



Deer Wintering Area Guidance for Municipalities



A Briefing on Municipal Strategies to Benefit Wintering Deer

Introduction

White-tailed deer support a long-standing hunting and wildlife viewing tradition that connects generations of Mainers while contributing millions of dollars annually to local businesses, outdoor recreation, tourism, and wildlife conservation.

Maine lies near the northeastern limit of the range of white-tailed deer and deep snow, a lack of suitable forest cover, and food availability can limit winter survival for deer in parts of Maine. When snow depths exceed 12 inches, deer favor mature conifer forests that shelter them from severe winter conditions and limit snow depth. These areas are known as Deer Wintering Areas (DWA) or colloquially as “deer yards”. Without adequate DWA shelter, deer would struggle to survive Maine’s harsh winters.

In addition to habitat for deer, DWAs provide habitat for numerous Species of Greatest Conservation Need identified in Maine’s Wildlife Action Plan, including American Marten, Tennessee Warbler, and Wood Turtle.

Due to their cultural importance, there is substantial interest in conservation of Deer Wintering Areas by Maine municipalities. At the same time, there is also confusion about regulations that pertain to conservation of Deer Wintering Area habitats. This document is intended to be shared with municipalities to clarify the legal framework for Deer Wintering Areas and share example strategies for Deer Wintering Area conservation and management that may be employed by municipalities for consideration in development of municipal comprehensive plans and local ordinances.

Deer Wintering Area (DWA) Designation and Regulations

MDIFW designates and maps Deer Wintering Areas based on mature conifer forest habitat conditions that support wintering deer. As required in statute¹, MDIFW shares the locations of DWAs through the Beginning with Habitat Program’s mapping resources, its Environmental Review program and other GIS resources². Deer Wintering Area mapping is occasionally updated to reflect changes in habitat conditions or shifts in local deer abundance, particularly in southern and coastal Maine, where deep snow is less common. Mapped DWAs are used as a planning tool to prioritize land conservation, inform land use planning by municipalities, and guide forest managers on best practices during timber harvests.

In organized towns, DWA are regulated by the Maine Department of Environmental Protection only if they will be impacted by development projects large enough to trigger review under Site Location of Development (Site Law). Site law permits are required for large developments such as projects occupying more than 20 acres, large structures and subdivisions, and oil terminal facilities³. If Site Law permitting is required, impacts to DWAs are considered during the project permit review process. In some cases, when avoidance and minimization efforts fail to adequately protect the DWA, MDIFW may recommend compensation to DEP for the lost habitat.

Most regulatory review by DEP falls under the Natural Resources Protection Act, and not Site Law. To date, Deer Wintering Areas have not been designated as Significant Wildlife Habitat under the Natural Resources Protection Act and therefore are not protected under the Act. Additional rulemaking by MDIFW would be

Most Deer Wintering Areas in Maine do not benefit from state environmental protections. Municipalities can play an important role in safeguarding Maine’s deer populations and their habitats.

¹ <https://legislature.maine.gov/statutes/12/title12sec1805-A.html>

² For locations of Deer Wintering Areas, see <https://www.maine.gov/ifw/fish-wildlife/wildlife/beginning-with-habitat/maps/index.html>

³ <https://www.maine.gov/dep/land/sitelaw/index.html>

required to designate any DWA as Significant Wildlife Habitat under the Natural Resources Protection Act within organized municipalities.

In unorganized townships, DWA are regulated by the Land Use Planning Commission (LUPC), which established Protection Fish and Wildlife subdistricts (P-FW) delineating mapped DWA habitat. Both forestry operations and development practices within P-FW subdistricts in unorganized towns require review by a MDIFW biologist.

Municipal Strategies for Protecting Deer Wintering Areas

Landowners and municipalities play an important role in the protection and management of Deer Wintering Areas. The following strategies may be considered for inclusion in the comprehensive plan process and municipal ordinances.

- For comprehensive planning, map Critical and Important Natural Resources (as identified in Comprehensive Plan Rule), which include Deer Wintering Areas.
- Designate growth areas of comprehensive plans in locations that exclude Deer Wintering Areas. If they are included, be explicit in how these areas are to be managed during growth activities.
- Include Deer Wintering Areas in site review processes and request technical assistance from MDIFW's Environmental Review Program and Regional Wildlife Biologists.
- Consider including Deer Wintering Areas in Shoreland Zone Resource Protection Districts in municipal Shoreland Zoning ordinances.
- Include standards that maintain Deer Wintering Area quality in subdivision ordinances, including consideration for conserved open space, clustered development or other options.
- Consider a variety of mitigation measures for roadways between Deer Wintering Areas, such as signage, deer fencing, and larger culvert replacements.
- Collaborate with land trusts or other conservation partners to conserve Deer Wintering Areas.
- Discourage deer feeding activities.
- Collaborate with private landowners and forest managers on habitat management strategies including:
 - Enroll properties in Tree Growth current use tax programs.
 - Maintain over 70% conifer canopy closure and trees of at least 35 feet in height.
 - Maintain softwood stands, especially mature spruce, fir, hemlock, and cedar.
 - Avoid developing permanent roads or log landings within DWA.
 - Increase forage opportunity by cutting and leaving branches adjacent to the DWA during winter, allowing access to dormant buds/woody forage.

Additional resources:

https://www.maine.gov/ifw/docs/deer_yards.pdf

<https://www.maine.gov/ifw/docs/Small%20Woodlot%20Owners%20Guide-%20Deer%20Habitat-%20Aug.%202023.pdf>