

§544-B. Responsibilities of commissioner

The commissioner has the following responsibilities pertaining to natural areas. [PL 1999, c. 556, §13 (NEW).]

1. Conservation of natural areas. The commissioner shall promote conservation of natural areas by:

A. Making available current and accurate information to all appropriate entities to interpret, educate or otherwise inform so as to support planning and conservation activities in this State; [PL 1999, c. 556, §13 (NEW).]

B. Promoting voluntary action to conserve and protect natural areas in this State; [PL 1999, c. 556, §13 (NEW).]

C. Entering into agreements with landowners of natural areas and registered critical areas to promote appropriate and effective management of these areas in order to maintain and enhance the natural value of these areas; and [PL 1999, c. 556, §13 (NEW).]

D. Developing and disseminating educational or technical materials for the purpose of informing the general public and other interested persons or institutions about natural areas and the value of those areas. The commissioner may charge a reasonable fee for these materials. All income received by the commissioner from the sale of these publications and materials must be credited to a nonlapsing, dedicated revenue account and used for the purposes of this paragraph. [PL 1999, c. 556, §13 (NEW).]

[PL 1999, c. 556, §13 (NEW).]

2. Register of critical areas. The commissioner shall maintain a register of critical areas that must contain natural areas classified as critical areas as follows.

A. In determining the classification of an area or site as a registered critical area, the commissioner shall consider:

- (1) The unique or exemplary natural qualities of the area or site;
- (2) The intrinsic fragility of the area or site and sensitivity to alteration or destruction;
- (3) The voluntary commitment to conserve or protect the area or site;
- (4) The present or future threat of alteration or destruction; and
- (5) The economic implications of inclusion of an area or site on the register.

The commissioner, with the advice of the board, may remove a registered critical area from the register if the commissioner determines that the area or site no longer qualifies as a critical area. [PL 1999, c. 556, §13 (NEW).]

B. Each registered critical area must be documented with at least the following information:

- (1) A general description of the area or site;
- (2) A list of the endangered or threatened species or other unique or exemplary natural features occurring at the area or site, and reasons for inclusion in the register;
- (3) The size and location of the area or site; and
- (4) The name or names of the property owner or owners, contingent upon the consent of the owner or owners. [PL 1999, c. 556, §13 (NEW).]

C. The commissioner shall notify owners of natural areas of the natural value of their land and the implications of voluntary conservation. Subsequently a natural area may be placed upon the

Register of Critical Areas with at least 60 days' notice before registration and the consent of the landowner. [PL 1999, c. 556, §13 (NEW).]
[PL 2007, c. 395, §10 (AMD).]

3. Endangered plants. The commissioner has the following responsibilities related to endangered plants.

A. The commissioner shall establish and maintain the official list of native endangered and threatened plants of the State. The purpose of the list is informational and may be provided on an informational basis to public agencies, private institutions or individuals for environmental assessment, land management or educational purposes. [PL 1999, c. 556, §13 (NEW).]

B. The commissioner may establish procedures to substantiate the identification of endangered and threatened native plant species. In determining and revising the list, the commissioner shall use the rare plant database of the Natural Areas Program and the knowledge of botanists in the State. In addition, the commissioner shall consult with federal agencies, interested state agencies, other states or provinces having a common interest and other interested persons and organizations. The commissioner shall determine criteria for each category. When establishing the list, the commissioner shall consider aspects of plant biology that contribute to a species' rarity such as:

- (1) Endemism. The plant species or subspecies may be geographically restricted to the State or areas immediately adjacent to the State;
- (2) Scarcity. A plant species or subspecies may be numerically scarce throughout its distribution in North America and occur in only a few locations in the State;
- (3) Special habitat. A plant species or subspecies may require habitat that is scarce in the State;
- (4) Limit of range. A plant species or subspecies in the State may be at the edge of its distribution or disjunct from its main distribution; and
- (5) Population decline or vulnerability. A plant species or subspecies may be threatened or seriously declining due to habitat modification or destruction or from overcollection for commercial, recreational or educational purposes. [PL 2007, c. 395, §11 (AMD).]

C. The commissioner shall conduct at least one public hearing to allow for public comment before establishing or revising the list. [PL 1999, c. 556, §13 (NEW).]

D. The commissioner shall review the list biennially and add or delete species based on new botanical inventory data, taxonomic or other scientific studies or other documentation. [PL 1999, c. 556, §13 (NEW).]

[PL 2007, c. 395, §11 (AMD).]

4. Sensitive information. The commissioner may withhold specific information on the location of a species or natural area and its component features if, in the judgment of the commissioner, disclosure of this information would threaten the existence of that species or natural area. The commissioner may not deny a landowner or landowner's designee information about species or natural areas occurring on the landowner's property or withhold this information from usual environmental review procedures of local, state or federal regulatory agencies.

[PL 1999, c. 556, §13 (NEW).]

SECTION HISTORY

PL 1999, c. 556, §13 (NEW). PL 2007, c. 395, §§10, 11 (AMD).

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