**09-137 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**Chapter 29: SPECIES OF SPECIAL CONCERN**

**29.01 Scope of Rules**

Pursuant to 12 MRSA §10105, sub-§19, the Commissioner has the authority to develop a list of species of special concern, which are any species of fish or wildlife that does not meet the criteria as Endangered or Threatened but is particularly vulnerable, and could easily become an Endangered, Threatened, or Extirpated species due to restricted distribution, low or declining numbers, specialized habitat needs or limits, or other factors. Species of special concern are defined by 12 MRSA §10001 and used by the Department for planning and informational purposes, including when providing recommendations and advice on land use activities.

**29.02 Designation of Species of Special Concern**

 A. In determining whether a species meets one or more of the standards for designating a species of special concern, qualifications for consideration, population guidelines, and other factors will be considered. For the purposes of this chapter, "species" will mean "species" or "subspecies" and "populations" will mean all individuals of the species, statewide.

 1. **Qualifications for Consideration**

 A species may only be recommended for listing as a state Special Concern species if it meets all of the following qualifications:

 a. It is a species of mammal, bird, fish, amphibian, reptile, or invertebrate wild by nature as distinguished from domestic species;

 b. It is an indigenous species to Maine, meaning it is not an exotic deliberately or accidentally introduced into Maine, the United States, or North America.

 c. It is a species that spends some portion of its annual cycle in Maine, including breeding, migration, or wintering, but is not a vagrant or accidental visitor;

 d. It is a species that has not expanded into Maine within the past 50 years as part of a general range expansion, unless it historically occurred in Maine, is threatened or declining throughout a significant portion of its total range, or other significant risk factors have been identified;

 e. It is a species that has not been reintroduced into Maine as part of an experimental wildlife management program, unless listing is part of the reintroduction plan; and

 f. It is taxonomically classified no finer than a subspecies, unless federally Endangered or Threatened.

 2. **Population Guidelines**

 The following population characteristics, when available, will be considered by the Commissioner when determining whether a species meets the definition of a species of special concern in accordance with 12 M.R.S.A. §10001.

 a. Population vulnerability,

 b. Population trend,

 c. Population distribution,

 d. Population fragmentation,

 e. Endemism, meaning the species entirely or largely occurs only in Maine and immediate bordering jurisdictions, and

 f. Regional concern

 3. **Other Factors**

 In addition to population guidelines (2) above, other factors, including range or habitat loss, disease, predation, over-utilization, inadequacy of regulations, and other natural or human-related factors as measured through observation, inference, or projection, will be considered when determining whether to include a species on the list of species of special concern.

 4. **Listing Handbook**

The Department shall utilize the “Endangered and Threatened Species Listing Handbook” that will provide scientifically based listing guidelines and criteria based on Sections A-1, 2, and 3 of this rule to guide the listing process.

**5. Review of List**

At least every 10 years, the Department shall initiate a review of the list of Species of Special Concern to determine if any species should be added to, deleted from, or changed to or from the subcategory of Rare Species of Special Concern.

**29.03 Designation of Rare Species of Special Concern**

The Commissioner of Inland Fisheries and Wildlife shall designate a subcategory of species identified as being of special concern that are classified as rare and may be used for advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules.

Rare species shall be those Special Concern species that are dependent on specific habitat types or limited breeding locations known to be particularly vulnerable to loss or disturbance; a species that is geographically limited (e.g. < 10 sites in the state); a species identified as vulnerable (NatureServe G3 or higher, IUCN VU or higher); a species highly vulnerable to climate change; or that qualifies for MESA status, but has not yet been listed.

**29.04 List of Species of Special Concern**

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| **BIRDS** |  |
| Leach’s Storm-petrel (*Oceanodroma leucorhoa)* | Special Concern - RARE |
| Great Blue Heron *(Ardea Herodias)* | Special Concern - RARE |
| Greater Scaup (*Aythya marila)* | Special Concern |
| Northern Harrier *(Circus cyaneus)* | Special Concern |
| American Coot (breeding population only) *(Fulica americana)* | Special Concern - RARE |
| Lesser Yellowlegs *(Tringa flavipes)* | Special Concern - RARE |
| American Oystercatcher (*Haematopus palliates)*  | Special Concern - RARE |
| Whimbrel (*Numenius phaeopus)* | Special Concern - RARE |
| Red Knot (*Calidris canutus)* | Special Concern - RARE |
| Red-necked Phalarope (*Phalaropus lobatus)* | Special Concern |
| Semipalmated Sandpiper (*Calidris pusilla)* | Special Concern - RARE |
| Purple Sandpiper (*Calidris maritima)* | Special Concern - RARE  |
| Bonaparte’s Gull (breeding population only) (*Chroicocephalus Philadelphia)* | Special Concern - RARE |
| Laughing Gull (*Larus atricilla)* | Special Concern  |
| Common Murre (*Uria aalge)* | Special Concern - RARE |
| Eastern Whip-poor-will (Antrostomus vociferus) | Special Concern - RARE |
| Chimney Swift (*Chaetura pelagica)* | Special Concern |
| Olive-sided Flycatcher (*Empidonax minimus)* | Special Concern - RARE |
| Eastern Kingbird (T*yrannus tyrannus)* | Special Concern |
| Eastern Wood-Pewee (*Contopus virens)* | Special Concern |
| Loggerhead Shrike (*Lanius ludovicianus)*  | Special Concern |
| Horned Lark (breeding population only) (*Eremophila alpestris)* | Special Concern - RARE |
| Purple Martin (*Progne subis)* | Special Concern - RARE  |
| Barn Swallow (*Hirundo rustica)* | Special Concern |
| Northern Rough-winged Swallow (*Stelgidopteryx serripennis)* | Special Concern - RARE |
| Cliff Swallow (*Petrochelidon pyrrhonota)* | Special Concern - RARE  |
| Bank Swallow (*Riparia riparia)* | Special Concern - RARE  |
| Tree Swallow (*Tachycineta bicolor)* | Special Concern |
| Bicknell’s Thrush (*Catharus bicknelli)* | Special Concern - RARE  |
| Brown Thrasher (*Toxostoma rufum)* | Special Concern |
| Bay-breasted Warbler (*Setophaga castariea)* | Special Concern |
| Cape May Warbler (*Setophaga tigrine)*  | Special Concern - RARE  |
| Blackpoll Warbler (*Setaphaga striata)* | Special Concern - RARE  |
| Common Nighthawk (*Chordeiles minor)* | Special Concern - RARE  |
| Canada Warbler (*Wilsonia canadensis)* | Special Concern |
| Tennessee Warbler (*Vermivora peregrina)* | Special Concern |
| Fox Sparrow (breeding population only) (*Passerella iliaca)* | Special Concern  |
| Nelson’s Sparrow (*Ammodramus nelson)* | Special Concern - RARE |
| Saltmarsh Sparrow (*Ammodramus caudacutus)* | Special Concern - RARE  |
| Vesper Sparrow (*Pooecetes gramineus)* | Special Concern - RARE |
| American Kestrel (*Falco sparverius)* | Special Concern |
| Eastern Towhee (*Pipilo erythrophthalmus)* | Special Concern |
| Rusty Blackbird (*Euphagus carolinus)* | Special Concern - RARE  |
| Eastern Meadowlark (*Sturnella magna)* | Special Concern - RARE |
| Evening Grosbeak (breeding population only)**(**Coccothraustes vespertinus) | Special Concern  |
| Field Sparrow (*Spizella pusilla)* | Special Concern |
| Bobolink (*Dolichonyx oryzivorus)* | Special Concern |
| American Three-toed Woodpecker (*Picoides dorsalis)* | Special Concern - RARE |
| **INVERTEBRATES**  |  |
| **Mayflies** |  |
| Brown’s Comb Minnow Mayfly (*Ameletus browni*) | Special Concern - RARE |
| **Bumble Bees**  |  |
| Rusty Patched Bumble Bee (*Bombus affinis*)  | Special Concern - RARE  |
| Lemon Cuckoo Bumble Bee (*Bombus citrinus*) | Special Concern |
| Ashton’s Cuckoo Bumble Bee (*Bombus ashtoni*) | Special Concern - RARE  |
| Yellow Bumble Bee (*Bombus fervidus*) | Special Concern - RARE |
| Indiscriminate Cuckoo Bumble Bee (*Bombus insularis*) | Special Concern - RARE |
| **Butterflies** |  |
| Dusted Skipper (*Atrytonopsis hianna*) | Special Concern - RARE  |
| Early Hairstreak (*Erora laeta*) | Special Concern - RARE |
| Leonard’s Skipper (*Hesperia leonardus*) | Special Concern - RARE |
| Cobweb Skipper (*Hesperia metea*) | Special Concern - RARE |
| Spicebush Swallowtail (*Papilio troilus*) | Special Concern - RARE |
| Northern Blue (*Plebejus idas scudderi*) | Special Concern - RARE |
| Crowberry Blue (*Plebejus idas empetri*) | Special Concern - RARE |
| Satyr Comma (*Polygonia satyrus*) | Special Concern - RARE |
| Coral Hairstreak (*Satyrium titus*) | Special Concern - RARE |
| Hoary Elfin (*Callophrys polios*) | Special Concern - RARE |
| Silvery Checkerspot (*Chlosyne nycteis*) | Special Concern - RARE |
| Short-tailed Swallowtail (*Papilio brevicauda gaspeensis*) | Special Concern - RARE |
| Monarch (*Danaus plexippus*) | Special Concern |
| **Moths** |  |
| Barrens Itame (*Macaria* *exonerata; f. Itame sp. 1 nr inextricata, Speranza* ) | Special Concern - RARE  |
| Bold-based Zale Moth (*Zale lunifera; f. Z. sp. 1 nr. lunifera)* | Special Concern - RARE  |
| Eastern Buckmoth (*Hemileuca maia maia*) | Special Concern - RARE  |
| Broad Sallow Moth (*Xylotype capax*) | Special Concern - RARE  |
| Oblique Zale (*Zale obliqua*) | Special Concern - RARE  |
| Red-winged Sallow (*Xystopeplus rufago*) | Special Concern - RARE  |
| Similar Underwing (*Catocala similis*) | Special Concern - RARE  |
| **Damselflies** |  |
| New England Bluet (*Enallagma laterale*) | Special Concern - RARE |
| Citrine Forktail (*Ishnura hastata*) | Special Concern - RARE |
| Dusky Dancer (*Argia translata*) | Special Concern - RARE |
| Tule Bluet (*Enallagma carunculatum*) | Special Concern - RARE |
| Big Bluet (*Enallagma durum*) | Special Concern - RARE |
| Scarlet Bluet (*Enallagma pictum*) | Special Concern - RARE |
| **Dragonflies** |  |
| Canada Whiteface (*Leucorrhinia patricia*) | Special Concern - RARE |
| Southern Pygmy Clubtail (*Lanthus vernalis*) | Special Concern - RARE |
| Sedge Darner (*Aeshna juncea*) | Special Concern - RARE |
| Arrowhead Spiketail (*Cordulegaster obliqua*) | Special Concern - RARE |
| Swamp Darner (*Epiaeschna heros*) | Special Concern - RARE |
| Cobra Clubtail (*Gomphus vastus*) | Special Concern - RARE |
| Pygmy Snaketail (*Ophiogomphus howei*) | Special Concern - RARE |
| Common Sanddragon (*Progomphus obscurus*) | Special Concern - RARE |
| Spatterdock Darner (*Rhionaeschna mutata*) | Special Concern - RARE |
| Ringed Emerald (*Somatochlora albicincta*) | Special Concern - RARE |
| Quebec Emerald (*Somatochlora brevicincta*) | Special Concern - RARE |
| Arrow Clubtail (*Stylurus spiniceps*) | Special Concern - RARE |
| **Tiger Beetles** |  |
| White Mountain Tiger Beetle (*Cicindela ancocisconensis*) | Special Concern - RARE |
| Salt Marsh Tiger Beetle (*Cicindela marginata*) | Special Concern - RARE  |
| **Snails** |  |
| Bigmouth Pond Snail (*Stagnicola mighelsi*) | Special Concern - RARE  |
| Malleated Vertigo (*Vertigo malleata*) | Special Concern - RARE  |
| **HERPETOFAUNA**  |  |
| **Reptiles** |  |
| Wood Turtle (*Glyptemys insculpta*) | Special Concern - RARE |
| Ribbon Snake (*Thamnophis sauritus*) | Special Concern - RARE |
| **Amphibians** |  |
| Northern Spring Salamander (*Gyrinophilus porphryticus*) | Special Concern - RARE |
| Northern Leopard Frog (*Lithobates pipiens*) | Special Concern |
| **INLAND FISH** |  |
| Arctic Charr | Special Concern - RARE |
| Bridle Shiner | Special Concern - RARE |
| Creek Chubsucker | Special Concern - RARE |
| Longnose Dace | Special Concern - RARE |
| Lake Whitefish | Special Concern - RARE |
| **MAMMALS**  |  |
| **Carnivores** |  |
| Canada Lynx (*Lynx canadensis*) | Special Concern |
| **Bats** |  |
| Big Brown Bat (*Eptesicus fuscus*) | Special Concern |
| Red Bat (*Lasiurus borealis*) | Special Concern |
| Hoary Bat (*Lasiurus cinereus*) | Special Concern |
| Silver-haired Bat (*Lasionycteris noctivigans*) | Special Concern |
| Tri-colored Bat (*Perimyotis subflavus*) | Special Concern - RARE  |
| **Rodents** |  |
| Penobscot Meadow Vole (*Microtus pennsylvanicus shattucki*)  | Special Concern - RARE |

STATUTORY AUTHORITY:

 12 MRS §§ 10105, 12152

EFFECTIVE DATE:

 February 27, 2022 – filing 2022-024