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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

January 10, 2000

MARTHA KIRKPATRICK
COMMISSIONER

Senator Sharon Anglin Treat, Senate Chair
Representative John L. Martin, House Chair
Committee on Natural Resources
115 State House Station
Augusta, ME 043330-115

Re: Report on DEP efforts relating to lakeshore erosion control

Dear Senator Treat and Representative Martin:

By letter dated March 11, 1999, you requested that the Department develop a process to work with lake property owners on erosion issues and also asked that the Department report back to the Natural Resources Committee on our efforts in this regard. Further, you asked for any recommendations for improving the situation at Sebago Lake and any legislation that might be helpful in resolving these issues.

The Department already has in place an effective process to assist property owners with shoreline stabilization techniques and the regulatory framework they must work in. In the Department, it is the Bureau of Land & Water Quality that ultimately deals with the public's efforts to control erosion in and around great ponds like Sebago Lake under the Natural Resources Protection Act. The Bureau also is responsible for regulating the effects of dam operation on erosion and other shoreline issues through the State Water Level Law (public petition process) or the Clean Water Act (FERC hydropower licensing process). Listed below are a number of commitments and efforts we have made toward informing and assisting landowners with erosional problems.

- Department staff is available daily to educate and assist the general public through our On-Call program.
- A variety of informational pamphlets have been developed for use by the general public covering a wide range of circumstances they may encounter. A large number of these pamphlets are directed at shoreline stabilization techniques.
- Staff are available to meet on-site with members of the public to discuss specific erosion problems, stabilization techniques and permitting requirements, if any.
- Staff with specific technical expertise lends guidance and design assistance to individuals sometimes teaming with other federal, state or local personnel with direct experience with erosional problems.

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- Administration of grants of non-point source monies to either aid in the inventory of unstabilized areas and erosional 'hot spots' or to actually implement fixes to these problems.
- Staff help develop and participate in comprehensive training of municipal Codes Enforcement Officers (CEOs) consisting of not only regulatory overview but the technical aspects of erosion and sedimentation control techniques.
- Staff work one-on-one with CEOs as these people form a vital link with the general public.
- Staff speaks to and meets with various interest groups such as lake associations and contractor groups.
- Staff works with local Conservation Corps and Lake Alliances assisting in developing appropriate level techniques for stabilization and the permit process when necessary.

The process outlined above for giving guidance and assistance to those people with shorefront erosion is already in place and, I feel, is very effective. My staff has made a great effort to lend whatever assistance we can to whomever asks.

During the 1999 summer field season, we had numerous contacts with residents of shorefront property both on Sebago Lake and other great ponds in southern Maine, but not nearly as many as we had during 1998 when high water levels due to June rains caused a number of erosional problems. Beach erosion problems occur on lakes both where water levels are and where they are not managed. The majority of lakes do not have prescribed water level management. When water levels fluctuate a great deal, usually due to the extremes in the weather we have been seeing in recent years, erosion problems—not just related to sand beaches—have increased, as have the landowners' concerns over the potential or actual loss of shorefront. This last summer resulted in lower than usual water levels in Sebago Lake. As a direct consequence, we received few calls for assistance.

Our experience is that some sand beaches can be maintained primarily by eliminating or redirecting stormwater runoff from the upland. This effort is also good for the lake's water quality. The next preferred option is to retrieve sand that has already washed off the beach face. While we are comfortable that retrieving existing sand can proceed without site-specific review under the Permit by Rule process, adding new sand to the beach requires an individual, closer look to ensure that productive lake bottom will not be unreasonably impacted and that additional sediments and nutrients will not affect water quality.

With that in mind, our most important effort was the amendment of Chapter 305 Permit by Rule Standards (PBR), effective June 1, 1999, to allow sand retrieval from the lake for redistribution on the beach. In addition, a number of other efforts were made this past year to deal with shoreline erosion on a general and site-specific basis.

- ✓ Staff met with all CEOs in the Sebago Lake area, as well as with many others in southern Maine, and informed them of this new PBR standard. CEOs, in turn, have discussed this issue with property owners.
- ✓ Staff discussed this new standard with enforcement officers of the Portland Water District and lake monitors from the Lakes Environmental Association.
- ✓ Staff contacted a number of individual contractors about the ability to obtain a Permit by Rule to retrieve sand. (One contractor was pleased to hear that he could offer this activity to his customers since he performs a great deal of shorefront maintenance on Sebago Lake.)
- ✓ Staff spoke directly with owners of camps, campgrounds and private beaches to discuss beach restoration under PBR. (In one project, the Cumberland County Soil and Water Conservation District was involved in drawing up the erosion control plan for the site.)
- ✓ Staff is currently working with a campground owner on Sebago Lake who has yearly problems with sand washing off his beach as a result of upland stormwater runoff. While control of this runoff will be difficult, the ability to retrieve sand from the lake will assist with his beach maintenance.

Even though the efforts outlined above have been very effective, we intend to do even more by:

- ① Developing information on the new PBR standard to be published in seasonal pamphlets and fliers mailed out by the Lakes Environmental Association and Portland Water District prior to the upcoming summer vacation season.
- ② Developing an informational sheet to send to CEOs about the maintenance of sand beaches. This pamphlet will explain how people can maintain existing areas without the need for adding additional sand. Besides explaining the potential negative impacts from adding sand to the lake system, the informational sheet will describe alternative maintenance methods, permitting requirements and how to get technical assistance from our field services staff.

It is our belief that no legislation is required to deal with the kinds of issues presented in the Sebago Lake scenario. The vagaries of Maine weather over the last few years have made water level management difficult at best. While 1998's public outcry over high water levels at Sebago Lake resulted from an extremely wet June, 1999's relative quiet resulted from a drier-than-normal spring and summer. The Department feels the current water level management plan in effect for Sebago Lake is realistic and adequate. As with most such managed lakes, year to year precipitation variations can cause unintentional effects such as either increased shorefront erosion when water levels are high or, when levels are low, hazards to navigation. Sebago Lake's water level is about to undergo further scrutiny as part of the Federal Energy Regulatory Commission's re-licensing of the S. D. Warren dam. The issue of water level management and mitigation will be reviewed over the next few years and will be a major focus of that effort.

I hope this information is helpful and meets your request. Please contact me if you need any additional information or clarification about our efforts in this matter.

Sincerely,



Martha G. Kirkpatrick
Commissioner