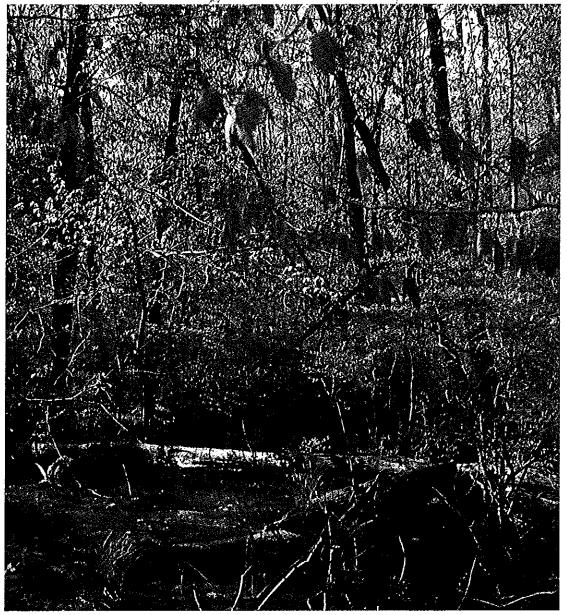
Best Development Practices HBIT # 80



Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States

METROPOLITAN CONSERVATION ALLIANCE



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Best Development Practices

Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the **Northeastern United States**

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PREFACE

Vernal pools and adjacent upland habitats contribute a vast amount of biodiversity to landscapes of the northeastern United States. However, due to their small size, and a variety of other issues, these habitats are disproportionately impacted by development trends associated with regional urban and economic growth. As a result, vernal pools—and the species that depend on them—are disappearing at a rapid rate. We must come to terms with the complexities that surround the protection of vernal pools. The Best Development Practices (BDPs) in this publication present a new approach to accomplish this goal. This document also outlines steps to identify those vernal pools worthy of protection. These BDPs are not, and we repeat *not*, new layers of regulation. They provide a decision-making pathway that builds upon the strong tradition of home rule within our region; they add value to that home rule by enabling municipalities to become more effective stewards of their natural resources. We consider this a win-win solution—one that should eliminate costly delays in project approval by giving local decision-makers the ability to reliably identify wetlands worthy of protection and, by default, other areas where a community can plan for additional growth and development.

As conservationists with real-world experience working in communities throughout New England and New York, we realize our dual obligation. We need to help those communities plan for their conservation needs. However, for conservation planning to be truly effective, we must also provide information to help those communities plan for their infrastructure and development needs. Ultimately, we view these BDPs as an exercise in empowering local decision-makers to make better, scientifically credible, and consistent decisions. In short, we seek to replace site-by-site reactive decision-making with a framework for making multiple decisions. This is, in essence, planning. We are thankful to the many people who contributed their time and efforts in the development of these guidelines, including our colleagues in academia, resource management, municipal government, and the development community. This is a work in progress. We look forward to receiving feedback from users of these BDPs as to their effectiveness, and we welcome suggestions for improvement.

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I. INTRODUCTION

Vernal pools, and the adjacent critical terrestrial habitat used by vernal pool amphibians during the non-breeding season, often overlap with land slated for residential or commercial development. These Best Development Practices (BDPs) provide a pragmatic approach to stewardship that encourages communities to attain a more complete knowledge of their vernal pool resources, gather the information that enables them to designate pools that are exemplary and worthy of protection, and then develop strategies to protect them. Implementing these BDPs will better balance the needs of vernal pool wildlife with human activities.

Best Development Practices for vernal pools are recommended conservation strategies for residential and commercial development that minimize disturbance to vernal pools and the surrounding critical terrestrial habitat. These BDPs:

- provide a framework for decision makers to assess the quality of individual pool habitats;
- have positive effects, or minimize negative effects, of development on natural resources;
- > provide standards based on the best available science;
- were developed with the participation of state agencies, scientists, resource managers, and developers in the New York-New England region (the Region); and
- are offered under the premise that voluntary compliance, reinforced with education, is an effective strategy for protecting natural resources.

CAUTION This document addresses only one element of the vernal pool conservation equation. Specifically, it targets pools located on privately owned, relatively small parcels of land (usually less than several hundred acres) at the suburbanrural frontier, which have been slated for development. We recognize that comprehensive protection strategy for vernal pools must also include large tracts unfragmented habitat (thousands of acres) with multiple pools. In New England and New York, these lands are primarily held by Federal and state government, and by the timber industry. To address management of these large habitat blocks in a working forest landscape, see Forest habitat management guidelines for vernal pool wildlife in Maine (Calhoun and deMaynadier 2001). Owners of small woodlots may also apply the harvest principles outlined in that document.

What is a Vernal Pool?

Vernal pools are wetlands of great interest to ecologists because, despite their small size, they are characterized by high productivity and a unique assemblage of species adapted to breeding in seasonally flooded wetlands (Skelly et al. 1999, Semlitsch 2000). Within the last decade, interest in vernal pools has increased dramatically because of well-publicized declines of amphibians, many of which breed in vernal pools and other small wetlands (Pechmann et al. 1991, Lannoo 1998).

SIX REASONS TO CONSERVE VERNAL POOL LANDSCAPES

(1) UNIQUENESS

Fish-free pools provide optimal breeding habitat for a specialized group of amphibians that have evolved to use these wetlands. Vernal pool amphibian eggs and larvae are extremely vulnerable to fish predation. Even though vernal pool amphibians may breed in wetlands where fish are present, survival of eggs and larvae in such environments is limited (Petranka 1998).

Many vernal pool amphibians return to breed in the pools where they developed (Duellman and Trueb 1986, Berven and Grudzin 1990, Sinsch 1990) and show little tendency to relocate if their breeding habitat is disturbed (Petranka et al. 1994). Protecting vernal pools is a critical first step in conserving vernal pool amphibians.

(2) HABITAT

Small wetlands and vernal pools contribute significantly to local biodiversity by supporting an abundance of plants, invertebrates, and vertebrates that would otherwise not occur in the landscape (Semlitsch and Brodie 1998, Gibbs 2000). Many small mammals, birds, amphibians, and reptiles use these wetlands for resting and feeding. The average travel distance for frogs, salamanders, and small mammals is less than 0.3 km (Gibbs 1993, Semlitsch 1998, Semlitsch and Bodie 1998). The destruction of small wetlands in the landscape increases the distances between remaining wetlands. Often, these distances are greater than these animals can travel. Large mammals (e.g., bear, moose) use these small wetlands as a food source. Rare wildlife, including state-listed species, may use pools (see Tables 1 and 2).

(3) WEB OF LIFE

Vernal pools contribute a significant amount of food (e.g. amphibians and insects) to adjacent habitats (Semlitsch et al. 1996, Skelly et al. 1999). This food production is fueled by decaying leaves (organic matter) that are deposited in these pools each fall. After emerging from the vernal pool, wood frogs and salamanders may be eaten by a wide variety of forest animals including snakes, turtles, birds, and small mammals (Wilbur 1980, Pough 1983, Ernst and Barbour 1989). For example, in one Massachusetts vernal pool, Windmiller (1990) found that the weight of all the vernal-pool breeding amphibians exceeded the weight of all breeding birds and small mammals in the 50-acre upland forest surrounding his study pool. He concluded that vernal pool amphibians exert a powerful influence on the ecology of surrounding forests, up to 0.25 miles from the edge of the pool.

(4) SAFETY NET

Vernal pools are so small that they frequently fall through the regulatory cracks. Because vernal pools are often small in size and hard to identify, they are inadequately protected by state or local wetland regulations. An overview of state regulations for vernal pools is presented in *Appendix 1*.

(5) EDUCATIONAL RESOURCE

A vernal pool is a small ecosystem, easy to "wrap your arms around." As such, it makes an ideal outdoor laboratory for school children and adults. Often, a local pool can be visited or people discover that they have a vernal pool on their own property. These pools are often rich with life and easier to become intimate with than lakes or rivers.

(6) AESTHETICS

The rich array of moss-covered logs, delicate shades of greens and browns through dappled sunlight, and the beauty of the vividly marked or masked amphibians that breed in these sylvan gems, are all inspirations.

Table 1. Vernal pool indicator species and state conservation status

(E = endangered, T = threatened, SC = special concern, P = present, A = absent).

INDICATOR SPECIES	RI	CT	MA	NH	VT	ME	NY
Blue-spotted salamander	A^{I}	T/SC ²	SC	P	SC	P	SC
Jefferson salamander	Α	SC	SC	SC	SC	Α	SC
Spotted salamander	P	P	P	P	P	P	P
Marbled salamander	P	P	Т	SC	A^3	A	SC
Tiger salamander	Α	A	A	A	A	Α	Е
Wood frog	P	P	P	P	P	P	P
Spadefoot toad	T	Е	T	A	A	A	SC
Fairy shrimp ⁴	P	P	SC ⁵	P	P	P	P
Featherfoil	SC	SC	P	P	Α	T	T

¹The blue-spotted salamander is extirpated in Rhode Island.

Table 2. Vernal pool facultative species and state conservation status

(E = endangered, T = threatened, SC = special concern, P = present, H = historical record only, A = absent).

FACULTATIVE SPECIES	RI	CT	MA	NH	VT	ME	NY
Northern cricket frog	Α	Α	Α	Α	Α	Α	Е
Western chorus frog	Α	Α	Α	Α	Е	Α	P
Four-toed salamander	P	P	SC	P	SC	SC	P
Spotted turtle	P	P	SC	SC	Е	T	SC
Wood turtle	SC	SC	SC	P	SC	SC	SC
Blanding's turtle	A	Α	T	SC	A	Е	T
Eastern box turtle	P	SC	SC	A	Α	Е	SC
Eastern ribbon snake	SC	SC	P	P	SC	SC	P
Eastern hognose snake	SC	SC	P	P	A	Н	SC
Ringed boghaunter dragonfly	SC	Е	Е	E	A	Е	Н

¹For the purposes of this table, we have combined RI's categories of SI (State Interest) and C (Concern) to equal Special Concern (SC).

In-depth natural history accounts of pool-breeding amphibians and other species can be found in Amphibians and Reptiles of Connecticut and Adjacent Regions (Klemens 1993), Amphibians and Reptiles in Connecticut: A Checklist with Notes on Conservation Status and Distribution (Klemens 2000), Maine Amphibians and Reptiles (Hunter et al. 1999), A Field Guide to the Animals of Vernal Pools (Kenney and Burne 2000), A Guide to Amphibians and Reptiles (Tyning 1990), and Salamanders of the United States and Canada (Petranka 1998). See Figure 7 for examples of various stages within a mole salamander (Ambystoma) life cycle.

²Blue-spotted pure diploid populations are listed as Threatened; the blue-spotted hybrid complex is listed as Special Concern.

³Unsubstantiated historic records; no populations have been located (Andrews 2001).

⁴Fairy shrimp comprise a group of several related crustaceans throughout the region; "P" indicates presence of one or more species.

⁵In Massachusetts, the Intricate Fairy Shrimp is listed as Special Concern.

Information Systems is available in the publication *Massachusetts Aerial Photo Survey of Potential Vernal Pools* (Burne 2001).

Pre-inventory checklist:

Towns should consider the following issues before beginning the inventory process:

- > Assess the status of wetland and vernal pool mapping in your town. It is possible that outside contractors or researchers have already located vernal pools for various projects.
- > Is aerial photography available for your town? Is it appropriate for the mapping project? (See *Appendix 3* for aerial photo resources.)
- > Do you have skilled volunteers for photo-interpretation and field identification of vernal pools (using whatever criteria are applicable to your State or town)?
- > What is the availability of funding (Federal or State) for conducting an inventory or for contracting professionals to photo-interpret vernal pool resources?
- > Is there a local university, land trust, or non-profit environmental organization willing to offer guidance or other support?

Conducting the inventory:

- 1. Locate vernal pools through mapping, ground surveys, or a combination of both. If possible, use a Geographic Positioning System (GPS) to obtain coordinates, so that a vernal pool data layer can be created in a Geographic Information System (GIS).
- 2. Mark locations of pools on tax maps, topographic maps, and, if available, in GIS.
- 3. Identify clusters of pools.
- 4. Conduct a biological inventory/field verification of as many pools as possible (see Ecological Assessment steps, below).
- 5. Identify pools or pool complexes of conservation interest and work to develop a protection strategy (see details provided later in this document).

Step 2. Ecological Assessment: Prioritizing Conservation Targets

Towns will not be able to protect every vernal pool. Therefore, it is important to know which pools have the greatest ecological significance, and thus merit greater protection. This can be accomplished by examining pools in the field and collecting biological data to determine each pool's relative local importance. The following "Vernal Pool Assessment Sheet" provides a means for doing this. Issues associated with such assessments are described in the text below.

VERNAL POOL ASSESSMENT SHEET

A. Biological Value of the Vernal Pool

(1) Are there <i>any</i> state-listed species (Endangered, Threatened, or Special Concern) present breeding in the pool?	t or
Yes No	
(2) Are there two or more vernal pool indicator species breeding (i.e., evidence of egg mas spermatophores [sperm packets], mating, larvae) in the pool? Yes No	ses,
(3) Are there 25 or more egg masses (regardless of species) present in the pool by the conclusion of the breeding season? YesNo	
B. Condition of the Critical Terrestrial Habitat	
(1) Is at least 75% of the vernal pool envelope (100 feet from pool) undeveloped? Yes No	
(2) Is at least 50% of the critical terrestrial habitat (100-750 feet) undeveloped? Yes No	
NOTE: For these purposes, "undeveloped" means open land largely free of roads, structures, and other infrastructure. It can be forested, partially forested, or open agricultural land.	

Cumulative Assessment

Number of questions answered YES in category A	Number of questions answered YES in category B	Tier Rating
1-3	2	Tier I
1-3	1	Tier II
0	1-2	Tier III
1-3	0	Tier III

CAUTION This rating system is designed strictly as a planning tool, not as an official assessment tool. It will enable you to determine the relative ecological value of pools within your community. A Tier I rating-which will most likely apply to only a minority of sites—denotes exemplary pools; Management Recommendations should be applied at these sites. For pools rated as Tier II, proceed with care; you need more information! Tier II pools will probably constitute the majority of your vernal pool resources; Management Recommendations should be applied at these sites to the maximum extent practicable. Tier II pools might also be likely candidates for restoration efforts (e.g., reforestation of the critical terrestrial habitat).

Step 3. Putting a Conservation Plan into Action

From Awareness to Action

Informed with the results of a town-wide vernal pool survey and assessment, local decision-makers can begin targeting for protection those significant vernal pools and vernal pool clusters identified by their inventory and assessment. The advantage of such a proactive planning exercise is that it replaces the site-by-site debate, which is focused on individual pools, with an objective, scientifically informed process that can be applied to all of a town's vernal pool resources. From a developer's perspective, it provides certainty as to where locally important or significant resources are located. This should replace the *status quo* of vocal opposition to almost every development near a vernal pool, regardless of the relative ecological viability of the pool.

Why is it important to simplify the presently confused process? Concern for vernal pools has risen dramatically over the last decade. However, unless clarity and fairness become integral parts of the decision-making process, we risk creating a backlash that could undo all that has been achieved in heightening public awareness of these vital resources. With increased knowledge and authority comes a responsibility to act in a consistent and fair manner.

The most difficult task will be to determine from the Assessment and Mapping Exercise where a community should focus their efforts. We recognize that it is impossible to protect every vernal pool and its critical terrestrial habitat. Therefore, each community should prioritize its efforts based on the results of its inventory and assessment. The driving impetus for this priority-setting exercise is that a smaller number of well-protected vernal pools (ideally those with intact envelopes and 75% undeveloped critical terrestrial habitat) is far preferable, from a conservation standpoint, to a greater number of pools "protected" in name only but lacking a sufficient envelope and critical terrestrial habitat to sustain populations of vernal pool species. Once conservation priorities are established, there are a variety of mechanisms local jurisdictions can employ to achieve these goals.

CAUTION! The priority-setting exercise will focus conservation efforts on certain parcels of property, and de-emphasize the importance of others. Because of the political and emotional nature of such decisions, this priority-setting should be conducted with maximum public input, so that the community understands the reasoning behind this exercise. Priorities set by a small group, in the absence of broader public involvement and understanding, are likely to be challenged, and will ultimately be ineffective.

incentives are applied in the overlay zone. It is recommended that a town adopt a resource overlay zone to encompass those vernal pools and critical terrestrial habitats that have been designated as protection priorities. The zone could provide a mix of regulations and incentives to conserve vernal pools and preserve economic equity including (but no limited to):

- minimal lot-clearing restrictions within the zone, allowing for more dense clustering of development;
- > density bonuses for tightly clustered, conservation-oriented subdivisions;
- > reductions in road width standards including cul-de-sac radii, and prohibiting hard 90 degree, vertical curbing;
- ➤ establishment of a transfer of development rights (TDR) program where a landowner gets credits in a developable portion of town in exchange for giving up development credits in the overlay zone. TDRs are complicated to set up, because one needs a sending district (the overlay zone) as well as a receiving district (an area where development can be intensified). Therefore, this may not be an appropriate strategy for many towns. However, towns could incorporate some, if not all, of the practices recommended in this document as standards to guide development in an overlay zone.

Vernal Pool Ordinances

Some municipalities have developed ordinances specifically to protect vernal pools and their associated terrestrial habitat. Some of these use rating systems that place undue emphasis on number of species present or on larger vernal pools. A better approach would be to develop a local ordinance that incorporates *both* the assessment and best development practices presented herein.

Recognition and Voluntary Stewardship Programs

Programs that encourage vernal pool stewardship could be set up to provide technical advice and recognition to landowners who voluntarily protect and manage these resources. Similar programs to register natural areas on private property have been successful both as conservation strategies and in raising public awareness. Another approach would be to publicly recognize those developments that incorporate vernal pool Best Development Practices. Apart from demonstrating that it is possible to develop responsibly, such recognition may be an important marketing tool. In Farmington, Connecticut, a small development has been created that has turned a vernal pool and its resources into the centerpiece of the development and its marketing (see Case Study: Jefferson Crossing—Innovative Conservation Design for a Subdivision, page 14).

For other ideas for forming local partnerships for vernal pool conservation, see *Vernal Pool Conservation in Connecticut: An Assessment and Recommendations* (Pressier et al. 2001).

III. MANAGEMENT GOALS AND RECOMMENDATIONS

Management goals are described below for each of three vernal pool management areas: the vernal pool depression, the vernal pool envelope (100 ft. from spring high water), and the critical terrestrial habitat (100 to 750 ft from spring high water). See Figures 8 and 9 for schematics of vernal pool management areas and recommendations.

Management Areas and General Recommendations

Vernal Pool Depression

Description and Function:

This area includes the entire vernal pool depression up to the spring high water mark. Due to seasonal fluctuations in water levels, the vernal pool depression may or may not be wet during the period when a development review is initiated. During the dry season, the high-water mark generally can be determined by the presence of blackened leaves stained by water or silt, aquatic debris along pool edges, water marks on surrounding trees or rocks, or a clear change in topography from the pool depression to the adjacent upland. The pool basin is the breeding habitat and nursery for pool-dependent amphibians and invertebrates.

Desired Management:

For all Tiers, maintain the pool basin, associated vegetation and the pool water quality in an undisturbed state.

Rationale:

Creating ruts or otherwise compacting substrates in and around the pool can alter the pool's water-holding capacity, disturb eggs or larvae buried in the organic layer, and alter the aquatic environment. Excess slash, construction debris, or channeled stormwater in the pool basin can hinder amphibian movement and alter water quality. Removal of pool vegetation reduces the availability of egg-attachment sites.

Vernal Pool Envelope

(area within 100 feet of the pool's edge)

Description and Function:

The envelope consists of a 100-foot area around the pool, measured from the spring high water mark. In the spring, high densities of adult salamanders and frogs occupy the habitat immediately surrounding the pool. Similarly, in early summer and early fall, large numbers of recently emerged salamanders and frogs occupy this same habitat. This zone also maintains the water quality of the pool depression and provides a source of leaves, which constitute the base of the pool food web.

salamanders from traveling to breeding pools by creating barriers along travel routes (Means et al. 1996). Furthermore, if shallow ruts fill with water, vernal pool amphibians may deposit eggs in ruts that do not hold water long enough to produce juveniles. Created treatment wetlands (e.g., detention ponds) that are located near to vernal pools often cause similar problems.

Roads (and associated development) within this zone limit the amount of terrestrial habitat available to amphibian populations, fragment and isolate remaining pieces of habitat, facilitate further development, and directly result in mortality of individuals. Recent research conducted within Rhode Island has demonstrated that vernal poolbreeding amphibians may be extremely sensitive to roads constructed within 0.62 miles (1 km) of the vernal pools in which they breed (Egan 2001; Egan and Paton, *in prep.*). Within this area, a mere 16 linear feet of road per acre (12 m/ha) was linked to significant declines in numbers of wood frog egg masses; only 25 feet of road per acre (19 m/ha) appeared to cause significant declines in numbers of spotted salamander egg masses. Beyond these thresholds, even slight increases in road density severely limited the potential of the areas surrounding pools to serve as nonbreeding habitat. Research by Klemens (1990) has suggested that actual road configuration and pattern (i.e., "roads to nowhere" and cul-de-sacs servicing subdivisions vs. linear roads connecting urban centers), as well as road density, likely factors into amphibian population declines.

Although much of amphibian terrestrial life history is still unknown, researchers have documented travel distances from breeding pools of juvenile wood frogs and adult mole salamanders (see Figure 4 and reviews by Windmiller 1996, Semlitsch 1998). These distances, along with all of the other factors discussed above, demonstrate that pondbreeding amphibians require significant habitat surrounding pools.

Summary of Management Areas

To ensure successful breeding, vernal pool depressions must be left intact and undisturbed. Excluding development and minimizing disturbances to the area immediately surrounding the vernal pool (i.e., the pool's envelope) will provide breeding amphibians with a staging ground and will also help to maintain pool water quality. Additional upland habitats are required during the nonbreeding season; such "critical terrestrial habitats" can be maintained by limiting development and by applying Management Recommendations (discussed in the following section). By carefully considering the recommendations made for each of these three management areas, viable populations of pool-breeding amphibians may be maintained. A summary of management areas and desired outcomes is presented in Table 3.

- A number of studies have shown that roads (and urbanization) limit amphibian dispersal and abundance (Gibbs 1998; Lehtinen et al. 1999; deMaynadier and Hunter 2000; Egan and Paton, in prep.). Certain species are reluctant to cross open, unvegetated areas, including roads. Roads create barriers to amphibian dispersal. Curbs and catch basins act as traps that funnel and collect amphibians and other small animals as they attempt to cross roads.
- Roads are sources of chemicals and pollutants that degrade adjacent aquatic and terrestrial habitats. These pollutants include, but are not limited to, salts, particulate matter, and heavy metals. Eggs and larval amphibians are especially sensitive to changes in water quality. Influxes of sediment can smother eggs, while salts and heavy metals are toxic to larvae (Turtle 2000).
- ➤ Roads create zones of disturbance characterized by noise and light pollution. Both of these pollutants interfere with the ability of amphibians to disperse across the landscape. Noise pollution can also interfere with frog calling activity, which is an essential part of their reproductive ecology.
- > Roads can change hydrology (thus changing vernal pool quality and hydroperiod).

Management Recommendations:

- > Roads and driveways should be excluded from the vernal pool depression and vernal pool envelope.
- ➤ Roads and driveways with projected traffic volumes in excess of 5-10 cars per hour should not be sited within 750 feet of a vernal pool (Windmiller 1996). Regardless of traffic volumes, the total length of roads within the critical terrestrial habitat should be limited to the greatest extent possible (Egan and Paton, *in prep.*).
- > Use Cape Cod-style curbing (see Figure 10) or no-curb alternatives on low capacity roads.
- ➤ Use oversize square box culverts (2 feet wide x 3 feet high) near wetlands and known amphibian migration routes to facilitate amphibian movement under roads. These should be spaced at 20-foot intervals *and* use curbing to deflect amphibians toward the box culverts.
- Use cantilevered roadways (i.e., elevated roads that maximize light and space underneath) to cross low areas, streams, and ravines that may be important amphibian migratory routes.
- > Cluster development to reduce the amount of roadway needed and place housing as far from vernal pools as possible.

- > Perc test holes act as pitfall traps, collecting large numbers of amphibians, turtles, and other animals. Unable to climb the vertical walls of the perc scrape, these animals perish.
- > Site clearing and grading creates habitat for the establishment of invasive plants and facilitates the movement of amphibian predators (edge species) into the forest interior.

Management Recommendations:

- ➤ Minimize disturbed areas and protect down-gradient buffer areas to the extent practicable.
- > Site clearing, grading, and construction activities should be excluded from the vernal pool depression *and* the vernal pool envelope.
- > Site clearing, grading, and construction activities should be limited to less than 25% of the entire vernal pool habitat (i.e., the pool depression, envelope, and critical terrestrial habitat).
- ➤ Limit the area of clearing, grading, and construction by clustering development.
- Minimize erosion by maintaining vegetation cover on steep slopes.
- > Avoid creating ruts and other artificial depressions that hold water. If ruts are created, refill to grade before leaving the site.
- > Refill perc test holes to grade.
- ➤ Use erosion and sediment control best management practices to reduce erosion. Stagger silt fencing with 20 foot breaks to avoid disrupting amphibian movements or consider using erosion control berms. Use combinations of silt fencing and hay bales to reduce barrier effects. Re-seed and stabilize disturbed areas immediately; permanent stabilization for revegetated areas means that each area maintains at least 85% cover. Remove silt fencing as quickly as possible and no later than 30 days following final stabilization. Minimize use of silt fencing within 750 feet of vernal pools. Erosion control berms can be leveled and used as mulch or removed upon final stabilization.
- ➤ Limit forest clearing on individual house lots within the developed sections of the vernal pool management zones to no more than 50% of lots that are two or more acres in size. Encourage landscaping with natural woodland, containing native understory and groundlayer vegetation, as opposed to lawn.
- > Silt fencing should be used to exclude amphibians from active construction areas. At Jefferson Crossing (see Case Study), each house construction site was encircled by a silt fence barrier to keep salamanders away from heavy machinery, excavation, and stockpiling. However, construction activities should, ideally, occur outside of peak amphibian movement periods (which include early spring breeding and late summer dispersal).

- Minimize impervious surfaces (i.e., surfaces that do not absorb water) to reduce runoff problems and resulting stormwater management needs. Use of grass pavers (concrete or stone that allows grass to grow) on emergency access roads and in low use parking areas is recommended. Use of phantom parking is also recommended. Zoning formulae often require more parking spaces than are actually needed. Under a phantom parking strategy, sufficient land is reserved for projected parking requirements, but only a portion of the parking area is constructed at the outset. Additional areas are paved on an as-needed basis.
- Examine the feasibility (which varies by location) of reducing the road width standard to achieve conservation goals (i.e., minimize the footprints of roads). This is often done in tandem with development clustering, to reduce impervious surfaces and disturbance areas.

Accessory Infrastructure

Conservation Issues:

- In many communities, a different standard is employed when evaluating impacts of accessory structures and functions (e.g., outbuildings, pools), as compared to homes and other buildings. There appears to be no legal basis for this distinction, but rather a discretionary sense that, for example, the construction of a swimming pool in a regulated area surrounding a wetland is different (i.e., less harmful) than construction of a house within the same area. For pool-breeding amphibians, there is no distinction; the siting of accessory structures near vernal pools is a major conservation issue resulting in the loss of millions of amphibians and other small creatures each year.
- Below-ground swimming pools may function as large animal traps, capturing salamanders, frogs, small mammals, snakes, and turtles. Trapped animals either drown or are killed by chlorinated water.

Management Recommendations:

- > Accessory structures should be excluded from the vernal pool depression and vernal pool envelope.
- Delow-ground swimming pools located within the critical terrestrial habitat of a vernal pool should be surrounded by some sort of barrier. A fine mesh wire at the base of a picket fence or a one-foot high, 90-degree, curb or barrier would deter amphibians from travelling into the pool.

- Altered and created wetlands often support highly adaptable, widespread, "weedy" species (e.g., bullfrogs or green frogs). These species prey upon, or successfully outcompete, vernal pool-breeding amphibians, which reduces or locally eliminates populations of these habitat specialists.
- > Created wetlands that do not have the appropriate habitat often attract breeding amphibians. Eggs laid in these "decoy" pools often do not survive. Such pools serve to trap breeding amphibians and might result in local population declines.

Management Recommendations:

- > Alteration of existing conditions within vernal pools and other small wetlands should be avoided.
- > Creation of ponds and similar wetlands should be avoided within 750 feet of a vernal pool.
- Redirect efforts from *creating* low value, generalized wetlands to *enhancing* terrestrial habitat around vernal pools. These enhancements could include reforestation of post-agricultural lands within 750 feet of a vernal pool, restoration of forest, importing additional cover objects (e.g., logs, stumps), and removal of invasive plants and animals.

Post-Construction Activities

After a construction project has been completed, there are long-term development issues that continue to affect vernal pools. Even projects that are designed with ecological sensitivity can cause problems over time, due to the day-to-day activities of humans. Many of these longer-term problems can be anticipated and avoided during the overall design and approval process of the project.

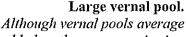
Conservation Issues:

- Pest animals are those species that humans encourage by subsidizing food resources and fragmenting habitats. Raccoons, foxes, and skunks fall into this category. These artificially inflated mammal populations often prey heavily on vernal pool amphibians during the breeding season.
- > Domestic animals, including pets, can threaten pool wildlife through predation or physical disturbance of habitats.
- Protected areas around wetlands, over time, are intruded upon by humans. Impacts include dumping, forest clearing, dirt biking, introduction of free-ranging dogs and cats, favoring of invasive plant species, fires, collection of native wildlife, and other activities that degrade the vernal pool and its envelope.

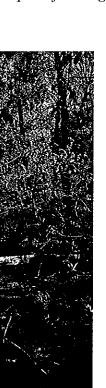


A "classic" vernal pool lying in a basin, or depression, in deciduous woodland.

Although these habitats are important for vernal pool-breeding species, only a small percentage of pools within the Region have this distinctive signature. Many cryptic (i.e., non-classic) vernal pools are found within larger wetland systems. Figure 3 provides some examples of the wide diversity of these cryptic vernal pools.



considerably less than one acre in size, some are as large as two acres. Large vernal pools are not uncommon in the northern part of the Region.



Small vernal pool.

Most vernal pools are quite small, as typified by this 0.25-acre pool. This photograph depicts two important components of vernal pools: microtopographic complexity (as illustrated by a patchwork of hummocks, moss, and logs) and vertical stratification (which consists of a variety of layers of herbaceous plants, low shrubs, tall shrubs, and trees). Collectively, these elements provide a tremendous variety of microhabitats, which support the rich diversity of life in and around vernal pools.



Aerial view of vernal pool. Many pools exhibit this concentric, ring-like pattern of habitat zones.

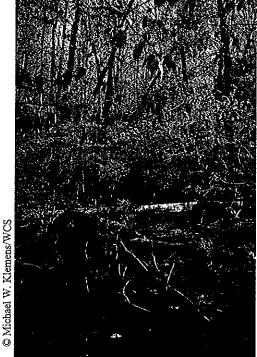


Figure 1. Vernal Pool Size and Structure



Snowbound vernal pool in late March.

Vernal pool levels are generally highest during winter and spring. This pool contains breeding populations of Jefferson salamanders, spotted salamanders, and wood frogs.

Drying vernal pool in late June.

Low water levels—and resulting low oxygen levels—exclude fish from vernal pools, which would otherwise decimate larval amphibian populations. This site provides breeding habitat for Jefferson salamanders, spotted salamanders, and wood frogs. Blanding's turtles, wood turtles, and box turtles also use this pool.

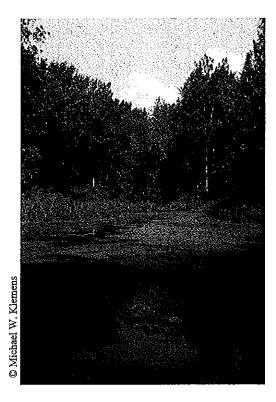


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Dry vernal pool in August. Most vernal pools will begin to refill in the autumn, when

plants become dormant and use less water. Spotted salamanders and wood frogs breed at this site. The pool is also used by spotted turtles and box turtles.

Figure 2. Vernal Pool Seasonality



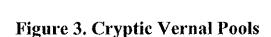
Semi-permanent pool.

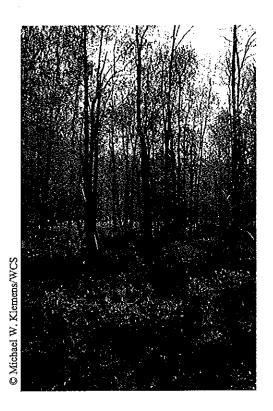
Jefferson and spotted salamanders breed in this wetland. This pool rarely dries up completely, as opposed to classic vernal pools, which dry up annually.



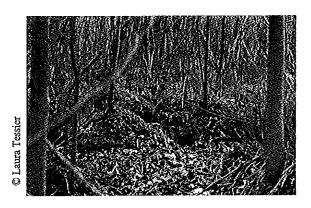
Pool with seasonally flooded wet meadow.

Larval amphibians exploit the rich food resources and warmer water of the meadow. As the meadow dries, the larvae retreat into the deeper pool to complete their development. Tiger salamanders breed here; the site also provides habitat for box turtles and ribbon snakes.





Floodplain swamp.
Blue-spotted salamanders and wood frogs breed in depressions and oxbows within river floodplains. When floodwaters recede, these pools become isolated; therefore, they do not provide breeding habitat for fish. Four-toed salamanders, spotted salamanders, and wood turtles also use this habitat.



Red maple swamp with carpet of Sphagnum moss. Spotted and four-toed salamanders, as well as wood frogs, breed in deeper pools of forested wetlands. These water-filled pockets are often created when trees are uprooted during severe storms.

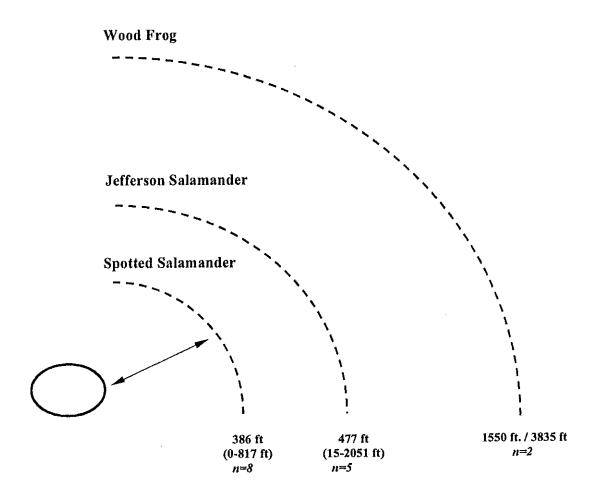


Figure 4. Migration Distances for Vernal Pool Amphibian Indicator Species*

Adult salamander migration distances are provided as means (and ranges). Two values are reported for wood frogs (*Rana sylvatica*)—mean juvenile dispersal distance and maximum adult migration distance. The number of studies contributing data (n) is listed for each species (sources include: Windmiller 1996; Semlitsch 1998; Berven and Grudzien 1990; Faccio, in prep.).

^{*}Distances are not to scale.

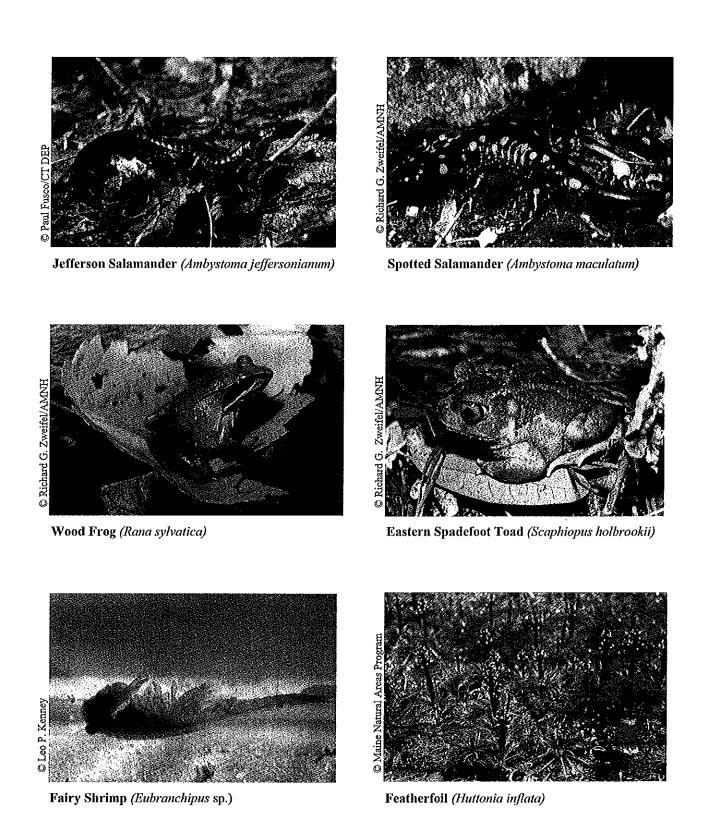


Figure 5: Examples of Vernal Pool Indicator Species of the Region

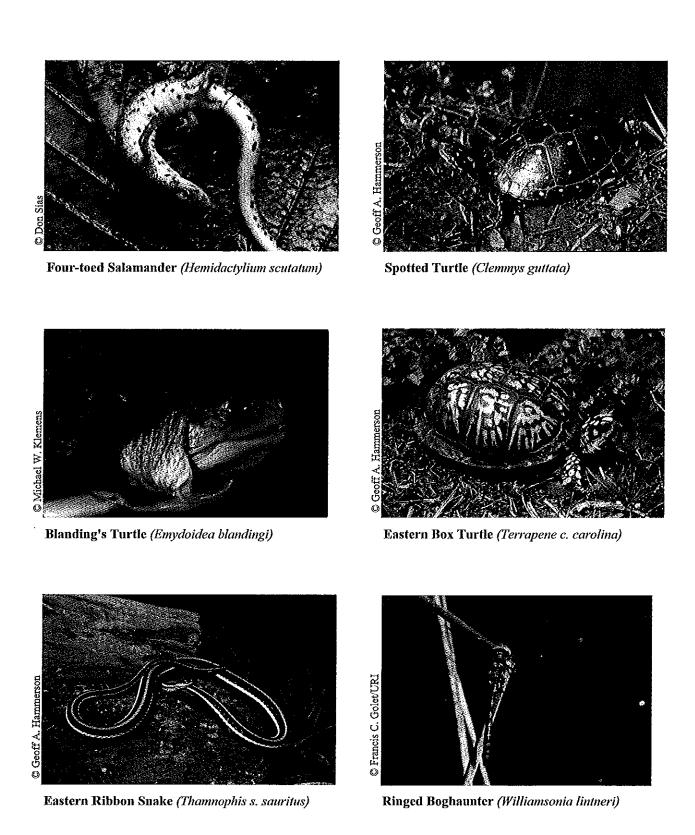
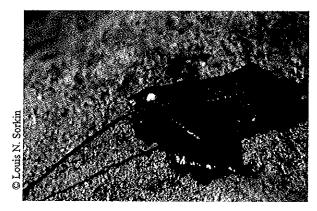


Figure 6: Examples of Vernal Pool Facultative Species of the Region



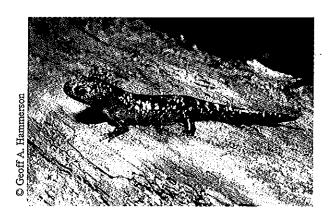
Male salamanders migrate to vernal pools under the cover of darkness and deposit spermatophores on the pool bottoms.



Females enter the pond during nightime rains, engage in courtship, and are fertilized by picking up the spermatophores. They then deposit clumps of jelly-coated eggs.



Bushy-gilled larvae hatch. They are voracious feeders and develop rapidly for several months.



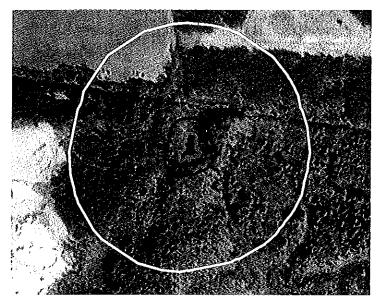
Larvae metamorphose. The pattern of this newly-transformed marbled salamander metamorph differs markedly from an adult.



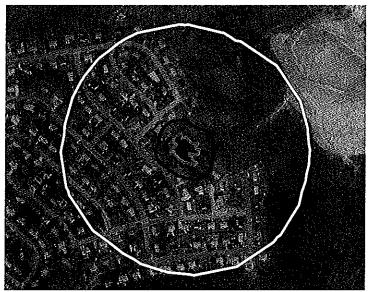
Adult patterns appear several weeks to months after metamorphosis, as seen here in the adult marbled salamander (<u>Ambystoma opacum</u>).

Figure 7: Mole Salamander (Ambystoma) Life Cycle*

^{*}Source: Klemens 2000. Text reprinted by permission of the author and the Connecticut Department of Environmental Protection.



 a. Vernal pool (blue) with undisturbed envelope (red) and < 25% of the critical terrestrial habitat (yellow) developed. Existing amphibian populations will likely remain viable in this pool.



b. Vernal pool (blue) with some disturbance in the envelope (red) and > 25% of the critical terrestrial habitat (yellow) developed. It is highly unlikely that this pool will be able to support viable amphibian populations.

Figure 8. Aerial Photography Depicting Vernal Pools and Management Areas in Varying Development Settings*

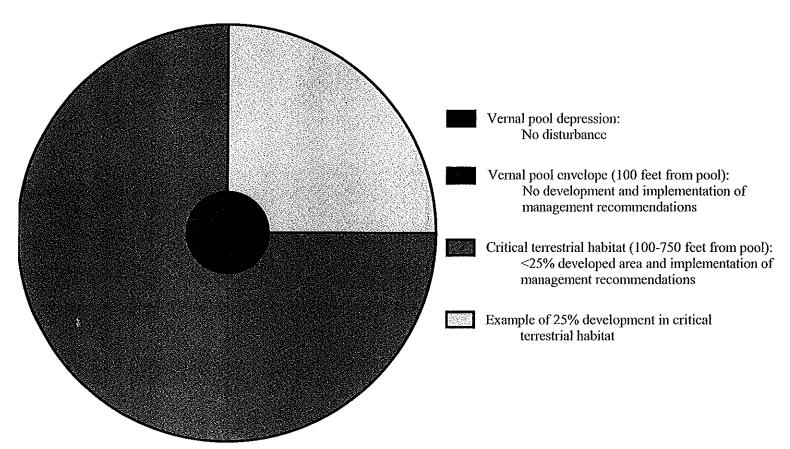
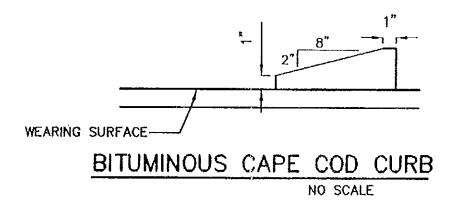
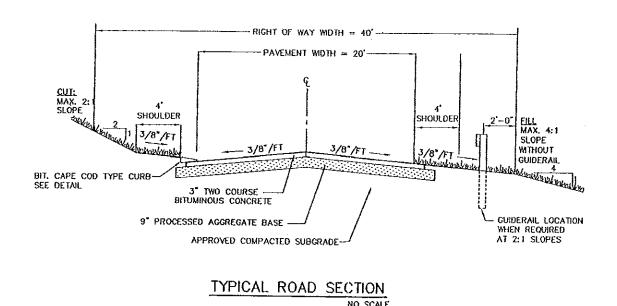


Figure 9. Vernal Pool Management Areas and Recommendations

^{*}Digital orthophotography, Rhode Island Geographic Information System





Source: Jefferson Crossing, Farmington, CT; Buck and Buck Engineers, Hartford, CT.

Figure 10: Design Schematics for Road and Driveway Construction to Reduce Impacts on Pool-Breeding Amphibians

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Maine—Maine has a "kick out" for vernal pools from Category I of the Programmatic General Permit.

Connecticut, Vermont and Massachusetts—PGPs require screening reviews for fill in vernal pools. A vernal pool is defined in the PGP as an "...often temporary body of water occurring in a shallow depression that fills during spring rains and snow melt and typically dries up during summer months. Vernal pools support populations of specialized species, which may include wood frogs, mole salamanders (Ambystoma), fairy shrimp, fingernail clams and other invertebrates. A feature common to vernal pools is the lack of breeding populations of fish. Some shallow portions of permanent waterbodies also provide vernal pool function by supporting breeding populations of vernal pool species. Old, abandoned, artificial depressions may provide these necessary breeding habitats."

Another administrative tool is known as the "pre-construction notification" process; this process allows so-called minor wetland fillings to be reported to the Corps after the fact, so that the Corps can track acreage lost. The Corps is aware of the limitations of these approaches, and recently has begun to curtail the use of these programs in areas of ecological concern, such as the New York City Watershed. However, in many sections of the Northeast, filling of small wetlands continues; among the hardest hit are those wetlands supporting vernal pool-dependent species.

Because of a recent Supreme Court decision (SWANCC; January 9, 2001), the Corps no longer regulates isolated wetlands by invoking the Migratory Bird Act. This ruling puts even more pressure on individual states to take the lead in protection of these resources.

Other federal agencies involved in wetland permitting include the US Fish and Wildlife Service, which serves in an advisory capacity on projects that may affect wildlife resources, and the Environmental Protection Agency, which has veto power over Corps decisions.

State Regulation

Each state in the Region has a wetland protection statute that regulates activities in jurisdictional wetlands. The specifics of the regulatory program and permit process vary from state to state, but small wetlands, including vernal pools, receive the least protection under most state regulatory programs. For example, New York has a regulatory minimum-size threshold of 12.4 acres, considerably larger than the majority of vernal pools. The only vernal pools protected at the state level in New York are those that: 1) contain a State-listed endangered or threatened species and 2) have been added, through a public hearing process, to the official map of State-regulated wetlands. Even Massachusetts, which has led the region with its program of volunteer-driven vernal pool certification, is unable to protect sufficient critical terrestrial habitat to sustain the amphibians that breed within those certified pools. In fact, most states do not include the terrestrial habitat associated with isolated wetlands in their wetland regulations.

1996). Vernal pools generally meet Federal and State wetland definitions and are subject to regulation. However, the degree of environmental review in Maine depends upon the size of the *impact* to the wetland. Impacts to wetlands that are less than 4,300 ft² (approximately 0.1 acres) require no reporting. Impacts between 4,300 ft² and 15,000 ft² (approximately 0.3 acres) require the lowest level of review, Tier 1, and have an expedited 30-day review process with no requirement of compensation for wetland loss. Tier II (impacts >15,000 ft² to 1 acre) and Tier III (impacts > 1 acre) require greater documentation and require input from professional delineators.

In the unorganized towns and plantations, the Land Use Regulation Commission (LURC) regulates activities in wetlands. LURC's language on vernal pools is consistent with the statutory provisions in NRPA. However, LURC's regulatory authority over vernal pools is tied to the Maine Department of Inland Fisheries and Wildlife's (MDIFW) ability to define and identify vernal pools. In unorganized towns, MDIFW is relying on a voluntary, cooperative strategy for protecting vernal pools.

"Significant vernal pools" (SVPs) were listed as "Significant Wildlife Habitat" in Maine's 1995 revision of the NRPA. Designation of SVP's is pending formal adoption of a definition of "significant vernal pools" and development of a system to pre-identify vernal pools.

Proposed definition:

The following definition has been approved by the Maine Vernal Pool Working Group, and will be incorporated into the Natural Resources Protection Act.

"Vernal pools are naturally-occurring, temporary to permanent bodies of water occurring in shallow depressions that typically fill during the spring and fall and may dry during the summer. Vernal pools have no permanent or viable populations of predatory fish. Vernal pools provide the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders and fairy shrimp, and often provide habitat for other wildlife including several endangered and threatened species. Vernal pools intentionally created for the purposes of compensatory mitigation are included in this definition."

Indicator species:

wood frog, spotted salamander, blue-spotted salamander, fairy shrimp

Massachusetts

Overview:

The Massachusetts Wetlands Protection Act Regulations (310CMR 10.00, 1996) include measures for the regulation of vernal pool habitat, as long as it is located within another category of wetland regulated by the Act, and as long as it has

Indicator species:

fairy shrimp, spotted salamander, blue-spotted salamander, Jefferson salamander, marbled salamander, wood frog

New York

Overview:

Vernal pools are not specifically recognized and would only be subject to regulation under the following conditions (NYS DEC Article 24 Freshwater Wetlands law):

- 1. greater than 12.4 acres,
- 2. demonstrating unusual local importance for one or more of the specific benefits set forth in subdivision seven of section 24-0105,
- contain a State-listed endangered or threatened species and have been added, through a public hearing process, to the official map of State-regulated wetlands, or
- 4. located within Adirondack park (minimum regulated size 1 acre).

An act to amend the environmental conservation law was introduced in February 2000 (A9561) that specifically describes vernal pools and recommends lowering the State regulated wetland size from 12.4 acres to 3 acres.

Definition:

There is no regulatory definition of a vernal pool. Ecological Communities of New York State (Reschke 1990) describe the natural vernal pool community as follows:

"...a wetland in a small, shallow depression within an upland forest. Vernal pools are flooded in spring or after a heavy rainfall, but are usually dry during summer. Many vernal pools are filled again in autumn. This community includes a diverse group of invertebrates and amphibians that depend upon temporary pools as breeding ponds. Since vernal pools cannot support fish populations, there is no threat of fish predation on amphibian eggs or invertebrate larvae. Characteristic amphibians include wood frog (Rana sylvatica), mole salamanders (Ambystoma spp.), American toad (Bufo americanus), green frog (Rana clamitans), and redspotted newt (Notophthalmus viridescens)."

Indicator species:

The New York Natural Heritage Program is reviewing the literature and will produce a list of obligate species, most likely matching those listed in Massachusetts.

wetlands at this time. Vernal pools are potentially protected under this rule only if they are within a mapped wetland or are contiguous to such a wetland. Again, only up to 50 feet of the adjacent land around such a pool could be protected for a Class II wetlands

Vermont Wetland Rules (Water Resources Board 1990) do not specifically address vernal pools. Under the rules, Vermont evaluates wetlands based on 10 functions and values, wildlife habitat being one of those. The likely impact of a project on those functions is then assessed. If it is determined that a pool provides significant amphibian breeding habitat, this could trigger a larger buffer requirement or a potential denial of a project.

According to Rule 5.4 c (1), the following considerations are made in designating wetlands significant for wildlife:

- a. The wetland provides habitat that supports the reproduction of uncommon Vermont amphibian species including: Jefferson salamander, blue-spotted salamander, spotted salamander, and others found in Vermont of similar significance;
- b. The wetland supports or based on its habitat, is likely to support, breeding populations of any uncommon Vermont amphibian species including: mountain dusky salamander, four-toed salamander, Fowler's toad and others found in Vermont of similar significance.

Definition: None.

Local Regulation

Building upon a long tradition of home rule in New York and New England, towns may adopt more stringent protective wetland regulations than those mandated at the state and federal levels. There are two specific aspects of vernal pool protection where local ordinances add considerable value to conservation efforts. First, local laws are able to extend protection to very small wetlands, including vernal pools that fall beneath the regulatory threshold of state or federal governments. Second, local laws are able to protect upland habitat surrounding a vernal pool. The Connecticut towns of Guilford and Redding have proposed statutory protection of vernal pools by maintaining large areas of critical upland habitat surrounding vernal pools and the upland connections between pools.

The downside to this approach is the creation of a patchwork pattern of wetland protection, varying from town to town. It is not unusual for a wetland that spans two political jurisdictions to be conserved in one town, and be totally unprotected in the other. The level of diligence and expertise in enforcing and interpreting local wetland ordinances also varies from town to town. Even the most comprehensive wetland

Appendix 2

Using Aerial Photography to Locate Vernal Pools

The practicality of using aerial photography to identify vernal pools varies with predominant forest cover-type, scale, timing, and type of photography. A primer on identifying vernal pools through aerial photography and using Geographic Information Systems to create a database is available in *Massachusetts Aerial Photo Survey of Potential Vernal Pools* (Burne 2001). Aerial photo coverage can provide a landscape overview to aid during reconnaissance-level (i.e., field) surveys. From aerial photographs one can identify areas most likely to have pools. For example, topography and breaks in the forest canopy give clues to vernal pool location.

Use of aerial photography must be followed with ground-truthing. In fact, finding existing vernal pools in the field and then characterizing the way they appear on aerial photography (i.e., defining the signature of vernal pools) may help in picking out other potential pools on photography. NOTE: Even with good aerial photography and experienced photo-interpreters, many vernal pools are easily missed; this may be due to pool size, forest cover type, the presence of tree shadows, or because the pools are embedded in other wetlands). It is critical to ground-truth!

Below are some common challenges and solutions for using photography for preidentification of pools based on work done in Maine, Massachusetts, and Rhode Island.

What do I use?

- Stereo coverage: Try to obtain aerial photographs in stereo pairs and view them with a stereoscope. Subtle changes in relief can provide clues to potential vernal pool sites.
- Season and ground conditions: Photos taken when the leaves are off the trees, the ground is free of snow, and water levels are high provide the best opportunity for identifying vernal pools. Early spring (March-May) is generally the best period for capturing these conditions, but late fall (November-December) may also provide good visibility for aerial coverage. Identification of vernal pools is least reliable on photos taken during very dry years or in the middle of summer when tree canopies obscure ground conditions.

Scale and film type:

Scale

The larger the scale (e.g., 1:4,800 is a larger scale than 1:12,000), the easier it is to identify small ground features. Generally, scales at least 1:4,800 to 1:12,000 should be obtained to identify small pools. However, scales as small as 1:31,680 (2 inches per mile) have been used successfully to identify vernal pools that are 0.25 acre in size (L. Alverson, Forest Resource Consultant, pers. comm.). Ultimately, the scale of photography needed to successfully pre-identify vernal pools will depend on the type of film, time of year photos were flown, forest cover type, and size of the pool.

- imparts gray shades to black and white photos, grayish green tones in color photographs, and grayish pink colors in color infrared photos (CIR).
- 4. Identifying subtle pockets of variation in relief can be especially helpful when distinguishing vegetated vernal pools in larger wetland complexes. Uneven ground and shallow depressions can be seen through a stereoscope on aerial photographs.
- 5. Vernal pools might occur in clusters due to uneven topography and the composition of the bedrock or soil type (particularly soils with shallow confining layers or shallow to bedrock). It is often possible to pick out clusters on topographic maps or aerial photography.
- 6. In central and southern Maine, vernal pools are commonly associated with red maple swamps or mixed evergreen-deciduous swamps. Because pools may be included within larger wetlands, identification can be difficult. If a wetland is in the southern portion of a photo, there might be enough reflection of light off of water surfaces to highlight vernal pools. When viewing stands dominated by softwood, a cluster of red maple is sometimes an indicator of a potential vernal pool (particularly when working with fall true color photography). Conversely, patches of softwoods in hardwood uplands may indicate small areas of wet soils that could include vernal pools.

Common problems with photo-interpreting vernal pools

Many features can mimic vernal pools, including:

- overstory or superstory trees with large crowns that cast shadows over the top of the surrounding canopy and appear to be black spots. (This is particularly true of photos flown in spring or fall when solar angles are low. Looking at photos in stereo may eliminate some of these tree shadows);
- a shadows created by narrow pockets in bedrock or streams with deep narrow gorges;
- a gaps and openings in the canopy from recent forest harvesting operations; or
- tree shadows along skid trails and near large openings.

Vernal pools might be difficult to see because:

- □ they are small (often less than 2,000 ft²);
- tree species typically associated with depressional pools in upland settings (particularly red maple and hemlock) often extend their branches into the pool opening, or the pool itself may be forested by flood-tolerant species.
- pools associated with forested wetland complexes, particularly in mixed and softwood stands, may be obscured by canopy cover or hard to distinguish from the overall wetland complex.

Appendix 3

Resources for Identifying Vernal Pools

Note: This is a listing of potential resources; it is not an endorsement of these products or suppliers.

Vernal Pool Manuals

Calhoun, A. J. K. 1999. Maine citizen's guide to locating and documenting vernal pools. Maine Audubon Society, Falmouth, ME.

Maine Audubon Society 20 Gilsland Farm Road Falmouth, ME 04105

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