

OPPOSE

LD 341 – An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation

Sponsor: Senator THOMAS of Somerset

Co-sponsors: Representative CEBRA of Naples and COTTA of China; and Senator COLLINS of York, LANGLEY of Hancock, MASON of Androscoggin and SAVIELLO of Franklin

Summary: This bill exempts artificial wetlands and artificial significant vernal pool habitats from state regulation under the Natural Resources Protection Act.

Explanation: The bill is so broadly written that it can be interpreted to exempt from protection an enormous array of wetlands associated with lakes and rivers in Maine. The issue comes down to the word “artificial,” which also is described in the bill as “created solely as a result of human activity”.

Almost all lakes in Maine have lake outlet dams, so this bill appears to exempt from protection almost all of the wetlands associated with lakes in Maine. In addition, most rivers in Maine have dams on them, so it would exempt all wetlands along rivers that are above a human-built impoundment.

The bill also would also exempt wetlands or vernal pools created as “mitigation” for the project impacts. Developers who fill wetlands or vernal pools for a project sometimes create wetlands or pools elsewhere to mitigate for the harm caused to wetlands at the project site. If such wetlands are suddenly exempted from protection, then their role as mitigation would be eliminated and they would serve no purpose.

NRCM opposes LD 341.