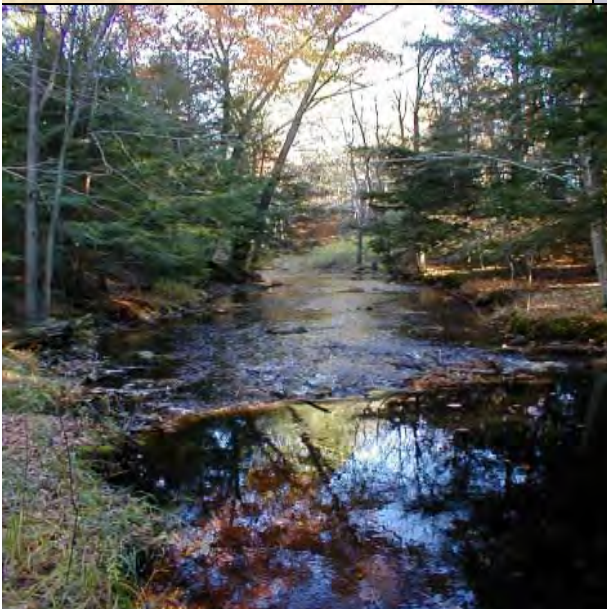
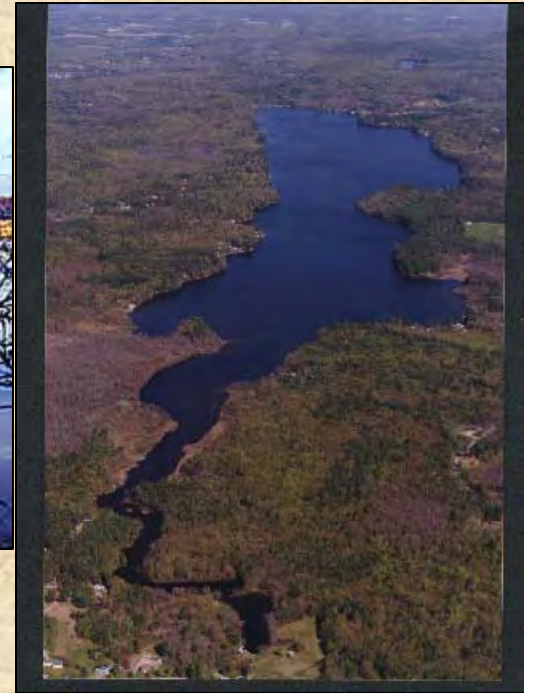


Natural Resources Protection Act



SIGNIFICANT WILDLIFE HABITAT (SWH)





NRPA amendment effective 2005



B. Except for solely forest management activities, for which “significant wildlife habitat” is as defined and mapped in accordance with Section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection, or are within any other protected natural resource:

1. Significant vernal pool habitat;
2. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and
3. Shorebird nesting, feeding and staging areas.



Significant Wildlife Habitat Chapter 335 Rules



New Regulated Habitats as of June 8, 2006

- Significant Vernal Pools*
- Shorebird Nesting, Feeding & Staging Areas
- Inland Waterfowl & Wading Bird Habitat
- Tidal Waterfowl & Wading Bird Habitat

* Effective Sept. 1, 2007

What are the NRPA criteria for Significant Vernal Pool Habitat or...



How will we know one
when we see one?

A Vernal Pool is...

... a natural, temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

*includes 250 foot “critical terrestrial habitat”













The Criteria



Rarity – documented use by state-listed endangered or threatened species that commonly require a vernal pool to complete a critical portion of their life-history;
(Spotted and Blandings turtles, Boghaunter dragonfly)

Abundance – documented breeding abundance of one or more of the following indicator species:

- | | |
|------------------------------|-----------------------|
| a. blue-spotted salamanders: | 10 or more egg masses |
| b. fairy shrimp: | presence |
| c. spotted salamanders: | 20 or more egg masses |
| e. wood frogs: | 40 or more egg masses |



Endangered or Threatened Vernal Pool Species



The Indicator Species



Determining Abundance

Region	Wood Frogs	Spotted/Blue Salamanders
No. Maine	May 1 – May 21	May 10 – May 31
So. Maine	April 7- April 21	April 20 – May 21

***No. Maine = north of line from Fryeburg – Auburn – Skowhegan – Bangor - Calais**

Getting on GIS Data layer

- SVPs documented by DEP/IF&W
- SVPs documented by individuals w/ training & experience in wetland/wildlife ecology
- IF&W developing field sheet and professional qualifications

***Will not include SVPs where applicants presume it exists unless verified**

Getting off GIS Data layer

- Need 3 years of data verifying pool does not meet abundance criteria

NOTE: A written DEP field determination that a pool is not significant remains valid regardless of time frame

A permit is not required:

- Forest Management Activities (must be mapped by rule)
- If pool is located on another's property and is not on GIS data layer (unless property was transferred with intent to evade)
- If activity performed based on DEP field determination
- Overhead utility lines in, over or within 25 feet of public/private ROW (no poles in pool)

New PBR Standards

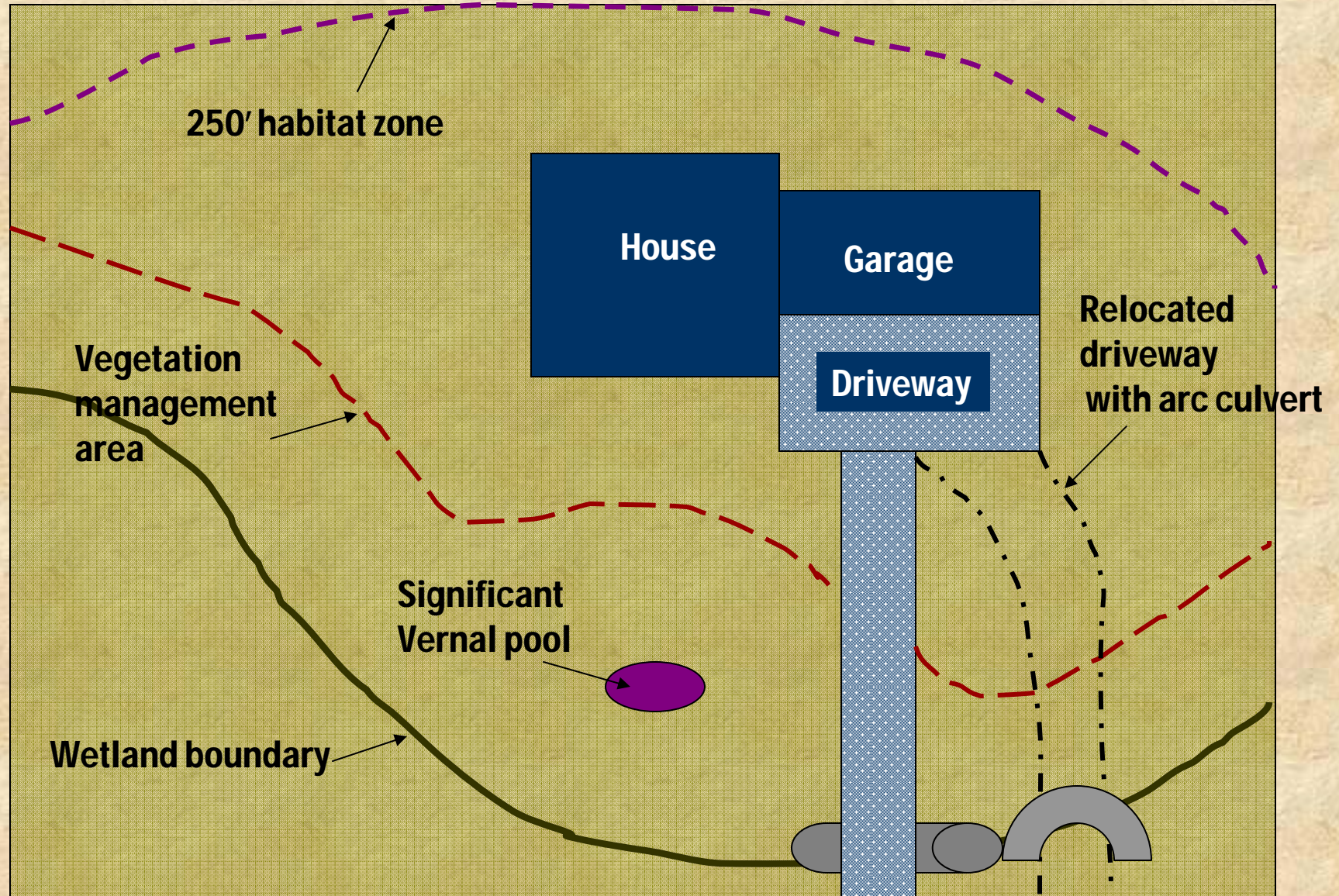
Effective December 5, 2006

For activities within 250' of a SVP:

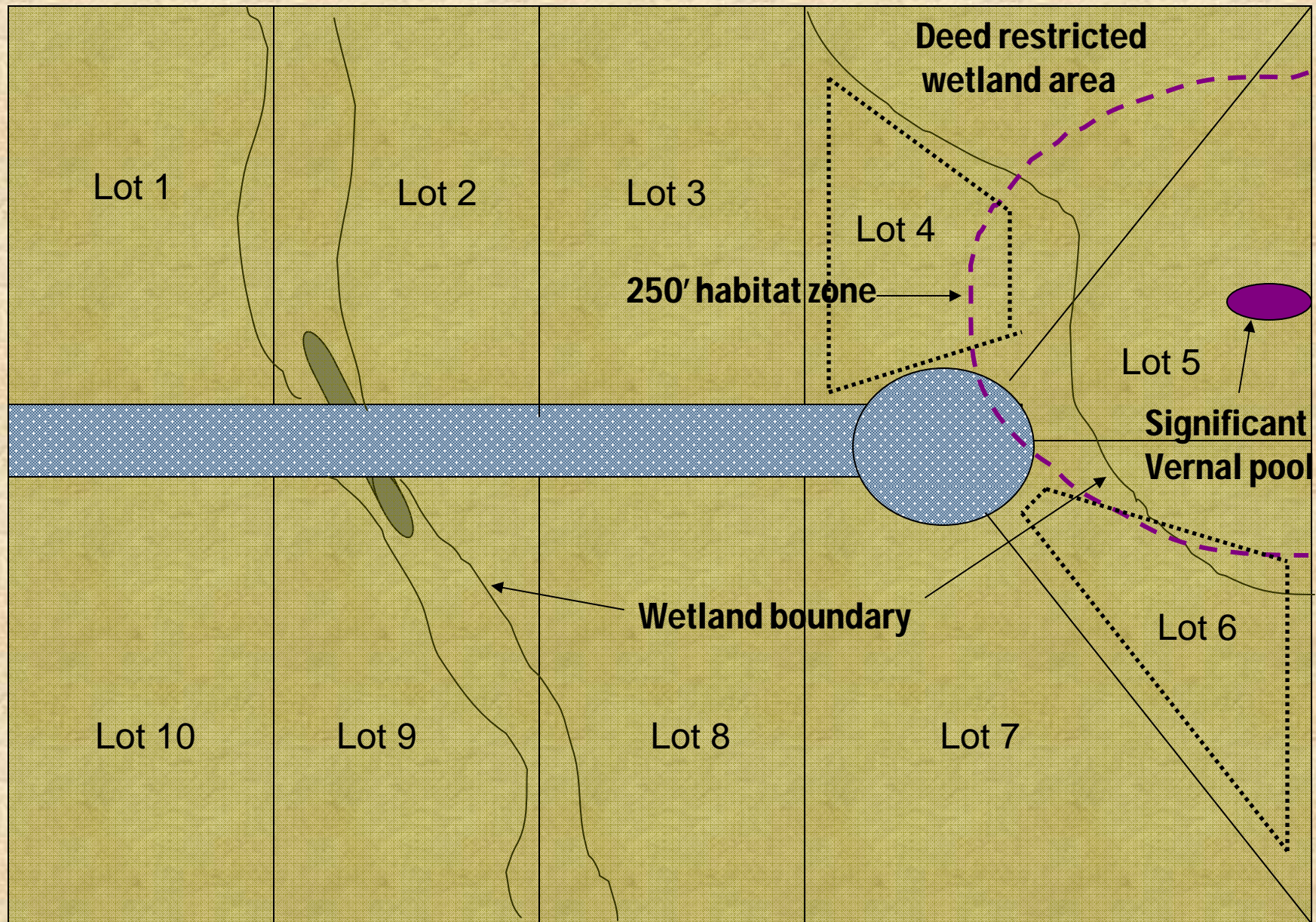
- **No disturbance in pool depression**
- **Maintain a minimum of 75% of habitat as forest**
- **Maintain/restore forest corridors**
- **Minimize forest floor disturbance**
- **Maintain native under story and downed woody debris**

Note: If also performing another type of PBR activity (e.g. stream crossing) within the habitat, meet the appropriate standards

Permitting Scenario 1: Single-family residence (lot approx. 2 acres)



Permitting Scenario 2: Residential subdivision (Lot size approx. 2 acres)



Other exemptions in SVPs

- Subsurface Wastewater Disposal Systems
(but counts as “developed area”)
- Maintenance and Repair
- Public Works

SIGNIFICANT WILDLIFE HABITAT

Part II “Birds”

3 TYPES OF HABITAT

- Inland Waterfowl Wading Bird Habitat
- Tidal Waterfowl Wading Bird Habitat
- Shorebird Nesting, Feeding, and Staging Areas

Waterfowl & Wading Birds

- brant
- wild ducks
- geese
- swans
- and others...



- herons
- glossy ibis
- bitterns
- rails
- coots
- common moorhens
- sandhill cranes
- and others...



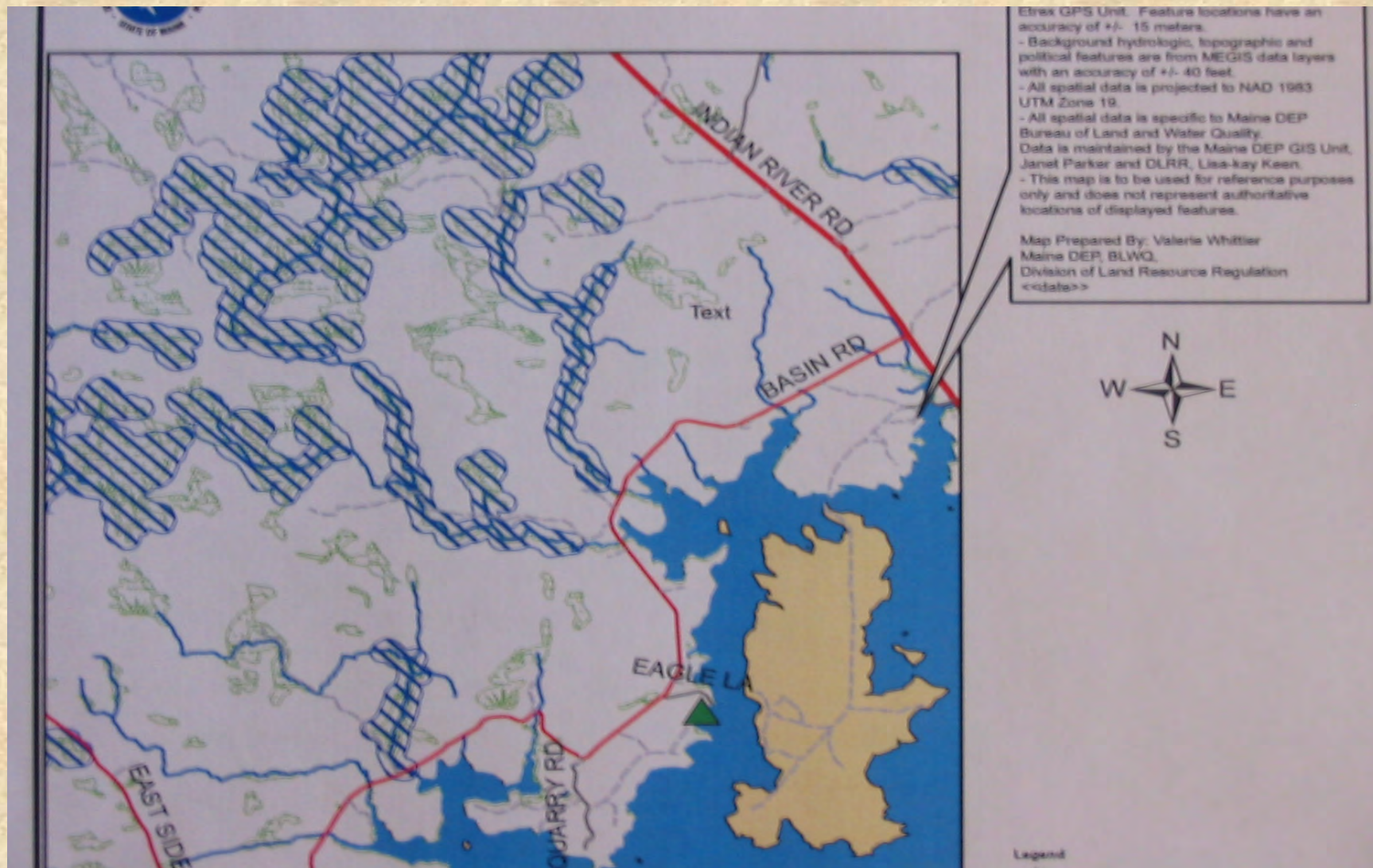
Inland Waterfowl Wading Bird Habitat

- Designation based on NWI classification
- Value based on wetland types, areas, and percentage as a wetland complex
- Includes the freshwater wetland habitat and a 250 foot area around the wetland
- Maps include the 250 foot area around the wetland

A Typical Inland Waterfowl Wading Bird Habitat



MAP SHOWING INLAND WATERFOWL WADING BIRD HABITAT

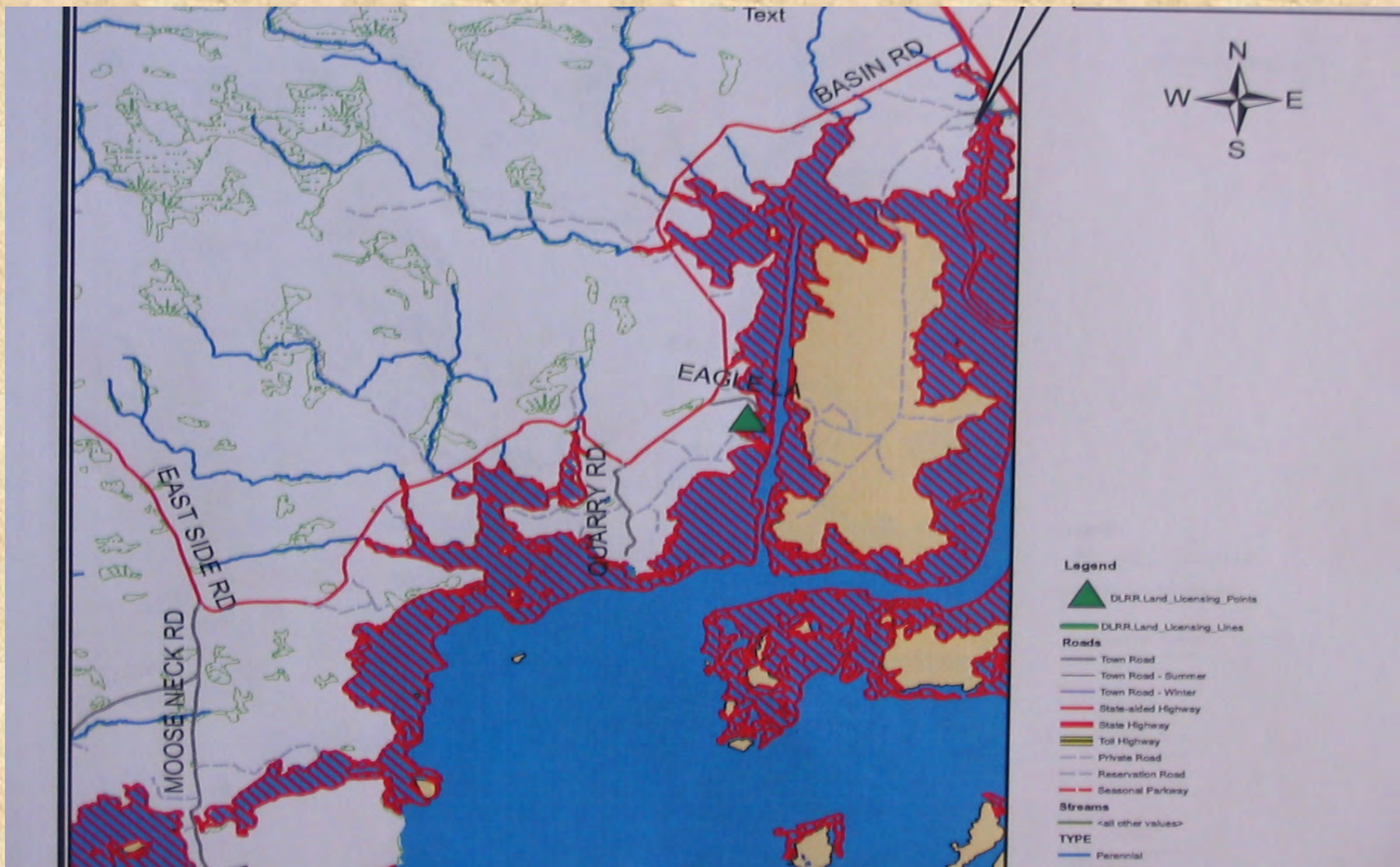


Tidal Waterfowl and Wading Bird Habitat

- Includes only the Intertidal and Subtidal areas: no 250 foot upland area is included
- Normal jurisdiction w/i 75' of high tide
- Impacts only projects that are in, on, or over the water, such as docks



MAP SHOWING TIDAL WATERFOWL HABITAT



Shorebird Nesting, Feeding and Staging Areas

- Based on observed use of the intertidal area by migratory shorebirds
- Includes a 250 area upland from the Spring High Tide Line (buffer included on maps)

Shore Birds

- sandpipers
- plovers
- and others...

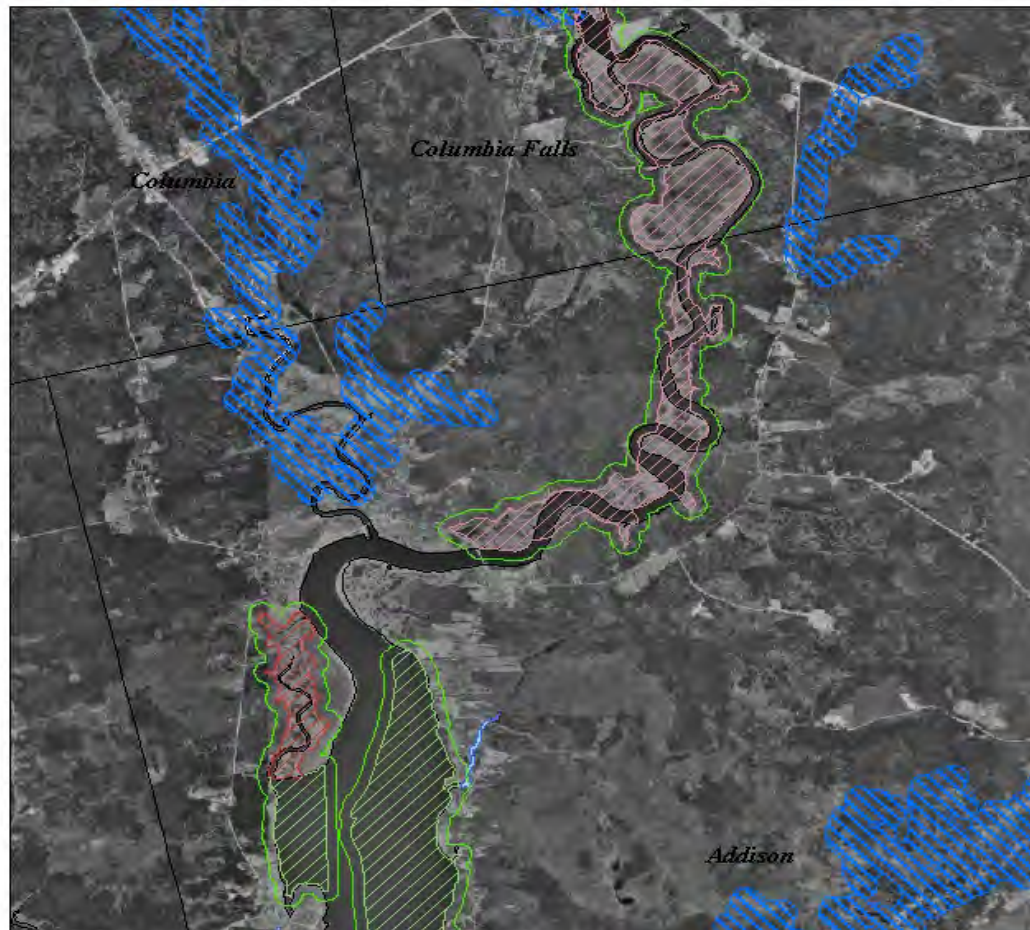




MAP SHOWING SHOREBIRD NESTING, FEEDING & STAGING AREA



Addison
Pleasant River



Map Notes:
- Background hydrologic, topographic and political features are from MEGIS data layers with an accuracy of +/- 40 feet.
- All spatial data is projected to NAD 1983 UTM Zone 19.
- This map is to be used for reference purposes only and does not represent authoritative locations of displayed features.

Map Prepared By: Mike Mullen
Maine DEP, BUI/O,
Div. of Land Resource Regulation
2/23/2007

Legend

- shbd_hab_buffers250
- Ponds and Lakes

New PBR Standards

Effective December 5, 2006

Within Shorebird and Inland Waterfowl Habitats:

- **Applies to activities in existing developed areas**
- **Project must be in compliance with local shoreland zoning**
- **Project is subject to timing restrictions between July 15 and Sept. 15. (shorebird only)**
- **Project must use erosion control BMP's**

Note: If also performing another type of PBR activity (e.g. stream crossing etc.) within the habitat, meet the appropriate standards

Full or individual NRPA permits...



... are required for all other regulated activities that do not occur in existing developed areas.

Note: Individual permitting requires avoiding and minimizing all impacts. Compensation may be required.

The “Fix” is in!

(retro to 6/8/2006)

- Separate Roosting and Feeding areas
- 250’ buffer on roosting
- 75’ buffer on feeding
- No cutting within buffer except
 - Removal of safety hazard
 - 6’ path, not a straight line to water
 - Cutting necessary for approved activities
- Allow ‘demapping’ of developed areas

Remember...

If you have any questions about your project site or whether a permit is required...

CALL US!

On Call Line: 287-3901 or 1-800-452-1942

Central Maine Region	1-800-452-1942
Southern Maine Region	1-888-769-1036
Eastern Maine Region	1-888-769-1137
Northern Maine Region	1-888-769-1053