



Committee on Environment & Natural Resources
% Legislative Information Office
100 State House Station
Augusta, ME 04333

January 27, 2025

RE: LD 138, An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections

Dear Sen. Tepler, Rep. Doudera, and Members of the ENR Committee:

My name is Francesca “Ches” Gundrum and I am Maine Audubon’s Director of Advocacy. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine’s wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in opposition to LD 138, *An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections*.

This bill exempts airports from protections afforded to state endangered and threatened species. This initiative could have several consequences for imperiled species in the Pine Tree State, including: 1) loss of essential habitat in regions where habitat loss and fragmentation are already significant concerns; 2) direct, negative impacts to species that specifically rely on large, open spaces; 3) erosion of conservation standards and precedent that could weaken the integrity of the Maine Endangered Species Act (MESA). For these reasons among others, **Maine Audubon respectfully urges the Committee to oppose LD 138.**

The world is experiencing a biodiversity crisis. Scientists at NatureServe¹ estimate that about a third of all U.S. species are at risk of extinction. That percentage translates to more than 8,500 of our country’s best-known plant and animal species. Notably, only 20 percent of the country’s more than 200,000 identified species have been evaluated for extinction risk, so the true total might be much higher. Maine is no exception. Per Maine Department of Inland Fisheries and Wildlife’s (DIFW) recommendation, eight new species were added to Maine’s Endangered Species Act (MESA) in 2023 – and we expect to add more in the coming years.² Currently, there are 57 species listed under MESA.

¹ NatureServe, Inc. is a U.S.-based non-profit organization that provides wildlife conservation-related data, tools, and services to private and government clients, partner organizations, and the public.

² See LD 57 from the 131st Legislature, *An Act to Amend Maine’s Endangered and Threatened Species List*.

As species' populations begin to drop or as once-common animal species become less common, it is imperative that we keep laws that protect our state's most vulnerable fish and wildlife – including MESA – intact. **Maine Audubon adamantly supports MESA as an important tool to conserve the state's most vulnerable species.**

For decades, Maine Audubon has worked collaboratively with the Department to conserve Piping Plovers and Least Terns, two species listed as endangered under MESA. Listing under MESA has afforded additional funding to care for these birds and their breeding habitats, increased public awareness of the threats to these birds, and provided regulatory mechanisms for reviewing potential negative impacts to their nesting habitat such as the designation of "Essential Habitat." As a result, Piping Plover pairs and fledglings are at record high numbers — a tenfold increase since the species' listing in the 1980s. It is worth noting that Maine has an exceptionally good track record of working collaboratively with businesses, municipalities, and landowners to manage listed species and listed species' habitat. Rarely has MESA been utilized to stop development. Instead, the Department works cooperatively with landowners and developers to minimize disturbances to listed species, and removes them once their populations have recovered, as was the case for the Bald Eagle.

Maine Audubon has been fighting to protect Maine wildlife and wildlife habitat for nearly two centuries, and both the climate and biodiversity crises may be our most difficult battles yet. **Habitat loss to development is the leading cause of species endangerment.** According to the Maine Climate Council's Scientific and Technical Subcommittee's recent report, *Scientific Assessment of Climate Change and Its Effects in Maine 2024 Update*, while climate change exacerbates the issue there have been three to 11 times more terrestrial vertebrate extinctions due to habitat loss than by climate change since 1900. The impacts of habitat loss and overexploitation manifest more rapidly than those of climate change, especially in the case of local extirpations.³

As Maine endures a rapidly changing climate and increasing development pressure, balancing the needs of wildlife and human communities is paramount. In this case, the open spaces maintained around airports facilitate suitable habitat conditions for all kinds of species – sometimes those species are endangered or threatened such as the Grasshopper Sparrow, Northern Black Race, and Edward's Hairstreak. These areas are part of a – now – mosaic of essential habitats for vulnerable wildlife because they provide the specific conditions and resources they need to survive, recover, and thrive. Thankfully, like other large-scale infrastructure, there are science-based resources at the federal and state levels that have helped address potential human-wildlife interactions.

As species' populations begin to drop or as once-common animal species become less common in Maine, it's imperative that Maine's wildlife biologists can assess, plan, and act – MESA is a critical, guiding tool in that work. MESA is not broken. Airports can still meet safety requirements

³ Maine Climate Council, Scientific and Technical Subcommittee. *Scientific Assessment of Climate Change and Its Effects*. 2024.
www.maine.gov/future/sites/maine.gov.future/files/inline-files/STS_2024_digital.pdf.

without blanket exemptions from endangered and threatened species protections. Airports already have well-established programs to manage wildlife hazards under U.S. Department of Transportation's Federal Aviation Administration (FAA) regulations. These include habitat modifications, exclusion measures, and active wildlife management practices that are compatible with species protection. Granting this exemption for airports could encourage demand for similar exemptions, undermining the integrity and ultimate effectiveness of the Act.

While public safety is paramount, exempting airports from MESA protections is not a plausible solution to addressing past or future human-wildlife interactions. Maine can ensure safe airport operations through science-based wildlife management and collaboration, without sacrificing our commitment to protecting endangered and threatened species.

MESA has been instrumental in protecting imperiled species in Maine since 1975 – now is not the time to weaken one of our bedrock environmental laws. **We strongly encourage the Committee to oppose this bill.** Thank you for your time and consideration.

Sincerely,



Francesca "Ches" Gundrum
Director of Advocacy