



**VOTERS FOR
ANIMAL RIGHTS**

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By Email

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Voters for Animal Rights' comment on 6 NYCRR Part 182.5 - Listing of Endangered, Threatened, and Special Concern Species in New York

Voters for Animal Rights (VFAR), representing more than 60,000 humane voters in New York state, opposes the DEC's proposal to remove protections for numerous species of wildlife in New York State.

Given rapidly changing environmental variables and accelerating climate change, any effort to delist or down-list wildlife species should be taken with extreme caution. The DEC's proposal is apparently based on the 2015 State Wildlife Action Plan, itself predicated on data that is already several years old. The potential for harmful consequences in delisting these species are significant if not irreversible. VFAR strongly discourages the DEC from down-listing or delisting any of the proposed species, including:

- Cooper's hawk (delist)
- Ospreys (delist)
- Eskimo curlew (delist)
- Sharp-shinned hawk (delist)
- Hawksbill sea turtle (delist)
- Wolf (delist)
- Eastern cougar (delist)
- Humpback whales (delist)
- Bald eagle (down-list from threatened to special concern)
- Northern harrier (down-list from threatened to special concern)
- Peregrine falcon (down-list from endangered to special concern)
- Pied-billed grebe (down-list from threatened to special concern)

Furthermore, there is no clear basis to delist the following fish species: Black redhorse, Gravel chub, Lake chubsucker, Longhead darter, Mud sunfish, Silver chub, Spoonhead sculpin, and Streamline chub.



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While the DEC seeks to delist some species which may be extinct or extirpated, no such conclusive determinations have been made. For example, despite its presumed total extirpation from New York, the Eskimo curlew has not been declared extinct by U.S. Fish & Wildlife Service, which DEC cites as a basis for delisting.¹ Indeed, there have been reports of possible sightings of several of the species being delisted in New York State recently, particularly Eastern cougars² and wolves³.

As for species with increasing populations like ospreys and humpback whales, while recent data indicates that population numbers are increasing locally, this does not necessarily represent an overall population increase and that it is premature to draw any conclusions that would reduce protection for these animals.

With respect to whales, a number of unusual mortality events have been declared in the New York area between 2016 and 2019.⁴ The risk of ship strike is increasing, as well as increased likelihood of conflict caused by the development of offshore windmills.⁵ We are so fortunate to have these animals on a trend towards recovery, but it is absolutely vital to maintain protections for them.

The DEC should be increasing protections for wildlife, not reductions. Given that it could be several years until these determinations are revisited again and the potential for irreversible harm that might occur in the meantime, we strongly object to the DEC's proposed delistings.

¹ U.S. Fish & Wildlife Service, Eskimo curlew, See <https://ecos.fws.gov/ecp0/profile/speciesProfile?sId=6969>

² Upstate NY town warns residents of possible mountain lion in the area, by David Figura (June 7, 2019), Available at <https://www.newyorkupstate.com/outdoors/2019/06/upstate-ny-town-warns-residents-of-possible-mountain-lion-in-the-area.html>

³ Will Wolves Return To The Adirondacks?, by Mike Lynch (March 16, 2015), Available at <https://www.adirondackalmanack.com/2015/03/will-wolves-return-to-the-adirondacks.html>

⁴ NOAA, 2016–2019 Humpback Whale Unusual Mortality Event Along the Atlantic Coast, See <https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2019-humpback-whale-unusual-mortality-event-along-atlantic-coast>

⁵ Offshore Wind May Help The Planet — But Will It Hurt Whales? by Fred Mogul (December 5, 2019), Available at <https://www.npr.org/2019/12/05/782694371/offshore-wind-may-help-the-planet-but-will-it-hurt-whales>