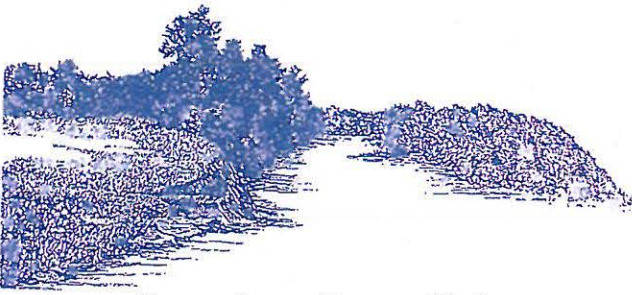


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Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

October 23, 2023

Senator Stacey Brenner, Chair
Representative Lori Gramlich, Chair
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, Maine 04333

In RE: Report on the Saco River Corridor Fund

Dear Senator Brenner and Representative Gramlich:

The State Legislature established the Saco River Corridor Commission (hereafter, "SRCC" or "the Commission") in 1973 to oversee and administer the Saco River Corridor Act (hereafter, the "Act") to prevent inappropriate development and land uses within 500 feet of the Corridor's rivers (the Saco, Ossipee, and Little Ossipee) and up to 1,000 feet in the 100-year floodplain. Made up of community members from towns along the Rivers, the Commission protects ecological and public health, as well as quality of life for our communities by regulating development and the use of land and water within the Corridor. As we celebrate the work of the Commission in its 50th year, we are as committed as ever to the purpose of protecting these vital waterways.

The Saco River is the sole source of water for Saco, Biddeford, and several other towns, and because of its beauty and proximity to population centers, it is one of the most widely enjoyed rivers in Maine. To protect and preserve it, the Commission enforces standards to minimize negative impacts on water quality, protect critical wildlife habitat, ensure appropriate and balanced land use, and preserve the Corridor's scenic and natural character.

The Act was revised by Public Law 1997, chapter 330, to create the Saco River Corridor Fund, including 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. (See Title 5, section 12004-G, subsection 13.) The Saco River Corridor Fund thus supports operational and overhead costs of our Land Use Regulatory Program, Water Quality Monitoring Program, and Educational Outreach Program, each of which is described below. The total collected by the Saco River Corridor Fund in FY22 was \$84,332.06.

Water Quality Monitoring Program

In 2023, the Commission completed the 22nd consecutive season of its Water Quality Monitoring (hereafter, "WQM") Program, established to determine a baseline of water quality in the Saco River Basin, monitor for trends, and identify potential threats. The 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 monitors 43 sample sites along the three Corridor rivers, testing for basic quality indicators, lab-tested nutrient loads, and potentially harmful bacteria levels. The SRCC continues to expand its monitoring program, with increasing interest from municipalities along the Corridor, especially for adding *E. coli* or Enterococci monitoring sites to our "Swim-ability" program, which monitors locations with high recreation rates including public access sites.

In 2023, bacteria levels exceeding state thresholds for safety were found at a number of sites, often in conjunction with the frequent high rainfall events of this year. We recently upgraded equipment and began in-house testing for *E. coli* and Enterococci, so SRCC was able to provide weekly bacterial testing results more swiftly, alerting municipal offices when levels rose above state thresholds. Towns with high bacterial levels were able to respond by placing caution or closure signage at public use sites after our notifications reached them. Follow-up testing notified the municipalities when bacterial levels returned below safe thresholds. Effective monitoring of *E. coli* can also give advance warning for cyanobacteria blooms, as *E. coli* is often an indicator of excessive nutrients conducive to cyanobacteria outbreaks. The Maine Water Company and Corridor municipalities are able to utilize our data for their public water supply operations, which would be affected by bacterial activity. Our new online dashboard for bacteria testing results, launched at the beginning of the 2023 season, now allows members of the public to access the latest data. This was made possible by grants available from Resources for Communities and People (RCAP) Solutions and the Maine Outdoor Heritage Fund (MOHF), along with income from the Saco River Corridor Fund.

The WQM program's Quality Assurance Project Plan (QAPP) was renewed by ME DEP, NH DES, and EPA in 2020, and we continue to follow those rigorous standards. Necessary upgrades of monitoring and data collection equipment in 2022-23 have allowed us to seamlessly continue this important work, which informs the community and gauges the success of water quality protection efforts along the Corridor. With our partner GMCG and funding from MOHF, the Commission is also continuing to explore environmental DNA (eDNA) analysis— a leading-edge area of research. This approach hopes to discern whether bacterial contamination has a human or animal source, which may help narrow down the cause of high bacteria levels. A reliable method of source identification has not yet been identified, but research continues, and the analysis equipment used for the eDNA project has also helped to expand our testing capacity. At present, the limiting factor on our ability to expand the WQM program is personnel, and we hope to hire a second position for the 2024 season.

The Commission currently employs a full-time WQM Coordinator from March to September of each year and has part-time assistance from Jill Emerson of GMCG as our WQM Program Manager year-round. The Coordinator is hired and trained each year to work with our volunteers and carry out monitoring. They assist with volunteer training, monitor sites, handle coordination with labs, maintain equipment and our database, and communicate sampling results, among other tasks. The Program Manager ensures all requirements of the QAPP are met, manages volunteer training, conducts quality control, and prepares annual reports on the water quality of each Corridor town.

Land-Use Regulatory Program

The Fund also supports the SRCC's Land Use Regulatory Program, which issues permits for uses and development within the Corridor, ranging from single-family residences and accessory structures to large, often urban, mixed-use development projects. The Commission's Land Use Regulatory Program considers about 10-20 applications each month. Our volunteer Commissioners (a regular member and alternate from each Corridor community) meet to review applications monthly, except in December. Several committees led by Commissioners also meet to assist staff with application review, administrative matters, and rulemaking processes. Staff handles the bulk of the extensive office communications and research related to the permitting process, and the Commission's Compliance Evaluator visits each site to view and confirm the physical dimensions of proposed activities.

Throughout this process, the Executive Director, Administrative Assistant, and part-time Compliance Evaluator meet and talk extensively with applicants and their attendant professionals, conforming their applications to the Commissions' rules 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, or attorneys. The Commission maintains a unique online database that fully documents every application and includes many years of past applications. Work continues to digitize the older records from our 50-year history, as resources allow.

The Commission also monitors violations of the Act and their remediation. These efforts are discussed in executive session meetings of the Commission to address site-specific problems. Addressing a violation can involve notification letters, consent and enforcement agreements, revegetation plans, required clean-up or removal of unpermitted structures, and/or fines that go 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 questions and review consent agreements. The Commission may in future require its own local counsel due to the expanding need to address violations.

In FY23, the Commission reviewed 127 applications for development in the Corridor, representing a 12% increase over the previous year, and a doubling of the rate compared to the pre-pandemic period (60-70 applications/year was common in 2010-2018). As application volume increases, we are also seeing increased compliance checks, tree removal requests, and are sadly discovering more violations. The Act requires property owners to notify their neighbors and municipalities of their applications, and violations often involve close coordination with other permitting agencies. Both processes then require consideration at the Commission's public meetings. This need for collaboration between SRCC staff, local code enforcement officers, town officials, and interested citizens helps to further one of the Commission's goals, which is to connect and work with citizens and member municipalities to create the best collective outcome for the Corridor. As the next section describes, outreach to the community is a key accompaniment to the SRCC's work.

Educational Outreach Program

Every year, the Commission analyzes the WQM data collected in each municipality, including positive and negative water quality trends, and (as needed) 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 make the public aware of the Commission and the Saco River Corridor Act.

Our staffed office serves an important role in disseminating information about both the Water Quality Monitoring Program and the Land Use Regulatory Program, helping members of the public to understand the importance of the Corridor's health. We often serve as a resource to applicants seeking best practices for projects within the corridor, from erosion and buffers to invasive plants and revegetation recommendations. When possible, the SRCC office pursues educational outreach to local schools and has a presence at key community events. Our Compliance Evaluator, who visits and speaks with landowners on the ground, is also an important communicator of the Commission's standards.

The Act is now 50 years old, and with development pressure stronger than ever, it is important that the SRCC's efforts to protect the resources of the Corridor are adequately communicated to the public, and especially to landowners within the Corridor whose actions affect these protected waters most directly. To support that need, the SRCC is hoping to expand public education efforts in 2024, to include targeted awareness mailings and advertisements, presence of staff or SRCC volunteers at relevant public venues,

and updates to our online presence. Some of this essential activity will rely on key support from the Saco River Corridor Fund.

In Conclusion

In October 2023, I began full time work as the Commission's new Executive Director, taking over from Dalyn Houser, who served energetically in that role for the previous five years and oversaw many lasting improvements to the Commission's operations. I previously served as a volunteer Commissioner for the town of Baldwin, so I was aware of the crucial nature of this position to the SRCC's work. As we move forward from this point of transition, I look forward to serving the Commission, maintaining and expanding our monitoring program, and working with our communities and the State to continue protecting the Corridor under the authority of the Act.

The Saco River Corridor Fund covers a significant portion of our administration and operation costs, including the salaries of our three full-time and two part-time staff positions. The Fund assists the SRCC's efforts to run essential programs and maintain oversight of an increasingly busy Corridor, including critical improvements to equipment, technology, and staff capacity.

As development rates continue to soar in Southern Maine's rural and suburban communities, it is more important than ever to monitor our key resources, educate the community, and ensure appropriate and balanced land use within the Corridor. The Saco River Corridor Fund is key to the Commission's work upholding the Act and thereby serves to maintain quality of life in the State of Maine.

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

Sincerely,



Cheri Dunning
Executive Director
Saco River Corridor Commission
207-625-8123
cheri@srcc-maine.org