



Committee on Environment and Natural Resources  
% Legislative Information Office  
100 State House Station  
Augusta, ME 04333

February 15, 2023

RE: LD 276, An Act to Assist Municipalities in Preventing Damage from Storm Water

Dear Senator Brenner, Representative Gramlich, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of LD 276, An Act to Assist Municipalities in Preventing Damage from Storm Water, on behalf of Maine Audubon and our 30,000 members and supporters.

The impact of roads on wildlife and wildlife habitat is several and varied. Roads are a conduit for invasive species, they threaten wildlife through vehicle and wildlife collisions, and fragment habitat into areas that are too small for wildlife to thrive, among other impacts. Fortunately, there are strategies to avoid and reduce the impact of roads on wildlife. This bill addresses one of those strategies: Repairing roads (as well as bridges) to reduce erosion and direct the flow of rainwater so that pollutants and other excessive nutrients do not end up in Maine's waterways.

Maine Audubon supports this bill because it would allow funding to flow to repairs to private roads that threaten public natural resources. These resources, among them wetlands and other waterways, are not only critical for wildlife to thrive, but are also important for drinking water, climate resiliency, and other ecosystem services.

Under current law, public funding can flow to private roads whose runoff would impact great ponds. LD 276 would expand the potentially impacted natural resources to include "coastal bluffs" and "protected natural resources." The latter is defined in Maine's Natural Resources Protection Act and includes coastal sand dune systems, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds, rivers, streams, and brooks.

Maine Audubon appreciates that some may view this as an unduly broad expansion. At this time, we have given initial thought to – should the Committee be concerned that this expansion is too broad – how the bill's language could be narrowed to apply to natural resources of particular public value and that are particularly vulnerable to storm water runoff. For example,

we have discussed limiting the potentially impacted natural resources to coastal bluffs; community public water system primary protection areas; rivers, streams, and brooks; and “Wetlands of Special Significance.” Wetlands of Special Significance are defined in the Department of Environmental Protection’s Chapter 310 rules. The definition includes all coastal wetlands and great ponds, as well as certain freshwater wetlands with significant public or habitat value, including wetlands that include significant wildlife habitat, wetlands that are particularly subject to flooding, or wetlands that are close to a river, stream, or brook. Changes along these lines may strike a balance between public natural resource conservation and conserving public funds for direct public purposes.

I regret that Maine Audubon was not able to attend the bill’s public hearing. I welcome the opportunity to engage with the Committee on this bill in another venue. For example, we would be happy to review and discuss additional ideas to better target private funds to the highest priority sites that protect public values. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eliza Donoghue". The signature is written in black ink on a white background.

Eliza Donoghue, Esq.  
Director of Advocacy