



DEP FACT SHEET

Significant Wildlife Habitats: High and Moderate Value Waterfowl & Wading Bird Habit, Shorebird Nesting, Feeding and Staging Areas, and Tidal Wading Bird Habitat

Revised: October 3, 2006

contact: See back page for nearest DEP address & phone number

Background

Recognizing the value of certain bird habitats to Maine's environment and quality of life, the Maine Legislature determined that they should be protected under the Natural Resources Protection Act (NRPA). As of June 8, 2006, the DEP began regulating activities in, on or over high and moderate value waterfowl and wading bird habitat, and in, on or over shorebird feeding and staging areas. The rules are based on 10 years of data collection with 2 years of legislative review. These significant wildlife habitats are mapped on a GIS data layer developed by the Maine Department of Inland Fisheries and Wildlife (DIF&W) and available from DIF&W or DEP. Rules that define these habitats and establish licensing criteria are found in Chapter 335, copies of which are available by mail or on the DEP's web page at <http://www.maine.gov/dep/blwq/docstand/nrpapage.htm>

What are these bird habitats and why are they important?

- A. Inland habitat:** The DIF&W has identified high to moderate value inland habitats throughout the state. A high to moderate value inland habitat is a complex of freshwater wetland and open water areas, and includes a 250-foot wide zone surrounding the wetland complex. The 250-foot zone may, and often does, include upland areas outside of the wetland. [Note: The 250-foot buffer area is included within the marked area on the habitat maps.]
- B. Shorebird feeding and staging areas:** The DIF&W has identified intertidal areas that have a concentration of shorebirds that feed and congregate particularly during migration. These habitats are important to species such as sandpipers and plovers. These habitats include the intertidal zone and a 250-foot area adjacent to it. [Note: The 250-foot buffer area is included within the marked area on the habitat maps.]
- C. Tidal habitat:** The DIF&W has identified and rated the intertidal area along the coast that is of high or moderate value to waterfowl and wading birds. A high to moderate value tidal habitat includes only the identified tidal habitat area. This habitat is located within the coastal wetland, which is already regulated as a protected natural resource pursuant to the NRPA.

What kinds of activities are regulated?

The following activities require a permit in a Significant Wildlife Habitat:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling; or
- D. Any construction, repair or alteration of any permanent structure.

Is the habitat area a no-build zone?

The habitat area is NOT a no-build zone. The standards in the NRPA require that all activities “avoid & minimize impacts”. If it is feasible, regulated activities should occur outside of the habitat area. If it is determined that there is no practicable alternative to the activity outside the habitat area a permit can be issued for the activity.

What kind of permit do I need for an activity in a significant wildlife habitat?

There is currently no permit by rule (PBR) available for activities located in the habitats, so an individual NRPA permit is required. The DEP is currently working with DIF&W staff to develop new PBR rules to allow certain activities to occur by permit by rule within the habitat. Regulated activities in existing, developed areas, such as adding a garage, may be eligible for the PBR process once rules are adopted. The Department anticipates that new PBR rules for these activities will become effective in January 2007.

What if I need an individual permit?

If your proposed activity requires an individual permit, you will need to demonstrate the need for the activity to be within the habitat. If being located within the habitat can’t be avoided, you must minimize the amount of development that occurs. The permit applications generally require the submittal of a detailed site plan for the project showing all property boundaries, structures, resource areas etc.; a description of the project with a through discussion of all alternatives to the current proposal; and photographs. Note: the site plan does not need to be prepared by a professional. Other specific requirements may be necessary as outlined in the permit application materials.

Where do I get copies of the habitat maps and other information?

A copy of the habitat maps for each organized municipal jurisdiction within the state, and other information about these significant wildlife habitats, can be obtained from the Department of Environmental Protection web site at:

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

If you require additional assistance please contact your nearest DEP office location. If calling the DEP, please ask to speak with the “on-call” representative for the Land & Water Bureau, Division of Land Resource Regulation.

*Headquarters & Central Maine Regional Office
17 State House Station
Ray Building, AMHI Complex
Augusta, ME 04333
(207) 287-3901
1-800-452-1942*

*Eastern Maine Regional Office
106 Hogan Road
Bangor, ME 04401
(207) 941-4570
1-888-769-1137*

*Northern Maine Regional Office
528 Central Drive
Presque Isle, ME 04769
(207) 764-0477
1-888-769-1053*

*Southern Maine Regional Office
312 Canco Road
Portland, ME 04103
(207) 822-6300
1-888-769-1036*