

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

IN OPPOSITION TO L.D. 138

**“AN ACT TO EXEMPT AIRPORTS FROM CERTAIN STATE ENDANGERED AND
THREATENED SPECIES HABITAT PROTECTIONS”**

SPONSORED BY: Presented by Senator BENNETT, R. of Oxford

CO-SPONSORED BY: Senator TIMBERLAKE, J. of Androscoggin, Representative
MASTRACCIO, A. of Sanford, Representative ROBERTS, T. of South Berwick,
Representative FREDERICKS, A. of Sanford

Date of Hearing: January 27, 2025

Good afternoon, Senator Tepler, Representative Doudera and members of the Environment and Natural Resources Committee. I am Nate Webb, Wildlife Division Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to **L.D. 138**.

This bill exempts the property of an airport from protections for state endangered and threatened species that may require special management considerations or protection guidelines and from restrictions on state and municipal approval of projects that may significantly impact state endangered and threatened species habitats.

Although we appreciate the intent of this bill in reducing the regulatory burden for development of important airport infrastructure, we believe this bill would set a concerning precedent of exempting certain types of development from protections by Maine’s Endangered Species Act. The provisions of Maine’s Endangered Species Act are intended to put in place reasonable restrictions to prevent at-risk fish and wildlife from becoming extirpated from the state, and to reduce the likelihood of much more burdensome listing under the Federal Endangered Species Act. MDIFW takes great pride in working very hard with the Department of Environmental Protection and all developers, including airports, to find reasonable ways to avoid and minimize adverse effects on state threatened and endangered species and their habitats, while still allowing development to proceed. Of approximately 10,000 project pre-application and application reviews over the past 10 years, MDIFW has only made a finding of unreasonable adverse impacts for 5 projects. We have successfully worked through

several projects of statewide significance involving endangered and threatened species and their habitats, including two major transmission line corridors and multiple controversial wind power projects, all of which involved potentially significant impacts to multiple listed species. It is noteworthy that MDIFW has never made a finding of non-compatible development due to the related disturbance and resulting displacement of functions and values on protected habitats and species at an airport.

We believe that our current environmental review process works well to avoid and minimize impacts to important natural resources and reduce the likelihood of future federal ESA listings while still allowing the development at airports. Importantly, we believe that exempting airports from the modest requirements of Maine's Endangered Species Act could lead to similar exemptions for other important infrastructure in the future, ultimately impacting the viability of some at-risk fish and wildlife species in the state. In closing, we do recognize that the permitting process can be burdensome in some circumstances, and MDIFW is committed to working the DEP to help make the process as efficient as possible. In fact, we have several requests in the biennial budget that will help address staff capacity limitations and improve customer service by MDIFW during the Environmental Review process.

I would be glad to answer any questions at this time or during the work session.