



HOUSE OF REPRESENTATIVES

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February 11, 2026

Testimony of Rep. Sally Cluchey in support of

**LD 2171, Resolve, Regarding Legislative Review of Portions of Chapter 305:
Natural Resources Protection Act - Permit by Rule Standards and Portions of
Chapter 335: Significant Wildlife Habitat, Major Substantive Rules of the
Department of Environmental Protection**

Before the Joint Standing Committee on Environmental and Natural Resources

Senator Tepler, Representative Doudera, and distinguished members of the Environmental and Natural Resources Committee, my name is Sally Cluchey, and I represent House District 52, which includes Bowdoinham, Richmond, and part of Bowdoin. I am here today in support of **LD 2171, Resolve, Regarding Legislative Review of Portions of Chapter 305: Natural Resources Protection Act - Permit by Rule Standards and Portions of Chapter 335: Significant Wildlife Habitat, Major Substantive Rules of the Department of Environmental Protection.**

Prior to recent statutory changes, existing regulations did not fully protect state-recognized “Significant Vernal Pools” nor did they protect the full suite of habitats that vernal pool wildlife require. Without vernal pools, Maine would almost certainly lose species like Wood Frogs and Spotted Salamanders, which rely on these specific habitats to lay their eggs. Unfortunately, given their temporal nature, vernal pools are at high risk of habitat loss and degradation. Importantly, based on data provided by the Department of Inland Fisheries and Wildlife (DIFW) last spring, we now understand that these protections under the Natural Resources Protection Act (NRPA) only capture ~20% of vernal pools across the landscape. Thus, it is important to keep in mind that these rule changes only address protections for a fraction of these important habitats in our state.

This bill, LD 2171, includes DEP’s rule changes that pair with a bill I sponsored in the first session to address some of these issues. Originally under LD 1882, *Resolve, Directing the Department of Environmental Protection to Conduct Rulemaking Regarding Significant Vernal Pools* and later advanced through LD 497, *An Act Regarding the Regulation of Significant Vernal Pools Under the Natural Resources Protection Act*, the proposal included three major changes:

1. It established a 100 ft. “protection zone” around each of these important pools. Notably, it does not remove the existing 250 ft. terrestrial buffer around the pools that developers are tasked with avoiding disturbing as much as possible, but rather reinforces protections for the areas closest to the pools. Throughout work sessions last year, state biologists confirmed that one of the best things we can do to protect the health of vernal pools is to limit disturbance to the 100 ft. directly surrounding the pools;
2. It reinforced that the existing 250 ft. buffer protections around vernal pools should be afforded equal protection no matter property boundaries, as wildlife migration does not adhere to our property lines; and
3. Based on feedback from state biologists, it also slightly adjusted dates related to surveying “Significant Vernal Pool” habitat, as climatic changes are altering the timing of seasonal patterns associated with the departure of these pools from the landscape.

This committee and state agencies took a balanced approach to this issue, ensuring that whatever changes to protections we pursued would not impede the development of thoughtfully-sited projects. It is my understanding that the changes proposed to both Chapters 305 and 335 in relation to LD 497 are judicious, science-based, and consistent with recent law changes. As a proud wildlife advocate, I am honored to have helped advance the changes within this rule package for your review.

Thank you for your consideration.