



Maine Forest Products Council

The voice of Maine's forest economy

April 26, 2023

RE: Clarifying information regarding LD 1246

Dear Senator Benner, Representative Gramlich and members of the ENR Committee,

I am writing today to provide clarifying information regarding the Maine Forest Products Council's concerns with LD 1246.

As an organization we are supportive of the importance of protecting threatened and endangered species and their habitat. A recent example would be [our testimony on February 6](#) of this year to the Inland Fisheries and Wildlife Committee in support of LD 57, "An Act to Amend Maine's Endangered and Threatened Species List." This bill, which was submitted on behalf of the Department of Inland Fisheries and Wildlife, amends the State's list of endangered species to remove certain species (box turtle and rapids clubtail). It also adds the bank swallow, Bicknell's thrush, blackpoll warbler, cliff swallow, margined tiger beetle and the tricolored bat to the threatened species list.

In 2005, we actively worked with the ENR Committee on the NRPA language, creating provisions for significant wildlife habitat in forestry applications as well as rules relating to development projects. LD 1246 adds threatened and endangered species to the criteria for NRPA permits, but as we add to the endangered species list, the spectrum of limiting factors expands and the habitat review in NRPA is not a primary factor for the listing of some of these species. We believe the IF&W Department will highlight some of these considerations and MFPC suggest the following provisions be included in the legislation to help clarify the rulemaking process.

1. Habitat designations shall include only those habitats where the presence of the protected species has been verified by DIFW staff.
2. Maps of habitat referenced in the rule shall be available for public inspection at the time of the rulemaking.
3. Species where habitat is not the limiting factor will not be mapped.

We believe these provisions reflect discussions we have had with the Department and will be instructive to the rulemaking process. Thank you and I would be glad to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Strauch", with a long horizontal line extending to the right.

Patrick Strauch
Executive Director
Maine Forest Products Council

Cc: Nathan Webb, IFW
Phillip deMaynadier, IF&W
Robert Wood, DEP