

“ESSENTIAL HABITAT” OVERVIEW

BACKGROUND

Maine's fish and wildlife are a valuable public resource, yet some species are in danger of becoming extinct within the State. The Legislature recognized this by passing the Maine Endangered Species Act in 1975. In 1988, the Legislature amended the Act by adding habitat protection provisions in recognition of two issues: 1) the effect habitat loss has on endangered and threatened species in Maine; and 2) the confusion and sometimes costly problems that arise in the absence of consistent, predictable land use decision-making processes for endangered and threatened species. As a result, the Commissioner of the Maine Department of Inland Fisheries and Wildlife (MDIFW) may designate areas as "Essential Habitat" and develop protection guidelines for these Essential Habitats.

WHAT ARE ESSENTIAL HABITATS?

Essential Habitats are areas currently or historically providing physical or biological features essential to the conservation of an endangered or threatened species in Maine and which may require special management considerations. Examples of areas that could qualify for designation are nest sites or important feeding areas. For some species, protection of these kinds of habitats is vital to preventing further declines or achieving recovery goals. This habitat protection tool is used only when habitat loss has been identified as a major factor limiting species recovery. Before an area can be designated as Essential Habitat, it must be identified and mapped by MDIFW and adopted through public rulemaking procedures, following Maine's Administrative Procedures Act.

WHAT DOES ESSENTIAL HABITAT DESIGNATION MEAN TO A LANDOWNER?

Activities of private landowners are **not** affected by Essential Habitat designation **unless projects require a permit or license from, or are funded or carried out by, a state agency or municipality**. In these cases, the town or state agency reviewing the project must obtain an evaluation from MDIFW before issuing a final decision. **No additional permits or fees are required**. Designation of Essential Habitat simply establishes a standardized review process within existing state and municipal permitting processes. It ensures landowners of consistent reviews on land use permit applications where endangered and threatened species are involved, and eliminates the confusion, delays, and sometimes costly problems that can arise in the absence of standardized, predictable decision-making.

Landowners considering projects within Essential Habitats should initiate early consultations with the appropriate MDIFW Regional Wildlife Biologist, so that concerns for endangered or threatened species can be incorporated into preliminary project planning and design. The Department also offers technical assistance to property owners who wish to manage their lands to enhance habitat for wildlife.

WHAT DOES ESSENTIAL HABITAT DESIGNATION MEAN TO STATE AGENCIES AND MUNICIPALITIES?

State agencies and municipalities shall not permit, license, fund, or carry out projects that will significantly alter an Essential Habitat or violate protection guidelines adopted for the habitat. An evaluation of the **final** project proposal must be obtained from MDIFW **prior** to issuing a decision. Before seeking formal MDIFW evaluation, concerns for endangered and threatened species should be addressed during preliminary planning and existing agency or municipal review procedures. Consulting early with MDIFW Regional Wildlife Biologists will facilitate identification of incompatible projects or appropriate modifications to proposals within an Essential Habitat. Failure to do so may result in unnecessary conflicts, delays, or project denials. The Department also offers guidance to municipalities when wildlife concerns are being addressed in comprehensive plans and town ordinances.

WHO CAN YOU CONTACT FOR MORE INFORMATION?

The Maine Department of Inland Fisheries and Wildlife. There are seven regional offices to assist you. Please contact a Regional Wildlife Biologist at the nearest regional headquarters:

Region A: 358 Shaker Rd., Gray, ME 04039
phone: (207) 657-2345

Region B: 270 Lyons Rd., Sidney, ME 04330
phone: (207) 547-5318

Region C: PO Box 220, Jonesboro, ME 04648-0220
phone: (207) 434-5927

Region D: 689 Farmington Rd., Strong, ME 04983
phone: (207) 778-3324

Region E: PO Box 551, Greenville, ME 04441-0551
phone: (207) 695-3756

Region F: 73 Cobb Rd., Enfield, ME 04493
phone: (207) 732-4132

Region G: PO Box 447, Ashland, ME 04732-0447
phone: (207) 435-3231

For more information about Essential Habitats and Endangered Species in Maine, visit the *Maine Endangered Species Program: Essential Wildlife Habitat* website:
<http://www.maine.gov/ifw/wildlife/etweb/habitat/ehintro.htm>

OR

Consult the handbook, “Essential Habitat Review for Endangered & Threatened Species” provided by MDIFW