

**Why is the Agency of Natural Resources proposing updates to Vermont's endangered species law?**

- We are modernizing some of the language to improve the effectiveness of our law, make the process more efficient and consistent, and ensure that everyone is treated fairly.

**Is the ANR confident that these changes to the law will be reasonable and fair to all Vermonters?**

- Yes, we are building on more than 30 years of successful implementation of Vermont's Endangered Species Law – working cooperatively with many Vermonters we have recovered species such as the common loon.
- The Agency of Natural Resources will continue to work with landowners to help them protect threatened and endangered species on their property and help everyone comply with the law.

**What are the proposed changes to the law?**

Identify and protect well-defined critical habitat that endangered and threatened species need to survive via the rulemaking process.

- o Limited areas of habitat would be clearly defined and considered critical to the survival of the species.
- o In cases where impacts to critical habitat cannot be avoided, and in cases where impacts could not be avoided, mitigation might be required.
- Allow the Secretary to issue general permits to cover expected impacts to listed species due to routine activities conducted by Vermonters.
- Rulemaking entails a public notice, hearing and comment process that will ensure comprehensive review of critical habitat designations and permits.

**How will the proposed changes affect Vermont's businesses and developers?**

- Most businesses/developers will never, ever come close to impacting a listed species. However, many businesses/developers benefit from Vermont's healthy environment and rich wildlife.
- The proposed legislation improves fairness and consistency for the state's businesses and developers.
  - o The narrow definition and application of critical habitat is unlikely to affect many permit applications.
  - o Enables the Secretary to issue general permits that will streamline permitting and to direct mitigation and recovery efforts will provide more flexibility in the permitting process.

**How will the proposed changes affect Vermont landowners?**

- Landowners with proposed listed species on the property or critical habitat will be contacted in advance of rulemaking so they may participate in the rulemaking process.
- Critical habitat would be designated on a case by case basis only through the rulemaking process, which is a slow, deliberate, legislative process that provides notice and opportunities to participate in the rulemaking.
- The Agency will continue to work cooperatively with landowners to protect species and habitat, and allow for reasonable use of the property.

**How will the proposed changes affect Vermont's farmers and foresters?**

- The current statutory language specifying that the law cannot cause undue interference with normal agricultural or silvicultural practices, will not be changed and will ensure that compliance does not place an undue burden on farmers and foresters.
- Notice will be provided to state agencies such as the Agency of Agriculture, Foods & Markets and the Department of Forests, Parks & Recreation in advance of rulemaking.

**What are some scenarios in which this rule might be applied?**

- A landowner would not be able to cut down a tree with a bald eagle nest simply because the nest is currently unoccupied.