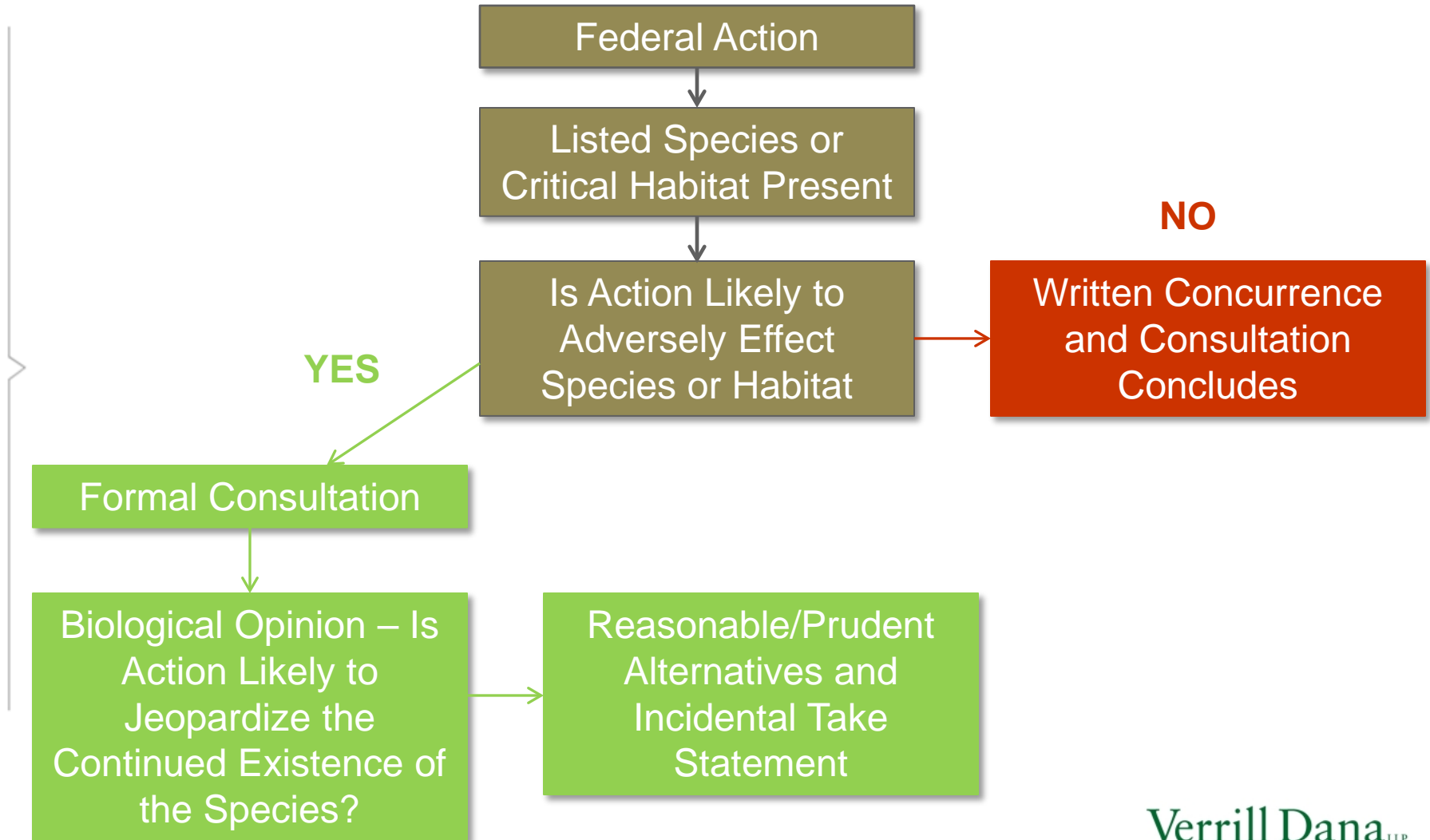


Federal Endangered Species Act

- Purpose to protect and recover imperiled species and ecosystems
- Species listed as threatened or endangered
- Geographic areas essential to conserve the species may be designated as “critical habitat”
- Prohibits “take” without federal permit
 - harass or harm
 - wound
 - kill
 - capture
 - hunt
- Provides for “incidental takes”



Section 7 Consultation



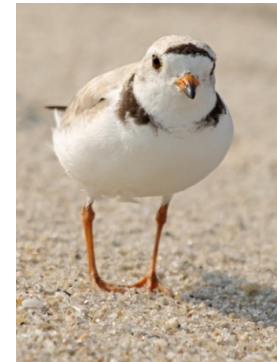
Section 10 Incidental Take Permit

- No federal nexus required
- Will not “appreciably reduce the likelihood of survival and recovery of the species in the wild”
- Habitat Conservation Plan
- Public Process



Maine Examples of Listed Species

- Atlantic salmon
- Canada lynx
- Piping plovers
- NLEB
- Bald eagle
(no longer listed)



Maine Endangered Species Act

- ***Only prohibits negligent and intentional takes***
- Must result in death of listed species
- Process for obtaining an incidental take permit to avoid liability
- Essential habitat
 - Management guidelines
 - State agencies and municipalities cannot issue permit for development in such areas without consent of IFW

Maine Examples

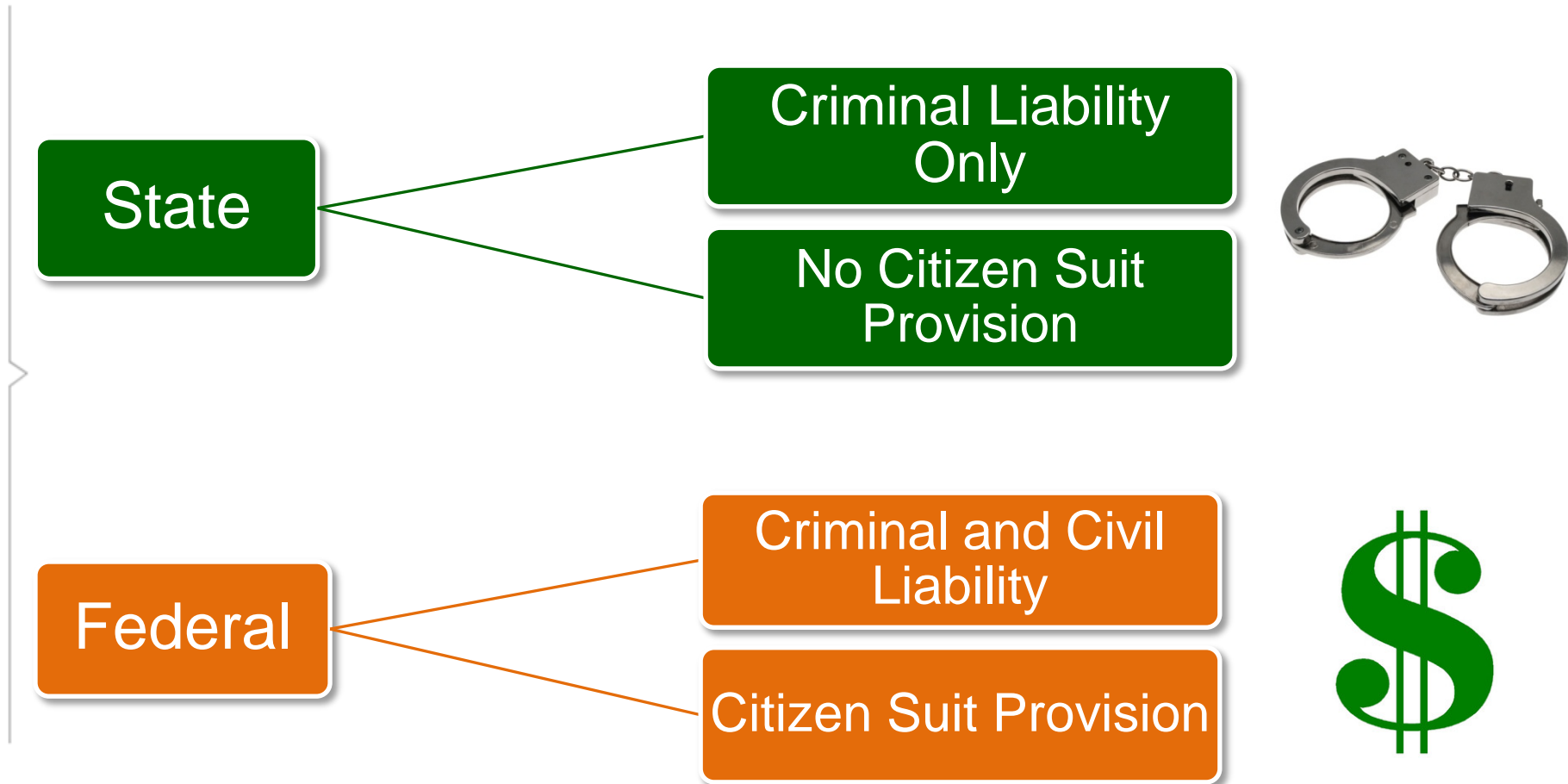
- Piping plovers – Essential Habitat
- Roseate terns – Essential Habitat
- Least tern – Essential Habitat

Other species listed include:

- 3 bat species
- Black racer snake
- 3 turtle species
- 3 freshwater mussels
- Mayflies/dragonflies



Liability/Enforcement



Thanks!



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Find discussion of the most critical and timely legal issues pertaining to the environment and natural resources on Verrill Dana's Environmental Law Blog, *Law of the Land (and Air and Water)*:

www.EnvironmentalLawUpdate.com