

VERMONT ENDANGERED SPECIES COMMITTEE

MEETING MINUTES

April 17, 2024

Hybrid Meeting – in person in the Limestone Room D313 at National Life / Teams

Attendees

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

Non-members: Jim Andrews (Reptile and Amphibian SAG), Jon Kart (FWD Permit Administrator), John Austin (FWD Division Director), Roz Renfrew (FWD Wildlife Diversity Program Manager), Rich Langdon (Fish SAG), Mark LaBarr (Bird SAG), Savannah Ferreira (Fungal SAG), Grace Glynn (VFWD botanist), Kent McFarland (Invert SAG), Bob Zaino (Community Ecologist, FWD), Jed Murdoch (Chair, mammals SAG).

Scheduled 2024 ESC Meetings

Next meeting scheduled for:

September 3, 2024

January 8, 2025

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 9:05 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 [23 January 2024 meeting](#)*

MOTION: By Paul Wieczoreck, seconded by Bryan Pfeiffer, to approve the 23 January 2024 minutes.

Motion passes with minor edits from Ali Kosiba.

Updates from ANR – Secretary Moore

Legislation: S213 – flood safety act. Includes language around river corridors and riparian areas, relevant to VCD. Would stand up new regulatory program for river corridors, involves 45,000 parcels. Concerns around timeline and resources for ANR to do appropriate outreach that we continue to weigh in on. Support technical substance but adequate resources remain a concern.

H687 – Act250 modernization bill. Includes downtown centers, planning commission efforts, tired jurisdiction for Act250 implementation. Tier 1 = exempt from 250 (downtowns); Tier 2 = status quo; Tier 3 = new, based on rules to determine critical resource areas, best if based on conversations that take place outside of the legislative process. Idea is to ID additional 10% or so of the landscape that needs protection. House passed, need to define Tier 3, Senate wavering on this, still working on it, expect it to pass out of NR Committee. Requesting 4 positions for added capacity demands.

Agency budget: not many changes to what Gov recommended outside of \$4mil for Healthy Homes (septics), match \$ for Bipartisan Infrastructure Law.

Land conservation projects that sequester carbon could be part of \$100mil proposal for Climate Office.

Question about H812: John Austin - needed major changes, VFWD and others testified, we suggested they keep interstate transport piece and add to it the herp regulation bill, location confidential piece, and 48-hour penalties, and put it forward as omnibus. But it looks like there won't be time for it.

ACTION ITEM: All agreed with Allan's suggestion to invite House E&E chair and Senate Natural Resources & Energy committees to the ESC Sept meeting. Idea is to give them a better understanding of the role of the ESC in Fish & Wildlife activities and decision-making.

Franklin County Airport: 350 acres total, been an airport for ~50 years. Sec Moore provided background/context on projects there and our efforts to establish mitigation and restoration for Grasshopper Sparrows impacted. Southern grasslands piece along Rte 78 acquired and >20 acres of it will be used as part of mitigation. Other areas along west side of airport property. \$40k mitigation fee for future development of grass area in northeast that is not yet developed. In draft MOU being developed, protections are in perpetuity. Mowing needed around fencing and right along air strips. Question about FAA concerns alleviated? Their concerns are around wildlife in general, not grassland birds specifically. Discussion about off-site versus on-site mitigation and the latter was the best option based on probability of success.

Mitigation banking options? FWD collects fees at times for specific projects (eg Deerfield). Explained how mitigation fees from solar and development projects go to the Bobolink Fund and are used in Vermont.

Updates for ESC/SAG

We welcome Jed Murdoch, UVM Wildlife professor, as the new Chair of the Mammals SAG. Jed acknowledges the tremendous contributions of Bill Kilpatrick to mammal conservation in Vermont. Bill remains a member of SAG. Jed acknowledges and thanks members Alyssa Bennett and Bree Furfey from VFWD. The SAG will soon be proposing new members.

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

Legislation: S258 – reorganizes VFWD governance/board. Broadens rulemaking to include nongame management. Add bureaucracy. This addition is based on claims that F&W is run only by hunting/fishing community. It would require a lot of work from staff in processes and in training board members without adding staff capacity. Unclear who ultimately decides who is qualified to serve on committee. Also bans hound hunting of coyotes despite VFWD working over the last year to develop new rules with BMPs that have shown to reduce hunter/landowner conflict. The governor said today he would veto, it may be close call to know whether veto would be sustained.

Windsor prison lands, section of it surrounding facilities to be transferred back to VFWD to add to managed area, VFWD to develop proposal to Buildings and General Services.

VFWD board just approved moose hunt plan, 180 permits in E1 and E2 in Essex County. Idea is that reducing density of moose reduces winter tick density, and this is part of a regional project with other states. Goal is 1 moose / sq mile, right now it's 1.7. This would be the goal regardless of the tick issue as correct balance for the habitat. Good balance in the rest of the state in terms of habitat carrying capacity.

Expecting deer population to be very high this year after a mild winter. There is a plan for public input. Jed notes it is difficult to estimate density, but we need to know trends over time and must rely on hunter data.

Question about CWD. FWD very concerned, restrictions in place, response to potential cases. Question about testing at deer farms required? Stephanie Smith found that yes they are required to test, animal has to be dead so they test mortalities. Captive cervids except fallow deer are tested. They test those that die or are slaughtered. Required to notify VAAFM of mortalities, staff do testing. Permit required for shipments.

Salisbury Fish Hatchery: legislature looking to mandate it stays open until Dec 2027, but funding committed only for the next year.

Updates from John Austin: several VFWD staff testified in legislature this year, explained Will Duane's role in testifying on land acquisition/conservation and funding for VT Housing and Conservation Bill. Grant application to conserve more land near Snake Mountain ("Deering") to benefit bats and plants, among others. Gorton property acquisition for grassland bird habitat, buyouts using EPA wetlands funds.

Shared idea to bring taxonomic priorities into land acquisition decision process, e.g., for Recovery Land Acquisition Grants program. Incorporate important Plant Areas concept.

[Annual report on permits](#) – Jon Kart

Very busy year, in part because there were several projects that required a lot of staff time. Also several hydro facilities re-permitting requiring mussel surveys/eval.

Discussion about Federal Energy Regulatory Commission versus state processes and timing for relicensing dams.

Takings Permit Applications

Idea discussed to bring Noel Dodge to ESC meeting to explain VFWD work behind the scenes, before it even gets to permit stage that ESC sees. Agreement this is a great idea. Interest expressed in having more proactive rather than reactive role. Interest in how everything went with post-project monitoring. Could there be checks on whether conditions were completed, required reports submitted etc. Could post reports on ESC Sharepoint along with associated permit. Is there a system for tracking whether reports come in? Jon does track these digitally and sometimes sends reminders, does not process the next application from an entity until reports from past projects are received.

- Takings Permit Application (research permit) – [Bog Jacob's Ladder](#). [Flora SAG Advice](#)

MOTION: By Bryan Pfeiffer, seconded by Ali Kosiba, to approve the permit. Stephanie abstains. Motion passes.

- Takings Permit Application – [New England Botanical Society voucher collections](#). [Flora SAG Advice](#)

Discussion about permits for collection ensued, this is a case that's not going to come up often.

MOTION: By Paul Wieczoreck, seconded by Carla Fenner, to approve the permit. Stephanie abstains. Motion passes.

Vermont Conservation Design update – Bob Zaino

Bob presented the VCD update in large part resulting from new base layer – high-resolution LIDAR data that is much more precise. Bob talked about how VCD links with conservation of individual species and groups of species that this committee commonly deals with.

Although the term “forest blocks” is often used to refer to large blocks, this includes other non-anthropogenic natural communities and habitats.

VCD includes targets for young and old forest, shrublands, and grasslands, but in case of grasslands not many that are ecologically functional, likely need to create “Lifeboat grassland habitat” – guidelines within VCD for 7,500 acres target. Includes management guidelines focused on grassland birds.

Bob talked about ways to look at how well taxa groups are represented by VCD using EOs in Natural Heritage data. The initial VCD covered ~80% of EOs, could redo that analysis and pull out by taxa group for SAGs to look at.

[Winooski River Lampricide Permit Application](#) (decision requested by 9 Sept 2024)

Same concentration proposed as in last permit. No changes in treatment frequency/duration.

Rich Langdon summarizes: American Brook lamprey (state threatened) had higher numbers before 2014 treatment. Found 3 in 2015. None found in pre-treatment survey in 2020, 1 dead found afterwards. Sunderland Brook a recolonizing source? Sea lamprey could possibly spawn in this brook.

The two darter species: post-treatment data not collected. Lake Sturgeon – only 1 dead found after the 5 treatments, but they're a deep-water species and post-treatment mortality studies limited to near-surface species. How representative is this non-target data? Also survey coverage is down to 20% of area. Two treatments 4 years apart is standard practice.

In the permit American brook lamprey (Fish SAG's main concern) and silver lamprey are non-target, yet lumped with target lamprey rather than with other non-target species.

Secretary has suggested in the past to go to Lake Champlain Basin Program about funding for collecting more data, baseline data, for mussels. Also more funding for darter work could be included. Great Lakes Fisheries Commission is finding some stronger public sentiment against lampricide and doing social surveys – we could look at social acceptance of applications. Last year lake trout and salmon were both below threshold for wounding rates.

VAAFM now has an opportunity to comment on permits for nuisance control. All 3 of the relevant pesticides registered in VT. Application rates haven't been decided yet, have to go through a process, so VAAFM has asked to be provided with that information. Applications are witnessed by an inspector. Stephanie can answer any questions the Committee may have.

Mudpuppy: not listed, but affected by lampricides. Non-target mortality may not be a great way to look at trends, but difficult to obtain population estimates or trends in other ways. Lamoille River seems to be strongest population. Mark Ferguson has been able to trap mudpuppies from the area treated on Lamoille, which is good news.

Are ice fisherman catching mudpuppies? Would be helpful to encourage them to report.

New business

Is there an appetite/desire for some other way to create recovery plans that are shorter versions without all the background? 2-3 pages each, focus on recovery goal, timeline, funding needed. Kent will do one for inverts.

Meeting adjourned at 1:45 pm.

Minutes notetaking: Roz Renfrew