

VERMONT ENDANGERED SPECIES COMMITTEE

MEETING MINUTES

September 4, 2024

Hybrid Meeting – in person in the Greenstone NL D322 at National Life / Teams

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, silviculture representative), Charles Martin (ANR Deputy Secretary), Carla Fenner (member, flora representative), Bryan Pfeiffer (member, fauna representative).

Non-members: 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), Kent McFarland (Invert SAG), Jed Murdoch (Mammals SAG), Kiley Briggs (The Orianne Society, filling in for Jim Andrews), Noel Dodge (FWD).

Call to Order

Allan Strong opened the hybrid in-person/online Microsoft Teams meeting at 9:11 am after some technical difficulties with Teams. This meeting was recorded. Technical difficulties prevented from showing the room of in-person attendees, and the recording mostly just shows Rosalind's screen.

Comments from the public not related to the agenda

None.

Additions, deletions, or changes to the agenda

None.

Approval of minutes from the [17 April 2024 meeting](#)*

MOTION: By Paul Wieczorek, seconded by Ali Kosiba, to approve the 17 April 2024 minutes. Motion passes.

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

Commissioner reports out: he and Rosalind Renfrew met with Camp Johnson Colonel and staff to discuss management of Grasshopper Sparrow habitat. At Franklin County Airport VTrans has been working with FAA, which has comments about management of the grounds that has things on pause. ANR hopes to be able to be involved in meetings between FAA and VTrans. AOT, FAA, FWD need to all be in the room together in order for all information to be brought to bear in these decisions. No management plan from VTrans yet. Jon provides update on State Wildlife Action Plan: currently planning survey that will go out to partners regarding what they would like/need from the plan, working on agency database, taxa team progress. Message for SAG chairs? Some work left for SAGs but mostly for new species added.

Allan asks about section on association of SGCN with natural communities. Asks that SAGs take a look at that section as they're going through species-specific actions to double check that those are

Jed: we have two extinct species in mammals: mountain lion and wolf. Brings up other questions around when to list what, lots of discussion about thresholds for listing, especially when any actions wouldn't support a population. Likelihood of species having a chance to have a breeding population. Jon: action plan for all, not just Department. Jed suggests perhaps they will include those two species with a preamble about why they're extinct.

VFWD staff meeting with Rep. Satcowitz, Jamey Fidel (VNRC), Allan Strong on amendments to endangered species statutes.

Beginning process of putting together information for budget request several internal legislative initiatives that will go up to Secretary and Governor's office. Rep Satcowitz has been learning from the FWD staff in the field.

Process and response time for incidental take permits – Allan Strong

Noel Dodge – “negotiations with applicants” pre-submission. What work do you do pre-application to get an application to a point where you can work with it. How projects go often depends on the developer/consultant. Sometimes they notify the state early on, sometimes after they've already made all their decisions - this makes the process challenging. Is there already a record of a listed species present, do actions pose a threat of take, direct or indirect? Surveys are required ahead of time so we know what species are present or not. Idea is to have enough information that allows SAGs to make informed decisions on the permits.

SAG/ESC sees that the variation in how these go, some need immediate decisions from ESC, others do not. How can we prevent the ones that are rushed and don't allow time to provide meaningful input?

Another issue is guidance. New guidance or guidance updates can also throw things off, when there is anything novel coming up in the middle of projects.

Has FWD ever done broad outreach to development community in general? Yes, FWD does that as much as possible, Paul mentions it's the development community's responsibility to be aware of requirements.

FWD capacity another issue: provides all the assistance and outreach without charging fees. Meat grinder of permitting process never stops, very difficult to do enough outreach on top of that.

Carla Fenner in her experience as a staff member of consulting firm: timing can be affected by field seasons, nature of project. Some go through quickly others have multiple rounds that can last years. This enmeshed in process with other pre-application conversations with collateral permits in Act250 / Section 248. Hard to jostle all of this while working with -SAG/ESC meeting schedules. Bring SAG/ESC into conversation sooner by copying SAG chairs on potential project review conversations? Noel says very hard to find the right time to do this because projects are often dynamic in the early stages. So need to pick the time when FWD knows it's nailed down in terms of what the project scope will be.

Renewable Energy Vermont conference is an opportunity for ANR to present to the development community.

Capacity issues: Allan hesitantly suggests using AI to help get started?

Stephanie Smith: Act 181 – new planning law that could provide an opportunity to direct development where listed species are not located?

Schedule 2025 ESC meetings

January is currently on the books for the 8th. If we moved this meeting to later in the month, it may allow us to discuss the next lampricide permit application at our January meeting, as long as USFWS can submit the permit early in January. Can SAG/ESC provide input as the permit is being developed rather than after submitted? This permit goes through a different process however, not through FWD staff.

ACTION ITEM: Allan will reach out to USFWS to see if this is a possibility.

Scheduled future meetings:

Jan 28th (instead of the 8th)

April 15th

Sept 9th

Roz sent out invites to ESC members. All meetings 9am – 2pm. Hybrid meetings: Teams or in person at National Life Davis Building in Montpelier, Catamount Conference Room.

Follow-up from last year's [H 812 bill](#) – John Austin, Roz Renfrew, Allan Strong

Strengthening/enhancing Vermont endangered species statutes/rules. Generate ideas while keeping in mind that some may be part of a longer-term processes.

Mark: recovery plans – use suite of species approach.

Roz – the work group discussed this too but didn't see current statutes or rules standing in the way of it. More of a programmatic initiative. Needed for invertebrates.

Rich: would work well with fish

Bryan: this is a matter of capacity. Habitat modeling for species without element occurrences. Autonomous recording units (ARUs) being used for insects. Kent talked about how butterfly conservation is often based on knowledge of smaller scale site characteristics rather than landscape scale.

Allan: think of natural community where working with another SAG would make sense to address needs of a suite of species. Goal may be # protected acres rather than numbers of individual species.

Matt: Act 250 has less protection than Section 248. Also, better review for rare species.

Kiley: asked about last year's herp legislation, Roz reported that this will be proposed again in 2025.

Discussed idea of regular review of taxa lists.

Stephanie: Rulemaking to change lists is labor intensive. Is there a way to exclude our list as part of a rule. AAFM is looking at changing their rule to take their list out of rulemaking. They don't have a

requirement that says they have to put their list together. Have list of plant pest species within rule. Process still checks the boxes associated with rulemaking including public input. Pest risk assessment, have a watchlist for consideration. Potential pushback is from nursery industry when they sell species that will be added to list. She'll share the proposal rulemaking language.

Work group: talking about opportunities to provide landowner incentives to list their habitat as critical habitat. Carla mentions leveraging existing programs to achieve.

ESTA mapping limited in that it cannot get at crosswalking UVA lands with E&T species. Resilience funding will add positions to get at overall resilience and UVA lands. Devil in the details in terms of opportunities and limitations. Pay attention to VCD fine filters and whether they capture finer scale conservation needs. Grad student to overlay occurrences.

Sally Laughlin Award – Allan Strong

Dead Creek Day is Saturday 10/5.

ACTION ITEM: Allan will compile list of past recipients. Discussion about ideally having >1 person nominated, to date, 100% male recipients.

Past recipients [added post hoc]:

2016 Kent McFarland
2018 Ian Worley
2019 Jim Andrews
2020 Warren King
2021 Scott Darling
2022 Steve Parren
2023 C. William Kilpatrick
2024 Chris Rimmer

ACTION ITEM: Paul will check to see if candidate can be available on Oct 5th.

Takings permit for Yellow banded bumble bee – Allan Strong, Kent McFarland *

[Application](#) – taking species into captivity

[Invertebrate SAG advice](#)

MOTION: By Paul Wiczoreck, seconded by Ali Kosiba, to approve with addition that we would open this up to collecting anywhere in Vermont. Motion passes.

Proposed new SAG members

Mammal SAG – Jed Murdoch

[Chris Gray](#) – Field ecologist

[Elias Rosenblatt](#) – Postdoctoral fellow at UVM

Jed described the expertise both candidates bring to the SAG and how they fill gaps in expertise in the group. SAG members unanimously support.

MOTION: By Stephanie Smith and Bryan Pfeiffer, seconded by Ali Kosiba, to approve adding Chris and Elias to the mammal SAG. Motion passes.

Fungi SAG: Savannah Ferreira proposes three people to add to Fungi SAG.

[Andrew Swafford](#)- Biology Professor at Middlebury college, research around entomopathogenic fungus

[Kevin Melman](#) – mushroom farmer and mycologist

[Hannah Huber](#)- Conservation Mycologist, out of state coordinator of the Fungal Diversity Survey Northeast Rare Fungi Challenge

MOTION: By Ali Kosiba, seconded by Bryan Pfeiffer to approve adding all three to the Fungi SAG. Motion passes.

VT Agency of Agriculture's review of language around noxious weeds – Stephanie Smith

Looking at language being used for noxious weeds. Assign accountability to the reasons behind the movement/spread of plants, invertebrates. In many instances it's human induced. Use non-combative language such as "the war on invasives". Whole idea is to not create a hostile mindset, but instead more positive language about protect environment. Avoid using "invasive". Be more clear that it's often human behavior/decisions and not the plants that are creating the problems. Words such as "alien", "exotic", "colonizer" can be unintentionally harmful to some people. Let Stephanie know if you're interested in engaging with AAFM around this. Use "Introduced" with modifier (eg, benign versus unwanted).

Does the change in language spur more action from people?

Discussion about this general idea and the concern to maintain the message meaning when something is not a good thing. Softening the language softens the response? But using existing language hasn't produced results?

SAG Chair review of membership ([see new document in Teams folder](#))

ACTION ITEM: Everyone please review and update.

New business

Lake Champlain Basin Program funding RFP just released. Opportunity to fund mussel work. Perhaps fish too? Mussel subcommittee within iSAG, have had some funding for some general surveys. Kent is interested in compilation of materials and creation of digitized database. VCE will likely apply to do this work.

Meeting adjourned at approximately 1:30 pm.

Minutes notetaking: Rosalind Renfrew