



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
**BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING**

93 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333

**PAUL R. LEPAGE**  
 GOVERNOR

**WALTER E. WHITCOMB**  
 COMMISSIONER

**To:** Aaron Chrostowsky, Town Manager  
**From:** Phil Carey, Senior Planner  
**Date:** 3/30/2016  
**Re:** Acceptance of Comprehensive Plan for Review

Thank you for submitting the draft 2016 Wayne Comprehensive Plan Update for our review for consistency with the Growth Management Act (30 M.R.S.A. § 4312 et seq).

**The Department has accepted your plan for review.** You will be notified within 35 working days as to whether or not the plan is "complete". A Notification of Completeness means that portions of the plan other than the Future Land Use Plan have been found by the Department to be consistent with the Act. If the plan is found complete you will then be notified within an additional 10 working days as to the entire plan's consistency with the Growth Management Act.

**The Department cannot accept your plan for review due to missing element(s) of the plan.** Please submit the needed element(s) noted below in order for the plan review to begin. You may submit them to me via emailing or regular mail.

Included	Not Included	
X		A vision statement
X		A description of public participation in accordance with 30-A MRSA §4324
X		A regional coordination program
X		A Future Land Use Plan with associated maps and narrative
X		An implementation section
X		Provisions for periodic evaluation of the plan and its implementation
X		CD with Plan, including maps, as Microsoft Word and/or Adobe Acrobat file
X		One hard copy of Plan

Again, thank you for submitting your plan for our review. If you have any questions, please contact me by phone at (207) 287-3860 or by email at [phil.carey@maine.gov](mailto:phil.carey@maine.gov).

cc (via email): Elizabeth Hertz, Director, DACF Municipal Planning Assistance Program  
 Joel Greenwood, KVCOG

MUNICIPAL PLANNING ASSISTANCE PROGRAM  
 22 STATE HOUSE STATION  
 18 ELKINS LANE, HARLOW BUILDING  
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[WWW.MAINE.GOV/DACF/MUNICIPALPLANNING](http://WWW.MAINE.GOV/DACF/MUNICIPALPLANNING)



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PAUL R. LEPAGE  
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WALTER E. WHITCOMB  
 COMMISSIONER

May 18, 2016

Aaron Chrostowsky, Town Manager  
 Town of Wayne  
 P.O. Box 400  
 48 Pond Road  
 Wayne, ME 04284

Dear Mr. Chrostowsky;

The Department of Agriculture, Conservation & Forestry thanks the Town of Wayne for submitting its draft 2016 Comprehensive Plan for review for consistency with Maine's Growth Management Act.

Upon accepting your plan for review, we solicited comments from your neighboring communities, regional planning organization (KVCOG) and relevant state agencies. We subsequently received comments from the Maine Departments of Inland Fisheries & Wildlife; Agriculture, Conservation & Forestry; and Environmental Protection. Those written comments are attached to this letter.

At this time, we have concluded the first part of our review and can report that we find the draft 2016 Wayne Comprehensive Plan, dated 3/10/2016, to be **complete**.

Our finding of completeness is not conditional, however we urge the Comprehensive Planning Committee to consider revising the draft plan to reflect the corrections and suggestions contained in the agency comments. We will be happy to include such revisions in our review for consistency, which we expect to conclude no later than June 2, 2016.

Again, thank you for submitting your plan for our review. Please don't hesitate to contact me at 287-3860 or [phil.carey@maine.gov](mailto:phil.carey@maine.gov) if you have any questions.

Sincere Best Wishes,

Phil Carey  
 Senior Planner / Acting Director  
 Municipal Planning Assistance Program

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

To: Phil Carey, Municipal Planning Assistance Program, Department of Agriculture, Conservation and Forestry

From: Kristin Feindel, Watershed Management Unit, Division of Environmental Assessment, Department of Environmental Protection

Re: Wayne Comprehensive Plan Review

Date: May 4, 2016

I have reviewed Wayne's Comprehensive Plan in regards to freshwater surface waters. Overall the plan describes the status of surface water resources and the various threats and supportive actions well.

**Appropriate use of data provided by the DEP Division of Environmental Assessment**

- Figure 4-1 (Transparency Trends) seems to have incorrect information. Please see [www.lakesofmaine.org](http://www.lakesofmaine.org) for transparency information (as well as other water quality information) for the lakes in Wayne. Along with some of the numbers appearing incorrect, displaying years where there were no transparency readings taken as zero is very misleading. It makes it appear there was an extreme dip in water clarity those years, though this was not the case. Please update this Figure, or use those provided on the Lakes of Maine website.
- Given the large amount of study that has occurred regarding Androscoggin Lake, it would be good to reference some of these studies. In particular, the lake diagnostic study from 2000-2002.
- In the section "Impacts on Lake Water Quality" on page 30, the first sentence should be "as indicated by clarity measurements", rather than "turbidity measurements." Also in that section, it should be noted that Wilson Pond is listed as Impaired, per DEP's Integrated Report (not "on a 303(e) priority list by DEP for remediation efforts").
- In the section "Non-point Pollution" on page 33, third paragraph, it incorrectly states that all of Wayne's lakes are on DEP's NPS priority list, and has an incorrect citation.
  - Wayne lakes on DEP's NPS Priority Watersheds list ([http://www.maine.gov/dep/land/watershed/nps\\_priority\\_list/index.html](http://www.maine.gov/dep/land/watershed/nps_priority_list/index.html)) are Androscoggin Lake, Berry Pond, Dexter Pond, and Wilson Pond.
  - Wayne lakes on DEP's Lakes Most at Risk from New Development (DEP regs, ch 502) are Berry Pond, Dexter Pond, and Wilson Pond.

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- A discussion of the threats to streams themselves (not just as conduits to lakes), such as polluted runoff and potential threats to riparian areas, would be a good addition to the plan.

**How the plan's policies and implementation strategies promote the State goals relating to DEP's principal objectives and directives**

- The Comprehensive Plan's policies and implementation strategies appear to promote the State goals relating to DEP's principal objectives and directives.

**Consistency of plan with DEP's programs and policies; Measures DEP recommends the town take to ensure its plan addresses and identifies deficiencies and inconsistencies**

- The Town's Comprehensive Plan is consistent with the DEP Division of Environmental Assessment programs.

*Please feel free to contact me directly at 215-3461 or [kristin.b.feindel@maine.gov](mailto:kristin.b.feindel@maine.gov) if you have additional questions or would like more information.*



**Maine Department of Inland**

**Fisheries and Wildlife**

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Paul LePage, Governor

Chandler Woodcock,  
Commissioner

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Date: May 4, 2016  
To: Phil Carey  
From: John Maclaine  
Re: Town of Wayne Comprehensive Plan Review

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On behalf of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Beginning with Habitat program (BwH), we have reviewed the Town of Wayne's Draft Comprehensive Plan and provide the following comments.

As you are aware, MDIFW's mission is focused on the protection and enhancement of the State's freshwater fisheries and wildlife. The BwH program provides non-regulatory objective and comprehensive habitat information to equip local decision-makers with the necessary tools to make informed and responsible land use decisions that mesh wildlife habitat conservation with future Town growth needs. The comments submitted below are based on the Department of Agriculture, Conservation, and Forestry instructions for agency commenters.

Please feel free to contact me should you have any questions regarding this information.

**Appropriate use of data provided by MDIFW**

MDIFW data were appropriately used in the Wayne Comprehensive Plan; however, we provide suggestions below for improving the Town's discussion of natural resources, particularly wildlife and fishery resources. Data depicting high value plant and wildlife habitats and critical natural resources are available to all Maine municipalities through the BwH program and include various resources to help enhance the discussion of information contained in the BwH maps. Data are regularly updated, and we encourage Wayne to request information often in the future to ensure that land use decisions are based on the best available data.

**Relation of plan's policies and implementation strategies to MDIFW principal objectives and directives**

Wayne proposes an acceptable program for natural resource conservation within their community. The policies and implementation strategies proposed are consistent with MDIFW objectives and directives. We do include additional information below that could help improve the policies and strategies outlined within this plan.

During plan implementation, we encourage the Town to visit the BwH Online Toolbox ([http://www.beginningwithhabitat.com/toolbox/about\\_toolbox.html](http://www.beginningwithhabitat.com/toolbox/about_toolbox.html)). The Toolbox provides several examples of approaches for conserving local fish, wildlife, and plant resources and to mesh growth with habitat conservation. These examples were developed by and have been implemented in other Maine municipalities.

**Consistency of plan with MDIFW programs and policies**

We feel the proposed policies, strategies, and Future Land Use Plan are consistent with MDIFW programs and policies.

*Specific plan comments and recommendations are provided by John Maclaine (MDIFW Habitat Outreach Biologist), Wesley Ashe (Regional Fisheries Biologist), and Kendall Marden (Regional Wildlife Biologist).*

**Specific comments:**

**Page 22, Map 4-1:**

This map identifies Inland Waterfowl and Wading Bird Habitats (IWWHs) and other important natural resources, but there appears to be a lack of information and discussion of these habitats in either the Natural Resources section or the Wetlands section. We encourage Wayne to include additional discussion of these resources in the “Wildlife” section of the plan.

As clarified in a phone conversation with Town Manager, Aaron Chrostowsky, the data reflected in Map 4-1 is from 2014. We suggest that the mention of the 2011 map preparation be modified to clarify that the data are from 2014. Data contained in BwH maps are constantly updated so we suggest that Wayne request the most recent data from BwH during implementation of the Plan by visiting [http://www.beginningwithhabitat.org/the\\_maps/map\\_availability.html](http://www.beginningwithhabitat.org/the_maps/map_availability.html)

**Page 27, Last paragraph:**

The last sentence on page 27 is repeated.

**Page 28, First paragraph:**

This paragraph states: “Wayne’s Zoning Ordinances meet or exceed minimum State requirements.” We encourage the Town of Wayne to include examples of where Wayne’s ordinances exceed the state minimum requirements.

**Page 28, second paragraph:**

The specific habitats listed in the second sentence of this paragraph are Significant Wildlife Habitats and should be as follows: Inland Waterfowl and Wading Bird Habitats (IWWHs); Deer Wintering Areas (DWAs); Significant Vernal Pools (SVPs); and rare plant and animal habitat and natural communities. Significant Wildlife Habitats not located within the Town of Wayne include Seabird Nesting Islands; Shorebird Areas (shorebird feeding, nesting and roosting habitats); and Tidal Waterfowl and Wading Bird Habitats (TWWHs).

**Page 28, Wetland Mapping and Estimated Acreage**

The first paragraph states that Town records classify many wetland areas as “wasteland.” As established in this section, there have been many changes in our understanding of the functions and values wetlands provide since these areas were deemed “wastelands.” Additionally, there is a negative public perception associated with labelling wetlands as “wastelands” and may encourage damage to these habitats. If possible, we encourage the Town of Wayne to attempt to officially change the terminology to better reflect advances in our understanding of these important areas.

As with any municipality, the mapping of wetlands is hard to accurately represent on a landscape scale, especially for smaller wetland types. Wetlands can change over time and the only truly accurate way to map wetlands is with ground-truthed delineations. A significant problem with delineations related to a large-scale mapping effort is that they can become less accurate over time. Given these problems with the accurate mapping of wetlands over time, it may not be possible to have a wetland map for Wayne that is 100% comprehensive and accurate at all times. However, the effort outlined in this section is commendable and valuable, especially with town-owned properties, larger resources, and those that are shared with

neighboring communities. If the Town hasn't already, we encourage you to begin with the existing National Wetlands Inventory mapping resources available; additional useful information may be found at:

<https://www.fws.gov/wetlands/NWI/Overview.html>

**Page 28, Streams:**

MDIFW commends the Town of Wayne for the regional approach to protecting water quality and encourage the continuation of these regional efforts.

**Page 29, Vernal Pools, second paragraph:**

We recommend that this paragraph be clarified to state that the Maine Department of Environmental Protection has established criteria to identify vernal pools in collaboration with Maine Department of Inland Fisheries and Wildlife. Also, because Significant Vernal Pools (SVPs) are legally defined, we suggest that references to SVPs within the Plan be capitalized.

We commend the respective Conservation Commissions in Wayne and Readfield for their efforts to map Significant Vernal Pools. While some vernal pools have been identified in Wayne, it is important to note that a comprehensive statewide vernal pool inventory has not been completed at this time. It is possible that additional Significant Vernal Pools may be present within both towns. Additional vernal pool information is provided on the websites below:

<http://www.maine.gov/dep/water/wetlands/vernal.html>

[http://www.maine.gov/dep/land/nrpa/vernalpools/fs-vernal\\_pools\\_intro.html](http://www.maine.gov/dep/land/nrpa/vernalpools/fs-vernal_pools_intro.html)

**Page 29, Floodplains:**

The first paragraph of this section states that "Many floodplains occur on wetlands." To be more accurate, we suggest that this be clarified as, "Many floodplains contain wetlands."

**Page 35, Wildlife:**

In general, there is good information contained within this section, although we suggest that the Town elaborate more on each of the resources and issues presented. Below are several suggestions to improve the discussion related to wildlife:

*Deer Wintering Areas*

Since DWAs are legally defined as a Significant Wildlife Habitat, we suggest that references to DWAs be capitalized. Additionally, we suggest the Town of Wayne include additional information on DWAs in this section of the Plan.

Deer require mature conifer stands to survive moderate to severe winter conditions. Mature spruce, balsam fir and hemlock provide the best winter shelter for deer; however conifer cover is not the only condition that defines a deer wintering area. Landform (low elevation, aspect, and proximity to water) plays an important role in determining where deer attempt to winter in a given area. Because of the contribution of landform attributes, historical deer wintering areas may support wintering deer in the future given appropriate forest cover. We encourage landowners interested in managing for deer habitat to contact MDIFW Region B Wildlife

Biologist Keel Kemper at (207) 547-5319 for more information. Below are links to information regarding MDIFW's DWA data and additional resources on managing DWAs.

<http://www.maine.gov/megis/catalog/metadata/dwa.html>

[http://maine.gov/ifw/wildlife/species/pdfs/DWA\\_Guidelines\\_2.4.10.pdf](http://maine.gov/ifw/wildlife/species/pdfs/DWA_Guidelines_2.4.10.pdf)

#### *Habitat Block Fragmentation*

Undeveloped habitat blocks provide relatively undisturbed habitat conditions required by many of Maine's species. Habitat connections provide necessary opportunities for wildlife to travel between preferred habitat types in search for food, water, and mates. As stated in the second paragraph, roads and development fragment habitat blocks and can be barriers to wildlife travel. MDIFW encourages the Town to include further discussion of the importance of habitat and riparian connectors, and how that information might be used to inform future transportation and land use decisions.

[http://www.beginningwithhabitat.org/the\\_maps/map3-undev\\_habitat.html](http://www.beginningwithhabitat.org/the_maps/map3-undev_habitat.html)

Additional information is provided in our comments related to Transportation below.

#### **Page 36, Figure 4-2**

MDIFW suggests that Figure 4-2 be clarified; specifically, the title should indicate that it refers to common loons. Also, it is unclear what the numbers shown in this chart are referring to. It is not clear if this should be the number of chicks per breeding pair or per adult as stated. Also, is the data showing number of chicks hatched per adult, the number of chicks fledged, the number of chicks that reach a certain age, or just known observations on a given day? We suggest that this chart also include the source of the data being shown.

#### **Page 37, Fisheries:**

In the second paragraph, it states that "native" brook trout presence in Wayne is unknown. Recent MDIFW stream surveys in Wayne have found a number of wild brook trout. These populations are a valuable inland fisheries resource and we recommend that this information be updated. For more information, we encourage the Town of Wayne to contact our Regional Fisheries Biologist Jason Seiders in our Sidney office at (207) 547-5314.

The last paragraph of this section states that there are "no significant barriers to fish passage in the Berry, Dexter, Wilson chain, before the Wilson Pond Dam." Although this may be true, based on data from the Maine Stream Habitat Viewer (see information and link below), which includes survey information on public road crossings of streams, there appear to be at least five (5) road stream crossings in Wayne that are considered barriers to fish passage and three (3) crossings that are potential barriers. We suggest that this section be clarified to explain what is meant by "no significant barriers" and include information on road crossing barriers to fish passage. There are additional resources and information provided below in our comments related to the Transportation chapter of Wayne's Plan.

#### *Maine Stream Habitat Viewer*

The Maine Stream Habitat Viewer was created by the Maine Stream Connectivity Work Group, a partnership of public and non-profit organizations, to enhance the assessment of public road

crossings on a statewide scale. The viewer displays locations of dams and public road crossings, which can act as barriers to the movements of fish and wildlife, as well as information on how well each structure functions in passing fish and wildlife. Where aging dams and road crossings block fish passage, assistance is available to help find solutions. Use the "Contacts" list in the following link to learn more about the habitats displayed, funding sources, and Stream-Smart crossings.

<http://mapserver.maine.gov/streamviewer/streamdocHome.html>

**Page 44, Map collection:**

Typo: There is an extra period after "with" in the reference to BwH.

BwH is a collaborative program of federal, state and local agencies and non-governmental organizations, which is housed in Maine Department of Inland Fisheries and Wildlife.

**Page 55, Transportation section**

We encourage Wayne also consider strategies for enhancing passage and habitat connectivity for both terrestrial and aquatic organisms during transportation planning. Up to 80% of Maine's terrestrial vertebrate wildlife species use riparian areas sometime during their life cycle, so these areas can be vitally important connections between habitats for many terrestrial species in addition to fish. Many stream culverts and other crossing structures pose barriers to fish and wildlife movement due to factors including undersized structures, and perched or hanging culverts. We recommend that the Town consider the importance of both aquatic and terrestrial wildlife passage using properly designed stream crossing structures where appropriate. An introduction to the importance of riparian habitat and connections can be found at:

[http://maineaudubon.org/wp-content/uploads/2012/08/MaineAudubonConnectors\\_singlepages.pdf](http://maineaudubon.org/wp-content/uploads/2012/08/MaineAudubonConnectors_singlepages.pdf)

<http://www.beginningwithhabitat.org/pdf/MARoadsWildlife-FINAL.pdf>

[http://www.maine.gov/dep/land/publications/stream\\_crossing\\_poster.pdf](http://www.maine.gov/dep/land/publications/stream_crossing_poster.pdf)

<http://stayingconnectedinitiative.org/assets/Terrestrial-Exec-Summary.pdf>

***Stream Smart***

The Town may want to consider the use of *Stream Smart* techniques for improving wildlife and fish passage at culverts where appropriate as the Town considers replacement or rehabilitation of stream crossing structures. *Stream Smart* road crossings support natural stream hydrology and support passage of fish and wildlife under roads. See link below for more information:

<http://maineaudubon.org/streamsmart/>

***Municipal Assistance for stream crossing projects***

Maine Department of Environmental Protection (DEP) has a program to assist municipalities with funding properly-designed stream crossing replacements. Although the most recent bond deadline has passed, we encourage Wayne to check DEP's website periodically for information

on upcoming requests for proposals:

[http://www.maine.gov/dep/land/water\\_bond\\_rfp.html](http://www.maine.gov/dep/land/water_bond_rfp.html)

**Page 84, Residential Land Use**

We applaud Wayne's commitment to working with community organizations to improve water quality and encourage the Town to pursue opportunities to partner with nearby municipalities regarding these shared resources.

Wayne may wish to explore concepts such as conservation subdivisions during discussions of residential growth. The link below contains additional information and examples of various municipal approaches available:

[http://beginningwithhabitat.org/toolbox/land\\_subdivision.html](http://beginningwithhabitat.org/toolbox/land_subdivision.html)

## Maine Natural Areas Program Comments on 3/10/2016 Draft Wayne Comprehensive Plan

The map on page 22, Map 4-1, Important Natural Resources looks pretty good, though it should be updated. There are several MNAP features on Lothrop Island/Dead River Floodplain that extend into Wayne and should be showing on this map. The date on the map is 2014. Newer information should be used for the map for the comp plan.

In addition, we strongly urge the town to use only the legend for "Rare Plants and Ecosystems" on the map and to NOT specifically label the features on the map. There are two species within the town that are subject to collection pressure, and having some plants labeled on the map but not these two would make it easy for somebody to figure out what and where they are. If the town has any questions about this they should contact Don Cameron directly ([287-8041/don.s.cameron@maine.gov](mailto:287-8041/don.s.cameron@maine.gov)).

Though the map is generally good, it is placed in the comp plan between Topography and Slope (p. 21) and Soils (p. 23). It is not listed on the table of contents, nor is any of the information on the map discussed in the plan. Wayne is home to several rare plants, rare animals, exemplary rare natural community types, and significant wildlife habitats. MDIFW can speak to the specifics regarding animals and their habitats, but we feel that there should be some discussion about the value of all of these natural resource features for the town.

Wayne also hosts a Focus Area of Statewide Ecological Significance, Androscoggin Lake. Though the majority of the focus area is not in the town, there is a sizeable portion that includes the islands of the lake on the western side of Wayne. More info can be found here, [http://www.maine.gov/dacf/mnap/focusarea/androscoggin\\_lake\\_focus\\_area.pdf](http://www.maine.gov/dacf/mnap/focusarea/androscoggin_lake_focus_area.pdf).

Perhaps the natural resources map and discussion of the natural resource features and the focus area within the town could be together, and under a separate header, perhaps just after Floodplains.

Here's a table of the rare plants and natural communities in Wayne.

Scientific Name	Common Name	State Status	State Rank	Global Rank
Maple - basswood - ash forest	Enriched Northern Hardwoods Forest	N/A	S3	GNR
Silver maple floodplain forest	Silver Maple Floodplain Forest	N/A	S3	GNR
<i>Carex typhina</i>	Cattail Sedge	E	S1	G5
<i>Ceanothus americanus</i>	New Jersey Tea	T	S1S2	G5
Rare Plant	Rare Plant	E	S1	G3
Rare Plant	Rare Plant	SC	S3	G4
<i>Fimbristylis autumnalis</i>	Fall Fimbry	SC	S2S3	G5
<i>Lipocarpha micrantha</i>	Dwarf Bulrush	T	S1	G5
<i>Sorghastrum nutans</i>	Indian Grass	E	S1	G5

### State Status

- E Endangered; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.

- T** Threatened; Rare and, with further decline, could become endangered; or federally listed as Threatened.
- SC** Special concern; A species that does not meet the criteria for E or T, but is particularly vulnerable and could easily become a Threatened, Endangered, or Extirpated Species.

**State Rank (State Rarity Rank)**

- S1** Critically imperiled in Maine because of extreme rarity or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine.
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.

**Global Rank (Global Rarity Rank)**

- G1** Critically imperiled globally because of extreme rarity or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity or because of other factors making it vulnerable to further decline.
- G3** Globally rare.
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.

For more information about rare animals and animal habitats, please contact MDIFW at 287-5260. For more information about rare plants and natural communities and ecosystems, please contact MNAP at 287-8044.

Thank you,

**Lisa St. Hilaire**

Information Manager | Maine Natural Areas Program  
Department of Agriculture, Conservation and Forestry  
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