

Testimony to the House Committee on Natural Resources, Fish and Wildlife

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Chair, Vermont Endangered Species Committee

Vermont's Endangered Species Law

- Vermont's Protection of Endangered Species Law was enacted in 1972, updated in 1981 (10 V.S.A. Chapter 123 §§ 5401-5410), and updated again in 2016.
- The statute requires the Secretary of the Vermont Agency of Natural Resources (Secretary) to adopt by rule a list of threatened and endangered (T&E) species of wild plants and animals that naturally occur in Vermont.
- The 2016 update allows for the additional protection of the critical habitat of threatened and endangered species through rulemaking (10 V.S.A. Chapter 123 §§ 5402a).
- The population status of these species, and their habitat if so designated, is determined to merit protection and their taking is prohibited without a permit from the Secretary.

The Endangered Species Committee

- The legislation establishes an Endangered Species Committee (ESC) to advise the Secretary on all matters related to endangered species including the listing, permitting of taking of T&E species, and the promulgation of rules relating to their protection and conservation.
- The ESC works closely with the Vermont Fish and Wildlife Department (FWD) and assists in the administration and implementation of programs for the protection, conservation and restoration of species listed, delisted or otherwise afforded consideration by the Protection of Endangered Species Law.

Makeup of the ESC

- The ESC is comprised of nine members appointed by the Governor for three year terms (or until a replacement is appointed). By statute, these members include the Secretary of the Agency of Agriculture, the Commissioner of the FWD, the Commissioner of the Department of Forests, Parks and Recreation (DFPR), and six members from the public at large, two of whom shall be actively engaged in agricultural activities, two of whom shall be knowledgeable concerning flora, and two of whom shall be knowledgeable concerning fauna.
- The ESC typically meets 3 times per year.
- The Secretary of the Agency of Agriculture, the Commissioner of the FWD, and the Commissioner of the DFPR may appoint staff members as their designees.
- Scientific Advisory Groups (SAGs), consisting of technical experts in specific taxonomic groups of plants and animals, may be created as necessary to assist the ESC.

Scientific Advisory Groups

- Six SAGs
 - Birds
 - Invertebrates
 - Fish
 - Flora
 - Mammals
 - Reptiles and Amphibians
- SAGs initiate proposals to list, uplist, downlist, or delist species
- SAGs provide expert advice on incidental takings permit applications

Current listed species in Vermont

- Fish
 - 4 Endangered, 2 Threatened
- Reptiles and Amphibians
 - 5 Endangered, 3 Threatened
- Mammals
 - 7 Endangered, 1 Threatened
- Birds
 - 10 Endangered, 3 Threatened
- Invertebrates
 - 10 Endangered, 7 Threatened
- Flora
 - 70 Endangered, 22 Threatened
- In total, 11 species are also federally listed

Currently there are 10 proposals being put forward for rulemaking:

- 2 Delisting
- 1 Uplisting (T to E)
- 1 Threatened
- 3 Endangered
- 3 Critical Habitat Designations

General criteria for listing

- Species (including subspecies and varieties) which may be listed include all wild and free-ranging or naturally-occurring mammals, birds, amphibians, reptiles, fish, invertebrates, vascular and non-vascular plants.
- Species which may be listed must have spent at least some portion of their life cycle in Vermont on a sustained basis, breeding or otherwise
- Listing is based on low or declining population size, limited number of subpopulations, and a known or suspected threat to population viability

Current Issues for the ESC

- Efficacy of critical habitat designation
- Assessing uncertainty
 - Population level effects of particular threats
 - Estimating population sizes and trends of secretive or mobile populations
- Continued conversations about effects of pesticides (lamprey, mosquitoes) on threatened and endangered species

Bird population data for Vermont

- The USGS Breeding Bird Survey
- The 2nd Vermont Breeding Bird Atlas
- VCE's Mountain Birdwatch
- VCE's Forest Bird Monitoring Program
- Additional species- and habitat-specific surveys









How do we assess population size and decline?

- Breeding Bird Survey

- Now 50 years of data!
- All collected by volunteers
- 25 mile routes
- 50 3-min point counts

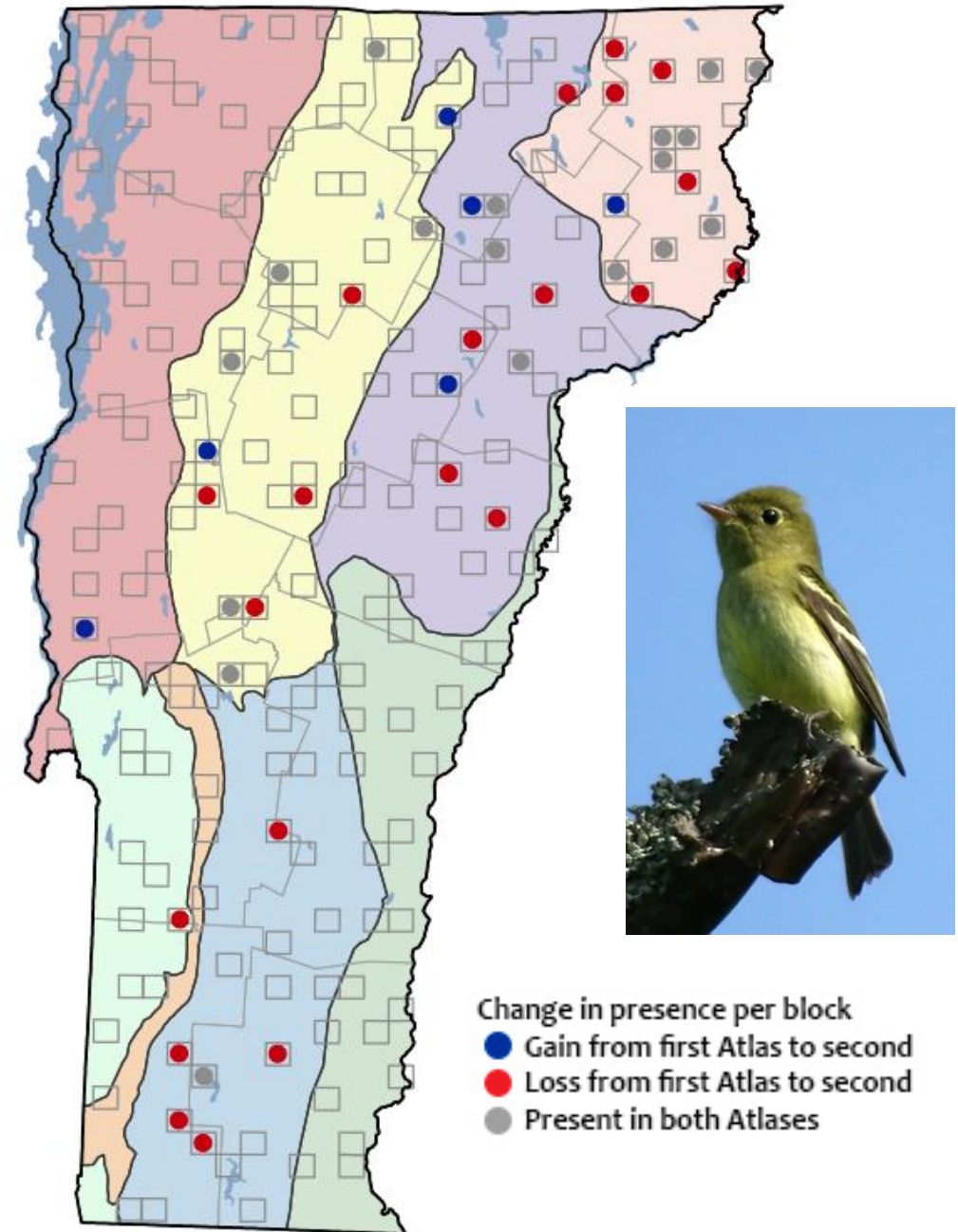


Vermont Breeding Bird Atlas

Biophysical Region	First Atlas	Second Atlas	Change	% Change
 Champlain Valley	0	1	+ 1	+ 100
 Northeastern Highlands	14	9	- 5	- 36
 Northern Green Mountains	10	8	- 2	- 20
 Northern Vermont Piedmont	8	5	- 3	- 38
 Southern Green Mountains	6	1	- 5	- 83
 Southern Vermont Piedmont	0	0	+ 0	+ 0
 Taconic Mountains	1	0	- 1	- 100
 Vermont Valley	0	0	+ 0	+ 0
Totals	39	24	- 15	- 38

Yellow-bellied Flycatcher

Click [here](#) to see additional data



Trends for birds by habitat from the 2nd Vermont Breeding Bird Atlas

