

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 261

H.P. 200

House of Representatives, January 18, 2005

An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator PERRY of Penobscot.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 38 MRSA §480-B, sub-§2-B.** as enacted by PL 1989, c.
838, §3, is amended to read:

6 **2-B. Forest management activities.** "Forest management
8 activities" means timber stand improvement, timber harvesting
activities, forest products harvesting and regeneration of forest
10 stands. For the purposes of this definition, "timber harvesting
12 activities" means timber harvesting, the construction and
14 maintenance of roads used primarily for timber harvesting and
16 other activities conducted to facilitate timber harvesting. For
18 the purposes of this definition, "timber harvesting" means the
20 cutting or removal of timber for the primary purpose of selling
22 or processing forest products.

24 **Sec. 2. 38 MRSA §480-B, sub-§10.** as amended by PL 1999, c.
26 401, Pt. BB, §17, is repealed and the following enacted in its
28 place:

30 **10. Significant wildlife habitat.** "Significant wildlife
32 habitat" means:

34 A. The following areas to the extent that they have been
36 mapped by the Department of Inland Fisheries and Wildlife or
38 are within any other protected natural resource: habitat,
40 as defined by the Department of Inland Fisheries and
42 Wildlife, for species appearing on the official state or
44 federal lists of endangered or threatened animal species;
46 high and moderate value deer wintering areas and travel
48 corridors as defined by the Department of Inland Fisheries
50 and Wildlife; high and moderate value waterfowl and wading
bird habitats, including nesting and feeding areas as
defined by the Department of Inland Fisheries and Wildlife;
critical spawning and nursery areas for Atlantic salmon as
defined by the Atlantic Salmon Commission; and shorebird
nesting, feeding and staging areas and seabird nesting
islands as defined by the Department of Inland Fisheries and
Wildlife; and

B. Significant vernal pool habitat as defined by the
Department of Inland Fisheries and Wildlife and in
conformance with criteria adopted by the department. In an
area in which regulated activities consist solely of forest
management activities, significant vernal pool habitat is as
defined and identified by the Department of Inland Fisheries
and Wildlife. For purposes of this subsection only,
"identified" means identified in a specific location by the
Department of Inland Fisheries and Wildlife.

2 **Sec. 3. 38 MRSA §480-Q, sub-§17, ¶¶E and F.** as enacted by PL
1995, c. 575, §1, are amended to read:

4 E. The activity does not take place in a wetland containing
or consisting of peat land dominated by shrubs, sedges and
6 sphagnum moss; and

8 F. The entire activity constitutes a single, complete
project.;

10 **Sec. 4. 38 MRSA §480-Q, sub-§17, ¶¶G, H and I** are enacted to
12 read:

14 G. The activity does not occur in a wetland containing a
natural community that is critically imperiled, S1, or
16 imperiled, S2, as defined by the Natural Areas Program
established in Title 12, section 544;

18 H. The activity does not occur in a significant wildlife
20 habitat; and

22 I. The activity does not occur in a wetland area that is
inundated with floodwater during a 100-year flood event
24 based on flood insurance maps produced by the Federal
Emergency Management Agency or other site-specific
26 information.

28
SUMMARY

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32 This bill adds a clarification of "timber harvesting" within
the definition of "forest management activities" to improve
consistency between the natural resources protection laws and the
34 Maine Revised Statutes, Title 12, section 8868.

36 This bill removes language in the definition of "significant
wildlife habitat" in the natural resources protection laws that
38 requires significant vernal pools to be identified in a specific
location. Instead, significant vernal pool habitat would be
40 required to meet specific criteria to be considered as
"significant wildlife habitat." Criteria for identification of
42 significant vernal pools and associated management areas are
established through rule.

44
46 The bill adds a limitation to the existing exemption for
minor alterations in freshwater wetlands by providing that the
exemption would not be available if the proposed activity would
48 occur in a wetland containing a natural community that is
critically imperiled, S1, or imperiled, S2, as defined by the
Natural Areas Program, in a significant wildlife habitat or in a
50

2 wetland area that is inundated with floodwater during a 100-year flood event.