Maine Association of Realtors
2007 Annual Convention

Significant Wildlife Habitat Rules

Commissioner David Littell
Maine Department of Environmental Protection
Natural Resources Protection Act (NRPA)

The Act’s intent is to prevent any unreasonable impact to, degradation of or destruction of the resources and to encourage their protection or enhancement.
Areas Protected under NRPA

38 MRSA § 480-B
Effective August 4, 1988

PROTECTED NATURAL RESOURCES:

- Rivers, streams or brooks
- Great ponds
- Fragile mountain areas
- Freshwater wetlands
- Significant wildlife habitat
- Coastal wetlands
- Coastal sand dune systems
Regulated Activities under NRPA: WHAT --

- Dredging, bulldozing, removing or displacing soil, sand, vegetation, or other materials;
- Draining or otherwise dewatering;
- Filing, including adding sand or other material to a sand dune; or
- Any construction, repair or alteration of any permanent structure.
Regulated Activities under NRPA:

WHERE --

- (1) In, on, or over any protected natural resource; or

- (2) Adjacent to a coastal wetland, great pond, river, stream or brook, certain freshwater wetlands, or significant wildlife habitat contained within a freshwater wetland.
NRPA Significant Wildlife Habitat
38 MRSA § 480-B(10)

- Areas **mapped** by Maine Inland Fisheries and Wildlife (IFW) or located within another protected natural resource
  - Habitat for endangered or threatened species.
  - High and moderate value deer wintering areas and travel corridors.
  - Seabird nesting islands.
  - Critical spawning and nursery areas for Atlantic Salmon.

- Areas **defined** by IFW or located within another protected natural resource
  - Significant vernal pool habitat. (Added to statute in 1995; rules effective Sept. 1, 2007)
  - High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas.
  - Shorebird nesting, feeding and staging areas.
NRPA now governs specific significant wildlife habitats based on scientific definition, broad screening maps showing preliminary identification of areas meeting the definition and lastly field determination of the exact boundaries of the habitat.
NRPA Habitat calling for field determination based on scientific definition

1. Wetland (freshwater and coastal)
2. Significant vernal pool habitat
3. Inland waterfowl and wading bird habitat
4. Tidal waterfowl and wading bird habitat
5. Shorebird habitat
   a. Feeding areas
   b. Roosting areas
Significant Vernal Pool Habitat

250 ft. Habitat Area
Significant Vernal Pool (SVP) Process

- Not all vernal pools are considered “significant.”
- Landowner can request a field determination or hire a qualified consultant to identify SVP in the spring. ID is based on collected data and criteria adopted in rule.
- Optimal time for counting egg masses varies by geographic region and weather.
- IF&W/DEP maintain a GIS data layer showing identified SVPs.
- Permit-by-rule (PBR) is available for certain activities if standards are met.
Inland Waterfowl and Wading Bird (IWW) Habitat
IWW Habitat – defined in 2006
250 feet from edge of water body and wetland
IWW Habitat – defined in 2007
250 feet from edge of wetland only
2006 IWW Habitat Screening Map

Turner Pond, Palermo

250 ft. Habitat Area
2007 IWW Habitat Screening Map

Turner Pond, Palermo

250 ft. Habitat Area
Tidal Waterfowl & Wading Bird Habitat

Waterfowl

Wading Bird
Adjacency Buffer for Tidal Waterfowl & Wading Bird Habitat

The area within 75 feet of the normal high water mark
Shorebird Feeding Areas

Shorebird feeding

Shorebird feeding area
Buffer for shorebird feeding areas

Area within 100 feet of the normal high water mark
Shorebird Roosting Areas

Shorebird roosting area

Shorebird
Buffer for shorebird roosting areas
Area within 250 feet of the edge of the roosting area

- Roosting Island
- Edge of Roosting Area
- 250 ft.
2006 Shorebird Habitat Screening Map
Scarborough Grand and Pine Point Beaches
2007 Shorebird Staging Habitat and Buffer Screening Map

Scarborough Grand and Pine Point Beaches
2006 Shorebird Habitat Screening Map

Royal River and Cousins River
Shorebird Staging Habitat and Buffer
Royal River and Cousins River

2007
Shorebird Staging Habitat and Buffer Screening Map
Royal River and Cousins River
Shorebird Habitat - When you only want to cut/ remove vegetation

- Roosting buffer
  - May only cut to remove a safety hazard or allow for a footpath
  - PBR (coming) with IF&W sign-off

- Feeding buffer
  - Meet SZ vegetative screening standards
  - PBR (coming)

- Note: Municipalities may adopt stricter standards.
Why are these rules needed?
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<th>Location</th>
<th>1980</th>
<th>1991</th>
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<td>South Lubec Roost</td>
<td>3,732</td>
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<td>Lubec Flats</td>
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<td>Half Moon Cove, Perry</td>
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Remember...

If you have any questions about a parcel of land or whether a permit is required...

CALL US Toll-Free!

On Call Line: 287-3901 or 1-800-452-1942

Central Maine Region  1-800-452-1942
Southern Maine Region  1-888-769-1036
Eastern Maine Region   1-888-769-1137
Northern Maine Region  1-888-769-1053
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