



February 2, 2016

Testimony on House Bill 522, Vermont House Fish, Wildlife and Water Resources Committee

Hello, my name is Mollie Matteson. I am a wildlife biologist, and for the last 8 years have worked as a senior scientist for the Center for Biological Diversity out of its Richmond office. The Center is a national organization that works to protect imperiled species and the habitats they need to survive and thrive. As an organization, and in my own work here in the Northeast, we focus primarily on the federal Endangered Species Act. So, my remarks will touch on critical habitat in the context of the federal law, and compare this to Vermont's proposed critical habitat provisions.

Wild animals and plants need healthy places live, and in order to maintain viable populations, they need enough space to live. Congress declared with regard to amendment of the federal Endangered Species law that "if the protection of endangered species depends in large measure on the preservation of the species' habitat, then the ultimate effectiveness of the Endangered Species Act will depend on the designation of critical habitat" (U.S. Congress 1976, Salzman 1990). So too, for Vermont's endangered species law.

The Center for Biological Diversity supports the proposed amendments in House Bill 522, which are vital if we are to have effective, long-lasting conservation and recovery of the state's most rare and vulnerable species. The benefits conferred by these changes will not only go to at-risk species, but will also to all Vermonters. The results will be healthier, more diverse, and more stable ecosystems, which we depend on for open space, clean water and air, and the beauty and intrigue of the wild species with which we share this place. The state's economy also critically depends on these healthy, scenic, and biologically diverse

ecosystems, in no small part because thousands of people come here to vacation, work, and live, and buy Vermont products, because of Vermont's green "brand."

For endangered species, critical habitat is the key to survival. A 2005 peer reviewed study (Taylor, Suckling, Rachlinski 2005) found that plants and animals with federally protected critical habitat are more than twice as likely to be moving toward recovery than species without it. The protection of critical habitat accounts in large part for why the federal Endangered Species law is so successful at keeping species from going extinct and moving them toward recovery.

A 2006 study (Suckling 2006) by the Center for Biological Diversity found that 93 percent of all federally protected species in the Northeast were stabilized or improving since being put on the endangered species list, and 82 percent were on pace to meet established recovery goals.

Vermont's endangered species law needs a critical habitat component if moving species more quickly toward recovery and eventual delisting is a goal. Those who oppose critical habitat would do well to keep this in mind. The sooner we provide necessary protections for habitat, the sooner state-listed species can be deemed recovered and taken off the list. This is of benefit to everyone.

Vermont's proposed critical habitat provisions actually do not go far enough. Under the federal law, nearly all species must receive a critical habitat designation. The proposed state law leaves this to the discretion of the Secretary of Natural Resources. However, Vermont's endangered species law should have this requirement as well.

Further, the state's critical habitat provision, as written, is intended only for very targeted, site-specific situations (ie., habitat that is "concentrated and decisive" to the survival of the species). Some species with highly site-specific life stages, such as bats hibernating in caves and denning rattlesnakes, will benefit from this approach to critical habitat, but others with more diffuse or extensive habitat needs will be left out. The spaces they need to survive will continue to be at risk. Thus, we ask

that the Committee consider revising the law to define critical habitat as having “the physical and biological features necessary to the survival of a population of a species.”

The provisions of the critical habitat law must not limit critical habitat to areas occupied at the time a species is listed as listing, by definition, indicates a declining population and often a contracted range. This is why the species is in trouble. Areas that may be designated as critical habitat designation need to include locations historically occupied by the species, or suitable for future recovery.

Finally, to address references to the spotted owl and a “disaster” in the Pacific Northwest are a red herring. I lived in Oregon in the 1990s during the period in which the owl was listed under the Endangered Species Act. The timber industry was in serious decline prior to the protection of the owl, due to massive and destructive overcutting of old-growth forest, a non-renewable resource (on the scale of human lifetimes) on which the industry had depended. Further, far from being devastated, the economy of the Pacific Northwest has been thriving, due in part to the protection and recovery of natural amenities such as forest, clean water, scenery, and abundant wildlife populations. Vermont’s economy is similar in its dependence on a healthy, intact natural environment to draw in and maintain thriving businesses and industry.

Thank you for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink that reads "Mollie Matteson". The signature is written in a cursive, flowing style with a long, sweeping underline.

Mollie Matteson, MS
Senior Scientist

References

Salzman, J. 1990. Evolution and application of critical habitat under the Endangered Species Act. *Harvard Environmental Law Review*, 14: 311-342.

Suckling, K. 2006. *Measuring the Success of the Endangered Species Act: Recovery Trends in the Northeastern United States*. Available at: <http://esasuccess.net/reports/northeast/default.html>

Taylor, M.F.J., Suckling, K.F., Rachlinski, J.J. 2005. The effectiveness of the Endangered Species Act: A quantitative analysis. *BioScience* 55(4): 360-367. Available at: <http://www.biologicaldiversity.org/publications/papers/bioscience2005.pdf>

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