



**Testimony before the**

**Joint Standing Committee on Environment and Natural Resources**

**By Rob Wood, Director of Government Relations and Climate Policy**

**February 28, 2022**

**Re: LD 1616 – An Act To Enhance the Ability of Municipalities to Address Climate Change Impacts by Protecting and Restoring Threatened Natural Resources**

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Rob Wood and I am the Director of Government Relations and Climate Policy for The Nature Conservancy in Maine. I appreciate this opportunity to testify **neither for nor against** LD 1616, An Act To Enhance the Ability of Municipalities to Address Climate Change Impacts by Protecting and Restoring Threatened Natural Resources.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. TNC has been leading conservation in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 300,000 acres. We also work across Maine to restore rivers and streams, partner with fishermen in the Gulf of Maine to rebuild groundfish populations and develop innovative solutions to address climate change.

TNC greatly appreciates Rep. Blume's leadership on climate change resilience. LD 1616, as amended, proposes a creative solution to one of the many complex challenges facing Maine communities as they seek to adapt to the effects of climate change. In this case, the challenge is how to help neighborhoods that are connected to their town or city solely by private roads maintained by road associations. When these roads are threatened by sea-level rise, flooding and increased storm surges caused by climate change, neighborhoods are at risk of being cut off from vital services.

Developing solutions to this problem should indeed be a community-wide conversation in affected communities, not confined solely to the isolated neighborhood. A policy solution at the statewide level may be warranted as well.

However, TNC is testifying neither for nor against LD 1616 because we have some concern about the potential for unintended consequences related to the particular policy mechanism proposed in the bill. Specifically, the bill would create a new remedy for instances of water quality degradation within or adjacent to resources protected by the Natural Resources Protection Act. Typically, the remedy for water quality degradation is for regulators to enforce laws like NRPA that are designed to prevent such degradation. LD 1616 could put the public in the position of paying to prevent water quality degradation caused by privately owned infrastructure, as opposed to allocating those costs to the owners of the private infrastructure that have caused the pollution.

LD 1616 does build on a framework that already exists in state law, which allows municipalities to repair private roads that are degrading water quality in certain great pond watersheds. We appreciate that the bill builds on this existing law, and furthermore that it is entirely permissive for municipalities, not a mandate.

Still, if the primary goal is to give municipalities a tool to support neighborhoods in their communities that are at risk from the effects of climate change—rather than a tool to address water quality degradation caused by those neighborhoods— we believe there may be other mechanisms that could achieve this laudable goal. We are happy to help contribute further to this discussion in the future.

Thank you for the opportunity to testify today, and I am happy to answer any questions.