



## Testimony in Support of LD 2063, An Act to Clarify Activities Allowed Under the Natural Resources Protection Act

### Before the Committee on Environment and Natural Resources

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**January 21, 2026**

My name is Luke Frankel, and I am the Woods, Waters, & Wildlife Director at the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 20,000 supporters statewide and beyond. Thank you for the opportunity to provide written testimony in support of LD 2063, An Act to Clarify Activities Allowed Under the Natural Resources Protection Act.

For more than 37 years, the Natural Resources Protection Act (NRPA) has served as a bedrock environmental law for Maine; protecting our state's most significant natural resources from "the cumulative effect of frequent minor alterations and occasional major alterations."<sup>1</sup> For the Maine Department of Environmental Protection (DEP), NRPA is the primary tool available to ensure that environmental protection is factored into the planning and design of new development projects. DEP accomplishes this by issuing permits for activities located in, on, or adjacent to protected natural resources subject to a comprehensive set of environmental standards outlined in both statute and rule.

Through the years, these environmental standards within NRPA have been updated several times to address emerging issues and incorporate the best available science. The amendments before you here today, as proposed by DEP, are consistent with this theme of refining NRPA to reflect the current context.

We support the additions of hand planting native vegetation adjacent to protected waterbodies and hand planting native dune vegetation within coastal sand dune systems to the list of activities for which a permit is not required. These activities are critical to protect water quality and reduce coastal erosion, so anything we can do to eliminate barriers to performing these activities in a productive manner is beneficial.

We also support the proposal to clarify the standards associated with "emergency flood alleviation" through rulemaking. As we saw during the December 2023/January 2024 storms across Maine, extreme weather associated with climate change will likely make these emergency flood events more frequent in the future. To be better prepared, it is essential that we have robust protocols in place so that state and local officials can act quickly to alleviate threats to public health or safety.

<sup>1</sup> 38 MRSA §480-A

Finally, we also support the addition of great ponds and habitat for endangered and threatened species to the list of areas covered under the NRPA compensation program. This addition helps align the program with the changes made through P.L. 2023, ch. 156 and the ongoing Chapter 305+335 rulemaking, which was provisionally adopted by the Board of Environmental Protection on December 18, 2025. These changes in statute and rule added endangered and threatened species habitat to the list of Significant Wildlife Habitat (SWH) regulated under NRPA, so it makes sense that these areas, in addition to great ponds, be included within the compensation program for when losses are unavoidable.

To close, while the changes proposed within LD 2063 are modest, they reflect a positive update to NRPA that helps align the bedrock environmental law with recent updates while simultaneously addressing other emerging concerns. For this reason, we encourage the Committee to vote Ought to Pass.

Thank you for your time and consideration.