

TO: House Committee on Fish, Wildlife and Water Resources 1/28/16

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H. 552 An act relating to threatened and endangered species

I appreciate the opportunity to speak with you today about the proposed legislation. In the past I worked as a wildlife specialist on federal listed ESA species with National Wildlife Federation and the Natural Resources Defense Council, but today I speaking to you as a native Vermonter. I will not go through the bill as introduced line for line, because at this point, I am confident the department and lawyer for the Agency have done a fine job.

I praise the Department for taking the time to up date Vermont's Endangered and Threatened Species Act by adding an additional tool to be used which is critical habitat. Federal ESA law requires the designation of critical habitat at the time of listing. I am sure you have been informed that critical habitat has been a very controversial issue at the federal level. The last in our region was the designation of critical habitat for the Canada lynx, which has not created economic hardship for timberland owners. The majority of the designated critical habitats for federal listed species are in California and Hawaii.

Many naysayers would want you to believe that critical habitat has not helped the recovery of species, yet have created economic hardships to businesses interest and private landowners. Not the case. There was never any critical habitat listed for the Gray Wolf, or Red Wolf none for the Grizzly bear. And today, the Great Sage Grouse was not listed because the states came together with the all the stakeholders and a first of its kind conservation plan was implemented for Greater Sage Grouse. This is what kept the bird off the ESA list. It included the protection of critical habitat from mainly and fossil fuel development. I will add the majority of these lands are public

lands. Will this conserve this bird ? Only time will tell but it does keep it out of the court systems for now.

A few suggestions that will clarify the language of the bill is:

-Public comment is a major part of any formal rule making and H552 does have this requirement. I recommend the proposed rule to include a specific time for comments to be received from the public. For instance, 90 days, which is typical for any federal listing.

-H. 552 would be improved with more definitions of specific words – an example 'historically occupied by a species' to 'historic range'. Define historic range.

-I do not know what the correct answer is to the definition of 'take". This is due to the many incidents that individuals have killed a listed species and get off because they pleaded innocent saying they thought was another species. I recommend lawyers such as VLS or Western Environmental Center.

There are many success stories of states working with private landowners and conserving critical habitat without bringing down the letter of the law. I feel confident that VT F&W department will make all effort to do just this.

The Endangered Species Act of 1973 has proven to be a landmark in conservation efforts and has lead to a new respect for the diversity of life. It has been the foundation of many remarkable success stories bringing species (flora and fauna) back from the brink of extinction. State based policies are the prevailing trend today in American politics, and states need to take the steps to enhance their current ESA policies. The outlook may seem bleak with estimates of upward of 5,000 additional species that may have to be listed in our children's lifetimes. I believe this bill is a great step forward in securing the habitat needed to preserve and conserve our biodiversity.

Thank you again.

