

# **Maine Conservation Partnership Agreement**

**(“Conservation Agreement” or “Agreement”)**

For the Benefit of Canada Lynx in Maine by and between the,

U.S. Fish and Wildlife Service (“Service” or “USFWS”),  
Maine Department of Inland Fish and Wildlife (“IFW”), and the  
Maine Forest Products Council (“MFPC”),  
(collectively, “Parties”)

**August 27, 2008 DRAFT**

- 1. Whereas, pursuant to Section 4 of the Endangered Species Act (the “Act”), on February 28, 2008, the U.S. Department of Interior, Fish and Wildlife Service (“Service”) proposed to designate 27 million acres of land in 6 states as critical habitat for the Canada lynx (*Lynx canadensis*) a threatened species under the Act,**
- 2. Whereas, in the state of Maine the Service proposed to designate approximately 6.8 million acres of federal, tribal, state, and private land as critical habitat for the Canada lynx,**
- 3. Whereas, 74% of the private lands in Maine designated as critical habitat are owned by MFPC’s members,**
- 4. Whereas, the MFPC, as a Party to this Agreement, provides the Service with a single point of contact and access to a multitude of private landowners to serve in partnership for the benefit of lynx conservation,**
- 5. Whereas, this Conservation Agreement provides the Service with a geographically extensive partnership under a single agreement that includes 74% of the proposed Canada lynx critical habitat designation’s Northern Maine Unit 1, and,**
- 6. Whereas, recognizing the long-standing existing cooperation between the Parties to conserve the Canada lynx through coordinated research funding and collaborative relationships with the University of Maine,**
- 7. Whereas, through the annual technical sessions as provided in this Conservation Agreement, the Service will be regularly updated on forest management practices and trends as they may relate to Canada lynx habitat management to inform and guide conservation commitments in this Agreement,**

**I. Purpose.** The purpose of this Agreement is to memorialize commitments and adopt a conservation strategy to preserve and protect the Canada lynx on private lands in the northern portion of the State of Maine.

The overarching benefits from the Agreement will:

1. Encourage funding of state-of-the-art habitat assessment and continued lynx research;
2. Promote education and information dissemination of lynx habitat requirements;
3. Develop multi-species planning guidelines;
4. Increase collaboration amongst the parties of this Agreement to ultimately derive significant contributions toward lynx habitat management.

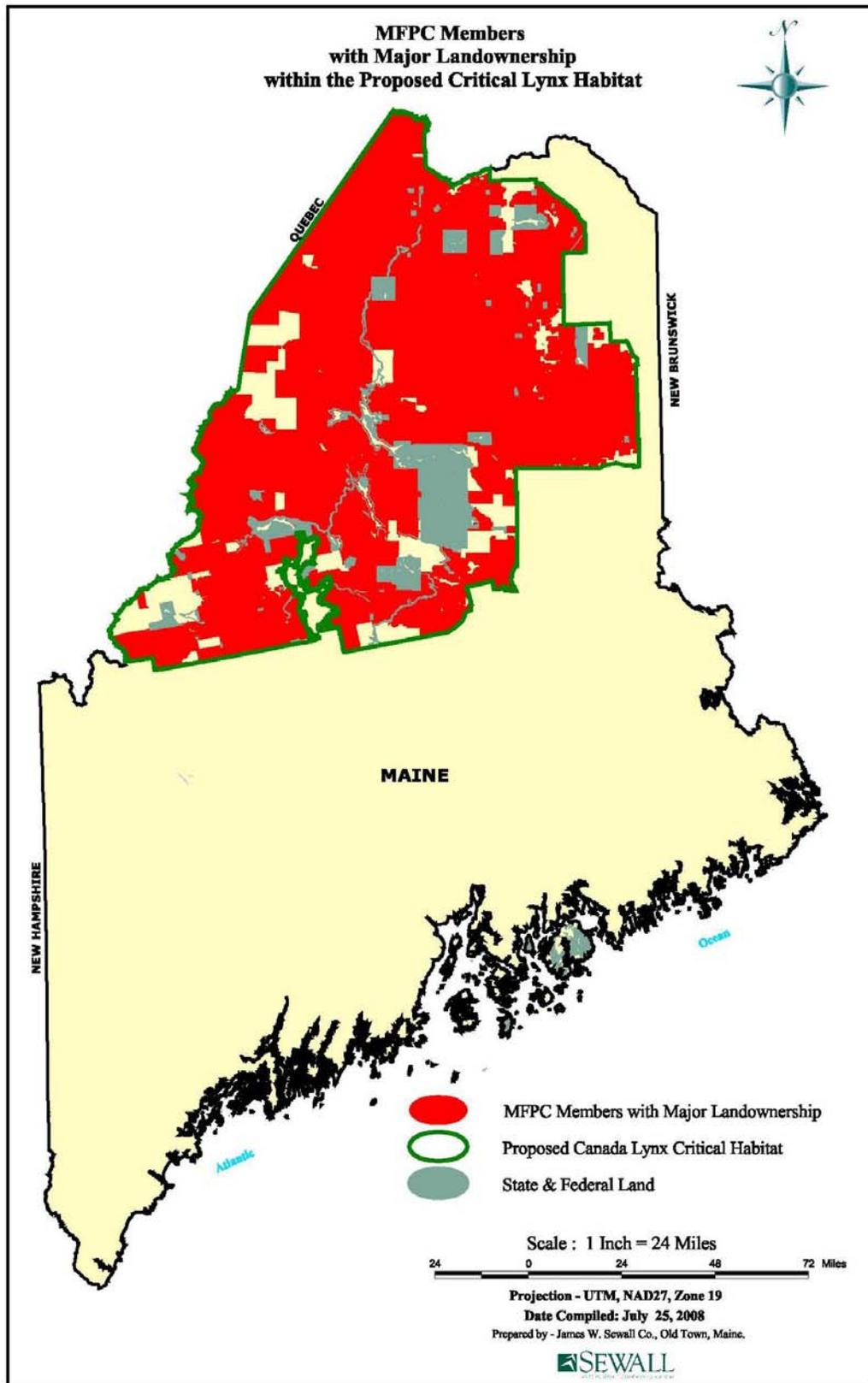
**II. Geographic Scope.** The Service has proposed approximately 6.8 million acres of state, private, federal, tribal and other ownerships for designation as critical habitat for Canada lynx in the Northern Maine Unit 1. The vast majority (approximately 6.2 million acres) of the proposed designation is on private lands (Federal Register 2008). These lands are owned mostly by large organizations and are managed primarily for sustained production of forest products under accepted silvicultural practices and regulated by the Maine Forest Practices Act (MFPA; Maine Department of Conservation 1999). MFPC member lands within the proposed Canada lynx critical habitat designation comprise approximately 74% of the 6.8 million acres of lands proposed for designation as critical habitat in Unit 1 (Figure 1). State and federal lands in the proposed Canada lynx critical habitat designation comprise about 8%.

### **III. Conservation Agreement Commitments.**

#### **A. Canada Lynx Landscape-level Habitat Assessment.**

**1. Findings.** Fundamental to any conservation planning for a species is the accurate assessment of key habitat components across the landscape occupied by the species. For the lynx, the key habitat component is boreal forest within the successional stages that support snowshoe hare prey densities. Through individual membership in the University of Maine's Cooperative Forestry Research Unit (CFRU), many MFPC

Figure 1 – Maine Forest Product Council Ownership within the Proposed Canada Lynx Critical Habitat Designation.



members have contributed to research that has improved the ability to predict, map and analyze Canada lynx habitat across mixed ownerships in Maine<sup>1</sup>. The CFRU, through their association with the University of Maine, provides independent third-party research. The CFRUs recent habitat mapping pilot project assessed Canada lynx habitat on about 4 million acres of northern Maine lands. Funding is needed to evaluate the feasibility and funding requirements to map lynx habitat on MFPC member lands that have been proposed for critical habitat designation. If feasible, this program could: 1) inform landscape-level habitat analyses of snowshoe hare and Canada lynx; 2) guide opportunities for adaptive management; and 3) document the shifting mosaic of lynx habitat created by silvicultural practices. Collectively, these outcomes may assist the MFPC, USFWS, and ME IFW with landscape-level planning for other species.

## **2. Canada Lynx Landscape-level Habitat Assessment Commitments:**

**a). Financial Support.** Within the Unit 1 (Northern Maine) proposed Canada lynx critical habitat designation, MFPC will encourage its members to continue to provide funding and in-kind contributions to support the lynx research program through their individual memberships in the CFRU at the University of Maine. Since beginning its lynx and snowshoe hare research program in 2000, CFRU members have contributed more than \$515,000 to directly support nine distinct research projects assessing the impact of forest management on snowshoe hare and lynx populations in Maine.

**b). Ground-truthing of Lynx Habitat.** MFPC will encourage its landowner member companies to assist, as reasonably requested, with the ground-truthing of past, present and future lynx habitat, based on results from the CFRU lynx research program and other relevant scientific research. MFPC member companies have the data necessary to provide such verification within their inventories. In addition, MFPC landowner members have professional foresters, resource supply analysts, GIS specialists, and biologists that can be an invaluable resource for forecasting and interpreting lynx habitat quality and supply issues as well as imparting local knowledge of the lands they manage.

**c). Landowner Lynx Habitat Analyses.** MFPC will encourage its landowner member companies to assist, as reasonably requested and technically available, to perform their own lynx habitat analyses to supplement or compliment the University of Maine's mapping methodology, given the unique abilities and data available to many of the forest product companies in MFPC, and as collaboratively decided among the Parties through the annual workshop process in this Agreement (see Section III.E hereto).

## **B. Canada Lynx Research and Monitoring.**

**1. Findings.** The latest research shows that through their past harvesting and silvicultural practices, MFPC members have enhanced lynx habitat in Maine, which now supports the largest lynx population in the lower 48 states<sup>2</sup>. Several key elements of lynx

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<sup>1</sup> See Appendix A for a description of the Cooperative Forestry Research Unit and its role in lynx research in Maine.

<sup>2</sup> Hoving, C.L., D.J. Harrison, W.B. Krohn, R.A. Joseph, and M. O'Brien. 2005. Broad scale predictors of Canada lynx occurrence in eastern North America. *Journal of Wildlife Management* 69:739-751.

population dynamics and habitat relationships are in need of further investigation. The CFRU is currently completing a study of the role of partial harvesting in maintaining snowshoe hare densities compatible with landscape occupancy by lynx. The role of partial harvesting is especially important because passage of the MFPA in 1988 has reduced the size and acreage of clearcutting in the primary lynx range. A variety of partial harvesting techniques have become dominant since then. MFPC members have participated in lynx research and monitoring efforts and will encourage their members to continue to provide future funding, through the CFRU, to inform future conservation planning for Canada lynx. Since beginning its lynx and snowshoe hare research program in 2000, CFRU members have contributed more than \$515,000 to directly support nine distinct research projects assessing the impact of forest management on snowshoe hare and lynx populations in Maine. A description of ongoing lynx and hare research and monitoring is summarized in Appendix A.

**2. Canada Lynx Research and Monitoring Commitment.** MFPC will support Canada lynx research and monitoring through:

- a) **Financial Support.** MFPC will encourage its landowner members to provide financial support for collaborative lynx research efforts, through their individual participation in the Cooperative Forestry Research Unit (CFRU) at the University of Maine. Collaborative discussions regarding research and monitoring needs and priorities will be communicated to the CFRU to stimulate relevant lynx research proposal development within the CFRU.
- b) **Access to Study Site Locations and Support for Field Logistics.** MFPC will support lynx research and monitoring efforts by encouraging members to allow access to their lands and will assist lynx research and monitoring efforts by encouraging members to offer logistical in-kind assistance (e.g., lodging, field maps, etc.) that will aid the efficiency of the research.

### **C. Information and Education Exchange.**

**1. Findings.** One of the most valuable components of the Agreement is to broaden the understanding of Canada lynx habitat management and to disseminate the best available scientific information on Canada lynx throughout all levels of the forest products industry. Continuation and expansion of existing information and education programs will broaden the understanding of lynx habitat management as new information becomes available.

**2. Information Dissemination and Education Commitment.** The Parties will support continuation and expansion of existing information and education programs through implementation of such components as:

- a) **Professional Education.** The Parties will facilitate workshops by inviting qualified organizations to present special research and management information to the Parties;

- b) **Training Programs.** Existing training programs which could be expanded with Canada lynx education components include;
  - 1. SFI State Implementation Committee training modules for foresters and loggers;
  - 2. Certified Logging Professional training modules for loggers;
  - 3. Northeast Region Council On Forest Engineering;
  - 4. Individual MFPC member company training to foresters and land managers.
- c) **Websites.**
  - 1. CFRU website will continue to provide updated lynx research publications as they become available;
  - 2. State of Maine or MDIFW website could contain lynx information;
  - 3. USFWS website could contain lynx information;
  - 4. Maine Forest Service documents could contain lynx information.
- d) **Newsletters.**
  - 1. MFPC could publish and distribute USFWS or other entity articles on lynx;
  - 2. MDIFW quarterly magazine could include articles on lynx;
  - 3. North Maine Woods magazine could include articles on lynx.
- e) **Potential meetings and forums.**
  - 1. Munsungan Workshop Series at the University of Maine;
  - 2. CFRU Workshops and Fall Field Tours;
  - 3. New England chapter of Society of American Foresters (NESAF);
  - 4. Maine Chapter of Society of American Foresters (MESAF);
  - 5. Maine Chapter of The Wildlife Society (METWS);
  - 6. New England Regional Conference of Forest Engineers (NERCOFE).

#### **D. Landscape-scale Planning Guidelines.**

The Parties agree that the collaborative development of multi-species Landscape-scale Planning Guidelines will aid in the conservation and enhancement of Canada lynx habitat. To that end, the Parties will establish a task force in order to facilitate the collaborative development by the Parties of management recommendations to inform forest management for the Canada lynx in relation to other species. MFPC members will use the management recommendations similar to the past incorporation of recent American marten and white-tailed deer research. The Annual Lynx Workshop established herein will provide the forum to refine these Guidelines. The guideline development will incorporate the forest management knowledge and experience of MFPC member companies, agency biologists, and university researchers to work towards guidelines that are biologically sound, operationally feasible, and economically viable.

#### **E. Habitat Management.**

**1. Applicability.** Habitat management in this Agreement is a process whereby new information on lynx habitat management is generated by research and monitoring,

incorporated into management practices or planning, and is then evaluated for effectiveness.

**2. Habitat Management Commitment.** MFPC will support habitat management through the commitments included below to address questions related to forest management, such as the effectiveness of partial timber harvesting practices, in meeting the needs of lynx at a landscape scale:

**a). Annual Lynx Technical Session.** MFPC will meet at least annually with the USFWS and/or ME IFW to discuss new information and results of ongoing research efforts and to identify actions that may contribute to conservation and enhancement of preferred lynx habitat while preserving Maine's working forest environment. Relevant researchers and managers will be invited to present the findings of current research and management implications. Non-MFPC member landowners or other land managers will be invited in order to broaden the scope of lynx habitat management education. MFPC will present information on changes to the forest products industry and landowner forest management practice trends as an education tool for the USFWS and MDIFW. Technical session goals will include discussion of management challenges, opportunities, land management tools, federal policies, and management-related questions suitable for further research.

**b). Continuous Improvement.** The Parties to this Agreement will work collaboratively to support the implementation of measures based on sound research to improve Canada lynx habitat management under the habitat management and continuous improvement process. Examples of implementation to be determined collaboratively through this Agreement include:

- i. Opportunities to implement University of Maine research results to understand if recommendations are operationally feasible, economically viable, and biologically meaningful;
- ii. Opportunities to implement the Landscape-Scale Planning Guidelines developed above to evaluate guideline effectiveness and practicality; and
- iii. Opportunities to create larger blocks of snowshoe hare and lynx habitat to mimic the large scale salvage clearcuts which created the optimal habitat being used by the snowshoe hare and lynx today.

**G. Annual Report.** MFPC will prepare an annual report at the end of each calendar year that summarizes actions taken in support of the commitments contained in the Agreement and will submit the annual report to the Service by April 30 of the following year. The annual report will summarize, at a minimum, the status of the Landscape Habitat Assessment included herein including a statement of MFPC landowner members' financial contributions and MFPC verification contributions. Further, the report shall include a statement of the financial and logistical support of MFPC and its members to Canada lynx Research and Monitoring efforts and the status of the development of the Landscape-scale Planning Guidelines. The report shall provide a statement of Habitat Management Implementation, including the scope and scale of implementation mechanisms and outcomes and the number and type of follow-up effectiveness monitoring projects. The report will provide a statement recounting the Information and Education actions undertaken including the number and type of training

sessions held that included lynx management information and education and the number and type of information and education disseminations such as websites, newsletter articles, and special presentations.

**IV. Conservation Agreement Term, Modification and Termination.** This Agreement shall be effective for a period of 10 years (extendable in 5 year increments upon mutual agreement). The area covered by this Agreement is set forth in Figure 1 as the same may be amended from time to time. At the end of the initial 10 year term and any renewal term, the Parties will conduct a joint evaluation to determine if there is a need to extend the Agreement for an additional 5-year period. The Parties will periodically review the strategy and management activities to determine whether population and habitat goals have been achieved such that delisting of the Canada lynx is appropriate or whether mutually agreeable protective measures could be further implemented.

Modifications to this Agreement may be proposed by any Party and shall become effective only upon the written concurrence of all Parties. Renewal of this Agreement shall become effective only upon the written concurrence of all Parties.

Any Party may cancel this Conservation Agreement upon (30) thirty days written notice to the other Parties.

## **V. Background**

**A. Findings.** This Agreement and Background, attached hereto as Appendix A, addresses the primary constituent elements of Canada lynx habitat in Maine and addresses objectives in the Lynx Recovery Outline (Department of Interior 2005). Authority for the Service to participate in this Agreement is provided in the Fish and Wildlife Act of 1956, as amended (16 USC 742a-742k), and the Fish and Wildlife Coordination Act of 1934, as amended (16 USC 661 et seq).

**B. Incorporation by Reference.** The Background, attached hereto as Appendix A, is hereby adopted by the Parties and incorporated herein by reference. The Background may be amended only by mutual agreement of the Parties hereto, all as in benefit to the Canada lynx.

IN WITNESS THEREOF, the Parties have executed this Conservation Agreement as of July \_\_\_\_, 2008.

MAINE FOREST PRODUCTS COUNCIL:

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By: Patrick Strauch  
Its Executive Director

U.S. FISH AND WILDLIFE SERVICE:

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By:

MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

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By: Roland Martin, Commissioner

## Appendix A

**I. Maine Forest Products Council.** The Maine Forest Products Council has provided a leadership role in the assessment of lynx critical habitat designation for its member companies and currently serves as a coordinating organization for the compilation of forest management information throughout the state. MFPC has been in existence for over 40 years and regularly serves as a landowner representative in both State and Federal regulatory issues.

The MFPC is charged with representing landowners at the legislature and other regulatory proceedings. We accomplish this through the work of our various working committees that formulate policy and coordinate agreements among member companies. However, the best illustration of our credibility is that we are routinely invited by the Maine Department of Inland Fisheries and Wildlife to represent landowners on all of the department's species management planning committees, along with other special committees charged with managing wildlife and habitat. MFPC has been a representative on several species management plans including Bald and Golden Eagles, deer, moose, bear, freshwater mussels, waterfowl, song birds, and rare or endangered insects.

The MFPC is comprised of 350 member companies, ranging in ownership size from 100 acres to 1.2 million acres. The total acreage represented by MFPC is about 10 million acres. There is a diversity of landowner types, ranging from family-owned private entities to publicly-held corporate owners. Seventy-two percent of the MFPC represented acreage is managed under a forest certification program (e.g., Sustainable Forestry Initiative, Forest Stewardship Council, or American Tree Farm System).

### Within the Proposed Canada Lynx Critical Habitat Designation

#### *MFPC*

There are 28 MFPC member companies within the proposed Canada lynx critical habitat designation, comprising 5 million acres or 74% of the 6.8 million acre proposed designation (Figure 1).

#### *Conservation Easements*

Approximately 20 Conservation Easements encompass over 1.2 million acres in the proposed Northern Maine Unit 1 critical habitat designation for lynx (Figure 2). These include both MFPC member and non-MFPC member landowners. These Conservation Easements have eliminated the development rights to these parcels thus ensuring forested habitat conditions for long-term lynx conservation. Table 1 lists these Conservation Easements within the proposed Canada lynx critical habitat designation.

**Table 1. Conservation Easements within the proposed Canada lynx critical habitat designation.**

Conservation Easement Name	Landowner	Easement Holder	Acres
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Pingree Forest Partnership	Pingree Family	New England Forestry Foundation	655,000
West Branch	Merriweather LLC	Forest Society of Maine	282,000
Katahdin Forest	Katahdin Forest Management	Bureau of Public Lands	190,000
Katahdin Ironworks	Appalachian Mountain Club	Bureau of Public Lands	37,000
Debsconeag Lakes	The Nature Conservancy	Forest Society of Maine	36,000
Attean	The Carrier Family and Bureau of Public Lands	Forest Society of Maine	19,000
Big Spencer	Bureau of Public Lands	Forest Society of Maine	4,000
Misc. Easements	Misc. Owners	Misc. Holders	19,000
<b>Total</b>			<b>1, 242,000</b>

Insert Figure 2 Here.

**Figure 2. Conservation Easements within the Proposed Canada Lynx Critical Habitat Designation.**

**(Map construction in progress)**

**II. Cooperative Forestry Research Unit (CFRU).** Since 1975, the University of Maine’s Cooperative Forestry Research Unit (CFRU) has conducted applied scientific research in order to provide Maine’s policy makers and forest landowners with the information necessary to ensure both sustainable forest management practices and effective public policy. The CFRU Cooperators consist of Maine forest landowners and other organizations that support the mission and objectives of the CFRU (Table 1). The CFRU's research is driven by a suite of priorities, as determined by an Advisory Committee, and is funded by a voluntary dues structure. A Research Team consisting of a Director, support staff, scientists, and technical support personnel are responsible for achieving the objectives of the CFRU through approved research projects. Scientists may be Cooperating Scientists who work to meet the overall CFRU mission and objectives, or they may be Project Scientists who work exclusively on specific approved research projects. For more information, see the CFRU website at: <http://www.umaine.edu/cfru/index.htm>

While many landowners are members of both MFPC and the CFRU, they are not identical. Several significant landowners, for whom forestry is not the primary reason for owning land, are contributing members to CFRU but not members of MFPC.

**Table 2. MFPC membership list for those members within the proposed Canada lynx critical habitat designation (as of July 2008) with a cross-reference showing most members also belong to the Cooperative Forestry Research Unit at the University of Maine.**

<b>MFPC Members within the proposed Canada lynx critical habitat designation</b>	<b>CFRU Member</b>
Irving Woodlands, LLC	X
Wagner Forest Management, Ltd.	X
Black Bear Forest, Inc.	X
Plum Creek Timber Company, Inc.	X
Seven Islands Land Company	X
Prentiss and Carlisle Company, Inc.	X
Huber Resources Corporation	X
Katahdin Forest Management	X
The Forestland Group, LLC	X
Timbervest LLC	X
Frontier Forest LLC	X
EMC Holdings, LLC	X
Mosquito LLC	X
Tall Timber	

**III. Lynx and Snowshoe Hare Research and Monitoring**

Cooperative Forestry Research Unit (CFRU)

Since beginning its lynx and snowshoe hare research program in 2000, CFRU members have contributed more than \$515,000 to directly support nine distinct research projects assessing the impact of forest management on snowshoe hare and lynx populations in Maine. These CFRU funds have leveraged many times that amount in additional contributions from external grants that contribute to this research. Excerpts from the most recent CFRU annual report that describe the two most recent projects are attached at the end of Appendix A.

#### Maine Department of Inland Fish and Wildlife

The Maine Department of Inland Fish and Wildlife (IFW) is charged with conserving and managing the state's wildlife resources. IFW began lynx telemetry studies in 1999 and have collared over 60 lynx to date. Lynx telemetry studies are ongoing (see project description below). In 2003, IFW initiated statewide lynx snow-track surveys to determine the distribution of lynx. This work has been supported through a variety of means, including support from forest landowners.

The following summarizes current lynx and snowshoe hare research projects. For additional details, contact the principal investigators.

#### **A. Lynx Telemetry and Snowshoe Hare Monitoring**

Project Lead – IFW and University of Maine

Principal Investigators: Jennifer Vashon (IFW) & Daniel Harrison (UM)

Status: Initiated Fall 2007

Funding:

- Proposals for both the lynx and hare components will be submitted to CFRU for consideration in January 2008.
- Emergency funding for winter 2008 field work and radio collars requested by IFW to MFPC (in process).
- MFPC members and non-members, through memberships in CFRU, contributed \$20,000 in October 2007 to support this research and anticipate funding approximately \$55,000 to this effort both in 2008 and 2009 through the CFRU proposal process.

Anticipated End Date: Fall 2010

Anticipated Products: Peer-reviewed papers, Master's Thesis

Description: The ME IFW is conducting an ongoing telemetry study with support from landowners, the USFWS, and others. The role of the CFRU Scientists is only to provide technical support for a graduate student to assist in data analysis. This ongoing project will identify the variability in lynx population demographics (survival, reproduction) and behavior (home-range size, habitat use, activity patterns) during varying snowshoe hare densities.

#### **B. Habitat Assessment Using Remote Sensing**

Project Lead – University of Maine

Principal Investigators: Daniel Harrison, Bill Krohn, & Erin Simon  
Status: Ongoing  
Funding: Complete  
Anticipated End Date: December 2008  
Anticipated Products: Peer-reviewed papers, PhD dissertation  
Description: See Attachment 1

### **C. Lynx Habitat Modeling**

Project Lead – University of Maine  
Principal Investigators: Daniel Harrison & Erin Simon  
Status: Ongoing  
Funding: Complete  
Anticipated End Date: December 2008  
Anticipated Products: Peer-reviewed papers, PhD dissertation  
Description: See Attachment 2

### **D. Partial Harvest Investigations**

Project Lead – University of Maine  
Principal Investigators: Daniel Harrison & Bill Krohn  
Status: Ongoing  
Funding: Complete  
Anticipated End Date: December 2008  
Anticipated Products: Peer-reviewed papers, Master's Thesis  
Description: See Attachment 2

## **Attachments**

### **#1 - Quantifying Biodiversity Values Across Managed Landscapes in Northern and Western Maine**

Erin Simons, Daniel J. Harrison, Andrew Whitman, John Hagan, and Ethel Wilkerson  
*(An excerpt from the 2007 report of the Cooperative Forestry Research Unit)*

### **#2 - Predicting Responses of Forest Landscape Change on Wildlife Umbrella Species**

Erin Simons, Kasey Legaard, Dan Harrison, Steve Sader, Jeremy Wilson, and William Krohn  
*(An excerpt from the 2007 report of the Cooperative Forestry Research Unit)*