is nothing "unavoidable" about allowing the habitat destruction of endangered and threatened species so that corporate leaders can massively expand their profits. I am outraged with the Article 11 Part 182 Take Permit proposal written on behalf of GCEDC; they need to get away from the land between these four reserves, and they should take Plug Power, Edwards Vacuum, and Scannell with them.

I have attached very intelligent comments from lawyer Arthur Giacalone, as well as a photo of a great many birds at the STAMP site. Thank you for your time and attention to this critical matter.

Sincerely,

Kirk Scirto, MD, MPH