

The Maine Endangered Species Act



*Opportunities to Help Applicants
Avoid Potential Conflicts*

MESA: *a brief history*

- **1975** The Maine Legislature enacts the Maine Endangered Species Act (MESA). The State's first Endangered and Threatened Species List is established, containing only federally listed species whose ranges include Maine.

“The Legislature finds that various species of fish or wildlife have been and are in danger of being rendered extinct within the State of Maine, and that these species are of esthetic, ecological, educational, historical, recreational and scientific value to the people of the State. The Legislature, therefore, declares that it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend. “

- **1981** The least tern becomes the first species listed under Maine's Endangered Species Act that does not have federal listing status.
- **1986** The first comprehensive review of Maine's vertebrate wildlife results in six additional species being listed as endangered, and four additional species being listed as threatened.

MESA: *a brief history (cont.)*

- **1988** The Maine Legislature amends Maine's Endangered Species Act to include a habitat protection provision, allowing for designation of "Essential Habitat" for listed species.
- **1989** The Maine Legislature clarifies that MDIFW has responsibility for the conservation of invertebrates.
- **1986** The first comprehensive review of Maine's vertebrate wildlife results in six additional species being listed as endangered, and four additional species being listed as threatened.
- **1994** Objective, biologically-based listing criteria are established in rule through the Commissioner's Advisory Council.
- **1995** The Maine Legislature transfers authority to list endangered and threatened species from the Commissioner of MDIFW to the Legislature.
- **1997** The Maine Legislature approves MDIFW's listing recommendations and adds twenty species to the State's Endangered and Threatened Species List. Invertebrates are listed for the first time.
- **2007** The Maine Legislature approves MDIFW's listing recommendations and adds fourteen species to the State's Endangered and Threatened Species List and de-lists bald eagle

IF&W Listing Process

Endangered Species: A species will be considered for listing as Endangered if:

A. The following criterion is met:

Population Modeling: A population viability analysis of the species yields a $\geq 30\%$ probability of extirpation from Maine within 20 years or 10 generations

OR

B. Any two of the following five criteria are met, statewide, in Maine:

1. Population Size:

Vertebrates

It is a non-migratory population, and the total population is estimated at <500 individuals or the breeding population at <200; **OR**

It is a migratory population, and the total population is estimated at <250 individuals or the breeding population at <100.

Invertebrates

It is a non-migratory population, and the breeding population is estimated at <1,000 individuals;

OR

It is a migratory population, and the breeding population is estimated at <500 individuals.

IF&W Listing Process (cont.)

2. Population Trend:

After allowing for normal fluctuations, an observed, estimated, or inferred population decline of $\geq 50\%$ has occurred within the past 10 years or 3 generations (whichever is longer), or $\geq 75\%$ within the past 40 years or 9 generations (whichever is longer); and is continuing to decline,

OR

After allowing for normal fluctuations, an observed, estimated, or inferred decline in reproductive success or recruitment of young into the breeding age population of $\geq 50\%$ has occurred within the past 10 years or 3 generations (whichever is longer), or $\geq 75\%$ within the past 40 years or 9 generations (whichever is longer).

IF&W Listing Process (cont.)

3. Population Distribution:

>90% of the population is found at <5 discrete, disjunct sites during any portion of the species' annual life cycle.

4. Population Fragmentation:

The population is non-migratory or otherwise isolated (immigration rate <1 per year); its distribution is fragmented such that it occurs in discrete, disjunct sites; and there are <2 of those sites with known or estimated total populations of >250 individuals (vertebrates) or breeding populations of >500 individuals (invertebrates).

5. Endemism:

The species is entirely or largely endemic to Maine and/or is assigned a NatureServe global rarity rank of "Critically Imperiled" (G1 for species; T1 for subspecies);

OR

- C. One or more factors including range or habitat loss, disease, predation, over-utilization, inadequacy of existing regulations, or other natural or human-related factors leading, through observation, inference, or projection to a very high probability of extinction (extirpation from the state) within 100 years.

- Least tern, *Sterna antillarum*, endangered
- Golden eagle, *Aquila chrysaetos*, endangered
- Piping plover, *Charadrius melodus*, endangered
- Sedge wren, *Cistothorus platensis*, endangered
- Grasshopper sparrow, *Ammodramus savannarum*, endangered
- Box turtle, *Terrapene carolina*, endangered
- Black racer, *Coluber constrictor*, endangered
- Roseate tern, *Sterna dougallii*, endangered
- Northern bog lemming, *Synaptomys borealis*
- Blanding's turtle, *Emydoidea blandingii*, endangered
- Black tern, *Chlidonias niger*, endangered
- American pipit, *Anthus rubescens* (breeding population only), endangered
- Peregrine falcon, *Falco peregrinus* (breeding population only), endangered
- Roaring Brook mayfly, *Epeorus frisoni*, endangered
- Ringed boghaunter, *Williamsonia lintneri*, threatened

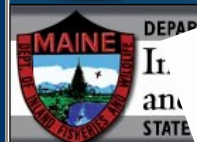


- Clayton's copper, *Lycaena dorcas claytoni*, endangered
- Edwards' hairstreak, *Satyrium edwardsii*, endangered
- Hessel's hairstreak, *Callophrys hesseli*, endangered
- Katahdin arctic, *Oenis polixenes katahdin*, endangered
- Spotted turtle, *Clemmys guttata*, threatened**
- Razorbill, *Alca torda*, threatened
- Atlantic puffin, *Fratercula arctica*, threatened
- Harlequin duck, *Histrionicus histrionicus*, threatened
- Arctic tern, *Sterna paradisaea*, threatened
- Upland sandpiper, *Bartramia longicauda*, threatened
- Swamp darter, *Etheostoma fusiforme*, threatened
- Tidewater mucket, *Leptodea ochracea*, threatened
- Yellow lampmussel, *Lampsilis cariosa*, threatened
- Tomah mayfly, *Siphonisca aerodromia*, threatened
- Twilight moth, *Lycia rachelae*, threatened



- Pine barrens zanclognatha, *Zanclognatha martha*, threatened
- Redfin pickerel, *Esox americanus americanus*, endangered
- Juniper hairstreak, *Callophrys gryneus*, endangered
- Rapids clubtail, *Gomphus quadricolor*, endangered
- New England cottontail, *Sylvilagus transitionalis*, endangered
- Black-crowned night heron, *Nycticorax nycticorax*, threatened
- Common moorhen, *Gallinula chloropus*, threatened
- Great cormorant, *Phalacrocorax carbo* (breeding population only), threatened
- Short-eared owl, *Asio flammeus* (breeding population only), threatened
- Purple lesser fritillary, *Boloria chariclea grandis*, threatened
- Sleepy duskywing, *Erynnis brizo*, threatened
- Boreal snaketail, *Ophiogomphus colubrinus*, threatened
- Brook floater, *Alasmodonta varicosa*, threatened
- Barrow's goldeneye, *Bucephala islandica*, threatened
- Least bittern, *Ixobrychus exilis*, endangered





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The 14 of the Endangered Act and the "chicken" contribution Wildlife S. As of 1997 threatened Endangered looks at species of concern

The Maine Department of Inland Fisheries and Wildlife's Species of Special Concern March 1, 2010

AMPHIBIANS

Blue-spotted Salamander (diploid populations only)	<i>Amystoma laterale</i>
Northern Spring Salamander	<i>Gyrinophilus p. porphyriticus</i>
Northern Leopard Frog	<i>Rana pipiens</i>

BIRDS

Leach's Storm-petrel	<i>Oceanodroma leucorhoa</i>
Great Blue Heron	<i>Ardea herodias</i>
Greater Scaup	<i>Aythya marila</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Northern Harrier	<i>Circus cyaneus</i>
American Coot (breeding population only)	<i>Fulica americana</i>
Yellow Rail	<i>Coturnicops noveboracensis</i>
American Oystercatcher	<i>Haematopus palliatus</i>
Whimbrel	<i>Numenius phaeopus</i>
Red Knot	<i>Calidris canutus</i>
Red-necked Phalarope	<i>Phalaropus lobatus</i>
Semipalmated Sandpiper	<i>Calidris pusilla</i>
Bonaparte's Gull (breeding population only)	<i>Larus philadelphia</i>
Laughing Gull	<i>Larus atricilla</i>
Common Tern	<i>Sterna hirundo</i>
Common Murre	<i>Uria aalge</i>
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>
Barn Owl	<i>Tyto alba</i>
Eastern Screech Owl	<i>Megascops asio</i>
Whip-poor-will	<i>Caprimulgus vociferous</i>
Chimney Swift	<i>Chaetura pelagica</i>

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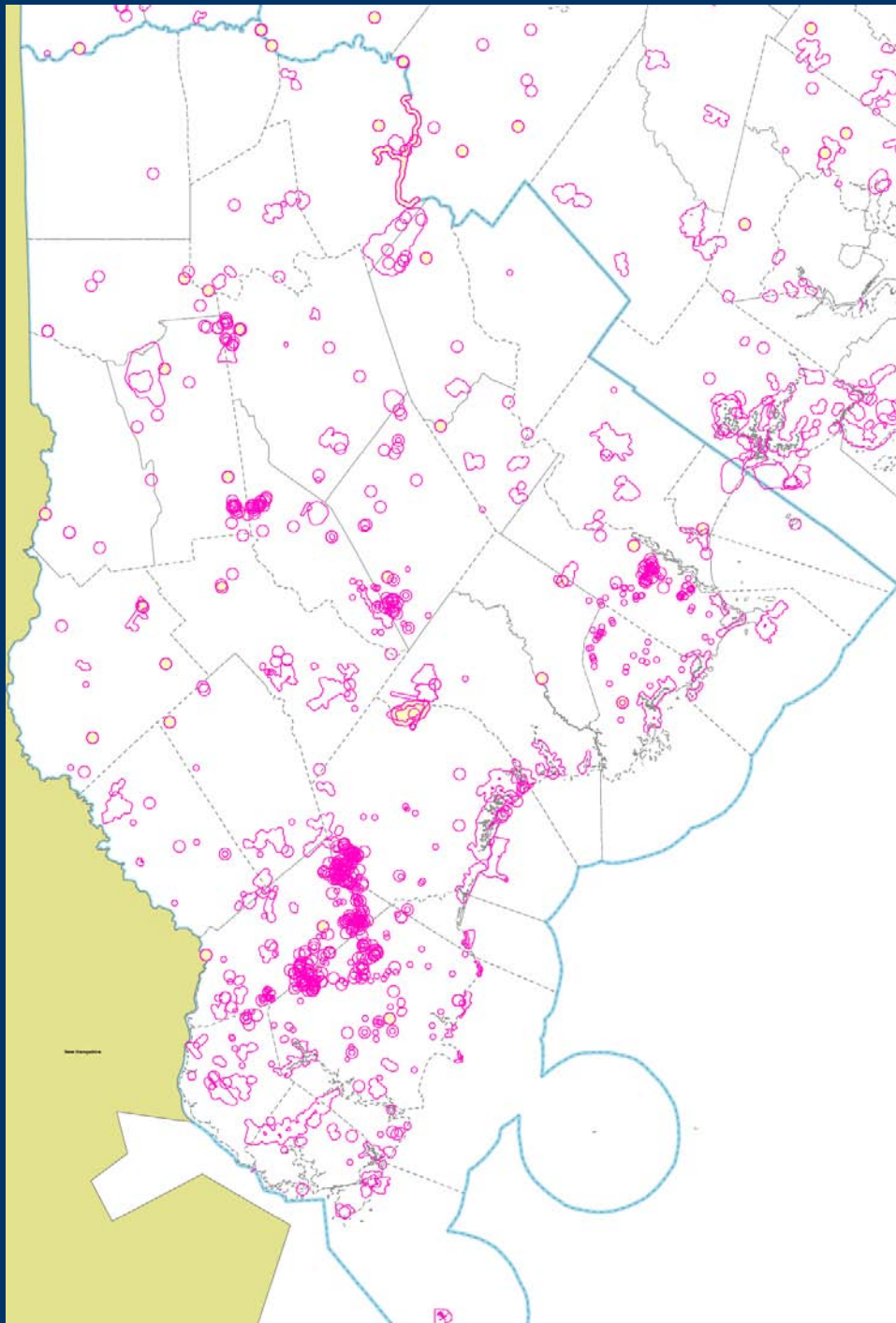
FEATURED LINKS

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- [Endangered and Nongame Wildlife Fund](#)
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and lists of the
Endangered Species Act

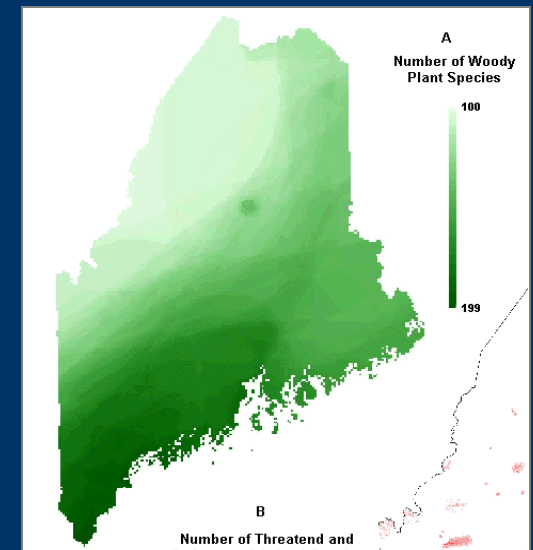
[us](#) or call us at

<http://www.maine.gov/ifw/species/index.htm>



E&T and SC species distribution in York Co.

NOTE: Each point buffered
by ¼ mile



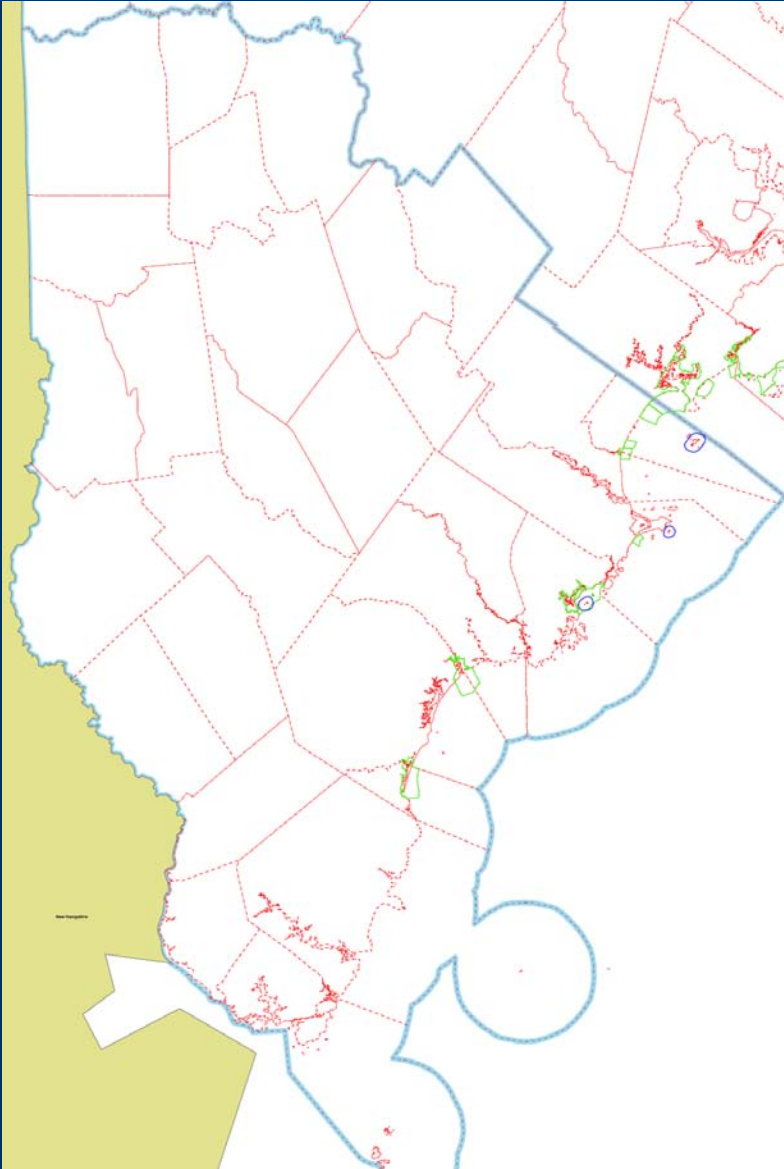
E&T Species Rules

1-A. Prohibited acts regarding endangered or threatened species; intentional.

Except as provided in subsections 2 and 3, a person may not intentionally:

- A. Import into the State or export out of the State any endangered or threatened species.
- B. Hunt, take, trap or possess any endangered or threatened species within the State.
- C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species.
- D. Feed, set bait for or harass any endangered or threatened species.

Essential Habitat



§12804. Conservation of endangered species

For species designated as endangered or threatened under this subchapter the commissioner may by rule identify areas currently or historically providing physical or biological features essential to the conservation of the species and that may require special management considerations.

Essential Habitat

§12806. State and local cooperation

1. Review. A state agency or municipal government may not permit, license, fund or carry out projects that will:

- A. Significantly alter the habitat identified under section 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or [
- B. Violate protection guidelines set forth in section 12804, subsection 3.

The commissioner shall make information under section 12804 available to all other state agencies and municipal governments for the purposes of review.

2. Variance. Notwithstanding subsection 1, state agencies and municipal governments may grant a variance from this section provided that:

- A. The commissioner certifies that the proposed action would not pose a significant risk to any population of endangered or threatened species within the State; and
- B. A public hearing is held on the proposed action. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

3. Pending applications. Notwithstanding Title 1, section 302, applications pending at the time of adoption of habitats and guidelines under section 12804, subsections 2 and 3 are governed by this section.

Our goal is to help project applicants avoid “take”

- On-site project review to determine if take is even likely;
- If project design likely to result in take, explore alternative project layout, buffering, on-site protections such as facilitated species passage, etc.
- If “take” is still unavoidable, assist in drafting an ITP



Incidental Take Plan

3. Exceptions; incidental take plan. Notwithstanding subsection 1, the commissioner may:

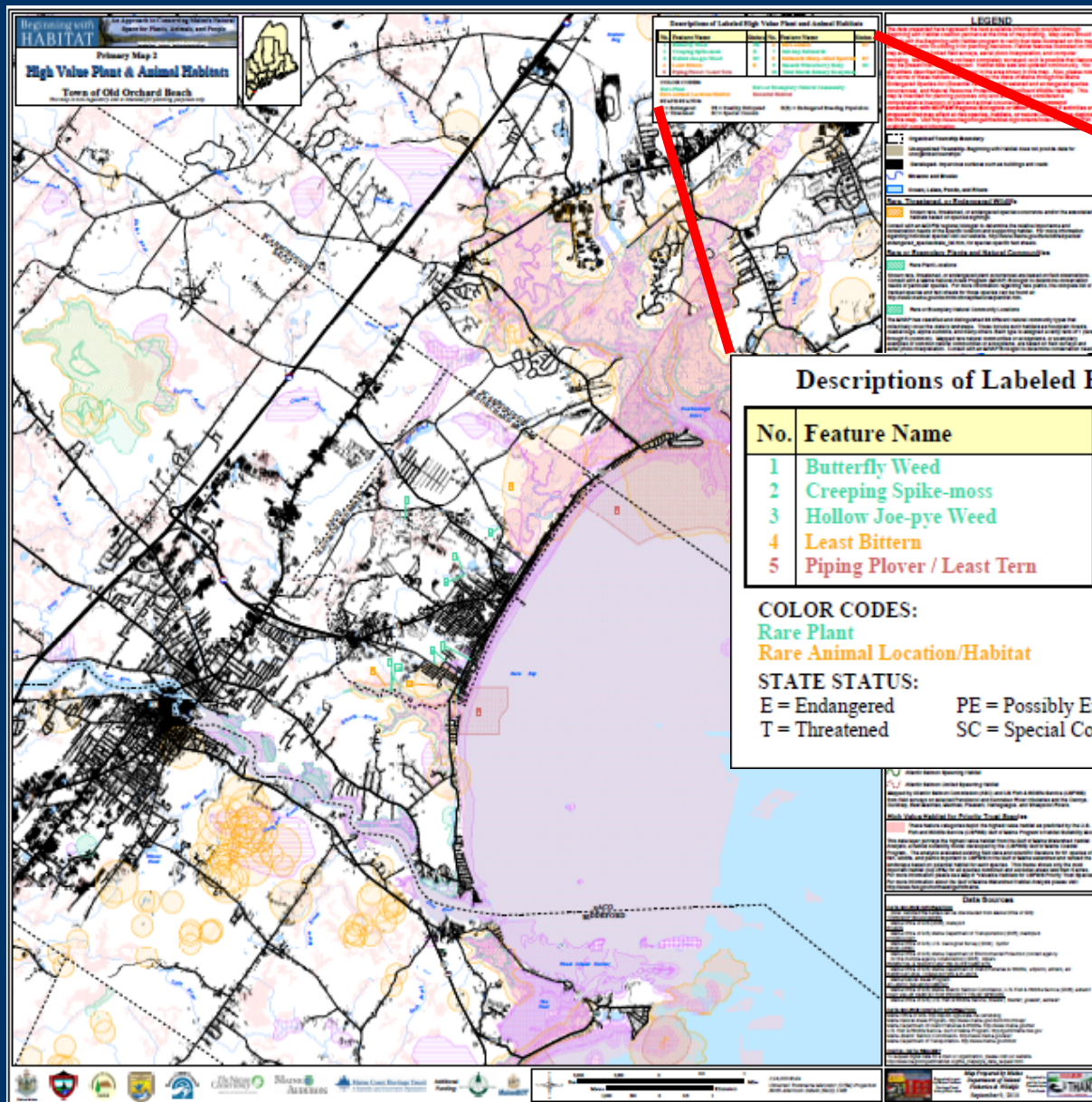
A. Permit the taking of any endangered species or threatened species if:

- (1) Such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity;
- (2) The taking will not impair the recovery of any endangered species or threatened species; and
- (3) The person develops and implements an incidental take plan approved by the commissioner to take an endangered species or threatened species

What does an ITP look like?

- Documentation of why take cannot be avoided similar to alternatives analysis submission;
- Proposed on-site measures to minimize impacts to species and habitat (plantings, buffering, etc.)
- Project mitigation





BwH maps as a source for listed species information

Maine Department of Inland Fisheries and Wildlife Regional Office Contact Information

Region G
PO Box 447
Ashland, ME 04732
207-435-3231

Region E
PO Box 551
Greenville, ME 04441
207-695-3756

Region F
73 Cobb Road
Enfield, ME 04493
207-732-4132

Region D
689 Farmington Road
Strong, ME 04983
207-778-3324

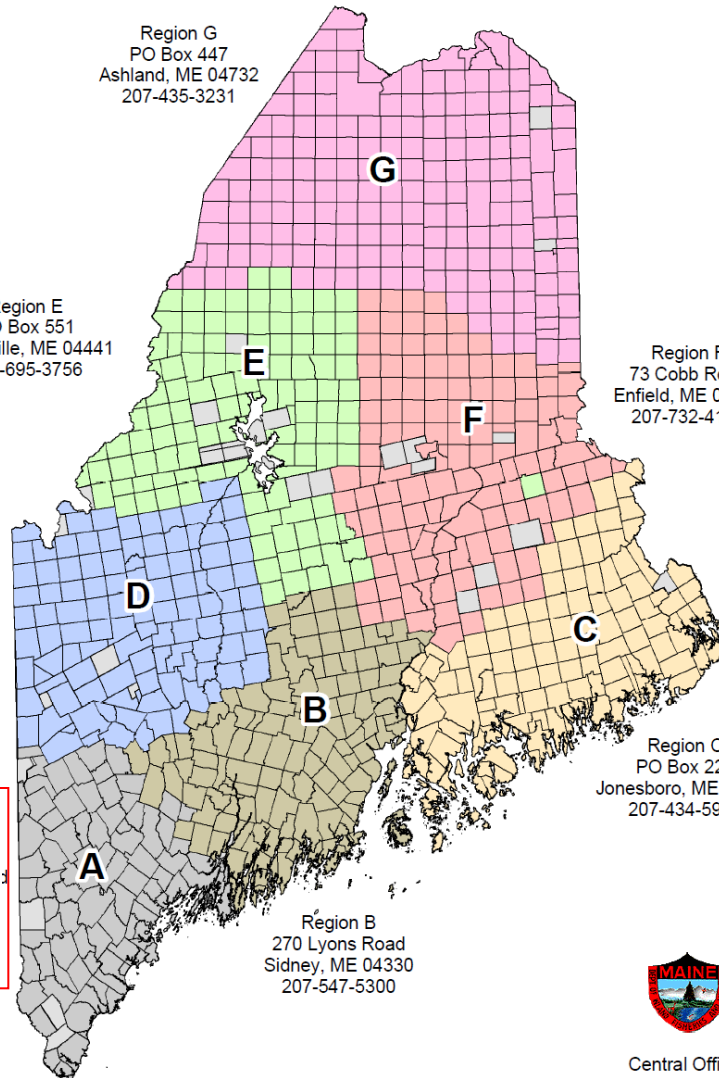
Region C
PO Box 220
Jonesboro, ME 04648
207-434-5927

Region A
RR1 358 Shaker Road
Gray, ME 04039
207-657-2345

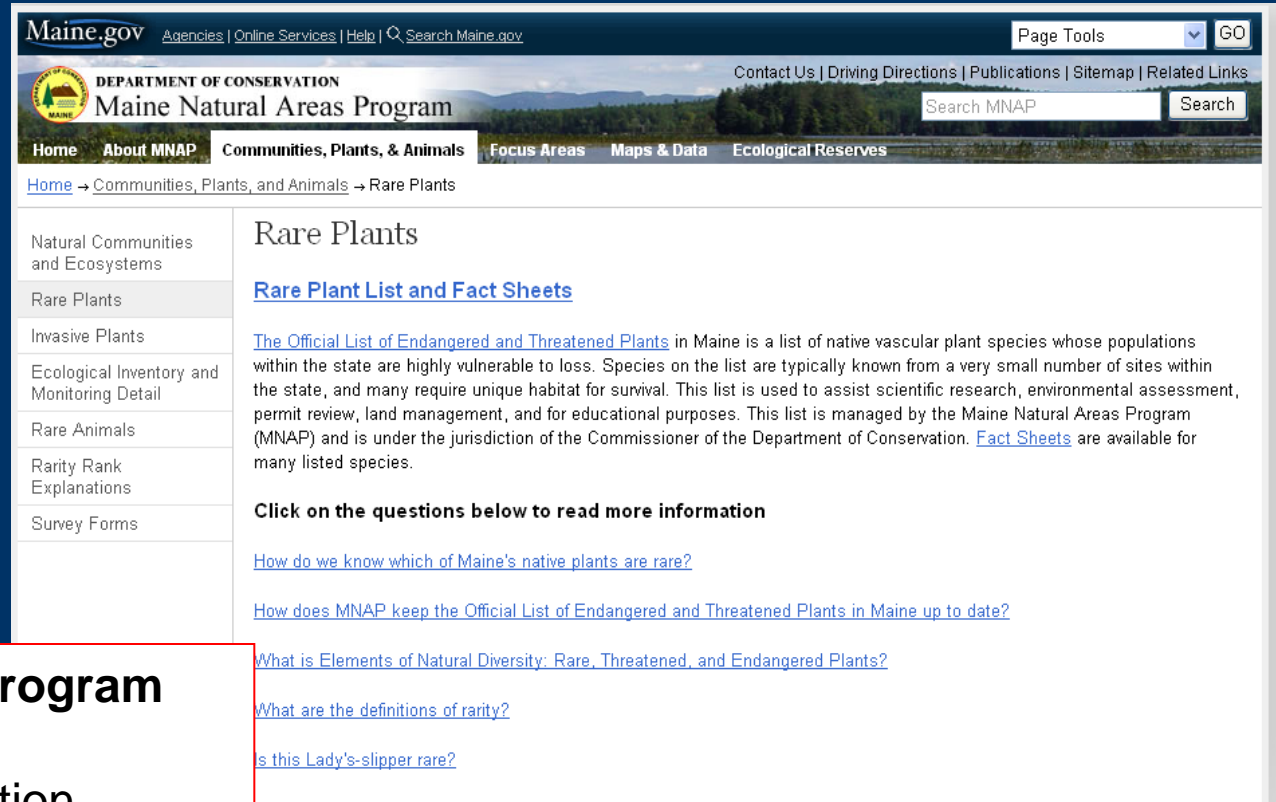
Region B
270 Lyons Road
Sidney, ME 04330
207-547-5300



Central Office
284 State Street
Augusta, ME 04333-0041
Phone: 207-287-8000
Fax: 207-287-6395



What about E&T Plants?



The screenshot shows the Maine.gov website with the Department of Conservation's Maine Natural Areas Program (MNAP) page. The navigation bar includes links for Home, About MNAP, Communities, Plants, & Animals, Focus Areas, Maps & Data, and Ecological Reserves. The left sidebar lists various resources like Natural Communities and Ecosystems, Rare Plants, Invasive Plants, Ecological Inventory, Rare Animals, Rarity Rank Explanations, and Survey Forms. The main content area is titled 'Rare Plants' and features a link to 'Rare Plant List and Fact Sheets'. Below this, a paragraph explains that the 'Official List of Endangered and Threatened Plants' in Maine is a list of native vascular plant species whose populations are highly vulnerable to loss. It mentions that the list is used for scientific research, environmental assessment, permit review, land management, and education. It also states that the list is managed by the MNAP and is under the jurisdiction of the Commissioner of the Department of Conservation. Links to 'Fact Sheets' are provided for many listed species. At the bottom, there are several links for more information, including 'How do we know which of Maine's native plants are rare?', 'How does MNAP keep the Official List of Endangered and Threatened Plants in Maine up to date?', 'What is Elements of Natural Diversity: Rare, Threatened, and Endangered Plants?', 'What are the definitions of rarity?', and 'Is this Lady's-slipper rare?'.

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Maine Natural Areas Program

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Rare Plants

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Rare Animals

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[Rare Plant List and Fact Sheets](#)

[The Official List of Endangered and Threatened Plants](#) in Maine is a list of native vascular plant species whose populations within the state are highly vulnerable to loss. Species on the list are typically known from a very small number of sites within the state, and many require unique habitat for survival. This list is used to assist scientific research, environmental assessment, permit review, land management, and for educational purposes. This list is managed by the Maine Natural Areas Program (MNAP) and is under the jurisdiction of the Commissioner of the Department of Conservation. [Fact Sheets](#) are available for many listed species.

Click on the questions below to read more information

[How do we know which of Maine's native plants are rare?](#)

[How does MNAP keep the Official List of Endangered and Threatened Plants in Maine up to date?](#)

[What is Elements of Natural Diversity: Rare, Threatened, and Endangered Plants?](#)

[What are the definitions of rarity?](#)

[Is this Lady's-slipper rare?](#)

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