

VERMONT



SECTION

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INSIDE

Community 2C
Opinion 6C
Comics 11C

••• Friday, October 9, 2009 • Metro Editor Patrick Garrity 660-1897 or (800) 427-3124 • Page 1C

What's news

Human Rights Commission joins breast-feeding mother's cause

From staff, wire reports

The Vermont Human Rights Commission filed a state lawsuit Thursday against two airlines involved in an October 2006 incident at Burlington International Airport in which a woman was removed from a airplane after declining a flight attendant's request to cover herself with a blanket while breast-feeding her child.

The Burlington Free Press reported Thursday that an attorney for Emily Gillette of Santa Fe, N.M., filed a companion lawsuit in federal court in Burlington against Delta Airlines and two smaller carriers it contracts to operate routes that at the time included Burlington to New York City.

Freedom Airlines and Mesa Air Group are the contract carriers.

Commission Executive Director Robert Appel said the commission determined it could not hold Delta responsible for the actions of Mesa and Freedom.

In bringing the lawsuit, Appel cited a Vermont law that reads in part, "A mother may breastfeed her child in any place of public accommodation in which the

Mudpuppies killed off

Lamprey poison in Lamoille River kills salamanders

By Tim Johnson
Free Press Staff Writer

A pesticide treatment last week meant for lamprey in the Lamoille River apparently also resulted in a large-scale die-off of mudpuppies, a species of salamander.

The treatment was applied Oct. 1 at the Peterson Dam in Milton. A survey downstream over the next two days found, in addition to dead lampreys, hundreds of dead mudpuppies, said



File photo courtesy of Jim Andrews

The mudpuppy is Vermont's largest and one of its rarest amphibians.

Bradley Young, a fish biologist for the U.S. Fish and Wildlife Service. Young did not have numbers; he said small numbers of several other species also were found.

Jim Andrews, a herpetologist and chairman of the

state's Reptile and Amphibian Scientific Advisory Group, said he'd been told the preliminary figure for dead mudpuppies was 512. He said the largest mudpuppy die-off in previous Vermont lamprey treatments on other streams was

below 30, and the largest die-off on the New York side, in the Ausable River, was fewer than 200.

"We know this is a significant hit," Andrews said. Because a post-treatment survey typically covers just part of the river, roughly 10 percent or 20 percent, the actual die-off is likely to be larger, he said.

However, the size of the pre-treatment mudpuppy population in the Lamoille is unknown, so it's unclear how large a fraction might have died. Young said efforts are under way to determine how large the remaining population is.

Calls Thursday afternoon to the Vermont Department

See **LAMPREY**, 8C

TELECOM: Questions hang over company

Continued from Page 1C

venture yet to achieve full operating maturity, BT has incurred substantial startup and operating costs beyond the capital improvements which are reflected in BT's financial statements as a deficit."

■ **Why hasn't BT met its financial goals?** The build-out has been more expensive than anticipated, and BT has signed subscribers more slowly than anticipated.

■ **How much city money has BT used, and how much will it need?** Leopold told the City Council on Monday that BT had used between \$16 million and \$17 million of city money by June 30, the end of fiscal year 2009. He provided no figures on city money used since then and did not provide an estimate of how much additional money BT might need for expansion or to complete the coverage of the city.

■ **How did the original**

that BT would begin breaking even by the end of June 2008, by which time, he said, it would have 4,500 subscribers paying an average of \$100 a month for BT's Internet, telephone and cable television service. Beyond that point, he said, "the rest is gravy."

The city did not mention profit when it announced in September its intent to expand beyond the city. It said the expansion would allow BT "to stay competitive and complete its obligation to the city."

■ **How many subscribers does Burlington Telecom have now?** About 4,500.

■ **Who monitors Burlington Telecom's operations?** Leopold told the Free Press on Sept. 24 that BT is subject to an annual audit and is overseen by the Vermont Public Service Board, the Burlington Clerk-Treasurer's Office, the Board of Finance

LAMPREY: Pesticide kills mudpuppies

Continued from Page 1C

of Fish and Wildlife, the lead agency in the treatment and survey, were not immediately returned.

This was the first treatment on the Lamoille, where a large population of lampreys was found this year, and the only treatment of the year for Lake Champlain's tributaries in Vermont. The lamprey is a parasitic eel-like fish that reproduces in rivers, then makes its way into the lake, where it attaches to prey, sucks blood, and damages game fish populations.

A pesticide has been used in about a dozen Vermont and New York streams feeding the lake since 2002, with the aim of killing lamprey larvae. According to the Vermont Agency of Natural Resources, the pesticide — 3-trifluoromethyl-4-nitrophenol, known as TFM — is applied in precise concentrations in a metered manner over a 12-hour period. The agency says the treatments have helped restore fish populations in the lake and that wounding rates have diminished.

In a news release last month announcing the Lamoille application, the agency said the treatment has "little or no effects on populations of other aquatic species."

Conservationists have opposed the lamprey treatment, contending that effects on other species are not fully known. In the Lamoille, softshell turtles and freshwater mussels also were species of concern, said Mollie Matteson of the Center for Biological Diversity in Richmond.

Andrews said the mudpuppy, a form of salamander that retains its gills and remains aquatic after it outgrows the larval phase, can grow to be 16 inches long, with a lifespan of 10 to 20 years. It is not an endangered species but is consid-

ered a "high priority conservation species." On a five-point scale, with "1" the rarest and "5" most common, the mudpuppy is classified as a "2."

A proposal several years ago that the mudpuppy be given protected status was rejected by state officials, in part because this could prevent lamprey control, because the salamander could be killed by lampricides. The mudpuppy's range is the same as that for lamprey, Andrews said — from the lake to the first big obstacle in the river, which in the Lamoille's case was the Peterson Dam. The dead lampreys and mudpuppies were found along the full length of the river from the dam to the lake, Young said.

Lamprey control has been a state priority, urged by

commercial fishing derby organizers and sport fishermen, who opposed putting the mudpuppy on the state's endangered list. They have prevailed, Andrews said, over the relatively few who "speak up for nongame species."

The advisory group Andrews chairs recommended this summer to the Vermont Endangered Species Committee that a lampricide treatment permit for the Lamoille be denied. The group's June 24 memo cited concerns about spiny softshell turtles, and then said:

"We also continue to be very concerned about the potential impacts of lampricides on Vermont's population of Mudpuppies."

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