

Bad Bills: Attacking Shoreland Zoning, Water Quality and Significant Wildlife Habitat

*“In the end, our society will be defined not only by what we create,
but by what we refuse to destroy.” John Sawhill*

Your voice is needed! The following is a list of proposed legislation that would harm Maine’s rivers, streams and shores. Please contact your legislators to let them know that you do not want our environmental protections to be rolled back. Thanks to Jenn Burns Gray at Maine Audubon and Nick Bennett at NRCM for their work compiling this list.

March 23, 2011

LDs 1, 156, 159, 219, 341, 434, 872, 888, 1022

LD 1, An Act To Ensure Regulatory Fairness and Reform (Sponsor: Sen. Raye)
Bullets below will have a negative impact on shoreland zoning and significant wildlife habitat protection if passed, have been directed to the ENR Committee and will be heard as part of the hearings on **April 1 and 8**.

Vernal pools/wetlands and wading bird habitat.

- Eliminate 250’ vernal pool buffer but retain protection of travel corridors for animals that use the pool.
- Reduce vernal pool buffer from 250 feet to 100 feet.
- Reduce vernal pool buffer from 250 feet to 75 feet.
- The current definition of vernal pool is not sufficiently clear to allow certainty in delineation in the field and state-level expertise is minimal.
- Definition of vernal pool should be limited to sites having water year-round and be at least 1/5th of an acre in size.
- Vernal pools are increasing the cost of development and should be revisited or repealed for designated municipal growth areas.
- Reduce set-backs for significant waterfowl and wading birds habitats
- Reduce set-back for shorebird feeding and roosting areas and waterfowl wading habitat to 75 feet

Wetlands compensation.

DEP assessments for cash compensation for the loss of wetland functions and values are arbitrary and should be reexamined.

Limits on the expansion of a structure’s footprint within a shoreland zone are understandable, but volumetric limitations on expansions of such structures are overcomplicated and unnecessary.

- DEP should study and resolve areas of regulatory overlap between Shoreland Zoning and the Natural Resources Protection Act.

Nesting shorebirds. Increase the accountability and transparency of DEP and IFW rule-making in areas that can significantly affect development, such as in significant shorebird nesting, feeding and staging.

LD 156, An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act (Sponsor: Sen. Rector) ENR Committee, PH **April 1, 9:30 am**

Removes the flexibility for determining whether a vernal pool is significant by removing language addressing annual variability in precipitation.

LD 159, An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management (Sponsor: Sen. Saviello) ENR Committee, PH **March 30, 1 pm**

Guts the Site Location of Development law by doubling the size of a subdivision necessary to trigger the Site Law and tripling the size of disturbed area needed to trigger stormwater controls as required by the Site Law.

LD 219, An Act To Amend the Laws Governing Shoreland Zoning (Sponsor: Sen. Snowe-Mello) ENR Committee, PH **likely April 8**

Dramatically weakens shoreland zoning protection by cutting the shoreland zone from 250 to 75 feet.

LD 341, An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation (Sponsor: Sen. Thomas) ENR Committee, PH **April 1, 9:30 am**

Exempts “artificial” vernal pools and wetlands from any regulation. Since many wetlands are associated with lake outlet dams and river dams in Maine, this bill could exempt a huge amount of wetland area from protection. It would also exempt wetlands created as mitigation.

LD 434, An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws (Sponsor: Sen. Collins) ENR Committee, PH **Likely April 8**

Exempts all wetlands created by “natural or artificial barriers” from shoreland zoning protection. This would basically exempt all wetlands in Maine from shoreland zoning, because all wetlands are created by a natural or artificial barrier.

LD 872, An Act To Clarify the Natural Resources Protection Act (Sponsor: Sen. Collins) ENR Committee, PH **April 1, 9:30 am**

Dramatically reduces significant wildlife habitat protections by reducing from 250 feet to 75 feet the protected area for significant vernal pool habitat, high and moderate value inland waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas.

LD 888 An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances (Sponsor: Rep. Curtis) ENR Committee, PH **Likely April 8**

Allows a municipality to enact in its shoreland zoning ordinance alternative provisions to the requirements that limit the expansion of a nonconforming structure in a shoreland zone that increases the structure's volume or floor area by 30% or more in addition to the requirements in Title 38.

LD 1022, An Act To Amend the Law Concerning Overboard Discharge Systems

(Sponsor: Rep. Tilton) ENR Committee, PH **March 30, 1 pm**

Eliminates the requirement that parties in a real estate transaction replace an overboard discharge with a cleaner alternative if such an alternative is available at the time of sale of the property.

ENR: Environment and Natural Resources

PH: Public Hearing

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