



Senate Inland Fisheries & Wildlife and Marine Resources Committee
Cross Building, Room 206
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Sent via electronic mail to Linda Lacroix, Clerk, IFW@legislature.maine.gov

RE: Support for LD 883 – An Act to Protect Endangered Species Whose Life Cycles Include Maine Land or Waters

Dear Senator Dill, Representative Landry, Senator Miramant, Representative McCreight, and members of the Inland Fisheries & Wildlife and Marine Resources Committees:

I am writing on behalf of the Maine Chapter of Native Fish Coalition in support of *LD883: An Act to Protect Endangered Species Whose Life Cycles Include Maine Land or Waters*, as amended by Senator Miramant. *LD883: An Act to Protect Endangered Species Whose Life Cycles Include Maine Land or Waters*. LD 883 as amended would require the state listing of all species of fish and wildlife listed as Threatened or Endangered under the U.S. Endangered Species Act of 1973 (ESA) and whose critical habitat includes Maine.

The purpose of the ESA is to protect and recover imperiled native species and the ecosystems they depend on before they go extinct. By the time the federal government lists a species as Endangered under the ESA, that species is already at risk of extinction throughout its range, which by default means it is also endangered at the state level. Failing to list a federally-listed species at the state level flies in the face of the intent of both federal and state law. LD 883 will help close some management loopholes in Maine and help to bring a number of our species back from the brink.

From 1979 to 1994, Maine's definition of "Endangered" under the Maine Endangered Species Act (MESA) included federally-listed species. In 1995, Maine eliminated the mandatory listing provision (LD 428), and in 1996, LD 1645 took responsibility for listing away from scientists and gave it to the Commissioners of IFW and DMR. Now it is high time we gave it back. Only 10 states, including Maine, do not require or even recommend listing of all federally-listed species at the state level. In fact, Maine is the only state in the Northeast to defy the ESA in this way and is on par with Alabama, Arkansas, West Virginia, and Wyoming in this regard.

Maine's threatened and endangered species listings are being applied inconsistently: Of the currently 16 federally-listed Threatened and Endangered birds, mammals, reptiles, and fish found in Maine, only ten, or 60%, are listed at the state level. The six federally-listed species found in Maine that are not listed at the state level include the red knot, Canada lynx, blue whale, green turtle, Atlantic salmon, and Atlantic sturgeon.

Atlantic salmon and Atlantic sturgeon are two of those imperiled species falling through the cracks in management and recovery. For example, according to most estimates, there are currently fewer than 100 returning adult Atlantic salmon actually born in the wild of wild parents. Atlantic salmon are listed as Critically Endangered under the Federal ESA, and Maine is the last state in the United States where Atlantic salmon are present.

If MESA and MMESA do not offer conservation benefits for federally listed species, why do we list any of them at the state level? As noted above, 10 of 16 federally listed species present in Maine are listed at the state level under either

MESA or MMESA. And when it comes to protecting a species from extinction, workload should not be a consideration, a position that IFW has documented on their website: "Listings of a species, and the subsequent management of that species, are two distinct steps ... Separating these two steps allows the Department to recommend species for listing based solely on biological facts, thus purely reflecting the species' likelihood of extinction within Maine. The Department makes the decision 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."

Furthermore, we can all agree that symbolism plays a huge role in regard to how something is perceived, and what we are willing to do to save it. Would we have saved the bald eagle from the brink of extinction if they were not our National Bird? Would we still have bison, our National Mammal? And while we do not have a National Fish, if we did, you could make a strong argument for the Atlantic salmon, known as the King of Fish and the Presidential Fish.

The crux of the issue here is that federally-listed threatened and endangered species in Maine are not getting the protections they deserve or equal treatment under the law. Native Fish Coalition and the supporters of LD 883 believe Maine is not doing everything that can be done to prevent the extinction of these species, and inclusion of all threatened or endangered species under either MESA or MMESA will help improve management and restoration efforts across state agencies.

Thank you for the opportunity to comment on this legislation.