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# **Land and Water Resources Council**

## **2007 Annual Report**

to

**Governor John Elias Baldacci**

and the

**Joint Standing Committee on Natural Resources  
of the  
One Hundred Twenty Third Maine Legislature,  
Second Regular Session**

January 2008

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# 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 in accordance with 5 M.R.S.A. §3331, sub-§4. This report describes the Council's activities in 2007 and notes activities that the Council anticipates in 2008.

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 Council is established 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 it by the Legislature or the Governor, as well as projects initiated at the request of a state agency or by the Council itself.

## COUNCIL MATTERS IN 2007

The Council's work in 2007 focused on oversight of implementation of outcomes of two inter-agency policy development studies undertaken in 2006. Both studies, one to explore innovative options for managing Maine's bays and the other to review and recommend improvements for management of groundwater resources, were undertaken at the Legislature's direction.

### **Bay Management Study**

#### Background:

PL 2003 c. 660, Part B (LD 1857) directed the Council to undertake a two-year study “to explore and document potential new and innovative concepts for the management of Maine's embayments” and to submit a final report by January 15, 2007 to the Legislature's Joint Standing Committee on Marine Resources. The main purposes of the study were to explore the concept of bay management as a tool for planning and management of uses of near shore embayments and the potential role of local government in such planning and management, and to recommend management options for consideration by the Legislature. The State Planning Office (SPO) and the Department of Marine Resources (DMR) led this study effort, which was supported by federal Coastal Zone Management Act funds, with advice from a project steering committee made up of eight public members with expertise in relevant fields. The initial aspects of the study centered principally on information gathering through both outreach and policy research; the focus in 2006 was on assessment of that information and development of recommendations for improving management of uses and resources in Maine's nearshore environment. The Council submitted its final report to the Legislature's Marine Resources Committee in January 2007.

The recommendations in the Council's final report focused principally on means to ensure improved coordination among state agencies with missions involving management of nearshore resources, assistance to communities in undertaking local and regional nearshore management projects, and improvements in information resources (additional data and GIS capability) to inform such efforts. The Marine Resources Committee endorsed the report's recommendations, which did not call for changes in state law.

Governor Baldacci issued an executive order to ensure well-concerted agency action in moving forward on the study's recommendations, which included establishment of a Council subcommittee on coastal and marine policy charged with actively shepherding the implementation of the study's recommendations, establishing and tracking priorities for that work, and proposing a set of coastal management priorities (beyond bay management) on an annual basis.

#### Activities in 2007:

In 2007, SPO and DMR lead state agency efforts to establish and initiate the work of the coastal and marine subcommittee. Now formed, the subcommittee, is made up of senior representatives of DMR, the Departments of Environmental Protection (DEP) and Conservation (DOC), and SPO, and held its initial, organizing meeting in November 2007. The Department of Inland Fisheries and Wildlife (DIFW) is also part of the subcommittee (although absent at the first meeting). Other agencies are envisioned as participants on as needed basis.

Pursuant to its above noted charge, the subcommittee identified the following as priorities for the coming year:

- Launch the pilot interagency strategic planning process (described below);
- Issue an RFP and select one or more locations to pilot regional marine resource management; and
- Compete for grants and other sources of funds for projects cited in the bay management report.

The subcommittee also decided to focus the interagency strategic planning process (called for in the executive order) on interrelated issues regarding land use, water quality, shellfish resources, and swimming beaches, with the objective of better management of land use and water quality to protect key coastal uses such as shellfish harvesting and swimming. As an initial step, SPO produced an outline of the types of activities carried out by state agencies that affect shellfish and swimming resources. The Departments of Transportation and Agriculture, Food and Rural Resources, which administer programs related to nonpoint source pollution, will be invited to participate in the process. The next step is to convene a staff level work group to further refine the planning process and scope, and to begin work early in 2008. The

completed pilot strategic plan is due for the Council's consideration in December 2008.

With respect to the establishment of a broader set of coastal priorities (beyond the bay management initiative), the subcommittee noted its narrow composition and proposed, given the broader number of agencies represented on the Council, to use the Council as a sounding board and forum to identify a wider scope of coastal management priorities.

### **Groundwater management study**

#### Background:

PL 2005 c. 452 directed the Council to study the State's laws and policies regarding management and utilization of ground water resources and to make recommendations for improvements to the Legislature's Natural Resources Committee. Oversight of the study, which the Maine Geological Survey (MGS) led, was a focus for the Council in 2006. The Council provided its final report and recommendations, products of the stakeholder process led by MGS, to the Natural Resources Committee following its review and approval of the report produced by MGS in December 2006.

PL 2007 c. 399 was the product of the Legislature's deliberations on the Council's recommendations. This law, which makes a number of changes to state law aimed in part at creating consistency among the standards which state agencies apply in evaluating and regulating proposed groundwater withdrawals, also calls for establishment of a Water Resources Planning Committee under the purview of the Council to consider state water resources policy and develop guidance for municipalities and educational materials for the public.

#### Activities in 2007:

Designated the Water Resources Planning Committee's lead agency, MGS spearheaded efforts to establish and organize the Committee. MGS solicited and secured participants on the Committee, and planned and organized its initial meeting (since rescheduled for early 2008) for December 2007.

MGS continues to refine its "watersheds-at-risk" analysis, in part by identifying areas where field investigations will be carried out in the summer of 2008. This analysis provides a factual, scientific foundation for directing and focusing state efforts to address groundwater policy issues.

PL 2007 c. 399 directs the Council to report to the Legislature in August 2008 on the Committee's work. The Drinking Water Program at the Maine Center for Disease Control, DEP, and the Poland Spring bottling company are providing funding to MGS for the Committee's work. DAFRR staff is assisting with ideas on grant prospects.



## **Lakes Heritage Trust Fund**

5 MRSA §3331, sub-§6 authorizes the Council to manage the Lakes Heritage Trust Fund and requires the Council to include in its annual report “an accounting of all donations to and expenditures from” the Fund. In 2007, the Fund received no donated or other funds and the Council made no expenditures from the Fund.

## **Interagency coordination**

In 2003, the Council adjusted its meeting schedule (moving from monthly to quarterly meetings) and approach to agenda setting in an effort to clarify and coordinate its role in relation to the Energy Resources Council and other forums for discussion among the State’s natural resources agency commissioners. In particular, the Council resolved to use the commissioners’ cabinet-level discussions to identify issues that are ripe for consideration by the Council and to help guide Council actions on matters assigned to the Council by the Legislature or Governor, as well as other matters which may benefit from inter-agency coordination but may not require the active involvement of the Council.

This approach has proven an efficient and effective means for ensuring timely communication among agency decision makers and resulting action on natural resources policy issues. In addition, sub-cabinet level discussions among state natural resources agencies have been a useful forum for identifying issues that involve multiple state agencies with potentially conflicting missions or mandates that are of interest to stakeholders outside of state government and thus may necessitate and benefit from further commissioner-level consideration via the Council.

In keeping with this approach, SPO staff, in cooperation with other natural resources agency staff, provided professional assistance on a variety of matters to help support inter-agency policy initiatives, including the Governor's Task Force on Wind Power Development, coordination of state dredging policy team, coordination of state participation in the Federal Energy Regulatory Commission's review of LNG projects, and state comments on the Minerals Management Service’s EIS regarding development of a program for leasing Outer Continental Shelf areas for renewable energy development.

## **UPCOMING ISSUES IN 2008**

Topics which the Council anticipates it will address in the coming year include the following:

- Continued oversight of implementation of bay management study recommendations

As outlined above, the Council's subcommittee on coastal and marine policy will continue its work in accordance with the executive order stemming from the bay management study.

- Oversight of Water Resources Planning Committee

As outlined above, the Council will oversee and report to the Legislature on the committee's work.

- Coastal dredging; dredged materials management

The Council will continue to oversee an interagency-stakeholder coastal dredging work group. The work group provides a forum for identification and discussion of coastal dredging issues with the objective of facilitating coordination of state agency activities as appropriate.

- Interagency coordination

The Council intends to continue to coordinate its role and activities in relation to the Energy Resources Council and other forums for discussion among the State's natural resources agency commissioners. To that end, the Council intends to continue to meet quarterly on a quarterly basis in 2008 to facilitate oversight of the bay management project as well as work on other matters as needed.

## **CONCLUSION**

The Council continues to provide a decision maker level forum for development and communication of consistent state positions on issues and policies that have statewide natural resources implications and that require coordination among multiple agencies.

As in past years, the Council's work was enabled, benefited from, and continued to promote close collaboration among state natural resources agencies. The Council thanks members of the public and state government personnel for their hard work and participation in its meetings, and the stakeholder meetings, study commissions, and other public policy development initiatives whose recommendations often inform and enlighten the Council's discussions and decisions.