

Commissioner Basil Seggos

New York State Department of Environmental Conservation

625 Broadway
Albany, New York 12233-0001

Dear Commissioner Seggos:

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Pursuant to Section 11-0311 of ECL Article 11, we are writing to you to request that your Department move to provide greater protection to three related Caprimulgid species which breed in New York State - the Whip-poor-will (*Antrosomus vociferus*), the Chuck-will's-widow (*Antrosomus carolinensis*), and the Common Nighthawk (*Chordeiles minor*) - by reclassifying their status. Currently, under NYCRR Part 182, the Whip-poor-will and Common Nighthawk are classified as Species of Special Concern and the Chuck-will's-widow is unclassified. We specifically recommend these species be provided stronger protection by classifying the Chuck-will's-widow as State Endangered, reclassifying the Common Nighthawk as State Endangered, and reclassifying the Whip-poor-will as a State Threatened species, the rationale for which is provided below.

North American Breeding Bird Survey

On a continental scale all three bird species have experienced significant population declines over the past several decades. For example, according to the North American Breeding Bird Survey Chuck-will's-widows experienced a 69% reduction from 1966 to 2015, while Common Nighthawks and Whip-poor-will declined 61% and 75%, respectively. With regard to the Common Nighthawk the 2014 State of the Birds Report stated it was a "common bird in steep decline".

New York State Breeding Bird Atlas

These continent-wide trends are mirrored by data trends in New York State, specifically in the two most recent New York Breeding Bird Atlas's which covered two five-year periods: in 1980 to 1985 and then twenty years later from 2000 to 2005. To provide a framework for adequate coverage and accurate work these censuses broke New York State into 5,335 one-kilometer sided squares. With regard to Chuck-will's-widows, the 2005 Atlas documented birds in 62% less quadrangles than the 1985 Atlas. Specifically, this species was a possible, probable, or confirmed breeder in a total of 21 quadrangles in 1985 and only 8 in 2005, with only one quadrangle in which breeding was confirmed. For Common Nighthawks there were 477 quadrangles that contained possible, probable, or confirmed breeding birds in the 1985 Atlas; this declined to 138 quadrangles in 2005, a 71% decline. Perhaps more alarmingly, breeding was confirmed in only eight of the 138 quadrangles. Lastly, for Whip-poor-wills they were detected in 564 quadrangles in the 1985 Atlas, dropping to 241 in the 2005 Atlas, a decline of 57%. They were confirmed as breeders in only eight quadrangles.

Following is the information as presented in the 2005 NYS Breeding Bird Atlas:

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NYS 2000-2005 Breeding Bird Atlas

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Chuck-will's widow

	1980-85	2000-2005
Possible	8	1
Probable	12	6
Confirmed	1	1

Total	21	8
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This represents an overall reduction of 62%.

Whip-poor-will

	1980-85	2000-2005
Possible	242	80
Probable	306	153
Confirmed	16	8
Total	564	241

This represents an overall reduction of 57%.

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Common Nighthawk

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	1980-85	2000-2005
Possible	262	89
Probable	170	41
Confirmed	45	8

Total 477 138

This represents an overall reduction of 71%.

As far back as the 1985 NY Breeding Bird Atlas ornithologists expressed concern about the status and population trend regarding Common Nighthawk, as a breeding bird in New York State. The account for the species begins: “The crepuscular Common Nighthawk appears to be in trouble, declining throughout most of New York; it deserves close attention over the coming decade. An uncommon extremely local breeder throughout the state, it is listed as a Species of Special Concern by the NYSDEC and is on the 1986 *American Birds*’ Blue List (Tate 1986).” As noted above, since that time the species appears to have experienced a highly significant decline, with a 71% drop in the number of Atlas quadrangles in which it was detected.

We recognize the NYS Breeding Bird Atlas and North American Breeding Bird Survey, while being useful in determining population trends, both have significant limitations for estimating or extrapolating population size and are, in fact, crude indicators for determining population size. Still, they provide some insight as to the trend in species’ numbers and for the goatsucker species indigenous to New York, the trend is one of rapid decline. We view this trend with great alarm and concern.

The causes for the decline of these species is not fully understood although the following have been implicated:

- 1) Direct loss and fragmentation of breeding, migratory, and overwintering habitat.

- 2) A reduction in the abundance of numerous prey species, in the form of aerial insects, ranging from large Saturnid moths and larger beetles for the two nightjar species and smaller aerial insects (referred to as ‘aerial plankton’) for the nighthawk species. Since many other bird species which belong to the guild of “aerial insectivores” along with Caprimulgids, such as swallows, swifts, and flycatchers are also declining, a widespread reduction in aerial prey abundance has been implicated as the cause for their declining numbers.

To provide greater protection to these declining bird species the signatories below urge the Chuck-will’s-widow be classified as State Endangered, the Common Nighthawk be reclassified as State Endangered, and the Whip-poor-will be reclassified as State Threatened, as these classifications, we believe, more closely match their current level of endangerment in New York State. This enhanced classification will allow for the Department, state and local land management agencies, and local regulatory agencies and boards to more adequately and extensively consider the impact of the actions, programs, and approvals they make on the welfare of these declining species.

Sincerely,

John Turner, Conservation Chair, Four Harbors Audubon Society

19 Main Street, Setauket, NY 11733 also,

for and on behalf of:

Enrico Nardone, Executive Director, Seatuck Environmental Association

550 South Bay Avenue, Islip, NY 11751

Carl Safina, Founding President, The Safina Center, 80 North Country Road, Setauket, NY 11733

Andy Mason, Conservation Chair, New York State Ornithological Association

Audubon New York, P.O. Box 25, Long Lake, NY 12847

Jillian Liner, Director of Bird Conservation, Audubon of New York, 159
Sapsucker Woods Road, Ithaca, NY 14850

Byron Young, President, Eastern Long Island Audubon Society, P. O. Box 206

East Quogue, New York 11942-0206

Joyann Cirigliano, President, Four Harbors Audubon Society

Joseph Kelly

Sue Avery

Georgia Turner

Elaine Maas

Patrice Domeischel

Sue Beck

Luci Betti-Nash

Patricia Paladines

Luke Ormand

Please respond to:

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