



**Testimony in Opposition to LD 390, “An Act Regarding the Mapping of Shoreland Zones”**

**Testimony by Nick Bennett**

**March 3, 2021**

Senator Brenner, Representative Tucker and distinguished member of the Environment and Natural Resources Committee:

My name is Nick Bennett. I am the staff scientist for the Natural Resources Council of Maine (NRCM). NRCM is Maine’s largest environmental advocacy group with more than 25,000 members and supporters. I am testifying in opposition to LD 390.

NRCM opposes LD 390 for the following reasons:

- Section 2 of the bill would change the definition of wetlands from one based on field verification to one based on their presence on the National Wetlands Inventory (NWI) maps. NWI maps are notoriously inaccurate. They often leave out wetlands entirely or have them in the wrong places. That is why, for regulatory purposes, governments require field verification of wetlands.
- Section 3 of the bill would define forested wetlands based on their presence on NWI maps. Again, NWI maps are useful as a screening tool, but they are not very accurate. A statutory definition for any kind of wetlands based on NWI map presence is a mistake.
- Section 8 of the bill includes a requirement for rulemaking on new definitions of various terms based on GIS systems. However, the GIS layers available now lack the detail to do shoreland zoning accurately regardless of these proposed changes.
- Section 8 would also eliminate certain lots from the Resource Protection zone. Because wetlands and water bodies in the Resource Protection zone are the highest quality wetlands, this change could have serious and harmful ecological impacts.

NRCM recognizes that shoreland zone mapping is a complex process, just as shoreland zoning enforcement is. We support the state applying more resources to help municipalities with all aspects of shoreland zoning, including mapping and enforcement. However, Maine’s shoreland zoning law is an unmitigated success story. In 2013, the Vermont Department of Environmental Conservation and the Maine Department of Environmental Protection published a study concluding that Maine’s shoreland zoning law was far more successful at protecting lake water quality than the corresponding law in Vermont.<sup>1</sup>

According to the Department of Environmental Protection<sup>2</sup>, lakes generate about \$3.5 billion per year for Maine’s economy and provide approximately 52,000 jobs. Streams are an important resource too. They provide much of the habitat for brook trout in Maine. According to the U.S. Fish and Wildlife Service, total fishing expenditures in Maine were \$371 million in 2011<sup>3</sup>, the latest year for which data are available. A big chunk of that is related to fishing for brook trout.

---

<sup>1</sup> See [https://dec.vermont.gov/sites/dec/files/wsm/lakes/Lakewise/docs/lp\\_mainezoning.pdf](https://dec.vermont.gov/sites/dec/files/wsm/lakes/Lakewise/docs/lp_mainezoning.pdf)

<sup>2</sup> See <https://www.maine.gov/dep/water/lakes/>

<sup>3</sup> See <http://digitalmedia.fws.gov/cdm/ref/collection/document/id/858>, P. 18.

For these reasons, the Legislature should be very careful about making such significant changes to the shoreland zoning law. NRCM urges the Committee to vote “ought-not-to-pass” on LD 390.

Thank you for the opportunity to testify, and I would be happy to take any questions. Please also feel free to contact me at [nbennett@nrcm.org](mailto:nbennett@nrcm.org) or at (207) 621-2851.