



MAWS
Maine Association of Wetland Scientists

Maine Association of Wetland Scientists
P.O. BOX 361
Augusta, Maine 04330

February 7, 2008

Maine State Legislature
Natural Resource Committee
100 State House Station
Augusta, Maine 04333

Subject: Public Hearing Comments LD 1952

On behalf of the Executive Committee of the Maine Association of Wetland Scientists, we respectfully submit comments regarding LD 1952, “An Act to Streamline the Administration of Significant Vernal Pool Habitat Production”. The Maine Association of Wetland Scientists was founded in 1990 in order to promote the profession and understanding of wetland science in Maine, and to protect the public interest by maintaining high professional standards. The organization promotes and participates in educational programs pertaining to the study of wetland science and advancing the profession of wetland science for the Association’s membership and the public. To that end the organization supports and contributes to the expansion of wetland science research and development and promotes policies that contribute to the protection and sound stewardship of wetland resources.

The Executive Committee applauds the efforts of those who have worked to streamline the administration of significant vernal pool habitat protection and in general, supports the overall intent of LD 1952. Under the existing Department policy, vernal pools observed outside of the optimal times that egg masses are present must be treated during permitting as though they are Significant Vernal Pools until the pools can be properly assessed during the breeding season. LD 1952, Section 3(1)(A) appears to provide the necessary latitude to make determinations of non-significance beyond the ‘optimal time for counting egg masses’, thereby reducing some of the ambiguities around protecting significant vernal pool habitat. The Executive Committee supports this proposed requirement of the Act however, would like some clarification regarding the field determination process. Does the determination rest solely with MDEP and MDIFW or can field determinations be made by an “*individual who has experience and training in either wetland ecology or wildlife ecology*” as is currently the case under the existing rules Section (9)(B)(6)?

The language in Section 3 (1)(C) of LD 1952 notes that, "*vernal pools may not have a permanent inlet or outlet. A "permanent inlet or outlet" is a river, stream or brook as defined in the Maine Revised Statutes, Title 38, section 480-B, subsection 9.*" In the recent publication, Science & Conservation of Vernal Pools, the working definition of vernal pools (page xvii) states: "They may have intermittent inlets or outlets, but are not otherwise hydrologically connected through surface waters to permanent (*emphasis added*) bodies of waters that support predatory fish" (Calhoun, A.J.K. and deMaynadier, P.G., (2008)). Given that vernal pools are ephemeral in nature and may be associated with intermittent streams that may not be flowing during the breeding season or provide viable passage for predatory fish, The Executive Committee is recommending that the language be revised to read; "*the vernal pool may not be connected to a permanently flowing river, stream or brook, as defined in the Maine Revised Statutes, Title 38, section 480-B, subsection 9.*"

Respectfully Submitted
The Executive Committee of the Maine Association of Wetland Scientists

Lauren Stockwell, President
Gil Paquette, President Elect
Kathleen Miller, Past President
Jennifer West, Program Chair
Dale Knapp, Treasurer
Alex Finamore, Secretary
Rich Jordan, Membership Chair
Lauren Leclerc, Ethics Chair
Eugenie Francine, Legislative Chair