

Input on Proposed Bills Relating to Endangered Species
Wednesday, February 21, 2024
Ethan Allen Room
1-3 PM

General comments

I am thrilled that the members of the house are invested in maintaining our biodiversity and protecting rare, threatened, and endangered species in Vermont. Action now is critically important for the future of many non-game species. There are some very useful changes included in these four bills. In my opinion, H-812 is well-meaning but parts of it are unrealistic and need to be altered. I believe it needs to be parsed into achievable increments. I have made a few suggestions along those lines. A small advisory group made of some of the people who testified at your hearing (or other SAG chairs) could probably generate some additional approaches that would be both achievable and very helpful.

Bills H-587, H-588, and H-597 are all useful and realistic. H-597 (with the exception of the bear parts) is a result of recommendations of the Reptile and Amphibian Scientific Advisory Group to the Endangered Species Committee.

I feel it needs to be said that all four bills are attempts at addressing the symptoms of a much larger issue. As you may know, the primary threats to all wildlife are habitat loss, habitat fragmentation, and habitat degradation. Here is some background information.

- Between 1997 and 2007, 75 square miles of land were developed in Vermont (VT Environmental Trends Report, 2011)
- Between 2007 and 2013, 75,000 acres of forest land were lost (US Forest Service)
- Since European settlement 35% of our wetlands in Vermont have been lost (VT DEC)
- We continue to lose 200-400 acres of wetlands per year (VT ANR)
- Twenty percent of our reptiles and amphibians are listed as threatened or endangered and one has likely been extirpated (Boreal Chorus Frog, last seen in VT in 1999)
- Although we have had some wonderful successes recovering a few bird species that had suffered from the use of pesticides that have since been discontinued, many birds, insects, and plants continue to decline and will need to be listed in the future.
- Despite valiant efforts on the part of many state employees, Vermont's Agency of Natural Resources does not have the required funding or personnel to survey, monitor, and conserve our ecosystems when faced with the continual loss, fragmentation, and loss of habitat brought about by a perpetual growth economic system. The best they can do is minimize the damage until the underlying problems are solved.

What we need to do to maintain our wildlife, recreational lands, forest land, and agricultural land, is to address the myth that perpetual consumption, fragmentation, and degradation of open lands is necessary for our economy. It is not. It is gradually destroying our way of life and our economy. We need to move away from traditional economics to ecological economics, an economic system that takes into consideration sustainability over the long term. UVM Professor Jon Erickson's recent book, the Progress Illusion is a good source of information on Ecological Economics. More people and more habitat consumption is not the answer, it is the problem.

That said, see below for my feedback on the specifics of these four bills.

H-812

Require the Secretary of ANR to revise the state list of T&E species every three years

This is unrealistic as currently worded. The current system for listing works well and stays up-to-date with recommendations. The input of the Scientific Advisory Groups (SAGs) is taken seriously by the ESC and the list of T&E species is updated regularly. There is occasionally some resistance after the ESC recommendation has reached the Secretary but that is the exception.

Keep in mind that my experience is with listing reptiles and amphibians. We have only 40 species versus hundreds for other groups. The recommended listings for our taxonomic group are up-to-date and current. Other SAGs (made up of volunteers) may not have the data or resources to keep up to date with listings. Additional Fish and Wildlife staff are needed for the larger taxonomic groups (invertebrates, plants, fungi, bryozoans).

Following up on listing with recovery plans does not keep up with listing. Most listed species do not have recovery plans. Additional personnel or funds would be needed for F & W to keep up. An additional position of a dedicated T&E biologist would help. Simplification of the recovery plans could help. The SAGs are made up of volunteers that can't be expected to carry this load on their own.

Require the Secretary of ANR to list critical habitat for each T&E species

Vermont is very unusual in its ability to list critical habitat for T&E species. We were very cautious in choosing the first few pieces of critical habitat to list (Spiny Softshell beaches, tern nesting islands, a bat hibernacula) in order to avoid potential resistance from landowners. The process worked well but was very limited in scope. There is certainly much more to be done in this area. More critical habitat does need to be listed, but it needs to be done cautiously and incrementally.

Listing critical habitat for all T&E species individually would be a very large job, requiring additional staff and funds (~53 animals, ~163 plants are currently listed).

Listing habitat is an involved and slow process that requires much volunteer time from the SAGs, staff time from F&W, and landowner permission. However, mapping (versus listing) priority areas for T&E conservation could be accomplished relatively quickly and easily.

Best examples of rare community types could be mapped as priority conservation areas.

Areas with concentrations of T&E species and rare community types could be mapped fairly easily.

The F& W Heritage database has a great deal of information on the known locations of T&E species. That said, they are about two years behind in entering data. The woman who enters that data needs a full-time assistant to get and stay caught up.

Data on non-game vertebrates is much more complete (fewer species) than invertebrates and plants, fungi, and bryophytes. There is much fieldwork that still needs to be done to locate populations of all the groups, but particularly invertebrates, plants, fungi, and bryophytes.

Incremental possibilities: list at least three pieces of critical habitat per year until at least one population of all listed species is included within a protected parcel.

Identify and list all critical habitat on public lands in the next ten years?

Prohibit the sale, offer for sale, transport or import of a T&E species within the state

This makes sense.

It may require additional warden time and personnel, with funding.

The bill would allow the authorized taking of a T&E species only to enhance the propagation or survival of a T&E species

Currently, a permit request for the taking of a T&E species contains the six categories below:

- Scientific Purposes (typically requires submission of research protocol)
- Enhance the Propagation of a Species
- Economic Hardship
- Zoological Exhibition
- Educational Purposes
- Special Purposes Consistent with the Purposes of the Federal Endangered Species Act

Limiting the list to only “enhance the propagation of a species” makes sense ideally. Economic hardship has been used too often as a reason to justify a taking. However, economic hardship is the category used on most permit requests that the ESC reviews, and I would imagine significant pushback from developers and landowners if this were not an option. I see no reason to continue to include Zoological Exhibition, Educational Purposes, or Special Purposes Consistent ...

I believe further defining economic hardship so that it could only be used on a permit from a landowner regarding their private lands, could help clarify and reduce the use of this category. All permits would still be carefully reviewed by the ESC under current procedures.

Require the Secretary of ANR to adopt by rule, practices that a person engaged in farming, forestry, or silvicultural practices may implement to avoid or minimize the taking of a T&E species, or that encourage critical habitat for T&E species

This could be very helpful, but it is a very large job requiring additional personnel & funding.

It would have to be prioritized and addressed incrementally, probably with groups of species that use specific habitat types. Economic incentives and education would help.

H-587, Introduced by Brennan of Colchester

Increases penalties in dollars and jail time for big game & T&E species

Good idea to increase penalties. I support it.

I found an adult male Wood Turtle online for sale at \$800 (Spotted Turtle \$300), the temptation to sell illegally can be great and the profits considerable.

Perhaps fines should be doubled for rare, threatened, and endangered species (S1 and S2 Heritage Ranks).

Putting T&E species in the category of “Big Game” is a misnomer. They are not game species nor big. This language should be changed (updated) to something like Major wildlife violations. I talked to C. Gjessing about this and she understands my concerns.

H-588, Introduced by Brennan of Colchester

Takings and confidentiality of posting of T&E permits

Protecting the locations of T&E species with a history of collection and sale makes sense.

This has been a concern of the Reptile and Amphibian Scientific Advisory Group.

510 B should be expanded to include rare as well as T & E species (example Wood Turtle and some plants)

H-597, Introduced by Brennan of Colchester

Protection of reptiles, amphibians, and bear parts

This bill is primarily the result of two recommendations coming from the Reptile and Amphibian Scientific Advisory Group to the Endangered Species Committee

4085 #1

This came about as a result of our concern that released Pond Sliders (a non-native pet) have been found in increasing numbers in state waters. This species has become an invasive nuisance in southern New England, and with climate change may become a nuisance species here in Vermont. This would allow the Commissioner to restrict further import and sale of Pond Sliders.

4085#2

Allows those people who already have Pond Sliders as pets to keep them.

4085#3.

Unlike migratory birds, reptiles and amphibians (and other non-game species) are not protected from takings unless they are listed. As long as one has a hunting and/or fishing license an unusual species such as an Eastern Musk Turtle could be shot in any numbers at any time. Some people shoot turtles for target practice.

We had thought that the non-game rule protected “species not normally taken for food or profit” but DEC General Counsel Catherine Gjessing, former nongame project leader Steve Parren, and wardens felt the non-game rule was not adequately protecting non-game species. This is an effort to address that weakness.

I strongly support 1-3

4085 #4-9

It was not our goal to provide any open seasons (such as suggested for Snapping Turtle, American Bullfrog, and Green Frog). However, we were aware that there might be some resistance from what we suspect are relatively small numbers of people who eat or use some reptiles and amphibians as bait and that they may need to be accommodated in order to protect the majority of reptiles and amphibians. The language in sections 4-9 was crafted by F & W to allow current consumers of reptiles and amphibians to continue to do so within limits.

I support 4-9 only if the Commissioner seeks expert input from state and private herpetologists before setting any seasons, size limits, etc. The Reptile and Amphibian Scientific Advisory Group is set up to support the Secretary on ESC issues but could be used for this input. The role of SAGS could be expanded to cover seasons and bag limits of non-game species within their taxonomic area of expertise.

Section 4709 is amended

Specifically mentions inclusion of reptiles and amphibians in section A & F

It should also mention reptiles and amphibians in Section E.

I support, but reptiles and amphibians should be added to (Section E)