



ATLANTIC SALMON FEDERATION
MAINE COUNCIL OF THE
ATLANTIC SALMON FEDERATION



Fort Andross, Suite 202
Brunswick, ME 04011

**Testimony of the Atlantic Salmon Federation and the
Maine Council of the Atlantic Salmon Federation on
LD 883: An Act To Protect Endangered Species Whose Life Cycles Include
Maine Land or Waters
May 10, 2021**

Senator Dill, Representative Landry, and members of the Joint Standing Committee on Inland Fisheries and Wildlife, and

Senator Miramant, Representative McCreight, and Members of the Joint Standing Committee on Marine Resources:

My name is John Burrows, and I am the Executive Director of U.S. Operations for the Atlantic Salmon Federation (ASF), an international non-profit conservation organization. I am providing this written testimony on behalf of both ASF and the Maine Council of ASF (MCASF), which is comprised of a dozen angling, conservation, education, and watershed organizations located across Maine. We represent more than 2,500 Maine citizens and our collective mission is to conserve and restore wild Atlantic salmon and their ecosystems. We support passage of **LD 883: An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters.**

Given our mission and expertise, ASF and MCASF can speak most directly to the benefits of this proposed legislation on Atlantic salmon, however, we also believe that this bill will benefit many other at-risk species, as we will outline further below.

Atlantic salmon is listed under the federal Endangered Species Act (ESA) as an endangered species, but is not protected under either the Maine Endangered Species Act (MESA) or the Maine Marine Endangered Species Act (MMESA). Given that the last wild runs of Atlantic salmon remaining in the United States exist in only a dozen or so Maine rivers, it is incongruous to exclude Atlantic salmon from listing at the state level, but this has been the case for more than 20 years. This situation seems to be reflective of the old political and legal battle over federal listing of salmon – a battle that ended in the early 2000s – instead of the conservation status of this critically endangered species.

It bares reminding everyone that the recommendation to list a species as endangered or threatened at the state level is supposed to be made based purely on science. The Maine Endangered and Threatened Species Listing Handbook states that recommendations are to be based on “biological facts, thus purely reflecting the species' likelihood of extinction within

Maine. The decision can be made without being constrained by political pressures; limits on agency funding, staffing, or management capabilities; the ease or difficulty of managing a species; or by a species' potential responsiveness or lack of responsiveness to management.”

There is no valid scientific argument that can be made to support to maintain the exclusion from the State's list of threatened and endangered species. Maine can and should do more to prevent the extinction of this iconic species, and a state-level listing will only provide more tools for our state biologists to use to conserve and recover Atlantic salmon.

From our perspective, aligning state and federal endangered and threatened species programs, as was the case for many years following creation of the MESA in 1975, would provide more tools for the State to help imperiled species. We believe that LD 883 would lead to greater coordination between state and federal agencies when it comes to endangered and threatened species planning, management, and recovery. Greater collaboration with federal agencies can lead to new federal funding for recovery and conservation actions through programs like the ESA Section 6 Cooperative Endangered Species Conservation Fund or the Land and Water Conservation Fund. Maine does not have adequate state resources available for management and recovery of imperiled species, so being able to get new resources from the federal level will be a great benefit. Finally, alignment at the state and federal level can lead to less bureaucratic regulatory and permitting processes for business and industry, municipalities, other state agencies, and private landowners.

For Atlantic salmon, a state-level listing will provide real, tangible benefits to the species. Beyond those advantages listed previously, a significant benefit to a state listing for Atlantic salmon would be greater protections for salmon habitat. When critical habitat for Atlantic salmon was designated by the federal agencies back in 2009, it only included the wetted areas of our rivers and streams and ignored the importance of intact riparian forests in creating and maintaining salmon habitat. Riparian areas are essential to creating, maintaining, and enhancing the physical, biological, and chemical health and integrity of our river and stream ecosystems. These areas are essential for Atlantic salmon, and for myriad other species of fish, birds, and wildlife.

This is particularly true when it comes to allowing species and ecosystems to adapt to a changing climate; protecting our river corridors is essential to climate resiliency. The Commissioner of the Department of Maine Resources (DMR) has the authority under the Natural Resources Protection Act (NRPA) to designate significant wildlife habitat for Atlantic salmon spawning and rearing areas, but has never done so. We think that a state-listing of salmon would encourage this action, and pursuing this in conjunction with the Department of Inland Fisheries and Wildlife (DIF&W) and the Maine Natural Areas Program, would lead to substantial benefits for salmon by addressing a series gap with the federal listing and critical habitat designation. Also, with the State being responsible for “essential habitat” for salmon under NRPA, it would allow for greater flexibility and collaboration between stakeholders vs. the federal approach that is often criticized for being inflexible. The benefits of doing this would extend to a substantial number of other species beyond Atlantic salmon.

Lastly, we would like to point out one difference between MESA and MMESA that we think needs to be addressed. The Maine Endangered and Threatened Species Listing Handbook states that Maine DIF&W is required to do a review “at least every 5 years” to determine if species should be added or deleted from the state endangered and threatened species lists or if a species on one list should be changed to the other. However, when MMESA was established in 2003, it appears there was no requirement for Maine DMR to conduct a periodic species review. We do not believe that the Legislature intended to create this situation and we recommend that a review of marine species should also be required to be conducted by Maine DMR “at least every 5 years.” There has not been a species added to the MMESA endangered and threatened species list since 2007 and we are not aware of any species review by Maine DMR over the last 14 years.

Thank you for considering our testimony in support of LD 883.

Sincerely,

A handwritten signature in black ink that reads "John Burrows". The signature is written in a cursive, slightly slanted style.

John R.J. Burrows
Executive Director, U.S. Operations
Atlantic Salmon Federation