



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

March 1, 2023

RE: LD 392, Resolve, Regarding Legislative Review of Portions of Chapter 305: Natural Resources Protection Act - Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection

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

Thank you for the opportunity to submit testimony in support of LD 392, Resolve, Regarding Legislative Review of Portions of Chapter 305: Natural Resources Protection Act - Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection, on behalf of Maine Audubon and our 30,000 members and supporters.

This Resolve, if approved by the Maine Legislature, would finally adopt major substantive rules provisionally adopted by the Maine Department of Environmental Protection (Department, DEP) in Fall 2022 as part of the Department's Chapter 305 rules, "Natural Resources Protection Act – Permit by Rule Standards." Maine Audubon engaged in this rulemaking through conversation with the Department, by submitting public comments, and by offering testimony before the Bureau of Environmental Protection. We support the rules as provisionally adopted by the Department because the rules provide additional tools to make Maine's coast more resilient in the face of climate change, while avoiding unintended consequences to wildlife and wildlife habitat.

Rising sea levels, increasingly frequent storm surges, and more have resulted in an uptick of storm erosion and degraded beach conditions. The provisionally adopted rules provide additional tools to homeowners, municipalities, and other property owners that seek to make their part of the Maine coast more resilient through beach nourishment and related projects, such as planting native sand dune vegetation. In the provisionally adopted rules, the Department has allowed for the use of these tools during times when the likelihood of impacting the endangered Piping Plover – a shorebird species that make coastal sand dunes their home – is exceedingly low.

We are grateful to the Department for their thorough, deliberative rulemaking process and urge the Committee to support this Resolve.

Sincerely,

A handwritten signature in black ink that reads "Eliza Donoghue". The signature is written in a cursive style with a large initial 'E'.

Eliza Donoghue, Esq.
Director of Advocacy