

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

NEITHER FOR NOR AGAINST L.D. 404

“An Act To Preserve Deer Habitat”

SPONSORED BY: Representative JOHANSEN of Monticello.

DATE OF HEARING: March 1, 2021

Good morning Senator Dill, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Nate Webb, Wildlife Division Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, neither for nor against **L.D. 404**.

This bill is a concept draft pursuant to Joint Rule 208, and proposes to direct the Department to submit a deer management plan and a map of deer wintering areas to the Joint Standing Committee on Inland Fisheries and Wildlife and to work with the committee to develop a plan to protect deer wintering areas.

In northern Maine, the ability for deer to persist has historically depended upon the quantity and quality of winter shelter. Quality winter shelter consists of closed canopy softwood which acts to reduce snow depths and the effects of temperature and wind. Functionally, the moderation of these environmental factors helps to reduce energy expenditures of deer through the winter months.

Efforts to conserve Deer Wintering Areas (DWAs) began in the 1950's and 1960's through the inventory and survey of known DWAs, particularly in the northern 2/3 of the State. At the same time, the Department entered into Cooperative Agreements with industrial forestland owners to accommodate DWA protection and enhancement. This effort was reinforced in the 1970's and 1980's through zoning of DWAs as protection areas under the Land Use Regulatory Commission (now LUPC) in unorganized areas of the State.

In organized towns, DWAs have been identified but are only regulated through Site Law Development under the Natural Resources Protection Act (NRPA). The Department provides input as a non-regulatory agency through its Environmental Review program related to development projects.

The current status of mapped DWA habitat is comprised of:

- 172,509 acres of mapped DWA in LUPC jurisdiction (zoned as P-FW)
- 645,146 acres of mapped DWA in organized towns

The Department has also signed Cooperative Agreements with landowners covering 194,403 acres, in addition to several landowners that informally manage DWA habitat in collaboration with MDIFW. It's important to note that Cooperative Agreements are not binding to the landowner and can be nullified at any time.

The Department, through its updated Big Game Management Plan (2016) has identified the following management strategies related to DWAs:

- Continue to use LUPC zoning to protect DWAs
- Establish, or reestablish, cooperative agreements with Maine's large landowners to help manage and conserve the state's DWAs.
- Continue to use the Land for Maine's Future program and other funding sources to acquire or establish conservation easements or provide other incentives to conserve historically important deer wintering habitat and prioritize them for DWA management.
- Increase dialogue with landowners, land managers, land trusts, and wildlife consultants to facilitate conservation of DWAs.
- Standardize methodology and messaging for MDIFW staff communication with landowners on managing DWAs.
- Explore opportunities to use existing Natural Resource Conservation Service programs to encourage DWA management.
- In the event of a spruce budworm outbreak, collaborate with landowners to identify alternate DWA management strategies in heavily impacted areas.

MDIFW's management of DWAs falls into three categories – habitat management, survey/assessment, and predation management.

Habitat Management

The Department engages with landowners in management of DWA habitat through several avenues.

In LUPC jurisdiction for P-FW zoned DWAs, landowners are required either to reach agreement with MDIFW via a Section 5 Plan Agreement, or file for a Forest Operations Permit through the Maine Forest Service. An area zoned as P-FW does not require landowners to actively manage deer habitat within P-FWs, but rather if timber harvesting is to occur it either needs to be done in agreement with MDIFW, or if agreement can't be reached, the landowner can apply for a Forest Operations Permit. As a result, timber harvests are often deferred by the landowner due to increased operational costs to alter silvicultural prescriptions.

Where the Department has established Cooperative Agreements, management of DWAs is coordinated between the landowner and the Department collaboratively and typically at a larger scale than operations within P-FW zoned DWAs.

A third component of DWA habitat management is public outreach to interested landowners, with technical assistance provided to the landowner regarding habitat requirements and management objectives. These management recommendations were developed as part of the 2011 Game Plan for Deer and are a publicly available resource for landowners.

Surveys/Assessment

The Department surveys DWA habitat for use when winter yarding conditions exist to understand distribution of wintering deer and confirm presence within DWAs. Over the course of the last decade or so, it has become apparent that deer use of winter habitat has changed. Many historic DWAs are noted for lacking wintering populations of deer, and it appears an increase of deer in and around human populations is commonplace. In 2015, MDIFW began a research project to GPS collar deer and investigate factors influencing winter mortality rates, which includes studying deer in quality winter shelter in traditional DWAs as well as deer in and around towns where they are artificially fed and provided refuge from predation.

Predation Management

The final component of DWA management is management of predation by coyotes. In northern, eastern and western Maine, MDIFW directs contractual effort to remove coyotes within and adjacent to DWAs with the goal of reducing predation on wintering deer.

Despite these efforts, conservation and effective management of DWAs remains a significant challenge for the Department. There have been several attempts by the Legislature and Department to address DWA management over the past few years, including the Northern and Eastern Maine Deer Task Force (2007), the Deer Predation Working Group (2008), the Game Plan for Deer (2011), and the 2017 Big Game Management Plan. Because deer are at the northern edge of their range in Maine, we believe several related strategies would be required to increase populations, including management of predation, addressing feeding in and around communities, and management of significant acreages of forestland with DWA habitat as the primary objective.

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