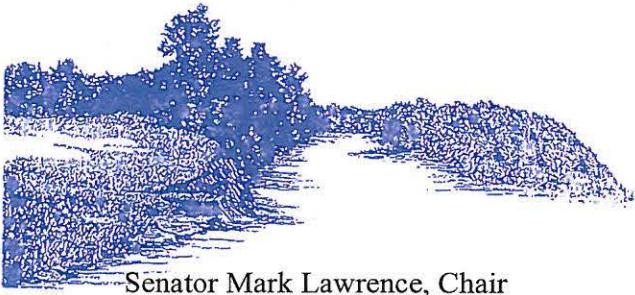


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Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

Senator Mark Lawrence, Chair
Representative Seth Berry, Chair
Committee on Energy Utilities and Technology
100 State House Station
Augusta, Maine 04333

February 1, 2020

Report on the Saco River Corridor Fund

Dear Senator Lawrence and Representative Berry:

The Saco River Corridor Commission was established by the state legislature in 1973 to oversee and administer The Saco River Corridor Act. This Act was designed through extensive public involvement to prevent inappropriate development and land uses from occurring within 500 feet of the Rivers in the Corridor and up to 1,000 feet in the 100-year floodplain. The Commission is made up of volunteer community members from the towns that border the Saco, Ossipee, and Little Ossipee Rivers. The mission and purpose of the Commission is to protect public health, safety, and the quality of life for the State of Maine through the regulation of land and water uses, protection and conservation of the region's unique and exceptional natural resources, and through the prevention of impacts caused by incompatible development.

The Saco River is highly regarded as a drinking water source, and is the sole source of water for several communities, of which Saco and Biddeford are the largest. Regulations and performance standards are implemented by Commissioners in order to develop ways to most effectively minimize any negative impacts to both water quality, and the important habitats surrounding this critical natural resource. The Commission works with citizens, municipalities, code enforcement officers, non-profits and all other groups with a vested interest in land and water use protections in the 20 municipalities which make up the Saco River Corridor. This ensures the collective health of the entire watershed and the health and safety of the surrounding communities.

Part of the revised statute included Public law 1997, chapter 330 creating the Saco River Corridor Fund. The fund is derived from a 1% fee on the sale of water and fire protection services by a water utility that draws water either from the Saco River or from a groundwater source under the influence of the river. The purpose of the fund is to preserve existing water quality and prevent the deterioration of water supplies in the Saco River, the Ossipee River and the Little Ossipee River within the Saco River Corridor, as created in section 953, by partially underwriting the administration and operations of the Saco River Corridor Commission, as established by Title 5, section 12004-G, subsection 13.

The monies received by the Saco River Corridor Commission through the fund this past fiscal year were used to administer both the land-use regulatory program and the water quality monitoring program, including management, overhead, and operational costs. The total received from the Saco River Corridor Fund for the fiscal year ending in 2019 was \$76,000.04.

The RIVERS (Regional Interstate Volunteers for the Ecosystems and Rivers of Saco) water quality monitoring program was created in 2001 to establish a baseline of the water quality of the rivers

within the Saco River Corridor and monitor for hotspots or trouble areas that may indicate declining water quality. It was the data collected through this program that originally identified the impaired stream segment at Thatcher Brook. This year the Commission has expanded the water quality monitoring program to include more sample sites and additional testing parameters, thus increasing costs.

The water quality monitoring program includes 37 sampling sites along 100 river miles, tested bi-weekly from May to September every year. This program is run in partnership with the Green Mountain Conservation Group, who monitors 28 sample site locations in the Ossipee Lake Watershed. The program is designed as one water quality monitoring program that encompasses one watershed, two states and twenty-six towns. Although there had been some water testing prior to these programs, and prior to 2002, systematic water quality monitoring had never been conducted in the Saco River drainage, on Ossipee Lake, or on any of its tributaries. The importance of this data cannot be overstated.

The monitoring program includes “swimmability” testing throughout the summer months where E.coli levels are monitored every week at popular swimming and recreational areas. When E.coli samples are over the acceptable state limits the town is notified so that an advisory warning can be posted at the beach or recreational area and an additional sample is collected the next day to reevaluate swimming conditions. This year there were several occasions where certain sites exceeded the acceptable state E.coli limits, so there is no doubt that this aspect of the program works to protect public health and safety.

The Saco River Corridor Commission and Green Mountain Conservation Group share a joint QAPP (Quality Assurance Project Plan) that has been submitted to the ME DEP, NH DES and EPA for renewal this year. This process occurs every five years and ensures the program is meeting all necessary requirements for the data collected to be considered scientifically sound and useful for the State.

A Water Quality Program Manager was hired this year to accommodate the program expansion and provide useful analysis of the data collected through the program. This analysis was provided to all of the municipalities within the Corridor, as well as the DEP, with the intent of assisting towns to make informed decisions on land use that may impact water quality. This year’s sampling identified certain sites where tested parameters are approaching the lower limits set for class AA waters, thus indicating diminished water quality. These sites will continue to be monitored for improvement or decline. This program is also utilized by the towns and the Maine Water Company as a potential early warning system for their public water supply operations.

The Saco River Corridor Fund also supports the administration and operation of the land-use regulatory program including overhead costs, operational costs, and staff salaries. The Saco River Corridor Act requires a permit to be obtained from the Commission for most types of development occurring in the Corridor. In 2019, the Commission reviewed 85 permit applications, completed approximately 50 compliance checks for development projects issued a prior permit from the Commission, and took action on approximately 20 violations of the Saco River Corridor Act.

The Saco River Corridor Act provides the authority to the Commission to adopt rules and regulations governing its procedures as it deems necessary to carry out the purposes of the Act, pursuant to section 954-C. Last year the Commission completed important regulatory work in the continued protection of the Saco River Corridor and its’ precious natural resources.

Rulemaking changes to some of the Commission's performance standards were written and passed, after public hearing, based on feedback from Corridor communities and changes to state standards in the Mandatory Shoreland Zoning Act. The Commission worked on these rulemaking changes for over six months to ensure changes were made that would not negatively impact water quality or weaken the current regulatory protections in place.

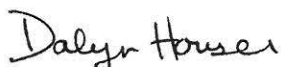
This fund was also used to support the creation of an ARC GIS mapping system that includes Saco River Corridor jurisdictional boundaries, zoning districts, FEMA flood maps, tax map parcel overlays and water quality monitoring sample site locations. This process entailed transferring content from the original Corridor maps created in the 1970's over to the digital mapping system. The Commission held workshop sessions for each Corridor town and invited municipal leaders to attend and assist with the process. The digital mapping system is now available for public use on the Commission website and has greatly increased the efficiency and abilities of both the Commission, and local municipalities, navigating complex and difficult issues of land ownership, boundaries, etc.

Remaining funds are used in the day to day operations of the Commission. Our budget is comparatively small and made functional by the addition of funds from the Saco River Corridor Fund. Our General Fund allocation is \$46,960 which is applied to salaries, overhead, and other expenditures such as insurance, worker's compensation and employment taxes. These two sources of funding along with permit application fees and funding from municipalities include all of the current funding sources for the Commission.

The increase in monies to this fund is due to a rate increase which came about in two ways. The Maine Water Company contacted us in 2014 indicating that two issues had occurred that would affect the funds received through the Saco River Corridor Fund. Contracts with other municipalities in addition to Biddeford and Saco were secured, which meant more water had been sold and the Commission would receive additional funding. Also, Maine Water Company had approached the (PUC) for a rate increase. This amounted to an additional \$10,000 annually to the Commission with the final amount dependent on the total volume of water sold. This additional money is used exactly as mentioned before. Next year's allotment through this fund could change due to several factors, however this increase has allowed us to expand our programs and oversight of the Corridor, as well as enact critical upgrades to both equipment and services (like the ARC GIS mapping system), used/rendered by the Commission and its partners.

As development rates continue to soar in Southern Maine, especially in rural and "suburban" communities, it is more important than ever to continue to monitor the water quality of the rivers and tributaries, and continue to regulate land use within the Corridor. The funds from the Saco River Corridor Fund will continue to allow the Saco River Corridor Commission to ensure optimum protection of these lands and waterways, and protection of the quality of life in the State of Maine. If there are any questions on the information contained within this report, please feel free to contact me.

Sincerely,



Dalyn P. Houser

Executive Director