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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

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

SPEAKING IN SUPPORT OF L.D. 2063

**AN ACT TO CLARIFY ACTIVITIES ALLOWED UNDER THE NATURAL RESOURCES
PROTECTION ACT**

PRESENTED BY SEN. TEPLER

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

DATE OF HEARING:

JANUARY 21, 2026

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. I am speaking in support of L.D. 2063. The Department appreciates Sen. Tepler for presenting this bill on the Department's behalf.

L.D. 2063 proposes several minor amendments to the Natural Resources Protection Act.

Section 1 would allow the Department to adopt rules governing the restoration of a river, stream or brook that is altered under the emergency flood alleviation exemption enacted

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by the 131st Legislature. Although the Department does not expect this exemption to be utilized often, river and stream restoration can include complex construction and engineering in sensitive habitats. The exemption requires restoration to occur following emergency activities, and the Department believes it will prove useful to set clear requirements by rule for such restoration projects.

Sections 2 through 5 of the bill propose new exemptions from NRPA permitting. Two new exemptions would allow for hand planting of native vegetation adjacent to wetlands and waterbodies and in coastal sand dune systems, subject to certain criteria. Currently, planting vegetation adjacent to wetlands and waterbodies requires a permit-by-rule, which can present an obstacle to this beneficial activity unless the Department makes a case-specific determination that the planting is a minimal enough alteration that it does not require a permit. The new exemption seeks to codify the criteria the Department currently uses for making this determination, for example requiring that machinery is not used, existing native vegetation is not removed, and that there are no large soil disturbances.

The third new exemption would exempt corrective actions taken to resolve a NRPA violation, when the corrective actions have been approved by the Department. Resolving a NRPA violation typically requires a violator to conduct an activity in and/or adjacent to a protected natural resource(s), which often triggers NRPA permitting requirements. The requirement to obtain a permit for a corrective action can present a barrier to carrying out the corrective action, both for the violator and for the Department. Exempting the corrective action—with Department approval—can expedite the resolution of the violation.

Section 6 of the bill seeks to amend a subsection of NRPA that currently requires a Tier 1 application for a freshwater wetland alteration to be sent by certified mail or hand-delivered to the Department. Simply put, this requirement is outdated. The Department has been accepting applications by email since 2020, and in 2025 we launched a new online licensing system, the Maine Enterprise Licensing system (MELS). The proposed

statutory text allows more flexibility in how Tier 1 applications may be submitted, including through MELS.

Sections 7 through 10 of the bill would authorize the Maine Natural Resource Conservation Program (MNRCP) to accept compensation fees for impacts to great ponds and habitat for state-endangered and state-threatened species. MNRCP is the State's in-lieu fee compensation program that allows permittees to compensate for impacts to certain protected natural resources through the payment of a fee instead of proposing an individual compensation project carried out by the permittee. MNRCP started with freshwater wetlands, coastal wetlands, and significant wildlife habitat. The program is currently being expanded to create an in-lieu fee option for impacts to rivers, streams, and brooks. The Department's proposal to add great ponds and habitat for state-endangered and state-threatened species to 38 M.R.S. §480-Z(7) will not require MNRCP to create an in-lieu fee option for impacts to these resources, but it will authorize the program to do so. Importantly, the Department's Chapter 310 Wetlands and Waterbodies Protection rules already allow compensation for impacts to great ponds, and the Department's Chapter 335 Significant Wildlife Habitat rules already allow compensation for impacts to significant wildlife habitat, which will include habitat for state-endangered and state-threatened species after the completion of major substantive rulemaking that will be reviewed by the Committee this session. The proposed revision to §480-Z would simply establish the authority for this already-allowed compensation to occur through an in-lieu fee payment to MNRCP, rather than through permittee-responsible compensation projects.

Lastly, Section 11 of the bill seeks to codify the Department's existing policy that any deed restriction or conservation easement executed to meet a compensation requirement under §480-Z must give the Department third-party rights to enforce the deed restriction or easement. This is already required by the Department in practice; the proposed revision would provide clear statutory authority to support this practice.

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