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SPEAKING at a meeting in Lubec on August 31 are environmental specialist James R. Beyers of the Department of Environmental Protection, assistant regional biologist Richard Bard and regional wildlife biologist Thomas Schaeffer of the Department of Inland Fisheries and Wildlife. They discussed zoning changes related to wildlife regulations. (Chessie Johnson photo)

New habitat protections will affect shoreland construction

by Chessie Johnson

James R. Beyer, an environmental specialist with the state Department of Environmental Protection, spoke to a meeting of selectmen and community members in Lubec on August 31. The meeting was to help inform town officials and residents of the recent changes to the Natural Resources Protection Act, Significant Wildlife Habitat Rule, Chapter 335. The meeting was orderly and polite, but clearly the new regulations are of concern to many in the town and the selectmen.

Beyer began his presentation by saying, "I didn't do this. Don't shoot the messenger. You guys pay me to come and tell you what it is about. If you want to rescind the bill, you have to talk to your legislators." He went on to explain that the revised regulations are intended to protect shorebirds and endangered species by controlling the extent and type of development in the areas the animals needed. The rules cover "essential habitats," relating to nesting areas for bald eagles, roseate terns, least terns and piping plovers; only the eagles are found in Lubec. There were also changes to rules about "significant wildlife habitats," covering seabird nesting islands, shorebird areas, tidal waterfowl and wading bird habitat, inland waterfowl and wading bird habitat and

vernal pools.

Beyer explained that the main difference in the new regulations is that there will be a 250-foot buffer zone around many of the areas of habitat that are already protected. He said that the state has maps available and that owners could contact his office to obtain GIS data layer maps for the property they are concerned about.

Several residents in attendance voiced concerns over the new rules. Debbie Holmes, owner of Bold Coast Realty in Lubec, said, "Living 75 feet from shore [the old regulations] versus now 250 feet, the property values will certainly go down." Beyer responded that there would be no impact on those currently living in the newly-restricted areas. "This only applies to new projects. We will not interfere with people already living there."

A local farmer stated, "This terrorizes me. It means you can't even mow a path down to the water. I don't know who is making these rules." Beyer said, "If you have a farm, keep farming it. The birds aren't going to take it away from you." He also said that the rulemaking was ongoing. "No one is trying to be heavy-handed. We are just asking people to take a few steps to ensure the birds are protected. This type of program has been successful."

Beyer emphasized that these new regu-

lations make "no change to fishing; no change to clam digging. If you build a new weir, you need permits no matter what." He also explained that tribal lands on the reservations are exempt from the regulations, but that land that a tribe might own in town is not exempt. He said, in response to a resident, "Southern Maine is not escaping [the regulations]. These apply statewide, the same everywhere."

Beyer concluded by saying that he and the department, along with local government, are ready to help people with implementation of the new regulations. "The first place you need to go is to the town for information." More information is available online at the Maine state government website or from the Division of Land Resource Regulation office in Bangor. Detailed rules about habitats are available on the DEP website at: www.maine.gov/dep/blwq/docstand/nrpapage.htm.