

## 10 V.S.A. Appendix § 10, Vermont Endangered and Threatened Species Rule

### 1.0 Authority

This rule is adopted pursuant to 10 V.S.A., §§ ~~5402, 5403 and 5408~~ Chapter 123 which provides that the Secretary “shall adopt by rule a ~~state-endangered~~ State endangered species list and a ~~state-threatened~~ State threatened species list,” and may “adopt rules for the protection, ~~and~~ conservation, or recovery of endangered and threatened species.”

### 2.0 Purpose

The purpose of this rule is to identify and list species of wild plants and animals and designate critical habitats that have been determined by the Secretary to require protection under Vermont law. ~~be endangered and threatened in Vermont so that they may be protected under the law.~~ The rule also sets out a process for the issuance of permits for the take-taking and possession of endangered and threatened species and the destruction or adverse impact to designated critical habitat. ~~Takings and Possession permits.~~

### 3.0 Definitions

- 3.1 "Accepted silvicultural practices" means the accepted silvicultural practices defined by the Commissioner of Forests, Parks and Recreation, including the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont adopted by the Commissioner of Forests, Parks and Recreation.
- 3.2 "Critical habitat" for a threatened species or endangered species means: (A) a delineated location within the geographical area occupied by the species that: (i) has the physical or biological features that are identifiable, concentrated, and decisive to the survival of a population of the species; and (ii) is necessary for the conservation or recovery of the species; and (iii) may require special management considerations or protection; or (B) a delineated location outside the geographical area occupied by a species at the time it is listed under section 5402 of this title-10 V.S.A. § 5402, Vermont Endangered and Threatened Species Rule that: (i)(I) was historically occupied by a species; or (II) contains habitat that is hydrologically connected or directly adjacent to occupied habitat; and (ii) contains habitat that is identifiable, concentrated, and decisive to the continued survival of a population of the species; and (iii) is necessary for the conservation or recovery of the species.
- 3.3 "Destroy or adversely impact" means, with respect to critical habitat, a direct or indirect activity that negatively affects the value of critical habitat for the survival, conservation, or recovery of a listed threatened or endangered species.
- 3.4 "Endangered Species" means ~~those~~ a species that has been listed as endangered by the Secretary because the species normally occurs in the State and its continued existence as a sustainable component of the State's wildlife or wild plants is in jeopardy, or it is listed as ~~whose continued existence as viable components of the state's wild flora or fauna is determined to be in jeopardy or determined to be~~ an "endangered species" under the federal Endangered Species Act.
- 3.5 "Farming" shall have the same meaning as used in subdivision-10 V.S.A. § 6001(22) of this title.
- 3.6 "Forestry operations" means activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. "Forestry operations" include the primary processing of forest products of commercial value on a parcel where the timber harvest occurs.

- 3.7 "Habitat" means the physical and biological environment in which a particular species of plant or animal lives.
- 3.8 "Harming," as used in the definition of "take" or "taking" in this rule means: an act that kills or injures a threatened or endangered species; or the destruction or imperilment of habitat that kills or injures a threatened or endangered species by significantly impairing continued survival or essential behavioral patterns, including reproduction, feeding, or sheltering.
- 3.9 "Plant" means any member of the plant kingdom, including seeds, roots, and other parts thereof. As used in this chapter rule, plants shall include fungi.
- 3.10 "Possession" means holding, controlling, exporting, importing, processing, selling, offering to sell, delivering, carrying, transporting, or shipping by any means a member of a species.

"Listed species" means any species that appears on the List in Section 5.0 of this rule, or has been determined to be threatened or endangered by other relevant law.

- 3.11 "Secretary" means the Secretary of the Agency of Natural Resources except where otherwise specified.
- 3.12 "Take and taking"

- (a) With respect to wildlife designated a threatened or endangered species, means: (1) pursuing, shooting, hunting, killing, capturing, trapping, harming, snaring, or netting wildlife; (2) an act that creates a risk of injury to wildlife, whether or not the injury occurs, including harassing, wounding, or placing, setting, drawing, or using any net or other device used to take animals; or (3) attempting to engage in or assisting another to engage in an act set forth under subdivision (1) or (2) of this subdivision.
- (b) With respect to a wild plant designated a threatened or endangered species, means uprooting, transplanting, gathering seeds or fruit, cutting, injuring, harming, or killing or any attempt to do the same or assisting another who is doing or attempting to do the same.

~~with respect to wildlife means pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting fish, birds and quadrupeds and all lesser acts, such as disturbing, harrying or worrying or wounding or placing, setting, drawing or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in lawful manner, and with respect to wild plants means uprooting, transplanting, cutting, injuring or killing or any attempt to do the same or assisting another who is doing or is attempting to do the same, consistent with the definitions found in 10 V.S.A. §§5401 (14) and 4001(23).~~

- 3.13 "Threatened Species" means a species that has been listed as threatened by the Secretary because the species is a sustainable component of the State's wildlife or wild plants; it is reasonable to conclude based on available information that its numbers are declining; and unless protected, it will become an endangered species or, a species determined to be a "threatened species" under the federal Endangered Species Act, those species that are likely within the foreseeable future to become Endangered.

#### **4.0 Critical Habitat Designations**

4.1 "Critical habitat," as defined in 10 V.S.A. § 5401(4) and 10 V.S.A. § 5402a, has been designated for the following locations:

- (a) Three (3) Common Tern Nesting Islands.
- (b) Four (4) Spiny Softshell Nesting Areas.
- (c) One (1) Bat Hibernaculum.

#### **5.0 Permits for Taking and Possession**

**5.1** No person shall take or possess an endangered or threatened species without a permit, ~~except when unless~~ exempted as provided for in 10 V.S.A. §5408(d) and as follows:

(a) No enforcement shall be taken, and no permit shall be required for the taking of listed threatened or endangered plants in instances where the plants are legally acquired and exist in a cultivated state or are artificially propagated (produced and grown under controlled conditions or originated from cultivated parental stock); unless the plants are cultivated or artificially propagated as part of a recovery plan or, for mitigation purposes in accordance with a takings permit, a directive of the Secretary, or an enforcement action.

(b) Prior to requiring a permit or initiating enforcement for the taking of any threatened or endangered bee(s), the Secretary of the Agency of Natural Resources (ANR) shall:

- 1. notify affected landowners and persons who are engaged in activities that may result in taking the threatened or endangered bees of the presence of threatened or endangered bees and the requirement to avoid taking the bees or to obtain a permit; and
- 2. notify and consult with affected or interested state agencies including as applicable: the Agency of Commerce and Community Development (ACCD), the Agency of Transportation (AOT), the Vermont Department of Health (VDH), and the Agency of Agriculture, Food, and Markets (AAFM) whenever the presence of bees may impact farming or the application of pesticides.

(c) Pesticide applications performed in accordance with an Emergency Health Order issued by VDH pursuant to 18 V.S.A. § 127 shall not be required to obtain a permit.

(d) Upon discovering the presence of a threatened or endangered grassland bird on or in proximity to any farm or land used for farming, the Secretary of the Agency of Natural Resources shall:

- 1. consult with the Secretary of the ~~AAFM-gency of Agriculture~~ prior to requiring a taking permit or engaging in enforcement activities; and
- 2. ensure that the regulatory actions taken to protect the species do not cause undue interference with farming.

**5.2** No person shall destroy or adversely impact the designated critical habitat of an endangered or threatened species without a permit.

**5.3** Pursuant to 10 V.S.A. §5408(a) the Secretary may, after receiving the advice of the Endangered Species Committee, grant permits for the taking and possession of an endangered or threatened species:

- (a) for scientific purposes;
- (b) to enhance the propagation or survival of species; ~~to prevent or mitigate economic hardship;~~
- (c) for zoological exhibition;
- (d) for educational purposes;
- (e) ~~for noncommercial cultural or ceremonial purposes; or, to a person for the collection and possession of a dead salvage bird or parts thereof, including bird feathers, provided that the permit issued complies with federal requirements regarding collection and possession of migratory birds and the bird was legally acquired, transferred from an individual who acquired it legally, or found dead and the permittee had no part in the intentional killing of the bird; or~~
- (f) for a special purpose consistent with the purpose of the Federal Endangered Species Act (*see* 16 U.S.C. §1531(b)).

**5.4** Pursuant to 10 V.S.A. §5408(b), the Secretary may allow the incidental take of a threatened or endangered species or the destruction or adverse impact to critical habitat only if:

- (a) the taking is necessary to conduct an otherwise lawful activity;
- (b) the taking or the destruction and impact to the critical habitat, is attendant or secondary to, and not the purpose of, the lawful activity;
- (c) the impact of the permitted incidental take or impact to critical habitat is minimized; and
- (d) the incidental taking or the impact to critical habitat will not impair the conservation or recovery of any endangered species or threatened species.

**5.5** An applicant for a Taking and Possession permit shall submit an administratively complete application to the Secretary, specifying for which purpose(s) the permit is required, as listed in 10 V.S.A. §5408(a) and (b). The permit application shall include:

- (a) a description of the activities that could lead to a taking of a listed threatened or endangered species or the destruction of or adverse impact on critical habitat;
- (b) the steps that the applicant has or will take to avoid, minimize, and mitigate the impact to the relevant threatened or endangered species or critical habitat;
- (c) a plan for ensuring that funding is available to conduct any required monitoring and mitigation, if applicable;
- (d) a summary of the alternative actions to the taking or destruction of critical habitat that the applicant considered and the reasons that these alternatives were not selected, if applicable;
- (e) the name or names and obligations and responsibilities of the person or persons that will be involved in the proposed taking or destruction of critical habitat;
- (f) a description of the possible impacts due to the proposed action, and as applicable a plan for conservation or mitigation;
- (g) permit fees and mitigation funding, if applicable; and
- (h) any additional information that the Secretary may require.

**5.6** ~~An administratively complete application shall include all information deemed necessary by the Secretary to evaluate the application. An application shall include a description of the possible~~

~~impacts due to the proposed action, and a plan for conservation or mitigation. The fee or mitigation proposal as required by 10 V.S.A. ch. 123 shall accompany the application.~~

#### Avoidance and Minimization

- (a) Applicants for Taking and Possession permits shall have the burden to show that reasonable steps have been taken to avoid and minimize takings. The Applicant must provide information that demonstrates:
  - (1) The proposed activity cannot practicably be designed to avoid taking or the destruction or adverse impact to critical habitat, and still satisfy the basic project purpose; and
  - (2) If avoidance of taking of a listed species or the destruction or adverse impact to critical habitat, cannot practicably be achieved, the proposed activity has been planned to minimize adverse impacts on the listed species.
- (b) The Secretary may require an applicant to submit additional information that the Secretary considers necessary to make a decision on the issuance or denial of a permit. The Secretary may dismiss the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request.
- (c) In determining whether the burden has been met, the Secretary shall evaluate the potential effect of any proposed activity on the basis of both its direct and immediate effects, as well as on the basis of any cumulative or on-going effects on the listed species.
- (d) The Secretary may develop, and require the implementation of, best management practices (BMPs) to avoid and minimize the taking of threatened and endangered species. The Secretary shall consult with the AAFM, the AOT, VDH, and any other interested state agency prior to finalizing the BMPs.

### 5.7 Mitigation

~~a. Mitigation may be required when full compliance with the requirements of 4.5 of this rule is insufficient to achieve no taking.~~

The Secretary may require the implementation of mitigation strategies and may collect mitigation funds, in addition to the permit fees, in order to mitigate the impacts of a taking or the destruction of or adverse impact on critical habitat. Provided that the mitigation is commensurate with the taking or adverse impact proposed, mitigation may include:

- (a) a requirement to rectify the taking or adverse impact or to reduce the adverse impact over time;
- (b) a requirement to manage or restore land within the area of the proposed activity or in an area outside the proposed area as habitat for the threatened or endangered species including, treatment of conserved areas for the purposes of restoration or propagation of listed species;
- (c) compensation, including payment into the Threatened and Endangered Species Fund for the uses of that Fund; or
- (d) Mitigation may include permanent conservation of habitat in which the same species exists, and ongoing monitoring of conserved areas, and treatment of conserved areas for the purposes of restoration or propagation of listed species.

~~The compensation may also include payment of fees to a state "in-lieu fee" program or mitigation fund approved by the Secretary.~~

### 5.8 Hearings

- (a) The Secretary may conduct a non-adversarial, public hearing in order to evaluate the application. Such a hearing will be held within 60 (sixty) days of the receipt of the administratively complete application.
- (b) When a petition has been denied and no public hearing has been held, the Applicant may request in writing to the Secretary that a hearing be held regarding the proposed activity. The Secretary will conduct a hearing within 30 (thirty) days of receipt of the request.

**5.9 Permit Conditions**

~~a.—The Secretary may require, as part of an issued permit, conditions for the protection and conservation of endangered species, per 10 V.S.A. ch. 123.~~

**5.10** The Secretary shall inform an applicant of a decision to approve or deny a permit no more than 60 (sixty) days following an application being deemed administratively complete unless the Secretary determines there is just cause.

**5.11** The Secretary maintains continuing jurisdiction over activity permitted under this rule and may, at any time, order the permittee to undertake remedial measures to ensure the protection and conservation of listed species.

**5.06.0 Listing**

**56.1** The following list of plants and animals is adopted as the Vermont Endangered and Threatened Species List pursuant to 10 V.S.A., chapter 123.

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
5.2 Plants	<del>Apiaceae-Parsley Family</del>	<del>Short-styled Snakeroot</del>	<del>Sanicula canadensis var. canadensis</del>	-	04-13-1987	F	-	-
56.2 Plants	Apiaceae-Parsley-Carrot Family	Greater short-styled-Long-styled Snakeroot	Sanicula canadensis var. grandis	Fern.	04-13-1987	T		
56.2 Plants	Apiaceae-Parsley-Carrot Family	Yellow Pimpernel	Taenidia integerrima	(L.) Drude	04-13-1987	T		
56.2 Plants	<del>Aselepiadaceae-Milkweed</del> <del>Apocynaceae-Dogbane</del> Family	Blunt-leaved Milkweed	Asclepias amplexicaulis	Sm.	04-13-1987	T		
56.2 Plants	<del>Aselepiadaceae-Milkweed</del> <del>Apocynaceae-Dogbane</del> Family	Butterfly-weed	Asclepias tuberosa ssp. tuberosa	L.	04-13-1987	T	Asclepias tuberosa L.	
56.2 Plants	<del>Aselepiadaceae-Milkweed</del> <del>Apocynaceae-Dogbane</del> Family	Whorled Milkweed	Asclepias verticillata	L.	03-28-2015	E		
56.2 Plants	Araceae-Arum Family	Green Dragon	Arisaema dracontium	(L.) Schott	04-13-1987	T		
56.2 Plants	Aspleniaceae-Spleenwort Family	Mountain Spleenwort	Asplenium montanum	Willd.	04-13-1987	T		
56.2 Plants	Aspleniaceae-Spleenwort Family	Green Spleenwort	Asplenium viride	Huds.	04-13-1987	T	Asplenium trichomanes-ramosum L.	
56.2 Plants	Asteraceae-Aster Family	Sessile-leaved Boneset	Eupatorium sessilifolium	L.	11-09-1991	E		
56.2 Plants	Asteraceae-Aster Family	Harsh Sunflower	Helianthus strumosus	L.	04-13-1987	T		
56.2 Plants	Asteraceae-Aster Family	Hairy Lettuce	Lactuca hirsuta	Muhl. ex Nutt.	12-07-1994	T		
56.2 Plants	Asteraceae-Aster Family	Boott's Rattlesnake-root	Nabalus boottii	D.C.	04-13-1987	E	Prenanthes boottii (DC.) A. Gray	
56.2 Plants	Asteraceae-Aster Family	Woodland Cudweed	Omalotheca sylvatica	(L.) Schultz-Bip. & F.W. Schultz	11-09-1991	E		
56.2 Plants	Asteraceae-Aster Family	Sweet Coltsfoot	Petasites frigidus var. palmatus	(Ait.) Cronq.	04-13-1987	T		
56.2 Plants	Asteraceae-Aster Family	White-flowered Leafcup	Polymnia canadensis	L.	12-07-1994	E		Listed as Threatened on 04-13-1987.
56.2 Plants	Asteraceae-Aster Family	Sweet Goldenrod	Solidago odora ssp. odora	Ait.	04-13-1987	T	Solidago odora Ait.	
56.2 Plants	Asteraceae-Aster Family	Elm-leaved Goldenrod	Solidago ulmifolia	Muhl. ex Willd.	11-09-1991	E		Listed as Threatened on 04-13-1987.

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Betulaceae-Birch Family	Dwarf Birch	Betula minor	(Tuckerman) Fern.	03-28-2015	E		
§6.2 Plants	Blechnaceae-Chain-fern Family	Virginia Chain-fern	Woodwardia virginica	(L.) Sm.	04-13-1987	T		
§6.2 Plants	Boraginaceae-Borage Family	Northern Wild Comfrey	Cynoglossum virginianum var. boreale	(Fern.) Cooperrider	04-13-1987	T		
§6.2 Plants	Boraginaceae-Borage Family	Nodding Stickseed	Hackelia deflexa ssp. americana	(Gray) A. & D. Löve	04-13-1987	T	Hackelia deflexa var. americana (Gray) Fern. & I.M. Johnston	
§6.2 Plants	Brassicaceae-Mustard Family	Lyre-leaved Rock-cress	Arabidopsis lyrata	(L.) O'Kane & Al-Shehbaz	04-13-1987	T	Arabis lyrata L.	
§6.2 Plants	Brassicaceae-Mustard Family	Drummond's Rock-cress	Boechera stricta	(Graham) Al-Shehbaz	11-09-1991	E	Arabis drummondii A. Gray	
§6.2 Plants	Brassicaceae-Mustard Family	Northern Rock-cress	Braya humilis ssp. humilis	(C.A. Mey.) B.L. Robins.	04-13-1987	T	Braya humilis (C.A. Mey.) B.L. Rob.	
§6.2 Plants	Brassicaceae-Mustard Family	Hoary Draba	Draba cana	Rydb.	04-13-1987	T	Draba breweri var. cana (Rydb.) Rollins	
§6.2 Plants	Brassicaceae-Mustard Family	Smooth Draba	Draba glabella	Pursh	04-13-1987	T		
§6.2 Plants	Brassicaceae-Mustard Family	Lake-cress	Rorippa aquatica	(Eat.) Palmer & Steyermark	04-13-1987	T	Neobeckia aquatica (Eaton) Greene	
§6.2 Plants	Bryaceae-Bryum Moss Family	A Moss	Plagiobryum zieri	(Hedw.) Lindb.	06-23-1989	E		
§6.2 Plants	Caprifoliaceae-Honeysuckle Family	Squashberry	Viburnum edule	(Michx.) Raf.	04-13-1987	T		
§6.2 Plants	Caryophyllaceae-Pink Family	Marcrescent Sandwort	Minuartia marcescens	(Fern.) House	04-13-1987	T		
§6.2 Plants	Caryophyllaceae-Pink Family	Marble Sandwort	Minuartia rubella	(Wahlenb.) Hiern	04-13-1987	T		
§6.2 Plants	Cistaceae-Rock-rose Family	Plains Frostweed	Crocianthemum bicknellii	(Fernald) Janchen	04-13-1987	T	Helianthemum bicknellii Fern.	
§6.2 Plants	Cistaceae-Rock-rose Family	Beach Heather	Hudsonia tomentosa	Nutt.	04-13-1987	E		
§6.2 Plants	Cistaceae-Rock-rose Family	Hairy Pinweed	Lechea mucronata	Raf.	11-09-1991	E		
§6.2 Plants	Clusiaceae-St. John's-wort Family	Great St. John's-wort	Hypericum ascyron	L.	04-13-1987	T		
§6.2 Plants	Convolvulaceae-Morning-glory Family	Low Bindweed	Calystegia spithamea ssp. spithamea	(L.) Pursh	04-13-1987	T	Calystegia spithamea (L.) Pursh	
§6.2 Plants	Cornaceae-Dogwood Family	Flowering Dogwood	Cornus florida	L.	04-13-1987	T		
§6.2 Plants	Crassulaceae-Stonecrop Family	Roseroot	Rhodiola rosea	L.	04-13-1987	T	Sedum rosea L. Scop.	
§6.2 Plants	Cupressaceae-Cypress Family	Creeping Juniper	Juniperus horizontalis	Moench	04-13-1987	T		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Cyperaceae-Sedge Family	Contracted Sedge	Carex arcta	Boott	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Blackish Sedge	Carex atratiformis	Britt.	04-13-1987	T		
§6.2 Plants	Cyperaceae-Sedge Family	Buxbaum's Sedge	Carex buxbaumii	Wahlenb.	04-13-1987	E		
§6.2 Plants	Cyperaceae-Sedge Family	Capillary Sedge	Carex capillaris ssp. capillaris	L.	04-13-1987	T	Carex capillaris L.	
§6.2 Plants	Cyperaceae-Sedge Family	Creeping Sedge	Carex chordorrhiza	Ehrh. ex L. f.	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Bronze Sedge	Carex foenea	Willd.	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Garber's Sedge	Carex garberi	Fern.	04-13-1987	T		
§6.2 Plants	Cyperaceae-Sedge Family	Houghton's Sedge	Carex houghtoniana	Torr. ex Dewey	XX-XX-XXXX	E		
§6.2 Plants	Cyperaceae-Sedge Family	Pale Sedge	Carex livida	(Wahlenb.) Willd.	04-13-1987	T		
§6.2 Plants	Cyperaceae-Sedge Family	Nerveless Muehlenberg Sedge	Carex muehlenbergii var. enervis	Boott	04-13-1987	T	Carex muehlenbergii Schkuhr ex Willd.	
§6.2 Plants	Cyperaceae-Sedge Family	Muehlenberg's Sedge	Carex muehlenbergii var. muehlenbergii	Schkuhr ex Willd.	04-13-1987	T	Carex muehlenbergii Schkuhr ex Willd.	
§6.2 Plants	Cyperaceae-Sedge Family	Few-fruited Sedge	Carex oligocarpa	Schkuhr ex Willd.	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Richardson's Sedge	Carex richardsonii	R. Br.	04-13-1987	E		
§6.2 Plants	Cyperaceae-Sedge Family	Hay Sedge	Carex siccata	Dewey	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Sheathed Sedge	Carex vaginata	Tausch	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Low-Cyperus Flatsedge	Cyperus diandrus	Torr.	06-23-1989	E		
§6.2 Plants	Cyperaceae-Sedge Family	Houghton's-Cyperus Flatsedge	Cyperus houghtonii	Torr.	04-13-1987	T		
§6.2 Plants	Cyperaceae-Sedge Family	Few-flowered Spikerush	Eleocharis quinqueflora	(F.X. Hartmann) Schwarz	04-13-1987	T	Eleocharis pauciflora (Lightf.) Link	
§6.2 Plants	Cyperaceae-Sedge Family	Autumn Fimbristylis	Fimbristylis autumnalis	(L.) Roemer & J.A. Schultes	11-09-1991	E		
§6.2 Plants	Cyperaceae-Sedge Family	Capillary Beak-rush	Rhynchospora capillacea	Torr.	04-13-1987	T		
§6.2 Plants	Cyperaceae-Sedge Family	Barbed-bristle Bulrush	Scirpus ancistrochaetus	Schuyler	11-09-1991	E		Listed as Threatened on 04-13-1987.
§6.2 Plants	Cyperaceae-Sedge Family	Bashful Bulrush	Trichophorum planifolium	(Spreng.) Palla	11-09-1991	E	Scirpus verecundus Fern.	Listed as Threatened on 04-13-1987.
§6.2 Plants	Diapensiaceae-Diapensia Family	Diapensia	Diapensia lapponica ssp. lapponica	L.	04-13-1987	E	Diapensia lapponica L.	
§6.2 Plants	Dryopteridaceae-Wood-fern Family	Male Fern	Dryopteris filix-mas ssp. brittonii	(L.) Schott Fraser-Jenkins & Widén	04-13-1987	T	Dryopteris filix-mas (L.) Schott	
§6.2 Plants	Dryopteridaceae-Wood-fern Family	Alpine Woodsia	Woodsia alpina	(Bolton) S.F. Gray	04-13-1987	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Equisetaceae-Horsetail Family	Marsh Horsetail	Equisetum palustre	L.	04-13-1987	T		
§6.2 Plants	Ericaceae-Heath Family	Pinedrops	Pterospora andromedea	Nutt.	11-09-1991	E		
§6.2 Plants	Ericaceae-Heath Family	Bog Wintergreen	Pyrola asarifolia ssp. asarifolia	Michx.	11-09-1991	T	Pyrola asarifolia Michx.	
§6.2 Plants	Ericaceae-Heath Family	Lesser Pyrola	Pyrola minor	L.	04-13-1987	E		
§6.2 Plants	Ericaceae-Heath Family	Great Laurel	Rhododendron maximum	L.	04-13-1987	T		
§6.2 Plants	Ericaceae-Heath Family	Deerberry	Vaccinium stamineum	L.	12-07-1994	E		
§6.2 Plants	Fabaceae-Pea Family	<del>Canadian</del> Canada Milk-vetch	Astragalus canadensis var. canadensis	L.	04-13-1987	T	Astragalus canadensis L.	
§6.2 Plants	Fabaceae-Pea Family	Jesup's Milk-vetch	Astragalus robbinsii var. jesupii	Egglest. & Sheldon	04-13-1987	E		
§6.2 Plants	Fabaceae-Pea Family	Rattlebox	Crotalaria sagittalis	L.	04-13-1987	T		
§6.2 Plants	Fabaceae-Pea Family	Large-bracted Tick-trefoil	Desmodium cuspidatum	(Muhl. ex Willd.) DC. ex Loud.	11-09-1991	E		
§6.2 Plants	Fabaceae-Pea Family	Prostrate Tick-trefoil	Desmodium rotundifolium	DC.	04-13-1987	T		
§6.2 Plants	Fabaceae-Pea Family	Beach Pea	Lathyrus japonicus var. maritimus	(L.) Kartesz & Gandhi	04-13-1987	T	Lathyrus maritimus (L.) Bigelow	
§6.2 Plants	Fabaceae-Pea Family	Marsh Vetchling	Lathyrus palustris	L.	04-13-1987	T		
§6.2 Plants	Fabaceae-Pea Family	Violet Bush-clover	Lespedeza frutescens	(L.) Hornem.	04-13-1987	T	Lespedeza violacea auct. non (L.) Pers	Lespedeza violacea (L.) Pers. is now what was formerly known as L. intermedia (S. Watts) Britton and is not listed.
§6.2 Plants	Fabaceae-Pea Family	Hairy Bush-clover	Lespedeza hirta ssp. hirta	(L.) Hornem.	11-09-1991	T	Lespedeza hirta (L.) Hornem.	
§6.2 Plants	Fabaceae-Pea Family	Wild Lupine	Lupinus perennis ssp. perennis	L.	03-18-1999	E	Lupinus perennis L.	Listed as Threatened on 04-13-1987.
§6.2 Plants	Fabaceae-Pea Family	Wild Senna	Senna hebecarpa	(Fern.) Irwin & Barneby	04-13-1987	T		
§6.2 Plants	Fagaceae-Beech Family	Scrub Oak	Quercus ilicifolia	Wangenh.	11-09-1991	E		
§6.2 Plants	Fagaceae-Beech Family	Dwarf Chinquapin Oak	Quercus prinoides	Willd.	04-23-2005	E		
§6.2 Plants	Gentianaceae-Gentian Family	Fringe-top Closed Gentian	Gentiana andrewsii	Griseb.	04-13-1987	T		
§6.2 Plants	Gentianaceae-Gentian Family	Felwort	Gentianella amarella ssp. acuta	(L.) Boerner (Michx.) J. Gillett	04-13-1987	T	Gentianella amarella (L.) Boerner	
§6.2 Plants	Gentianaceae-Gentian Family	Stiff Gentian	Gentianella quinquefolia	(L.) Small	04-13-1987	T		
§6.2 Plants	Hydrophyllaceae-Waterleaf Family	Broad-leaved Waterleaf	Hydrophyllum canadense	L.	04-13-1987	T		
§6.2 Plants	Isoetaceae-Quillwort Family	Engelmann's Quillwort	Isoetes engelmannii	A. Braun	04-13-1987	T		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Isoetaceae-Quillwort Family	Green Mountain Quillwort	Isoetes viridimontana	M. Rosenthal & W.C. Taylor	03-28-2015	E		
§6.2 Plants	Juncaceae-Rush Family	Greene's Rush	Juncus greenei	Oakes & Tuckerman	11-09-1991	E		
§6.2 Plants	Juncaceae-Rush Family	Soldier Rush	Juncus militaris	Bigelow	11-09-1991	E		
§6.2 Plants	Juncaceae-Rush Family	Secund Rush	Juncus secundus	Beauv. ex Poir.	11-09-1991	E		
§6.2 Plants	Juncaginaceae-Arrow-grass Family	Common Arrow-grass	Triglochin maritima	L.	02-16-2011	E		
§6.2 Plants	Lamiaceae-Mint Family	Yellow Giant Hyssop	Agastache nepetoides	(L.) Kuntze	04-13-1987	T		
§6.2 Plants	Lamiaceae-Mint Family	Purple Giant Hyssop	Agastache scrophulariifolia	(Willd.) Kuntze	04-13-1987	T		
§6.2 Plants	Lamiaceae-Mint Family	Smooth Wood-mint	Blephilia hirsuta var. glabrata	Fern.	04-13-1987	T	Blephilia hirsuta (Pursh.) Benth.	
§6.2 Plants	Lamiaceae-Mint Family	Hairy Wood-mint	Blephilia hirsuta var. hirsuta	(Pursh) Benth.	04-13-1987	T	Blephilia hirsuta (Pursh.) Benth.	
§6.2 Plants	Lamiaceae-Mint Family	American Dragonhead	Dracocephalum parviflorum	Nutt.	04-13-1987	T		
§6.2 Plants	Lamiaceae-Mint Family	Obedient Plant	Physostegia virginiana ssp. virginiana	(L.) Benth.	04-13-1987	T	Physostegia virginiana (L.) Benth.	
§6.2 Plants	Lamiaceae-Mint Family	Hoary Mountain-mint	Pycnanthemum incanum var. incanum	(L.) Michx.	11-09-1991	E	Pycnanthemum incanum (L.) Michx.	
§6.2 Plants	Lentibulariaceae-Bladderwort Family	Northeastern Bladderwort	Utricularia resupinata	B.D. Greene ex Bigelow	04-13-1987	T		
§6.2 Plants	Liliaceae-Lily Family	Wild Garlic	Allium canadense var. canadense	L.	04-13-1987	T	Allium canadense L.	
§6.2 Plants	Liliaceae-Lily Family	White Camas	Anticlea elegans ssp. glauca	(Nutt.) <del>Kunth</del> A. Haines	11-15-2012	E	Anticlea glauca (Nutt.) Kunth	
§6.2 Plants	Lygodiaceae-Climbing Fern Family	Climbing Fern	Lygodium palmatum	(Bernh.) Sw.	04-13-1987	E		
§6.2 Plants	Magnoliaceae-Magnolia Family	Tulip Tree	Liriodendron tulipifera	L.	03-28-2015	E		
§6.2 Plants	Melastomataceae-Meadow Beauty-Melastome Family	Virginia Meadow-beauty	Rhexia virginica	L.	04-13-1987	T		
§6.2 Plants	Moraceae-Mulberry Family	Red Mulberry	Morus rubra	L.	04-13-1987	T		
§6.2 Plants	Nymphaeaceae-Water-lily Family	Pygmy Dwarf Water-lily	Nymphaea leibergii	Morong	04-23-2005	E		
§6.2 Plants	Onagraceae-Evening-primrose Family	Many-fruited False-loosestrife	Ludwigia polycarpa	Short & Peter	04-13-1987	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Ophioglossaceae-Adder's-tongue Family	Mingan Moonwort	Botrychium minganense	Victorin	02-16-2011	E		
§6.2 Plants	Orchidaceae-Orchid Family	Putty-root	Aplectrum hyemale	(Muhl. ex Willd.) Nutt.-Torr.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	Arethusa	Arethusa bulbosa	L.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	Fairy Slipper	Calypso bulbosa var. americana	(R. Br. ex Ait. f.) Luer	04-13-1987	T	Calypso bulbosa (L.) Oakes	
§6.2 Plants	Orchidaceae-Orchid Family	Autumn Coral-root	Corallorhiza odontorhiza var. odontorhiza	(Willd.) Nutt.	04-13-1987	T	Corallorhiza odontorhiza (Willd.) Nutt.	
§6.2 Plants	Orchidaceae-Orchid Family	Ram's Head Lady's-slipper	Cypripedium arietinum	Ait. f.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	Small Whorled Pogonia	Isotria medeoloides	(Pursh) Raf.	11-09-1991	E		
§6.2 Plants	Orchidaceae-Orchid Family	Large Whorled Pogonia	Isotria verticillata	Raf.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	Lily-leaved Twayblade	Liparis liliifolia	(L.) L.C. Rich. ex Ker-Gawl.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	White Adder's-mouth	Malaxis monophyllos var. brachypoda	(Gray) F. Morris & Eames	04-13-1987	T	Malaxis brachypoda (A.Gray) Fern.	
§6.2 Plants	Orchidaceae-Orchid Family	Auricled Twayblade	Neottia auriculata	(Wiegand) Szlachetko	04-13-1987	E	Listera auriculata Wieg.	
§6.2 Plants	Orchidaceae-Orchid Family	Southern Twayblade	Neottia bifolia	(Raf.) Baumbach	04-13-1987	E	Listera australis Lindl.	
§6.2 Plants	Orchidaceae-Orchid Family	Tuberled Orchid	Platanthera flava var. herbiola	(R. Br. ex Ait. f.) Luer	04-13-1987	T	Platanthera flava (L.) Lindl.	
§6.2 Plants	Orchidaceae-Orchid Family	Hooker's Orchid	Platanthera hookeri	(Torr. ex Gray) Lindl.	04-13-1987	T		
§6.2 Plants	Orchidaceae-Orchid Family	Three-bird Orchid	Triphora trianthophora ssp. trianthophora	(Sw.) Rydb.	04-13-1987	T	Triphora trianthophora (Sw.) Rydb.	
§6.2 Plants	Orobanchaceae-Cancer-root Family	<del>Northern</del> Pale Painted-cup	Castilleja septentrionalis	Lindl.	04-13-1987	T		
§6.2 Plants	Papaveraceae-Poppy Family	Golden Corydalis	Corydalis aurea	Willd.	04-13-1987	T		
§6.2 Plants	Pinaceae-Pine Family	Jack Pine	Pinus banksiana	Lamb.	04-13-1987	T		
§6.2 Plants	Plantaginaceae-Plantain Family	Mare's-tail	Hippuris vulgaris	L.	11-09-1991	E		
§6.2 Plants	Plantaginaceae-Plantain Family	Culver's-root	Veronicastrum virginicum	(L.) Farw.	04-13-1987	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Poaceae-Grass Family	Champlain Beach Grass	Ammophila breviligulata ssp. champlainensis	(Seymour) P.J. Walker, C.A. Paris & Barrington ex Barkworth	04-13-1987	E	Ammophila champlainensis Seymour	
§6.2 Plants	Poaceae-Grass Family	Alpine Sweet-grass	Anthoxanthum monticola ssp. monticola	(Bigelow) Veldkamp	04-13-1987	T	Hierochloa alpina (Swartz) R. & S. ; Anthoxanthum monticola (Bigelow) Veldkamp	
§6.2 Plants	Poaceae-Grass Family	Pickering's Reed-grass	Calamagrostis pickeringii	Gray	02-16-2011	E		
§6.2 Plants	Poaceae-Grass Family	Bentgrass	Calamagrostis stricta ssp. inexpansa	(Gray) C.W. Greene	11-09-1991	E		
§6.2 Plants	Poaceae-Grass Family	Sharp Manna-grass	Glyceria acutiflora	Torr.	11-09-1991	E		
§6.2 Plants	Poaceae-Grass Family	Stiff Witch-grass	Panicum flexile	(Gattinger) Scribn.	11-09-1991	E		
§6.2 Plants	Poaceae-Grass Family	Slender Mountain-rice	Piptatheropsis pungens	(Torr. ex Spreng.) Romasch., P.M. Peterson & Soreng	11-09-1991	T	Oryzopsis pungens (Torr.) Hitchc.; Piptatherum pungens (Torr ex Spreng.) Dorn	
§6.2 Plants	Poaceae-Grass Family	Shiny Wedgegrass	Sphenopholis nitida	(Biehler) Scribn.	11-09-1991	E		
§6.2 Plants	Poaceae-Grass Family	Blunt Sphenopholis	Sphenopholis obtusata	(Michx.) Scribn.	11-09-1991	E		
§6.2 Plants	Poaceae-Grass Family	Rough Dropseed	Sporobolus compositus var. compositus	(Poir.) Merr.	04-13-1987	E	Sporobolus compositus (Poir.) Merr.; Sporobolus asper (Michx.) Kunth	
§6.2 Plants	Poaceae-Grass Family	Eight-flowered Fescue	Vulpia octoflora var. tenella	(Walt.) Rydb. (Willd.) Fern.	11-09-1991	E	Vulpia octoflora (Walt.) Rydb.	
§6.2 Plants	Polemoniaceae-Phlox Family	Eastern Jacob's Ladder	Polemonium vanbruntiae	Britt.	04-13-1987	T		
§6.2 Plants	Polygonaceae-Buckwheat Family	Douglas' Knotweed	Polygonum douglasii	Greene	11-09-1991	E		
§6.2 Plants	Primulaceae-Primrose Family	Bird's-eye Primrose	Primula mistassinica	Michx.	04-13-1987	T		
§6.2 Plants	Pteridaceae-Maidenhair-fern Family	Green Mountain Maidenhair-fern	Adiantum viridimontanum	Paris	12-07-1994	T		
§6.2 Plants	Ranunculaceae-Buttercup Family	Early Thimbleweed	Anemone multifida var. multifida	Poir.	04-13-1987	E	Anemone multifida Poir.	
§6.2 Plants	Ranunculaceae-Buttercup Family	Golden-seal	Hydrastis canadensis	L.	04-13-1987	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.2 Plants	Ranunculaceae-Buttercup Family	Allegheny Crowfoot	Ranunculus allegheniensis	Britt.	11-09-1991	T		
§6.2 Plants	Ranunculaceae-Buttercup Family	Rue-anemone	Thalictrum thalictroides	(L.) Eames & Boivin	XX-XX-XXXX	E		
§6.2 Plants	Rhamnaceae-Buckthorn Family	Prairie Redroot	Ceanothus herbaceus	Raf.	04-13-1987	E		
§6.2 Plants	Rosaceae-Rose Family	Northern Cinquefoil	Potentilla litoralis	Rydb.	11-09-1991	E	Potentilla pensylvanica var. bipinnatifida (Douglas) T. & G.	
§6.2 Plants	Rosaceae-Rose Family	Wild Plum	Prunus americana	Marsh.	04-13-1987	T		
§6.2 Plants	Rosaceae-Rose Family	Susquehanna Sand Cherry	Prunus susquehanae	hort. ex Willd.	11-16-2012	E		
§6.2 Plants	Rosaceae-Rose Family	Needle-spine Rose	Rosa acicularis ssp. sayi	(Schwein.) W.H. Lewis	11-09-1991	E	Rosa acicularis Lindl.	
§6.2 Plants	Rubiaceae-Madder Family	Bog Bedstraw	Galium labradoricum	(Wieg.) Wieg.	04-13-1987	T		
§6.2 Plants	Salicaceae-Willow Family	Tea-leaved Willow	Salix planifolia ssp. planifolia	Pursh	04-13-1987	T	Salix planifolia Pursh	
§6.2 Plants	Salicaceae-Willow Family	Bearberry Willow	Salix uva-ursi	Pursh	04-13-1987	E		
§6.2 Plants	Scheuchzeriaceae-Scheuchzeria Family	Pod-grass	Scheuchzeria palustris	L.	04-13-1987	T		
§6.2 Plants	Sparganiaceae-Bur-reed Family	Lesser Bur-reed	Sparganium natans	L.	11-09-1991	T		
§6.2 Plants	Sphagnaceae-Sphagnum Family	A Peatmoss	Sphagnum subfulvum	Sjors	06-23-1989	E	Sphagnum nitidum Warnstorf	
§6.2 Plants	Tofieldiaceae-False Asphodel Family	Sticky False-asphodel	Triantha glutinosa	(Michx.) Baker	04-13-1987	T	Tofieldia glutinosa (Michx.) Baker	
§6.2 Plants	Ulmaceae-Elm Family	Cork Elm (Rock Elm)	Ulmus thomasii	Sarg.	02-16-2011	T		
§6.2 Plants	Valerianaceae-Valerian Family	Marsh Valerian	Valeriana uliginosa	(Torr. & Gray) Rydb.	04-13-1987	E		
§6.2 Plants	Violaceae-Violet Family	Lance-leaved Violet	Viola lanceolata ssp. lanceolata	L.	04-13-1987	T	Viola lanceolata L.	
§6.2 Plants	Xyridaceae-Yellow-eyed-grass Family	Northern Yellow-eyed-grass	Xyris montana	Ries	04-13-1987	T		
§6.3 Amphipods	Crangonyctidae-A Gammarid Amphipod Family	Taconic Cave Amphipod	Stygobromus borealis		12-07-1994	E		
§6.4.1 Insects	Apidae-Bee Family	Rusty-patched Bumble Bee	Bombus affinis		03-28-2016	E		
§6.4.1 Insects	Apidae-Bee Family	Ashton Cuckoo Bumble Bee	Bombus ashtoni		03-28-2015	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.4.1 Insects	Apidae-Bee Family	American Bumble Bee	<i>Bombus pensylvanicus</i>		<del>XX-XX-XXXX</del>	E		
§6.4.1 Insects	Apidae-Bee Family	Yellow-banded Bumble Bee	<i>Bombus terricola</i>		03-28-2016	T		
§6.4.4 Insects	<del>Cicindelidae-Carabidae-Tiger</del> Ground Beetle Family	Hairy-necked Tiger Beetle	<i>Cicindela hirticollis</i>		12-07-1994	T		
§6.4.4 Insects	<del>Cicindelidae-Carabidae-Tiger</del> Ground Beetle Family	Cobblestone Tiger Beetle	<i>Cicindela marginipennis</i>		04-13-1987	T		
§6.4.4 Insects	<del>Cicindelidae-Carabidae-Tiger</del> Ground Beetle Family	Puritan Tiger Beetle	<del>Cicindela-Ellipsoptera</del> <i>puritana</i>		12-07-1994	T	<i>Cicindela puritana</i>	As of the effective date of this rule, the U.S. Fish & Wildlife Service uses the name <i>Cicindela puritana</i> in its federal Endangered Species list; the two names are synonymous.
§6.5 Mollusks	Margaritiferidae-Pearl Mussel Family	Eastern Pearlshell	<i>Margaritifera margaritifera</i>		12-07-1994	T		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Dwarf Wedgemussel	<i>Alasmidonta heterodon</i>		11-09-1991	E		Listed as Threatened on 04-13-1987.
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Brook Floater	<i>Alasmidonta varicosa</i>		<del>12-07-1994</del> <del>XX-XXXX</del>	<del>TE</del>		Listed as Threatened on 12-07-1994.
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Cylindrical Papershell	<i>Anodontoides ferussacianus</i>		03-18-1999	E		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Pocketbook	<i>Lampsilis ovata</i>		03-18-1999	E		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Flutedshell	<i>Lasmigona costata</i>		03-18-1999	E		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Fragile Papershell	<i>Leptodea fragilis</i>		03-18-1999	E		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Black Sandshell	<i>Ligumia recta</i>		03-18-1999	E		Listed as Threatened on 12-07-1994.
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Pink Heelsplitter	<i>Potamilus alatus</i>		03-18-1999	E		
§6.5 Mollusks	Unionidae-Unionid Mussel Family	Giant Floater	<i>Pyganodon grandis</i>		03-18-1999	T		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.6 Fish	Acipenseridae-Sturgeon Family	Lake Sturgeon	Acipenser fulvescens		04-13-1987	E		
§6.6 Fish	Ictaluridae-North American Freshwater Catfish Family	Stonecat	Noturus flavus		12-07-1994	E		
§6.6 Fish	Percidae-Perch Family	Eastern Sand Darter	Ammocrypta pellucida		04-13-1987	T		
§6.6 Fish	Percidae-Perch Family	Channel Darter	Percina copelandi		03-18-1999	E		
§6.6 Fish	Petromyzontidae-Lamprey Family	Northern Brook Lamprey	Ichthyomyzon fossor		11-09-1991	E		Listed as Threatened on 04-13-1987.
§6.6 Fish	Petromyzontidae-Lamprey Family	American Brook Lamprey	Lethenteron appendix		04-13-1987	T	Lampetra appendix	
§6.7 Amphibians	Bufoidea-Toad Family	Fowler's Toad	Anaxyrus fowleri		03-28-2015	E		
§6.7 Amphibians	Hylidae-New World Tree Frog Family	Boreal Chorus Frog	Pseudacris maculata		11-15-2012	E		
§6.8 Reptiles	Colubridae-Colubrid Snake Family	North American Racer	Coluber constrictor		04-23-2005	T		
§6.8 Reptiles	Colubridae-Colubrid Snake Family	Eastern Ratsnake	Pantherophis alleghaniensis		04-23-2005	T	Elaphe obsoleta	
§6.8 Reptiles	Emydidae-Box Turtle and Pond Turtle Family	Spotted Turtle	Clemmys guttata		03-18-1999	E		Listed as Threatened on 06-23-1989.
§6.8 Reptiles	Scincidae-Skink Family	Common Five-lined Skink	Plestiodon fasciatus		04-13-1987	E	Eumeces fasciatus	
§6.8 Reptiles	Trionychidae-Softshell Turtle Family	Spiny Softshell	Apalone spinifera		04-13-1987	T		
§6.8 Reptiles	Viperidae-Viper and Pit Viper Family	Timber Rattlesnake	Crotalus horridus		04-13-1987	E		
§6.9 Birds	Accipitridae-Hawk and Eagle Family	Bald Eagle	Haliaeetus leucocephalus		04-13-1987	E		Listed as Endangered on 04-13-1987.
§6.9 Birds	Caprimulgidae-Nightjar Family	Eastern Whip-poor-will	Antrostomus vociferus		11-15-2012	T	Caprimulgus vociferus	
§6.9 Birds	Caprimulgidae-Nightjar Family	Common Nighthawk	Chordeiles minor		11-15-2012	E		
§6.9 Birds	Icteridae-Blackbird Family	Rusty Blackbird	Euphagus carolinus		03-28-2015	E		
§6.9 Birds	Icteridae-Blackbird Family	Eastern Meadowlark	Sturnella magna		XX-XX-XXXX	T		
§6.9 Birds	Laniidae-Shrike Family	Loggerhead Shrike	Lanius ludovicianus		04-13-1987	E		

Group	Family	EnglishName	ScientificName	Author	DateListed	Status	PreviouslyListedAs	Notes
§6.9 Birds	Laridae-Gull and Tern Family	Black Tern	Chlidonias niger		04-23-2005	E		Listed as Threatened on 12-07-1994.
§6.9 Birds	Laridae-Gull and Tern Family	Common Tern	Sterna hirundo		07-30-1988	E		Listed as Threatened on 04-13-1987.
§6.9 Birds	<del>Emberizidae</del> Passerellidae-American New World Sparrow and Relatives Family	Henslow's Sparrow	<del>Ammodramus</del> Centronyx henslowii		04-13-1987	E	Ammodramus henslowii	
§6.9 Birds	<del>Emberizidae</del> Passerellidae-American New World Sparrow and Relatives Family	Grasshopper Sparrow	Ammodramus savannarum		03-18-1999	T		
§6.9 Birds	Phasianidae-Turkey, Grouse, Pheasant and Partridge Family	Spruce Grouse	<del>Falco</del> pennisCanachites canadensis		07-30-1988	E	Falcipennis canadensis	
§6.9 Birds	Scolopacidae-Sandpiper, Snipe and Relatives Family	Upland Sandpiper	Bartramia longicauda		04-23-2005	E		Listed as Threatened on 04-13-1987.
§6.9 Birds	Troglodytidae-Wren Family	Sedge Wren	Cistothorus <del>platensis</del> stellaris		03-18-1999	E	Cistothorus platensis	Listed as Threatened on 04-13-1987.
§6.10 Mammals	Felidae-Cat Family	Canadian Lynx	Lynx canadensis		04-13-1987	E		
§6.10 Mammals	Felidae-Cat Family	Eastern Mountain Lion	Puma concolor cougar		04-13-1987	E	Felis concolor cougar	
§6.10 Mammals	Mustelidae-Weasel Family	American Marten	Martes americana		04-13-1987	E		
§6.10 Mammals	Vespertilionidae-Evening Bat and Vesper Bat Family	Eastern Small-footed Bat	Myotis leibii		04-13-1987	T		
§6.10 Mammals	Vespertilionidae-Evening Bat and Vesper Bat Family	Little Brown Bat	Myotis lucifugus		07-15-2011	E		
§6.10 Mammals	Vespertilionidae-Evening Bat and Vesper Bat Family	Northern Long-eared Bat	Myotis septentrionalis		07-15-2011	E		
§6.10 Mammals	Vespertilionidae-Evening Bat and Vesper Bat Family	Indiana Bat	Myotis sodalis		04-13-1987	E		
§6.10 Mammals	Vespertilionidae-Evening Bat and Vesper Bat Family	Tri-colored Bat	Perimyotis subflavus		11-15-2012	E		

## 5.2 PLANTS

<b>APIACEAE-PARSLEY FAMILY</b>		
Sanicula canadensis var. canadensis L.	Short-styled snakeroot	T 1
Sanicula canadensis var. grandis Fern.	Greater short-styled snakeroot	T 1
Taenidia integerrima (L.) Drude	Yellow pimpinell	T 1
<b>ARACEAE-ARUM FAMILY</b>		
Arisaema dracontium (L.) Schott	Green dragon	T 1
<b>ASCLEPIADACEAE-MILKWEED FAMILY</b>		
Asclepias amplexicaulis Sm.	Blunt-leaved milkweed	T 1
Asclepias tuberosa L.	Butterfly-weed	T 1
Asclepias verticillata L.	Whorled Milkweed	E 11
<b>ASPLENIACEAE-SPLEENWORT FAMILY</b>		
Asplenium montanum Willd.	Mountain spleenwort	T 1
Asplenium viride Huds.	Green spleenwort	T 1
* (Asplenium trichomanes-ramosum L.)		
<b>ASTERACEAE-ASTER FAMILY</b>		
Eupatorium sessilifolium L.	Sessile-leaved boneset	E 4
Helianthus strumosus L.	Harsh sunflower	T 1
Lactuca hirsuta Muhl. ex Nutt.	Hairy lettuce	T 5
Nabalus boottii D.C.	Boott's rattlesnake-root	E 1
* (Prenanthes boottii (DC.) A. Gray)		
Omalotheca sylvatica Woodland cudweed	(L.) Schultz Bip. & F.W.Schultz	E 4
Petasites frigidus var. palmatus	Sweet coltsfoot	T 1
(Ait.) Cronq.		
Polymnia canadensis L.	White-flowered leafcup	E 5,A
Solidago odora ssp. odora Ait.	Sweet goldenrod	T 1
* (Solidago odora Ait.)		
Solidago ulmifolia Muhl. ex Willd.	Elm-leaved goldenrod	E 4,A
<b>BETULACEAE-BIRCH FAMILY</b>		
Betula minor (Tuckerman) Fern.	Dwarf birch	E 11
<b>BLECHNACEAE-CHAIN-FERN FAMILY</b>		
Woodwardia virginica (L.) Sm.	Virginia chain-fern	T 1
<b>BORAGINACEAE-BORAGE FAMILY</b>		
Cynoglossum virginianum var. boreale Northern wild-comfrey		T 1
(Fern.) Cooperrider		
Hackelia deflexa (Wahlenb) Opiz	Nodding stickseed	T 1
ssp. americana (Gray) A. & D. Löve		

## BRASSICACEAE-MUSTARD FAMILY

Arabidopsis lyrata	Lyre-leaved rock-cress	T	1
(L.) O'Kane & Al-Shehbaz			
*(Arabis lyrata L.)			
Boechera stricta (Graham) Al-Shehbaz	Drummond's rock-cress	E	4
*(Arabis drummondii A.Gray)			
Braya humilis (C.A. Mey.) B.L. Rob.	Northern rock-cress	T	1
Draba cana Rydb.	Hoary draba	T	1
*(Draba breweri var. cana (Rydb.) Rollins)			
Draba glabella Pursh	Smooth draba	T	1
Rorippa aquatica	Lake-cress	T	1
(Eaton) E.J. Palmer & Steyermark			
*(Neobeekia aquatica (Eaton) Greene)			

## BRYACEAE-BRYUM MOSS FAMILY

Plagiobryum zieri (Hedw.) Lindb.	A moss	E	3
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## CAPRIFOLIACEAE-HONEYSUCKLE FAMILY

Viburnum edule (Michx.) Raf.	Squashberry	T	1
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## CARYOPHYLLACEAE-PINK FAMILY

Minuartia marcescens (Fern.) House	Marcescent sandwort	T	1
Minuartia rubella (Wahlenb.) Hiern	Marble sandwort	T	1

## CISTACEAE-ROCK-ROSE FAMILY

Crocathemum bicknellii	Plains frostweed	T	1
(Fern.) Janchen			
*(Helianthemum bicknellii Fern.)			
Hudsonia tomentosa Nutt.	Beach heather	E	1
Lechea mucronata Raf.	Hairy pinweed	E	4

## CLUSIACEAE-ST. JOHN'S-WORT FAMILY

Hypericum ascyron L.	Great St. John's-wort	T	1
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## CONVOLVULACEAE-MORNING-GLORY FAMILY

Calystegia spithamea ssp. spithamea	Low bindweed	T	1
(L.) Pursh			
*(Calystegia spithamea (L.) Pursh)			

## CORNACEAE-DOGWOOD FAMILY

Cornus florida L.	Flowering dogwood	T	1
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## CRASSULACEAE-STONECROP FAMILY

Rhodiola rosea L.	Roseroot	T	1
*(Sedum rosea L. Scop.)			

## CUPRESSACEAE-CYPRESS FAMILY

Juniperus horizontalis Moench	Creeping juniper	T	1
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## CYPERACEAE-SEDGE FAMILY

Carex areta Boott	Contracted sedge	E	4
Carex atratifomis Britt.	Blackish sedge	T	1
Carex buxbaumii Wahlenb.	Buxbaum's sedge	E	1
Carex capillaris ssp. capillaris L.	Capillary sedge	T	1
*(Carex capillaris L.)			
Carex chordorrhiza Ehrh. ex L. f.	Creeping sedge	E	4
Carex foenea Willd.	Bronze sedge	E	4
Carex garberi Fern.	Garber's sedge	T	1
Carex livida (Wahlenb.) Willd.	Pale sedge	T	1
Carex muehlenbergii var. enervis Boott	Nerveless Muehlenberg sedge	T	1
Carex muehlenbergii var. muehlenbergii Muehlenberg's sedge		T	1
Schkuhr ex Willd.			
Carex oligocarpa Schkuhr ex Willd.	Few-fruited sedge	E	4

————— <i>Carex richardsonii</i> R. Br.	Richardson's sedge	E	1
—— <i>Carex siccata</i> Dewey	Hay sedge	E	4
—— <i>Carex vaginata</i> Tausch	Sheathed sedge	E	4
—— <i>Cyperus diandrus</i> Torr.	Low cyperus	E	3
—— <i>Cyperus houghtonii</i> Torr.	Houghton's cyperus	T	1
—— <i>Eleocharis quinqueflora</i> (Hartmann) O. Schwarz	Few-flowered spike-rush	T	1
————— <i>*(Eleocharis pauciflora (Lightf.) Link)</i>			
—— <i>Fimbristylis autumnalis</i>	Autumn fimbriistylis	E	4
—— (L.) Roem. & Schult.			
—— <i>Rhynchospora capillacea</i> Torr.	Capillary beak-rush	T	1
—— <i>Scirpus anastrochaetus</i> Schuyler	Barbed-bristle bulrush	E	4,A
—— <i>Trichophorum planifolium</i> (Spreng.) Palla	Bashful bulrush	E	4,A
————— <i>*(Scirpus verecundus Fern.)</i>			
<b>DIAPENSIACEAE-DIAPENSIA FAMILY</b>			
—— <i>Diapensia lapponica ssp. lapponica</i> L.	Diapensia	E	1
—— <i>*(Diapensia lapponica L.)</i>			
<b>DRYOPTERIDACEAE-WOOD-FERN FAMILY</b>			
—— <i>Dryopteris filix-mas (L.) Schott</i>	Male fern	T	1
—— <i>Woodsia alpina (Bolton) S.F. Gray</i>	Alpine woodsia	E	1
<b>EQUISETACEAE-HORSETAIL FAMILY</b>			
—— <i>Equisetum palustre</i> L.	Marsh horsetail	T	1
<b>ERICACEAE-HEATH FAMILY</b>			
—— <i>Pterospora andromedea</i> Nutt.	Pinedrops	E	4
—— <i>Pyrola asarifolia ssp. asarifolia</i> Michx. Bog wintergreen	<i>*(Pyrola asarifolia Michx.)</i>	T	4
—— <i>Pyrola minor</i> L.	Lesser pyrola	E	1
—— <i>Rhododendron maximum</i> L.	Great laurel	T	1
—— <i>Vaccinium stamineum</i> L.	Deerberry	E	5
<b>FABACEAE-PEA FAMILY</b>			
—— <i>Astragalus canadensis var. canadensis</i> L. Canadian milk-vetch	<i>*(Astragalus canadensis L.)</i>	T	1
—— <i>Astragalus robbinsii var. jesupii</i>	Jesup's milk-vetch	E	1
—— Eggst. & Sheldon			
—— <i>Crotalaria sagittalis</i> L.	Rattlebox	T	1
—— <i>Desmodium cuspidatum</i> (Muhl. ex Willd.) DC. ex Loud.	Large-bracted tick-trefoil	E	4
—— <i>Desmodium rotundifolium</i> DC.	Prostrate tick-trefoil	T	1
—— <i>Lathyrus japonicus var. maritimus</i> (L.) Kartesz & Gandhi	Beach Pea	T	1
—— <i>*(Lathyrus maritimus (L.) Bigelow)</i>			
—— <i>Lathyrus palustris</i> L.	Marsh vetchling	T	1
—— <i>Lespedeza frutescens</i> (L.) Hornem	Violet bush-clover	T	1
—— <i>*(Lespedeza violacea auct. non (L.) Pers)†</i>			
—— <i>Lespedeza hirta ssp. hirta (L.) Hornem.</i> Hairy bush-clover	<i>*(Lespedeza hirta (L.) Hornem.)</i>	T	4
—— <i>Lupinus perennis</i> L.	Wild lupine	E	6,A
—— <i>Senna hebecarpa (Fern.) Irwin &amp; Barneby</i> Wild senna		T	1
<b>FAGACEAE-BEECH FAMILY</b>			
—— <i>Quercus ilicifolia</i> Wangenh.	Scrub oak	E	4
—— <i>Quercus prinoides</i> Willd.	Dwarf chinquapin oak	E	7
<b>GENTIANACEAE-GENTIAN FAMILY</b>			
—— <i>Gentiana andrewsii</i> Griseb.	Fringe-top closed gentian	T	1
—— <i>Gentianella amarella (L.) Boerner</i>	Felwort	T	1

—————	Gentianella quinquefolia (L.) Small	—————	Stiff gentian	T	1
HYDROPHYLLACEAE-WATERLEAF FAMILY					
—————	Hydrophyllum canadense L.	—————	Broad-leaved waterleaf	T	1
ISOETACEAE-QUILLWORT FAMILY					
—————	Isoetes engelmannii A. Braun	—————	Engelmann's quillwort	T	1
—————	Isoetes viridimontana	—————	Green Mountain quillwort	E	11
—————	M. Rosenthal and W.C. Taylor				
JUNCACEAE-RUSH FAMILY					
—————	Juncus greenei Oakes & Tuckerm.	—————	Greene's rush	E	4
—————	Juncus militaris Bigelow	—————	Soldier rush	E	4
—————	Juncus secundus Beauv. ex Poir.	—————	Secund rush	E	4
JUNCAGINACEAE-ARROW-GRASS FAMILY					
—————	Triglochin maritima L.	—————	Arrow grass	E	8
LAMIACEAE-MINT FAMILY					
—————	Agastache nepetoides (L.) Kuntze	—————	Yellow giant hyssop	T	1
—————	Agastache serophulariifolia	—————	Purple giant hyssop	T	1
—————	(Willd.) Kuntze				
—————	Blephilia hirsuta var. glabrata (Fern.)	—————	Smooth wood-mint	T	1
—————	Blephilia hirsuta var. hirsuta	—————	Hairy wood-mint	T	1
—————	(Pursh.) Benth.				
—————	*(Blephilia hirsuta (Pursh.) Benth.)				
—————	Dracocephalum parviflorum Nutt.	—————	American dragonhead	T	1
—————	Physostegia virginiana (L.) Benth.	—————	Obedient plant	T	1
—————	Pycnanthemum incanum (L.) Michx.	—————	Hoary mountain mint	E	4
LENTIBULARIACEAE-BLADDERWORT FAMILY					
—————	Utricularia resupinata	—————	Northeastern bladderwort	T	1
—————	B.D. Greene ex Bigelow				
LILIACEAE-LILY FAMILY					
—————	Allium canadense var. canadense L.	—————	Wild garlic	T	1
—————	Anticlea glauca (Nutt.) Kunth	—————	White camas	E	10
—————	*(Allium canadense L.)				
LYGODIACEAE-CLIMBING FERN FAMILY					
—————	Lygodium palmatum (Bernh.) Sw.	—————	Climbing fern	E	1
MAGNOLIACEAE-MAGNOLIA FAMILY					
—————	Liriodendron tulipifera L.	—————	Tulip tree	E	11
MELASTOMATACEAE-MEADOW-BEAUTY FAMILY					
—————	Rhexia virginica L.	—————	Virginia meadow-beauty	T	1
MORACEAE-MULBERRY FAMILY					
—————	Morus rubra L.	—————	Red mulberry	T	1
NYMPHAEACEAE-WATER-LILY FAMILY					
—————	Nymphaea leibergii Morong	—————	Pygmy water-lily	E	7
ONAGRACEAE-EVENING-PRIMROSE FAMILY					
—————	Ludwigia polycarpa Short & Peter	—————	Many-fruited false-loosestrife	E	1
OPHIOGLOSSACEAE-ADDER'S-TONGUE FAMILY					
—————	Botrychium minganense Viet.	—————	Mingan moonwort	E	1
ORCHIDACEAE-ORCHID FAMILY					
—————	Aplectrum hyemale	—————	Putty-root	T	1
—————	(Muhl. ex Willd.) Nutt.				
—————	Arethusa bulbosa L.	—————	Arethusa	T	1
—————	Calypso bulbosa var. americana	—————	Calypso Fairy slipper	T	1
—————	(R. Br. ex Ait. f.) Luer				
—————	*(Calypso bulbosa (L.) Oakes)				
—————	Corallorhiza odontorhiza var. odontorhiza	—————	Autumn coral-root	T	1
—————	(Willd.) Nutt.				

PLANTAGINACEAE-PLANTAIN FAMILY			
Hippuris vulgaris L.	Mare's tail	E	4
Veronicastrum virginicum (L.) Farw.	Culver's root	E	1
POACEAE-GRASS FAMILY			
Ammophila breviligulata	Champlain beach grass	E	1
*ssp. champlainensis (Seymour) Walker, Paris & Barrington ex Barkworth			
*(Ammophila champlainensis Seymour)			
Anthoxanthum monticola ssp. monticola	Alpine sweet grass	T	1
(Bigelow) Veldkamp			
*(Hierochloa alpina (Swartz) R. & S. ; Anthoxanthum monticola (Bigelow) Veldkamp)			
Calamagrostis pickeringii A. Gray, Man.	Pickering's reed grass	E	8
Calamagrostis stricta ssp. inexpansa	Bentgrass	E	4
(Gray) C.W. Greene			
Glyceria acutiflora Torr.	Sharp manna grass	E	4
Panicum flexile (Gattinger) Scribn.	Stiff witch grass	E	4
Piptatheropsis pungens	Slender mountain rice	T	4
*(Corallorhiza odontorhiza (Willd.) Nutt.)			
Cypripedium arietinum Ait. f.	Ram's head lady's slipper	T	1
Isotria medeoloides (Pursh) Raf.	Small whorled pogonia	E	4
Isotria verticillata Raf.	Large whorled pogonia	T	1
Liparis liliifolia	Lily-leaved twayblade	T	1
(L.) L.C. Rich. ex Ker-Gawl.			
Malaxis monophyllos var. brachypoda	White adder's mouth	T	1
(Gray) Morris & Eames			
*(Malaxis brachypoda (A. Gray) Fern.)			
Neottia auriculata (Wieg.) Szlach.	Auricled twayblade	E	1
*(Listera auriculata Wieg.)			
Neottia bifolia (Raf.) Baumbach	Southern twayblade	E	1
*(Listera australis Lindl.)			
Platanthera flava var. herbiola (L.) Lindl.	Tubercled orchis	T	1
(R. Br. ex Ait. f.) Luer			
*(Platanthera flava (L.) Lindl.)			
Platanthera hookeri	Hooker's orchis	T	1
(Torr. ex Gray) Lindl.			
Triphora trianthophora (Sw.) Rydb.	Three-bird orchid	T	1
OROBANCHACEAE-CANCER-ROOT FAMILY			
Castilleja septentrionalis Lindl.	Northern painted-cup	T	1
PAPAVERACEAE-POPPY FAMILY			
Corydalis aurea Willd.	Golden corydalis	T	1
PINACEAE-PINE FAMILY			
Pinus banksiana Lamb.	Jack pine	T	1
(Torr. ex Spreng.) Romasch., P.M. Peterson, & Soreng			
*(Oryzopsis pungens (Torr.) Hitchc.; Piptatherum pungens (Torr. ex Spreng.) Dorn)			
Sphenopholis nitida (Biehler) Scribn.	Shiny wedgegrass	E	4
Sphenopholis obtusata (Michx.) Scribn.	Blunt sphenopholis	E	4
Sporobolus compositus (Poir.) Merr.	Rough dropseed	E	1
*(Sporobolus asper (Michx.) Kunth)			
Vulpia octoflora (Walt.) Rydb.	Eight-flowered fescue	E	4
POLEMONIACEAE-PHLOX FAMILY			
Polemonium vanbruntiae Britt.	Eastern Jacob's ladder	T	1
POLYGONACEAE-BUCKWHEAT FAMILY			
Polygonum douglasii Greene	Douglas' knotweed	E	4
PRIMULACEAE-PRIMROSE FAMILY			
Primula mistassinica Michx.	Bird's-eye primrose	T	1
PTERIDACEAE-MAIDENHAIR-FERN FAMILY			
Adiantum viridimontanum Paris	Green Mountain maidenhair-fern	T	5

RANUNCULACEAE-BUTTERCUP FAMILY					
—	Anemone multifida var. multifida Poir.	Early thimbleweed	*(Anemone multifida Poir.)	E	1
—	Hydrastis canadensis L.		Golden seal	E	1
—	Ranunculus allegheniensis Britt.		Allegheny crowfoot	T	4
RHAMNACEAE-BUCKTHORN FAMILY					
—	Ceanothus herbaceus Raf.		Prairie red root	E	1
ROSACEAE-ROSE FAMILY					
—	Potentilla litoralis Rydb.		Northern cinquefoil	E	4
	*(Potentilla pensylvanica var. bipinnatifida (Douglas) T. & G.)				
—	Prunus americana Marsh.		Wild plum	T	1
—	Prunus susquehanae Willd.		Susquehanna sand cherry	E	10
—	Rosa acicularis ssp. sayi		Needle-spine rose	E	4
	(Schwein.) W.H. Lewis				
	*(Rosa acicularis Lindl.)				
RUBIACEAE-MADDER FAMILY					
—	Galium labradoricum (Wieg.) Wieg.		Bog bedstraw	T	1
SALICACEAE-WILLOW FAMILY					
—	Salix planifolia Pursh		Tea-leaved willow	T	1
—	Salix uva-ursi Pursh		Bearberry willow	E	1
SCHEUCHZERIAACEAE-SCHEUCHZERIA FAMILY					
—	Scheuchzeria palustris L.		Pod-grass	T	1
SPARGANIACEAE-BUR-REED FAMILY					
—	Sparganium natans L.		Lesser bur-reed	T	4
SPHAGNACEAE-SPHAGNUM FAMILY					
—	Sphagnum subfulvum Sjors		A peat moss	E	3
	*(Sphagnum nitidum Warnstorff)				
TOFIELDIACEAE-FALSE ASPHODEL FAMILY					
—	Triantha glutinosa (Michx.) Baker		Sticky false-asphodel	T	1
	*(Tofieldia glutinosa (Michx.) Baker)				
ULMACEAE-ELM FAMILY					
—	Ulmus thomasii Sarg.		Rock elm	T	8
VALERIANACEAE-VALERIAN FAMILY					
—	Valeriana uliginosa		Marsh valerian	E	1
	(Torr. & Gray) Rydb.				
VIOLACEAE-VIOLET FAMILY					
—	Viola lanceolata ssp. lanceolata L.	Lance-leaved violet	*(Viola lanceolata L.)	T	1
XYRIDACEAE-YELLOW-EYED-GRASS FAMILY					
—	Xyris montana Ries		Yellow-eyed grass	T	1

5.2.1 No enforcement shall be taken and no permit shall be required for the taking of listed threatened or endangered plants in instances where the plants are legally acquired and exist in a cultivated state or are artificially propagated (produced and grown under controlled conditions or originated from cultivated parental stock); unless the plants are cultivated or artificially propagated as part of a recovery plan or, for mitigation purposes in accordance with a takings permit, a directive of the Secretary, or an enforcement action.

### 5.3 AMPHIPODS

#### CRANGONYCTIDAE-A GAMMARID AMPHIPOD FAMILY

—	Stygobromus borealis		Taconic cave amphipod	E	5
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### 5.4 INSECTS

#### 5.4.1

#### APIDAE-BEE FAMILY

—	Bombus affinis		Rusty-patched Bumble Bee	E	11
—	Bombus ashtoni		Ashton Cuckoo Bumble Bee	E	11
—	Bombus terricola		Yellow-banded Bumble Bee	T	11

5.4.2 No enforcement shall be taken and no permit shall be required for the taking of threatened or endangered bees:

a. for the application of pesticides unless:

i. The pesticide was not applied in accordance with the applicable federally approved label and state Agency of Agriculture, Food, and Markets

(AAFM) regulations or permits; or ii. — The Secretary of the Agency of Natural Resources after consultation with the Secretary of the Agency of Agriculture, has notified a person of the likely presence of threatened or endangered bees, has advised the person to avoid taking the bees or to obtain a permit, and the person has failed to prevent a taking or obtain a permit.

- b. for otherwise legal activities such as, silviculture, mowing, road maintenance, construction, and painting and staining unless the Secretary of the Agency of Natural Resources, has notified a person of the likely presence of threatened or endangered bees, has advised the person to avoid taking the bees or to obtain a permit, and the person has failed to prevent a taking or obtain a permit.
- c. for aerial spraying or other activities under the direction of the Vermont Department of Health (VDH) to address public health threats such as arbovirus. The Secretary shall coordinate with AAFM and VDH to reduce the likelihood of taking bees.

5.4.3 The Secretary may develop best management practices (BMPs) to avoid and minimize the taking of bees. The Secretary shall consult with the AAFM, the Vermont Agency of Transportation, VDH, and any other interested state agency prior to finalizing the BMPs.

#### 5.4.4

#### CICINDELIDAE-TIGER BEETLE FAMILY

<i>Cicindela hirticollis</i>	Hairy-necked tiger beetle	T	5
<i>Cicindela marginipennis</i>	Cobblestone tiger beetle	T	1
<i>Cicindela puritana</i>	Puritan tiger beetle	T	5

### 5.5 MOLLUSKS

#### MARGARITIFERIDAE-PEARL MUSSEL FAMILY

<i>Margaritifera margaritifera</i>	Eastern pearlshell	T	5
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#### UNIONIDAE-UNIONID MUSSEL FAMILY

<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	E	4,A
<i>Alasmidonta varicosa</i>	Brook floater	T	5
<i>Anodontoides ferussacianus</i>	Cylindrical papershell	E	6
<i>Lampsilis ovata</i>	Pocketbook	E	6
<i>Lasmigona costata</i>	Fluted shell	E	6
<i>Leptodea fragilis</i>	Fragile papershell	E	6
<i>Ligumia recta</i>	Black sandshell	E	6,B
<i>Potamilus alatus</i>	Pink heelsplitter	E	6
<i>Pyganodon grandis</i>	Giant floater	T	6

### 5.6 FISH

#### ACIPENSERIDAE-STURGEON FAMILY

<i>Acipenser fulvescens</i>	Lake sturgeon	E	1
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#### ICTALURIDAE-NORTH AMERICAN FRESHWATER CATFISH FAMILY

<i>Noturus flavus</i>	Stonecat	E	5
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#### PERCIDAE-PERCH FAMILY

<i>Ammocrypta pellucida</i>	Eastern sand darter	T	1
<i>Percina copelandi</i>	Channel darter	E	6

#### PETROMYZONTIDAE-LAMPREY FAMILY

<i>Ichthyomyzon fossor</i>	Northern brook lamprey	E	4,A
<i>Lethenteron appendix</i>	American brook lamprey	T	1

\*(*Lampetra appendix*)

### 5.7 AMPHIBIANS

#### BUFONIDAE-TOAD FAMILY

<i>Anaxyrus fowleri</i>	Fowler's toad	E	11
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#### HYLIDAE-NEW WORLD TREE FROG FAMILY

<i>Pseudacris maculata</i>	Boreal chorus frog	E	10
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### 5.8 REPTILES

#### COLUBRIDAE-COLUBRID SNAKE FAMILY

<i>Coluber constrictor</i>	North American racer	T	7
<i>Pantherophis alleghaniensis</i>	Eastern ratsnake	T	7

\*(*Elaphe obsoleta*)

#### EMYDIDAE-BOX TURTLE AND POND TURTLE FAMILY

<i>Clemmys guttata</i>	Spotted turtle	E	6,C
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#### SCINCIDAE-SKINK FAMILY

<i>Plestiodon fasciatus</i>	Common five-lined skink	*( <i>Eumeces fasciatus</i> )	E	1
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#### TRIONYCHIDAE-SOFTSHELL TURTLE FAMILY

Apalone spinifera	Spiny softshell	T	1
VIPERIDAE-VIPER AND PIT VIPER FAMILY			
Crotalus horridus	Timber rattlesnake	E	1
<b>5.9 BIRDS</b>			
ACCIPITRIDAE HAWK AND EAGLE FAMILY			
Haliaeetus leucocephalus	Bald eagle	E	1
CAPRIMULGIDAE-NIGHTJAR FAMILY			
Antrostomus vociferus	Eastern whip-poor-will	T	10
*(Caprimulgus vociferus)			
Chordeiles minor	Common nighthawk	E	10
EMBERIZIDAE-AMERICAN SPARROW AND RELATIVES FAMILY			
Ammodramus henslowii	Henslow's sparrow	E	1
Ammodramus savannarum	Grasshopper sparrow	T	6
ICTERIDAE-BLACKBIRD FAMILY			
Euphagus carolinus	Rusty blackbird	E	11
LANIIDAE-SHRIKE FAMILY			
Lanius ludovicianus	Loggerhead shrike	E	1
LARIDAE-GULL AND TERN FAMILY			
Chlidonias niger	Black tern	E	7,B
Sterna hirundo	Common tern	E	2,A
PHASIANIDAE-TURKEY, GROUSE, PHEASANT AND PARTRIDGE FAMILY			
Falciipennis canadensis	Spruce grouse	E	2
SCOLOPACIDAE-SANDPIPER, SNIPE AND RELATIVES FAMILY			
Bartramia longicauda	Upland sandpiper	E	7,A
TROGLODYTIDAE-WREN FAMILY			
Cistothorus platensis	Sedge wren	E	6,A
<b>5.10 MAMMALS</b>			
FELIDAE-CAT FAMILY			
Puma concolor cougar	Eastern mountain lion	E	1
*(Felis concolor cougar)			
Lynx canadensis	Canada lynx	E	1
MUSTELIDAE-WEASEL FAMILY			
Martes americana	American marten	E	1
VESPERTILIONIDAE-EVENING BAT AND VESPER BAT FAMILY			
Myotis leibii	Eastern small-footed bat	T	1
Myotis lucifugus	Little brown bat	E	9
Myotis septentrionalis	Northern long-eared bat	E	9
Myotis sodalis	Indiana bat	E	1
Perimyotis subflavus	Tri-colored bat	E	10