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To: Representative Suzanne H. Gottling, Chair  
HB 1774 Commission to Study Land Development...  
State House  
Concord, NH 03301

Date: 6/15/2009

Project: **Wildlife and Vegetation Regulation Study**

Subject: **Report on Wetland Terms and Species Lists**

Madame Chair and Members of the Commission,

My name is Jim Kennedy, and I am a Certified Wetland Scientist practicing in Etna, New Hampshire. I represent the New Hampshire Association of Natural Resource Scientists (NHANRS) as a volunteer and as Chair of the Wildlife and Forestry Discipline. I have been authorized by the NHANRS Board of Directors to conduct an independent research project on scientific terms used in the regulation of wildlife and vegetation.

During the HB 222 Indirect Impact hearings, I realized that there was a need to research the how wildlife and vegetation were being defined and listed by regulatory agencies. I discussed this issue with Jim Gove, and he suggested that I prepare a report to the Land Development Commission.

Attached is a preliminary tabulation of wildlife and vegetation terms currently used in state and federal regulations, and where these terms or species are listed or defined by the listing agencies or organizations. I have only had brief conversations with the agencies listed, and they have not had an opportunity to review the data. This report is basically a "list of lists".

I hope this data will be useful to the Commission. If NHANRS can be of further assistance to the Commission, please contact me.

Respectfully submitted,

James S. Kennedy, NHCWS

# Wildlife and Vegetation Terms

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Sorted by: Regulatory Group; Term alphabetic

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## Regulatory Group: **NH Statutes**

Term	Regulating Agency	Regulation	List	Listing Agency	Authorization
<b><i>declining plant species</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law)Natural Heritage Inventory of Species Requiring Protection; Rulemaking	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>endangered plant species</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law) - Definition	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>endangered wildlife species</i></b>	NHGC	RSA 212-A:2 Endangered Species Act; Definition	<b>NH Endangered Species List</b> 27 endangered, 13 threatened wildlife species	NHFG	RSA 212-A:2 Endangered Species Act
<b><i>exemplary natural communities</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law)Natural Heritage Inventory of Species Requiring Protection; Rulemaking	<b>Natural Communities of NH</b> “exemplary” is determined by Global, State Ranks, and on site by site basis by NHNHB	NHNHB	RSA 217-A:5 Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>nongame wildlife species</i></b>	NHGC	RSA 212-B (Nongame Species Management Act)	<b>NH Rare Animal List</b> list of species with Global, State Rankings	NHNHB	NHFG MOA with NHNHB, NHDES
<b><i>protected plant species</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law) - Definition	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>rare plant species</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law)Natural Heritage Inventory of Species Requiring Protection; Rulemaking	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>special concern plant species</i></b>	NHGC	RSA 217-A:5 (NH Native Plant Protection Law)Natural Heritage Inventory of Species Requiring Protection; Rulemaking	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>species deemed in need of conservation</i></b>	NHGC	RSA 212-A (Endangered Species Act)	<b>NH Species in Greatest Need of</b> 121 species - includes some common and game species.	NHFG	RSA 212-A:5 Wildlife Species

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<b><i>threatened wildlife species</i></b>	NHGC	RSA 212-A:2 Endangered Species Act; Definition	<b>NH Endangered Species List</b> 27 endangered, 13 threatened wildlife species	NHFG	RSA 212-A:2 Endangered Species Act
Regulatory Group: <b>NH Wetlands Rules</b>					
Term	Regulating Agency	Regulation	List	Listing Agency	Authorization
<b><i>endangered or threatened species reproduction area</i></b>	NHDES	Wetlands Rules Wt 302	<b>NH Wildlife Action Plan</b> range maps, distribution, habitat	NHFG	RSA 212-A:5 (NH ESA)Wildlife Species - investigation, rules, programs
<b><i>exemplary natural community</i></b>	NHDES	Wetlands Rules Wt 302	<b>Natural Communities of NH</b> "exemplary" is determined by Global, State Ranks, and on site by site basis by NHHNB	NHHNB	RSA 217-A:5 Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>federally listed endangered or threatened species</i></b>	NHDES	Wetlands Rules Wt 302	<b>US Endangered Species List</b> federal species in NH are also listed as state species.	USFWS	US Endangered Species Act of 1973
<b><i>hydric soils</i></b>	NHDES	Wetlands Rules	<b>Field Indicators for Identifying Hydric</b> manual	NESIWPC	
<b><i>invasive plants</i></b>	NHDES	Wetlands Rules	<b>Invasive Species list</b> list of prohibited plants	NHDA	Invasive Species Act
<b><i>migratory birds</i></b>	NHDES	Wetlands Rules Wt 302	<b>US Migratory Bird List</b> all migratory birds (wetland and upland)	USFWS	US Migratory Bird Treaty Act of 1918
<b><i>migratory fish</i></b>	NHDES	Wetlands Rules Wt 302	<b>US migratory fish species</b> 8 species listed	NOAA	
<b><i>plants at the extremities of their ranges</i></b>	NHDES	Wetlands Rules Wt 302			
<b><i>rare fish</i></b>	NHDES	Wetlands Rules Wt 302	<b>NH Wildlife Action Plan</b> range maps, distribution, habitat	NHFG	RSA 212-A:5 (NH ESA)Wildlife Species - investigation, rules, programs
<b><i>rare plants</i></b>	NHDES	Wetlands Rules Wt 302	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHHNB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking

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<i>rare wildlife</i>	NHDES	Wetlands Rules Wt 302	<b>NH Rare Animal List</b> list of species with Global, State Rankings	NHNHB	NHFG MOA with NHNHB, NHDES
<i>special concern plant species</i>	NHDES	Wetlands Rules Wt 302	<b>NH Plant Tracking List</b> rarity determined by Global, State Rank	NHNHB	RSA 217-A:5 (NH Native Plant Protection laws)Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<i>special concern wildlife species</i>	NHDES	Wetlands Rules Wt 302	<b>NH Special Concern Species List</b> list not currently available	NHFG	RSA 212-A:5 Wildlife Species
<i>species habitat</i>	NHDES	Wetlands Rules Wt 302	<b>NH Wildlife Action Plan</b> range maps, distribution, habitat	NHFG	RSA 212-A:5 (NH ESA)Wildlife Species - investigation, rules, programs
<i>state listed endangered or threatened species</i>	NHDES	Wetlands Rules Wt 302	<b>NH Endangered Species List</b> 27 endangered, 13 threatened wildlife species	NHFG	RSA 212-A:2 Endangered Species Act
<i>state or municipal natural areas</i>	NHDES	Wetlands Rules Wt 302			
<i>vernal pool</i>	NHDES	Wetlands Rules Wt 301	<b>Vernal Pool Species</b> species list in definitions.	NHDES	NHDES Wetland Rules Part 100 - Definitions
<i>wetland plants (hydrophytic vegetation)</i>	NHDES	Wetlands Rules	<b>National List of Plant Species That Occur</b> plants classified by OBL, FACW, FAC, UPL	USACE	404 Clean Water Act
<i>wildlife at the extremities of their ranges</i>	NHDES	Wetlands Rules Wt 302	<b>NH Wildlife Action Plan</b> range maps, distribution, habitat	NHFG	RSA 212-A:5 (NH ESA)Wildlife Species - investigation, rules, programs
Regulatory Group: <b>NH Wildlife Action Plan</b>					
Term	Regulating Agency	Regulation	List	Listing Agency	Authorization
<i>species in greatest need of conservation (SGNC)</i>	NHFG	Wildlife Action Plan	<b>NH Species in Greatest Need of</b> 121 species - includes some common and game species.	NHFG	RSA 212-A:5 Wildlife Species
<i>wildlife of regional concern</i>	NHFG	Wildlife Action Plan	<b>Northeast Regional Species of Concern</b>	NWDTC	Northeast Wildlife Diversity Technical Committee

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Regulatory Group: **USACE NH Programmatic General Permit**

Term	Regulating Agency	Regulation	List	Listing Agency	Authorization
<b><i>essential fish habitat (EFH)</i></b>	USACE	NH PGP Appendix C	<b>Essential Fish Habitat List</b> List in PGP Appendix C. Listed of rivers and streams by watershed.	NOAA	Magnuson-Stevens Fisheries Conservation Act
<b><i>exemplary natural community</i></b>	USACE	NH PGP Appendix B	<b>Natural Communities of NH</b> "exemplary" is determined by Global, State Ranks, and on site by site basis by NHHNB	NHHNB	RSA 217-A:5 Natural Heritage Inventory of Species Requiring Protection; Rulemaking
<b><i>impaired waters</i></b>	USACE	NH PGP 26 (Secondary Impacts)	<b>Impaired Waters List</b>	NHDES	US 401 Water Quality
<b><i>riffle &amp; pool complex</i></b>	USACE	NH PGP 26 (Secondary Impacts)	<b>Special Aquatic Sites</b> sanctuaries and refuges; wetlands; mud flats; vegetated shallows; coral reefs; riffle and pool complexes.	USEPA	40 CFR 230 (Clean Water Act)
<b><i>Special Aquatic Sites (SAS)</i></b>	USACE	NH PGP 26 (Secondary Impacts)	<b>Special Aquatic Sites</b> sanctuaries and refuges; wetlands; mud flats; vegetated shallows; coral reefs; riffle and pool complexes.	USEPA	40 CFR 230 (Clean Water Act)
<b><i>Special Wetlands</i></b>	USACE	NH PGP 26 (Secondary Impacts)	<b>Special Wetlands</b> List in PGP Appendix A.	USACE	NH PGP
<b><i>vernal pool</i></b>	USACE	NH PGP 26 (Secondary Impacts)	<b>Vernal Pool Species</b> species list in PGP Appendix A.	USEPA	NH PGP
<b><i>wetland or water dependent species</i></b>	USEPA	US 40 CFR 230 10 (Clean Water Act)	<b>WETHINGS - Wetland Species</b> computer program developed by UMass. Used by USEPA.	UMASS	none