Land & Water Resources Council

2000 Annual Report

to

Angus S. King, Jr.
Governor

and the
Joint Standing Committee on Natural Resources
of the
120th Maine Legislature

January 2001

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EXECUTIVE SUMMARY

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 2000 and notes activities that the Council anticipates for 2001.

COUNCIL MATTERS IN 2000

I. Matters Assigned by the Legislature

A. Smart Growth Initiative

1. Study of farming, fishing, and forestry incentives

PL 1999 c. 776, §17 requires the Council to submit a report to Legislative Committees on Natural Resources, Taxation and Agriculture, Conservation and Forestry by January 15, 2001, on incentives for keeping rural land in productive use for farming, fishing and forestry. On December 21, 2000, the interagency working group established by the Council and staffed by the State Planning Office (SPO) presented draft recommendations on ways to strengthen existing incentives and to create new incentives. Recommended changes in existing incentives focused on the Tree Growth and Open Space tax laws, LURC's 40 acre subdivision law, and the Small Harbor Improvements Program. Recommended new incentives focused on improved use of GIS to inventory and track development patterns, creation of wildlife habitat protection tax incentive, establishment of current use taxation and passage of a Right to Fish law to assist the commercial fishing industry, enhanced consideration of farming, forestry, and fishing industry needs in the local comprehensive planning and changes in the aquaculture leasing process. The Council agreed to further consideration of the recommendations, including funding options, at its January 2001 meeting.

2. Growth-related capital investments and siting of facilities

PL 1999 c. 776 created a new role for the Council regarding State growth-related capital investments and siting of State facilities. At its November 9, 2000 meeting, the Council adopted an administrative process to implement this new authority and agreed to develop guidance to assist agencies subject to the law, which is designed to promote consistency between State investment and facilities siting decisions and the goals of the State's Smart Growth initiative.

B. Mercury in Maine

1. Strategic Plan

The Department of Environmental Protection (DEP) made substantial progress in 2000 in

efforts to reduce mercury in the environment pursuant to the strategic plan called for by Resolves 1997, c. 41, §2. Highlights of these efforts include:

- ✍ Convening of stakeholder groups to develop plans for management of household hazardous waste, including mercury-added products, for reduction and recovery of mercury used in automobiles, and for reduction of mercury emissions from dental procedures;

- ✍ Revision of DEP's hazardous waste and solid waste management rules to facilitate the collection and safe handling of mercury products and other "universal" hazardous wastes; and

- ✍ Continuation of DEP's work with the New England Waste Management Officials Association to develop model legislation to reduce mercury use in products; with the six New England states and the United States Environmental Protection Agency to develop relevant environmental indicators for monitoring and reporting progress toward achieving mercury reduction; and with the Mercury Task Force established by the Conference of New England Governors and Eastern Canadian Premiers to eliminate anthropogenic mercury sources in the region.

2. Town of Orrington; economic development options

In accordance with P.L. 1997 c. 722, §4, the Department of Economic and Community Development (DECD) held initial meetings with officials of the Town of Orrington and others regarding redevelopment options in the Town consistent with the natural resource significance of the Penobscot River. In DECD's view, although the Town has not yet provided the direction necessary to guide and empower active exploration of redevelopment issues, the Town has renewed interest in doing so following closure of the Holtra-Chem plant. DECD and the Eastern Maine Development Council remain ready to assist in this effort.

C. Watershed Protection Program

Operating under the aegis of the Council pursuant to 5 M.R.S.A. §3331, sub-§7, Watershed Management Committee (MWMC) focuses on improving and protecting water quality through activities to reduce or eliminate nonpoint source pollution. In 2000, the MWMC met quarterly and provided a forum for exchange of information among the State agencies.

D. Lakes Heritage Fund

P&S Laws 1999 c. 98, enacted by the Second Regular Session of the Maine Legislature, appropriated $20,000 as one-time funds to the Fund established by 5 M.R.S.A. §3331, sub-§6. The Council has not committed these resources and the Fund had no program activities in 2000.

E. Public Education Strategy for Drinking Water Protection

PL 1999 c. 761, section 12 provides that by March 5, 2001, the Council must submit a report to the Legislature's Natural Resources Committee on a public education strategy designed to reach those whose decisions may affect the protection of public water supplies. With the advice of an Education Strategy Advisory Committee, SPO is developing a draft report for the Council's review.

II. Matters Assigned by Executive Order

A. Atlantic Salmon Conservation Plan for Seven Maine Rivers

In 2000, legislation transferred responsibility for administering the Atlantic Salmon Conservation Plan for Seven Maine Rivers from the Council to the newly formed Atlantic Salmon Commission (ASC). The ASC did continue to consult with the Council on several issues related to Atlantic salmon management and conservation, such as the ASC's annual progress report and development of water use management plans for the Narraguagus and Pleasant Rivers and Mopang Stream.

B. Council on Environmental Monitoring and Assessment

The Council on Environmental Monitoring and Assessment (CEMA), established to promote improved communication and coordination among that collect environmental data, did not formally convene this year. DEP intends to convene the CEMA in early winter 2001 to discuss the long-term utility of the group.

III. Interagency Coordination

A. Smart Growth Initiative

1. Smart Growth subcommittee.

At its October 12, 2000 meeting the Council established an Interagency Smart Growth Coordinating Committee to coordinate State policies, programs and investments in support of the Competitive Advantage strategy and the Smart Growth Initiative generally. The subcommittee membership has been determined and the group has begun been meeting regularly.

2. Natural resources mapping initiative

At the Council's suggestion, DEP and SPO redirected an EPA-funded natural resource mapping effort and collaborated to launch the “Southern Maine Town Planning Initiative." This pilot project, focused on towns in southern Maine experiencing pronounced development pressures, is

developing integrated, comprehensive packages of the best available wildlife and wildlife habitat information for the participating towns to use for planning to protect wildlife habitat. The pilot project expects to complete this work by January 2002.

B. Water Use Management Planning

In 2000, the Council coordinated, monitored and oversaw three concurrent and interrelated State water use management policy initiatives:

- the Sustainable Water Use Task Force ("Task Force"), jointly led by DEP and DAFRR;
- the Blueprint for Agricultural Water Resource Management ("Blueprint"), led by DAFRR; and
- the water use management planning ("WUMP") process, led by SPO pursuant to the State's Atlantic Salmon Conservation Plan for Seven Maine Rivers.

At its July 2000 meeting, the Council agreed that close coordination of these efforts is necessary to ensure efficient development of informed and consistent State policy in this area. At its September 14, 2000 meeting, the Council made interim recommendations to the Governor that the Task Force process be used to develop recommendations on a comprehensive statewide water withdrawal policy, informed in part by the recommendations and information from the Blueprint and the WUMP process.

At the Council's December 21, 2000 meeting representatives of the WUMP presented their consensus Downeast Water Use Management Plan (Plan) which made 11 core recommendations focused on ensuring consistency in the approaches of DEP and Land Use Rregulation Commission (LURC) to water withdrawal, improvements in the regulatory processes applicable to water storage options, provision of technical assistance to farmers, installation and maintenance of stream gauges to ensure useful flow information, and ongoing monitoring and study of flow conditions and related habitat implications. Representatives of the Task Force presented its consensus Interim Report, which highlights the group's progress to date, the diversity and complexity of the issues, and the need for an additional 12-14 months and financial support to develop policy recommendations on a flow standard protective of aquatic habitat, improved options for water storage, promotion of water conservation and use efficiency to reduce use, elimination of discrepancies in the DEP and LURC approaches to water withdrawal, and monitoring and other agreed upon elements of a comprehensive State policy on water withdrawal.

Having considered these presentations, as well as the previously presented recommendations of the Blueprint, the Council agreed to further discuss the Plan's recommendations at its January 11, 2001 meeting and to decide, on or before its March 2001 meeting, whether to recommend to the ASC that the Plan be adopted as part of the State's Atlantic salmon plan. In addition, the Council unanimously

agreed to endorse continuation of

the Work Group's effort in accordance with the Interim Report, provided that the Work Group develop and present to the Council at is January 2001 meeting a proposal and schedule to ensure uniformity and predictability in the DEP and LURC approaches to water withdrawal within the next six months.

C. Wetlands Conservation

In October 1999, the Council endorsed creation of the Wetland Interagency Team (WIT). In 2000, WIT worked to coordinate State agency wetlands policy and actions on a variety of issues including the U.S. Army Corps of Engineers' (USACE) proposed renewal of the State Programmatic General Permit; statutory change in the roles of DEP and LURC in regulating wetlands in the State's unorganized areas; and identification of potential sources of match for and priorities for use of available federal wetlands funds.

D. State Regulatory Process for the Dredging of Federal Navigational Channels

At its December, 1999 meeting, the Council endorsed MDOT's recommendation that the State develop a statewide Dredging Management Action Plan (DMAP) that would look at the key issues relating to USACE maintenance of harbors, channels, and waterway infrastructure throughout the State. MDOT has assembled a diverse group of stakeholders to serve as an oversight committee to the process and selected the firm of Foster Wheeler Environmental Corporation to assist the Committee in development of the DMAP.

E. Southern Maine Beach Management

In cooperation with participating towns and the Southern Maine Regional Planning Commission, SPO, the Maine Geological Survey, DEP and the Department of Inland Fisheries and Wildlife continued to implement the recommendations of SPO's 1998 *Improving Maine's Beaches* report. Primary activities included State staff involvement in the Saco Bay and Wells Bay regional planning processes. The final Saco Bay Plan was presented to the Council during the summer of 2000. Subject to availability of funding, the Council agreed to help the Saco Bay towns move forward with selected implementation projects. No funding source has been identified at this time. The draft Wells Bay report is anticipated in early 2001 as is a report on beaches in the Town of Scarborough.

F. Implementation of the Casco Bay Plan

The Casco Bay Plan is the product of the multi-year effort of the Casco Bay Estuary Project, a federally funded initiative of the National Estuary Program overseen by EPA. DEP and other State agencies, having made commitments to help implement elements of the plan, continue to be actively involved in a wide variety of issues and activities identified as priorities in the Casco Bay Plan.

COUNCIL MATTERS ANTICIPATED IN 2001

Many of the issues and programs under consideration in 2000 will require ongoing attention by the Council in 2001. The Council anticipates addressing the following matters in 2001:

- Swimming beach water quality monitoring programs
- Implementation of Agricultural Water Management Blueprint
- State water use management policy
- Coordination of the Smart Growth initiative
- Coastal dredging policy
- Invasive species management

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. The Council addressed a number of challenging issues in 2000. This report describes the Council's activities in 2000 and notes activities that the Council anticipates for 2001.

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 Legislature has conferred on the Council, originally established by Executive Order, broad authority 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. *See* 5 M.R.S.A. §3331, sub-§2. The Council's agenda includes matters assigned to the Council by the Legislature or the Governor, as well as projects initiated by the Council itself or at the request of a State agency.

COUNCIL MATTERS IN 2000

I. Matters Assigned by the Legislature

A. Smart Growth

In its Second Regular Session, the 119th Maine Legislature enacted key parts of the Governor's Smart Growth initiative to address development sprawl and its consequences. Part of this legislation, discussed below, created additional Council responsibilities as part of a multifaceted approach to identifying, assessing, and understanding develop patterns in Maine, and encouraging informed public and private actions to address and equitably distribute the costs of sprawl and its consequences.

1. Study of Farming, Fishing, and Forestry Incentives

P.L. 1999 c. 776, §17, a part of the omnibus Smart Growth package enacting recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development, requires the Council to prepare a report evaluating incentives for keeping rural land in productive use for farming, fishing and forestry. In accordance with a recommended work plan developed by the State Planning Office (SPO), the Council assigned an interagency Rural Lands Working Group responsibility for developing a draft report for the Council's review at its December 2000 meeting.

SPO coordinated development of this report with a comparable report regarding promotion of natural resource-based industries developed pursuant to Resolves 1999 c. 99 and aspects of the Smart Growth Action Plan related to assurance of productive rural areas.

The Rural Lands Working Group was made up of State agency representatives from SPO, Department of Conservation (DOC), Department of Marine Resources (DMR), Department of Agriculture (DAFRR), Department of Economic and Community Development (DECD), Maine Revenue Services, Department of Transportation (MDOT) and the Department of Environmental Protection (DEP).

The Working Group draft report, presented to the Council at its December 21, 2000 meeting, made the following recommendations for the Council's consideration:

- ✍ Strengthen existing incentives by:
- ✍ providing reimbursements to municipalities for all current use programs, including the farm and open space program;
- ✍ stabilizing the Tree Growth Tax program by contractual binding the State to terms fixed at the time lands are enrolled in the program;
- ✍ closing 40 acre subdivision loop hole in LURC (*see* 12 M.R.S.A. §682);
- ✍ improving the outreach capability of the Land for Maine's Future Program to assist those preparing farmland preservation and commercial fishing access proposals; and
- ✍ reinvesting in the Small Harbor Improvement Program; and
- ✍ Creation of new incentives by:
- ✍ establishing a program matching retiring farmers to aspiring farmers seeking an opportunity to buy a farm;
- ✍ developing a GIS tool for inventorying and tracking land use patterns of development including those that affect forestry, fishing, and farming;
- ✍ enacting a wildlife habitat protection tax incentive similar to the Tree Growth Tax;
- ✍ supporting a second referendum to establish current use taxation to assist the commercial fishing industry;
- ✍ enacting a Right to Fish law similar to the Right to Farm law (17 M.R.S.A. §2805) to protect commercial fishers from frivolous nuisance complaints;
- ✍ improving consideration of farming, forestry, and fishing as part of the local comprehensive planning process; and

- ✍ improving the administrative procedure by which aquaculture lease proposals are considered.

The draft report lists agriculture-only zoning, transfer of development rights, and commercial fishing incentives as ideas that merit further study. The draft report suggested consideration of an increase in the real estate transfer tax as the primary source of ongoing funding to address those of its recommendations requiring additional State funds.

At its December 21, 2000 meeting, the Council expressed skepticism about increase in the real estate transfer tax as a funding source. The Council requested the working group to consider alternative funding ideas and scheduled further consideration at its January 2001 meeting of a revised, final draft of the report. The report is due to the Legislative Committees on Natural Resources, Taxation and Agriculture, Conservation and Forestry on January 15, 2001.
Lead State agency contact: Mary Ann Hayes, SPO

2. Council's new role regarding State capital investments and siting of State facilities

PL 1999 c. 776 also created a new role for the Council regarding State capital investments and siting of State facilities. In general terms, P.L. 1999 c. 776, §10, which enacted 30-A M.R.S.A. §4349-A, limits the geographic areas where State "growth-related capital investment" may be made or a State facility sited. With enumerated exceptions, 30-A M.R.S.A. §4349-A, sub-§1 requires that State agencies make "growth related capital investments[1]" only in one of the following areas:

- ✍ a "growth area", locally designated in a comprehensive plan approved by SPO as consistent with State law; or

- ✍ in communities with no "growth area" designated in a comprehensive plan approved by SPO as consistent with State law, in: a) an area with adequate existing public sewer service; b) an area that the Census lists as a "census-designated place" , or; c) a "compact area" as defined by 23 M.R.S.A. §754.

For the purposes of this report, these areas are collectively referred to as "authorized investment areas." This provision is intended to ensure siting of State facilities and offices in downtowns, growth areas and other locations consistent with the economic and land use policies underlying the Smart Growth strategy.

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[1] 30-A M.R.S.A. §4301, sub-§5-B, enacted by Section 7 of P.L. 1999 c. 776, defines "growth-related capital investment." The definition covers State expenditure of State, federal, or other public funds using the full range of State financial assistance tools for a limited range of projects, including specified public infrastructure investments, State office buildings, business or industrial parks, and multi-family rental housing.

Pursuant to 30-A M.R.S.A. §4349-A, sub-§1, ¶C, sub-¶ 8, an agency may make a growth related capital investment outside an authorized investment area if it certifies to the Council that there is "no feasible location" for the project within an authorized investment area and if the Council finds by a majority vote of all members that "extraordinary circumstances or the unique needs of the agency" require State funds. 30-A M.R.S.A. §4349-A, sub-§2 in effect requires Council authorization of Bureau of General Services (BGS) State facilities lease or construction contract awards for projects that are not within a "service center", "downtown", "growth area", "compact area" or "census designated place" as those terms are used in PL 1999 c. 776.

At its November 9, 2000 meeting, the Council reviewed and discussed a process by which it would implement this new authority developed by SPO staff in consultation with the and the Attorney General's office and BGS, the State agency primarily responsible for siting projects potentially requiring Council approval under 30-A MRSA §4349-A, sub-§, ¶C, sub-¶8. The Council unanimously agreed to adopt the following process:

- ✍ BGS or other agency (certifying agency) determines that Council review and approval under 30-A MRSA §4349-A, sub-§, ¶C, sub-¶8 is necessary and makes the statutorily required certification;

- ✍ The certifying agency publishes notice of its certification and opportunity for comment to the certifying agency on its certification and on the issues before the Council ("extraordinary circumstances" and "unique needs of agency");

- ✍ The certifying agency submits the notice, the agency's supporting information, and any comments received to the SPO for the Council's for its consideration and decision at the next available Council meeting;

- ✍ SPO logs receipt of the agency certification and supporting materials, including the published notice;

- ✍ On receipt of certification and related materials, SPO sends e-mail notice to the certifying agency acknowledging receipt of a complete submission or requesting additional information if submission appears incomplete;

- ✍ SPO schedules the matter for consideration on the agenda for the next available Council meeting;

- ✍ Based on the written materials received from the certifying agency, the Council discusses and votes on the matter at the Council meeting. Note: The votes of five Council members, not staff, is necessary to authorize funding, regardless of the number in attendance at the meeting. The Council agreed to request that members not in attendance submit their votes electronically (e-mail) to SPO as soon as practicable after the meeting;

- ✍ The Council issues a written summary of the Council's review, vote, and finding and sends copies to the certifying agency and those who submitted written comments; and

- ✍ SPO retains the administrative record of the Council's decision.

The Council also agreed to develop and distribute to pertinent State agencies materials explaining this new law and the Council's process for exercising its approval authority.

Lead State agency contacts: John DelVecchio and Judy Cooper, SPO

B. Mercury in Maine

Resolves 1997, c. 41, §2, requires the Council to include in its annual report an evaluation of and recommendations regarding State efforts to reduce mercury in the State's environment. This reporting requirement has become redundant in light of subsequent legislation that, among other things, establishes a Mercury Products Advisory Committee and enacts detailed, ongoing mercury reporting requirements to be carried out by that committee and by DEP. *See e.g.*, PL 1999 c. 500 and PL 1999 c. 779. Accordingly, with Council support, the DEP will seek repeal of Resolves 1997, c. 41, §2, in the upcoming Legislature. In the meantime, the Council provides the following report on mercury reduction initiatives based on information provided by DEP.

1. Strategic Plan for Mercury Reduction

The Council's 1997 Annual Report included, as Appendix A, a separate report titled *Mercury in Maine*. That report, among other things:

- ✍ Documented the bio-accumulation of mercury in fish from Maine waters;

- ✍ Described the human health effects of mercury and the basis for the fish consumption advisories issued by the Maine Bureau of Health;

- ✍ Identified sources of mercury emissions to the Maine environment; and

- ✍ Set forth a strategic plan to reduce mercury emissions.

In 2000, the following actions were taken in accordance with the strategic plan in the *Mercury in Maine* report:

- ✍ DEP continued its efforts to reduce emissions from the largest source of mercury releases to the Maine environment—the HoltraChem chlor-alkali plant in Orrington. In early summer, the plant owners decided to shut down the plant. DEP now is working

to ensure that the plant is safely decommissioned and that mercury contamination at the site is adequately remediated.

- DEP supported the enactment of PL 1999, c. 779, An Act to Reduce the Release of Mercury into the Environment from Consumer Products. The bill, among other things:

- requires certain mercury products to be labeled;

- bans disposal of certain mercury products in solid waste; and

- establishes a 13-member Mercury Products Advisory Committee (mentioned above) to advise state agencies and the Legislature on further actions needed to prevent and reduce mercury emissions from consumer products.

- DEP hired two additional staff to oversee the labeling of mercury products; to provide technical assistance to SPO and municipalities in developing collection programs for mercury products; and to implement a public education program related to mercury products.

- DEP and SPO convened a stakeholder group to develop a plan for management of household hazardous waste, including mercury-added products. A State cost-share program for development of municipal collection infrastructure is contemplated. The group is exploring funding options for a cost-share program.

- DEP convened a stakeholder group to develop a plan to reduce the use of mercury components in automobiles and to remove any mercury components before vehicles are crushed or shredded at end of their useful life.

- DEP convened a stakeholder group to develop a plan to reduce mercury emissions from dental procedures.

- DEP revised its hazardous waste and solid waste management rules to facilitate the collection and safe handling of mercury products and other universal hazardous wastes.

- DEP continued its work with the New England Waste Management Officials Association (NEWMOA) to develop model legislation to reduce mercury use in products. The model act was finalized early in the year. DEP is participating in a collaborative effort among the six New England states and New York to adopt all or parts of the model. A draft bill based on the NEWMOA model has been prepared for consideration in the upcoming session of the Maine Legislature.

- ✍ DEP participated in a collaborative effort among the six New England states and EPA to develop relevant environmental indicators for monitoring and reporting progress toward achieving mercury reduction. A report titled *Building Mercury Indicators for the New England Region* was issued in September.

- ✍ DEP continues to represent the State on the Mercury Task Force established by the Conference of New England Governors and Eastern Canadian Premiers (NEG/ECP). The Task Force is charged with implementing the Mercury Action Plan adopted by the NEG/ECP in 1998. The goal of the plan is the virtual elimination of mercury from human sources in the region.

State agencies also undertook the following related actions and mercury reduction initiatives:

- ✍ DEP convened a Mercury Action Team to coordinate mercury reduction actions by the three DEP bureaus and to coordinate the preparation of reports related to mercury in the environment. The team plans to take measure of the status of mercury reduction efforts to date and issue a *Mercury in Maine II* report, with an updated strategic plan, in January 2002.

- ✍ DEP and the Department of Agriculture Food and Rural Resources (DAFRR) initiated a program to collect mercury manometers used in dairy barn milking machines and to replace the manometers with a non-mercury alternative at no cost to the farmer.

Lead State agency contact: Craig Ten Broeck, Department of Environmental Protection

2. Town of Orrington; economic development options

P.L. 1997 c. 722, §4 required the Council, by April 2000, to consult with representatives of the Town of Orrington, labor, environmental, and business and economic development interests, and the Penobscot Indian Nation in order to identify actions to foster future economic development in the Town of Orrington that is "compatible with the special status of the lower Penobscot River." Orrington is the former home of HoltraChem, a chlor-alkali company, that had been a significant source of mercury emissions to Maine environment, including the Penobscot River.

In consultation with the Council, DECD took the lead on this issue and held initial meetings with Orrington town officials and others. Following that initial meeting, DECD's business development specialist serving the Orrington area and a representative from Eastern Maine Development Corporation (EMDC) met twice with representatives of the Town of Orrington, first with the economic development group that the Town put together and then with the town manager. In the meeting with the town manager, DECD and EMDC outlined the steps that the Town needed to take before DECD and EMDC could effectively provide assistance. At that time, the Town had not yet determined the course of action it wished to take, and thus the economic development group was unsure of its authority and responsibility and how to define its task and move forward.

In DECD's view, the Town has not yet provided the economic development group with clarifying direction or authority, although with the closing of Holtrachem, there is renewed interest in doing so. DECD's business development specialist has spoken with the town manager several times since the announcement of the closing of Holtrachem. It appears that the Town is now ready to take steps needed to explore redevelopment issues actively. Also, the Town is now working with SPO on a comprehensive plan, parts of which are vital to providing the economic development group with the direction needed. Once the necessary preliminary steps have been made, DECD and EMDC are prepared to provide assistance in exploring and pursuing redevelopment options.

Lead State agency contact: D'Arcy Main-Boyington, DECD

C. Watershed Protection Program

Recognizing the large number of State and federal agencies, as well as non-government organizations, that play a role in watershed management, as well as existing SPO and DEP efforts in coordinating interagency activities, the Legislature provided specific authorization for the Council to develop and oversee a comprehensive State watershed program. *See* 5 M.R.S.A. §3331, sub-§7. The Maine Watershed Management Program, managed by the Maine Watershed Management Committee under the aegis of the Council, focuses on improving and protecting water quality through activities to reduce or eliminate nonpoint source pollution.

Participating members of the MWMC include DMR; the Department of Inland Fisheries and Wildlife (DIFW); the Department of Human Services (Division of Health Engineering) (DHS), DOC, DAFRR, MDOT, and DEP. Participating federal agencies include EPA, Natural Resources Conservation Service, and the United States Geological Survey. Also participating are the Maine Chamber of Commerce and Business Alliance, the Natural Resources Council of Maine, the Congress of Lake Associations, the Maine Association of Conservation Districts, and the Maine Water Utilities Association.

In 2000, the MWMC met quarterly and provided a forum for exchange of information among the agencies. A subgroup of the committee assisted DEP in evaluating applications for

grants for watershed improvement projects. Funds for this grant program are provided under Section 319 of the federal Clean Water Act. MWMC members also reviewed and commented to DEP on Maine's draft Performance Partnership Agreement with EPA for 2001.

In 2001, MWMC will continue to focus on interagency coordination through information exchange, and through monitoring and feedback on agency progress in implementing Maine's upgraded Nonpoint Source Pollution Program.

Lead State agency contact: Don Witherill, Department of Environmental Protection

D. Lakes Heritage Fund

The 118th Maine Legislature created this fund and made the Council responsible for its management. *See* 5 M.R.S.A. §3331, sub-§6. P&S Laws 1999 c. 98, enacted by the Second Regular Session of the Maine Legislature, appropriated $20,000 as one-time funds to provide additional resources to the Fund. The Council has not committed these resources. The Fund had no program activities in 2000.

Lead State agency: State Planning Office

E. Public Education Strategy for Drinking Water Protection

PL 1999 c. 761, §12 provides that by March 5, 2001, the Council must submit a report to the Legislature's Natural Resources Committee on a public education strategy designed to reach those whose decisions may affect the protection of public water supplies. The law stipulates that the strategy should be aimed at municipalities and the general public and address both the messages and tools for its implementation. As directed by the law, SPO hired temporary staff to develop the education strategy.

On October 12, 2000, SPO staff presented and the Council approved a work plan for development of the strategy, which will cover issues concerning ground as well as surface water sources of drinking water. Under the plan, SPO will serve as lead agency in consultation with DHS and DEP. With the advice of an Education Strategy Advisory Committee (Advisory Committee) and information gained from contacting public and private organizations with pertinent environmental experience, SPO is developing a draft legislative report on the strategy for the Council's review at its February 8, 2001 meeting and a final report for the Council's approval at its March 8, 2001 meeting. The Advisory Committee is made up of representatives of the following State agencies and non governmental entities: SPO, DEP, DIFW, DOC, DAFRR, DHS, EPA, Portland Water District, Maine Municipal Association, Maine Water Utilities Association, Department of Education, Office of the Public Advocate, Public Utilities Commission, Maine State Housing Authority, Maine Historic Preservation Commission, Department of Administrative and Financial Services, Atlantic Salmon Commission, and Maine Rural Water Association. As it develops information and ideas for the strategy, SPO staff is

consulting with various public and private organizations involved with public education on drinking water and related environmental issues.

Lead State agency contact: Judy Cooper, State Planning Office

II. Matters Assigned by Executive Order

A. Atlantic Salmon Conservation Plan for Seven Maine Rivers

In 2000, due to enactment of legislation transferring the administrative functions of the Atlantic Salmon Conservation Plan for Seven Maine Rivers (Conservation Plan) from the Council to the newly formed Atlantic Salmon Commission, the Council became less active than in the previous two years on matters related to implementation of the Conservation Plan. For example, the Council's Conservation Plan Committee ceased to meet and advise the Council on Conservation Plan activities.

The Atlantic Salmon Commission did continue to consult with the Council on several issues related to Atlantic salmon management and conservation. The Council determined that the legislation creating the Atlantic Salmon Commission did not preclude the Council from consulting the Commission on request in accordance with Governor King's 1997 Executive Order. In March 2000, the Council reviewed and approved the Atlantic Salmon Commission's Annual Progress Report on implementation of the Conservation Plan. On several occasions, the Council heard presentations concerning the development of water use management plans for the Narraguagus and Pleasant Rivers and Mopang Stream. As noted below, the Council requested that the water use planning committee established under the Conservation Plan complete its water use management plans by December 14, 2000 in order to coincide with presentation to the Council of recommendations regarding a statewide sustainable water withdrawal policy.

Lead State agency contact: Henry Nichols, Atlantic Salmon Commission

B. Council on Environmental Monitoring and Assessment

By an April 1997 Executive Order Governor King created the Council on Environmental Monitoring and Assessment (CEMA) to promote improved communication and coordination among volunteer monitoring programs, the University of Maine, State agencies, and other professional organizations that collect environmental data. The Council oversees the CEMA's effort which is led by DEP. Although the CEMA did not formally convene this year, work on improvements to the use of volunteer-generated data for lakes, rivers and streams, and coastal waters continued. DEP staff intends to convene CEMA in early winter 2001 to discuss the long-term utility of the group and whether annual meetings would be helpful to improve communications. Highlights of related activities during 2000 include:

- ✍ Launching of the Maine Stream Team Program, with an initial focus on the Casco Bay watershed. The menu of possible activities for stream teams includes twenty local projects ranging from citizen monitoring to streamside buffer plantings to trail and greenway development;

- ✍ SPO (Maine Coastal Program), the University of Maine Cooperative Extension, and the River Network sponsored two workshops on fundraising and program organization for volunteer groups;

- ✍ The University of Maine's Sea Grant Program secured grant funding from the George Mitchell Center for Watershed Protection for Sea Grant, SPO, and the Cooperative Extension Service to work together to develop a coastal volunteer monitoring component for PEARL, the internet-based information center for lakes data;

- ✍ A workshop highlighting successful volunteer monitoring programs was included in the Maine Water Conference in April 2000; and

- ✍ Launching of MEMAD, Maine's Environmental Monitoring and Assessment Database, by the University of Maine's Molly Shauffler. MEMAD offers basic information on what types of environmental monitoring and assessment are conducted in Maine and offers contact information for more information on individual efforts.

Lead State agency contacts: Kathleen Leyden, State Planning Office and Roy Bouchard, Department of Environmental Protection

III. Interagency Coordination

A. Smart Growth Initiative

In addition to the legislatively assigned duties discussed above, the Council continued to serve as a policy forum for development, discussion, and coordination of State agency actions pursuant to the Governor's Smart Growth Initiative and related policy initiatives.

1. Smart Growth subcommittee.

At its October 12, 2000 meeting the Council established a subcommittee, the Interagency Smart Growth Coordinating Committee, to coordinate State policies, programs and investments in support of the three year Competitive Advantage strategy, an element of the Governor's Smart

Growth initiative, and issues regarding the Smart Growth Initiative generally. Participating agencies include SPO, MDOT, DEP, DECD, DOC, DIFW, DAFRR, DMR, and DHS.

The Council anticipates that this subcommittee will meet about six to eight times annually during 2001 and 2002, with potential for more intensive and focused effort prior to legislative sessions. SPO provides lead staff support for this effort.

Lead State agency contacts: John DelVecchio and Judy Cooper, State Planning Office

2. Natural resources mapping initiative

Based on the initial work of Resource Mapping Project lead by DEP and feedback received from the Council on that statewide natural resources mapping project, DEP and SPO collaborated to launch a new effort to provide towns in southern Maine with natural resource information useful in open space planning. The project, known as the Southern Maine Town Planning Initiative, is an element of the State's Smart Growth Initiative. SPO is coordinating this collaboration among DIFW, DOC (Maine Natural Areas Program (MNAP)), US Fish and Wildlife Service (USFWS), Maine Audubon Society (MAS), Wells National Estuarine Research Reserve (Wells Reserve), and the Southern Maine Regional Planning Council (SMRPC). The goal of this effort is to pilot a new approach to town and regional open space planning.

This project is designed to use the results of the Wells Reserve's conservation lands database, USFWS's predictive modeling for high value habitat supporting Federal Trust species, MDIFW's landscape planning model, SPO's wetlands characterization, and the joint MAS, DIFW, MNAP and Maine Coast Heritage Trust land trust project, in combination with local knowledge that SMRPC offers, to create an integrated, comprehensive information tool to help towns plan for conservation of wildlife and wildlife habitat. The southern and coastal regions of Maine support the State's highest plant and animal diversity and are under significant threat from habitat fragmentation and development.

This pilot project involves work with the following towns: Kennebunk, Kennebunkport, Arundel, York, Eliot, Kittery, North Berwick, South Berwick, Berwick, Wells, Ogunquit, Biddeford, Saco, Old Orchard Beach, and possibly Scarborough. For each of the participating Southern Maine coastal towns, a series of maps and supporting information will be developed which identifies: habitats of management concern as identified by MDIFW and MNAP; riparian, wetland and open water areas which need to be conserved to maintain habitat connectivity and integrity in a developing landscape; and large undeveloped blocks of regional significance. Information on watershed boundaries, conservation ownership, and land use will also be provided. The group intends to focus on an initial group of towns beginning in January 2001 and to complete work on all the participating towns by January 2002. The group has been working with the Town of Kennebunk in order to refine materials, maps, and technical aspects of the project.

This effort marks a significant shift in the State's approach to wildlife conservation toward a proactive strategy of sharing information and technical expertise. The response to this project from the

natural resource community, the planning community, towns, land trusts, and others has been overwhelmingly supportive. Strong interest in the project reflects public recognition that this work is extremely timely and important as towns face the pressure of increased growth and development and work to maintain the natural character of their communities.

EPA has provided $103,000 in federal funds and the Maine Outdoor Heritage Fund has provided $38,000 to support this effort. Additional financial and personnel resources will be needed to support MDIFW and MNAP technical follow-up to analyze the data and develop strategies to conserve land in the developing landscape.

Lead State agency contact: Elizabeth Hertz, State Planning Office

B. Water Use Management Planning

In 2000, the Council coordinated, monitored and oversaw three concurrent and interrelated State water resources management policy initiatives:

- the Sustainable Water Use Task Force (Task Force), jointly led by DEP and DAFRR under the aegis of the Council;
- the Blueprint for Agricultural Water Resource Management (Blueprint), led by DAFRR; and
- the water use management planning (WUMP) process, led by SPO pursuant to the State's Atlantic Salmon Conservation Plan for Seven Maine Rivers.

At its July 2000 meeting, the Council agreed that close coordination of these efforts is necessary to ensure efficient development of informed and consistent State policy in this area. This section of the report summarizes each of these policy initiatives individually, then outlines actions taken and recommendations made by the Council to ensure coordination and integration of these initiatives as appropriate.

1. Sustainable Water Use Task Force

At the suggestion of DEP, the Council initiated this interagency effort in 2000 to provide a policy framework to guide agency decision making on natural resources issues such as water quality and aquatic habitat protection. DEP and LURC, the State's primary agencies responsible for water quality management, both recognized that maintenance and enhancement of water quality necessarily involves and is dependent upon the availability of an adequate quantity of surface water. These agencies also recognized the lack of and need for consistent State policy on a host of related key questions, such as the standard(s) for determining how much water is adequate to ensure water quality and habitat

protection and by whom, when, and how such standard(s) should be addressed through regulation or other resource management tools. To this end, DEP and DAFRR agreed to co-chair an interagency effort, guided by stakeholder input, to develop a prioritized set of recommendations to establish sustainable water use policies for Maine's public water resources. The Council asked DAFRR and DEP to report initial recommendations to the Council at its September 14 meeting.

On July 19, 2000, the Task Force hosted a Water Withdrawal Policy Roundtable. The nearly fifty participants, including stakeholders and agency representatives, engaged in a broad discussion of water withdrawal issues and problems facing Maine and potential solutions to those problems. Agricultural interests, salmon interests, drinking water providers, ski areas, hydroelectric producers, and other user groups were represented. The group held a follow up meeting on August 2, 2000, at which the group identified additional information and analysis needs. Discussion focused in part on the need for a quantifiable standard related to Maine's existing water classification system to govern water withdrawals.

At the Council's September 14, 2000, meeting, DEP presented a summary of the Task Force's effort to date and recommended future direction. In its presentation, DEP explained that at the suggestion of stakeholders DEP is developing a white paper that outlines the environmental aspects of the water withdrawal issue in order to facilitate the Task Force's discussions. DEP noted that the participation and progress to date in developing policy recommendations were encouraging and that the Task Force had identified the elements needed for a comprehensive solution. DEP stressed that development of a comprehensive approach to the resource management issues presented by water withdrawal does not preclude differing approaches in various regions of the State.

At its September 14, 2000 meeting, following consideration of presentations regarding the Agricultural Irrigation Blueprint and Water Use Management Process regarding select Downeast rivers, both of which are discussed below, the Council agreed on the following interim recommendations to the Governor:

- the Sustainable Water Use Task Force initiative should serve as the lead initiative for development of a policy framework to guide decision making on specific water withdrawal related issues, including agricultural irrigation;

- development of the State policy framework needed to inform and guide decisions regarding water withdrawal should provide a meaningful opportunity for broad stakeholder involvement, and that the Task Force affords such an opportunity;

- prior to completion of the Task Force process, implementation of the Blueprint should be limited to elements of that initiative that are outside the scope of the Task Force's work, such as recommendations in the Blueprint that deal with financial and technical assistance to farmers;

- information and recommendations developed by the WUMP and Blueprint would be useful to the Task Force in developing a State policy framework regarding water withdrawal;

- ongoing discussions to expedite the United States Army Corps of Engineers' permitting process for irrigation storage ponds should continue; and

- in the case of the water use management plans being developed through the WUMP process, those elements of the water use management plans that are called for by Maine's Atlantic salmon conservation plan be implemented without undue delay.

In addition, the Council noted the need to ensure consistency between approaches to water withdrawal in the State's organized and unorganized areas and set December 14, 2000 as a deadline for the Task Force to submit its recommendations to the Council.

On December 14, 2000, DEP and DAFRR presented an Interim Report to the Council regarding its progress in developing recommendations regarding a statewide policy on water withdrawal. The following are major points made in the Interim Report:

- this effort has had the benefit of extensive and broadly representative stakeholder participation, and the full stakeholder group (Roundtable) has met three times and a smaller expanded work group has met five times;

- the Roundtable is making steady and significant progress toward consensus, has produced the level of communication and trust needed to work toward solutions, and has reached conceptual agreement on the following components of an integrated and sustainable water withdrawal policy: improved options for water storage; flow standards protective of aquatic habitat; promotion of water conservation and use efficiency to reduce use; elimination of discrepancies in the DEP and LURC approaches to water withdrawal; monitoring and research to improve understanding and gauge progress in addressing water withdrawal issues; public education to encourage conservation and awareness of the value of water resources; commitment of resources sufficient to achieve results in a reasonable period; and periodic reassessment and adjustment, as needed, of strategies to ensure their ongoing effectiveness. The Roundtable has begun development of a work plan to achieve goals and objectives tied to these agreed upon components;

- development of a statewide approach to water withdrawal, is a complex and difficult task involving a wide variety of water uses and needs that will take more time to complete; and

- another 12 -14 months of concerted interagency effort supported by approximately $200,000 for consulting expenses, plus agencies' in kind contributions, will be needed to forge well-informed and well-supported recommendations on a statewide policy.

DEP and DAFRR representatives told that Council that over the next six months the Work Group intends to focus on developing of an interim flow standard, consistency on DEP's and LURC's approaches to water withdrawal issues, and permitting issues regarding priority storage options.

Having considered and discussed the Interim Report, the Council unanimously agreed to endorse continuation of the Work Group's effort in accordance with the Interim Report, provided that the Work Group, in consultation with the WUMP, develop a proposal and schedule to ensure uniformity and predictability in the DEP and LURC approaches to water withdrawal within the next six months, and report back on this proposal and schedule at the Council's January 2001 meeting.

Lead State agency contacts: David VanWie, DEP and Peter Mosher, DAFRR

2. Blueprint for Agricultural Water Resource Management

On July 1, 2000, DAFRR submitted its *Blueprint for Agricultural Water Resource Management* (Blueprint) to Governor King, who had requested this report and recommendations. To develop the report, DAFRR assembled a committee of agricultural stakeholders to identify needs and gather use data from statewide farmer forums and statistical reports. DAFRR held two meetings with other State agencies including DEP, LURC, DIFW, DOC, and ASC, as well as the Maine Rivers Coalition, to gather their concerns, ideas, and input on the policy recommendations. The Blueprint's recommendations, intended to ensure and enable farmers to use water for agricultural irrigation in an economically and ecologically sustainable manner, include:

- adding support for agricultural preservation in environmental policy;
- focusing on non regulatory solutions for accessing water;
- resolving differences between LURC and DEP regulations;
- increasing State and federal technical and financial assistance for farm water resource planning and reservoir building;
- increasing research efforts to help increase efficiency of irrigation systems; and
- resolving wetland and mitigation issues with federal agencies.

At the Council's September 14, 2000 meeting, DAFRR summarized the Blueprint's above noted recommendations and its underlying policy objectives for the Council's benefit in considering coordination of State water use initiatives. DAFRR emphasized that from an agricultural perspective a regional as opposed to a uniform statewide approach would be better for addressing water withdrawal issues, that the needs of farmers expressed in the Blueprint need to be addressed to ensure the competitiveness of Maine's agriculture industry, and that the key water use issue is the availability of water when and where it's needed.

The Council has recognized that information and recommendations in the Blueprint should be considered in developing State water withdrawal policy through the Task Force process discussed above.

Lead State Agency contact: John Harker, DAFRR

3. Water Use Management Process (WUMP)

The State's Atlantic Salmon Conservation Plan for Seven Maine Rivers calls for the development of water use management plans for the three rivers Downeast that blueberry growers use as a source of water for irrigation. In 1998, the Council initiated a stakeholder process, the Water Use Management Process (WUMP) and a series of technical studies to better understand flows and flow-related salmon biology issues. The WUMP Committee worked to produce individual river hydrology reports as well as a single report offering river specific and crosscutting policy recommendations, to be used in part to aid the Task Force in developing a statewide policy framework.

Having been briefed on the status of the WUMP at its September 14, 2000 meeting, the Council set December 14, 2000 as the deadline for finalizing the river specific plans and the final report and recommendations.

At the Council's December 21, 2000 meeting, representatives of the WUMP process made a presentation to the Council regarding the final product of the WUMP process, the Downeast Water Use Management Plan (Plan). Presenters explained the consensus process by which the recommendations were developed, the technical basis for the water use management recommendations (hydrological models) made for the three rivers studied - the Narraguagus River, Pleasant River, and Mopang Stream, and outlined the Plan's recommendations. The following are the Plan's main recommendations with the Plan's assessment of the relative importance of each indicated:

- maintain the USGS stream gauge on the Narraguagus River (essential);
- make a long term commitment for funding stream gauges on the Pleasant and Machias Rivers (essential);
- implement an effective flow monitoring strategy (essential);
- continue funding support for the five year USGS low flow study on eastern Maine rivers now underway (essential);
- support periodic assessments by the Atlantic Salmon Commission of Atlantic salmon habitat impacts as irrigation strategies evolve (important);
- integrate the hierarchy of water withdrawal options developed by through the WUMP into State permitting, funding, educational and technical assistance programs. This hierarchy ranks water withdrawal options, including development of storage ponds, in order of preference in terms of their potential for adverse environmental effects (essential);
- provide technical assistance to farmers regarding water conservation and best management practices (essential);
- amend State permitting programs to ensure that LURC and DEP apply consistent, internal processes for permitting and commenting on irrigation proposals (essential);
- assess habitat impacts of water withdrawals during high flow periods (important);
- research the water requirements of low bush blueberry plants (important); and
- research farm practices to further reduce water use for agriculture (very important).
- The following were identified as the next steps in addressing water use management issues on these downeast rivers:
- final editing and preparation of the Plan;
- further discussion of the Plan's recommendations at the Council's January 2001 meeting;
- adoption of the Plan as part of the State's *Atlantic Salmon Conservation Plan for Seven Maine Rivers* (Atlantic salmon plan);
- consideration of the Plan in development of an Atlantic salmon recovery plan under the federal Endangered Species Act; and

✍ development of a strategy for implementation of the Plan.

Following discussion, the Council agreed to schedule additional discussion of the Plan and its recommendations for the Council's January 11, 2001 meeting. The Council further agreed to make a decision on or before its March 2001 meeting on whether to recommend to the Atlantic Salmon Commission that the Plan be adopted as part of the State's Atlantic salmon plan.
Lead State agency contact: David Keeley, SPO

C. Wetlands Conservation

In 1994, SPO created a Wetlands Conservation Task Force to prepare a Wetlands Conservation Plan for Maine (Wetlands Plan). SPO staffs this effort with funds from an EPA grant. This task force was comprised of representatives from a range of development and conservation interests, as well as relevant State and federal agencies. In 1998, SPO requested the Council to review and approve the Wetlands Plan following its completion. In October 1999, the Council agreed to endorse the Wetlands Plan and specifically endorsed creation of the Wetland Interagency Team (WIT), made up of representatives of DEP, LURC, DAFRR, SPO, DIFW, MDOT, and DOC.

The WIT began meeting monthly in December 1999 to ensure State agency coordination on wetlands issues. The purpose of the group is to coordinate the implementation of the Wetlands Plan, identify and discuss policy and program related wetlands issues, and determine what wetlands projects to fund with available federal funds through the State's "performance partnership agreement" with EPA.

In 2000, the WIT worked to coordinate State agency wetlands policy and actions regarding: the U.S. Army Corps of Engineers' proposed renewal of the State Programmatic General Permit; statutory change in the roles of DEP and LURC in regulating wetlands in the State's unorganized areas; vernal pools; identification of potential sources of match for available federal wetlands funds; and priorities for expenditure of wetlands block grant funds from EPA.

In 2001, the WIT intends to continue its efforts to coordinate the implementation and assist in the development of State wetlands policy.

Lead State agency contacts: *Jackie Sartoris and Elizabeth Hertz, State Planning Office*

D. State Regulatory Process for the Dredging of Federal Navigational Channels

The Council continued to oversee and monitor an interagency effort to improve the process for State environmental review and decision regarding federal maintenance dredging projects. The goal of this approach is to avoid regulatory delays, unreasonable costs, and the potential for loss of federal project funding opportunities, through identification and resolution of issues prior to initiation of formal state approval procedures under the Coastal Zone Management Act and Clean Water Act.

At the Council's December 1999, meeting, MDOT reported to the Council on the status of efforts to refine State policy on coastal dredging. MDOT recommended development of a statewide Dredging Management Action Plan (DMAP) that would look at the key issues relating to maintenance of harbors, channels, and waterway infrastructure throughout the State. The Council voted to support that recommendation at its December 1999 meeting. The Council anticipated that funding for the DMAP would be an item for the next biennial budget process (2001 legislative session). However, surplus revenues collected by the State became available and MDOT secured $250,000 to support this process during the 2000 legislative session.

MDOT has assembled a diverse group of stakeholders to serve as an oversight committee to the process. This group had its inaugural meeting on July 31, 2000 and established the following as its mission statement:

> "Identify solutions to insure that Maine's coastal waterways are dredged in a safe, economic, and environmentally sound manner."

With MDOT's leadership, the group outlined the goals of the process. Key goals included identifying options for disposal of dredged material, analysis of the permitting process, effective assessment of the environmental effects of dredging, and public education on the importance of dredging to the economy and environmental effects. MDOT subsequently prepared and published a request for proposals to solicit a qualified environmental consultant to assist the Committee in developing the DMAP. MDOT has selected the firm of Foster Wheeler Environmental Corporation to assist the Committee in development of the DMAP.

Lead State agency contact: Brian Nutter, Department of Transportation

E. Southern Maine Beach Management

In cooperation with participating towns and the SMRPC, SPO, DOC (Maine Geological Survey (MGS)), DEP, and DIFW continued to implement the recommendations of the 1998 *Improving Maine's Beaches* report prepared by SPO. Primary activities included State staff involvement in the Saco Bay and Wells Bay regional planning processes. SPO (Maine Coastal Program) continues to support the position of beach planner at SMRPC, with matching funds provided by the participating Towns of Wells, Kennebunk, Saco, Old Orchard Beach, and

Scarborough. The Steering Committee for the planning process, made up of two local officials and three municipal planners, has been largely inactive, however, due to turnover of municipal staff in Wells and Saco.

The final Saco Bay Plan was presented to the Council during the summer of 2000. The Plan's recommendations focus on the need to balance the sand budget in the region (via beach nourishment and redistribution of sand within the system) and the need to reconfigure the jetty at Camp Ellis. Rather than endorse the regional plan, the Council agreed to help the Saco Bay towns move forward with selected implementation projects that complement State policies on beach management, including jetty modification, beach nourishment and dune reconstruction, and acquisition of title to high hazard shoreland areas from willing sellers. Options for State support of activities, ranging from conducting an independent analysis of jetty modification, to creative land use planning efforts, to redesign of the physical layout of the Camp Ellis, are under discussion. In November of 2000, Saco city officials and residents reviewed the State's ideas and were amenable to working together in a cooperative approach.

Funding for the State's participation in the implementation of the Saco Bay Plan is unknown at this time. A combination of federal and State resources is needed for this long term and costly initiative. There is a pending proposal from the SPO (Maine Coastal Program) before NOAA's Coastal Services Center to provide a two year fellowship position at MGS to assist in the implementation of the Saco Bay Plan and development of beach nourishment policies.

The Wells Bay planning committee is nearing completion of its work. A draft report is anticipated in early 2001. Discussions have focused on issues concerning amendment of the State's sand dune rules and related provisions in the Natural Resources Protection Act. Both Wells residents, favoring changes in law to facilitate development, and environmental advocacy organizations, favoring improvements in resource protection under existing laws, have expressed interest in submitting legislation for consideration in the upcoming legislative session.

The management planning process for Scarborough's beaches is several months behind schedule due to a prolonged process in Wells. With a lot of information already available for Higgins Beach, the Scarborough process should easily get back on track and be completed in 2001.

SPO (Coastal Program) made other strides to address issues and needs identified in the 1998 *Improving Maine's Beaches* report. SPO established a pilot coastal policy fellowship at the University of Maine, School of Marine Sciences. The fellow will be funded for two years and will produce a masters thesis analyzing the effectiveness of Maine's beach policies. The fellow will also analyze repetitive loss information from the Federal Emergency Management Agency to help create a State coastal hazards mitigation plan. This information will help if post-disaster funds or hazard mitigation funds become available to Maine to compensate willing sellers in high hazard areas.

SPO, DOC, and other State agencies also supported and participated in the first annual State of Maine's Beaches Conference in July 2000. About 200 Southern Maine residents attended. The

conference showcased the results of volunteer beach profiling efforts in Southern Maine. A panel discussion on the regional planning process was also included. In written evaluations of the conference, attendees said that their knowledge of coastal processes and regional beach planning was improved.

MGS and the University of Maine Sea Grant College Program continue to assist volunteers collecting data year-round on Maine's beaches. An interagency group has formed to ensure the sustainability of the beach profiling program beyond the initial period of Sea Grant support for this work.

F. Implementation of the Casco Bay Plan

The Casco Bay Plan is the product of the multi-year effort of the Casco Bay Estuary Project (CBEP), a federally funded initiative of the National Estuary Program overseen by EPA. The Project's primary objectives are to increase scientific knowledge regarding Casco Bay and its water quality, and to use that enhanced understanding to promote cooperative efforts to improve water quality throughout the watershed. The Casco Bay Plan is designed to achieve these objectives.

In May of 1996, Council member agencies agreed to help implement the Casco Bay Plan, which listed specific activities and in a few cases budget needs to support State agency actions. In 1999, State agencies reviewed their commitments, in order to account for progress made and to develop new or continued commitments for the next three year period. Also, the Executive Committee of the Casco Bay Board met with DEP and SPO staff to discuss projects of high priority to the Board where State agency involvement is deemed critical.

DEP and other State agencies continue to be actively involved in a wide variety of issues and activities identified as priorities in the Casco Bay Plan. For example, DEP staff works with the CBEP on monitoring sediment and shellfish tissue samples, and assists with the Bay's boat pump out program which is managed by the Friends of Casco Bay. DEP's Bureau of Air Quality has measured particulate deposition as part of a monitoring and assessment program coordinated with CBEP. DEP and DMR have also been leaders on matters related to the effort remove the Smelt Hill dam on the Presumpscot River. In addition, DEP has been working with the Department of Corrections, BGS, Portland Water District, and the Towns of Windham and Gorham to eliminate smaller, older, upstream discharges from waste water treatment facilities. Over the past year, SPO has been involved with a non point source pollution signage project in Back Cove and has provided partial matching funds for an Americorps member who works in Casco Bay area schools. DEP continues to participate actively as a member of the CBEP Board of Directors and Executive Board.

In 2001, DEP intends to work with SPO to further efforts to coordinate and advance State participation in implementation of the Casco Bay Plan.

Lead State agency: John Wathen, Department of Environmental Protection

COUNCIL MATTERS ANTICIPATED IN 2001

In addition to ongoing matters under consideration in 2000 requiring the Council's attention in 2001, and others that may be assigned to the Council by the Legislature or Governor, the Council anticipates addressing the following in 2001:

- Swimming beach water quality monitoring programs
- Implementation of Agricultural Water Management Blueprint
- State water use management policy
- Coordination of the Smart Growth initiative
- Coastal dredging policy
- Invasive species management and control policy

CONCLUSION

During 2000, the Council continued to develop its role as a recognized and increasingly sought after forum for interagency discussion on State policy for appropriately balancing environmental protection, conservation, and economic development objectives. In addition, the Council has increasingly become a mechanism for managing State programs that require coordination among multiple agencies. The Council has also proven an effective mechanism for development and communication of consistent State positions to the federal government regarding federal policies or proposed actions with statewide natural resources implications.

As in past years, the Council's work was enabled, benefited from, and continued to promote close collaboration among the State's natural resources agencies. The Council thanks members of the public and federal, State, and local government personnel for their hard work and participation in the stakeholder meetings, study commissions, and other public policy development initiatives whose recommendations often inform and enlighten the Council's discussions and decisions. The Council looks forward to a challenging agenda in 2001 as the Legislature, Governor, and State agencies make use of this forum to develop and refine the State's natural resources policy.