

VERMONT ENDANGERED SPECIES COMMITTEE
MEETING MINUTES

April 25, 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), Bryan Pfeiffer (member, fauna representative), Mark Scott (VFWD Commissioner's designee), Becca Washburn (FPR Commissioner's designee), Matt Peters (member, flora representative), Stephanie Smith (Agency of Agriculture Food and Markets representative), Ali Kosiba (member, silvicultural expertise), ANR Secretary Moore.

Non-members: Jim Andrews (Reptile and Amphibian SAG), Bill Kilpatrick (Mammal SAG), Jon Kart (VFWD Permit Administrator and SWAP Coordinator), Roz Renfrew (VFWD Wildlife Diversity Manager), Rich Langdon (Fish SAG), Steve Fiske (Invertebrate SAG, aquatic biologist), Mark Labarr (Bird SAG), Michelle Graziosi (Invert SAG, DEC Environmental scientist in biomonitoring section.), Rosie Metcalf (intern with Jim Andrews), Emilie Inoue (Plant Health Supervisor at Agency of Ag), Savannah Ferreira (Fungi SAG), Judy Rosovsky (state entomologist).

VTrans staff attending discussion on permits: Gail Henderson-King (White & Burke Real Estate Advisors), Sara Greer and Dave Keelty (UVM Health Network), Art Gilman (Flora SAG, Gilman & Briggs consulting), and Errol Briggs (Gilman & Briggs consulting).

Scheduled 2023 ESC Meetings

Tuesday, September 12 2023

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 9:01 AM. This meeting was not recorded.

Comments from the public not related to the agenda

None.

Additions, deletions, or changes to the agenda

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

MOTION: By Mark Scott, seconded by Bryan Pfeiffer, to approve the 12 January 2023 minutes. Motion passes.

Updates from ANR – Secretary Moore

Introduced Ali Kosiba, forest representative to ESC.

Legislative updates: 30 X 30 conservation bill H.126. There has been much discussion about providing more tools other than only permanent conservation, a change that ANR is supporting. Coming out of Senate Nat Resources committee, VHCB would run point on development on a plan, limited service position in ANR. Heading to floor shortly.

Budget: FY24 is in good shape, few changes by legislature from Governor's recommendation which is along lines of request. Takes advantage of water infrastructure dollars, full match unknown yet. Future state budget is of concern, some flags being waved about future economy. Programs related to implementing climate office objectives. FPR and VFWD have infrastructure funding packages to make improvements to hatcheries, conservation camps, access to public lands. Legislature expected to wrap up May 12. Other measures still under discussion include household hazardous waste, statewide burn ban, trapping bill.

Allan asks about funding for more study of mudpuppies. Discussed Mark Ferguson's efforts. Jim: there are other non-target listed species such as mussels that would be helpful to have more data on to determine if populations are sustained over time. RAWA would make the difference, given capacity limitations. Bryan asks about personnel – any relief in the new budget? Secretary Moore says there are initiative-specific positions related to federal funding, and the turnover lately has created challenges, including additional work of onboarding new staff. Struggling to fully staff all 3 business offices, affects ability to get contracts out the door and off the ground.

Secretary Moore encourages people to bring ideas to the Basin program; it receives proposals under ecosystem health component.

Jim asks can USFWS be contributing time and effort towards surveys and other work to lessen the burden on VFWD? Mark Scott says USFWS is doing this work on our behalf to support fish species via restoration and other efforts, they are really our partner, and fund important work on Lake Champlain. Senator Leahy has been a key person on restoration of salmonids. Question about whether there are more funds that could be made available? Secretary Moore says the Basin program may be the best option. Bill thinks the ultimate goal should be to find ways to obtain the benefits without use of toxins.

Jim brought up challenges with obtaining data from GMP on Fowler's Toad, issue of protecting data. VFWD working on policy and procedure for species confidentiality.

Updates from VT Fish and Wildlife Department – Commissioner Herrick

Legislative session: much of this year's activities began last year with trapping BMPs and moratorium on hound hunting coyotes, until new practices were developed. The Commissioner put together an inclusive working group to develop new trapping standards, lots of work by VFWD staff, including Kim Royer. Group brought recommendation that was brought to VFWD board form workgroup, and for coyote/hound based on results from a survey conducted. This year before this was introduced a bill to ban all trapping was still introduced. Rule wrapped into furbearer rules, going to Interagency Committee on Administrative Rules (ICAR). Capital bill for infrastructure at camps and hatcheries, access to WMAs, ADA compliance at boating access areas.

In the process of refilling bird and botanist positions in the next few weeks.

NEAFWA meeting coming up, the Commissioner will attend. Topics he'll explore include RAWA. Mark Scott, Eric Palmer, and he have met to discuss how to handle a massive influx of funds should it pass. Efforts in place. VFWD website has a document with talking points.

Conte Refuge re-opening public comment period for dog trainings in response to lawsuit. Mark Scott spoke to the need to have regulations be consistent across geographies; current patchwork of differing regulation causes confusion and makes enforcement challenging. Ramifications for future land acquisitions. Commissioner senses a sea change towards more cooperation. Question about land acquisition adjacent to Conte: Conte can't go to public offices to request funds, but there are associated NGOs who can. Jim offers there are data along CT River on herps that may be able to inform acquisition decisions.

Question about budget status. Commissioner says bills will be paid, limitations in terms of not being able to add positions. But no cuts or reduction in the services VFWD is providing.

Uploading SAG and ESC [volunteer match time \(instructions here\)](#) for procuring federal funding – Roz Renfrew. Roz demonstrated and explained submission of hours, accepting all hours Oct 1 2021 to present. SAG/ESC work should go under Species of Greatest Cons Need project dropdown. Include hours on preparations and correspondence having to do with meetings.

[Sally Laughlin Award nominations](#) – Allan Strong

Send Allan nominations. Can be submitted from a SAG or an individual.

Permit applications

- USFWS lampricide Poultney/Hubbarton – Mussels and Fish: [Permit application](#) and [combined Fish and Invertebrate SAG advice with input from the Reptile and Amphibian SAG](#)
- USFWS lampricide Lewis Creek – Mussels and Fish: [Permit application](#) and [combined Fish and Invertebrate SAG advice with input from the Reptile and Amphibian SAG](#)

- Additional information from the invertebrate SAG – [white paper on effects of lampricides](#) and [survey data from Poultney](#)

Allan provided background/context. ESC looks at other fish species, mussels. Mudpuppy covered under aquatic nuisance permit, is not currently listed. White paper is on our Sharepoint site. Invert, herp, and fish SAGs all provided input into application review. Literature review and lab studies supplemented with DEC field data.

Michelle Graziosi: potential long-term impacts on mussels unknown, as are sublethal impacts under various environmental conditions. White paper describes these findings and uncertainty in evaluating impacts to mussels. Listed species in both Poultney River and Lewis Creek. Mussel declines have many contributing factors. Treatments are an additional stressor and we lack full understanding of effects on populations. She urges actions to reverse declines of rare and listed mussels.

Steve Fiske expresses concern about no recovery plan finalized/approved for mussels. New England work group propagating mussels on federal E&T list. Need to conduct conservation actions, not only surveys. Suggests not treating sections of river where lamprey have not been found. Set lower bar for percent control?

Bryan Pfeiffer says lampricide applications will continue, suggest we form working group with ANR, federal agency, and SAGs to explore options to include some of these monitoring and precautionary steps from the memo. The current permit is a 2-cycle iteration of the program (2023-24, then 2027-28), but we used to be asked for only one cycle at a time.

Rich Langdon discusses fish impacts: channel darters most sensitive of non-targets. Treatment at 1.3 would result in theory in 20-25% mortality. The recommendation was to bring it down from 1.3 to 1.2 in Poultney. No listed fish in Lewis. Previous VFWD study was discontinued using trawling before Winooski treatment (what were the reasons it was stopped?), recommendation is to continue aspects of that research as a permit condition. Habitat use shifts with the substrate as they key in on certain level of coarseness. Hubbardton River is tributary into Poultney, asks to not treat it. It is treated to prevent it from being a refuge for lamprey. Alternatives: block net could deny them access instead, or use solid applications of TFM (TFM blocks).

What about native lamprey (silver lamprey)? Co-occur with target species, sea lamprey. Affected at same level as sea lamprey, recover the same way as well. Brook lamprey is threatened, disappeared from Winooski in 2004 after first treatment. The species experiences 80% mortality in cage studies. Found in 4-5 locations, but not in Poultney or Lewis rivers.

Reptile and amphibian SAG input: larval salamanders with external gills affected (dusky salamander). The only example of adult impacts was leopard frogs, perhaps a synergistic factor involved. Mudpuppy distribution is bottom of river below dam/first barrier, overlaps perfectly with area treated. We do have mudpuppies in CT River but they are not VT natives, releases from the Midwest. Would like to know mortality among the different age classes, and determine whether pop can sustain populations over time. Mark Ferguson's (VFWD)

efforts are helpful, a benefit if they survive above the dam. Mark is still finding them there, which is positive. Could relocation happen in other rivers? Not much genetic exchange between the different rivers. Past data suggest that lower product concentration (MLC) results in lower mortality.

Any comments from ESC members on permit conditions from fish and invert SAGs? Next steps? Allan suggests taking this to VFWD and see what might be feasible to include in the fall application.

Federal EIS from 2001 cited, which is based on studies going back to the 1970s. Supports the case for a new literature review. Agreement between ESC and VFWD that it cannot hurt to ask FWS for more funds for the kind of work suggested in the white paper. Mark Scott talked about how VFWD has had internal discussions about ESC recommendations. Mark Ferguson's current work reflects these considerations. There's a lot we don't know. Treatment will continue, VFWD's job is to minimize impacts. The Commissioner says he can commit to having discussions and look at the highest priority information needs.

Bryan Pfeiffer wants to emphasize that ESC approval is contingent upon conditions, including future discussions. Allan will copy all on transmission to Jen Mojo and emphasize. Does VFWD adapt depending on conditions? Mark Scott says yes, will pause treatments for example when water levels are too low, and they have learned from advancement of techniques. The Commissioner has learned about how far methods have come a long way. Acute effects better understood than long-term impacts. Rich Langdon agrees, have fine-tuned applications from 1.5 to 1.3 over the years for example. But is it still too high is the question.

Conditions include reducing to 1.2 MLC.

Process question about permits and conditions: if ESC says no, are their permit conditions still reviewed and considered? All agree there needs to be a consistent feedback loop.

MOTION: by Allan Strong to approve the above two permits with current conditions from Fish and Invert SAGs, and concerns from Reptile and Amphibian SAG seconded by Bryan Pfeiffer. Motion passes with 4 yeas; VFWD, Agency of Ag, FPR abstaining.

Question about why there are abstentions by all state agencies on some items in this forum. Response is they try to be consistent with each other, be on the same page. Becca Washburn says her role is to be a resource rather than decision-maker. Does not come from a lack of interest/engagement.

- Green Mountain Power – Little Brown Bats: [Permit application](#) and [Mammal SAG advice](#)

Known maternity colony. Concerns addressed in SAG advice: vibration during jack-hammering disturbing pups and causing mothers to abandon. Before and after monitoring. Mammal SAG recommends passing this motion.

MOTION: by Bryan Pfeiffer to approve the permit with current conditions from Mammal SAGs, seconded by Matt Peters. Motion passes with 4 yays, VFWD, Agency of Ag, FPR abstaining.

- UVM – Spotted Turtle (research): [Permit application](#) and [Reptile and Amphibian SAG advice](#)

Brittany Mosher (UVM) and Luke Groff (VFWD) research and monitoring permit. SAG believes benefits well outweigh any potential risks. Only condition is that person attaching transmitters is trained.

MOTION: by Ali Kosiba to approve the permit with current conditions from Mammal SAGs, seconded by Matt Peters. Motion passes with 4 yays, VFWD, Agency of Ag, FPR abstaining.

- VTrans Franklin County Airport expansion – Grasshopper Sparrow, E. Whip-poor-will: [Permit application](#) and Bird SAG advice (forthcoming?)

Bird SAG invited VTrans to discuss. Airport supports the larger of the 2 remaining populations of threatened grasshopper sparrow in the state. VTrans warned they needed to get permit in early, they got it in very late according to Mark Labarr. VTrans pulled their proposal after deciding their planned mitigation wouldn't work. VTrans accepted Bird SAG input and agreed to revise. Revision submitted late yesterday. Revision differs significantly from understanding from meeting with SAG. VTrans needs a permit by 1 May in order to obtain important FAA funding.

Scope changed (added hangar), mitigation piece removed, other changes from where SAG left off. SAG has not had a chance to review it again.

Allan, Roz, and Mark will put together guidance that builds on original application and discussion with Bird SAG. Will give Bird SAG opportunity to respond, send to ESC for an electronic vote and give Secretary Moore resulting permit with conditions by end of this week.

- Curtis Pond Association – Lesser Burreed: [Permit application](#), [Flora SAG advice](#), and [mitigation plan](#)

Dam replacement. Many plants of the species but a small proportion of population impacted. Minimization actions are included in conditions, including transplanting.

MOTION: by Ali Kosiba to approve the permit with current conditions from Flora SAG, seconded by Allan Strong. Motion passes with 4 yeas, VFWD, Agency of Ag, FPR abstaining. Stephanie also recuses because she's a resident of the town.

- Green Mountain Power Taftsville to Windsor powerline – Fowler’s Toad: [Permit application](#), [ANR memo to R&A SAG and ESC](#) and [R&A SAG advice](#)

Prime habitat would be next to river but there could be Fowler’s Toad. Technician would be on site to move them if/when found in construction zone. We do not want their data to be private because we want to be able to evaluate what they find. VFWD wants someone with experience/knowledge to ID the species. Also photos taken if any doubt.

Recommended some vocal surveys (easiest way to ID species), probably won’t happen before project begins. Not relying on wetland maps only for identifying potential habitat.

Added language that any toads having characteristics of Fowler’s be documented with 4 photos and moved. Allan updated conditions.

MOTION: by Bryan Pfeiffer to approve the permit with current conditions from Reptile & Amphibian SAG, seconded by Ali Kosiba. Motion passes with 4 yeas; VFWD, Agency of Ag, FPR abstaining.

- New England Power Company – Plains Frostweed: [Permit application](#) and [Flora SAG advice](#)

Conditions include seed collection and redistribution, botanist on site during mat placement near plants, monitoring scarified areas. No transplanting.

MOTION: by Ali Kosiba to approve the permit with current conditions from Flora SAG, seconded by Bryan Pfeiffer. Motion passes with 4 yeas; VFWD, Agency of Ag, FPR abstaining.

- Salem Lakes Preservation Association - Resupinate bladderwort: [Permit application](#) and [Flora SAG advice](#)

For Eurasian water milfoil control efforts in Lake Salem, Derby. Renewal of existing permit brought to light that a listed plant is there.

Aquatic Nuisance permit is 5 years, so do we issue a 5-year E&T permit or annually? New chemical being used (Procellor) is not thought to have impacts.

MOTION: by Bryan Pfeiffer to approve the permit with current conditions from Flora SAG, seconded by Ali Kosiba. Motion passes with 4 yeas; VFWD, Agency of Ag, FPR abstaining.

Bio-controls and their use in Vermont on invasive species - Emilie Inoue and Judy Rosovsky AAFM Plant Health

- Cooperative ag pest survey for federally regulated pests. Funded by Plant Protection 771.

- Regulate nursery trade. Domestic inspection, disease analysis, among other priorities.
- Enhance rapid response and mitigation – including biocontrols.
- FPR-led. APHIS finds targets and finding biocontrols, and vetting.

Example of emerald ash borer. 30 states have released biocontrols. 3 species released in VT. 2 larval, 1 egg parasitoid. [Cabi website](#) has overview. Explained releases – timing and methods. Goal is to get ash borer pops low enough to allow some young ash trees to survive.

Hemlock woolly adelgid – native beetle as predator.

For some controls goal is to integrate into ecosystem so constant reintroduction not necessary.

Some Q&A about other species such as spongy moth – several dry years in a row helped reduce those populations.

Update on EPA’s Bulletins Live – Stephanie Smith

EPA Endangered Species and Pesticides Restrictions Actions.

<https://www.epa.gov/endangered-species>

Requires mitigation measures to reduce impacts to T&E species. [Bulletins Live 2 website](#) – how to use a pesticide in an area where a species has been identified.

Set more meeting dates

Tuesday Jan 23, 2024

Tuesday April 23, 2024

Meeting Adjourned at 2:00

Actions before next meeting

Allan Strong, Mark Labarr, and Roz Renfrew will draft conditions for VTrans airport permit with Jon Kart’s support ASAP, and forward to Bird SAG to review.

Minutes notetaking: Rosalind Renfrew, VFWD