

Lynx wins vast protection

BY JOHN RICHARDSON
02/25/2009

Nearly 10,000 square miles of northern Maine forestland will be protected as critical habitat for Canada lynx, the U.S. Fish and Wildlife Service announced Tuesday.

The announcement is a reversal of the agency's 2006 decision to exempt Maine forestlands from the protected zone. That decision was abandoned after it was revealed that political pressure from a Bush administration official tainted the outcome.

"It was under a different administration and some of the decisions that were made back then came under scrutiny," said Lori Nordstrom, a Fish and Wildlife Service biologist based in Maine.

The ruling, to be published in the Federal Register today, means any activity in that area requiring a federal permit or federal funding will first be reviewed to determine the impact on lynx habitat. The cat is considered a threatened species under federal law, and Maine is the only Eastern state with a breeding population.

About 30,000 square miles of additional lynx habitat in Minnesota and Western states also will be protected, the agency said.

Maine conservationists praised the announcement as a long overdue layer of protection for the cats. "We're very happy. We think this is what they should have done in the first place," said Sally Stockwell, director of conservation for Maine Audubon.

Stockwell said the Maine lynx population has been showing signs of stress and declining numbers.

Timberland owners, however, are disappointed about a new regulatory layer that could add unnecessary costs and uncertainty to doing business in the region.

Patrick Strauch, director of the Forest Products Council, said the large timber companies that own most of the land proposed a voluntary research and management plan that would have offered more meaningful help for the lynx.

He said the new layer of rules announced Tuesday could instead provide another avenue for activists to challenge activities in the North Woods.

"It's not fear of managing for the species," he said. "It's fear of how others will use the critical habitat designation to impose more restrictions on forest products land."

The new designation is not expected to affect timber harvesting. It could come into play when landowners seek federal wetland permits for new roads or development, although federal officials have said the activity would have to eliminate a significant piece of the habitat area in order to be deemed a threat, Nordstrom said.

"The bottom line is we have to ensure the species isn't jeopardized or critical

habitat isn't adversely modified" so much that its places the population is at risk, she said. "Some people might see it as an avenue to stop development. That would rarely happen."

Portions of the proposed development by Plum Creek Timber Co. in the Moosehead Lake region could now be subject to the additional federal oversight. It's not clear whether the designation could stop or delay the project.

Mark Doty, resource manager and spokesman for Plum Creek in Maine, said the voluntary plan proposed by the Maine landowners would have been better for the lynx in the long run because they would have conducted research to help target conservation efforts.

He said the company will move forward with its development plans and continue to work with biologists to protect habitat.

"We are disappointed, of course," he said. "There's uncertainty associated with the designation. We don't know about time delays, possible imposed mitigation measures or project cancellations."

Plum Creek and other Maine landowners also argued against the habitat designation in 2006.

After meeting with Julie MacDonald, a former Interior Department deputy assistant secretary, officials in the Fish and Wildlife Service were told to leave Maine out of the lynx habitat area, although not by MacDonald directly.

MacDonald later resigned after an investigation found that she had overruled scientists and influenced the outcome of the lynx cases, as well as several other endangered species decisions that later were abandoned.

When announcing the 2006 decision, Nordstrom said Maine had been left out of the protected area because the federal agency wanted to maintain a cooperative relationship with landowners in order to protect the habitat.

Nordstrom said Tuesday that the agency still wants to work with landowners, but said the proposed management plan they submitted did not have guaranteed funding.

"We still want to preserve these partnerships. But this time around, we gave much more scrutiny to the development of these management plans," she said.

Maine's Department of Inland Fisheries and Wildlife opposed the federal designation and supported the voluntary agreement with landowners. Ken Elowe, the department's director of resource management, could not be reached for comment Tuesday.

Conservationists say that the decision won't stop development or habitat loss in the area.

"Finally, most of the core habitat in Maine for this imperiled species is going to be designated critical habitat," said Jym St. Pierre, Maine director of RESTORE: The Maine Woods. "Anything we can do to raise the visibility of this imperiled species will help to protect it."