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LAND AND WATER RESOURCES COUNCIL

**1999 Annual Report
to the Maine Legislature and the Governor**

January 2000

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EXECUTIVE SUMMARY

This report, required by 5 M.R.S.A. §3331, sub-§4, summarizes matters that the Land and Water Resources Council addressed during 1999 and indicates matters that the Council anticipates addressing in 2000.

COUNCIL MATTERS IN 1999

I. Matters Assigned by the Legislature

A. 1999 Reporting Obligations

- **Statewide standards to minimize the impact of timber harvesting on non point source pollution (P.L. 1997 c. 648).**

As required by P.L. 1997 c. 648, the Council endorsed and submitted to the Legislature recommendations developed by the Maine Forest Service, with advice and input from stakeholders, regarding statewide timber harvesting standards to address non point source pollution and other concerns. The Legislature took no action on the report during the First Regular Session of the 119th Legislature, but expressed intent to address the report's recommendations during the 119th Legislature's Second Regular session.

- **Mercury in Maine (P.L. 1997, c. 722)**

The Department of Environmental Protection, with advice and input from stakeholders, drafted a report with legislative recommendations in accordance with P.L. 1997, c. 722. In December 1998, the Council unanimously approved the report and implementing legislation, with specified revisions, for consideration by the First Session of the 119th Legislature. The Legislature's Committee on Natural Resources considered the proposed legislation, L.D. 1924, and gave it a unanimous "ought not to pass" recommendation, subsequently accepted by the full Legislature. The Committee held over for consideration during the Second Regular Session of the 119th Legislature another mercury products bill, L.D. 2084.

B. Ongoing statutory responsibilities

Pursuant to 5 M.R.S.A. §3331, sub-§7, the Council continued oversight of the comprehensive State watershed program, an interagency effort lead by the Department of Environmental Protection.

II. Matters Assigned by the Executive Order

Pursuant to Executive Orders, the Council oversaw coordination of initiatives by the Council on Environmental Monitoring and Assessment to coordinate volunteer monitoring efforts with related professional monitoring programs and managed and monitored the efforts regarding implementation of the Atlantic Salmon Conservation Plan for Seven Maine Rivers ("Salmon Plan"). In 1999, the second year of the Salmon Plan's implementation, the State made significant progress toward fulfillment of the multi-year Salmon Plan's objectives in cooperation with a wide array of public and private stakeholders.

III. Interagency coordination

The Council has in accordance with its statutory charge to facilitate coordinated State natural resources management reviewed and served as a forum for consideration, development, and endorsement of State policy on the following topics:

- Statewide Non-point Source Pollution Control Program
- Smart Growth initiative
- Wetlands conservation policy
- Dredging policy regarding State environmental review of federal dredging projects
- Southern Maine beach management
- State agency cooperation in implementation of the Casco Bay Estuary Project's Casco Bay Plan
- Agricultural irrigation policy

COUNCIL MATTERS ANTICIPATED IN 2000

In 2000, in addition to ongoing responsibilities and matters assigned to it by statute or by the Governor, the Council anticipates consideration of the following issues:

- Development of a GIS tool suitable for natural resources management decision making
- "Smart Growth" initiative - farm land, open space, and wildlife habitat issues
- Dredged materials management planning

- Seafood waste disposal (recycling/composting, licensing, enforcement)
- Agricultural irrigation
- Atlantic Salmon Conservation Plan for Seven Maine Rivers (as requested by the Atlantic Salmon Commission)

INTRODUCTION

The Land and Water Resources Council ("Council") submits this annual report to the Governor and the Maine Legislature's Joint Standing Committee on Natural Resources pursuant to 5 M.R.S.A. §3331, sub-§4. The Council addressed a number of challenging issues in 1999. This report describes the Council's activities in 1999 and notes activities that the Council anticipates for 2000.

In 1993, the Maine Legislature established the Council to advise the Governor, the Legislature, and State agencies in the formulation of State policy regarding natural resources management to achieve State environmental, social, and economic objectives. The Legislature has conferred on the Council, originally established by Executive Order, broad authority to consider natural resources issues of statewide significance and to counsel the Governor and Legislature on policy options for management and protection of natural resources. 5 M.R.S.A. §3331, sub-§2. The Council's agenda includes matters assigned to the Council by the Legislature or the Governor, as well as projects initiated by the Council itself or at the request of a State agency.

COUNCIL MATTERS IN 1999

I. Matters Assigned by the Legislature

A. 1999 Reporting Obligations

Impact of Timber Harvesting on Nonpoint Source Pollution

P.L. 1997 c. 648, Section 8 required the Maine Forest Service ("MFS"), in consultation with the Department of Environmental Protection ("DEP") and the Land Use Regulation Commission ("LURC"), to develop a report with "recommendations for a set of statewide standards to minimize the impact of timber harvesting on nonpoint source pollution", and obligated the Council, having reviewed the MFS's recommendations, to submit final recommendations to the Legislature's Agriculture, Conservation, and Forestry Committee. The MFS, with the Forestry Advisory Team ("FORAT"), an advisory stakeholder group including of State agency, industry, and environmental group representatives, met from July to December 1998 to discuss pertinent issues and develop draft recommendations. Although the group did not develop consensus recommendations, there was general agreement that common statewide timber harvesting standards and increased protection for small streams are desirable.

In a March 16, 1999 letter to the Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry, the Council endorsed the MFS' recommendations. The Committee took no action on the report during the past session, but has indicated that it plans to address the report's recommendations during the upcoming session.

In enacting P.L. 1997 c. 648, the Legislature also directed the MFS to pursue an "evaluation of the progress made by timber harvesting operations in implementing best management practices", or BMPs. In 1999, the MFS field trained staff and tested a procedure for monitoring BMPs. The field testing has resulted in improvements to the monitoring form. In cooperation with FORAT, MFS has developed a field monitoring form that builds on earlier studies of BMP usage conducted at the University of Maine. More systematic testing and additional field training of personnel will occur starting in the winter of 1999 - 2000.

Lead State agency staff: Morten Moesswilde, Maine Forest Service

Mercury in Maine

The 118th Legislature directed the Council to submit to the Legislature's Committee on Natural Resources by January 1, 1999, a report, together with recommended legislation, concerning labeling and collection of mercury-added products. See P.L. 1997, c. 722. On December 31, 1998, the Council submitted this report.

Staff at DEP, with advice and input from stakeholders, drafted the report, titled *Labeling and Collection of Mercury-Added Products: Report to the Joint Standing Committee on Natural Resources* (January 1, 1999). The report included legislative recommendations. The Council reviewed the draft at its meeting of December 17, 1998, agreed on changes in the proposed implementing legislation, and unanimously approved the report and implementing legislation, as revised, for submittal to and consideration by the First Session of the 119th Legislature. The revised legislation included provision for further Council study of a program to require manufacturers to collect certain mercury-added products from users.

In its First Regular Session, the 119th Maine Legislature's Committee on Natural Resources considered the proposed legislation, introduced as L.D. 1924, *An Act to Reduce Mercury in Products*. The Committee gave L.D. 1924 a unanimous "ought not to pass" recommendation, which as was subsequently accepted by the full Legislature. The Committee held over for consideration during the Second Regular Session of the 119th Legislature a competing mercury products bill, L.D. 2084, *An Act to Reduce the Release of Mercury into the Environment from Consumer Products*.

At present, DEP is working with other New England states to develop model legislation calling for reductions in the use of mercury in products, and for action to reduce emissions from disposal of mercury-added products. At public meetings held in Massachusetts and New Hampshire in December 1999, stakeholders discussed a draft of this model legislation, seen by some as a menu of elements of a mercury program that individual jurisdictions may choose to adopt in whole or in part.

P.L. 1997 c. 722, Section 4 requires the Council, by April 2000, to consult with representatives of the Town of Orrington, labor, environmental, and business and economic development interests, and the Penobscot Indian Nation in order to identify actions to foster future economic development in the Town of Orrington that is "compatible with the special

status of the lower Penobscot River." In consultation with the Council, the Department of Economic and Community Development ("DECD") has taken the lead on this issue, and has held initial meetings with Orrington town officials and others. Orrington is the home of HoltraChem, a chlor-alkali company that has been a significant source of mercury emissions to Maine environment, including the Penobscot River. HoltraChem is working with the DEP to reduce its mercury emissions.

Lead State agency staff: John James, Department of Environmental Protection

B. Ongoing Statutory Responsibilities

Watershed Protection Program

Due to the large number of State and federal agencies, as well as non-government organizations, that play a role in watershed management, DEP and State Planning Office ("SPO") convened an interagency group, the Maine Watershed Management Committee ("MWMC") to help coordinate these activities and to provide input on watershed management decisions at the State level. Subsequently, the Legislature provided specific authorization for the Council to develop and oversee a comprehensive State watershed program. *See* 5 M.R.S.A. §3331, sub-§7. The Maine Watershed Management Program, managed by the MWMC under the aegis of the Council, focuses on improving and protecting water quality through activities to reduce or eliminate nonpoint source pollution.

In 1999, the MWMC provided a forum for information exchange between agencies on watershed protection activities. A sub-group of the committee evaluated applications for grants for watershed improvement projects and made recommendations to DEP. Funds for this grant program are provided under Section 319 of the federal Clean Water Act. MWMC members reviewed and provided comments back to DEP on Maine's upgraded NPS Program, which is discussed below. Also, MWMC reviewed and provided comments back to DEP on Maine's draft Performance Partner Agreement for the year 2000.

In 2000, the MWMC will continue to focus its efforts on interagency coordination, principally through information exchange, and through providing monitoring and feedback on agency efforts to implement the State's upgraded Non Point Source Pollution Program, discussed below.

Lead staff: Don Witherill, Department of Environmental Protection

Lakes Heritage Fund

The 118th Maine Legislature created this fund and made the Council responsible for its management. *See* 5 M.R.S.A. §3331, sub-§6. No funds have been provided to the fund since its creation. The Fund had no program activities in 1999.

Lead State agency: State Planning Office

II. Matters Assigned by Executive Order

Atlantic Salmon Conservation Plan for Seven Maine Rivers

By Executive Order, Governor King assigned the Council responsibility for implementing the Atlantic Salmon Conservation Plan for Seven Maine Rivers ("Atlantic Salmon Plan" or "Plan") and monitoring its progress. The Plan is designed for the protection and recovery of Atlantic salmon populations in the Sheepscot, Ducktrap, Narraguagus, Pleasant, Machias, East Machias, and Dennys Rivers. The Executive Order directed all State agencies to implement the Plan fully. All the activities prescribed in the Plan fall into one of four categories: fish management, species protection, habitat enhancement, and habitat protection.

Council oversight has helped to strengthen institutional responsibility across State government and allowed local conservation groups a single point of contact to express their concerns and needs. The Council established an *ad hoc* Atlantic Salmon Advisory Committee comprised of the Commissioners of Marine Resources, Transportation, Environmental Protection, Inland Fisheries and Wildlife, Agriculture, Food and Rural Resources, Transportation, and Conservation, the chair of the Atlantic Salmon Authority, the State Planning Office Director, and representatives from each of the local watershed councils.

In 1999, the Legislature abolished the Atlantic Salmon Authority and concurrently created the Atlantic Salmon Commission ("ASC"), created an Executive Director for the ASC, and assigned to the ASC administrative responsibility for the Plan. These legislative actions effectively remove responsibility for administration of the Plan from SPO, which had undertaken this role in December 1997. It is the Council's understanding that the ASC will as necessary continue to seek assistance from the Council on issues and concerns regarding implementation of the Plan.

The aims of the Plan are ambitious and complex. The foundation of the Plan's implementation rests on the partnerships and the cooperation of many organizations and individuals committed to work toward a shared goal. While several State agencies share responsibility for protecting habitat by applying existing water quality and land use laws, the Plan calls for regional and local conservation groups and landowners to play an active and significant stewardship role. Designated lead agencies or organizations are responsible for deciding how specific actions are implemented with the help of partner organizations. In certain instances, the Council assisted a watershed council by directing staff support and advocating for a particular need. State and federal agency staff, conservation groups, and local volunteers carried out work in the field.

In 1999, the second full year of Plan implementation, the significant and varied contributions of many people and organizations furthered progress in fulfilling the Plan. For

example, the Atlantic Salmon Authority (now ASC) successfully constructed fish weirs on the Pleasant and Dennys Rivers. DEP completed the first year of baseline water quality monitoring for each of the seven rivers. Local conservation groups and the State initiated and completed several permanent protection projects in the watersheds of the Sheepscot, Ducktrap, Narraguagus, and Machias Rivers. SPO, with the assistance of multiple public and private partners, completed technical habitat and flow studies for the Narraguagus, Pleasant, and Machias Rivers. Watershed conservation groups completed riparian and non point source surveys on several of the salmon rivers as part of watershed management planning initiatives on each river. The range of projects that various conservation partners have undertaken in support of the Plan range from fencing cattle out of the Sheepscot and providing an alternative water source to removing beaver dams to increase salmon's access to habitat. Finally, the Atlantic Salmon Commission has continued to enumerate the salmon populations in each river and stock five of the seven rivers with river specific fry.

In January 1999, the Council completed and submitted to Governor King, the United States Fish and Wildlife Service ("USFWS"), and the National Marine Fisheries Service ("NMFS") the Plan's first Annual Progress Report. USFWS and NMFS solicited public comment on the report through its publication in the Federal Register. On March 24, 1999, USFWS and NMFS forwarded to the Council their own comments and a summary of public comments, and requested that the State make substantive changes to the Plan in response to the federal agencies' comments in three weeks time. The Council submitted Plan amendments to USFWS and NMFS on April 23, 1999. The Services responded to the State's April 23rd amendments, making a Status Review of Atlantic Salmon available in early October 1999. On November 17, 1999, USFWS and NMFS followed the Status Review with a proposal to list Atlantic salmon populations in eight Maine rivers as an "endangered species" under the federal Endangered Species Act. The State of Maine is opposing the listing proposal.

Lead State agency staff: Henry Nichols, Atlantic Salmon Commission

Council on Environmental Monitoring and Assessment

The Council on Environmental Monitoring and Assessment ("CEMA") was created by an April 1997 Executive Order to promote improved communication and coordination among volunteer monitoring programs, State agencies, and other professional organizations, including the University of Maine, that collect environmental data.

The CEMA was not active in 1999 due to staff reassignments at SPO and lack of staff time at DEP. Subcommittees of CEMA on coastal monitoring and lake monitoring continued work on identified needs. The lakes group was instrumental in adding several high altitude lakes to the volunteer monitoring program, thus filling an identified data gap. The coastal monitoring subgroup placed a priority on development of Quality Assurance Project Plans ("QAPP") for coastal groups. Three QAPPs were developed in 1999. In addition, DEP is in the process of starting up a pilot "Stream Team" program in the Long Creek (South Portland) watershed, which begins to address a CEMA-identified gap in grassroots involvement in stream assessments.

The CEMA's role and activities for 2000 and subsequent years are evolving. Molly Shauffler of the University of Maine recently received an National Science Foundation fellowship to study community-based volunteer monitoring initiatives. As part of her work, Ms. Shauffler intends to update and supplement the CEMA database of monitoring efforts, and to explore funding mechanisms to boost investment in volunteer monitoring. Outcomes of this research could become a focal point for reshaping and reinvigorating the CEMA. At present, participating State agencies intend for the CEMA to serve as a means for sharing information and coordinating actions through annual or semiannual meetings.

Lead State agency staff: Kathleen Leyden, State Planning Office; Roy Bouchard, Department of Environmental Protection

III. Interagency Coordination

State Non Point Source Pollution Program

Non point source pollution ("NPS") is the largest contributor of pollution to surface waters, both nationally and in Maine. Maine's NPS strategy aims to prevent or abate water pollution by building local community awareness and commitment to protecting or improving water quality and by increasing compliance with water quality protection laws. DEP and SPO have developed a program plan based on this strategy in consultation with State agencies and other partners. Under Maine's Nonpoint Source Pollution Program ("NPS Program"), provided for by 38 M.R.S.A. §410-I, the following State agencies share responsibility for coordinating and implementing NPS related efforts: the Maine Departments of Agriculture Food and Rural Resources; Conservation (MFS); Transportation; Human Services (Division of Health Engineering); and Marine Resources. For the most part, the NPS Program reflects existing agency actions and plans.

The Federal Clean Water Action Plan requires each state to update its NPS Program in 1999, in order to qualify for watershed restoration grant money under Section 319 of the Clean Water Act. At its September meeting, the Council gave its endorsement to proposed goals for upgrading Maine's NPS Program. On October 13, 1999, EPA approved the plan, which EPA's Region I Administrator John DeVillars termed "exemplary." EPA's national headquarters, which has reviewed NPS programs from 40 States, indicated that it considers Maine's among the best in the nation. EPA's approval secures Maine's share of federal watershed restoration funds (\$1.2 million for 2000).

In addition to meeting Section 319 requirements, the State's NPS Program incorporates within its statewide approach measures needed to address related requirements under Section 6217 of the Coastal Zone Act Reauthorization and Amendments of 1990 ("Section 6217"). Section 6217 requires coastal states to meet specific measures to address significant sources of non point source pollution in the coastal zone. Lack of compliance with the 6217 requirements could result in a loss of federal funding under federal Coastal Zone Management Act.

NOAA is currently reviewing the State's now EPA-approved NPS Program. In February 1998, the State received conditional approval from EPA and NOAA for its proposed Coastal Nonpoint Management Program. State agencies reviewed the federal conditions of approval and found that a number of them lacked clarity or were infeasible. State and federal agency personnel have met to clarify and discuss the status of the State's efforts to address these conditions. NOAA has provided additional guidance which may resolve remaining issues. State agency staff, under the aegis of the Council, continues to work on these issues. NOAA approval is anticipated in 2000.

Lead State agency staff: Don Witherill, Department of Environmental Protection

Smart Growth Initiative

In close cooperation with several other State agencies, municipalities and public and private organizations, SPO moved ahead on several fronts researching, analyzing, and recommending actions to address the fiscal, social, and environmental implications of Maine's patterns of development. This work is a continuation and outgrowth of studies and other policy initiatives related to patterns of development undertaken in 1997, such as SPO's "Cost of Sprawl" report. The Council continues to serve as a policy forum for discussion of this issue.

The following were major focal points of this multifaceted "Smart Growth" policy initiative in 1999:

- Public outreach sessions. SPO and ECO-ECO, a public-private partnership organization devoted to development of collaborative approaches to environmental concerns, conducted several public meetings to discuss and receive comments on the list of options for addressing sprawl laid out in "Livable Communities: A Proposal for Addressing Suburban Sprawl (SPO 1998)." Like comparable sessions conducted in 1998, these meetings were well attended and provided valuable insights;
- Task Force on State Office Building Location, Other State Growth Related Capital Investments and Patterns of Development. Having deliberated on several "sprawl" related bills (L.D.'s 1414, 1080, and 304), the 119th Legislature created this task force as a vehicle for further study. The task force began meetings in the Fall of 1999 and continues to meet. The task force is charged with making recommendations to the Legislature in January 2000;
- Subcabinet Smart Growth working group. Chaired by MDOT Commissioner Melrose, this administration team, working in close communication with the above noted task force, is developing short and long term measures that State agencies may take to promote smart growth. These measures include improvements in local planning assistance, downtown reinvestment, and access to transportation, as well as improvements in State efforts regarding farm and open space and wildlife habitat. The working group will be making recommendations to the Governor regarding steps that State agencies can take within their

existing legislative mandates and budgets as well as recommendations for consideration during the Second Regular Session of the 119th Legislature.

- Downtown initiatives group. Led by DECD, this group has focused on identification and promotion of options to revitalize Maine's "service center" communities, including State capitalization of the Municipal Infrastructure Trust Fund and brownfields redevelopment, as well as other measures recommended by the Task Force on Regional Service Center Communities. The task force's September 1998 report describes the critical role played by the 69 "service center communities" identified by SPO as regional hubs of commerce, employment, and delivery of social services. The task force's recommendations address ways to put these communities on an equitable fiscal footing, to encourage investment and develop effective tax policy in these communities, and to enhance the efficiency of municipal service delivery through cooperation.

In 2000, the Council anticipates continuing involvement in development of Smart Growth policy on issues related to farms lands, open space and wildlife habitat.

Lead State agency staff: John DelVecchio, State Planning Office

Wetlands Conservation

In 1994, SPO created a Wetlands Conservation Task Force to prepare a Wetlands Conservation Plan for Maine. Staff for this effort are funded by a grant from the United States Environmental Protection Agency. This task force was comprised of representatives from a range of development and conservation interests, as well as relevant State and federal agencies. In 1998, SPO requested the Council to review and approve the plan following its completion.

Staff completed work on the plan in 1999 as anticipated. A copy of the State's Wetlands Conservation Plan will be made available on the SPO's web page. In October 1999, the Council agreed to endorse the Plan. In approving the Plan, the Council specifically endorsed creation of the Wetland Interagency Team, which will meet regularly beginning in December 1999 to ensure State agency coordination on wetlands issues.

This planning effort focused initially on revisions to the State's wetlands regulatory policy to further coordination of State and federal wetlands review. The Legislature considered and enacted a number of these recommended improvements. Subsequently, this ongoing planning effort has focused on improving the State's ability to use "wetlands characterization", analysis of the natural resource functions and values of wetlands areas, as a resource management tool. The Casco Bay watershed was selected as a case study for development of a geographic information system ("GIS")-based wetlands characterization methodology.

The GIS system needed for this effort having been completed, and the accuracy and sensitivity of the system's data verified, efforts are now focused on identifying conservation

priorities. Staff has prepared functional assessments of 20 high functioning wetlands. These wetlands were distributed throughout the watershed based on biophysical regions as well as threat as measured by housing completions, NRPA permits and permits-by-rule on a town basis. The 20 assessments having been completed, next steps involve Steering Committee review of the assessment results and determination on how to prioritize the watershed's significant wetlands as identified by this process.

Lead State agency staff: Liz Hertz and Jackie Sartoris, State Planning Office

State Regulatory Process for the Dredging of Federal Navigational Channels

The Council continued to oversee and monitor an interagency effort to improve the process for State environmental review and decision regarding federal dredging projects. In the summer of 1998, DEP presented an analysis to the Council of the then current State regulatory process applicable to federal maintenance dredging projects. DEP's presentation outlined options to address issues raised by the Army Corps of Engineers ("ACOE"), the federal agency responsible for maintenance of federal navigation projects. The ACOE has, for example, consistently balked at State requirements of mitigation applicable to the ACOE's dredging activities pursuant to the federal Coastal Zone Management Act ("CZMA") as inconsistent with the ACOE's own federal law mandates. The underlying legal and policy issues are not unique to Maine, but are manifest in other coastal states and the subject of ongoing discussions at the national level.

At the Council's direction, representatives from DEP, the Department of Marine Resources ("DMR"), MDOT, and SPO have discussed options with the ACOE. Based on these discussions, the State agencies have tentatively agreed upon an approach that, within the scope of their existing legislative authorities, promises improved efficiencies without compromise of environmental standards. The following are the primary features of this coordinated, interagency review process. MDOT is responsible for prioritizing among Maine ports and harbors in need of dredging. Once the priority list is generated, MDOT solicits input from the other State resource agencies to identify potential issues of concern, such as protected marine habitat areas and fisheries, regarding each priority project. MDOT then compiles that information and relays it to the ACOE for planning purposes and other consideration.

The goal of this approach is to avoid regulatory delays, unreasonable costs, and the potential for loss of federal project funding opportunities, through identification and resolution of issues prior to initiation of formal state approval procedures under the CZMA and Clean Water Act. In the event that this initial screening process identifies that mitigation measures unacceptable to the ACOE may be necessary, MDOT would serve as a facilitator among State agencies to help develop a unified State position regarding necessary mitigation, and then liaison with the ACOE and the local community to find means to address necessary mitigation measures. DEP will continue its lead regulatory role with assistance from other resource agencies. MDOT will continue to identify and advocate for advancement of State interests

regarding commercial navigational channels, access to major port facilities, and shipping safety. Within the next two years MDOT intends to undertake, in consultation with the Council, a dredging management study that will address the State's dredging needs, options for efficient disposal of dredged materials, and related matters.

Lead State agency staff: Brian Nutter, Department of Transportation and Jeff Madore, Department of Environmental Protection

Southern Maine Beach Management

In 1997, DEP, the Department of Conservation ("DOC"), and SPO convened a group of stakeholders to discuss current beach management issues of concern to Maine citizens. The stakeholder group, comprised of property owners, business interests, environmental interests, municipal officials, and State agencies, met to discuss and develop strategies to address these issues. In April, 1998, the Southern Maine Beach Stakeholder Group released to the Council its recommendations in the form of a report titled *Improving Maine's Beaches*.

Following up on the report's recommendations, the Council endorsed SPO's proposal to establish a temporary (three year), federally funded position at the Southern Maine Regional Planning Commission ("SMRPC") to work with local communities and State agencies on beach management issues. The Council also pledged the support of State agency staff as needed to assist SMRPC. The Council has served as a sounding board and means to coordinate agency efforts as plan implementation has gone forward. Half of the funding for this position is federal Coastal Program funds and half comes from contributions by the involved municipalities.

The Memorandum of Understanding between SMRPC, DEP, SPO and five of the nine southern Maine towns has remained in effect. The Towns of Wells, Kennebunk, Old Orchard Beach, and Scarborough, and the City of Saco have remained engaged in the beach planning effort. A Steering Committee of two elected officials and two town planners continues to oversee the regional planning process.

Notable progress has been made on both the Saco Bay and Wells Bay plans. In November 1999, the Saco Bay Management Plan was released in final draft form. Participating State agencies provided comments on the final plan shortly thereafter to the Saco Bay planning committee. The plan focuses on the need to balance the sand budget in the region (via beach nourishment and redistribution of sand currently in the system) and the need to reconfigure the jetty at Camp Ellis. The Wells Bay planning process began in October with a well balanced group of stakeholders including business owners, homeowners and environmental interests. It is hoped that in the coming months the Town of Ogunquit will formally sign on and support the project.

There has been notable progress on public outreach recommendations made by the *Improving Maine's Beaches* report as well. In the summer of 1999, Maine Geological Survey and the University of Maine trained some 60 local volunteers to monitor beach profiles. This work is ongoing. All Southern Maine towns, with the exception of the Town of Wells, are well

represented in the monitoring effort. The Maine Sea Grant program has added a third outreach position to its staff. This position, housed at the Wells Reserve, is assisting SMRPC with both outreach on the beach planning project and the volunteer monitoring.

In 2000, the management plan for Wells Bay will be completed, implementation of the Saco Bay Plan will begin, and the last in the series of three plans, that concerning the Scarborough area, will begin. Volunteer beach profiling will continue and the results of the first year of monitoring will be presented at a State of Maine's Beaches conference in the fall of 2000. Volunteer swimming beach monitoring may be organized, pending availability of new federal funding to establish programs. Work to date on these issues has highlighted the need for development of a State beach nourishment policy in the coming year, as more and more permit requests to DEP are anticipated. Moreover, significant increase in State agency staff assistance to communities on the beach planning process is needed to ensure that local and regional plans provide adequate protection of resources of State significance through new and innovative solutions to beach management issues.

Lead State agency staff: Kathleen Leyden, State Planning Office; Robert Marvinney, Department of Conservation

Implementation of the Casco Bay Plan

The Casco Bay Plan ("Plan") is the product of the multi-year effort of the Casco Bay Estuary Project, a federally funded initiative of the National Estuary Program overseen by EPA. The Project's primary objectives are to increase scientific knowledge regarding Casco Bay and its water quality, and to use that enhanced understanding to promote cooperative efforts to improve water quality throughout the watershed. The Plan is designed to achieve these objectives.

In May of 1996, Council member agencies agreed to help implement the Plan, which listed specific activities and in a few cases budget needs to support State agency actions. Under the leadership of DEP's Portland Regional Office, State agencies were asked in August of 1999 to review their commitments, to account for progress made, and to develop new or continued commitments for the next three year period. All State agency staff responsible for work in Casco Bay have provided information. The Executive Committee of the Casco Bay Board has also met with DEP and SPO staff to discuss projects of high priority to the Board where State agency involvement is deemed critical. The Council anticipates that these discussions, and consultation with other State agencies, will continue and result in recommendations for the Council's consideration. The Council expects to renew its partnership with the Estuary Project in 2000, following additional clarification of the nature and level of State involvement.

Lead State agency: Department of Environmental Protection

Agricultural Irrigation

Irrigation is a necessary tool for keeping Maine agriculture viable and competitive. To be acceptable in today's social and political climate, irrigation must be carried out in a way that is compatible with the environment and other water uses such as recreational activities, fishing and wetland preservation. The Department of Agriculture, Food and Rural Resources, at the request of the Governor, has initiated activities to identify issues which will need to be addressed in order to facilitate an increase in agricultural irrigation. A report on these activities and resulting recommendations will be submitted to the Governor in January 2000. The Council has been updated on the activities and will be involved as actions are identified to be implemented.

Lead State agency staff: Linda Smith-Dyer, Department of Agriculture, Food and Rural Resources

COUNCIL MATTERS ANTICIPATED IN 2000

As explained above, many of the issues and programs under consideration in 1999 will require ongoing attention by the Council in 2000. In addition to matters assigned by the Legislature and Governor, the Council anticipates addressing the following additional matters in 2000:

- Development of a GIS tool suitable for natural resources management decision making
- "Smart Growth" initiative - farm land, open space, and wildlife habitat issues
- Dredged materials management planning
- Seafood waste disposal (recycling/composting, licensing, enforcement)
- Agricultural irrigation
- Atlantic Salmon Conservation Plan for Seven Maine Rivers (as requested by the Atlantic Salmon Commission)

CONCLUSION

During 1999, the Council continued to develop its role as a recognized and increasingly sought after forum for interagency discussion on State policy for appropriately balancing environmental protection, conservation, and economic development objectives. In addition, the Council has increasingly become a mechanism for managing State programs that require coordination among multiple agencies. The Council has also proven an effective mechanism for

development and communication of consistent State positions to the federal government regarding federal policies or proposed actions with statewide natural resources implications.

As in past years, the Council's work was enabled, benefited from, and continued to promote close collaboration among the State's natural resources agencies. The Council thanks members of the public and federal, State and local government personnel for their hard work and participation in the stakeholder meetings, study commissions, and other public policy development initiatives whose recommendations often inform and enlighten the Council's discussions and decisions. The Council looks forward to a challenging agenda in 2000 as the Legislature, Governor, and State agencies make use of this forum to develop and refine State natural resources policy.