

The New York State Bird Conservation Area (BCA) Program: A Model for the United States¹

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Abstract

The New York State Bird Conservation Area (BCA) Program, modeled after the National Audubon Society's Important Bird Areas Program, is based on legislation signed by Governor Pataki in 1997. New York is the first state in the nation to enact such a program. The BCA Program seeks to provide a comprehensive, ecosystem approach to conserving birds and their habitats on state lands and waters, by integrating bird conservation interests in agency planning, management, and research projects, within the context of agency missions. Several state agencies and conservation organizations are involved in the BCA Program through representation on the Advisory Committee. Since 1998, 25 BCAs have been designated, totaling nearly 73,000 ha (more than 180,000 acres). These sites cover a diversity of habitats across the state, including wetlands along the Niagara River, Lake Ontario, and Long Island Sound; forests in Central New York and along the Hudson River where Cerulean Warbler (*Dendroica cerula*) nest; and high elevation forests in the Adirondack and Catskill Mountains that are home to Bicknell's Thrush (*Catharus bicknelli*). The BCA program employs 4 full-time biologists who work with local site managers to complete management guidance summaries and plan research, management, and interpretive projects for the sites. Management, research, and interpretive projects initiated to date include kiosks and trailside panels containing interpretive materials; invasive plant management; surveys for marsh birds, Cerulean Warblers, and Prothonotary Warblers (*Protonotaria citrea*); and a handicap-accessible plank walkway and viewing platform. See <http://www.dec.state.ny.us/website/dfwmr/wildlife/bca/> for more information.

Key words: BCA, environmental conservation law, IBA, interpretive projects, New York, public land, site management.

The New York State Bird Conservation Area (BCA) Program is based on legislation signed by Governor Pataki in 1997 (*Appendix I*). New York is the first state in the nation to enact such a program, which is modeled after Audubon's Important Bird Area program. This legislation established criteria for designating BCAs on state-owned lands and waters, and seeks to safeguard and enhance bird populations and their habitats on these areas, within the context of the mission of the agency that owns the land. The legislation created a BCA Program Advisory Committee that meets twice annually to advise state agencies on the designation, management, educational research and use of sites identified as part of the New York State Bird Conservation Program. Several state agencies and conservation organizations are involved in the BCA Program through representation on the Advisory Committee.

Detailed criteria for designating BCAs are included in the legislation (*Appendix I*). An area can be designated as a BCA if it is judged as important habitat for one or more species. Importance is based on: large numbers of waterfowl, pelagic seabirds, shorebirds, wading birds, or migratory songbirds; high numbers of a diverse assemblage of bird species; an unusual species assemblage; species at risk; or a bird research site.

These criteria allow designation of sites that are very specific in their species use and/or habitat; sites that provide habitat for a high diversity of species; and also for species for which an area has a significant percentage of the global population, and therefore, a high responsibility for conservation of that species. Sites will vary from relatively small areas such as colonial nesting bird islands, to large areas such as entire Wildlife Management Areas or State Forest units that support a unique assemblage or diversity of bird species for which New York State has a high responsibility for conservation.

The ultimate goal of the BCA Program is to ensure that conservation of native bird species and their habitats on state lands and waters are explicitly considered in agency planning, management and research projects, within the context of agency missions. In some cases, that mission may supercede what may be best for bird conservation, but awareness of the most important

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avian resources should ensure that impacts are minimized.

The BCA Program is non-regulatory and is meant to be a cooperative effort involving BCA program staff with central office and regional staff responsible for managing state lands. BCA Program staff has expertise in bird conservation that can help land managers understand the implications of land management decisions on avian resources. BCA Program staff will work with regional staff on issues related to bird conservation on state lands to help elevate the awareness, need, and opportunities for bird conservation. BCA Program staff may make recommendations on how to better manage for bird conservation, but the actual land managers will continue to make the decisions on what they will or can implement.

Designation of a site does not mean that the site will become a bird sanctuary or preserve to be set aside. Active management of these sites for wildlife, forestry, and recreation will continue, and in some case will be necessary to maintain habitat for bird species of concern. Many species of birds use or require early successional habitats, including grasslands, shrublands, and early successional forests. The amount of these habitats in New York and the Northeast has been shrinking for many decades as open lands have reverted to forests. Most species that rely on these early successional habitats are in long-term decline. Likewise, marshes need periodic management to maintain a healthy ecosystem and provide diverse habitats, such as a mix of emergent vegetation and areas of open water that can accommodate many birds, including waterfowl, bitterns, and Black Terns (*Chlidonias niger*). Similarly, many forest birds would benefit from removal of at least some trees to promote more understory and shrub layer growth for the benefit of species such as Chestnut-sided (*Dendroica pensylvanica*), Black-throated Blue (*Dendroica caerulescens*), and Canada Warblers (*Wilsonia canadensis*). With cooperation, management can be accomplished that will maintain or enhance habitat for birds, in concert with the host of other purposes for which state lands are managed.

Perhaps the most important benefit of the BCA Program is to the birds and their habitats. As managers

become more aware of opportunities for bird conservation, and the effect of management decisions on birds, birds will benefit. BCAs also can serve as model stewardship programs for bird conservation on state or private lands. In addition, the BCA Program can help identify and implement research, monitoring, and educational programs. The BCA Program has a standard 4-panel design for kiosks that provide a great opportunity for communicating bird conservation messages. We purchase the lumber, help with design, and get professional quality panels produced. We also can help with planning and preparation of grant proposals, and requests for other funds for management, research, and education. An indirect benefit of the program is that BCA program staff continue to develop expertise in bird conservation and management that can be applied to other land areas and issues that state agencies face.

Designation of a BCA will not directly affect existing recreational activities, unless the local land manager decides that a conflict exists. It will result in better opportunities to view birds, better overall management for bird conservation, and improved information to explain why this area is important for birds.

Since 1998, 25 BCAs have been designated (*table 1; fig. 1*), totaling nearly 73,000 ha (more than 180,000 acres). These sites cover a diversity of habitats across the state, including wetlands along the Niagara River, Lake Ontario, and Long Island Sound; forests in Central NY and along the Hudson River where Cerulean Warblers nest; and high elevation forests in the Adirondack and Catskill Mountains that are home to Bicknell's Thrush. The BCA program employs four full-time biologists who work with local site managers to complete management guidance summaries and plan research, management, and interpretive projects for the sites. Management, research, and interpretive projects initiated to date include kiosks and trailside panels containing interpretive materials; invasive plant management; surveys for marsh birds, Cerulean Warblers, and Prothonotary Warblers; and a handicap-accessible plank walkway and viewing platform. For more information, see <http://www.dec.state.ny.us/website/dfwmr/wildlife/bca/>.

Table 1— *New York State Bird Conservation Areas (BCAs) and their location, size, and date designated*

BCA name	County	Size (ha)	Date designated
David A. Sarnoff Pine Barrens Preserve	Suffolk	941	31 August 1998
Eastern Lake Ontario Marshes	Oswego, Jefferson	1,999	31 August 1998
Buckhorn Island	Erie	259	31 August 1998
Iona Island/Doodletown	Rockland	607	31 August 1998
Catskill High Peaks	Greene, Ulster	1,497	10 June 1999
Nissequogue River	Suffolk	62	28 April 2000
Montezuma Wetlands Complex	Seneca, Wayne, Cayuga	2,610	5 May 2000
Braddock Bay	Monroe	1,043	5 May 2000
Mongaup Valley	Sullivan	4,843	16 June 2000
Bashakill	Sullivan	896	16 June 2000
Fahnestock State Park - Hubbard Perkins Conservation Area	Putnam	4,249	29 September 2000
Constitution Marsh	Putnam	109	18 May 2001
Sterling Forest®	Orange	6,812	26 October 2001
Harbor Herons	Richmond	45	17 November 2001
Perch River	Jefferson	3,182	17 November 2001
Adirondack Sub-alpine Forest	Essex, Franklin, Hamilton	27,924	17 November 2001
Champlain Marshes	Clinton, Essex, Washington	1,133	9 March 2002
High Tor	Ontario, Yates	2,469	12 March 2002
Schodack Island	Rensselaer, Columbia, Greene	350	19 June 2002
Carter's Pond	Washington	181	22 October 2002
Oak Orchard/Tonawanda	Niagara, Orleans, Genesee	3,285	22 October 2002
Pharsalia	Chenango	4,047	22 October 2002
Upper and Lower Lakes	St. Lawrence	3,554	22 October 2002
Ashland	Jefferson	824	6 May 2003
Long Pond	Chenango	159	6 May 2003

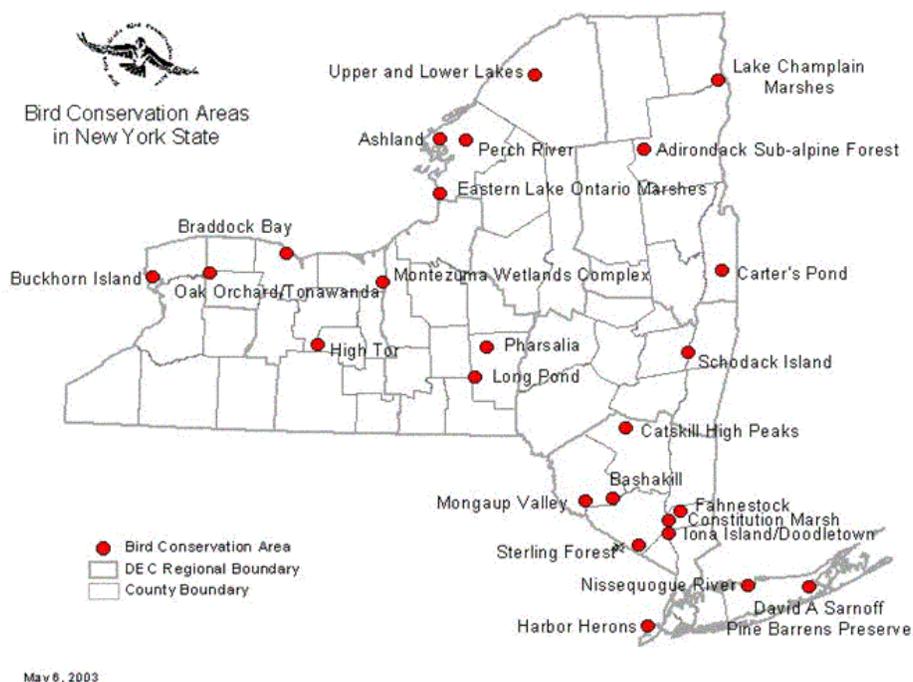


Figure 1— Map of New York State showing the locations of existing Bird Conservation Areas.

Appendix 1. New York State Bird Conservation Area Law

New York State Consolidated Laws

Environmental Conservation

TITLE 20

NEW YORK STATE BIRD CONSERVATION AREA PROGRAM

Section 11-2001. New York state bird conservation area program.

Section 11-2003. Advisory committee.

S 11-2001. New York state bird conservation area program.

1. There shall be created a New York state bird conservation area program which shall consist of such state-owned waters, lands, or portions thereof as are necessary to safeguard and enhance populations of wild birds native to New York state and the habitats therein that birds are dependent upon for breeding, migration, shelter, and sustenance.
2. Any property designated shall be described and depicted upon a map and a copy of any and all such documents shall be forwarded to the commissioner for inventory, research, and reference purposes for the general public. A master inventory list and maps of properties that are designated as part of the New York state bird conservation area program shall be kept on file by the commissioner who shall also deposit a copy of such at the New York state museum and science service, and at the Cornell Laboratory of Ornithology.
3. For purposes of this title the term "important bird area" shall mean a site providing habitat to one or more species of breeding or non-breeding birds bounded by natural or anthropogenic features or boundaries. To be eligible for designation under this section a site must be an important bird area. Any site that meets or matches one or more of the following criteria in this subdivision shall be eligible for designation as part of the New York state bird conservation area program because it is an important bird area.

- a. Waterfowl concentration site: a location that regularly supports at least two thousand birds such as loons, grebes, cormorants, geese, ducks, coots, and moorhens.
- b. Pelagic seabird site: a location that regularly supports at least one hundred birds of open water such as shearwaters, storm-petrels, terns, fulmars, gannets, jaegers, alcids, and other like birds and/or ten thousand gulls at one time during some part of the year so long as the primary food source for such birds is not anthropogenic.
- c. Shorebird concentration site: a location that supports at least three hundred birds such as plovers, sandpipers, and other like birds during some part of the year.
- d. Wading bird concentration site: a location that supports at least one hundred birds such as bitterns, herons, egrets, ibises, and other like birds during some part of the year.
- e. Migratory concentration site: a location that is a flight corridor rest stopover site for an exceptional number or diversity of migratory songbirds during either spring or fall seasons.
- f. Diverse species concentration site: a location that supports a distinctive group of indigenous bird species that is the consequence of local habitats that are resultant of unique vegetational, geological, geographical, topographical, or microclimatological circumstances.
- g. Individual species concentration site: a location that supports at least one bird species during one or more seasons of the year as a regionally unique, dense (for the species) population.
- h. Species at risk site: (1) a location that supports a significant population of a species that is listed either federally or by New York state as endangered, threatened, or of special concern, or (2) which supports a species that is verified by either the commissioner or the state ornithologist as being rare or declining within New York state, or (3) an exceptional, rare, or remnant native habitat, vegetative community, or landscape segment that supports one or more significant habitat dependent populations of wild bird species.

- i. Bird research site: a location where a wild bird population research and/or monitoring project of at least five consecutive years duration is conducted and contributes to the science of ornithology and/or bird conservation policy through publicly accessible scholarly and/or scientific publications.
4. Designation may be accomplished either by (a) the commissioner; (b) the commissioner of parks, recreation and historic preservation; or, (c) the secretary of state, for such appropriate properties as may exist within their respective jurisdictions and consistent with their respective missions.

S 11-2003. Advisory committee.

There shall be created within the department a New York state bird conservation area program advisory committee whose non-governmental members shall serve without pay, meet not less than twice each year,

and whose sole purpose shall be to advise as to the designation, management, educational research and utilization of those sites that are individually designated as part of and collectively comprise the New York state bird conservation area program. Provided, however, the utilization of such sites shall be consistent with the respective missions of the department, the office of parks, recreation and historic preservation and the department of state. In addition to representatives of the department, the advisory committee shall consist of, but not be limited to one representative each from the department of state, the Conservation Fund Advisory Board, the Conservation Council, the office of parks, recreation and historic preservation, the state museum, Cornell Laboratory of Ornithology, the Nature Conservancy, the National Audubon Society, Ducks Unlimited, the New York State Biodiversity Research Institute, and the Federation of New York State Bird Clubs. The commissioner may appoint additional members as appropriate, who shall serve at his pleasure.