

To: The Vermont Legislative Committee on Administrative Rules

From: Jim Andrews & Kate Kelly for The Vermont Reptile and Amphibian Atlas

Date: April 21, 2026

Re: Concerns Regarding the Proposed Wetland Rules Change to conform with Executive Order 06-25 “Promoting Housing Construction and Rehabilitation”

The proposed wetland rules changes included in Executive Order 06-25 that would exempt unmapped wetlands and reduce the size of buffers to 25 ft. on mapped wetlands will negatively impact reptiles and amphibians, which are highly dependent on wetlands and their adjacent uplands during various phases of their lives. Examples of species that will be impacted by these changes are listed below.

T&E Species Impacted by Proposed Changes

The Central Ratsnake (T) and Timber Rattlesnake (E) use wetlands as feeding areas and travel corridors. Some Modification Areas fall within the range of these species. Additionally, Central Ratsnakes have been reported within or near several of these areas (Castleton, Fair Haven, Benson). These species travel up to a few miles to and from upland dens to access these wetlands. And many of the species they feed on (frogs and mice) use the uplands adjacent to wetlands for foraging.

Fowler’s Toads (E) breed in temporary pools located in disturbed sandy soils that are often along the margins of streams and rivers, but they feed on land. Their daily movements average 20-30 meters, and seasonal movements have been measured over 1,500 meters in Michigan. They have been documented in Hartford Village Center and near Westminster & Vernon Village Centers historically. There are several areas of presumed class 2 wetlands within these areas that could be breeding habitat for this species, and their terrestrial habitat extends well beyond even a 50 ft. buffer. Construction of roads between their upland and breeding habitat could eliminate populations.

Species of Special Concern Impacted by Proposed Changes

Mink Frogs (S3, SC) are highly aquatic and rely on cool, well-oxygenated water for breeding. This habitat, which is essential for eggs, young, and adults, is already threatened by climate change. In addition to breeding and foraging in mapped wetlands, Mink Frogs are frequently associated with beaver ponds that have not been mapped. Although they do not commonly feed on land, they do move to and colonize newly created habitat. Specimens have been documented in Lyndon in the Village Center & Buffer area (as of 2010). Adverse impacts to unmapped class 2 wetlands in this area (as well as Modification Areas in all of northeastern Vermont) would negatively impact this species.

Eastern Ribbonsnake (S2, SC) is a wetland-dependent species that has been considered for listing as Threatened by the RASAG. It is an amphibian specialist that feeds in and near wetlands. However, its den sites may be hundreds of meters from those wetlands. Eastern Ribbonsnakes occur in the Priority Housing Projects with Buffer area in Poultney, which includes several presumed (unmapped) class 2 wetland areas. It has also been reported in Wells Village Center and near West Pawlet and Benson Village Center & Buffer areas. This species has only 14-18 populations in Vermont. The proposed Wetland Rules Changes will likely negatively impact four of those populations. Degradations of those populations would likely lead to the RASAG recommending it for listing.

Unmapped Wetlands & Unknown Populations of R, T, & E Species

We have not yet located all of Vermont's populations of rare, threatened, and endangered species, nor have we located all the wetlands that help support them. In addition, wetland locations can change over time as a result of flooding, beaver activity, or other actions, either natural or human-caused. Consequently, some valuable wetlands remain unmapped. For example, a previously unknown wetland location for the state-endangered Spotted Turtle was discovered just this year.

Our Concern and our Recommendation

The Vermont Reptile and Amphibian Atlas (VtHerpAtlas.org) opposes the wetland rule changes as proposed in Executive Order 06-25 and as recently forwarded to LCAR. We feel that the current protections for both mapped and unmapped wetlands, and the applied buffers in our current wetland regulations, are minimal, but should continue to apply to lands mapped as Tier 1A & 1B under Act 181, as well as Downtown Development Districts, Village Centers, New Town Centers, Growth Centers, and Neighborhood Development Areas. In addition, protecting the connectivity of wetlands to surrounding habitats and protecting habitat adjacent to wetlands would be valuable additions to our wetland regulations in the future. Protecting adjacent and connecting habitats around wetlands greatly increases the number of species they help sustain, including populations of our rare, threatened, and endangered species such as Timber Rattlesnake, Central Ratsnake, Eastern Ribbonsnake, Fowler's Toad, and Mink Frog.

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