



## MEMORANDUM OF SUPPORT

### S.25 (Hoylman) / A.4055 (Englebright)

**AN ACT to amend the environmental conservation law, in relation to enacting the "bird-friendly building council act".**

Audubon New York, New York City Audubon, Four Harbors Audubon Society, and the Seatuck Environmental Association strongly support S.25 (Hoylman) / A.4055 (Englebright), which would create a bird-friendly building council to address bird collisions with human-made structures. The bird-friendly building council would: (i) review the impact of bird collisions and resulting mortalities, (ii) develop guidelines for identifying buildings that pose the greatest threat for collisions, (iii) identify products and technologies that can help reduce or eliminate bird collisions, (iv) identify funding for retrofitting problematic structures, and (v) develop a set of standards governing bird-friendly building design.

Bird collisions with buildings are the second largest anthropogenic source of bird mortalities – killing an estimated 300 million to 1 billion birds each year.<sup>i</sup> The most vulnerable species are those that migrate through or to New York State; including several species of concern, such as the Canada Warbler, Wood Thrush, and American Woodcock. Window strikes are also a leading cause of urban mortality for Sharp-shinned Hawks, Cooper's Hawks, Merlins, and Peregrine Falcons.<sup>ii</sup>

Generally, the more glass on a building, the greater the danger to birds in flight. Birds experience difficulty in seeing clear or reflective glass, and typically don't recognize windows as barriers. During the day, reflective windows can mirror the landscape around them and clear glass can make birds think that habitat or sky is on the other side. Both of these circumstances create false illusions that can lead birds to collide with windows. And at night, migrating birds can be attracted to lighted structures or devices such as aircraft warning lights and become disoriented, which can also lead to collisions.

Incorporating bird-friendly designs can reduce collision deaths by up to 90 percent. In New York State we have seen how successful bird-friendly design can be. The Javits Center, which features a 760,000-square-foot exhibition hall covered with glass, used to be one of the deadliest buildings for birds in New York City.<sup>iii</sup> Renovations on the hall incorporated bird-friendly design principles and subsequently reduced bird collisions by 95 percent.<sup>iv</sup> Additionally, four college campuses in New York State have undertaken efforts to reduce the frequency of bird collisions on their campuses, including Vassar College, Columbia University, SUNY Brockport, and SUNY Stony Brook.

Bird collisions can be mitigated through the adoption of bird-friendly design principles. Many of these are low in cost and easy to implement for new development. The bird-friendly building council will help to develop uniform standards for bird friendly-building design and serve as a guide for both the State and municipalities wishing to adopt bird-friendly policies.

For these reasons, we strongly support S.25 (Hoylman) / A.4055 (Englebright) and urge the legislature to pass this bill.

*Audubon New York works with a network of 65,000 members, hundreds of volunteers, 27 local Audubon Chapters, and dozens of other partners to achieve its mission of protecting birds and their habitats through science, advocacy, education, and on-the-ground conservation programs. If you have any questions or would like more information, please contact Erin McGrath, Policy Manager at Audubon New York at 518-869-9731 or [emcgrath@audubon.org](mailto:emcgrath@audubon.org).*

## NYS Birds Under Threat

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**American Woodcock**  
*Scolopax minor*

**Description:** This rotund, short-legged bird hides in forest thickets by day, where it uses its long bill to probe in damp soil for earthworms. Its eyes are set far back on its head, allowing it to watch for danger even with its bill buried in the dirt. Males perform a remarkable "sky dance" on spring and summer nights, in a high, twisting flight, with chippering, twittering, bubbling sounds.

**Conservation Status:** Probably declining in eastern United States. Still reasonably common overall.

**Habitat:** Wet thickets, moist woods, brushy swamps. Favors a mix of forest and open fields, often spending day in the forest, night in the open. Mostly in deciduous or mixed woods with much young growth and moist soil, such as thickets along streams. At night may be in open pastures, abandoned farm fields, open swamp edges.

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**Wood Thrush**  
*Hylocichla mustelina*

**Description:** The Wood Thrush sometimes nests in suburbs and city parks, and it is still common in many eastern woodlands, where its flutelike songs add music to summer mornings. However, numbers of Wood Thrushes have declined seriously in recent decades, focusing the attention of conservationists on the problems facing our migratory birds.

**Conservation Status:** Numbers have declined seriously in recent decades. Cowbirds lay many eggs in their nests, so the thrushes often raise mainly cowbirds, with few young of their own. As forests are cut into smaller fragments, it apparently becomes easier for cowbirds to penetrate these small woodlots and find more of the thrush nests.

**Habitat:** Mainly deciduous woodlands. Breeds in the understory of woodlands, mostly deciduous but sometimes mixed, in areas with tall trees. More numerous in damp forest and near streams than in drier woods; will nest in suburban areas where there are enough large trees. In migration, found in various kinds of woodland.

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**Peregrin Falcon**  
*Falco peregrinus*

**Description:** One of the world's fastest birds; in power-diving from great heights to strike prey, the Peregrine may possibly reach 200 miles per hour. Although it is found on six continents, the Peregrine is uncommon in most areas; it was seriously endangered in the mid-20th century because of the effects of DDT and other persistent pesticides.

**Conservation Status:** Concentrations of pesticides from its prey caused widespread failure to reproduce during 1940s-1970s, and species disappeared from much of former breeding range. Has been reintroduced in many temperate areas in North America, and Arctic nesting populations have recovered somewhat also. Current populations appear to be stable or increasing.

**Habitat:** Open country, cliffs, and sometimes cities. Over its wide range, found in wide variety of open habitats, from tundra to desert mountains. Often near water, especially along coast, and migrants may fly far out to sea. Limited by availability of nest sites and prey; thus, it often moves into cities, nesting on building ledges and feeding on pigeons.

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<sup>i</sup> S. R. Loss, T. Will, S. S. Loss, and P. P. Marra. Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor: Ornithological Applications* 116:8–23, Q 2014 Cooper Ornithological Society.

<sup>ii</sup> Hager, Stephen B. 2009. "Human-Related Threats to Urban Raptors." *Journal of Raptor Research* 43 (3): 210–26. <https://doi.org/10.3356/JRR-08-63.1>.

<sup>iii</sup> Foderaro, Lisa. Renovation at Javits Center Alleviates Hazard for Manhattan's Birds. *New York Times*. <https://www.nytimes.com/2015/09/05/nyregion/making-the-javits-center-less-deadly-for-birds.html>

<sup>iv</sup> Gendall, John. How Architects Are Designing Buildings With Birds in Mind. *Architectural Digest*. <https://www.architecturaldigest.com/story/how-architects-designing-buildings-birds-mind>