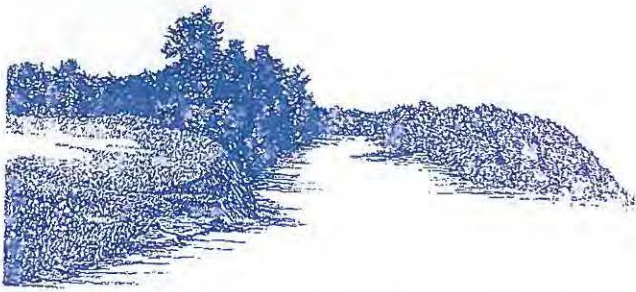


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Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

Senator Denise Tepler, Chair
Representative Victoria Doudera, Chair
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, Maine 04333

January 31, 2025

In RE: Report on the Saco River Corridor Fund

Dear Senator Tepler and Representative Doudera:

The Saco River Corridor Commission (hereafter, "SRCC" or "Commission") was established by the Legislature in 1973 to oversee and administer the Saco River Corridor Act (hereafter, the "Act"). The Commission works to guide development and prevent incompatible land uses within 500 feet of the Saco River and its two major tributaries, the Ossipee, and Little Ossipee. Where the 100-year floodplain extends beyond 500 feet, the Corridor's jurisdiction expands to cover areas up to 1,000 feet from these rivers. Made up of volunteer representatives appointed by municipalities along the Rivers, the Commission protects ecological and public health in the Corridor, along with the quality of life in our communities. This is the 52nd year of the SRCC's ongoing efforts, and we are as committed as ever to the purpose of protecting the Corridor and its Rivers.

The Saco River and its groundwater is the sole source of municipal drinking water for Saco, Biddeford, and several other towns. Because of their scenic character and proximity to population centers, the Saco, Ossipee, and Little Ossipee Rivers are key attractors for recreational activity, helping local economies. Recreational users can expect reasonably safe waters for swimming, boating, and tubing, due to the protection of functional vegetative buffers and judicious setbacks for impactful activities. To maintain the security of drinking water supplies and the health, safety, and attractiveness of river recreation, the Commission enforces standards derived from the Act to reduce or avoid negative impacts from development. The SRCC's work seeks to ensure appropriate and balanced land use, offering enhanced protection over the Mandatory Shoreland Zoning Act.

Maine's 118th Legislature revised the Act by way of Public Law 1997, chapter 330, §1, to create the Saco River Corridor Fund (the Fund), now described in Title 38, §969. This means of funding the Commission's continuing operations includes a 1% fee on the sale of water and fire protection services by a water utility drawing water from the Saco River or its groundwater. The Fund helps to protect existing water quality by partially underwriting the administration of the SRCC. The Saco River Corridor Fund thus supports operational costs of our Land Use Regulatory Program, Water Quality Monitoring Program, and Educational Outreach Program, each of which is described below. The amount collected by the Saco River Corridor Fund in FY24 was \$145,894.72. Interest accumulation was \$421.90, for a total of \$146,316.62 made available through the Fund between July 1, 2023 and June 30, 2024.

Water Quality Monitoring Program

The SRCC is now approaching its 24th consecutive season of the Water Quality Monitoring (hereafter, "WQM") Program, established to determine a baseline of water quality in the Saco River Basin,

and to monitor for trends over time, identifying potential threats to drinking water and recreation. This joint program, run alongside the Green Mountain Conservation Group (hereafter, "GMCG"), encompasses one watershed, two states, and twenty-six towns. The GMCG monitors the water that enters Maine via 28 sites in the Ossipee Lake watershed, while the SRCC samples 43 sites along the three Corridor rivers, assessing basic quality parameters, nitrogen and phosphorous loads, and potentially harmful bacteria levels including *E. coli* and Enterococcus. Each year as a subset of our total sampling, we conduct our "Swimmability" program, where high-recreation sites are tested for bacterial levels more frequently during the summer.

Our sampling is managed by a seasonal Water Quality Coordinator with help from community volunteers to ensure all samples are taken with proper protocols and the data promptly and accurately recorded. Thanks to our ability to test bacterial samples in-house, SRCC is able to provide next-day bacterial alerts to municipal offices when levels exceeding state thresholds are detected. To better inform the public, we maintain an online dashboard updated throughout the season with the latest bacterial alerts. We also make our raw data available upon request to municipalities, Maine Water Company, and others who may benefit from it.

The WQM program's Quality Assurance Project Plan (QAPP) was renewed by ME DEP, NH DES, and the EPA in 2020, and will be updated again this year. The SRCC's growing body of data helps to gauge the success of water quality protection efforts along the Corridor. At present, the limiting factor on our ability to expand the WQM program is personnel, and we eventually hope to transition the seasonal WQM coordinator position into a year-round role that can increase efficiency, pursue education and outreach efforts, and help expand the scope of testing.

In 2025 the Commission will once again hire a full-time seasonal WQM Coordinator from March to September. The Coordinator works to ensure consistent and high-quality data by monitoring sites, testing samples in-house, handling sample delivery to labs, managing and training volunteers, maintaining equipment and our database, and communicating bacterial results to municipalities. We will also continue to engage part-time assistance from Jill Emerson of GMCG as our WQM Program Manager. The Program Manager ensures all requirements of the QAPP are met, leads the annual volunteer training, conducts quality control, and prepares annual water quality reports for each Corridor town. While municipal contributions are solicited to help support the Water Quality Program, the Saco River Corridor Fund is also essential to this program's budget.

Land-Use Regulatory Program

The Saco River Corridor Fund significantly supports the SRCC's Land Use Regulatory Program, which administers the Saco River Corridor Act. Under this program, the Commission issues permits for land and water uses within the Corridor, whether it is construction of a home, shoreline stabilization, or renovation of municipal facilities. Our volunteer Commissioners (one regular member and one alternate appointed by each Corridor community) meet to review about 10-20 applications each month except December. Committees of the Commission also assist staff with application review, administrative matters, and rulemaking. The SRCC's staff handles the bulk of office communications and research related to the permitting process, and the Commission's Compliance Evaluator visits each site to confirm the dimensions, setbacks, potential concerns, and outcomes of proposed activities.

Throughout this process, the staff communicates extensively with applicants and their agents, conforming their applications to the Commission's standards and helping them adequately document their proposals. This entails multiple telephone consultations, research, meetings, and written correspondence between the applicants and staff, often involving the applicant's surveyors, engineers, contractors, or

attorneys. The Commission maintains a unique online database that documents every application and includes many years of past applications. Work continues to digitize the older records running back to 1974, as resources allow.

The three districts of the Corridor were identified with input from municipalities in 1974, and the resulting maps have been modified by decisions of the Commission since that time as well as by changes in the defined 100-year floodplain. In 2019, an interactive online map of the Corridor was created, and made accessible to the public and municipalities as a planning tool. A major update to the floodplain maps by FEMA in 2024 has prompted staff to begin a town-by-town update to the digital map, which when completed will help increase understanding of the Corridor's jurisdictional boundaries. Along with increased availability of aerial photography and other digital tools, the SRCC is continuing to use technology to enhance the efficiency and effectiveness of the Commission.

The Commission also monitors violations of the Act and seeks remediation. Addressing a violation can involve extensive communications with potential or known violators, consent and enforcement agreements, revegetation plans, required clean-up or removal of unpermitted structures, and/or fines that are sent to the State General Fund. Pursuing violations of the Act is an extremely important but also very time-consuming process heavily dependent on our staff capacity. When necessary, the Commission relies on consultation with the Assistant Attorney General's office to answer critical legal questions, review consent agreements, and assist in the case of compliance failure. The Commission may in future require its own local counsel due to the expanding need to address violations of the Act, but prior to that will need additional administrative staff to handle violation proceedings and expand enforcement efforts.

In FY24, the Commission reviewed 116 applications for development in the Corridor, representing a still-elevated rate compared to the pre-pandemic period (60-70 applications/year was common in 2010-2018). With the increase in active projects in the past five years, there is a concurrent increase in compliance checks, amendments, tree removal requests, and unfortunately also more violations. Processing permits and addressing violations often involves coordination with other permitting agencies, so our interaction with municipal staff has also increased in recent years. This need for collaboration between SRCC staff, local code enforcement officers, town officials, and interested citizens helps further one of the Commission's goals: to connect and work with local individuals and municipalities, creating the best collective outcome for the Corridor. As the next section describes, outreach to the community is key to the SRCC's work.

Educational Outreach Program

Every year, the Commission analyzes WQM data collected in each municipality, including positive and negative water quality trends, and proposes recommendations to resolve identified issues. This analysis, provided to each municipality ahead of their annual report process, assists community leaders in making informed land- and water-use decisions, and helps raise awareness of the Commission, the Saco River Corridor Act, and the methods by which water quality can be protected and improved.

Our staffed office plays an important role in disseminating information about both the Water Quality Monitoring Program and the Land Use Regulatory Program, helping landowners to understand the importance of the Corridor's health and abide by the Saco River Corridor Act. We often serve as a resource to applicants seeking best practices for projects within the Corridor, from erosion control and buffers to invasive plant removal and revegetation. Our Compliance Evaluator, who frequently visits and speaks with landowners, is also an important communicator of the Commission's standards. When possible, the SRCC office pursues educational outreach and has a presence at community events; in 2025 we are pursuing a series of educational webinars for municipal officials and the public.

With development pressure, increased recreation, and the threat of more frequent intense flooding, it is important that the Act's standards are adequately communicated to the public, and especially to landowners and contractors within the Corridor whose actions affect these protected lands and waters most directly. We intend, through our staff's ongoing efforts to be available and effective communicators, to help avoid accidental violations of the Act and promote positive engagement of the community with our work.

In Conclusion

The staff and our dedicated volunteers, including our sworn Commissioners, work within a tight budget to enforce the Saco River Corridor Act, engage meaningfully with the community, and monitor water quality in one of Maine's most important waterways. The Saco River Corridor Fund has been essential to maintaining effective administration of the Act and the services the Commission office provides to 20 municipalities.

I continue to be amazed at the long-term effect of the Act on the Rivers and their surrounding communities. Reading the original comprehensive plan known as "View from the Valley" (1973), I am struck by how close to the original vision for the Commission this organization remains. The originators of this legislation wanted locally-controlled, consistent oversight and protection for the Rivers and the lands around them, such that degradation of the waters, loss of scenic values, and intensive overcrowding did not have to be the inevitable future. Fifty-two years later, we remain committed to the same goals, and the SRCC is still relevant, necessary, and remarkably effective for the resources it has. Over this time the Corridor has primarily seen an improvement rather than degradation of water quality, and there is so much interest in recreation on this still-scenic river that *overuse* is more of an issue than attracting tourism. Although successful management of the Corridor to date is not a reason to be complacent and many problems still exist, significant credit can be given to the efforts of the Legislature, the Commissioners, and the SRCC staff and volunteers over time to see the outcome that we are grateful to have – beautiful waterways that children can play in, wildlife can live along, yet cities and towns can also thrive beside; a balance of uses that we hope will continue long into the future.

The Saco River Corridor Fund represents more than half of the revenue supporting the SRCC's operational costs, including the salaries of our three full-time and two part-time staff positions. The Fund assists the SRCC's efforts to run our essential programs and maintain oversight of an increasingly busy Corridor, including critical improvements to equipment, technology, and staff capacity.

If there are any questions about the content of this report or the Commission in general, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Cheri Dunning". The signature is fluid and cursive, with the first name "Cheri" and last name "Dunning" clearly distinguishable.

Cheri Dunning
Executive Director
Saco River Corridor Commission