

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

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

IN OPPOSITION TO L.D. 883

“An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters”

Presented by: Senator MIRAMANT of Knox.
Cosponsored by Representative BERRY of Bowdoinham and
Senators: MAXMIN of Lincoln, VITELLI of Sagadahoc, Representatives: CLOUTIER
of Lewiston, CRAVEN of Lewiston, DOUDERA of Camden, HEPLER of Woolwich,
LANDRY of Farmington, TEPLER of Topsham.

DATE OF HEARING: May 10, 2021

Good morning Senator Dill, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Jim Connolly, Resource Management Director at the Department of Inland Fisheries and Wildlife, speaking in opposition to **L.D. 883** and the proposed amendment. This testimony is a joint statement on behalf of both the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. There will be staff from DMR here to answer questions if necessary.

This bill requires the Commissioner of Marine Resources (DMR) and the Commissioner of Inland Fisheries and Wildlife (IFW) to list as endangered or threatened any species that is federally listed as endangered or threatened pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if that species uses land or waters in this State for any part of its life cycle.

Currently in Title 12 §12801 entitled Declaration of purpose, the Legislature outlined its position on the importance of conservation work being done to prevent native species of fish or wildlife from becoming extinct within Maine. That subsection is included here:

The Legislature finds that various species of fish or wildlife have been and are in danger of being rendered extinct within the State of Maine, and that these species are of esthetic, ecological, educational, historical, recreational and scientific value to the people of the State. The Legislature, therefore, declares that it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend.

The rest of Title 12 Chapter 925 Subchapter 3 builds on that purpose and outlines a process that balances the science brought forward by Inland Fisheries & Wildlife's biologists, the input from the citizens and businesses of the state, and provides for a legislative review before any species attains the status of a Maine endangered or threatened species. This creates an opportunity for all affected and interested parties to participate in the listing process. More importantly in Maine that has allowed this partnership to create a list and then put together conservation actions that addresses the situation in Maine. This bill as proposed eliminates the ability to craft a Maine solution and imposes the federal listing process on Maine whether or not that action is needed to protect a species occurring in Maine.

Legislatively requiring the Department to list in Maine all of the federally listed species to the legislature appears to be in response to a concern over the last sentence in subsection 12801 that says it is the policy of the State to conserve, by according such protection as is necessary to maintain and enhance their numbers, all species of fish or wildlife found in the State, as well as the ecosystems upon which they depend. For both Inland Fisheries and Wildlife and the Department of Marine Resources there is strong direction provided in their mission and programs making addressing species at risk as a priority. However, that work is done in a way that recognizes the priorities that come from the status and the needs of those species here in Maine and the direction from the Maine Legislature and people of Maine. At times the necessary protection has required inclusion on the Maine Endangered Species lists managed by the two Departments. At other times conservation work has proceeded in a different way without the necessity or benefit of listing.

This bill if enacted would require that Atlantic salmon (*Salmo salar*), Canada Lynx (*Lynx canadensis*), and Rusty Patched bumble bee (*Bombus affinis*) be included on the Maine Endangered and Threatened Species List. Currently neither Inland Fisheries and Wildlife or Marine Resources are recommending the listing of these species.

However, that is not an indicator of a lack of work on these species by the two agencies. The Department of Marine Resources coordinates a strong restoration program for Atlantic salmon for the State of Maine. This is an active program within DMR with permanent staff, a state-wide work plan and a demonstrated commitment to Atlantic Salmon conservation and restoration. While Atlantic Salmon are not state listed in Maine both agencies continue to work together to support salmon restoration in Maine.

Canada Lynx are another species that is not state listed in Maine. In response to the original federal listing, the State of Maine worked with industrial forest landowners like Clayton Lake Timberlands among others to conduct a research project on lynx to better understand their status in Maine. That project showed that Maine has a stable Canada Lynx population that is the largest in the lower 48 states. Maine trappers and forest landowners have continued to support the Department's work on lynx in Maine. However, due to limitations in the federal listing process Canada Lynx continue to be federally listed.

This lack of flexibility to craft a Maine focused solution for conservation of these species is why the Department opposes this legislation. This legislation would not change

or improve the work done by the Department. That work which has incredible support from landowners and Maine residents doesn't rely on a federal listing to do the right conservation work. I would be glad to answer any questions at this time or during the work session.