

Testimony from Dorothy Allard, Chair, Endangered Species Committee, to The Senate Committee on Natural Resources concerning H.552

April 7, 2016

Thank you for the opportunity to testify; it is a privilege to be here.

On January 29, I testified before the House Committee on Fish, Wildlife and Water Resources about this bill; today's testimony is similar. I have reviewed the changes made to the text of the bill since then and I don't have any additional comments.

As an introduction, my background and training is in botany and geography. I am a Research Associate at the University of Vermont, and I also am the current Chair of Vermont's Endangered Species Committee. I have served on this committee for three years.

I'd like to tell you a little about the Endangered Species Committee. The ESC was created when the original Endangered Species Act became law, and what the ESC does, and how it does it, is outlined in the law; the committee would not exist without the law. Basically what we do is that we advise the Secretary of the Agency of Natural Resources on matters pertaining to endangered and threatened species: proposals for new listings, applications for permits for takings, and recovery plans for endangered or threatened species. We also have an active Conservation and Education subcommittee that is helping to educate the public about endangered species and their habitats.

The contribution of the nine-member ESC is greatly enhanced by the efforts of the more than 60 biologists who serve on our scientific advisory committees. We have six such committees, one for each major group of organisms. These committees meet several times a year to consider the same issues that come before the ESC, and they provide us with expert advice.

I feel uniquely qualified to testify on H.552 because of my position on the ESC. Even though my specialty is plants, members of the committee deal with *all* threatened and endangered species, and so I get to work not only on the green spleenwort, the northeastern bulrush and the Green Mountain quillwort, but also on

the timber rattlesnake, the rusty-patched bumblebee, the lake sturgeon and the Canada lynx. And all of these species need habitat to survive.

Vermont's original Endangered Species Act was created in 1972 and updated in 1981. I believe I can speak for the Endangered Species Committee when I say that it is now time for another update, and H.552 is designed for that purpose. For example, H.552 addresses climate change—something that ecologists were barely aware of when the Act was created. Furthermore, it adds the option to designate critical habitat for our threatened and endangered species.

*I think that the ability to designate critical habitat for endangered species is perhaps the most important update that H.552 will make to the Endangered and Threatened Species law, and I support this provision in the draft.* H.552 would allow the identification and protection of critical habitat for certain species, but only when its designation is deemed necessary for the survival and recovery of the species. Protection of critical habitat means that activities cannot take place that adversely modify the habitat to the point that it will no longer support the species, or help with its recovery. The law proposes to designate critical habitat through rulemaking, the same process that is used to list and to delist endangered and threatened species. It is a long, thoughtful and sometimes slow process, involving a significant amount of research and documentation on the part of Agency staff as well as the Endangered Species Committee and its advisory groups, and the process gives Vermonters a chance to voice their opinion.

The Endangered Species Committee and its advisory groups have been helping with providing scientific expertise to come up with examples of how critical habitat might be designated for several endangered or threatened species. Some of these examples include the known nesting sites for spiny softshell turtles, and the limy ledges and outcrops that support populations of the green spleenwort. I think it is important to recognize that the proposed language does not require the Secretary to designate critical habitat for *every* threatened or endangered species. Indeed, it may be difficult, impossible, or perhaps unwise to do so for some species. We simply do not know enough about the habitat requirements of some of our listed species to designate critical habitat. For other species, the designation of critical habitat may not provide much additional protection.

In conclusion, I speak for myself and for the Endangered Species Committee in voicing support for H.552, and I thank you for your time and for your service to the state of Vermont. I'll be happy to answer any questions.