



Working with you to protect the environment in the Berkshires and beyond

January 19, 2009

Natural Heritage & Endangered
Species Program – Certified Vernal Pool Revisions
Route 135
Westborough, MA 01581

Dear Natural Heritage,

Please accept these comments from the Berkshire Environmental Action Team, Inc. (BEAT) in regard to the proposed changes to the vernal pool certification criteria.

1. Natural Heritage and Endangered Species Program (NHESP) is proposing to do away with two methods of Certification because they are seldom used.

Why not keep those two as optional methods for the few times where an important pool is threatened by development and a knowledgeable person is able to use one of those methods to prove the depression really is a vernal pool?

Perhaps these two methods could be on a separate form. That way most volunteers using the most common method - the obligate species method – could have a simpler form, and people wishing to use one of the more complicated methods could opt for that special form.

2. NHESP is proposing to make changes to the obligate species method that will make it more difficult and times consuming to certify all vernal pools. We find these changes to be disturbing. Almost all vernal pools are certified by volunteers, usually in very cold weather or when the black flies are just coming out really hungry. NHESP wants documentation of more egg masses - no longer two, but five. Why five? No rationale for that particular number was given, but volunteers have to get pictures showing all five. Now sometimes that is easy. But other times the masses are in much deeper water, or surrounded by shrubs and very hard to reach. It is not good enough that you give field notes that you saw all five masses - clear photographs are required. That is not fair to ask of volunteers.

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3. NHESP wants their data to be used as the statewide database of where important species habitat is, but they don't have the money or the staff to do the work necessary to create a comprehensive database. They rely on volunteers. It is incredible that they want to make this work so much more difficult.

4. The reason given for requiring five egg masses is that the more healthy vernal pools are apt to have more egg masses. Do you have the scientific data to prove that is true? I have seen very small, but very deep pools that would not support five egg masses easily mostly due to only a small amount of appropriate vegetation along the edge of the pool. However, these pools retain water year round and are extremely healthy pools. The ones I am thinking of are part of a larger complex of pools. We believe it is important to maintain all these pools so if something happens to one - contamination or disease perhaps, there are others that remain viable that year.

5. NHESP should be trying to protect vernal pool habitat - especially clusters of pools and sets of clusters. Some of the marginal pools that may seldom support five masses, may be critically placed between two clusters of pools and be important places for critters on their way to larger pools to stop in, rehydrate, then make their way.

6. The bigger issue is that we should be focusing on protecting large (500' to 1000') areas around the vernal pools to begin to protect the amphibians that breed in the pools. One way to possibly protect more habitat in a cluster of pools is to be able to protect the less viable pools as well as the really good ones. The even less viable pools, are usually viable some years.

Thank you for considering our comments.

Sincerely,

Jane Winn
Executive Director