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January 9, 2003

Senator John Martin, Senate Chair
Representative Theodore Koffman, House Chair
Joint Standing Committee on Natural Resources
State House, Room 437
Augusta, ME 04333-003

RE: Report to the Legislature on the progress of Significant Wildlife Habitat protection under the Natural Resources Protection Act

Dear Senator Martin, Representative Koffman and Members of the Natural Resources Committee:

In accordance with Public Law 1997, Chapter 230 the Commissioners of the Department of Environmental Protection (DEP) and the Department of Inland Fisheries and Wildlife (IFW) are required to report every odd numbered year to the Joint Standing Committee on Natural Resources on the progress of the mapping of Significant Wildlife Habitats under the Natural Resource Protection Act (NRPA).

Since the Significant Habitat provision of the NRPA was enacted in the late 1980's, the Department of Inland Fisheries and Wildlife has been evaluating the need to restrict land use in each of the designated categories mentioned under Significant Habitat from the wildlife perspective. In other words, is it necessary to restrict private land use to allow these habitats to continue to functionally support the wildlife species that depend on them? If so, then how would these habitats be defined, and based on what information and assumptions? The answers to both of these questions must be answered fully to justify restricting private land use.

In order to answer these questions for each of the potential Significant Habitats, IFW biologists have been working on developing the information that defines the biological species-habitat ties that subsequently justify the biological importance of these habitats to continued species existence in Maine. If IFW determines that one of the potential Significant Habitats is critical to the health and continued existence of certain wildlife species to the level of our publicly set management goals, and that there is no better alternative to protect the function of the habitat areas, such as through cooperative management agreements, then IFW will develop the criteria that will define the habitat and adopt these criteria through our rulemaking process. Once defined by IFW rules, these habitats become protected under NRPA if they fall within another protected resource, such as a wetland. If it is necessary to protect these habitats regardless of whether or not they fall within wetlands, then IFW will map the habitats and submit to DEP for adoption under DEP rules.

At present, IFW has defined high and moderate deer wintering areas, inland high and moderate value waterfowl and wading bird habitats, shorebird nesting, feeding, and staging areas, and seabird nesting areas through IFW rules. Seabird nesting areas are the only habitat type that IFW has also mapped and DEP has adopted in rule. We have developed a draft definition for Coastal high and moderate value Waterfowl and Wading Bird Habitats, and will be working to incorporate this definition into IFW rules during 2003. In addition, we have sponsored and lead research attempting to define the critical components of vernal pools that contribute to the survival of many species of amphibians and reptiles. We are very close to having a Significant Habitat definition for vernal pools.

There are two main reasons why IFW has not defined and mapped all potential Significant Habitat types. The Department of Inland Fisheries and Wildlife feels strongly that any restricting of private land use should be justified by an identified need of the species using the habitat. IFW has been working on making this tie between species requirements and habitat types. Then, cooperative management agreements can often take the place of restrictive zoning. If cooperative agreements can not work, then NRPA Significant Habitats become a valuable tool for habitat conservation.

The second major reason that IFW has not completed more NRPA definitions and mapping is that IFW has little or no extra funding or staff to accomplish such a major task needing statewide consistency. Until funds are available for such projects, IFW staff will continue to work towards definitions and mapping of significant habitats where needed for species management and as time allows.

The Department of Inland Fisheries and Wildlife and the Natural Areas Program have spent considerable time in the last few years, and have recently completed, a GIS-based system that shows the location of all wildlife habitats of management concern in all organized towns south of Island Falls. This system also contains, in conjunction with the Natural Areas Program, all rare natural communities, and is the basis for a program called "*Beginning with Habitat*". Beginning with Habitat is a collaborative program designed to be a planning tool for agencies and towns designing open space and natural resource protection areas into their comprehensive plans. Considerable ongoing cooperation is also given by the University of Maine and the Cooperative Wildlife Research Unit, State Planning Office, Maine Audubon, and the U.S. Fish and Wildlife Service. It is truly a collaborative effort. IF&W is currently working with about 70 towns to help them design resource protection into their comprehensive plans. We hope that, together with town zoning, acquisition, cooperative agreements and property tax incentives that we can help them design a landscape that allows wildlife to flourish 100 years from now.

Our staff look forward to answering any questions you may have about the report.

Sincerely,

Brooke Barnes, Acting Commissioner
Department of Environmental Protection

Lee Perry, Commissioner
Department of Inland Fisheries & Wildlife