OPPOSE

Natural Resources Council of Maine

LD 156 -- An Act To Clarify the Regulation of Impacts
to Significant Vernal Pool Habitats under the Natural Resources Protection Act

Sponsor: Senator RECTOR of Knox

Co-Sponsors: Senators COURTNEY of York, RAYE of Washington, ROSEN of Hancock, SAVIELLO of Franklin, and TRAHAN of Lincoln; and Representatives HAMPER of Oxford, McKANE of Newcastle, MOULTON of York, and WEAVER of York

Summary: The bill exempts developers from any requirement to protect vernal pools, in accordance with DEP regulations, if the vernal pools are not located on property owned or controlled by that landowner. The bill also places limits on ability of state agencies to classify certain vernal pools as being "significant," and thus subject to protective measures.

Explanation: Vernal pools are highly productive habitats that support amphibians and aquatic invertebrates (over 500 species in New England vernal pools alone), and a broad range of birds and mammals that feed on these species. This bill weakens the state's regulations for protecting vernal pools, and thus will harm wildlife. It does so by reducing the area affected by eliminating protections for the area around vernal pools for landowners who do not have the actual vernal pool depression on their property. This is a problem because creatures living in vernal pools spend much of their lives in the area around the pool. They cannot tell whose property they are on, so if someone develops too much in the area around the pool, it will harm or kill the creatures living in the vernal pool, even if the pool depression is not actually on that person's property.

This bill also is a problem because it harms the ability of the Departments of Environmental Protection (DEP) and Inland Fisheries and Wildlife (IFW) to assess accurately whether or not a vernal pool is "significant" by not allowing the agencies to take into account precipitation data from the year in which they assess the pool (a significant vernal pool might not appear that way in a drought year).

NRCM opposes LD 156.