



**Testimony in Support of LD 1835
An Act To Amend the Laws Governing Storm Water Management To Provide an
Exemption for Mountain Bike Trails**

Greetings, members of the Committee on the Environment and Natural Resources. I am James Tassé, assistant director of the Bicycle Coalition of Maine, and this testimony is submitted on behalf of the Coalition. The Coalition supports LD 1835, “An Act To Amend the Laws Governing Storm Water Management To Provide an Exemption for Mountain Bike Trails,” and recommends that the committee issue an “ought to pass” report on this bill.

As the leading statewide organization advocating for access to active transportation and recreation opportunities for all people on bicycles (or on foot!), we support this bill. This bill will make a common sense change to the rules governing enforcement of stormwater policy in Maine by adding the construction of mountain bike trails more than five miles long to the existing list of exemptions.

Under current Maine stormwater law, any project that creates an acre of “disturbed area” triggers permitting requirements. About five miles of singletrack bicycle trail creates an acre of disturbed surface. The localized effect of this acre of disturbed area is very small, however, as only about a maximum of six feet of soil is disturbed at any one point over that linear distance.

This bill is a “common sense change” because most of the existing exemptions in Title 38 §420-D to the stormwater permitting requirements are other linear projects of much larger scale, including logging roads for semi-tractor-trailers and motorized trails up to 24 feet wide.

Adding mountain bike trails to this list of exempted uses is adding a comparatively low-impact use. And the bill requires that, even though exempt from the permitting requirements, bicycle trail projects should be no more than six feet wide, built according to ACF best practices, and designed to minimize erosion and sedimentation. It should also be noted that bike trail projects in excess of five miles long are not very common.

Perhaps the most persuasive point that can be made regarding this bill is that the Maine Department of Environmental Protection supports this change to Title 38 §420-D. Their support indicates that the department feels this change can be made without detriment to the natural resources or environment of the state. Enforcing stormwater permits on mountain bike trail projects will only consume DEP resources that could be better used elsewhere. The BCM believes the impact of bicycle trails on wildlife habitat and waterways is less significant than current exempted uses, and the bill still requires that all trails be built according to best practices and state trail-building guidelines, including management of erosion and sedimentation.

Acting on this bill in this session is important, as the current regulations appear to require permitting and monitoring actions on a Carrabassett Valley trail project that would interfere with the imminent receipt of federal dollars to complete construction. Unnecessary delays in the construction of the trails could jeopardize those funds.

Passage of this legislation will protect similar trail projects around the state from possible enforcement actions which are required under the existing statutory language, but that the department believes are fundamentally not needed.

Ultimately, this bill helps promote and protect Maine's environment and recreation economy by reducing needless regulation on the construction of non-motorized trail systems. Encouraging people to enjoy the outdoors on no-emission, no-noise bicycles on small, low-impact trails is good for the environment and the economy. This bill helps support a popular and climate-friendly recreation activity in Maine.

Please pass LD 1835 to add mountain bike trails to the list of projects exempt from Maine stormwater regulation.

On behalf of the Bicycle Coalition of Maine,

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