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Testimony of Rep. Sally Cluchey introducing

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

Before the Joint Standing Committee on Environment and Natural Resources

Good afternoon, Senator Tepler, Representative Gramlich, and honorable members of the Environment and Natural Resources Committee. My name is Sally Cluchey, and I represent House District 52, which includes the communities of Bowdoin, Bowdoinham, and Richmond. I'm here today to introduce **LD 1882, Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding Significant Vernal Pools**.

Vernal pools provide essential breeding habitat for many amphibians, insects, spiders, and crustaceans. These pools are typically small, temporary wetlands – often less than an acre. While vernal pools may only fill with water for a brief time in spring and fall, and often dry out by late summer, they play an enormously significant ecological role for wildlife.



Cape Elizabeth, ME



Cape Elizabeth, ME

In late summer, when pools begin to dry or have dried out completely, all this life either dies off, becomes dormant, or moves into the surrounding upland. Young wood frogs and spotted and blue-spotted salamanders leave the pool and head into the forest, where they spend most of their lives. Wood frogs may move into forested wetlands for the rest of the summer and then to upland areas to overwinter under the leaf litter. Salamanders move into small mammal burrows or other tunnels where they sit and wait for food to meander past while they are safely hidden from most predators. The incredible amount of life emerging from vernal pools every year far exceeds that of all the neighboring small mammals and birds combined on a per-acre basis – providing an important food source for larger animals from the surrounding forest like raccoons, snakes, hawks, turkeys, and more.

Unfortunately, the same temporary nature that makes vernal pools unique breeding habitat also puts them at high risk of habitat loss and degradation, especially from development. Without water for much of the year, vernal pools can be quite easy to miss. They can also fall through gaps in existing state and federal wetland regulations that are better designed to protect more permanent and larger wetlands.

As you'll hear about in detail today, some vernal pools in Maine qualify as "Significant Vernal Pools" (SVPs) under the Natural Resources Protection Act (NRPA), and as such there can be no development in the pool itself and limited development around the pool. However, the current rules don't protect the full suite of habitats that vernal pool wildlife use, including breeding, summering, and wintering habitats. It is important to note that by far, most pools that harbor wildlife don't receive any protection under NRPA, and notably recent changes to federal wetland laws leaves most vernal pools without any protection.

I'm presenting this bill today to help reclaim some habitat management protection standards for Significant Vernal Pools in our state. While SVPs have been protected under NRPA for decades, the specifics of their protection have been modified in recent years. LD 1882 would charge the Department of Environmental Protection (DEP) with updating their rules to establish a 100 foot "no disturbance" zone around SVPs; help ensure that the critical terrestrial habitat (the area within 250 feet) surrounding SVPs are afforded equal protection no matter property boundaries; and adjust dates related to drying under SVP habitat identification from July 31 to July 15 for vernal pools located in northern Maine and from July 15 to July 1 for vernal pools located in southern Maine, as climate changes are altering the timing of seasonal patterns associated with the departure of these pools from the landscape.

LD 1882's public hearing could not have come at a better time. As spring sets in, it's impossible not to notice the evening chorus of amphibians as they emerge from their hibernation and are on the move right now – migrating to vernal pools and other wetlands. Migration often happens on warm, rainy nights when conditions are just right, and are referred to as "big nights." Hundreds of people in communities all across Maine support these migrations by braving the rain and helping amphibians avoid becoming roadkill en masse. As many of our constituents are volunteering their evenings to help support these critters on these big nights, with the *small* changes presented in this bill today, we have the power to do our part to better protect amphibians in a *big* way. I hope you will support this important initiative.

Thank you for your consideration.