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Via Email

September 17, 2025

Ms. Brianna Denoncour
SWAP Coordinator
Division of Fish and Wildlife
New York State Department of Environmental Conservation
625 Broadway
Albany, NY. 12233-4754

Re: Comments on Draft State Wildlife Action Plan

Dear Ms. Denoncour:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit these comments on the draft State Wildlife Action Plan (SWAP) prepared by the Department of Environmental Conservation ("DEC").

We commend DEC for the comprehensive and diligent work reflected in the draft SWAP. The effort to assemble, evaluate, and verify the extensive body of scientific research regarding the status and threats to hundreds of species is significant. We also applaud the professionalism and transparency exhibited by DEC throughout this lengthy process.

However, we are deeply concerned by DEC's decision to exclude Canada lynx (*Lynx canadensis*), cougar (*Puma concolor*), and wolf (*Canis lupus*) from the list of Species of Greatest Conservation Need (SGCN). This exclusion is especially troubling in light of their inclusion in the 2005 SWAP, the many public comments supporting their continued recognition, and the robust scientific justification for doing so.

Excluding these species sends a misleading signal to the public and stakeholders that there is no potential for re-establishing breeding populations in New York. It represents a step backward from DEC's earlier recognition of their conservation significance and is inconsistent with the Department's own Species Status Assessments (SSAs), New York's endangered species listings, and the actions of peer agencies in other states.

Protect the Adirondacks

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If DEC ultimately decides not to include these species in the SGCN list, we strongly urge the reinstatement of the “Species of Potential Conservation Need” (SPCN) category—used in the 2015 SWAP but omitted in the current draft. As noted in the draft, this category was designed to include at-risk species for which the Department lacks sufficient data regarding their status or distribution. By DEC’s own acknowledgment, this applies to the wolf, cougar, and lynx. At a minimum, they warrant inclusion in this category.

We also urge DEC to reinstate the common loon (*Gavia immer*) to the SGCN list and the SWAP. Downward trends in reproductive success and continued threats to this species and its habitat warrant inclusion.

The Draft SWAP’s Rationale for Excluding Large Carnivores is Flawed

The draft SWAP repeats the 2015 rationale for excluding wolves, cougars and lynx from the SGCN list: that conservation efforts should focus on at-risk species currently present in New York. This reasoning is flawed on several levels:

1. Ecosystem Benefits are Ignored: Substantial scientific evidence demonstrates that apex predators contribute significantly to ecosystem health through trophic cascades. Their return can bring ecological balance, stimulate biodiversity, and provide economic benefits through eco-tourism. These benefits are acknowledged in the draft SWAP but are inexplicably disregarded as justification for inclusion, and the draft does not explain why these conceded benefits are insufficient for including wolves, cougars and lynx in the SWAP.
2. No Basis for Assuming Absence: DEC claims these species are absent from New York but has not undertaken comprehensive monitoring to support this conclusion. Given confirmed sightings and the mobile nature of these species, this assumption lacks a sound scientific basis. In fact, as discussed below, it is entirely possible that one or more of these species are currently present in New York.
3. Resource Allocation Argument is Misleading: With over 500 species currently listed as SGCN, it is unrealistic to argue that adding three more would hinder conservation efforts or divert focus from the most at-risk species. DEC will inevitably prioritize its conservation efforts among species based on multiple factors, as it does already.
4. Reintroduction is Not the Sole Conservation Path: Contrary to the implication in the draft, inclusion in the SWAP does not mandate reintroduction. Other conservation options are available, including maintaining or expanding existing protections of suitable habitat for these species, systematic monitoring to determine status and distribution, and public education.

Failure to Include Large Carnivores Sends the Wrong Message

Omitting wolves, cougars, and lynx from the SWAP conveys an inaccurate and unhelpful message that there is no future for these species in New York. This undermines public understanding of

conservation potential and discourages proactive, science-based management. It is important for the public to understand that although breeding populations of these species may not currently exist in New York, the presence of suitable habitat and prey populations provide the foundation for eventual re-establishment of these species in the State.

In the case of wolves specifically, this omission undermines DEC's own efforts to reduce unintentional killings. The SSA acknowledges that the primary threat to wolves is misidentification by hunters. Educating the public—especially hunters and trappers—about the presence of wolves is a critical step in protecting them. Excluding wolves from the SWAP contradicts this effort and may increase risks to the species by leading the public to believe that wolves have disappeared from New York forever.

Omission From the SWAP Inconsistent With the SSAs

The SSAs prepared by DEC make clear that there is potential for Canada lynx, cougar and wolves to re-establish breeding populations in New York. For example, the SSA for Canada lynx acknowledges that at least one breeding population of lynx has been confirmed in Vermont and that there have been numerous confirmed lynx sightings in that state. As the SSA acknowledges, “[l]ynx . . . make long distance exploratory movements outside their home range,” and it is therefore entirely possible that lynx from Vermont may extend their range into New York in the coming years. In addition, the Canada lynx reintroduction program that occurred in 1989-1991 in the Adirondack Park released 83 animals, of which at least 11 released lynx remain unaccounted for and may still be present. Under these circumstances, we suggest that there is no reasonable basis for excluding Canada lynx from the SWAP.

The SSA for cougars notes that “[t]he Adirondacks provide the highest quality cougar habitat in New York” and that “the Park would be able to support between 150 and 350 cougars, based on habitat quality and estimated white-tailed deer . . . densities.” Given the acknowledged suitability of habitat and prey densities in the Adirondacks for cougar, there is no reasonable basis for excluding this species from the SWAP.

The SSA for wolves notes that there have been two documented killings of wild wolves in New York (in 2001 and 2021). DEC also recognizes (although it is not noted in the SSA) that a nearly 100-pound wolf was killed in 2005 in Cayuga County, and that DNA tests conducted by U.C. Davis and the U.S. Fish and Wildlife Service determined that the animal was a wolf. It is therefore inaccurate to claim that wolves have been extirpated (do not exist in a wild state) in New York, particularly in the absence of any systematic monitoring effort to ascertain the presence of wolves in the State. We therefore suggest that there is no basis for excluding wolves from the SWAP.

Omission of Wolves and Cougars is Inconsistent With DEC's Regulations and Actions of Other States

Cougar and wolves are listed by DEC as endangered species pursuant to Environmental Conservation Law (“ECL”) § 11-0535. *See* 6 NYCRR §§ 182.5(a)(6)(ix), (x) (listing cougar and wolves as endangered species in New York). The New York endangered species law defines an “endangered species” as “those species of fish, shellfish, crustacea and wildlife designated by the

department . . . *as seriously threatened with extinction*. ECL § 11-0535(1); (emphasis added). On this ground alone, these two species should be included in the SWAP.

Furthermore, DEC's approach diverges from the practices of numerous other states—including Maine, Massachusetts, Michigan, Minnesota, New Hampshire, Pennsylvania, and Vermont—all of which include all state-listed endangered species in their SGCN lists. Notably, Maine, New Hampshire, and Vermont have included wolves and cougars in their most recent SWAPs. We urge DEC to adopt a consistent and science-based approach by following suit.

The Common Loon Should be Included on the SGCN List and the SWAP

The 2015 SWAP included the common loon on the SGCN list. However, DEC is proposing to remove this species from the 2025 SWAP. We urge DEC to reconsider the proposal based on the following:

Threats to Loons Still Persist

Loons in New York continue to face a range of threats that endanger their survival and reproductive success, including:

Shoreline development. Increasing residential and commercial development around lakeshores reduces the availability of quiet, suitable nesting habitats. This forces loons to nest in suboptimal areas or abandon nesting entirely. Development also leads to increased human activity and disturbance.

Human Disturbance: Recreational activities such as boating, fishing, and kayaking frequently disturb nesting loons, causing temporary or permanent nest abandonment. Exposed eggs are then left vulnerable to both predators and environmental conditions. Increased human presence also correlates with a rise in opportunistic nest predators such as raccoons, gulls, and crows.

Toxic Contaminants: Mercury and lead remain serious threats to loon health and reproduction. As top predators, loons are sensitive bioindicators of ecosystem health, and pollutants accumulate in their bodies. Ingestion of lead fishing tackle is a known and often fatal source of lead poisoning in loons.

Climate Change: Loons are increasingly affected by climate-related changes, especially in the Adirondack Park, which marks the southern edge of their range. Rising temperatures and more intense rainfall events, particularly in May and June, contribute to nest flooding, a leading cause of recent nest failures. In 2024, a significant number of loon nest failures were attributed to flooding.

Adirondack Loon Reproductive Success is Declining

Data from the Adirondack Center for Loon Conservation show a troubling decline in loon reproductive success across the Adirondack region.¹ Although adult loon populations and lake occupancy have remained stable—or even increased—the percentage of lakes where chicks are observed has been steadily decreasing since 2001.

Given that loons already have naturally low reproductive rates, this downward trend raises serious concerns. Any additional threats, such as climate change and human interference, could further compromise the species' long-term viability in New York.

Removal Will Undermine Conservation Efforts

Lead poisoning remains one of the leading causes of adult loon mortality in New York. Removing loons from the SGCN list and the SWAP would weaken ongoing efforts to pass legislation banning toxic lead fishing tackle and diminish broader conservation initiatives. Removal would signal a step backward in protecting this iconic species and would risk reversing decades of conservation progress.

Given the continued and growing threats it faces—particularly regarding reproductive success and environmental stressors—we strongly urge the DEC to retain the common loon on the SGCN list and in the 2025 SWAP. Doing so is critical to supporting conservation actions and ensuring the long-term survival of this important species in New York.

Conclusion

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to share our comments on the draft SWAP. We urge DEC to reconsider its decision and ensure that Canada lynx, cougar, wolf, and the common loon are appropriately included in the SWAP—either as SGCN or, at the very least, under the reinstated SPCN category. Doing so would reaffirm New York's commitment to ecological integrity and sound wildlife conservation practices.

Sincerely,



Christopher Amato
Conservation Director and Counsel

¹ Adirondack Center for Loon Conservation, Summary of the New York Annual Loon Census Results, 2001-2024, available at <https://static1.squarespace.com/static/57dade1a59cc6819439278dd/t/680680ed0c477266a79b0acd/1745256686360/2001-2024+NY+Loon+Census+Summary+for+web-2>