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**Testimony 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**

**Luke Frankel, Staff Scientist**

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Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Staff Scientist 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. I am here today to testify 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.

The bill before you here today represents the final step of two separate legislative initiatives. The first is the effort to include endangered and threatened species habitat among the list of Significant Wildlife Habitats (SWHs) in Maine, which was set into motion by LD 1246 (PL 2023, ch. 156) during the 131<sup>st</sup> Legislature. The second is the effort to update protections for Significant Vernal Pools under the Natural Resources Protection Act (NRPA), which was approved by this committee last year through LD 497 (PL 2025, ch. 338). We supported both of these bills when they were originally introduced, and as a result, also support the rules that were created to implement them.

As an organization, we engaged in the Board of Environmental (BEP) rulemaking process for these proposed changes to Chapter 305 and Chapter 335, providing oral testimony at the public hearing on November 6, 2025, and submitting written comments to DEP on November 17, 2025. Through this process, several minor recommendations were brought forward by NRCM and other organizations to DEP's initial draft, to which DEP made thoughtful changes. These include:

- Removing language that limits the scope of the endangered and threatened species habitat covered by these rules beyond what was specified in the enabling statute;
- Adding vocalization as an explicit method for identifying the presence of an endangered or threatened species;
- Clarifying the types of property that are subject to the standards for the critical terrestrial habitat of SVPs;
- Adding a clarifying note about the requirement for a comprehensive field assessment; and
- Allowing the creation of small footpaths within the 100-ft SVP protection zone under certain circumstances.

The end result of this process was a final package of rule changes that addresses minor concerns brought forward by stakeholders and provides clarity in sections that were either confusing or ambiguous.

In closing, the approval of these rule changes represents the final step in two multi-year efforts to increase protections for two of Maine's most important natural resources: SVPs and endangered and threatened species habitat. These two initiatives, both in their substance and development, reflect Maine's longstanding tradition of thoughtful and balanced natural resource protection.

As a result, we strongly encourage the Committee to vote Ought to Pass on LD 2171. Thank you for your time and consideration.