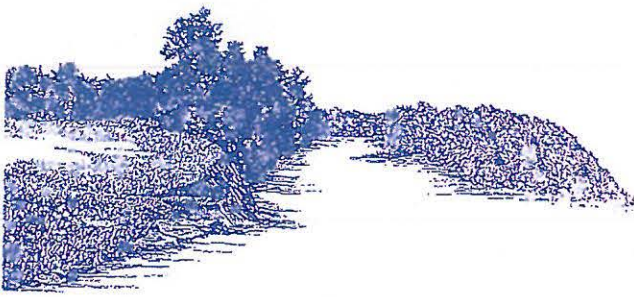


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Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

February 1, 2024

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 Saco River Corridor Commission (hereafter, "SRCC" or "the Commission") established by the Legislature in 1973 to oversee and administer the Saco River Corridor Act (hereafter, the "Act") works to prevent inappropriate development and 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 the river. Made up of community representatives from municipalities along the Rivers, the Commission protects ecological and public health in and along that Corridor, along with the quality of life in our communities. 2024 marks the 51st year of the SRCC's important work, and we are as committed as ever to the purpose of protecting the Saco, Ossipee, and Little Ossipee Rivers.

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 derived from the Act to minimize negative impacts from development on the water quality, wildlife habitat, and scenic and natural character of the Corridor. Our work seeks to ensure appropriate and balanced land use, resulting in conservation of the valuable qualities of these waterways.

Maine's 118th Legislature revised the Act by way of Public Law 1997, chapter 330, to create the Saco River Corridor Fund (the Fund). 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. (*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 FY23 was \$126,142.77.

Water Quality Monitoring Program

The SRCC is now approaching its 23rd 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 monitors 43 sample sites along the three Corridor rivers, testing for basic quality parameters, lab-tested nutrient loads, and potentially harmful bacteria levels. The

SRCC continues to expand its monitoring program, with increasing requests from municipalities along the Corridor for additional testing. Particularly of interest is our “Swimmability” program, where high recreation sites are tested more frequently during the summer for harmful bacteria levels.

In 2023, heavy rainfall and flooding events may have contributed to bacteria levels exceeding state thresholds for safety at a number of sites during the May-September monitoring season. With our seasonal Water Quality Coordinator, and help from community volunteers, SRCC was able to provide bacterial alerts to municipal offices when levels rose to concerning levels. Towns were able to respond by placing caution or closure signage at public-access sites, and our 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 have access to our data to inform their public water supply operations, and the SRCC creates year-end reports of all water quality parameters collected. To better inform the public of bacteria testing results, we maintain an online dashboard updated throughout the season with the latest alerts. 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, updated annually in collaboration with Maine DEP as new operating procedures or equipment upgrades occur. Much-needed upgrades to monitoring equipment in 2023 has allowed us to continue this important work without breaking the continuity of our data collection. This growing body of water quality data helps to gauge the success of water quality protection efforts along the Corridor. With our partner GMCG and the grant received from MOHF in 2022, the Commission continues to explore environmental DNA (eDNA) analysis– a leading-edge area of research. This approach aims to identify and track biological factors (bacteria and otherwise) that affect water quality. Investigation of eDNA’s capabilities 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 eventually hope to expand the seasonal WQM coordinator position into a year-round role that can increase efficiency, pursue education and outreach efforts, and help broaden the program.

In 2024 the Commission will once again hire a full-time seasonal WQM Coordinator from March to September. The Coordinator works diligently through the busy monitoring season to ensure consistent and high-quality data. They monitor sites, test samples in-house, handle sample delivery to labs, manage a team of volunteers to collect yet more samples, maintain equipment and our database, and communicate bacterial results to municipalities, among many other tasks. 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, manages volunteer training, conducts quality control, and prepares the annual water quality reports for each Corridor town.

Land-Use Regulatory Program

The Saco River Corridor Fund also supports the SRCC’s Land Use Regulatory Program, which issues permits for development and other uses 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 around 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. The SRCC's 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 confirm the dimensions, setbacks, and potential concerns 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 Commission's 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 51-year history, as resources allow.

The Commission also monitors violations of the Act and seeks remediation. These efforts are discussed in executive session meetings of the Commission to address site-specific problems. 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 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. 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 local individuals and municipalities to create 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 (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 raise awareness 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.

With development pressure, increased recreation, and with recent flooding prompting sometimes hasty repairs, 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 waters most directly. To support that need, the SRCC is working 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. Much of this essential activity will rely on key support from the Saco River Corridor Fund. We hope through these efforts to see fewer accidental violations of the Act, and more positive engagement of the community with our work.

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. Prior to my hiring, I was one of the two Commissioners for the town of Baldwin, so I was aware of the crucial nature of this position to the SRCC's work. I look forward to maintaining and improving our operations and to working with state and local entities to protect the Corridor under the authority of the Saco River Corridor Act.

The Fund that is the subject of this report covers nearly half 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 all of our essential programs and maintain oversight of an increasingly busy Corridor, including critical improvements to equipment, technology, and staff capacity.

As development rates continue at a high level in Southern Maine's rural and suburban communities, it is more important than ever to monitor our Rivers' vital 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 serves to safeguard drinking water, recreational safety, and 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
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