

Testimony to the Inland Fisheries & Wildlife Committee in favor of Legislative Document No. 394 (H.P. 278)
An Act to Protect Maine's Loons and Other Wildlife in the Issuance of a Permit To Hold a Regatta, Race or Boat or Water-ski Exhibition

Dear IF&W Committee Members,

I write today in support of the Act to protect wildlife, wildlife habitat and water quality on our lakes in general, and in particular to protect species including loons from the hazards associated with boat races or other high speed and/or large wake producing boating activity.

Issuance of a permit for an event provides the **opportunity** for IF&W to carry out its declared Mission and Vision as stated in the official department Strategic Plan for 2020-2025 (excerpted directly from the plan below with my highlights in red font).

Mission MDIFW **protects** and manages Maine's fish and wildlife and their habitats, promotes Maine's outdoor heritage, and **safely connects** people with nature through **responsible recreation**, sport, and science.

Vision The Department of Inland Fisheries and Wildlife (MDIFW) **is the leader in protecting Maine's fish and wildlife; as well as** Maine citizens and visitors who enjoy the outdoors. The Department engages individuals, organizations, landowners and outdoor enthusiasts to conserve and enhance the state's fish and wildlife populations and habitats, as well as promote and grow Maine's outdoor heritage. MDIFW works to ensure and protect public access to Maine's lands and waters, and **actively promotes enjoyable, safe, responsible recreation in Maine's outdoors** — from hunting and fishing to paddling and bird-watching. The Department and its employees are leaders in conservation and conservation law enforcement. Our workforce is diverse, dedicated and driven. We prize and value continued learning, innovation, and development, and believe in a supportive workplace culture and a commitment to excel. The Department is a national leader in enhancing and protecting fish, wildlife and their habitats; and providing Maine's citizens and visitors with unparalleled access to an extraordinary array of natural resources and experiences.

Some of the key words and phrases I have highlighted from the straightforward Mission include: **protect, safely connects, and responsible recreation**. It would be hard to fathom not taking all reasonable steps to protect wildlife species and their habitats by the agency entrusted with that as its primary responsibility.

The hazards associated with boats moving at a high rate of speed and the limited ability of species such as loons to get out of the way to avoid being struck are significant. **Loons** are particularly vulnerable to high speed boat movement due to their physiology - with their heavy bodies and relatively small wings, they cannot just take to flight to get out of the way as mallard or black ducks might, nor can they always dive far enough away from a fast approaching boat (or boats in the case of a race). With multiple high speed boats in a race it might be possible to avoid the initially closest boat but be struck by another one following. Boat strikes and poisoning from lead tackle ingestion are the primary causes of loon deaths in Maine and across much of their range.

Adult loons have a better chance of avoiding a boat strike than their chicks do. **Loon chicks** have a limited ability to dive, particularly in the 1st couple months, they are dark in coloration, sit low in the water, and are not always right next to their parents. Parents with chicks on their back for their protection will dive to forage underwater or to avoid a threat. This leaves the chick floating on the surface suddenly on its own, particularly vulnerable to any threat.

Large wakes from fast moving or large displacement boats also have the potential to cause damage to shoreline habitats, piers, docks, and docked/moored boats due to the force of waves and erosion caused; and can be hazardous to other boaters, particularly in or on small craft like canoes, kayaks, and paddle boards. Due to their body structure with legs placed way aft and not being able to walk well at all on land, loons have to nest at the immediate edge of a shoreline and large waves are a significant problem for their nesting success.

The Inland Fisheries and Wildlife Department, like many state and federal land management/natural resource agencies has a **dual mandate**: to protect and enhance the resources it has been entrusted to manage by the citizens of the state; **and** to provide for the enjoyment of people to pursue recreational activities connected with those natural resources. This is often a difficult balancing act.

Because humans can communicate with their government representatives, pay license and permit fees, buy recreational equipment, and create or support recreation oriented jobs, it is easy to have their points of view heard by decision makers. People are fully capable of being effective advocates for activities that they themselves benefit from.

The more challenging case to be made is the one that defends those entities that cannot speak for themselves, cannot defend themselves. A good and easy case can however be made on behalf of loons as one of our “ambassador,” iconic species of northern lakes and of Maine. Most people who reside on or near a lake in this state, or visit a lake with loons present, know that it is a better place with them than without them.

As with all private rights issues with the perceived benefits accruing to an individual or relatively small number of people and the costs being borne by the remainder of the greater body (populace, public, citizens, taxpayers, wildlife/lake environment in our case here) a focus on **fairness** to others, in a broad sense to include not just a narrow part of the constituency but all of the stakeholders, should be paramount in my estimation.

This Act will provide the opportunity to have the concerns and well-being of those who cannot defend themselves directly to be better protected, and that I certainly support. The key word in the Act’s brief language is **reasonable** protection. What is reasonable can unfortunately be a very amorphous concept, a moveable target to achieve.

I trust that with this Act, hopefully becoming part of the law, that the Commissioner will take into consideration the **site specific factors** and concerns of wildlife on and around a particular lake in the determination of permit issuance, to balance the desire to conduct a boat race or similar activity: lake size, shoreline configuration, loon territory presence, shoreline nest sites, nearby islands likely to have loon nesting, time of summer and loon chick development stage. Some of these parameters would require local knowledge that Game Wardens and Biologists may be aware of and would be enhanced greatly by seeking information from local lake associations, lake oriented non-profits, and wildlife organizations. Many lakes would simply not be suitable for a race to be safe for all. Safety is not just for people. IF&W responsibility is not just to people either, as self-declared in their mission statement.

Thank you for addressing the need to have wildlife and habitat play a role in the determination of appropriateness for these particular boating activities.

Sincerely,
Billy Helprin

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