

# MAINE STATE LEGISLATURE

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STATE PLANNING OFFICE  
AUGUSTA, MAINE

# IMPLEMENTATION OF MAINE'S COASTAL POLICIES 1986-1988

Submitted to the Maine State Legislature  
January 1, 1989



State Planning Office  
Maine Coastal Program

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# INTRODUCTION

This report to the Maine Legislature complies with the reporting requirement (38 MRSA, sec. 1803) that directs the State Planning Office to describe local and state progress in implementing Maine's coastal policies.

The coastal policies were established in response to unprecedented shoreline development that began to jeopardize the traditional quality of life and coastal resources in Maine's coastal communities during the early 1980s. Beginning in 1985, the State Planning Office held more than 75 public meetings from Kittery to Calais to hear residents' views on shoreline development. More than 4,000 people attended these meetings and most recommended strong state and local action to guide growth and development. Out of these meetings emerged a consensus: residents believed that Maine's coastal area was unique and that it required progressive coastal resource management at all levels of government.

Many people were particularly concerned that Maine had not developed a long-term vision for the coast and that state and local resource management decisions were not always consistent. To address this deficiency, the Legislature developed nine coastal policies and enacted them into State law. The policies (38 MRSA, sec. 1801) provide a coherent and consistent framework for state and local resource management decisions in the coastal area.

The statute requires that all levels of government "with responsibility for regulating, planning, developing, or managing coastal resources shall conduct their activities affecting the coastal area consistent with the policies." The nine policies pertain to:

*Port and Harbor Development* - promoting the maintenance, development, and revitalization of the state's port and harbor areas;

*Marine Resource Management* - preserving and protecting marine habitats and the environment for sustained productivity;

*Shoreline Management and Access* - promoting shoreline uses that ensure marine industry and public access to the shoreline and that address the cumulative effects of development on coastal resources;

*Hazard Area Development* - managing shoreline areas that pose human health and safety risks because of their physical characteristics;

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***State and Local Cooperative Management*** - supporting cooperative efforts by the State and municipalities to manage coastal resources;

***Scenic and Natural Areas Protection*** - managing significant natural and scenic areas to sustain their values;

***Recreation and Tourism*** - expanding outdoor opportunities for the public to enjoy coastal resources;

***Water Quality*** - promoting water quality that supports the broadest range of public and private uses; and

***Air Quality*** - promoting air quality that supports the broadest range of public and private uses.

The State Planning Office, the lead state agency which coordinates coastal management activities through the Maine Coastal Program, is responsible for monitoring implementation of the coastal policies. Initiated in 1978, the Program has significantly improved coastal resource management in Maine through the cooperative efforts of federal, State, and local interests, as well as private and nonprofit organizations.

The coastal policy accomplishments described in this report are limited to those activities that have occurred during the past two years and that most clearly support the intent of the 1986 legislation. A more comprehensive description of Maine's coastal management accomplishments can be found in the publication, *Maine Coastal Program: The First Decade and Beyond*, available from the State Planning Office.

A handwritten signature in black ink, appearing to read 'R. Silkman', with a stylized flourish at the end.

Richard H. Silkman, Director  
State Planning Office

# MAINE'S NINE COASTAL POLICIES

State agencies and municipalities are required to address the coastal policies in decisions affecting coastal resources. The policies clarify and augment the objectives of Maine's environmental and land-use laws in the coastal area. Further, the policies provide a common basis for State and local funding decisions affecting coastal resources.

This section of the report provides information on each of the nine coastal policies, outlining its purpose and specific examples of how it has been implemented during the past two years.

## PORT AND HARBOR MANAGEMENT

Maine's marine industries employ 25,000 residents and produce just under \$800 million in products, representing nearly 4 percent of the gross state product. The majority of this activity occurs along less than 5 percent of Maine's 3,500-mile shoreline in port and harbor areas that are suited to water-dependent industries, such as fishing, marinas, and boat yards. Faced with unprecedented development pressures and competition for space in Maine's ports and harbors, these water-dependent interests risk being displaced from the shoreline on which they rely. This policy acknowledges that State and local governments have a responsibility to support water-dependent activities in port and harbor areas and to discourage uses that do not rely on a waterfront location.

Coastal policy accomplishments since 1986 that *"promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation, and recreation"* include the following:

Increased bulk cargo tonnages in Maine ports - The Maine Department of Transportation (MDOT) continues to successfully encourage expansion of both the volume and value of cargo handled through Maine's ports. As a result of these efforts, the total amount of cargo handled in Portland, Searsport, Winterport, and Eastport has increased by 25 percent since 1986. This increase can be attributed to a strong regional economy, new cargo facilities in Eastport, increased marketing efforts, and regional shippers' increased awareness of Maine ports.

Construction of Sears Island cargo port - Despite a protracted legal dispute over the development of the Sears Island cargo port, the MDOT has obtained all permits and is proceeding with construction. The port is expected to be operable by late 1990. A 1987 marketing potential study



prepared for the MDOT indicated that the port could attract between 115,000 and 302,000 tons of cargo annually, and could bring from 65 to 425 new jobs to the Searsport area. Cargo through the new port is expected to include paper products, forest products, iron, and steel.

Reconstruction of International Ferry Terminal - The MDOT has provided the City of Portland with technical and financial assistance in reconstructing the International Ferry Terminal. Planning for the project began in 1982 and work is expected to be completed by the spring of 1989. The reconstructed terminal will complement existing port facilities and accommodate -- on a year-round basis -- cruise ships, auto carriers, small container ships, and barges .

Warehouse expansion in Eastport - The MDOT, in partnership with the Eastport Port Authority and city of Eastport, planned and constructed a new 10,000-square-foot warehouse that complements activities at the cargo pier. The warehouse has allowed the Port to attain a record high of 120 tons of cargo a year and has reduced handling costs.

Completed Rockland commercial fish pier - With technical and financial assistance from the MDOT, the City of Rockland completed reconstruction of McCloon wharf. This fish pier is the last of seven to be constructed since the Maine Coastal Program initiated planning for the Fish Pier Program in 1980. The MDOT reports that use of the new Rockland pier has been heavy since it opened in June 1988.

Completed marine infrastructure survey - The MDOT, with financial assistance from the Coastal Program, assessed the status of Maine's marine infrastructure (e.g., piers, wharves, moorings, marinas, and dredging projects) along the entire length of Maine's coast. This inventory is being used by State and local interests to document areas where the marine infrastructure requires further improvements.

Ferry service improvements - The MDOT, in partnership with island communities, is working to meet the transportation needs of island residents and visitors. Since 1986, this work has included the funding and construction of a new Islesboro ferry; modernization of ferry facilities; maintenance of the existing ferry fleet; funding and construction of a new Casco Bay Island Ferry Terminal and parking garage; reconstruction of piers on Little Diamond and Chebeague islands; and establishment of a pilot ferry program between Lubec and Eastport.

Construction of the Jonesport breakwater - The State, working with Jonesport and the federal government, has provided technical and financial assistance to build a new breakwater in

Jonesport. The planning for this project began 20 years ago and its construction has created 16 acres of sheltered anchorage, providing safe mooring for a fleet of roughly 350 boats.

Municipal management of harbors and waterfronts - The Legislature clarified the authority of municipalities to regulate their harbors by making changes to the harbormaster's law that address issues such as assigning mooring privileges; requiring space for non-resident moorings; and assessing harbor fees. The Maine Coastal Program has also developed municipal technical assistance materials that address harbor planning and development issues.

Revisions to Submerged Lands leasing program - The Legislature requested the Department of Conservation (DOC) and several state agencies, in cooperation with an advisory committee, to examine the State's submerged lands leasing program and recommend measures to address the heightened pressures on this public resource. The Committee's recommendations range from assuring that the public is adequately compensated for private use of submerged lands to supporting marine industries that rely on shoreline access. Specific recommendations will be presented to the Legislature in 1989.

## MARINE RESOURCE MANAGEMENT

Maine's diverse and productive marine resources are a vital mainstay of the coastal economy and culture. This policy acknowledges that to sustain these unique resources, Maine needs to develop a sound scientific understanding of the factors that affect the Gulf of Maine's productivity. The State will also need to implement research and monitoring programs and regulations that can sustain the Gulf's ecological integrity and mitigate environmental stresses caused by human influences.

Coastal policy accomplishments that *"manage the marine environment and its related resources; preserve and improve its ecological integrity and diversity of marine communities and habitats; expand our understanding of the Gulf of Maine's productivity; and enhance the economic value of the State's renewable marine resources"* include the following:

Marine Research Commission - The Legislature formed a study commission to develop a marine research strategy for Maine. The Commission is expected to produce a report for the 114th Legislature that documents the need both to coordinate marine research priorities and to increase State support for research of coastal and marine management issues.

Aquaculture initiatives - The State Planning Office (SPO) and Department of Marine Resources (DMR), in partnership with the aquaculture industry and interested parties, is working to increase

the contribution of aquaculture to the state's economy. This initiative includes assessing those issues that constrain aquaculture production and exploring aquacultures's potential impact on the marine environment. Policy and institutional recommendations will be produced in 1989 for consideration by the Legislature and the industry.

Fishways on dams - The State continues its efforts to restore and manage the state's anadromous fisheries. The Kennebec River is benefitting from an agreement reached in early 1987 between State agencies and the Kennebec Hydro Developers Group (KHDG). This KHDG agreement provides immediate funding for anadromous fish restoration in exchange for a definitive timetable of when the State will require installation of fish passage at the Kennebec River dams. A similar plan has been developed for the Saco River.

Fisheries management conference - The State has worked successfully with U.S. and Canadian officials to convene a bilateral conference in 1989 that will address fisheries management practices in the Gulf of Maine. The Conference will explore the fundamental scientific and economic differences underlying Canadian and New England fisheries management strategies in the hope of constructively identifying the strengths and weaknesses of various approaches.

Gulf of Maine Initiative - The State, in cooperation with Massachusetts, New Hampshire, Nova Scotia, New Brunswick, and U.S. and Canadian federal officials, has developed the framework for a three-part program to strengthen bilateral management of the Gulf of Maine's marine and coastal resources. In the first phase, a monitoring program will be developed to assess the environmental health of the Gulf. The second phase involves preparation of a "State of the Gulf" report documenting the status of the Gulf's natural resources and recommending appropriate management strategies. The third phase will focus on a bilateral conference directed toward improving U.S. and Canadian relations in managing coastal and marine resources.

Coastweek and related marine public education efforts - The Maine Coastal Program has strengthened its coastal public education efforts over the last two years. Coastweek, an annual week of educational events highlighting Maine's cultural, economic, and environmental links to the sea, has tripled in participation since 1986. During Coastweek '88, more than 60 local groups sponsored 75 educational events. In addition, more than 70 coastal cleanups were held with 1,300 volunteers participating (an increase from 500 in 1986). Information on Coastweek was distributed to several thousand individuals and organizations in Maine's coastal counties.

During 1988 alone, the Coastal Program produced three public education booklets on coastal resources, circulated two new travelling displays featuring coastal resource information, and established a coastal film/video library. In 1987, the marine education division of the DMR

has added a full-time staff position, allowing them to offer more workshops and in-school programs.

Shellfish management - More than 40 coastal communities have State-approved shellfish management ordinances. The focus of this effort is to assure that shellfish resources are adequately managed and that suitable areas are reclaimed for production. Particularly outstanding municipal efforts include a joint clam-management project implemented by Brunswick, Freeport, West Bath, and Harpswell, and a clam nursery/reseeding project on Beals Island run cooperatively by eight towns.

Increased State support for red tide monitoring - Red tide blooms, which begin in Maine with the spring freshet and continue through the summer months, pose health risks to humans that consume affected shellfish. The Legislature increased its support for red-tide monitoring by establishing a laboratory in Lamoine that improves the DMR's ability to detect the occurrence of red tide along Maine's coast.

Research to support the lobster industry - The State, University, and fishing industry are all working to better manage Maine's lobster resource. Examples of these efforts include a trap-limit experiment around Swan's Island and a study documenting that lobster bait forms an important staple of the lobster diet. The Lobster Institute, a new cooperative effort between the University and the industry, has forged significant agreements with Canadian interests supporting mutually beneficial management programs.

## SHORELINE MANAGEMENT AND ACCESS

Currently, less than 5 percent of the Maine coast is owned by the public and new shoreline developments frequently foreclose shoreline access opportunities that the public and marine industries have traditionally used. As the number of Maine residents and visitors grows, the state's coastal resources are subject to increasing pressure. Of particular concern is the cumulative impact of small and unrelated projects that, when combined, often have profound and lasting effects on coastal resources such as groundwater, wildlife, and visual access to Maine's shore.

Coastal policy accomplishments that *"support shoreline management which gives preference to water-dependent uses over other uses; promote public access to the shoreline; and consider the cumulative effects of development on coastal resources"* include the following:

Location of sites suitable for water-dependent uses - The Coastal Program, with assistance from the marine industry and coastal municipalities, is publishing maps for each coastal community

documenting that less than 5 percent of Maine's coast has the physical characteristics (e.g. deep water, protected anchorages, etc.) required by water-dependent industries to operate. This information will be used by local communities to revise their comprehensive plans and land-use ordinances. At the State level, the information will affect permitting and funding decisions.

Communities such as Portland and Friendship have revised their shoreline management programs to incorporate, among other items, the land-use protection needs of water-dependent uses.

Public access assessment - The Coastal Program, with assistance from local and regional organizations, has prepared an inventory and analysis of all shoreline access sites along the coast that are available to the public. The inventory helps coastal communities assess their access needs and provides a basis for State funding decisions regarding shoreline acquisition and development.

New statutory access considerations - The Comprehensive Planning and Land Use Regulation Act approved in 1988 requires all communities to promote access to the shore for commercial fishermen and the public. To achieve this goal, municipalities must assess the adequacy of existing marine infrastructure and develop strategies to ensure that docking, mooring, parking, and related facilities are available for commercial fishermen and the public.

State acquisition funds for shoreline access - Maine voters approved a \$35 million bond issue to acquire land for several public purposes. In devising the criteria that are used in selecting sites for acquisition, the Land for Maine's Future Board placed a priority on those properties that could provide "coastal or inland access for swimming and fishing access, and boat or canoe launching sites." The Coastal Program also amended its funding criteria to place a high priority on purchasing and developing sites that offer commercial and recreational shoreline access.

Right-of-way discovery pilot program - The Coastal Program is working on a pilot program with selected coastal communities to research and document historic rights-of-way to the shoreline where public title is unclear. This program seeks to increase access opportunities by researching and recording existing public rights-of-way.

Shore access publications - The Coastal Program funded the preparation of technical assistance materials for local officials and the public interested in increasing shore access opportunities. The publications explain legal considerations when public access is provided along the shore, regulatory approaches to public access, and liability issues related to providing public access opportunities.

Revisions to Shoreland Zoning model ordinance - The Department of Environmental Protection (DEP) is revising the model shoreland zoning ordinance to strengthen the protection of water-dependent uses and to enhance the consideration of public access opportunities in municipal shoreline decisions. Changes to the ordinance include the establishment of a "maritime district" which gives priority to commercial fishing and marine industries over recreational uses. The proposed revisions to the ordinances will be considered for adoption by the State in 1989.

Access education initiative - In an effort to better inform the public where shore access is available, the Coastal Program undertook a unique cooperative effort to produce a standard public access sign. Working together, public and private groups developed a striking sign that symbolizes shore access throughout Maine. The sign is used both at public access sites and along major routes and secondary roads leading to access sites.

State legal support to protect public shoreline access rights - The State, in concert with the Town of Wells and other organizations, has worked vigorously to protect the public's right to use the shoreline for commercial and recreational purposes. The "Moody Beach" case has helped to clarify public trust rights along the shoreline and will help determine allowable types of public use of beach areas.

Assessment of sand beach ownership, use, and access - The DOC is currently assessing the ownership, use, and accessibility of sand beach systems in Maine that are suitable for recreational purposes. Results of this study will help to focus State decisions to acquire sand beaches.

## HAZARD AREA DEVELOPMENT

Along low-lying areas of Maine's coast, coastal storms have caused extensive damage to many natural features and buildings. Frequently, this damage has required that federal, state, and local governments use public funds for repairs to roads, bridges, and other public facilities. When coastal storms damage their properties, private landowners covered by federal flood insurance are subsidized with public funds. This policy acknowledges that as sea level rises and portions of Maine's coast continue to subside, shoreline structures will be exposed to greater risks. Improved management of hazardous areas will reduce property loss and improve safety.

Coastal policy accomplishments that *"discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides, or sea-level rise, it is hazardous to human health and safety"* include the following:

Mapping of geologic environments and coastal hazard areas - The DOC, with financial assistance from the Coastal Program, has prepared detailed computerized maps for the coastal region from Kittery to Portland showing geologic environments, hazard areas, and boundaries of coastal sand dune systems. The maps were used in revising the coastal sand dune rules and, in response to strong demand, were widely distributed. The maps were also used to assist landowners in their land-use decisions and to support consistent DEP permitting decisions. In addition, a State marine geologist in the DOC provides technical assistance to towns, the State, and federal agencies in evaluating risks of coastal development projects.

Adoption of revised coastal sand dune regulations - The DEP revised its sand dune rules to address how sea-level rise could affect development projects along Maine's sand beaches. These revisions prevent construction in beach areas of buildings that cannot easily be moved; prohibit construction on frontal dunes and in high-hazard areas; and prohibit reconstruction of buildings severely damaged by storms.

Flood Prevention along the Kennebec River - Maine's Coastal Program has been working with communities along the tidal portion of the Kennebec River for years, helping to plan and improve waterfront open space, recreation, and downtown commercial areas so as to respect the flood hazard potential of these areas.

The extensive statewide floods of April 1987 prompted Congress to authorize the Army Corps to study appropriate measures for mitigating future flood damage to communities along the Kennebec and three other major Maine rivers. Results of this Corps "Reconnaissance" study are due in January 1989. The Coastal Program is working closely with the Corps to help ensure that their efforts are consistent with local plans.

## **STATE AND LOCAL COOPERATIVE MANAGEMENT**

Coastal towns share the management of coastal resources with neighboring communities and state agencies. Since nearly all land-use permit decisions are made at the local level, municipalities have a critical role in managing coastal resources. State agencies review and act on only 1/6 of the land-use and environmental permit requests: all others are acted on at the local level or by Land Use Regulation Commission in the unorganized area. Coastal management is further complicated by the interdependence of local communities, sharing resources that frequently cross town boundaries. This policy highlights the critical need for coastal towns and state agencies to coordinate their planning, regulatory, and financial decisions to ensure that Maine's coastal resources are managed effectively and consistently.

Coastal policy accomplishments that *"encourage and support cooperative State and municipal management of coastal resources"* include the following:

Voter approval of funding for municipal sewage treatment plants and solid waste landfills - In 1987 and 1988, Maine voters approved nearly \$80 million for the maintenance, construction, and improvement of municipal sewage treatment plants and for the cleanup and closure of municipal solid waste landfills in the coastal area. The two highest priorities in the sewerage program are the protection of water supplies and the protection and reclamation of shellfish areas.

Formation of Maine Marine Alliance - The Maine Marine Alliance (MMA) was formed by marine industry organizations concerned that the pace and type of shoreline development occurring threaten their existence on the waterfront. The priorities of the Alliance include improving marine water quality, increasing shore access opportunities for marine activities, and strengthening state and local management of port and harbor areas. The Coastal Program has been instrumental in providing technical and financial assistance during MMA's first year of operation.

Increased State support of Regional Councils - The State has increased funding support for the regional planning agencies allowing them to appoint a "coastal coordinator" dedicated to providing municipalities with technical assistance on coastal issues. These staff members work closely with planning boards to improve the administration and enforcement of municipal land-use ordinances, and help to develop strategies that address local coastal management concerns. The councils, working cooperatively with several state agencies, train local officials on issues such as hazard mitigation, public access, and wildlife habitat management.

Passage of the comprehensive planning statute - The Legislature enacted a comprehensive planning statute that requires every Maine community to prepare a comprehensive plan in partnership with the State. Coastal municipalities must specifically incorporate the nine coastal policies into these plans.

Municipal coastal policies handbook - The Coastal Program has prepared a handbook for coastal municipalities that provides a rationale for each coastal policy and describes specific steps that communities can take to implement the policies. The handbook also contains examples of ordinances and plans that have been successfully adopted by Maine communities.

Approval of Executive Order #3FY 86/87 - An Executive Order (Providing for the Implementation of the State's Coastal Management Policies) was issued in 1986, setting forth a strategy by which



state agencies working on coastal issues should comply with the policies. The order identified nine state agencies that must comply with the policies and directed the State Planning Office to prepare guidelines describing how and when state agencies are to incorporate the coastal policies into their planning, permitting, and funding decisions.

State Regulatory Amendments Developed - The DEP, using Coastal Program funds, hired a consultant to identify what regulatory changes were needed to implement the coastal policies. DEP is now considering how best to incorporate the policies into the regulations for the Natural Resources Protection Act and the Site Location of Development Act.

## SCENIC AND NATURAL AREAS PROTECTION

Maine's scenic and natural resources along the coast are vital to the State's economy, the flora and fauna that rely on them, and the quality of life residents value. In the face of increasing development pressures, these irreplaceable resources require renewed state and local management. This policy recognizes that Maine must protect the coast's significant natural and cultural features to ensure the resources are sustained for future generations.

Specific coastal policy accomplishments that *"protect and manage critical habitat and natural areas of State and national significance, and maintain the scenic beauty and character of the coast even in areas where development occurs"* include the following:

State acquisition of coastal lands - The State acquired 7,200 acres of exceptional scenic land in the Ellsworth area, including 12 miles of undeveloped lake frontage on Donnell Pond; Tunk Lake; and several related ponds. Other lands acquired since 1986 have included Black and Caribou Mountains and the Kennebunk Plains.

Acquisition of Boot Head in Lubec - The Maine Coast Heritage Trust acquired 700 acres of shoreland property in Lubec. Boot Head is a wild region of Maine's shoreline in Washington County with 3 miles of coastline and high rocky bluffs overlooking the ocean.

Preservation of Great Heath peat bog - With help from the Town of Columbia, The Nature Conservancy acquired 4,300 acres of the Great Heath in Washington County. The land contains several endangered plants and is listed as a State Critical Area. This acquisition, which complements other State ownership in the area.

Coastal and marine wildlife management - The Department of Inland Fisheries and Wildlife (IF&W), with funding from the Maine Coastal Program, prepared detailed habitat assessments of

terrestrial and marine wildlife for coastal communities from Kittery to Frenchboro. These management efforts were presented to the towns for consideration when revising their comprehensive plans and land-use ordinances. State agencies have also used these data and wildlife management recommendations when issuing permits for coastal activities.

Implementation of the Heritage Coastal Areas program - The Maine Coastal Program completed documentation of five Heritage Coastal Areas in southern Maine (from Kittery to Scarborough). These areas comprise historic, scenic and natural resources of state and/or national significance. Work has begun on documenting these areas in the region from Cape Elizabeth to Owls Head.

Enactment of the Resource Protection Act - The Legislature enacted the Natural Resource Protection Act which consolidates and clarifies the laws pertaining to great ponds; alteration of rivers, streams, and brooks; freshwater wetlands; and coastal wetlands. The bill combines into one permitting system all the current state permit requirements governing great ponds, stream alteration, coastal wetlands, sand dunes, and inland wetlands. Activities subject to this Act "must not interfere unreasonably with the existing scenic and or aesthetic uses."

Scenic studies in southern and mid-coast Maine - The Maine Coastal Program completed inventories of scenic sites in southern and mid-coastal Maine. This information was used in the Heritage Coastal Areas program and by municipalities and land trusts to develop land-use management programs that seek to protect important scenic vistas.

Development of natural areas maps - The Nature Conservancy, with funding and technical assistance from the Coastal Program, developed and published a map series for coastal Maine. The maps identify important natural areas and wildlife habitats, and sites of historic significance. The maps will be used in coastal planning and land-use permitting activities at the State and local levels.

State acceptance of the Natural Heritage Program Data System - The State has assumed responsibility for a natural resources data base that is now active in every state throughout the nation. The Natural Heritage Program Data System, prepared by The Nature Conservancy, draws on the shared resources of state agencies and The Nature Conservancy. This system collects, stores, and disseminates information on endangered and rare plants, animals, natural communities, and other natural resources.

Identification of important natural areas - The Critical Areas Program, located within the SPO, is working with Acadia National Park to document National Natural Landmarks in the Park. The

Program was also involved in establishing the Official List of Endangered and Threatened Plant Species.

## RECREATION AND TOURISM

Maine's quality of life is linked inextricably to the beauty and accessibility of its natural environment. Each year, an estimated 6 million tourists visit Maine to enjoy outdoor recreational opportunities. Employment for more than 40,000 people relies on these tourist activities, which contribute \$1.25 billion annually to the state economy.

This policy recognizes that tourism is an essential element of the coastal economy and that the State, in partnership with tourism interests, needs to ensure that outdoor recreational resources remain accessible to the public and that tourism is promoted in areas of the state that can accommodate increased use.

Specific policy accomplishments that *"expand the opportunities for outdoor recreation and encourage appropriate coastal tourist activities and development"* include the following:

Cruise ship promotions - The MDOT and Department of Economic and Community Development (DECD) provided marketing assistance to several Maine ports interested in attracting cruise ships. Maine cruise ship traffic, involving boats from 225 to 800 feet that carry from 100 to 1,100 people, has doubled during the past three years (reaching a total of 80 ship calls in 1988).

The City of Portland, port interests, and the MDOT were successful in attracting the aircraft carrier USS Kennedy to come to Portland Harbor. The State is now working on other military ship ports of call and ceremonial activities, such as the commissioning of the cruiser *Phillipine Sea* which is near completion at Bath Iron Works.

Creation of a new Department of Economic and Community Development - The Legislature created a new state department, DECD, which houses the Office of Tourism. Under the Governor's direction, State funds allocated for tourist promotional activities rose from \$1.2 million in fiscal year '87 to \$2.84 million in fiscal year '89. Part of these funds have been directed towards a regional development program helping less populated regions of the state, inland and upland, expand marketing efforts while helping more crowded coastal regions to effectively manage tourism. Four regional tourism councils have already been established as part of this effort.

Maine Commission on Outdoor Recreation - Several State agencies, nonprofit organizations, and the Legislature examined the state's outdoor recreation needs to determine what actions were

appropriate to ensure that the public has adequate access to coastal and inland resources. The Commission recommendations pertained to:

- the role of the Land for Maine's Future Board in meeting public recreational needs;
- the creation of a Maine Advisory Commission on Outdoor Recreation (MACOR) to provide a public forum to discuss outdoor recreation issues;
- the liability exposure of landowners that allow the public to use their property for recreational purposes; and
- the fees landowners should charge to cover the costs of public access.

Establishment of the Maine Island Trail - The DOC, working cooperatively with private nonprofit organizations and volunteers, has established a coastal island trail for boaters. The trail contains nearly 40 state-owned islands and extends from Casco Bay to Eastport. An information pamphlet is available which describes the location of the islands and explains safety issues and proper use. The creation of the trail provides a unique recreational opportunity to meet the growing number of boaters.

## WATER QUALITY

The State's fresh, estuarine, and marine waters contribute economic, social, aesthetic, and biological values to Maine. Clean surface and groundwater supplies are essential to the continued growth and prosperity of the state. Marine and estuarine waters are valuable for the living marine resources upon which our coastal economy relies. This policy requires the State to safeguard our water resources by ensuring that coastal development does not degrade their natural characteristics.

Specific policy accomplishments that *"restore and maintain the quality of our fresh, marine, and estuarine waters, allowing for the broadest possible diversity of public and private uses"* include the following:

Water quality reclassification of marine waters - The Legislature revised the State's system for classifying marine waters to strengthen the management of this resource. The system is goal-oriented and provides guidelines for state review of proposed ocean discharge licenses. The DEP is currently developing a five-year strategy for implementing this revised system. With thresholds established for marine waters, the State can better assure that new discharges will meet set goals.

Management of sole source aquifers - The State, in cooperation with local and federal agencies, has initiated a "sole-source aquifer designation program" to improve federal review of projects that could endanger aquifers and to make local communities aware of federal funding available for protection efforts. Already, Monhegan has been designated; North Haven and Vinalhaven are under review for designation; and other sites are being considered.

Marine monitoring program - Recognizing that the environmental quality of marine waters affects Maine's economy and quality of life, the Legislature initiated a state marine monitoring program to map contaminants in coastal waters, sediments, and fish tissues. The DEP, with financial assistance from the Coastal Program, has collected samples from marine waters near Kittery, and in Casco Bay, Boothbay Harbor and Kennebec Bay (near Machias). Preliminary results indicate that pollutants are degrading the marine environment and that a larger research program is needed to document the extent of the problem and recommend management strategies. A comprehensive monitoring program would provide baseline data on Maine's coastal waters and would help identify point and non-point sources of pollution.

Overboard discharge ban - The Legislature enacted a ban on new, non-municipal sewage discharges into the marine environment. The length for existing overboard discharge licenses was reduced from 10 to five years and a review system was instituted to remove those systems that are contaminating productive shellfish areas.

## AIR QUALITY

A decrease in Maine's air quality and visibility is detrimental to the economy of the state, and to the health and well-being of Maine citizens. Atmospheric deposition and increasing ozone levels pose serious threats to Maine's air quality. This policy reaffirms the State's commitment to support activities that will improve air quality in the coastal region and to discourage activities that will degrade it.

Specific policy accomplishments that *"restore and maintain coastal air quality; protect the health of citizens and visitors; and protect enjoyment of the natural beauty and maritime characteristics of the Maine coast"* include the following:

Ozone regulations & vapor containment devices - The DEP developed five new and expanded regulations to lessen hydrocarbon emissions that contribute to Maine's ozone problems. These measures include the following: (1) regulations requiring bulk gasoline storage facilities to have "floating roofs" (which decrease vapor emissions) were expanded to include terminals in Bangor, Brewer, Bucksport and Searsport; (2) bulk gasoline storage facilities are now required to install

vapor recovery systems; (3) service stations are required to install "drop tubes" in all underground storage tanks (to prevent vapor loss through "splash-filling); (4) tank trucks are required to have tighter vapor formation and release devices, and to perform a self-certification test annually; and (5) Maine, along with coastal states south to New Jersey, is reducing the amount of hydrocarbons emitted during the summer ozone season by lowering the levels of gasoline volatility.

Enactment of a chlorofluorocarbon ban - Due to concerns about ozone pollution and the effect of chlorofluorocarbons (CFCs) on air quality, an Executive Order (#10 FY 87/88) was issued banning State purchase of polystyrene foam products produced with CFCs. In 1988, the Executive Order was implemented in State statutes (38 MRSA, sec. 1603) along with a statewide ban on extruded polystyrene foam sheets (food packaging materials) made with CFCs. After January 1, 1989, no one in Maine may sell these materials if they are manufactured with fully halogenated CFCs.

# IMPLEMENTATION ASSESSMENT

This report documents that state agencies and coastal municipalities have made significant progress in implementing the coastal policies. This implementation has not occurred in a systematic manner, however, because few state agencies and municipalities amended their decision-making processes to specifically incorporate the policies. Rather, individual policy accomplishments can be attributed to agencies successfully taking advantage of opportunities that arose due to funding availability or timing.

The two most concerted efforts to formally integrate the policies into state and local decisions affecting coastal resources involved the development of state agency State Coastal Management Policy Guidelines and the Municipal Coastal Policy Guidelines. These reports detail how the State and coastal communities should incorporate the policies into their regulatory, planning, and funding programs.

The Coastal Management Policy Guidelines for state agencies produced the following results:

1. The DEP identified a series of changes to its regulatory programs and is considering how to implement these changes. The agency expects to submit proposed changes through the Administrative Procedures Act (APA) in 1989. The DEP is also drafting revisions to the State's model shoreland zoning ordinance that the Board of Environmental Protection will consider for adoption in the spring of 1989.
2. The Finance Authority of Maine (FAME) manuals and loan review procedures were modified so that all loan officers are aware of the policies and implementing guidelines.

The Municipal Coastal Policy Guidelines, prepared by the DECD with financial assistance from the Coastal Program, were completed in December 1988. This technical assistance handbook describes each coastal policy and presents options for how municipalities can incorporate the coastal policies into their regulatory, planning, and funding programs. The DECD, in partnership with regional councils along the coast, will distribute the handbook and work with coastal communities on ways to implement the policies. Priority attention will be given to those coastal municipalities that must prepare a comprehensive plan by 1991 and to those already revising their plans or land-use ordinances.

Independently, several state agencies have made significant contributions in implementing the coastal policies, but their efforts have not been part of a coordinated strategy. Specific coastal projects within state agencies that implement the policies include the following:

The State Planning Office has developed and pursued projects that have implemented several of the coastal policies. Funding through the Maine Coastal Program has been instrumental in the support of the Maine Marine Alliance, identification of water-dependent use sites, publication of educational materials on coastal issues, identification and protection of Heritage Coastal Areas, and development of shoreline access materials.

The Department of Economic and Community Development, through Coastal Program funding, works closely with the coastal regional councils in implementing the "coastal coordinators program" that provides land-use and policy expertise to coastal municipalities. The agency has also sponsored numerous local official training programs, provided municipal planning and construction grants for shore access facilities, and prepared technical assistance publications.

The Department of Marine Resources, while not amending their programs to specifically incorporate the policies, has taken some important steps toward implementing the coastal policies. Its cooperative work on shellfish management with municipalities and its exploration of the potential impact of aquaculture on the marine environment support the marine resource policy.

The Department of Inland Fisheries and Wildlife, while not specifically incorporating the policies into its programs, has helped implement the policy pertaining to natural areas protection. With financial assistance from the Coastal Program, it significantly improved the quality of terrestrial and marine wildlife information for several sections of the coast and distributed this information to resource managers and coastal municipalities.

The Department of Conservation, through the submerged lands leasing program, has identified changes that will explicitly implement the coastal policy pertaining to shoreline management and access. The changes will be submitted to the Legislature in January 1989 in a study report pursuant to L.D. 2289, An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes, and Great Ponds. The report discusses the adequacy of fees, accessibility of submerged lands, impact of submerged lands leasing on commercial fisheries and marine industries, and the role of dockominiums.



The Department of Transportation, in partnership with municipal and private interests, has implemented the port and harbor management policy through their port initiatives, work with island communities, and marine infrastructure construction programs.

# RECOMMENDATIONS

1. The State and coastal municipalities need to increase the pace at which they formally incorporate the coastal policies into their decisions affecting coastal resources.

## Municipal actions

In 1988, the Legislature enacted Maine's comprehensive planning law and established a time schedule by which all municipalities must prepare a comprehensive plan that addresses, among other items, the coastal policies. Municipalities, with financial and technical assistance from the State, need to be aggressive in formally incorporating the policies in their plans and ordinances so they shape the future growth and development of their shoreline.

## State Actions

- A. The DECD should develop a written, two-part strategy directed at the long-term comprehensive planning process and the short-term ability of municipalities to incorporate the policies. Initially, the strategy should cover a two-year period and become effective in June 1989.

Comprehensive Planning - The DECD was designated the lead agency to provide planning technical assistance to municipalities and to review comprehensive plans prepared by municipalities. Consequently, how well municipalities can fully incorporate the policies into their plans and implementing ordinances will depend on the technical guidance and financial assistance the DECD is able to provide to coastal communities.

The state guidelines currently being prepared for municipal comprehensive plans must specify what actions are necessary to implement the coastal policies. Further, the DECD should determine what the special technical assistance needs are of the 34 coastal communities that must prepare a comprehensive plan by 1991.

Local Land Use and Funding Decisions - The DECD has recently completed a technical assistance publication on the policies that municipalities should begin to consider. The DECD, in consultation with the coastal councils, should develop an implementation strategy for each region of the coast. The strategy would describe the technical and financial resources needed to work with the municipalities in revising their regulatory and funding decisions so they are consistent with the policies. It should identify goals of this effort so that the results are measurable at the end of the two-year period.

- B. The DEP should act on the recommendations from its 1987 study of coastal policy implementation strategies. This action would require the agency to incorporate the regulatory

changes recommended into the environmental laws it administers. These changes should be acted upon in 1989 as DEP amends its regulatory programs.

**2. The State should develop a coastal policy that addresses the unique management needs of Maine's offshore islands.**

Maine's islands are experiencing rapid changes in land-use patterns that threaten their natural resources and cultural identity. Islands, because of their small size, economy, natural resources and isolation, require special consideration by municipal and state decision-makers.

The SPO, DOC, and DECD, in consultation with island communities and other interests, should be directed to develop a state island policy for consideration by the Legislature. The policy would be included in 38MRSA Sec. 1801 and address issues such as sustainable economic development, year-round and seasonal populations, education, waste disposal, public water supplies, and linkages to the mainland.

Development of the policy should occur during 1989 for presentation to the Legislature for consideration in 1990.

**3. The State, in partnership with marine industries, should develop a marine debris program that will improve coastal water quality by reducing the amount of nondegradable debris discarded in nearshore and offshore waters.**

Like other coastal states around the country, Maine faces a growing problem with marine debris, particularly nondegradable materials. Marine plastic debris (MPD) endangers boaters, entangles marine wildlife, and diminishes the aesthetic value of our shores. In a 1988 cleanup covering 114 miles of Maine's coast, participants found an *average* of 135 pounds per mile of debris, much of it nondegradable.

The State needs to systematically address the marine debris issue through a three-part program involving educational outreach to commercial fishermen, recreational boaters, and shore visitors; construction of shoreside waste disposal facilities; and source reduction/recycling initiatives.

Educational Outreach - The public education program should be coordinated by one agency, which would act as a clearinghouse for MPD data reception and information dissemination. Educational outreach efforts would include distribution of public service announcements, informational displays, posters, brochures, and videos directed at residents, tourists, registered boaters, and licensed fishermen. Permanent informational signs concerning marine debris should be posted at all state parks, boat launching sites, and marinas. Funds for this increased educational effort could be derived, in part, from an increased boat registration fee. Private sector support of MPD educational efforts should also be encouraged.

Information on MPD should be incorporated into the curriculum of K-12 public schools (in environmental and Maine studies units) and into the curriculum of institutions that train the professional maritime community (such as vocational technical institutes and the Maine Maritime Academy).

Shoreside Waste Disposal - The State should work with regional planning councils to assess the need for shoreside disposal facilities and begin construction in locations of highest need.

Waste Planning and Recycling - An MPD Program should be integrated into Maine's comprehensive solid waste planning and should be a significant element of its recycling initiative. With support from the State, a pilot recycling project should be established in a major Maine port (e.g., Eastport, Rockland, or Portland), with a 'bounty system' for lost or discarded fishing gear that is recycled. The State should require that State-funded ferries and State Parks use recycled materials (e.g., in concession stands) and encourage responsible waste disposal.

The State, in consultation with coastal communities and the marine industry, should develop the framework for a marine debris program including the key elements of a program, funding requirements, staffing needs, and legislative/statutory authorizations. Such a program should be an important component of any major solid waste initiative considered by the Legislature.

#### **4. The State should develop a Coastal Action Plan for the 1990s.**

The SPO, DEP, DOT, DECD, DOC, and DMR and other pertinent marine interests, should develop a Coastal Action Plan for consideration by the Legislature in 1990. The plan would be goal-oriented and would develop recommendations for state and municipal action in the following areas:

- fostering shoreline access opportunities for the public and marine industry ;
- improving marine water quality;
- improving the bilateral management of the Gulf of Maine's coastal and marine resources;
- addressing sea-level rise and its implications for shoreline use
- sustaining and promoting working waterfront areas; and
- expanding marine economic opportunities that are compatible with related marine resources such as aquaculture.

The issues to be addressed in the Action Plan would be developed through a public meeting process conducted throughout the coastal area in 1989.