

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.



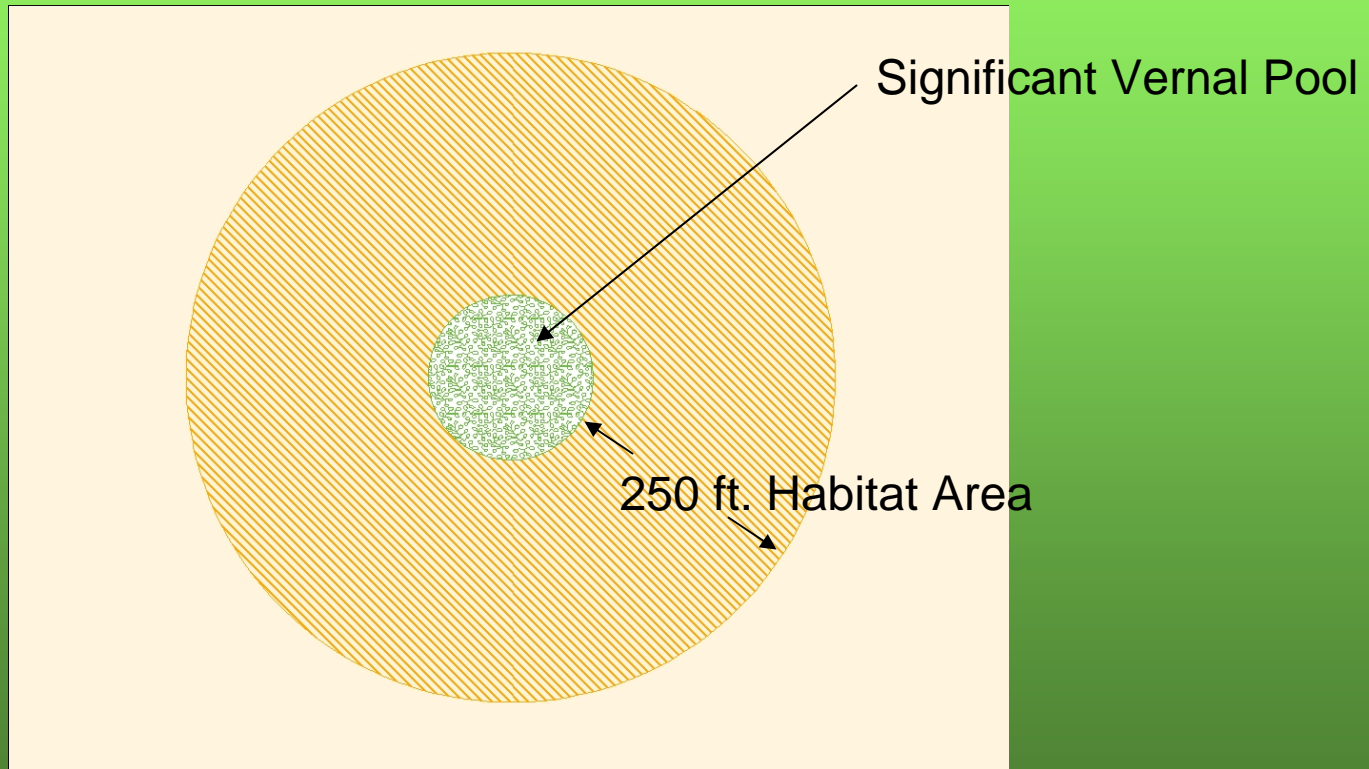
NRPA Habitat calling for field determination based on scientific definition

- 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 Pools



Significant Vernal Pool Habitat



Significant Vernal Pool (SVP) Process

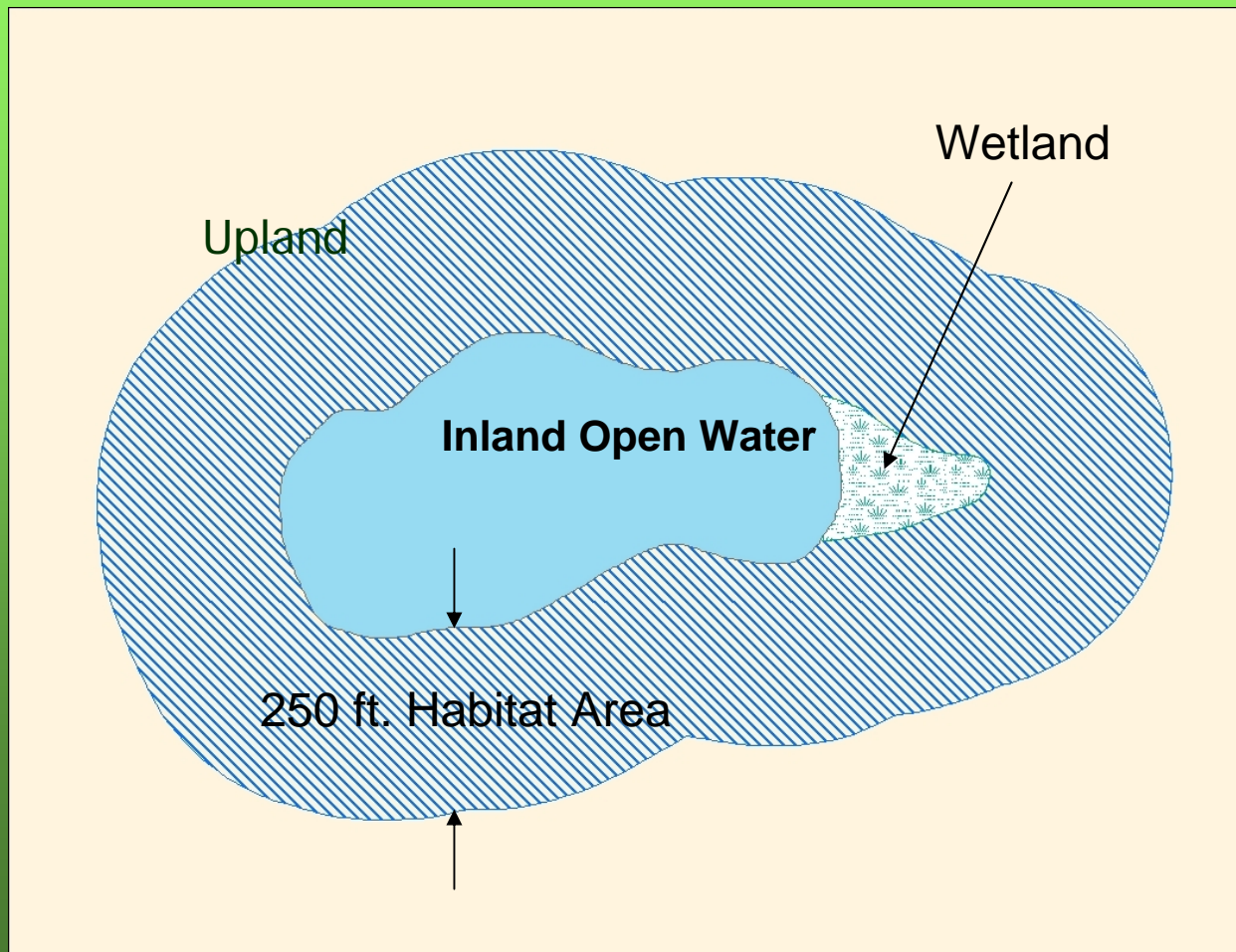
- Not all vernal pools are considered “significant.”
- Landowner can request a field determination or hire a qualified consultant to identify SVP in the spring. ID is based on collected data and criteria adopted in rule.
- Optimal time for counting egg masses varies by geographic region and weather.
- 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



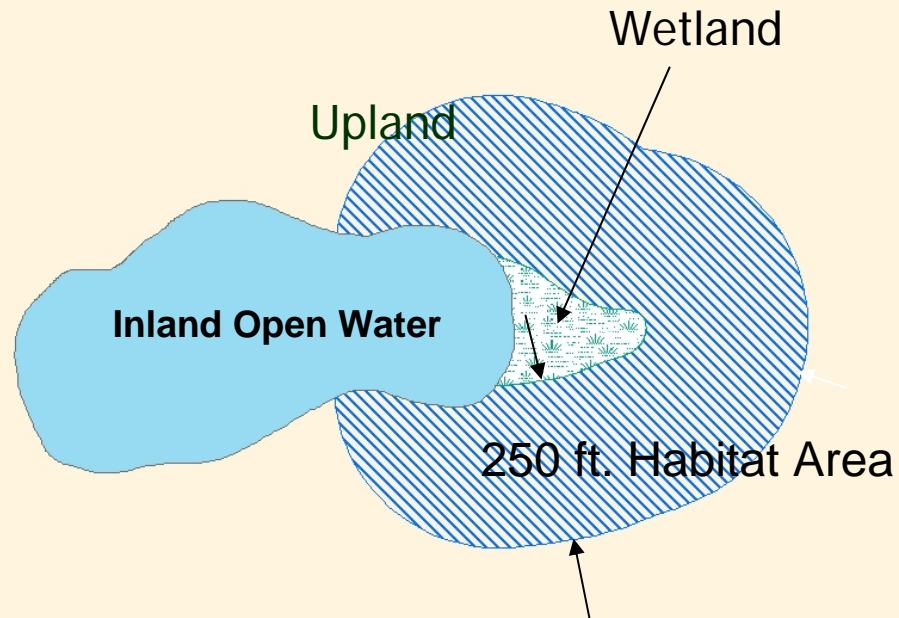
IWW Habitat – defined in 2006

250 feet from edge of water body and wetland



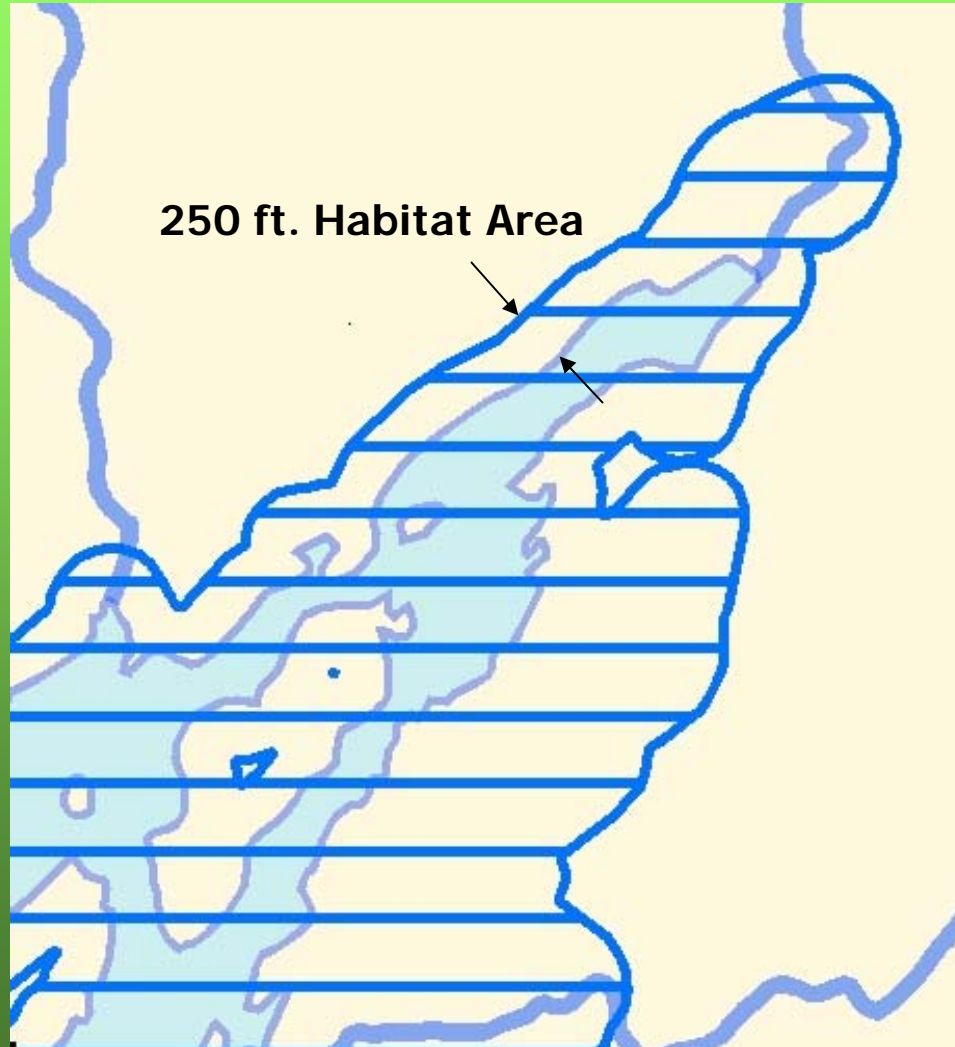
IWW Habitat – defined in 2007

250 feet from edge of wetland only



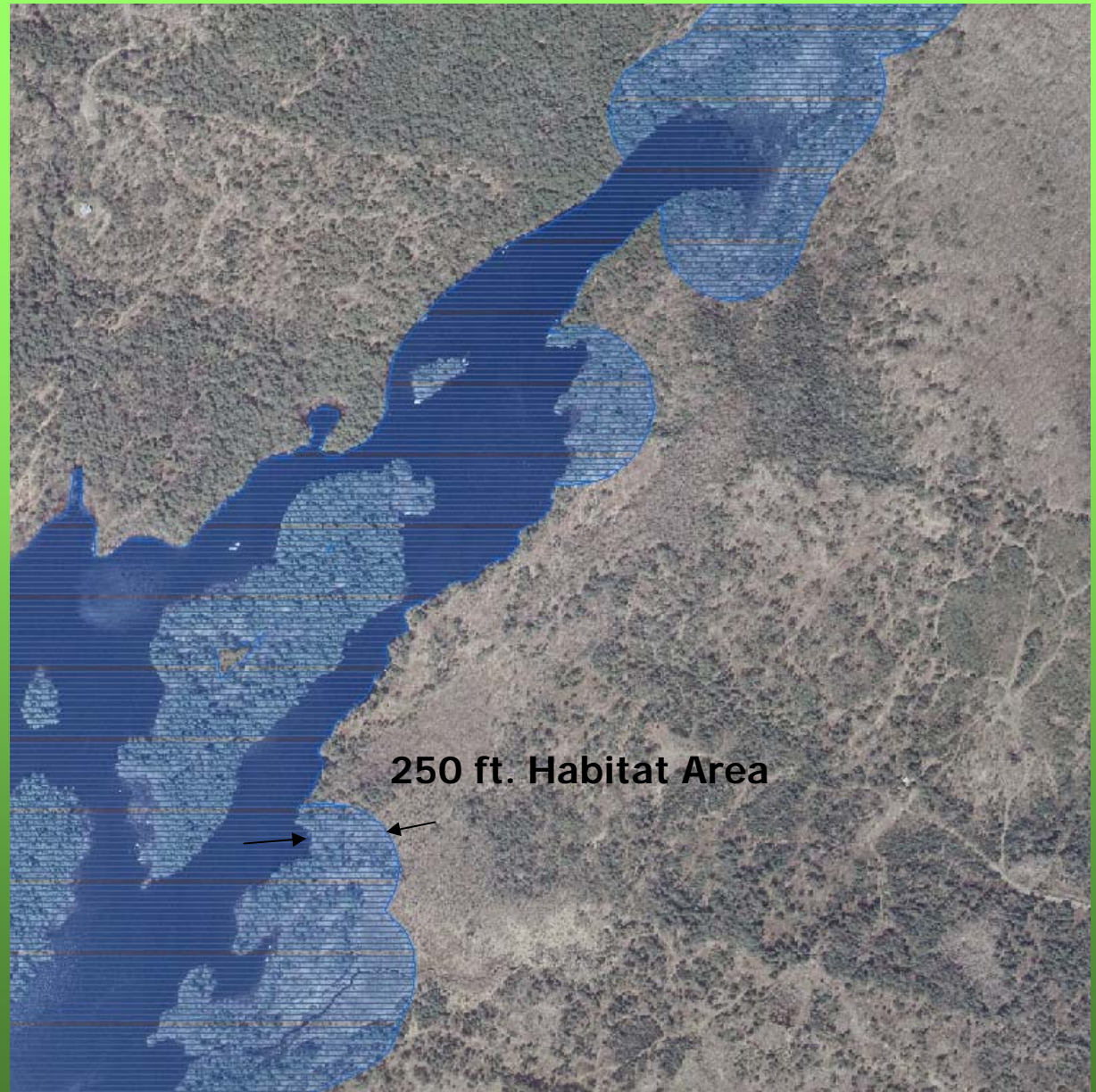
2006 IWW Habitat Screening Map

Turner Pond, Palermo



2007 IWW Habitat Screening Map

Turner Pond,
Palermo



Tidal Waterfowl & Wading Bird Habitat



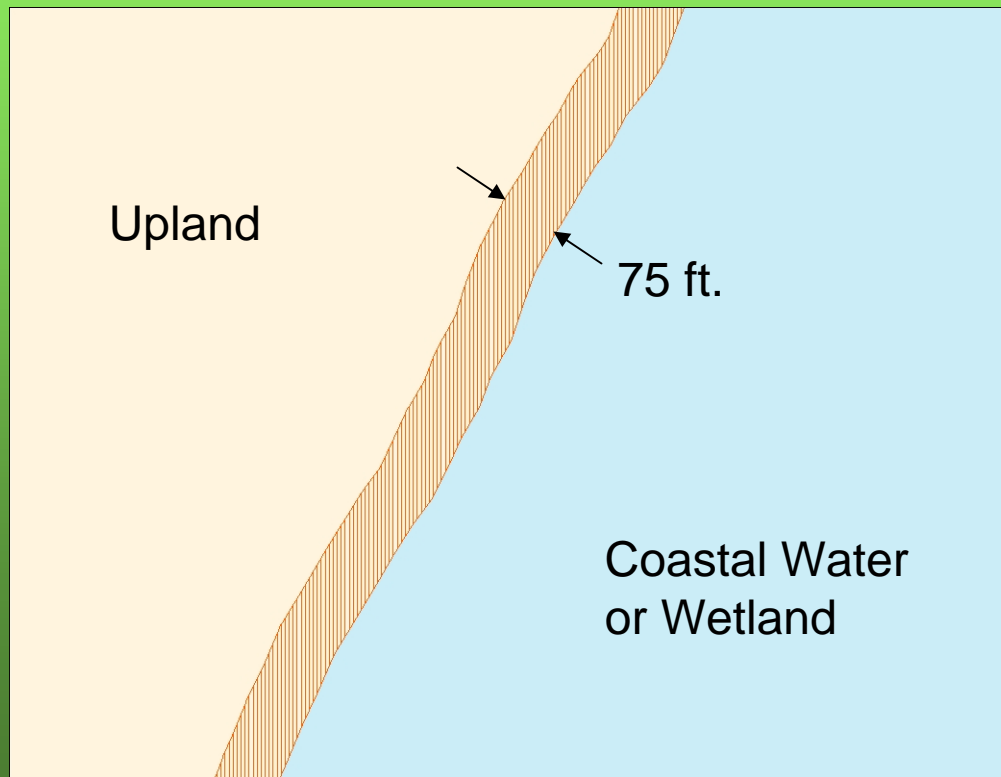
Waterfowl



Wading Bird

Adjacency Buffer for Tidal Waterfowl & Wading Bird Habitat

The area within 75 feet of the normal high water mark



Shorebird Feeding Areas



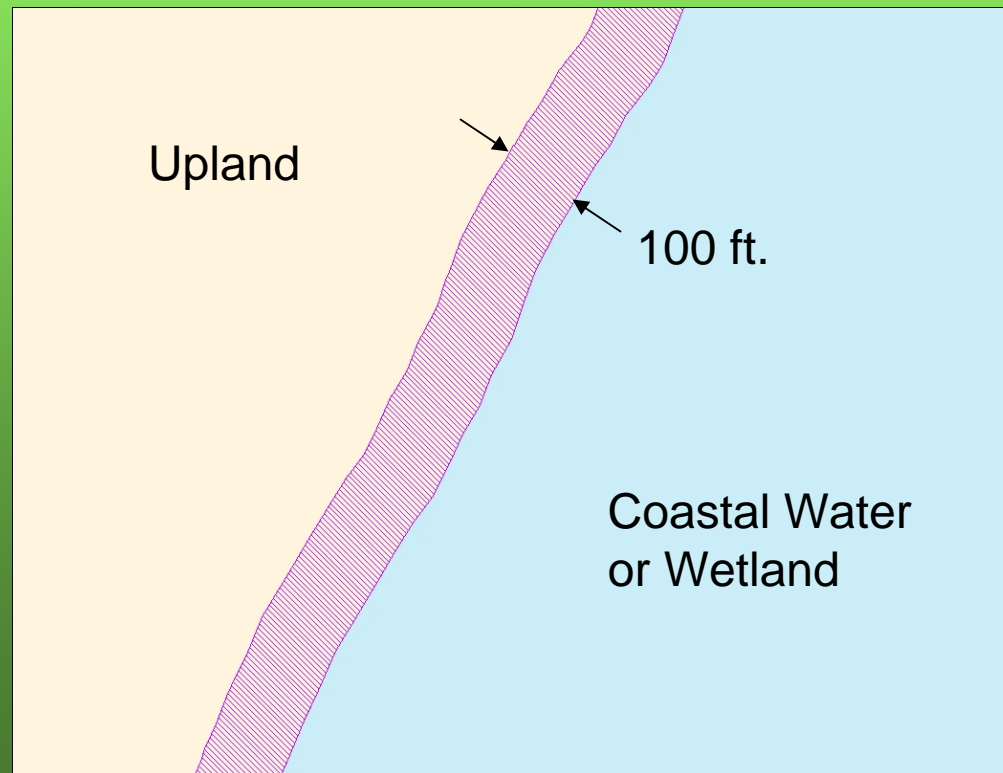
Shorebird feeding area



Shorebird feeding

Buffer for shorebird feeding areas

Area within 100 feet of the normal high water mark



Shorebird Roosting Areas



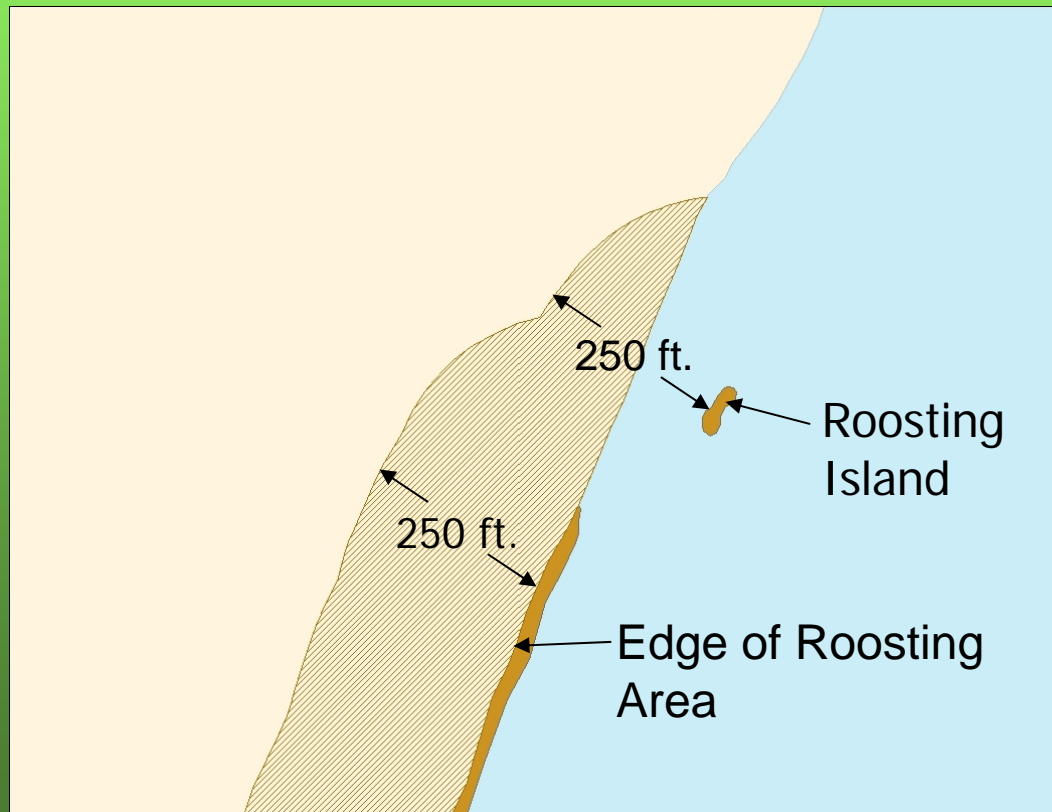
Shorebird roosting area



Shorebird

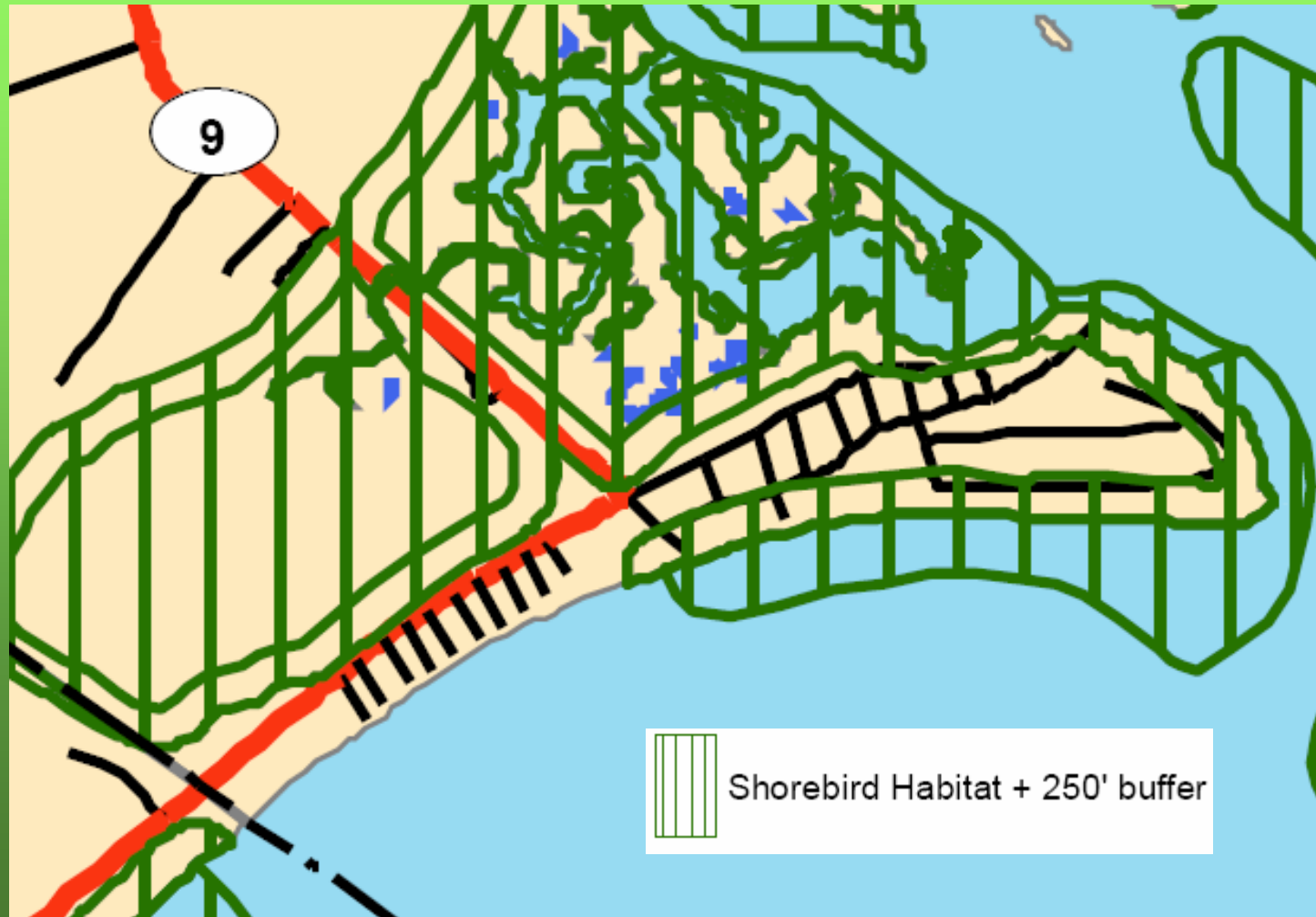
Buffer for shorebird roosting areas

Area within 250 feet of the edge of the roosting area



2006 Shorebird Habitat Screening Map

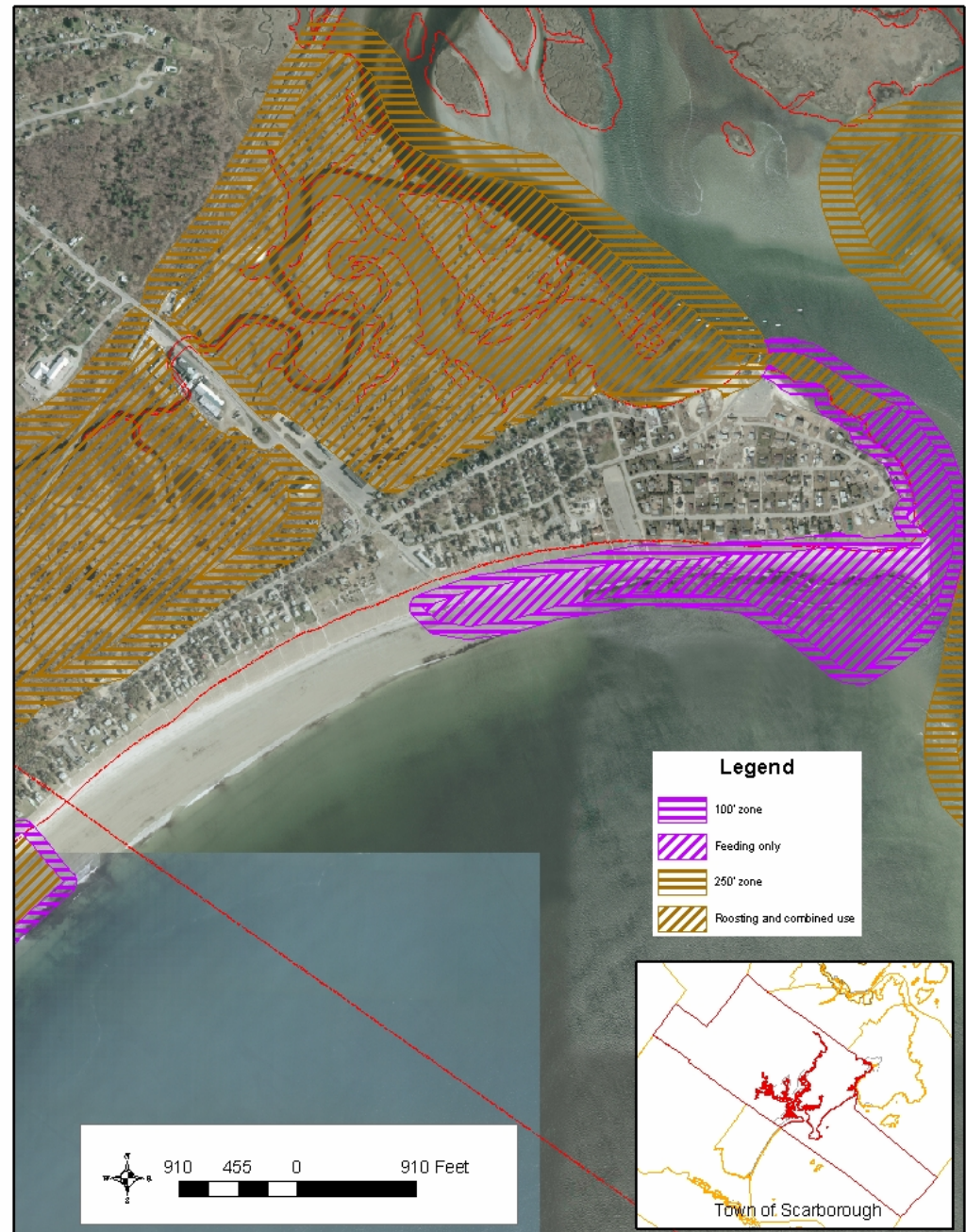
Scarborough Grand and Pine Point Beaches



2007 Shorebird Staging Habitat and Buffer Screening Map

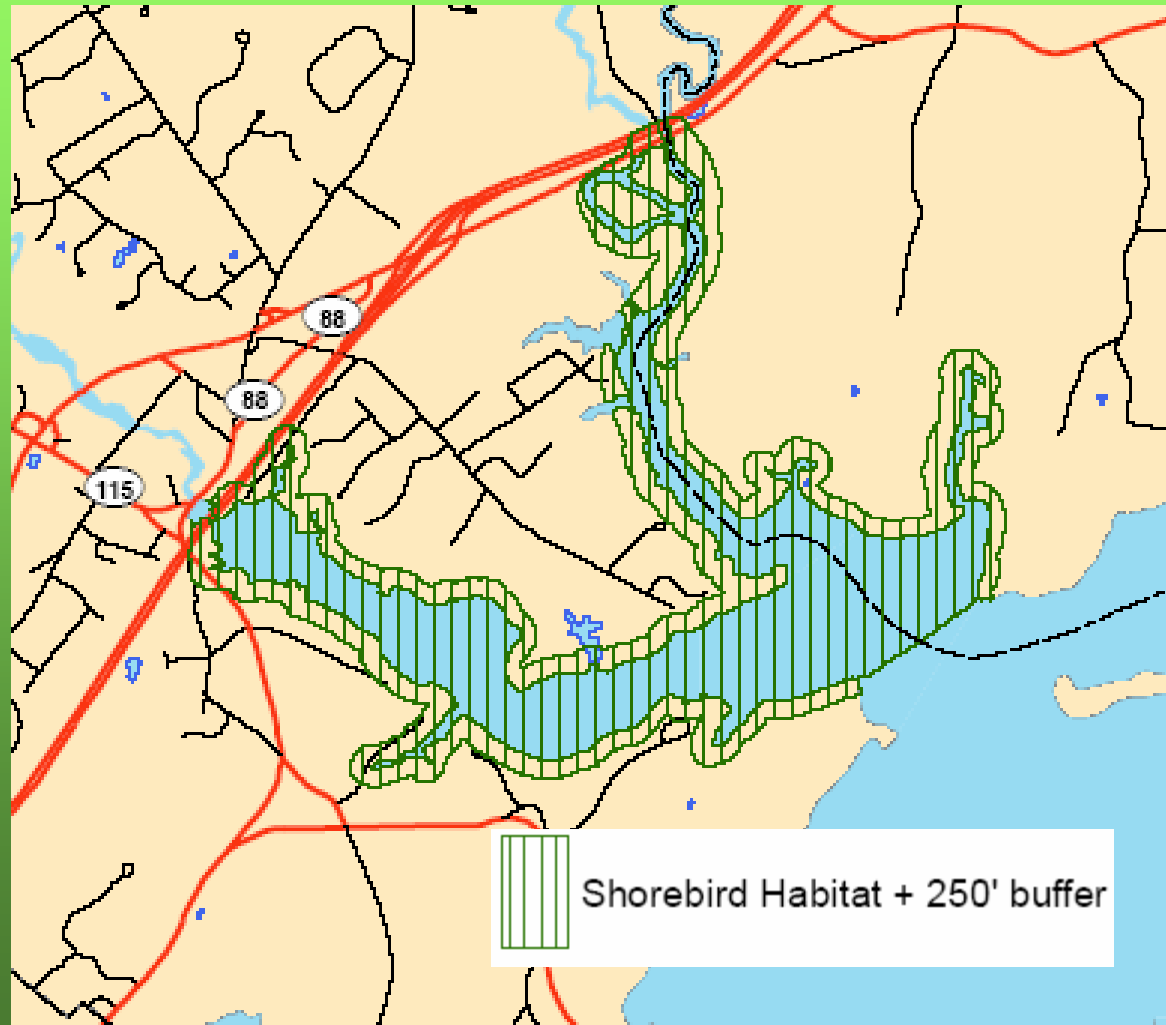
Scarborough Grand
and Pine Point
Beaches

Shorebird Staging Habitat and Buffer
Grand and Pine Point Beaches

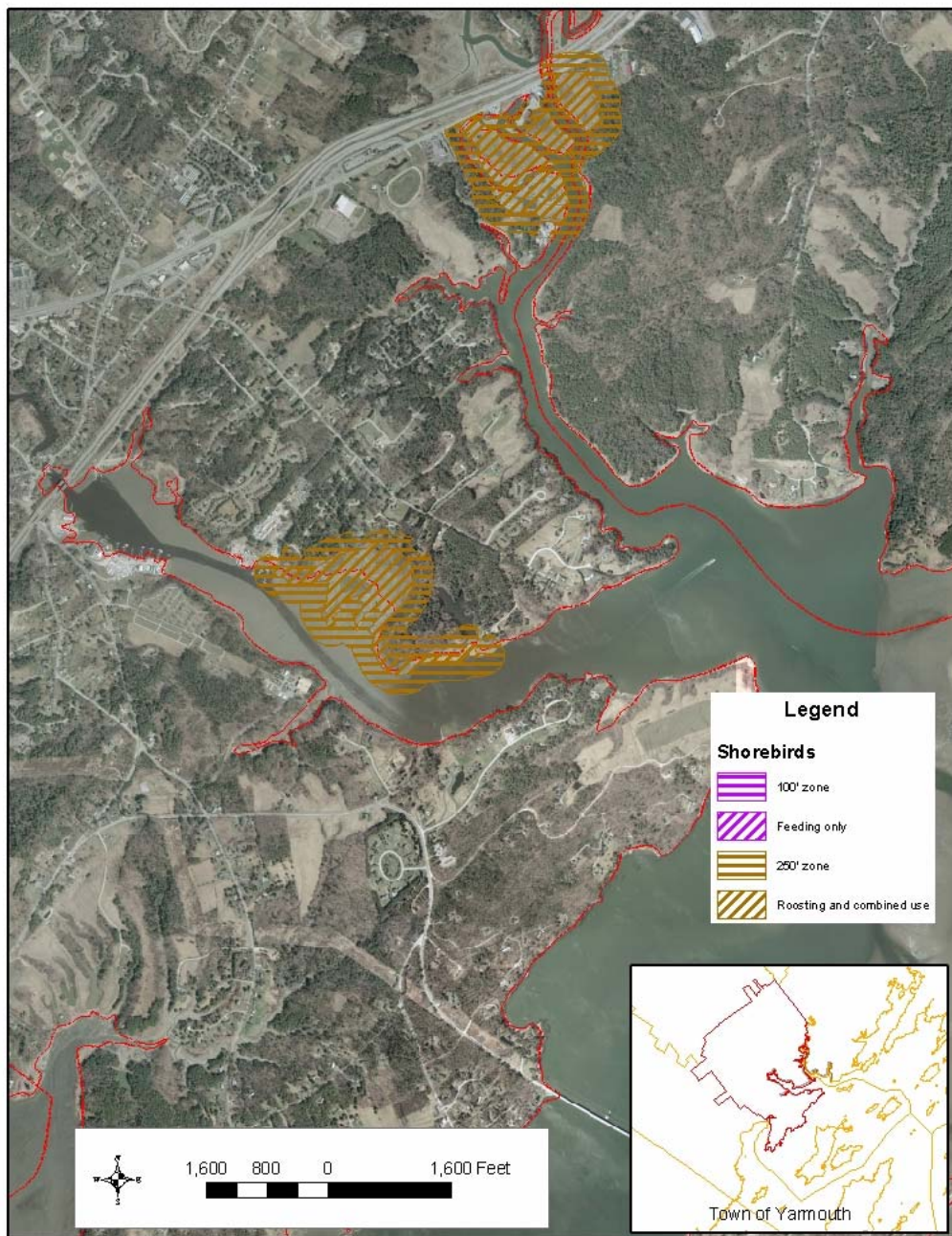


2006 Shorebird Habitat Screening Map

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?

Total Number of Shorebirds Observed in 4 Weekly Surveys in August, Washington County

<u>Location</u>	<u>1980</u>	<u>1991</u>	<u>1997</u>
South Lubec Roost	3,732	521	1,880
Lubec Flats	5,850	2,300	2,997
Carrying Place Cove, Eastport	7,364	5,506	1,895
Half Moon Cove, Perry	6,807	380	4

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
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Southern Maine Region	1-888-769-1036
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Eastern Maine Region	1-888-769-1137
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Northern Maine Region	1-888-769-1053
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