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Testimony on H.552 from Rose Paul, Director of Critical Lands and Conservation Science

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Thank you for the opportunity to testify on H.552. I'm Rose Paul, Director of Critical Lands and Conservation Science for The Nature Conservancy in Vermont. The Conservancy is an international nonprofit conservation organization with a chapter in Vermont and every other state, along with programs in nearly 40 countries. The Nature Conservancy in Vermont is a leader in safeguarding the natural resources of the Green Mountain State. Our chapter has over 7,000 members with diverse backgrounds and perspectives and an abiding commitment to the state's remarkable natural heritage and special places. We have conserved 300,000 acres of land and over 1,200 miles of shoreline. We own and manage 55 natural areas around the state comprising 20,000 acres, and we co-own another 24,000 acres of working forestland. The Vermont chapter is proud to be connecting land, water, wildlife and people for over 50 years.

The Conservancy in VT supports H.552 to update the Vermont threatened and endangered species act (10 V.S.A., Chapter 123.) I would like to focus my comments on the provision for identifying critical habitats for threatened and endangered species. We believe this will be a beneficial and important modernizing of the existing statute and one that we welcome as the largest private landowner of thousands of acres of Vermont lands that actually contain T&E species of all kinds. From orchids to rattlesnakes, fish and bats and Vermont's only lizard, we have protected the habitats of T&E species in every county of the state. We pay property taxes on all of these private lands and we open these lands for public access everywhere that we have ownership. Hunters return annually to their favorite Conservancy natural areas where they find continued success harvesting deer and turkey. Anglers enjoy the rivers and ponds on our land for brook trout and other game species. Bird watchers flock to such treasured areas as the Helen W. Buckner Preserve in Rutland County to spot threatened whip-poor-wills and rare shrubland warblers. Nature clubs and nature photographers travel from far and wide to enjoy our bogs and fens with their exquisite rare plants, including our popular new accessible boardwalk in Hartland that was designed with wheelchairs in mind. We carefully maintain and manage our natural areas for their wildlife habitat that supports all of these activities that further support Vermont's economy.

Our natural areas receive much community and academic attention, from high school and undergraduate community service projects, to PhD and faculty research, to state and federal government research including the VT Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey. Why? Because our lands have habitat for Indiana bats,

rattlesnakes, the five-lined skink, the green mountain maidenhair fern, bog wintergreen, scrub oak, a whole host of orchids and many more threatened and endangered species.

I would like to give you two examples of our lands, the endangered species found there, and why we support the provisions for designating critical habitats.

My first example is about rattlesnakes. I've been to two public information meetings about H.552 and the timber rattlesnake is given as one of the first species for which the Department of Fish and Wildlife would like to designate critical habitat. I am here representing the largest private landowner of rattlesnake habitat in Vermont. In fact, Vermont has the largest rattlesnake populations in all of New England and Nature Conservancy lands contain essential habitat for Vermont's ONLY two remaining populations of rattlesnakes. As late as 1971 there was a Vermont bounty of \$1.00 for each rattlesnake, and back then you could make money at it! Now they are state endangered and there is a new threat from a mysterious fungal disease.

The best way to keep any species healthy is to ensure it has adequate, unfragmented habitat that provides its life needs. The Conservancy's lands in southwestern Vermont provide the majority of vital habitat that our rattlesnakes need but the snakes can't read the boundary signs and don't restrict their movements to conserved land. Just like people, animals need to move for shelter, food, water and mating. The Conservancy shares the stewardship of this species with other nearby private landowners. People are fearful of rattlesnakes, but those who live with them in their landscape have learned that you can co-exist.

Why should we care about rattlesnakes? Rattlesnakes are just one example of Vermont's natural heritage. State wildlife biologist Doug Blodgett calls them one of the original Vermonters, and they are a symbol of the remaining wildness of Vermont. Each rattlesnake plays a key role in maintaining the integrity of the ecosystem; they have their place in the web of life. Every time we lose a species, we tip the balance of nature and we don't fully understand the repercussions of this loss. In Vermont, we used to have up to a dozen rattlesnake populations, and we're down to the last two.

The Conservancy and the Department of Fish and Wildlife have worked for years, with limited resources, to educate the folks in southwest Vermont about the snakes' behavior (they are docile, not aggressive) and we provide assistance to private landowners by dropping everything when we get a call to go remove rattlesnakes from people's backyards. This was captured live on a VT Outdoor Journal show on public television (<http://vermontpbs.org/clip?3526>). A Conservancy staff member was called to remove a rattlesnake from a backyard, and we relocated the snake to a safe place on conserved land. This is much better than having the snake shot or beaten to death, and it is reassuring to landowners. Local folks have learned to live with rattlesnakes; there has been only one bite in living memory (due to foolish behavior) and no deaths, and no timber harvests have been stopped because of rattlesnake habitat. There would be no reason to do so even with critical habitat designation. We always find that landowners are proud to be responsible stewards of wildlife and nature and want to learn more about what they can do.

So how would a critical habitat designation for rattlesnakes help the current situation? The critical habitat designation will count for a lot in raising private funds. It will help with awareness, it will elevate the seriousness of the issue for everyone concerned, and it may bring additional federal resources to many private landowners, not just The Nature Conservancy. It would help the Conservancy and the Department of Fish and Wildlife in securing federal funding because of the importance of this designation. Funding is a never ending struggle for us. The designation would help other private landowners to manage their lands for wildlife habitat through programs such as the Wildlife Habitat Improvement Program with the Natural Resources Conservation Service (now called EQIP.) This is a popular program that a landowner voluntarily applies for, and landowners would certainly score higher in seeking funding if their lands were part of a critical habitat designation. It would also help the Conservancy and the Department in our outreach to local folks as land changes hands—there are always new landowners to talk with. The designation would underscore the importance of their lands, and we have always found that private landowners are proud to be responsible stewards of special habitats.

My other example is about enforcement and how critical habitat designation might help. The Conservancy has a neighboring sheep owner in Pomfret who for two years would deliberately open her gates so that her sheep could graze on our land because they had overgrazed their own pasture. Our land is unusual riverside habitat with several threatened and endangered plants on it; this is still the largest extent of these plants in the state, and we entirely own the habitat. After discussions with the sheep owner, who stated to me personally that the health of her sheep was more important than some endangered plants, I called the local game warden. He was very concerned and visited the landowner to reinforce the seriousness of her action, but he told me honestly that issuing her a ticket was not going to lead anywhere because the court would never take this up compared to higher priorities. If this land had been designated critical habitat, and there were the option for criminal enforcement actions, we might have stopped her callous and negligent behavior sooner.

The Conservancy owns more habitat for endangered and threatened species than any other private landowner in Vermont. We own 17 miles of shoreline along the lower Poultney River in Rutland County, and we own most of the land along the lower LaPlatte River in Shelburne. Both of these rivers have several endangered fish species and our ownership keeps those river habitats healthy. We own three bat wintering caves in Vermont, including the largest one in New England, and they harbor the federal and state endangered Indiana bat. I could give many more examples. None of the surrounding private landowners has ever had to curtail a logging job because of the presence of these species. On the other hand, critical habitat designation might help them with land management assistance funds, and it would help the Conservancy with funding to purchase more of these habitat lands.

Our threatened and endangered species are part of our natural heritage that is a foundation for a lot of Vermont's tourism and wildlife related economy. We strongly support the provision of H.552 to allow the Secretary of the Agency of Natural Resources to designate critical habitat. We support the proposed criteria used to determine critical habitat, and we have confidence that H.552 proposes adequate and ample opportunity for landowner and public notification and input. We support the provision for

criminal enforcement in serious cases, and penalties significant enough to be a deterrent. We also support the consideration of habitat fragmentation, climate change and cumulative impacts as factors that should be considered in determining whether to list threatened and endangered species and/or to designate critical habitat.

Thank you for the opportunity to testify.

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