

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

IN SUPPORT OF L.D. 1246

**An Act to Include Endangered and Threatened Species Habitat in the Definition of
"Significant Wildlife Habitat" Under the Natural Resources Protection Act**

Presented by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator BRENNER of Cumberland and Representatives: BELL of Yarmouth, CAMPBELL of Orrington, CLUCHEY of Bowdoinham, DOUDERA of Camden, LANDRY of Farmington, O'NEIL of Saco, SOBOLESKI of Phillips, Senator: BENNETT of Oxford.

DATE OF HEARING: April 5, 2023

Good afternoon Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee. I am Phillip deMaynadier, a wildlife biologist and Group Leader speaking on behalf of the Department of Inland Fisheries and Wildlife in support of **L.D. 1246** as amended by Rep. Gramlich within the proposed amendment circulated prior to the public hearing.

The bill, as amended would require the Department of Environmental Protection to review a proposed project for potential impacts to state Endangered and Threatened species, though only in cases where the activity or development is otherwise required to obtain a permit under the Natural Resources Protection Act (NRPA) or the Site Location of Development Act (Site Law). Furthermore, it provides an exemption from this review for single lot residential development when not part of a larger housing development and an exemption for forest management activities. The DEP already sends Site Law applications to DIFW for review of impacts to state Endangered and Threatened species habitat, and the amended bill would extend such consideration to projects that require a NRPA application. "Habitat for state endangered and state threatened species" would be defined by DIFW through major substantive rulemaking.

Maine is home to over 16,000 species of inland (nonmarine) wildlife species, of which 51 (<0.5%) are currently listed as state Endangered or Threatened. An "Endangered species" is defined as a species of fish or wildlife that has been determined by the commissioner of DIFW to be in danger of extinction throughout all or a significant

portion of its range in Maine, and a “Threatened species” is one that is likely to become endangered within the foreseeable future barring successful recovery interventions. Only those species that have undergone a rigorous assessment process are considered for Endangered or Threatened status by DIFW, requiring an analysis of quantitative survey data and standardized threat criteria broadly accepted by the international scientific community. Additionally, Maine is one of the few states that requires legislative approval for the designation of any inland fish and wildlife as Endangered or Threatened.

By definition, most Endangered and Threatened species are rare, often occupying only small patches of specialized habitat such as pine barrens, saltmarshes, islands, and mountain tops, which in turn only cover a small proportion of land area in Maine. Some of the state’s listed species are well known, such as the Peregrine Falcon and Atlantic Puffin, while others are more cryptic such as the Spotted Turtle and Hessel’s Hairstreak butterfly. All of Maine’s Endangered and Threatened species are part of the state’s natural heritage and serve potentially important roles in our natural ecosystems.

Maine’s Endangered and Threatened species face a variety of threats to their existence including pollution, disease, predation, illegal collection, and climate change. Among these, the most important threat affecting the greatest number of species is habitat loss and fragmentation, usually due to land use conversion from natural and working lands to residential and commercial development. The current bill, as amended, would help close a regulatory gap in the current environmental review process by directing inter-agency consultation (DEP or LUPC with DIFW) during an otherwise active NRPA permit review, thereby permitting DIFW to offer recommendations, when warranted, for avoiding and minimizing impacts to state-listed species.

Thank you, I would be glad to answer any questions at this time or during the work session.