

## Legislative Update.

- **LD 9** = DEP bill to allow for longer processing time for a Site Law permit by rule voted unanimously ought to pass as amended by the ENR Committee, placing a 90-day cap on the processing time (we anticipate that we would only need 60 days to process a Site Law PBR). This may allow for the creation of certain Site Law PBRs in the future, such as a potential PBR for well-sited solar arrays 20-50 acres in size (we are determining whether to propose such a PBR to the BEP in the coming months).
- **LD 392** = The ENR Committee also voted unanimously ought to pass on their legislative review of the DEP's major substantive rule updating the coastal sand dune PBR standards to match previously passed legislation. The new standards allow for a one-time minor expansion of an existing structure in a coastal sand dune, so long as the expansion is located within an impervious area that existed on January 1, 2021, is no further seaward than the existing structure, and complies with the shoreland zoning ordinance and other applicable laws and ordinances.
- **LD 216** = The ENR Committee voted unanimously ought to pass on a bill that the Department supported allowing for walking, hiking, snowshoeing and skiing trails to be exempt from review under Maine's Stormwater Law. This bill merely expands an existing exemption that applies only to mountain biking trails.
- **LD 276** = The ENR Committee voted unanimously ought to pass as amended on a bill that will allow for municipal funding for upgrades to private roads and private stormwater infrastructure, if those roads and/or stormwater infrastructure are contributing to the pollution of NRPA-protected natural resources, and if those roads and/or stormwater infrastructure are located on a former military base closed under the Base Realignment and Closure Act. The practical implication of this bill is that it will allow for the town of Brunswick to provide public funding for private infrastructure upgrades at Brunswick Landing. The Department opposed an earlier version of this bill that was more expansive, but worked with the bill sponsor to narrowly tailor the legislation to achieve the bill sponsor's intended purpose.
- The DEP is currently working with interested parties to find a workable path forward for **LD 478**, a bill that would allow for the use of biodegradable materials in sand dune construction or restoration projects. We are working through the details with the bill sponsor and various interested groups.
- We are also working on two bills related to solar decommissioning. One (**LD 826**) would require disposal and/or recycling costs to be added to the financial assurance required for decommissioning, and the other (**LD 496**) would extend decommissioning requirements to battery storage facilities. The first bill (**LD 826**) also includes a provision that the Department opposes—banning disposal of solar panels in landfills—because there are currently no solar recycling facilities in Maine. We are open to modifications to the solar decommissioning law and will be working with bill sponsors and interested parties in the coming days to find mutually agreeable paths forward on decommissioning modifications.

- Other significant bills that are forthcoming:
  - The DEP is working with other state agencies and interested parties to develop legislation that will create a more predictable mitigation framework for impacts to wildlife and fisheries habitat under Site Law. Specifically, this legislation will create a more streamlined process for renewable energy developers to compensate for impacts to large forest blocks, important wildlife corridors, and other wildlife and fisheries habitat.
  - Environmental groups are proposing a bill this session that would extend the jurisdiction of NRPA to all state endangered and threatened species. DEP and IFW are discussing the details of this bill internally and with interested parties. The DEP's primary consideration is our staff capacity to absorb this change. The Department would require significant additional staff capacity to handle the new permitting and compliance requirements associated with this legislation, as written.
  - Lithium mining will be a focus of the ENR Committee in the coming weeks/months. The Department is working with legislators and interested parties to ensure that any lithium mining is conducted responsibly in Maine. We will be able to share more details later this session.

DEP is gearing up to undertake **Chapter 500 Rulemaking**. We are working to secure a facilitator and anticipate the first stakeholder meeting later this year. Contact Kerem Gungor if you are interested in participating.

#### ILF/MNRCP Update:

- We anticipate this year's funding round to follow the normal schedule. Invitations to submit Letter of Intent to apply going out in May / June, submissions September for consideration by the Committee in October & November.
- This year's funding round will prioritize restoration projects over preservation. Each application will be evaluated on its own merits but generally speaking we are looking for projects that include more restoration than removing one old logging road.
- At this time, it is the Review Committee's opinion that preservation will still be the best route forward for certain habitats such as SVPs, IWWH, etc.
- As the experts out in the field, we encourage you to share restoration opportunities that you may find with potential project sponsors (Land Trusts, Towns). MNRCP can reimburse a Project Sponsor its costs to have a wetland professional design a restoration project. (Post Meeting Note: I remember when DEP/ACE kept an informal list of potential permittee responsible mitigation opportunities. I am happy to do that again if there is no potential project sponsor at this time. Email is the best way to get information to me).