

# Proposal for Critical Habitat Designation

## STATE OF VERMONT ENDANGERED SPECIES COMMITTEE

This form is designed to assess whether the area proposed for critical habitat designation meets the legal definition of critical habitat and to provide guidance on the feasibility of designation.

In Act 145, critical habitat is defined as a delineated area within the geographical area currently or historically occupied by the species that:

Has identifiable and concentrated physical or biological features that are decisive to the survival of a population,  
AND  
is necessary for conservation or recovery,  
AND  
may require special management considerations or protection.

### Document Outline:

- I. Species Background Information
- II. Geographic Extent of Proposed Critical Habitat
  - A. Primary Information
  - B. Current or Historic Occupation?
- III. Is critical habitat necessary for conservation or recovery?
  - A. Factors (1-10) justifying this assessment
- IV. Management Considerations
- V. Social, Economic, and Political Factors
  - A. Potential overlap with designated growth and development areas
  - B. Effect on landowners and other stakeholders
- VI. Supplementary Documentation and Data
  - A. Additional materials
    - 1. References: Species' life history
    - 2. References: Habitat quality, reasons it's critical, etc.
    - 3. Other additional materials
  - B. Additional information
    - 1. Additional species
    - 2. Other relevant information
- VII. Signatures

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Please provide a brief (< 1 page) executive summary of the proposal.

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**I. Species Background Information**

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|--|--|
| 1. Scientific Name:  | 7. <u>Surrounding State &amp; Provincial Status:</u> |
| 1. Common Name:  | Maine:   |
| 3. Species Code ( <i>Department use only</i> ):                                    | New Hampshire:                                       |
| 4. Current Vermont Status (and date listed):                                       | Massachusetts:                                       |
| 5. Federal Status:   | New York:  |
|  | Quebec:  |
| 6. Is critical habitat being proposed concurrently with a T&E listing? ____Y ____N |  |

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**II. Geographic Extent of Proposed Critical Habitat**

Critical habitat must be composed of physical or biological features that are identifiable, concentrated, and decisive to the survival and recovery of a population of the species at any stage of its life cycle.

**A. Provide:**

1. A general description of critical habitat for this species.
2. A map showing the proposed critical habitat AND geo-referenced data files supporting the proposal (for species that are at potential risk for illegal takes, spatial data will be redacted and only released upon specific request by an approved user).
3. A list of the counties and towns in which critical habitat is proposed.
4. A description of how the proposed area of critical habitat meets the criteria of "identifiable and concentrated."
5. Justification for why this critical habitat is "decisive to the continued survival and recovery of a population of the species at any stage of its life cycle."

6. A description of the reasoning behind, and the process of, identifying and delineating the precise geographical area for potential designation as critical habitat (Relevant references can be attached in Section VI: Part A).

*Note* that negative impacts made on the critical habitat following its designation will be considered a take and any premeditated actions causing such negative impacts will require the filing for and issuance of a permit (negative impacts including, but not limited to, disturbance and degradation with respect to changes from the condition of critical habitat at the time of designation).

**B. Is the proposed critical habitat currently or historically occupied by the species?**

In Act 145, critical habitat that is delineated outside the area occupied by the species **at the time of listing** must have been historically occupied by the species; OR contain hydrologically connected habitat OR is directly adjacent to occupied habitat (*in addition to* the core legal requirements that the habitat has identifiable and concentrated physical or biological features that are decisive to survival of a population AND is necessary for conservation or recovery of the species).

**Is the species currently found within the entire area proposed for critical habitat?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

If No, please elaborate based on the language in Act 145 noted above.

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**III. The proposed critical habitat must be necessary for the conservation or recovery of this species.**

Use the following list of factors, where applicable, to justify that the critical habitat being proposed is decisive to the survival and recovery of the listed species at any stage of its life cycle. *Note that any one of the factors listed below may serve as sufficient justification as long as there is strong supporting evidence.* The total number of factors that are addressed will vary on a case-by-case basis.

**A. Factors Justifying the Critical Habitat**

***Biological or Life History based Factors***

1. Is the proposed critical habitat necessary for space for individual and population growth?

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable \_\_\_\_\_ Unknown

Please elaborate *if applicable*.

2. Is the proposed critical habitat necessary for food, water, air, light, minerals, or other nutritional or physiological requirements?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable* (detail in the context of specific requirements).

3. Is the proposed critical habitat necessary for cover or shelter?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

4. Is the proposed critical habitat necessary for sites for breeding, reproduction, rearing of offspring, or germination?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

5. Is the proposed critical habitat necessary as sites for seed dispersal, migration corridors, or overwintering?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

***Legal or Regulatory Factors***

6. Is the proposed critical habitat necessary for the conservation or recovery of this species because of the present or threatened destruction, degradation, fragmentation, modification, or curtailment of the range or habitat of the listed species<sup>1</sup>?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

7. Is the proposed critical habitat necessary for the conservation or recovery of this species because existing regulation alone is inadequate?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

8. Is the proposed critical habitat necessary for the conservation or recovery of this species due to actions relating to the listed species<sup>1</sup> that have already been carried out, or are about to be carried out, by any governmental agency or any other person, which may negatively affect the listed species<sup>1</sup>?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

9. Is the proposed critical habitat necessary for the conservation or recovery of this species because of cumulative impacts (over a prolonged time period) or otherwise multiple stressors?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

10. Is the proposed critical habitat necessary for the conservation and recovery of this species because other natural or human-made factors will affect the continued existence of the listed species<sup>1</sup>?

\_\_\_\_\_Yes    \_\_\_\_\_No    \_\_\_\_\_ Not Applicable    \_\_\_\_\_Unknown

Please elaborate *if applicable*.

<sup>1</sup>This proposal can be made concurrently with a T & E listing for the species. Therefore, the species may not already be listed, but the aforementioned factors still serve as justification during the critical habitat designation process.

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**IV. Management Considerations**

**Does the species have an approved recovery plan?**

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

**If Yes:**

Provide the full title of the recovery plan: \_\_\_\_\_

Date approved: \_\_\_\_\_

**Is this designation consistent with the goals set forth in the approved recovery plan?**

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

Please elaborate *if applicable*.

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**V. Social, Economic, and Political Factors**

**A. Potential overlap with designated growth or development areas**

Refer to local zoning maps of the area being proposed for Critical Habitat Designation prior to filling out the following section. (Note that these are designated data layers on the Vermont ANR Atlas).

Does the proposed critical habitat include:

Designated downtown or village centers      Y N U

*Critical habitat cannot be designated in downtown or village centers, so these areas must be removed from the final designation.*

Designated growth center      Y N U

Designated new town center      Y N U

Designated neighborhood development      Y N U

*Designation of critical habitat in growth centers, new town centers, or neighborhood development will require consultation with state and/or local government, to be coordinated by the Secretary.*

**B. Effect on landowners and other stakeholders**

*Note that the Secretary shall notify and consult with appropriate State and Federal agencies, affected landowners, any municipality where the proposed designation is located, and any interested persons at least 60 days prior to commencement of rulemaking, as well as making all reasonable efforts to work cooperatively with affected landowners.*

Will designation of critical habitat affect landowners and other stakeholders?

\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

If critical habitat is located on private land, have those landowners been contacted?

\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

If Yes, is the landowner willing to designate their property as critical habitat?

\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

Describe examples of activities that would negatively impact the proposed critical habitat.

Please provide a list of agencies and programs of which you are aware that might be able to provide assistance to landowners (management, financial, consulting, etc.).

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## **VI. Supplementary Documentation and Data**

### **A. Additional materials**

1. Provide a list of references for any relevant reports or papers regarding the life history of the species in question.
2. Provide a list of references for any relevant reports or papers regarding the habitat to be designated for the species in question.
3. Provide any additional materials that support this proposal for critical habitat designation (and please also include an explanation of these materials).

### **B. Is there any additional information not aforementioned that would be relevant to evaluating whether the proposed area should be designated as critical habitat?**

1. Please include any Rare, Threatened, or Endangered species that would also benefit from this Critical Habitat Designation along with relevant, supporting data.
2. Other relevant information that supports the designation of critical habitat:

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**VII. Signatures**

**Submitted by:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Affiliation(s): \_\_\_\_\_

**Reviewed by the appropriate Scientific Advisory Group?** \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes:

- Recommendation to Approve: \_\_\_\_\_
  - Justification: \_\_\_\_\_
  
- Request for modifications prior to moving forward: \_\_\_\_\_ Yes \_\_\_\_\_ No  
Comments about modifications: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- Recommendation to Deny: \_\_\_\_\_
  - Justification: \_\_\_\_\_

**SAG Chairperson**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Reviewed by the Vermont Endangered Species Committee?** \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes:

- Recommendation to Approve: \_\_\_\_\_
  - Justification: \_\_\_\_\_
  
- Request for modifications prior to moving forward: \_\_\_\_\_ Yes \_\_\_\_\_ No  
Comments about modifications: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- Recommendation to Deny: \_\_\_\_\_
  - Justification: \_\_\_\_\_



**ESC Chairperson**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_