



Maine Real Estate &
Development Association

Supporting Responsible Development

In Opposition to LD 1882: Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding Significant Vernal Pools

May 12, 2025

Chair Tepler, Chair Brenner, and members of the Committee Environment and Natural Resources:

On behalf of the Maine Real Estate and Development Association, please accept the following testimony in opposition to LD 1882: Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding Significant Vernal Pools. MEREDA's members consist of a wide range of people and organizations involved in real estate development in Maine, from architects and contractors to bankers and attorneys to developers and municipalities.

As noted in our motto, MEREDA members support responsible development in Maine. MEREDA believes that making good decisions about development comes with consultation of experts who can review the projects and make the best decisions based on all of the factors in front of them. Section 2 of this bill takes away the ability of DEP staff to make discretionary decisions based on all information available and simply draws a radial no-impact zone. Currently, it is very, very difficult to get permission to disrupt the Critical Terrestrial Habitats, but it is possible if the applicant can show a greater public benefit and agree to appropriate mitigation efforts.

It's also important to note that the species we are endeavoring to protect in our vernal pools could be best served by directional buffer zones rather than radial buffer zones. These species hatch and develop in the vernal pools and then migrate to larger habitats; they are best protected if those migration paths can also be protected as opposed to strictly limiting the buffer to the radial zone, noting that the circles we draw on a site plan might include areas that have no impact on the local wildlife. A recent example of this is the Rayback Road medical facility in York in which the 250' radial buffer included a large area of rocky uplands that did not add to the value of the Critical Terrestrial Habitat, but the buffer area did not include nearby lower lying, wetter portions of the parcel, which became developable land. Employing even more constraints would further hamper DEP's ability to work with developers and landowners and could lead to less responsible development.

Finally, we believe any changes related to the current protection of vernal pools is substantial in nature, and the rulemaking related to it should not be handled through the routine technical rulemaking process.

MEREDA believes Maine should protect its environment in the most effective ways. Strict, unmalleable rules are not the best solution in this case. We would be happy to work with the sponsors to find a workable alternative.

Thank you for your consideration of this testimony.

Elizabeth Frazier

On behalf of Maine Real Estate & Development Association

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