

VERMONT ENDANGERED SPECIES COMMITTEE

MEETING MINUTES

September 12, 2023

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 Wieczoreck (member, agriculture representative), Stephanie Smith (Agency of Agriculture Food and Markets representative), ANR Secretary Moore, Carla Fenner (member, silviculture representative).

Non-members: Catherine Gjessing (FWD attorney), Jen Mojo (ANR Office of Planning), Jim Andrews (Reptile and Amphibian SAG), Jon Kart (FWD Permit Administrator and SWAP Coordinator), Roz Renfrew (FWD Wildlife Diversity Program Manager, Interim Wildlife Division Director), Rich Langdon (Fish SAG), Mark LaBarr (Bird SAG), Grace Glynn (FWD Botanist), Sean Fowler (FWD Deputy Warden), Art Gilman (Flora SAG, Gilman & Briggs consulting), Errol Briggs (Gilman & Briggs consulting), Rosy Metcalf (herp atlas assistant).

Scheduled 2023 ESC Meetings

Tuesday Jan 23, 2024

Tuesday 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 9:04am. 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 25 April 2023 meeting](#)

MOTION: By Matt Peters, seconded by Paul Wieczoreck, to approve the 25 April 2023

minutes. Motion passes.

Volunteer to take notes: Carla Fenner will take notes, focus on action items now that we record meetings.

Updates from ANR – Secretary Moore

- July's flooding impacts are putting a strain on State's natural resources, staff and financial capacity to respond
 - All dams rated as High risk have been inspected; needed repairs have been identified;
 - All three flood control facilities in the state were near/at capacity during storm and all have been inspected post-storm;
 - All wastewater facilities are back online currently; some sites are operating as a temporary measure with permanent repair work needed;
 - State staff looking at "next flood" infrastructure needs to anticipate future events;
 - Overall, recovery work has been more efficient and targeted and less impactful on creating further natural resource impacts than during Irene.

Questions and discussion about whether Spiny softshell nesting beaches were flooded. Roz Renfrew says yes there was flooding of the nests, numbers not in yet. Habitats in first order streams likely flushed, but they've been observed traveling back shortly after events in past so July floods likely not a lasting impact; wood turtle nesting habitats flooded, a few found in cities far from any potential habitat.

-Matt Peters: Rivershore flora species likely scoured or impacted by sediment deposit in places; cutleaf anemone in Winooski transplant were observed post-flooding and looks like they survived but were inundated

-Group discussion on spread of Japanese knotweed

-Allan Strong: Black tern survey at Missisquoi NWR in June and there were thorough counts conducted; would be interesting to know how they fared after flooding to see if there were adults with juveniles that remained, but surveys were not conducted after the flood.

- Franklin County Airport
 - VTrans widening runway plus stormwater practices had inadvertent impacts to grasshopper sparrow;
 - Next up is runway lengthening, for which they applied for takings. Needed all permits in order to receive FAA funding.
 - Permit requires 4 plans: revegetation, restoration & management, long-term airport development, and mitigation.
 - Permit issued; July deadline met for revegetation plan, not met for restoration and management plan; for the latter, notice of alleged violation was issued to VTrans last week; initial seeding to occur this week and forbs to be seeded in Oct.
 - Parcel between airport and Rte 78 was sold to VTrans along with other

lands held by same owner, this introduces new opportunities for mitigation (previously was thought this would be aviation easement, but VTrans went ahead and acquired it)

- Intent to reach out to relevant ESC / Bird SAG members and others with expertise who advised already, for comment on revised reveg/restoration and mitigation plans developed (bird SAG meets next month and chair Mark LaBarr will discuss airport)
- Julie will provide the revised materials to ESC members and will also provide copy of the ANR comment response to those revised materials

- Paul Wieczorek: complexity in that airport management has created and perpetuated habitat for the species but also airport activities negatively impact.

- Roz Renfrew: also, nest predation likely lower on airport than otherwise would be due to exclusion of predators by fencing all around airport. Maintaining population stronghold at the airport essential unless/until off-site mitigation or other activities provide alternative option.

- Lampricide permit
 - Jen Mojo: public comment period ends on Oct 1st/2nd
 - Invertebrate and Herp SAG both offered comments
 - Possible funding for mussel studies and social science research coming up; good timing for general/broad discussion on the need and use of lampricide
 - Hubbardton River has no lamprey found, so fish SAG recommended not treating it, with these and other comments:
 - Could serve as refuge for sea lamprey
 - Could be used for eDNA study to see if sea lamprey are present
 - Under this scenario, the mouth of the Hubbardton River would need to be physically isolated to prevent passage
 - Lake Champlain Basin Program possible funding mechanism for research

Updates from VT Fish and Wildlife Department – Commissioner Herrick

- 2025 budget building has started within FWD. Budget is looking like it will be very tight.
 - LCAR coming up on October 5
 - Local meetings have been occurring leading up to this, with lots of interest and strong points of view regarding topics on furbearer issues including bear hunting with hounds, coyote hunting, and trapping.
 - Recent visit to a wetland restoration site in Lemon Fair River floodplain agricultural field where area is being taken out of agriculture and actively restored to wetland floodplain
 - Pomainville WMA (Pittsford-Brandon) ponds have been found to have Pike as of this summer; also excellent waterfowl habitat
- Luke Groff, with support from others, have been working to collect information and alternative strategies regarding options for criminalization of illegal herp trade

- Status update on bag limit for common species and pond slider control/intro prevention measures
 - Working group within FWD including Roz, Luke and a couple others to review information/materials and conduct the coordination and communications needed to carry issues forward with sufficient information; Luke is leading that coordination
 - Jim reminds the meeting attendees that the Herp SAG prepared [brief white papers](#) on both issues.
 - It is recognized that Luke’s workload is already heavy and not able to dedicate a full amount of attention on these issues in the near term
- FWD Wardens have taken on responsibilities in animal cruelty cases due to VT State Police staffing limitations. Currently investigating a situation in Williamstown with dogs, which has also been publicized in the news
- Goal for FWD staffing is to leverage existing funds for temporary and/or term positions; the Assistant State Botanist position will be advertised/filled; FWD will request more budget for wardens especially given that they have taken on new responsibilities;
 - Goal is to create/fill four positions within the department, including one forester for State FWD lands
- FWD is pursuing legislative change that would protect FWD from needing to release location of a few T&E species
 - Brief discussion on the “gray area” of releasing site-specific information for T&E locations via public notice and regulatory processes; the new proposed wording would let agency keep location info confidential even in the case of a regulatory situation, for a few select species that are vulnerable to illegal harvest.
- New state botanist – Grace Glynn
 - Commissioner Herrick introduces Grace Glynn; welcome also offered by Allan, additional comments from Roz
- 2023 Challenges with Takings permit applications (Deerfield wind, Franklin County Airport)
 - Deerfield Wind Takings Permit Application
 - Facility needed permit update for operational impacts to birds and bats
 - Has been demonstrated equipment malfunction and missing data or data that has not been analyzed as well as inadequate definitions of methods and analysis proposed under new Takings permit application
 - Franklin County Airport Takings permit application
 - Brief summary explanation by Catherine about runway widening and non-permitted impact to grasshopper sparrow has preceded the current application for takings to same species from proposed runway lengthening
 - Mitigation plan, revegetation plan, and restoration plan are components of the final permit
 - Abutting land that was assumed to be used by VTrans (applicant) for aviation easement has actually been acquired by VTrans and so this presents possible new opportunities for impact mitigation long term

Updates from surveys associated with permit applications (Spotted Turtle and Fowler's Toad)

- Fowler's Toad: Recently developed "Guidelines for Fowler's Toad Calling Surveys" implemented for a solar project site in Rockingham. All went well, although no toads were heard when audio recordings were reviewed.
 - GMP Taftsville Reconductoring Transmission: takings permit for Fowler's Toad was issued. Trained Wildlife Monitors have been onsite for 12 weeks of construction monitoring so far. No Fowler's Toads observed yet. Incidental reports of other herps (American toads, Smooth greensnake, etc.)
 - Spotted turtles at NEP Vernon A1B2 Transmission Line: no surveys currently happening. Awaiting comments, no permit issued yet.
 - Hairybush Clover permit at quarry: no actions yet, no public comments. Carla was on site recently. Mitigation package. Site walk next week with Grace.
- Roz passed along additional flood-related information from Mark Ferguson (FWD Zoologist): he hasn't assessed any known mussel beds since the flood. Expects there will be some impacts, particularly due to sediment movement. Scour can wash mussels away to unknown fate. 12+ years ago, heavy rains caused a large slug of sand to wash into the upper Winooski (Marshfield area). It slowly moved downstream over a year or more, killing eastern pearl shell along the way. The July event this year was more extreme in that watershed and could have similar impacts (along with scour). We've also seen large events wash out mussels that were being monitored following development-related relocation in lower sections of Lake Champlain tributaries.

Uploading SAG and ESC volunteer hours was an item on the agenda - was not discussed.

Sally Laughlin Award nominations

Awardee has been selected: Bill Kilpatrick

Award will be presented at the upcoming Dead Creek Day, held at the WMA headquarters
Members of ESC and FWD encouraged to attend; press release for the award will be developed

Proposal for delisting – *Equisetum palustre* – Art Gilman

- Art describes brief history and summary of species and habitat in Vermont, provides mention of the white paper provided to ESC (linked on Sharepoint site)
- 1987 *Equisetum palustre* was listed in VT
- Most commonly found along Lake Champlain and Art has also observed populations along Connecticut River, where phenotype is somewhat different resulting from active flow (compared to lake)
- Art was involved with a takings permit for this species at Barton solar, where panels were installed over population in wet field
 - Nine year of monitoring have occurred at that site:
 - Shading from panels is not impacting vigor of plants;

- 2021 supplemental study done by Art where each solar racking post site plus three feet around each post underwent a stem count and there were >2500 stems counted, which indicates the population has grown since solar project installation
- Nearby utility ROW also has extensive and vigorous population
- Roadside ditches in Barton River watershed also have populations, and ditch maintenance/cleanout may be actually supporting and sustaining the habitat;
- Glover Pond also a population in a meadow adjacent to a roadside way-area that is mowed every summer and that management appears to support the habitat for this species;
- Take home message is the species is maintaining robust populations in the state which are not declining as the result of existing, ongoing human activities;
- Matt comments that during FLAG discussions leading up to the proposed delisting it was determined that this species does not meet any of the listing criteria;
- FLAG has unanimously voted to recommend that the Secretary delist this species;
- 38 occurrences of this species in VT, likely more along Barton River.

MOTION: by Paul Wieczorek to delist *Equisetum palustre*, seconded by Allan Strong. Motion passes, FWD, Agency of Ag abstaining.

Allan comments that in the past, ESC has requested an abstract that he can use to submit to Secretary. Art Gilman will put that together using information from the white paper.

Agenda Items for Next Meeting

- Wildlife Action Plan - Roz
 - Starting formation of committees with FWD Dept heads
 - Landscape scale conservation will be a focus, using Vermont Conservation Design
 - SGCN updates hopefully not a huge amount of time/effort.
 - Bird SAG had started on process to determine whether there are any gaps in SGCN conservation when using Vermont Conservation Design (VCD). The next Action Plan may be an opportunity to complete that process and integrate
 - NatureServ has a recommended tool/calculator but for some taxa there isn't enough information/data to use the tool; professional judgement comes in
 - Bryophyte SAG wrestling with developing a SGCN list for now, to start
 - Steering committee and taxa teams will be formed
 - Plan due at end of 2025
- SAG Annual Reports
- There will be standard call for agenda items ahead of the meeting, so folks will have chance to add agenda items again before the next meeting

Meeting adjourned at 11:50am

Minutes notetaking: Carla Fenner, Roz Renfrew