



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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AUGUSTA, MAINE 04333-0016

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**Testimony of Meghan Russo
Maine Department of Transportation
Before the 132nd Legislature, Joint Standing Committee on Environment and Natural
Resources**

Neither For Nor Against

LD 1882

*Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding
Significant Vernal Pools*

Senator Tepler, Representative Doudera, and distinguished members of the Joint Standing Committee on Environment and Natural Resources, my name is Meghan Russo, and I am the Director of Government Affairs at the Maine Department of Transportation (MaineDOT). While MaineDOT submits this testimony neither for nor against LD 1882 we would like to share some information pertaining to the legislation as you deliberate further on the bill.

Current rule (Chapter 335, Significant Wildlife Habitat) establishes criteria for a significant vernal pool and defines “significant vernal pool habitat” as the significant vernal pool depression and the critical terrestrial habitat within 250 feet of the vernal pool depression. Within this area, habitat management standards in Chapter 335 must be followed to the extent practicable when applying for an individual Natural Resources Protection Act (NRPA) permit. Chapter 305 requires that the habitat management standards are met fully to be eligible for Permit-By-Rule.

The proposed bill directs DEP to change its regulations to further limit activities within 100 feet of a significant vernal pool depression defined as the “significant vernal pool buffer”. As the habitat management standards are currently administered, this change would preclude all activities within 100 feet of a significant vernal pool from eligibility for streamlined Permit-by-Rule and would require an Individual Permit and likely compensatory mitigation.

The existing habitat management standards provide flexibility to protect vernal pools while recognizing that their position on the landscape, often immediately adjacent to existing transportation infrastructure, may make it impossible for MaineDOT to avoid all impacts. The proposed bill directs DEP to apply a more rigid standard that will increase the number of individual permit applications and increase compensatory mitigation costs where impacts are unavoidable.

Thank you for your consideration.