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Agency Of Natural Resources

December 9, 2013

To: Endangered Species Committee of the Agency of Natural Resources

From: Jon Kart, VFWD Permits Administrator

Re: Annual Summary of Threatened & Endangered Species Takings Permits

Enclosed is a summary of 2013 Threatened & Endangered (T&E) Species Takings Permits compiled. We provide this annual summary in the spirit of collaboration and to give the Endangered Species Committee (ESC) the opportunity to review the summary and to decide whether any permitted activities should be treated differently in the future. This summary includes:

- I) An explanation of permit administration terminology and taxonomy;
- II) A summary statistics for T&E permits applied for in 2013; and,
- III) An annotated list of 2013 permits.

I. Permit Administration Terminology and Taxonomy.

Applications are organized by *types* and *categories*. Each is also assigned an *ESC Review Code*.

Permit Type roughly classifies the potential impact to target species, and thereby guides the application review process. These types are summarized table 1, and described in VFWD’s Standard Operating Procedure (SOP) for T&E Takings Permit Administration.

Table 1. T&E Permit Types

| Type | Title | Description/Typical Application |
|-------|--|--|
| 1 | Permit Applications of a De Minimis Nature. | Typically for exhibition of zoological specimens |
| 2A | Permit Applications of a Non De Minimis Nature (Renewals) | Proposed activities likely to result in taking (e.g., involves direct investigation, handling, targeting, or collection of a T&E species. |
| 2B | Permit Applications of a Non De Minimis Nature (New) | |
| 3 | All Other Takings Permit Applications | Typically for economic hardship and all other applications that are not types 1 or 2. |
| 3(PC) | Pre-construction surveys | This category was added in 2013 at the ESC’s request to better identify surveys that are required of Permittees in advance and/or during construction. |

Permit Category identifies the nature of the takings activity proposed in an application (table 2). A two-letter code signifies the nature of the taking activity and is the first segment of all permit authorization numbers. If a proposed activity falls in more than one category (e.g., a permit for research, management of spotted turtles that also authorizes a permittee to possess a dead specimen for educational purposes) the code assigned to the permit is only for the primary activity.

ESC Review Codes were developed in response to the ESC’s request that annual reports identify whether or not the ESC permit recommendations were accepted, accepted with conditions or denied. T&E Species Takings Permits are now assigned a number code signifying the extent of review and a letter code signifying the extent to which recommendations were incorporated (table 3).



Table 2. T&E Permit Categories

| Code | Type |
|------|--|
| EE | T&E-Education |
| EH | T&E-Economic Hardship; (development & pre-construction surveys) |
| EM | T&E-Management (to enhance the propagation or survival of a species) |
| ER | T&E-Research (scientific purposes) |
| ES | T&E-Special purposes consistent with the purposes of the federal ESA |
| EZ | T&E Zoological Exhibition |

Table 3. ESC Permit Review Codes

| | |
|---|---|
| 0 | No ESC review |
| 1 | Permit approved as a class |
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| 5 | ESC reviewed current App & Draft Permit |
| | |
| A | ESC guidance fully incorporated |
| C | ESC guidance mostly incorporated |
| N | ESC guidance not incorporated |

II. Summary Statistics for 2013 Threatened & Endangered Species Takings Permits

A total of 34 applications were submitted in 2013 and 34 permits (new, renewal and amendments) were approved and issued between January 1st and December 9, 2013. Table 4 provides summary statistics with 2011 and 2012 permit data provided for comparison purposes.

For 2013, as requested by the ESC, we have separated permits issued for the purpose of surveys required in advance of construction or other hardship driven project (Type 3(PC) and ER-Hardship) from the permit issued for the construction project itself (Type 3) and EH).

Table 4. Summary Statistics for 2013 Threatened & Endangered Species Takings Permits

| | 2013 | | 2012 | | 2011 | | Notes |
|------------------------------|-----------|----------|-----------|----------|-----------|----------|-------|
| | All | ANR | All | ANR | All | ANR | |
| Applications Received | 34 | 7 | 34 | 7 | 21 | 6 | |
| Permits Issued-total | 34 | 7 | 33 | 7 | 20 | 6 | |
| Permits Issued-New | 27 | 5 | 24 | 5 | 14 | 5 | |
| Permits Issued-Renewal | 4 | 1 | 6 | 2 | 1 | 0 | |
| Permits Issued-Amendment | 3 | 1 | 3 | 0 | 5 | 1 | |
| Permits Denied | 0 | 0 | 1 | 0 | 1 | 0 | |
| Applications Withdrawn | 0 | 0 | 0 | 0 | 0 | 0 | |
| Type 1 permits | 3 | 0 | 4 | 1 | 0 | 0 | |
| Type 2a permits | 5 | 2 | 6 | 2 | 3 | 1 | |
| Type 2b permits | 5 | 2 | 2 | 1 | 4 | 1 | |
| Type 3(PC) hardship survey | 11 | 3 | 9 | 1 | 2 | 0 | |
| Type 3 hardship | 10 | 0 | 12 | 2 | 13 | 4 | |
| EE-Education issued | 4 | 0 | 4 | 1 | 0 | 0 | |
| EH-Hardship | 10 | 0 | 12 | 2 | 11 | 3 | |
| ER-Hardship driven surveys | 11 | 3 | 9 | 1 | 2 | 0 | |
| ER-Research | 6 | 4 | 5 | 1 | 6 | 2 | |
| EM-Management | 3 | 0 | 3 | 2 | 1 | 1 | |
| ES-Special Purposes | 0 | 0 | 0 | 0 | 0 | 0 | |
| EZ-Zoological Exhibition | 0 | 0 | 0 | 0 | 0 | 0 | |

III. T&E Permits Issued in 2013

An annotated list of all T&E Takings Permits applied for and/or issued between January 1st and December 5, 2013 can be found in table 5.

Table 5. Threatened Endangered Species Takings Permits Issued between 1/1-12/9/2013

| Permit type | Permit # | New or Renewal | Permittee | Biz/Org | Authorized Species | Notes | Effective Date | Expiration Date | ESC Review |
|-------------|----------------|----------------|----------------------|------------------------------------|---|--|----------------|-----------------|------------|
| T&E-1 | EE-2012-12(a1) | Amend | Ed Metcalfe | Southern VT Natural History Museum | Non-releasable Bald eagle | Amended to allow the possession of up to two non-releasable bald eagles (previously one eagle was allowed). Display at W. Marlboro | 5/4/2012 | 12/31/2016 | 2-A |
| T&E-1 | EE-2013-02 | New | Cynthia Norman | Lake Champlain Basin Program | Pocketbook | Display at ECHO in Burlington | 1/1/2013 | 12/31/2017 | 1 |
| T&E-1 | EE-2013-04 | New | Lynn Morgan | Grafton Museum | Salvage: American Marten, Mountain Lion, Common nighthawk, Common tern, Rattlesnake | Display at Grafton Museum, Grafton | 3/18/2013 | 12/31/2017 | 1 |
| T&E-2A | EE-2013-11 | Renew | Steve Smith | ECHO Center | Lake Sturgeon, Spiny Softshell Turtle, Eastern Ratsnake, Channel Darter | Display at ECHO in Burlington | 4/20/2013 | 12/31/2015 | 1 |
| T&E-2A | EM-2013-17 | Renew | Bill Brumback | New England Wildflower Society | Listed plant species | Seed collection in Windsor County for propagation | 7/17/2013 | 12/1/2017 | 1 |
| T&E-2A | ER-2013-05 | New | Doug Blodgett | Vermont Fish & Wildlife Department | Eastern ratsnake, North American racer, Timber rattlesnake | Research, conservation and management statewide with a focus on Addison, Bennington, Caledonia, Rutland and Windham counties. | 3/18/2013 | 12/31/2017 | 1 |
| T&E-2A | ER-2013-06 | Renew | Bob Popp | Vermont Fish & Wildlife Department | Any new or previously undocumented population of a species on Vermont's list of Threatened and Endangered Plants. | Collection of voucher specimens statewide | 3/18/2013 | 12/31/2015 | 1 |
| T&E-2A | ER-2013-26 | Renew | Allan Thompson | Northern Stewards, LLC | Eastern small-footed bat, Little brown bat, Indiana bat, Northern long-eared bat, Tri-colored bat. | Bat surveys at Camp Johnson in Colchester and Ethan Allen Firing Range in Jericho, Bolton & Underhill | 7/11/2013 | 9/15/2014 | 1 |
| T&E-2B | EM-2013-08 | New | Dr. Scott MacLachlan | Poultney Veterinary Services | Eastern small-footed bat, Little brown bat, Indiana bat, Northern long-eared bat, Tri-colored bat | Bat rehab at the direction of Scott Darling. | 3/11/2013 | 12/31/2017 | 5-A |
| T&E-2B | EM-2013-09 | New | Barry Genzlinger | | Eastern small-footed bat, Little brown bat, Indiana bat, Northern long-eared bat, Tri-colored bat | Bat rehab at the direction of Scott Darling. | 3/11/2013 | 12/31/2017 | 5-A |
| T&E-2B | ER-2012-30(a1) | Amend | Scott Darling | Vermont Fish & Wildlife Department | Little Brown Bat | Study to assess the potential of WNS mitigation refugia. Bats collected at Aeolus Cave, Dorset. | 12/10/2012 | 6/1/2012 | 5-A |
| T&E-2B | ER-2013-23 | Amend | Jeffery Rose | University of Wisconsin | Eastern Jacob's Ladder (<i>Polemonium vanbruntiae</i>) | Collection of leaf material for genetic analysis, GMNF in Lincoln/Ripton, VT | 6/30/2013 | 12/31/2013 | 0 |
| T&E-2B | ER-2013-29 | New | Scott Darling | Vermont Fish & Wildlife Department | Little brown bat, Eastern small-footed bat, Indiana bat, Northern long-eared bat | Study to estimate overwinter mortality of little brown bats in Aeolus Cave, Dorset | 9/1/2013 | 6/1/2014 | 5-A |

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|-------------|------------|----------------|--------------------|---|---|--|----------------|-----------------|------------|
| T&E-3(PC) | ER-2013-07 | New | Ethan Nedeau | Biodrawversity, LLC | Giant floater | Pre-construction survey in advance of repairs at Bay Harbor Marina, Colchester. Approved as a class by the ESC. 122 Giant Floater found. Many more in deeper water outside of project area | 9/26/2013 | 10/10/2013 | 1 |
| T&E-3(PC) | ER-2013-13 | New | Paul Pierce | Tetra Tech Construction | Giant floater, Fluted-shell, Pocketbook | Pre-construction survey in advance of I-89 bridge repairs on Lamoille R. in Milton. Approved as a class by the ESC. Pocketbook (104), Fluted-shell (40) and Giant floater (4) found. | 5/23/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-18 | New | Donald K. Mayland | Marine Study Program, Inc | Giant floater, Pink heelsplitter, Fragile papershell, Pocketbook | Pre-construction survey in advance of bottom barrier application in Lk Champlain, Colchester. Approved as a class by the ESC. Giant floater (7) found and translocated. | 5/29/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-19 | New | Mary Powell | Green Mountain Power | Eastern small-footed bat, Little brown bat, Northern long-eared bat, Tri-colored bat | Wind power facility fatality monitoring at Lowell | 5/23/2013 | 12/31/2014 | 3-A |
| T&E-3(PC) | ER-2013-20 | New | David Blittersdorf | Georgia Mountain Community Wind | Eastern small-footed bat, Little brown bat, Northern long-eared bat, Tri-colored bat | Wind power facility fatality monitoring at Georgia Mtn, Milton | 5/23/2013 | 12/31/2015 | 3-A |
| T&E-3(PC) | ER-2013-21 | New | Patrick Berry | Vermont Fish & Wildlife Department | Giant floater, Pink heelsplitter, Fragile papershell, Fluted-shell, Pocketbook, Black sandshell | Pre-construction survey in advance of repairs at Lamoille River Access Area, Milton. Approved as a class by the ESC. Pocketbook (6) found in survey area w/ many common spp. Several Pink heelsplitter found nearby. | 5/29/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-22 | New | Mark Delaney | Smugglers' Notch Resort | Giant floater, Cylindrical papershell | Pre-construction survey in advance of water withdrawal pipe installation at Lamoille River, Cambridge Jct. Approved as a class by the ESC. Cylindrical Papershell (2) found and translocated | 6/21/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-24 | New | Patrick Berry | Vermont Fish & Wildlife Department | Giant floater, Pink heelsplitter, Fragile papershell, Fluted-shell, Pocketbook, Black sandshell | Pre-construction survey in advance of repairs to Converse Bay Boat Access Area, Charlotte. Approved as a class by the ESC. No listed mussels found. High zebra mussel density. | 7/9/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-30 | New | Ethan Nedeau | Biodrawversity, LLC (Portland Pipe) | Eastern pearlshell | Pre-construction survey in advance of repairs to oil pipeline, Moose River, Victory. Approved as a class by the ESC. No mussels found | 8/5/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-31 | New | Glen Gingras | Vermont Agency of Transportation | Giant floater, Pink heelsplitter, Fragile papershell, Pocketbook, Black sandshell | Pre-construction survey in advance of bridge repairs, Charcoal Creek, Swanton. Approved as a class by the ESC. Giant floater and fragile papershell found. | 8/5/2013 | 9/30/2013 | 1 |
| T&E-3(PC) | ER-2013-32 | New | Robert Peterson | VT Forests, Parks & Recreation Department | Giant floater, Pink heelsplitter, Fragile papershell, Pocketbook, Black sandshell | Pre-construction survey in advance of marina repairs, Burton Island, St. Albans. Approved as a class by the ESC. No listed mussels found. High zebra mussel density. | 8/5/2013 | 9/30/2013 | 1 |

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| T&E-3 | EH-2013-01 | New | Harry Chen | Vermont Department of Health | Eastern Small-footed Bat, Little Brown Bat, Northern Long-eared Bat | The collection of bats statewide to protect the public health | 3/1/2013 | 12/31/2017 | 5-A |
| T&E-3 | EH-2013-03 | New | Ken Sturm | USFWS/Missisquoi NWR | Giant floater, Pink heelsplitter, Fragile papershell, Fluted-shell, Pocketbook, Cylindrical papershell, Black sandshell | Translocation of mussels in advance of cultural resource protection on the Missisquoi R., MNWR, Swanton. Giant floater (5), Fragile papershell (4), Pink heelsplitter (3) and Pocketbook (1) found and translocated. | 3/18/2013 | 9/30/2014 | 3-A |
| T&E-3 | EH-2013-10 | New | Steve Costello | Green Mountain Power | Eastern small-footed bat, Little brown bat, Northern long-eared bat, Tri-colored bat | Operation of a wind energy facility in Lowell | 7/15/2013 | 12/31/2014 | 5-A |
| T&E-3 | EH-2013-12 | New | David Blittersdorf | Georgia Mountain Community Wind | Eastern small-footed bat, Little brown bat, Northern long-eared bat, Tri-colored bat | Operation of a wind energy facility in Milton/Georgia | 12/31/2015 | 12/31/2014 | 5-A |
| T&E-3 | EH-2013-14 | New | Dave Tilton | USFWS, Lake Champlain Office | American brook lamprey, northern brook lamprey, stonecat; Eastern sand darter, Channel darter | Lampricide treatment Lamoille River | 9/10/2013 | 9/9/2014 | 5-N |
| T&E-3 | EH-2013-15 | New | Dave Tilton | USFWS, Lake Champlain Office | American brook lamprey, northern brook lamprey, stonecat; Eastern sand darter, Channel darter | Lampricide treatment Stonebridge Brook | 9/10/2013 | 9/9/2014 | 5-N |
| T&E-3 | EH-2013-16 | New | John Narowski | Vermont Agency of Transportation | North American racer | Construction at Guilford Rest Area, Guilford | 10/1/2013 | 6/30/2014 | 5-A |
| T&E-3 | EH-2013-25 | New | Caleb Linn | PCL Civil Constructors | Brook floater | Translocation in advance of I-91 bridge repairs on West river in Brattleboro. One Eastern Pearlshell found and translocated | 7/24/2013 | 9/30/2013 | 3-A |
| T&E-3 | EH-2013-27 | New | Charles Russell | Town of Charlotte | Stonecat, Channel darter | Survey and translocation in advance of bridge repair at LaPlatte River, Dorset St. Bridge #31, Charlotte, VT | 8/15/2013 | 9/30/2014 | 3-A |
| T&E-3 | EH-2013-28 | New | Paul Pierce | Tetra Tech Construction | Giant floater, Fluted-shell, Pocketbook | Translocation in advance of replacement of I-89 bridges on Lamoille R. in Milton. Pocketbook (868), Fluted-shell (295), Giant floater (114) and cylindrical papershell (90 found and translocated. | 5/23/2013 | 9/30/2013 | 5-A |

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