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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN OPPOSITION TO L.D. 138

**AN ACT TO EXEMPT AIRPORTS FROM CERTAIN STATE ENDANGERED AND
THREATENED SPECIES HABITAT PROTECTIONS**

SPONSORED BY SEN. BENNETT

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

JANUARY 27, 2025

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection, speaking in opposition to L.D. 138.

Section 3 of L.D. 138 would remove habitat for state endangered and state threatened species from the definition of "significant wildlife habitat" under the Natural Resources Protection Act (NRPA), if the activity affecting the habitat is occurring at an airport.

The 131st Legislature amended the NRPA to add habitat for state endangered and state threatened species to the definition of "significant wildlife habitat" when the habitat is

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L.D. 138: An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections

Testimony of: Rob Wood, Director, Bureau of Land Resources, DEP

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located within another protected natural resource, or if it is located in the upland of a project site that otherwise requires permitting under certain land development laws administered by the DEP or the Land Use Planning Commission, unless that project site is a single residential lot. The broad exception for single residential lots was included in recognition that there are many minor activities that occur on residential lots that may require NRPA permitting because the activity is located adjacent to certain protected natural resources, and the Legislature determined that review for endangered and threatened species habitat should not occur in the context of those minor activities.

By contrast, L.D. 138 proposes to exempt all activities and development at airports from protections for state endangered and state threatened species habitat. Activities and development at airports are typically much more substantial than activities on single residential lots. For example, the Department recently permitted modifications at the Fryeburg Airport that included multiple runway extensions and multiple new hangar buildings. In order to permit these modifications under the Site Location of Development Law (Site Law), the Department required minimization of impacts to the habitat of several state endangered and threatened species, and, where impacts could not be avoided, the Department required compensatory mitigation to offset those impacts.

Protections for state endangered and state threatened species habitat have been in place for larger developments, such as airports, for many years under the Site Law. The Site Law requires, among other things, that large developments may not adversely affect the natural environment. The Department's Chapter 375 rules implement this standard and include provisions for the protection of wildlife and fisheries, including protection of state endangered and state threatened species habitats (Ch. 375 § 15). Importantly, even if L.D. 138 were enacted, the Department believes it would continue to retain this broad authority under the Site Law, because L.D. 138 only proposes to amend the Natural Resources Protection Act, not the Site Law.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.