

# VERMONT ENDANGERED SPECIES COMMITTEE

## MEETING MINUTES

January 23, 2024

**Hybrid Meeting – in person in the Catamount Room at National Life / Teams**

*We are now recording meetings and taking abbreviated minutes, and will provide both on the ESC webpage.*

### **Attendees**

ESC Members: Allan Strong (Chair, fauna representative), Chris Herrick (FWD Commissioner), Matt Peters (member, flora representative), Paul Wieczorek (member, agriculture representative), Stephanie Smith (VFAAM representative), Ali Kosiba (member, silvicultural expertise), Julie Moore (ANR Secretary), Carla Fenner (member, flora representative), Bryan Pfeiffer (fauna representative).

Non-members: Pam Bryer (VFAAM agrichemical toxicologist), Jim Andrews (Reptile and Amphibian SAG), Jon Kart (FWD Permit Administrator and SWAP Coordinator), John Austin (FWD Division Director), Roz Renfrew (FWD Wildlife Diversity Program Manager), Rich Langdon (Fish SAG), Mark LaBarr (Bird SAG), Dorothy Allard (Bryophyte SAG), Savannah Ferreira (Fungal SAG), Kent McFarland (Invert SAG).

### **Scheduled 2024 ESC Meetings**

Change in date of next meeting: April 17, 2024 (original date April 23, 2024)

All meetings 9am – 2pm. Hybrid meetings: Teams or in person at National Life Davis Building in Montpelier, Catamount Conference Room.

### **Call to Order**

Allan Strong opened the hybrid in-person/online Microsoft Teams meeting at 9:03 am. This meeting was recorded.

### **Comments from the public not related to the agenda**

None.

### **Additions, deletions, or changes to the agenda**

None.

### **Approval of minutes from the [12 September 2023 meeting](#)**

**MOTION:** By Paul Wieczorek, seconded by Stephanie Smith, to approve the 12 September 2024 minutes. Motion passes with minor edits (Bryan Pfeiffer and Ali Kosiba abstain - not present at the last meeting).

## **Commissioner Herrick introduced John Austin as new FWD Wildlife Division Director.**

John says he has been with FWD for almost 30 years. He feels honored to serve in the position of Division Director. Feels extremely fortunate every day to work in wildlife conservation on behalf of Vermonters. He has interacted with this committee in past as Interim Division Director and is excited to again be working with this team of experts on these important issues.

## **Updates from ANR – Secretary Moore**

Budget: returning back to where we were last several years, but budget is double from 7 years ago, 80% of increase is due to federal funds for infrastructure. Also one-time funds for projects such as state lands, wetlands, forest action plan. Persistent high workload for staff. Opportunity for investments despite the challenge. Flooding brought increased emphasis to resilience.

Climate Action: many bills introduced related to resilience representing many different responses to floodings. River corridor, floodplain restoration, but also dredging. Actively involved. Governor and Treasurer will be collaborating on resilience implementation strategy to gather and coordinate all work related to resilience to articulate priorities. Drafted by 1 July 2025, Climate Action Plan also emerging then, with focus on emissions.

H.812 – Endangered Species bill. Meeting with Rep Satcowicz who introduced the bill to understand what his goals are, and to convey the roles and work of SAG/ESC.

Question from Paul Wiczorek. about Worcester Range Management Plan: it doesn't seem to recognize the 9% old forest target in VCD, and whether the Range can serve as "ecological reserve" in Act59. John Austin explained that the plan represents a balancing of interests, and is designed to align with VCD. The development of the plan long predates Act59. It is based on a lot of input from partners and the public, and therefore intentionally reflects many interests. Act59 will guide incorporation of its principles into state lands management. Only 1,900 of 18,000 acres will be actively managed, intended to build resilience in specific areas for specific purposes. Paul still concerned because much of the area protected is high elevation, concern is about lower areas where management will occur – where will VCD's 9% come from. John explained 9% is a statewide target, not meant to be the solution for each parcel. It was taken into consideration via the natural area designation. Highly sensitive management units may be the opportunity to expand on that interest.

## **Updates from VT Fish and Wildlife Department –Commissioner Herrick, John Austin**

S258: Reorganizes F&W Board. Includes oversight of all species, including those not hunted. Commissioner will be talking to Senator Bray. Question about whether there would be conflict and confusion within F&W Board under S258, discussion about what issues could bring conflict. History of legislature turning over rulemaking for game to the board. Discussed opportunity for more discussion around intersections, eg between deer management and rare plants, forest regeneration, etc. Jim Andrews. asked about the rulemaking to happen if H597 on herps passes, which species to allow to be collected. This would pass over to F&W board as rulemakers for harvest.

John Austin gave overview of Act 59, Biodiversity and Community Resilience bill (aka 30 X 30 and 50 X 50).

## **Introducing Dr. Pam Bryer, agrichemical toxicologist – Stephanie Smith**

MS in behavioral ecology, predator-prey interactions, PhD Env Toxicology. How pollution moves through the environment, she previously worked for Maine in their Board of Pesticides Control.

Intersections discussion thought: an example - applications by homeowners of tick control pesticides in areas of deer harvest – deer harvest can control ticks instead of pesticides.

ESA settled megasuit to take into account ESA in pesticide regs process. EPA setting up massive changes in pesticide registration to avoid EPA from continuing to have everything determined via lawsuits. To be carried out on federal critical habitats. Different zones with different uses. Establishing required agricultural practices. Anticipated products/changes include a vulnerable species website; herbicide strategy – how to quickly review for all listed species and habitats, and mitigations for groupings of herbicides; a rodenticide strategy; and proposed major changes to all rodenticides. Don't know yet what insecticide and fungicide strategies will be.

VAAFAM Ginseng landing page: [Ginseng Certification | Agency of Agriculture Food and Markets \(vermont.gov\)](#). Agricultural Innovation Board annual report: [AIB-Annual-Report-CY-2023\\_final.pdf \(vermont.gov\)](#)

## **SAG Annual reports**

[Bryophyte SAG annual report](#) – Dorothy Allard

Focus on generating /updating list with ranks. Need more interaction with F&W. Interested in facilitating more data entry in NH database. Also help with revision on SWAP.

[Fungal SAG annual report](#) – Savannah Ferreira

New members: [Meg Madden](#), [Hannah Lavia](#)

Have had 3 meetings with large group, and a smaller leadership group. 3,000 species. Using S ranks and IUCN rankings. Lots of outreach. Discussed pathogens and overlap with agriculture, collaborations on pest insects. Interest in how SWAP can incorporate fungi.

**MOTION:** By Allan Strong, seconded by Paul Wiecezoreck, to approve both candidates (above) as new members of Fungal SAG. Motion passes.

[Reptile and Amphibian SAG annual report](#) – Jim Andrews

Debating eastern ribbon snake for listing.

[Risk matrix](#) - used for informal species of concern list, map turtle taken off. This matrix may be able to be used by other SAGs, focus is on threats.

Discussion on red-eared pond sliders. Online trade – VAAFAM has had some success requiring online companies to say on website that they do not sell the species in VT. Also Amazon, ETSY. But need to enforce. This will help if/when we enact a strategy to reduce red-eared sliders.

Special concern is a term used for both priority species, but also for noxious weeds.

**Mammal SAG annual report** – Bill Kilpatrick not present

**Invertebrate SAG annual report** – Kent McFarland

14 members, twice as many as 10 years ago, still need more.

18 species listed. We think there are ~21,000 invert species in VT.

Working on Elktoe (mussel) listing recommendation. One location on Lamoille River.

Draft forms for 3 lady beetle species that used to be very common statewide and regionally.

Critical habitat designation drafts for Brook Floater and Common Cave Amphipod in progress.

Recovery plans in the works - tiger beetles, mussels. Savannah Ferreira is digitizing insect collection data.

**Bird SAG annual report** – Mark LaBarr

Jim Armbruster (VINS) new member, and now we have Jill Kilborn - new FWD bird biologist. Roz Renfrew often attends but not official/voting member.

Roz Renfrew gave update on Franklin County Airport: discussions between FWD and VTrans moving forward, focus right now is mitigation, then they will return to the restoration and management plan. Status unknown about possibility of enforcement action around E/T violation in spring.

Whip-poor-will and Eastern Meadowlark recovery plans to be reviewed in April.

Grasshopper Sparrow: Roz had high count of 18 singing males on Franklin County Airport with complete area search of all grass areas (previously counts were from point counts, so numbers lower).

Our recovered species doing well – Bald Eagle, Osprey, Peregrine Falcon

Black Tern – 41 pairs in 2023, lower than in past

Common Tern – lower productivity 3 years ago due to a Peregrine Falcon present, high productivity in 2023

**Flora SAG annual report** – Matt Peters

Added Ryan Rebozo, Grace Glynn new state botanist, Bob Popp retired state botanist remains on SAG.

Marsh horsetail proposed delist.

More unpermitted takings, two examples:

- Harsh sunflower at Colchester Rec Center project

- Bridgeman's quarry and Hairy Bush Clover: new plants volunteered where they were digging.

Field trip to look for flooding effects.

New species being found, most non-native, some from south and suggest climate change influence.

**Fish SAG annual report** – Rich Langdon

Reviewed lampricide permits for Poultney. VFWD started fish surveys but stopped in 2019. Fish SAG recommendations: resume sampling on some regular basis to determine whether impacts from TFM; 9% reduction of TFM; sample rivers using eDNA to determine whether lamprey exist (done in Hubbardton) - and was not treated as no lamprey were detected.

DEC and FWD databases – Rich Langdon, Will Eldridge, Mark Ferguson looking to integrate these.

Almost half the fish in VT now SGCN due to recent additions. These additions are not due to new threats or new/increased declines; Margaret Murphy from Fish Division in FWD employed a different interpretation from past of what merited listing.

**Permit updates** – Jon Kart

Jon reviewed permits. Concern expressed about permit timing challenges. Also discussed solar projects and grassland bird habitat, discussion around alternative options for solar siting. Ali mentioned [study by Harvard Forest looking at MA solar options](#).

Changed April meeting from 23<sup>rd</sup> to the 17<sup>th</sup>.

Meeting adjourned at 2:15pm.

*Minutes notetaking: Roz Renfrew*