



Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Opposition to LD 1246

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

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Patrick Strauch, Executive Director

Good afternoon Senator Brenner, Representative Gramlich and members of the Committee on Environment and Natural Resources. I am Patrick Strauch from Exeter, Maine, and the Executive Director of the Maine Forest Products Council (MFPC). The Council is an organization representing more than 300 members from all facets of the forest products industry. Members include paper mills, sawmills, loggers, truckers, foresters, panel manufacturers, biomass and pellet facilities and secondary manufacturers. We also have more than 8 million acres of dues paying members.

SUPPORT

We support the forest management provision that recognizes Maine forests are largely supervised by foresters and trained personnel, and tree harvesting does not permanently remove habitat that is widely available.

We have been working with IF&W and USFWS to facilitate collaborative conservation efforts between landowners and regulatory agencies. For example, U.S. Fish and Wildlife Service, National Alliance of Forest Owners and the National Council for Air and Stream Improvement Inc. recently announced a memorandum of understanding which formalizes the Wildlife Conservation Initiative, a *collaborative partnership* focused on advancing the conservation of at-risk and listed species within private working forests nationwide.

OPPOSITION

NRPA still plays a role in permitting for mill expansions and a variety of land management activities, and we are concerned about the structure of the statute as it relates to these activities. For example, a recently announced wood manufacturing facility expansion in Maine triggered a species review of the Long-eared Bat at the federal level (upgraded to endangered March 30, 2023). By this example, we are concerned with the inclusion of the endangered and threatened species in NRPA and pose the following issues for consideration by the Committee before agencies are asked to enter rulemaking:

Companies represented on the MFPC Board

A & A Brochu Logging
American Forest Mgmt.
Baskahegan Co.
BBC Land, LLC
Columbia Forest Prod.
Cross Insurance
Family Forestry
Farm Credit East
Fontaine Inc.
H.C. Haynes
Huber Resources
INRS
J.D. Irving
Katahdin Forest Mgmt.
Key Bank
Kennebec Lumber
LandVest Inc.
Louisiana Pacific
Maibec Logging
ND Paper
Nicols Brothers
Pingree Associates
Prentiss & Carlisle
ReEnergy
Richard Wing & Son
Robbins Lumber
Sappi North America
Southern Maine Forestry
Stead Timberlands
St. Croix Tissue
St. Croix Chipping
TD Bank
Timber Resource Group
Timberstate G.
Wadsworth Woodlands
Wagner Forest Mgt.
Weyerhaeuser
Woodland Pulp

- Maine’s T&E listings cover a diverse range of habitat requirements for various species. Some invertebrate species have well defined populations in specific locations, but others like the Northern Long-eared Bat have habitat throughout Maine. How would the Department reconcile these differences?
- We don’t totally understand the implication of this bill, but if it is designed to protect habitat that *might* be used by a species on the E/T list regardless of the presence of that species, it is too broad. Most of the bat species can be found in a variety of habitats, although habitat is acknowledged not to be a limiting factor in the recovery of the species (the white-nose syndrome is the cause of the drastic population decline).
- Many of the species on this list are in very limited habitats. Protection should be based on the documented presence of the species by Maine IFW.
- What would be identified as “habitat” under this bill? That can be defined broadly or narrowly. Is it critical habitat, essential habitat (generally associated with E&T species) or all habitats? It will be important to understand the intent and scope the of the legislation.
- Essential habitat has only been defined in Maine for Roseate Tern, Leased Tern, Piping Plover and an updated guideline for bat habitat. How will essential habitats be determined for the remaining approximately 45 species?

The Amendment to Sec. 2, B-(4) also raises some questions. What is the theory behind limiting reviews to the listed articles in LUPC or organized towns? If it allows more flexibility for staff interpretation, the reciprocal effect is less clarity to the regulated community on standards for determining which species/habitats need to be evaluated.

SUMMARY

E/T habitats that are protected from development need to be specifically identified in order to provide proper notice to the landowner. These habitats should be focused on places where the species is present so that the regulation has a direct benefit on protection of the species. Protecting habitat without the species present will curtail legal activities but not result in any gain for the species.

In conclusion, more specific guidance on the intent of the E&T species review needs to be included in the bill before passage and rulemaking occurs.

The Council would be glad to work with stakeholders to determine if a more defined process can be identified.

Thank you for your consideration.