

Attending: Doug Stewart, Dave Kamila, Cliff Lippitt, Steve Ribble, Kathy Kern, Bryce Sproul, David McCaskill and Darryl Brown.

Speaker: Mike Mullen-Enforcement and Field Services-
and Resource Regulation

Mike spent the bulk of the meeting updating and answering question regarding significant wildlife impact rules-shorebirds and vernal pools. Much of what he talked about on shorebirds can be found on the BLWQ website. The following is an excerpt from the website that summarizes the proposed revisions.

Shorebirds

Proposed Revisions: The Basics

The proposal would refine the current protections for shorebirds by separating shorebird habitat into "roosting areas" and "feeding areas", and providing appropriate cutting standards for the associated buffers. Also, several procedural changes are proposed to improve implementation of the program.

The draft proposal being submitted to the Maine Legislature for its review does the following.

Separately identifies shorebird roosting and feeding areas.

- Why? Differentiating between feeding and roosting areas allows buffer widths to be tailored to the specific types of habitat.
- Maps of roosting and feeding areas.

Reduces the resulting acreage of significant wildlife habitat for coastal feeding, staging, and roosting areas by two-thirds.

- Why? Reducing the width of the buffer around feeding areas from 250 feet to 75 feet still provides the minimum adequate protection for the birds.

Maintains a 250 foot habitat buffer around roosting areas.

- Why? Birds in roosting areas are resting and preening and are very sensitive to human disturbance. See threats.

Provides appropriate standards for cutting and removal of vegetation that ensures buffers function to protect habitat.

- Why? Standards are needed to ensure a buffer between the birds and the structures, noise, movement, and lights associated with human activities.

Makes all changes retroactive to 6/8/2006 (the date the significant wildlife rules were last amended).

Provides specific authority for the Department of Inland Fisheries & Wildlife (IF&W) to determine that a part of a habitat is no longer habitat because of the impact of development in existence on 6/8/2006, even though the area is otherwise in conformance with significant

wildlife habitat criteria adopted in rule.

Makes permit by rule available for minor cutting within a feeding or roosting buffer associated with providing for a path, removing safety hazards, or allowing for up to a 10 percent expansion of existing development area within a feeding area, providing standards were met. "Existing development area" is already defined in rule (Ch. 305, sec. 20).

<http://www.maine.gov/dep/blwq/docstand/nrpa/birdhabitat/background/index.htm>

Notes:

An example of development impact areas would be Old Orchard Beach.

Towns will have to update their resource protection zones based on the new inland water fowl wading birds habitat maps.

The Department will use spring high tide to evaluate shorebird feeding area setbacks.

Vernal Pools

Taskforce members suggested that the below presentation on vernal pools presented at the October 2006 ASCE meeting would be a **useful** summary on the subject.

<http://www.maineasce.org/downloads/Monthly%20Meetings/MASCE-10-06-PretiFlaherty-VernalPool-2slidesperpage.pdf>

<http://www.maine.gov/dep/blwq/wetlands/vernal.htm>

Notes:

Mike Mullen has heard estimates that as many as 50% of vernal pools are significant.

DEP/IF&W staff may go out at request to evaluate a vernal pool once an application is submitted. However, determination of "significance can only occur in the spring.

Next Meeting Agenda:

What's up at the legislature- water withdrawal, oil spill reporting, DEP restrictions on hiring contractors not in compliance with environmental rules, etc.....

The next meeting will be Friday, March 30th, 2007 at 9:30 in the DEP Response Building Large Conference Room on the AMHI Campus. The Response Building is off Arsenal Street, on Blossom Lane and is the building located under the large smokestack. There is parking across the side street off of Blossom Lane. The entry to the Response Building is in the east corner of the courtyard.

Turn left after going through the double door (only the left one opens), and the conference room is on the right, across from the receptionist station.

See the below link for a

map. <http://www.state.me.us/dep/amhi.htm>