



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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April 3rd, 2013

Senator James A. Boyle, Senate Chair
Representative Joan W. Welsh, House Chair
Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, Maine 04333-0100

Re: LD 674, An Act to Clarify the Natural Resources Protection Act

Dear Senator Boyle, Representative Welsh, and members of the Committee:

The Department is supportive of efforts to simplify regulatory processes while maintaining essential environmental safeguards. For example, the Department has worked with this committee to enact exemptions from the site law that address the needs of ski areas and educational institutions to conduct their operations without seeking permits for every minor project. The Department has more recently proposed LD 470 to accommodate the needs of Maine's commercial fishing, boat building, and other marine related industries. And the Department has numerous permit by rule options to allow routine, low impact projects to move forward quickly.

The Department supports the intent of LD 674, making the vernal pool and significant wildlife habitat regulation process simpler for applicants to negotiate. However, a straight 75-foot buffer may not accomplish that simplification. These issues were discussed before this committee in the last session, in the context of a number of bills proposed to amend the laws regarding these habitats. This may require a discussion with the U.S. Army Corps of Engineer regarding the terms of their general permit program in Maine. A reduction in wetlands protection at the state level could lead to increased permitting requirements at the federal level.

The Department also has concerns about the provisions of LD 674 which would require the Department to compensate landowners for the imposition of buffers greater than those proposed. Under present permitting programs there is generally enough flexibility to modify projects or find a compromise that allows the landowner to accomplish most of their objectives while maintaining protection of surface water resources.

Sincerely,

Mark Bergeron
Director, Division of Land Resource Regulation
Maine Department of Environmental Protection

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