M A I N E 'S C O A S T A L P R O G R A M

HT 393.M2 M35 1990

Progress Report

August through October, 1990

CZ100 (1989-90)
CZ521 (1990-91)

Submitted to

The National Oceanic & Atmospheric Administration
Office of Ocean & Coastal Resource Management
Washington, D.C. 20235

HT
393
.M2
M35
1990

:ate Planning Office
›use Station No. 38

Augusta, Maine 04333
Tel. (207) 289-3261

TABLE OF CONTENTS

Page

STATUS OF 1989-90 GRANT TASKS -- (CZ100 Award)

Task 1 -- Core Law Enforcement & Administration 1

A. DEP -- Core Law Enforcement & Administration
B. DOC/MGS -- Geologic Review of Core Law Applications
C. Core Law Enforcement Options Analysis (new)
D. Local Code Enforcement Officer Training & Certification (new)

Task 2 -- Local Technical & Financial Assistance 1

A. DECD -- Municipal Planning & Waterfront Action Grants
*B. DECD -- Municipal Technical Assistance
*C. DECD -- Regional Council Assistance

Task 3 -- Acquiring Shoreline Access Sites for Public Use . . 1

Task 4 -- Coastal Policy Development 5

A. Allocating Maine's Marine Waters
B. Island Development & Conservation Strategy
C. Estuarine Strategy
D. Analysis of Marine Water Quality Information (new)

Task 5 -- Program Administration & Implementation 5

* Significant Improvement Tasks

Page

STATUS OF 1990-91 GRANT TASKS -- (CZ521 Award)

Task 1 -- Core Law Enforcement & Administration 6

*A. DEP -- Core Law Enforcement & Administration
B. DECD -- Code Enforcement Officer Training Program
C. DECD -- Shoreland Zoning Technical Assistance to Regional Councils & Towns
*D. Regional Councils -- Shoreland Zoning Technical Assistance to Towns

Task 2 -- * Municipal Grant Program 6

Task 3 -- Coastal Policy Development: Allocating Maine's Marine Waters 6

Task 4 -- Program Management & Public Education

A. Public Education Initiatives 13
(1) Coastweek
(2) Shore Stewards Program
B. OCS Oversight 13
C. Other
(1) Gulf of Maine Activities 17
(2) Aquaculture 18

EXHIBITS

E-1 DEP Quarterly Report 23
E-2 Shoreland Zoning News, DEP, Summer 1990 31
E-3 Enforcement Report, DEP, FY 1990 33
E-4 Quarterly Reports from Coastal Coordinators 37
E-5 "Your Land, My Land, OUR Land" (re LMFB acquisitions). 51
E-6 List of Products, CZ100 Award (1989-90) 59
E-7 List of Products, CZ521 Award (1990-91) 61

* Significant Improvement Tasks

STATUS OF GRANT TASKS
1989-90 (CZ100)

Task 1 -- Core Law Enforcement & Administration

A. DEP -- Core Law Enforcement & Administration

The DEP's Quarterly Report is reproduced as Exhibit E-1. It covers shoreland zoning activities, core law permitting and enforcement in the coastal area, and problems and issues.

B. DOC/MGS -- Geologic Review of Core Law Applications

(Completion reported previously.)

C. Core Law Enforcement Options Analysis (new)

A number of different approaches to this study were explored during the reporting period. Since at least one option involved not only regulatory personnel but some level of public participation, a decision was held in abeyance pending the November elections.

D. Local Code Enforcement Officer Training & Certification (new)

The DECD's Progress Report is reproduced below.

Task 2 -- Local Technical & Financial Assistance

A. DECD -- Municipal Planning & Waterfront Action Grants

The DECD's Progress Report is reproduced below.

*B. DECD -- Municipal Technical Assistance

The DECD's Progress Report is reproduced below.

*C. DECD -- Regional Council Assistance

See the DECD's Progress Report below, and Exhibit E-4, Quarterly Reports from the Coastal Coordinators.

Task 3 -- Acquiring Shoreline Access Sites for Public Use

No new acquisitions by the Land for Maine's Future Board were assisted during this reporting period, but see clippings below and the article on LMFB acquisitions, "Your Land, My Land, OUR Land" reproduced as Exhibit E-5.

Land purchase gets panel's OK

● Bond issue proceeds used to buy 280 acres in York County.

PPH P.10D 11/14/90

By BOB CUMMINGS
Staff Writer

AUGUSTA – The Land For Maine's Future Board voted unanimously Tuesday to purchase 280 acres of land around Mount Agamenticus in York and South Berwick with part of the proceeeds from a $35 million bond issue.

The purchase includes land located just north of the town-owned summit of the 691-foot mountain and two smaller parcels nearby.

Board members said they hope to acquire other land in the area, which includes nearly 3,000 acres of mostly undeveloped land in southern York County.

The land will be owned and managed by the Department of Inland Fisheries and Wildlife.

Fish and Wildlife Commissioner William Vail said the purchase, which was negotiated by The Nature Conservancy, assures that "hunting and other traditional recreational opportunities" will continue.

He said he will also work with the two neighboring towns in managing the land.

The purchase was proposed two years ago by the Tri-Town Coalition, a group of York, South Berwick and Eliot residents.

James Bernard of the State Planning Office said properties negotiated for purchase are ranked according to the their values for public recreation, protection of wildlife and other attributes.

He said Mount Agamenticus scored highest on the ranking test.

Marion Fuller Brown, a board member from York, called the purchase "another milestone in the sustained grass roots interest of the citizens to conserve land."

So far 19 properties have been approved for purchase using funds from the 1987 bond issue. A bond issue that would have continued the work of the Land For Maine's Future Board was rejected by voters last week. Bernard said the remaining funds from the early bond issue are likely to be committed by early next year.

Panel OKs purchase of land

KJ 11/14/90

● Bond issue proceeds ... acres

MAINE

Despite voter denial, board's work goes on

PPH 11/8/90

● Land for Maine's Future Board ready to buy acreage around Mt. Agamenticus.

By BOB CUMMINGS
Staff Writer

The work of the Land For Maine's Future Board continues despite voter rejection of another $18 million in land acquisition funds in Tuesday's election.

Slated for purchase next week is 280 acres in and around Mount Agamenticus, the highest point of southern York County. The land will be purchased from the Amoskeag Development Corporation of Boston for $210,000.

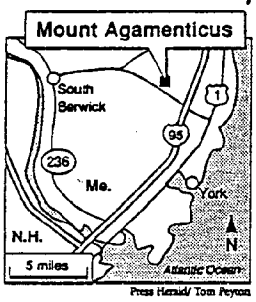
The board meets at 1:30 p.m. next Tuesday in Room 120 of the State Office Building in Augusta.

The new state land will be adjacent to 300 acres located around the summit of the 690-foot mountain that was purchased by the town of York 10 years ago.

The site is part of 3,000 acres of mostly undeveloped land that straddles the York-South Berwick town line, just four miles from the crowded Route 1 corridor.

The land is heavily used by the public for hiking, picnicking, hunting, skiing and snowmobiling.

The mountain was the site of the successful reintroduction of wild turkeys in Maine several years ago. Bogs surrounding the proposed new state land provide deer and other wildlife with protection from winter storms.



Press Herald/ Tom Peyton

The summit peak is also popular with bird watchers for viewing the annual fall hawk migration.

Richard H. Silkman, director of the State Planning Office and chairman of the Land For Maine's Future Board, said the purchase "would help meet the need for additional recreational land in southern Maine."

The natural diversity of the land to be purchased also offers "opportunities for Mainers to learn more about their natural heritage," Silkman said.

Marion Fuller Brown, a board member who lives in York, calls the proposed purchase "a significant conservation achievement in Southern Maine."

"This is a culmination of the broad-based citizen effort that began in 1978 when the local citizens voted overwhelmingly in referendum that the lands on Mount Agamenticus should be protected," adds Torbert MacDonald, a member of the York Conservation Commission and a member of a three-town coalition, that had proposed the purchase.

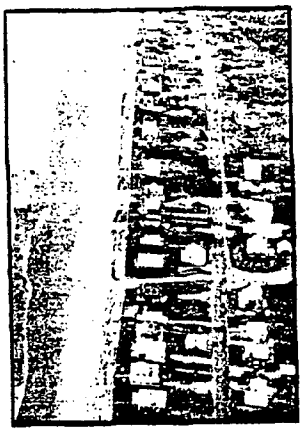
"The purchase is the beginning of the fulfillment of that vision and a wonderful step in the process of protecting the mountain," MacDonald said.

The negotiations for the heavily forested land around the mountain were conducted by the Nature Conservancy. James Bernard of the State Planning Office said negotiations are continuing for other land in the area.

The land would be purchased with money remaining in a $35 million bond issue approved by voters three years ago. Bernard said the fund will be mostly expended by early next year and expressed disappointment that additional money was rejected by the voters.

He speculated that "confused wording" of the referendum question and the inclusion of $1 million to reconstruct a dam on the Allagash Wilderness Waterway contributed to the defeat.

The public may comment on the proposed purchase of Agamenticus by writing to the State Planning Office in Augusta or by attending the meeting.



File photograph

After voters rejected a plan to spend town money to purchase parts of Moody Beach last spring, the town may seek state funds to allow public access.

Wells seeking state funds to buy Moody

By Joe Dynan YCCS
Of the staff 9/26/90

WELLS – Six months after voters rejected using town funds to purchase parts of Moody Beach, the town plans to seek state funds for the proposal.

Roger Batchelder, chairman of the town's Beach Advisory Committee, recommended to selectmen Tuesday night that the town should apply to the Land for Maine's Future Board for the necessary financing for the project.

Selectmen Harry Margeson, Jr., who also sits on the advisory committee, said committee members met separately over the summer with Richard Silkman, head of the state Planning Office, and Herbert Hartman, director of the Bureau of Parks and Recreation.

"We just wanted to see if there was any overwhelming reason why we shouldn't apply," Margeson said. "They indicated there was no reason not to."

Margeson wouldn't estimate how much the proposal would cost, but last spring Wells voters rejected spending $97,000 to take two portions of the beach by eminent domain.

"It costs nothing to apply, and the state does advocate more to the shorefront," Margeson said. The application is entirely filled out, and Margeson said selectmen will probably send it out "sometime this fall."

Margeson said the application calls for the purchase of just the "intertidal zone," from the seawall to the water. If everything goes right, however, changes at Moody Beach would not happen soon.

"It's a lenghty process," Margeson said. "It might take years or more."

LOCAL

Breakwater Point purchase hopes dim

● State voters' rejection of public land referendum limits the Land for Maine's Future Board's options.

From staff reports PPH 11/10/90

SOUTH PORTLAND – The city's hopes of buying a prominent strip of land at Breakwater Point may have been thrown out Tuesday when Maine voters rejected a referendum to set aside funds to buy land for public use.

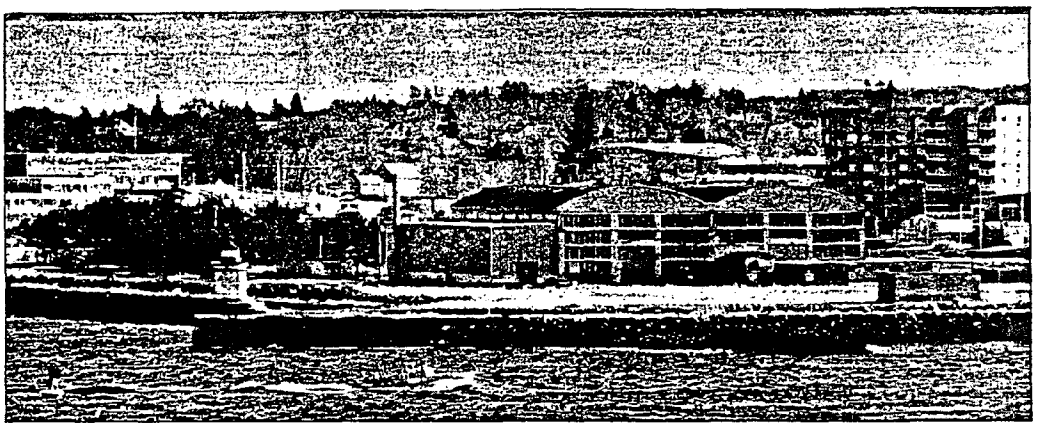
City officials and the South Portland Land Trust have been pushing for the Land for Maine's Future Board to buy a privately owned 13.7-acre lot where the Fore River flows into Casco Bay. Although the board generally buys land in rural areas, the former industrial parcel that extends out to Bug Light was being seriously considered.

But now, says Board Chairman Richard H. Silkman, there may be no money left.

"My sense right now is that ... we probably don't have enough money to consider it." But, he says, "I can't rule it out for sure."

The referendum called for an $18 million bond issue to continue funding of the Land for Maine's Future Board. The $35 million approved by voters three years ago is almost used up. "Right now we are almost fully committed on the $35 million," Silkman says.

The board may pursue another bond issue in the next election, but for now park backers in the city can only hope that a potential purchase by the board elsewhere in the state falls through. That might free up money for the South Portland property.



File photo

Bug Light and Breakwater Point are seen in this view from the Eastern Prom in Portland.

The board meets Tuesday and will discuss in a closed session where the defeat leaves the city parcel and other potential purchases.

The deal to buy Breakwater Point was moving ahead, although slowly, before the election.

An appraisal completed for the board put the value at $3.6 million, Silkman says. That's well below the original asking price of $6 million, but owner Al Glickman already had indicated he might sell for less than $4 million.

Glickman, who has been seeking a buyer in the conventional market, was not available for comment.

Board members discussed the property last month and decided that any further action would depend on the referendum results. "It was too big an amount of money," says Silkman.

And, had the referendum passed, the property still would have had to pass further tests. For one, state advisers to the board would assess whether the appraisal price was appropriate.

"The board may not be willing to go that high even if they did have the money," Silkman says.

And second, the city has not come up with $300,000 it needs to make the property fit the criteria for natural land required by the board. The deal already had fallen through once last year but was resuscitated when the City Council pledged to tear down an existing warehouse, remove a parking lot and landscape the lot.

The money was to come from the sale of city property in the Maine Mall area. But, the contracted buyer, Gavin Ruotolo, has been unable to come up with the financing, according to City Manager Jerre R. Bryant.

The plan may have to wait for another referendum, but after Tuesday's defeat that may not come soon.

"I think what the voters are telling us is that they don't want to spend any more money on land right now," says Silkman. He says he was especially disappointed because it makes the most sense to buy vacant land now when it is cheaper and pay the bond off when the economy is stronger.

Land for Maine's Future Board to Consider Indiantown Island Acquisition

by Annette S. Naegel

BOOTHBAY—The Boothbay Region Land Trust has just completed an application to the Land For Maine's Future Board for the acquisition of Indiantown Island. Joining in this request are the Island Institute and Maine Coast Heritage Trust as well as other local groups.

Located on the eastern side of the Sheepscot estuary, in the town of Boothbay Harbor, Indiantown is the last large wild island in the area. It is home to a small deer herd, nesting osprey, warblers, black-crowned night herons, owls, and many small mammals, as well as recently reported evidence of a visiting black bear. It is also an archaeological resource of considerable importance, as its name suggests. Some of the prehistoric sites are at least 3,000 years old.

In October 1989, in response to a proposal by Indiantown's owners to develop 32 seasonal recreational lots on the island, representatives from several interested regional organizations met under the leadership of William Welsh to share their concern about the future of the island and to organize an effort to protect it. The present application is an outgrowth of that effort.

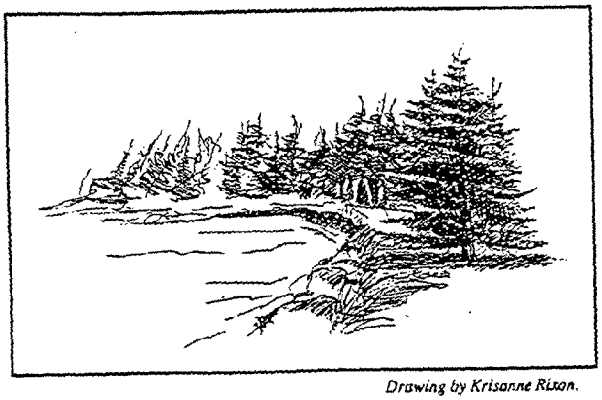
The proposal to the Land For Maine's Future Board includes the establishment of a stewardship trust fund for the local management of Indiantown and some of the adjacent islands and shoreline properties open to public access. Together these properties, including North and South Spectacle Islands and Porter Point Reserve on Barter's Island, would be called Historic Indian Island Trail.

The stewardship trust will contract with the state and owners of adjacent islands to manage public recreational access, to protect scenic vistas and archaeologically significant sites, and to provide environmental education on the archaeological history and the significant natural resources.

In support of this application, the Boothbay Region Land Trust has agreed to raise $100,000 in pledges for the stewardship trust. It is expected that a total of $250,000 will eventually be needed for a balanced management program to be carried out.

Of all the Board's acquisitions since the establishment of the $35 million fund in 1988, only two have been islands, both in the Cobscook Bay area. The purchase of Indiantown would be the first island acquisition in the mid-coast region, an area which is subject to increasing recreational and development pressures with limited public access to the shoreline.

For further information, contact Bill Welsh, RR#1, Box 92, Boothbay, ME 04535.



Drawing by Krisanne Rixon.

"It was only a small island, perhaps a mile long and half as wide. The face it presented to the mainland shore was a dark wall of coniferous forest rising in solid, impenetrable blackness to where the tops of the spruces feathered out into a serrate line against the sky. There was no break in that wall anywhere that I could see, no suggestion of paths worn through island forests, no invitation to enter. At high tide the sea came up almost to the trees, with only little patches of light colored rock showing at the water line, like white daubs by a painter's brush."

—Rachel Carson, *An Island I Remember*, speaking of Indiantown Island.

Task 4 -- Coastal Policy Development

A. Allocating Maine's Marine Waters

See Task 3 under CZ521.

B. Island Development & Conservation Strategy

Task reprogrammed, but Coastal staff continued to monitor island issues to determine needs for future Coastal Program activities.

C. Estuarine Strategy

Task progressing on schedule. The draft estuary management primer, entitled The Estuary Book: A Guide to Promote Understanding and Regional Management of Maine's Estuaries and Embayments was revised and prepared for printing. This publication will assist municipal officials and others interested in planning for estuaries as regional resources. Distribution of the publication was planned and coordination with the University of Maine Cooperative Extension explored.

Work was undertaken on five individual estuary maps in preparation for publication of the series of profiles of Maine estuaries. Recommendations toward an estuarine management strategy will be prepared at the conclusion of the project.

The estuary planner was interviewed for a video on aquaculture development in the Damariscotta Estuary. She also presented the estuary project to two conservation groups concerned with estuary resource management.

D. Analysis of Marine Water Quality Information (new)

This project was completed during the reporting period; publication of the final report is imminent.

Task 5 -- Program Administration & Implementation

See Task 4 under CZ521 below.

STATUS OF GRANT TASKS
1990-91 (CZ521)

Task 1 -- Core Law Enforcement & Administration

*A. DEP -- Core Law Enforcement & Administration

The DEP Land Bureau's quarterly report is reproduced as Exhibit E-1. See also Exhibit E-2, Shoreland Zoning News, Summer 1990, and E-3, Enforcement Report, DEP, FY 1990. Note that the Memorandum of Agreement with the DEP was approved in accordance with the Significant Improvement Benchmark for this task.

B. DECD -- Code Enforcement Officer Training Program

See the DECD's progress report reproduced below.

C. DECD -- Shoreland Zoning Technical Assistance to Regional Councils & Towns

See the DECD's progress report reproduced below.

*D. Regional Councils -- Shoreland Zoning Technical Assistance to Towns

See the DECD's progress report reproduced below and Exhibit E-4, Quarterly Reports from the Coastal Coordinators. In addition, RPC work plans are transmitted under separate cover in fulfillment of the Interim Significant Improvement Benchmark for this task.

Task 2 -- * Municipal Grant Program

See the DECD's progress report reproduced below. Note that Coastal Management Grant criteria for Task 2B were completed in fulfillment of the Interim Significant Improvement Benchmark for this task: see Guidelines and Application for the Implementation Grant and Coastal Management Grant Programs, OCP, October 1990, submitted under separate cover.

Task 3 -- Coastal Policy Development: Allocating Maine's Marine Waters

Work is progressing as scheduled. During the period, research and analysis continued on existing state programs and uses in Maine's marine waters to determine gaps and inconsistencies. Specific issues studied include recreational vs. commercial use of Maine's harbors, aquaculture, oil spill prevention and response, federal consistency, dredge spoil disposal, and marine and coastal sensitive area identification and mapping. Preliminary drafts of two chapters of the report were completed. A full draft will be available by the end of the year.

John R. McKernan, Jr.
Governor

Lynn Wachtel
Commissioner

Kathryn J. Rand
Deputy Commissioner

Department
of
ECONOMIC AND COMMUNITY DEVELOPMENT
OFFICE OF COMPREHENSIVE PLANNING

November 16, 1990

TO: Bob Blakesley, State Planning Office

FROM: Francine Rudoff, Tamara Risser, and Linda Boothby
Office of Comprehensive Planning, Coastal Program

RE: Coastal Program Progress Report, 8/90 - 10/90

1989-90 GRANT TASKS

Task 1D -- Local Code Enforcement Officer Training

During this quarter, a significant level of effort was devoted to planning, organizing, and carrying out two series of workshops for code enforcement officers. Topics covered at these sessions included shoreland zoning, floodplain management, and building codes. Approximately 325 code enforcement officers attended these training sessions that were offered in several locations around the state (see attached flyers). DECD/OCP staff also prepared extensive training materials for use at these sessions (training manuals are included with this report).

Looking ahead to next spring and summer, work has been initiated in developing a training program on wetland identification and delineation. While this program will be geared toward code enforcement officers, we anticipate that state, regional, and local planning professionals will also participate in the program.

Task 2A -- Municipal Grants

A. Coastal Planning Grant Projects

Previous reports noted the completion of projects in York, Kennebunk, Georgetown, Rockland, and Hampden, and Kittery; copies of the Hampden and Kittery plans are enclosed with this package as we did not have extra copies in August when the last report was submitted to you.

State House Station 130, Augusta, Maine 04333 — *Offices Located at* 219 Capitol Street
Telephone (207) 289-6800

During this quarter, work was completed on the Wiscasset and Bangor/Brewer projects. Copies of the final reports for these projects are enclosed.

Two projects have not yet been completed -- Belfast (mooring plan) and Stockton Springs (public access site design and harborfront plan). As noted in the last report, Stockton Springs has been granted an extension until 12/31/90; work with an engineering firm is proceeding to complete site designs for the public pier. Belfast has also been granted a further extension to 12/1/90 to complete its mooring plan; work was held up temporarily due to the resignation of the Town Manager.

B. WATERFRONT ACTION GRANTS

As noted in the last progress report, only two projects have not been completed -- Lincolnville and Saco. Both projects are proceeding smoothly and will be completed by 12/31/90. The preconstruction conference for the Lincolnville project is scheduled for 11/15/90. Work is nearing completion at the Saco site.

Two additional acquisition projects are being added to the 1989-90 group -- Brunswick and Machiasport -- to utilize funds that were leftover from several other projects. Final approval of these projects is pending upon receipt of additional appraisal information on one of the properties.

1990-91 GRANT TASKS

Task 1C -- DECD Technical Assistance

Shoreland Zoning

During this quarter, DECD/OCP staff worked closely with DEP Shoreland Zoning staff, regional coastal coordinators, and municipalities on implementing the new shoreland zoning requirements. A high priority activity has been to review and comment on draft DEP policies that provide more specific guidance for municipalities on how to integrate certain sections of the DEP minimum guidelines with local ordinances. Other projects have included: preparing a set of model shoreland permit application forms (a final draft will be distributed to municipalities at the end of November); completing a handbook for municipal officers on establishing interlocal code enforcement programs (a copy of the handbook is included with this report); and working with the Marine Law Institute and the DEP on a new publication outlining options for integrating comprehensive planning/town-wide zoning with shoreland zoning (a copy of the publication is also included with this report). Additionally, DECD/OCP staff have begun work on the development of shoreland zoning standards that go beyond the DEP minimum guidelines, including standards for docks, piers and wharves, public access, and expansions of existing structures in the shoreland zone. These standards should be completed by mid-

Technical Assistance Log
Tamara Risser

August 2, 1990 - Attended a meeting of Brunswick's Bays Committee. I discussed the possibility of DECD providing technical assistance to town to help in their efforts to develop a coastal watershed district with special performance standards, controls and land use standards that would protect the Towns extensive shellfish beds.

August 8, 1990 - Met with Rich Baker of the Department of Environmental Protection's (DEP) Shoreland Zoning Unit to discuss DEP Shoreland Zoning Policies. Began working with him on a question and answer sheet for some of the most common questions concerning state mandated shoreland zoning.

August 28, 1990 - Met with Coastal Coordinators from the Regional Councils for bimonthly meeting. Focus of meeting was on shoreland zoning policies and procedures.

September 4 - 7, 1990 - Attended the International Marina Institute sponsored conference - "Environmental Management For Marinas" in Washington, D.C.

September 17, 1990 - Attended DECD Code Enforcement Officers training workshop. Focus of workshop was on DEP's shoreland zoning regulations.

September 24, 1990 - Attended the State Outdoor Boaters Association (SOBA) conference.

September 20, 1990 - Meet with Brunswick Bays Committee to go over performance standards to control nitrogen loading into the Town's bays and discuss minimum lot size proposals with large lot owners that own land within the coastal watershed.

September 28, 1990 - Met with Harbor Masters from around the state. Meeting focused on code enforcement and the role of Harbor Masters.

Other - During August and September provided assistance to the Bureau of Submerged Lands and to the Town of Tremont concerning a proposed hotel/marina development for Bass Harbor.

October 2, 1990 - Meet with Belfast's Acting Town Manager and with members of the Belfast Harbor Committee to discuss their Coastal Planning Grant.

October 3, 1990 - Meet with the Town Planner of Freeport to go over Freeport's Coastal Planning Grant.

October 11, 1990 - Meet with Town Manager and Comprehensive Planning Committee Members in Stonington to discuss the status of Stonington's Comprehensive Plan.

October 12, 1990 - Meet with the Town planner of Biddeford to discuss Biddeford's Coastal Planning Grant.

October 12, 1990 - Meet with the City Manager of Wells to discuss the Coastal Planning Grant for Wells.

October 17, 1990 - Meet with members of a water quality advisory committee organized by Cooperative Extension to review and comment on a draft video on grass roots efforts to protect estuarine areas.

October 18, 1990 - Meet with the Brunswick Bays Committee to go over performance standards for the Town's proposed Coastal Watershed Protection District.

October 19, 1990 - Meet with the Town Manager and Harbor Committee of St. George to discuss the Town's Coastal Planning Grant.

October 22, 1990 - Meet with City Manager and the Community Development Director in Eastport to discuss Eastport's Coastal Planning Grant.

October 23, 1990 - Meet with the coastal coordinators from the regional councils.

October 30, 1990 - Conducted a workshop in Rockland for the Eastern Midcoast Regional Planning Commission on Administration of Shoreland Zoning Ordinances.

December.

DECD/OCP staff also spent a considerable amount of time reviewing plans for a new marina and hotel complex proposed for Bass Harbor in the Town of Tremont. Written comments were submitted to the Bureau of Submerged Lands within the Dept. of Conservation as they are responsible for issuing leases for projects constructed on submerged lands off the Maine coast. Our comments addressed the Town's harbor management plan with respect to future recreational boating facilities and the potential impact of the project on existing water dependent uses (primarily commercial fishing related uses) in the harbor. The Town has approved the project; federal and state permit reviews are now underway.

Finally, DECD/OCP coastal staff conducted a workshop with the Eastern Mid-Coast Regional Planning Commission on administration issues related to shoreland zoning ordinances. The workshop was held in Rockland on October 30, 1990 and was well attended.

Growth Management Program

The first local comprehensive plan completed under Maine's Growth Management Program was submitted to OCP for formal review and comment during this quarter. The plan was for the Town of Richmond, located on the tidal portion of the Kennebec River. DECD/OCP coastal staff reviewed the plan for consistency with the state's Coastal Policies. Overall, this plan was considered to be a substantial improvement over plans prepared by municipalities before the Growth Management Law took effect. OCP raised four formal objections to the plan (see attached review comments of the plan); the Town of Richmond is currently working on amendments to the plan to address the state comments.

DECD/OCP coastal program staff also spent time reviewing draft sections of local comprehensive plans prepared by coastal municipalities and meeting with local planning committees to discuss the comments. Towns assisted during this quarter included York, Edgecomb, Dresden, and Stonington.

See discussion below on Coastal Management Grants.

Aerial Photographs

As discussed in our last report, DECD/OCP arranged to have aerial photographs taken of 49 harbors in 27 coastal municipalities. These photographs were completed before Labor Day to capture peak harbor usage. Each municipality received a set of photographs to use in local planning activities. Additional sets of photographs were provided to the DEP and the Bureau of Submerged Lands. DECD/OCP also has an extra set of photographs to loan to other state agencies as needed. All relevent state agencies have been sent a list of available photographs.

Publications

In addition to the shoreland zoning publications noted above, DECD/OCP completed another handbook in the public access series entitled, How to Conduct an Inventory of Scenic Areas. The handbook will be distributed to all municipalities currently working on comprehensive plans.

Work continues on another handbook on appropriate design and construction of public access facilities. This project has been delayed due to the departure of Mary Boyd-Broemel from DECD/OCP's coastal staff. The final technical draft is about to be sent to an editor for completion. It should be completed by the beginning of 1991.

Interagency Coordination

DECD/OCP coastal staff also participated in monthly coastal program coordination meetings to share information on state agency programs related to coastal issues. Additionally, DECD/OCP staff is serving on a subcommittee of the larger group that is working on dredging issues.

Task 1D -- Regional Councils

Quarterly reports from each region are attached. During this quarter, DECD/OCP provided the following day-long programs for the regional Coastal Coordinators:

August 28, 1990 - Meeting covered a variety of shoreland zoning topics: linking shoreland zoning and town-wide zoning; DEP policies on the Shoreland Zoning minimum guidelines; and a refresher course on preparing Shoreland Zoning maps.

October 23, 1990 - Meeting covered the following topics: reauthorization of the Coastal Zone Management Act; update on the submerged lands leasing program and the Bass Harbor marina proposal; briefing on the Town of Brunswick's newly proposed Shoreland and Watershed Protection Zone; an update on the training and certification program for Code Enforcement Officers; and a general discussion with DEP staff on Shoreland Zoning issues.

Task 2 -- Municipal Grant Programs

A. Coastal Planning Grant Projects

The following summarizes the status of each harbor/waterfront planning project. These projects got a late start due to delays in receiving final approval for Maine's Coastal Program award from OCRM.

Belfast - This month, the City will be signing their contract with DECD, appointing a Harbor and Waterfront Committee, and sending out Requests for Proposals for planning consultants. Belfast's Coastal Planning Grant will be supplemented by a $5,000 grant from the Waldo County Opportunity Zone Program (a state funded program to provide economic development assistance to targeted areas of the state). Additional funds will allow the City to focus in more detail on economic development issues related to the waterfront; to begin, funds will be used to support a series of public meetings to discuss the future of the waterfront and begin working toward a consensus on how it should be developed.

Biddeford - The City has appointed a Comprehensive Harbor and Waterfront Committee. They have signed their contract with DECD and hope to hire a planning consultant by mid-November.

Freeport - The Town has appointed a Coastal Planning Committee, accepted the grant, and signed their DECD contract. A Request for Proposals has been issued and the Town is in the process of selecting a consultant.

St. George - The Town has appointed a Comprehensive Harbor and Waterfront Committee, signed their contract with DECD, and will be selecting a planning consultant by mid-November.

Eastport - The City has signed their contract with DECD and is in the process of selecting a planning consultant.

Wells - The Town has signed their contract with DECD and is in the process of hiring a planning consultant/facilitator to assist in the development of a consensus about the future of Wells Harbor.

B. Waterfront Action Grants

In preparation for the 1991-92 grant year, a letter soliciting potential Waterfront Action Grants was sent to coastal municipalities during this quarter (see attached copy). The letter was sent out earlier than previous years so that site visits could be conducted before winter weather and snow cover. To date, approximately 17 potential projects have been identified. If it appears that funding will be available, full applications will be solicited early in 1991.

For the 1990-91 Waterfront Action Grant Projects, contracts have been prepared and sent to Bangor, Calais, and Frankfort. Eastport's contract will be completed shortly.

C. Coastal Management Grants

Final grant criteria were prepared during this quarter (see attached copy of grant guidelines). High priority areas identified for funding through this program include: development or improvement of local zoning or other land use ordinances to address coastal issues; development of a local harbor ordinance consistent with Title 38 of the Maine Revised Statutes Annotated; development of a local harbor and waterfront management plan; and development of a local public access plan.

Richmond, the first community to submit a plan for state review, is coastal municipality and will be submitting an application for a grant to prepare a harbor and waterfront management plan.

FLOODPLAIN MANAGEMENT/SHORELAND ZONING

A free workshop presented as part of the Training Program for the State of Maine Level One Certification for Local Code Enforcement Officers. The first half of this workshop will present an overview of Floodplain Management, Understanding the NFIP standards, permitting, enforcement and technical assistance available to communities. The second half of this workshop will review Shoreland Zoning and address questions from participants related to the subject.

PRESENTED BY
STATE OF MAINE
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
OFFICE OF COMPREHENSIVE PLANNING

WORKSHOP SCHEDULE (CHOOSE ONE)

* 1. SEPT. 17, 1990 - (9:00 AM - 4:00 PM)
Central Maine Technical College, Auburn

* ** 2. OCT. 4, 1990 - (9:00 AM - 4:00 PM) Maine Municipal Association Convention, Holiday Inn, 88 Spring St., Portland

3. OCT. 10, 1990 - (6:00 PM - 9:00 PM) Floodplain Management Workshop - Northern Maine Technical College, Presque Isle

4. OCT. 11, 1990 - (6:00 PM - 9:00 PM) Shoreland Zoning Workshop Northern Maine Technical College, Presque Isle

5. OCT. 24, 1990 - (6:00 PM - 9:00 PM) Floodplain Management Workshop - Ellsworth City Hall

6. NOV. 1, 1990 - (6:00 PM - 9:00 PM) Shoreland Zoning - Ellsworth City Hall

* If you register for this workshop you must be in attendance for the full day.
** An early preregistration, if you plan to attend the session at the MMA Convention, would be helpful.

LOCAL CODE ENFORCEMENT OFFICER TRAINING WORKSHOP
REGISTRATION FORM

Name _____

Mailing Address _____

_____

Town in Which You Are Employed _____

Business Phone _____ Home Phone _____

Workshop Attending:

Sept. 17th	- (9 a.m. to 4 p.m.) CMTC, Auburn	_____
Oct. 4th	- (9 a.m. to 4 p.m.) MMA Convention	_____
Oct. 10th	- (6 p.m. to 9 p.m.) Presque Isle	_____
Oct. 11th	- (6 p.m. to 9 p.m.) Presque Isle	_____
Oct. 24th	- (6 p.m. to 9 p.m.) Ellsworth	_____
Nov. 1st	- (6 p.m. to 9 p.m.) Ellsworth	_____

Please return your registration form to:
Linda Boothby
Office of Comprehensive Planning
State House Station #130
Augusta, Maine 04333-0130

---

* ENROLLMENT LIMITED. REGISTRATION IS ON A FIRST COME/FIRST SERVED BASIS.
* LUNCH, REFRESHMENTS, AND WORKSHOP MATERIALS WILL BE PROVIDED.

John R. McKernan, Jr.
Governor

Lynn Wachtel
Commissioner

Kathryn J. Rand
Deputy Commissioner

Department
of
ECONOMIC AND COMMUNITY DEVELOPMENT
OFFICE OF COMPREHENSIVE PLANNING

Mailed 9/28/90

To: Key Local Officials and local boards planning land acquisition, development or renovation of municipal coastal properties.

From: John Picher, Mgr. Community Parks and Recreation Div.

Subject: 1991-92 Coastal Waterfront Action Grants, Maine Coastal Program

---

In anticipation of the availability of Waterfront Action Grant funds for next year, written or telephone notice of intent to apply for funding is requested as soon as possible, but before November 1, 1990. A site inspection will then be arranged to qualify the proposal for consideration.

Notice of intent received after November 1st may not be honored due to schedule conflicts or the onset of winter weather.

Eligible projects include acquisition, development, or improvement of coastal waterfront areas for public access purposes. Grants for individual projects may generally not exceed $50,000; however, projects that provide significant multi-town or regional benefits may receive higher levels of funding depending on federal funding availability.

Grants require a local cash match of 50% of the total project cost.

Eligible projects for this program are as follows:

1. Waterfront Land Acquisition for public access to tidal water for various recreation or commercial purposes.

2. Waterfront Construction Projects to improve public access and increase shoreline recreational opportunities such as waterfront parks, walkways, picnic areas, sanitary facilities including boat holding tank pump out systems, access roads and parking areas, fishing platforms, and boat facilities.

3. Public Pier Construction or Renovation, especially renovation to increase capacity or to correct safety problems.

WAGS Grants Awarded

Waterfront Action Grants have been awarded to the following communities: Brunswick, Bangor, Frankfort, Machiasport, Calais, and Eastport. Work is expected to begin on all projects this fall or early next spring.

Applications for 1991-92 grants are now being solicited. For information on application procedures, contact John Picher or Mike Gallagher at the Office of Comprehensive Planning, 289-6800.

NEWS 10/90

Waterfront grants to aid 11 communities

State House Bureau BDN 9/17/90

AUGUSTA — Eleven coastal communities with ocean or river frontage will share $176,000 in federal grants awarded by the Maine Department of Economic and Community Development, the agency announced Tuesday.

The grants will be matched with local money to produce $352,000 for waterfront improvements and planning, and in some cases, the communities will supplement the grants with private money, according to Mary Faye LaFaver of the DECD.

The grants were awarded on a competitive basis under two programs, with federal money supplied by the Department of Commerce.

A total of $46,500 was awarded to six cities and towns under the Coastal Planning Grants program to help the communities develop harbor and waterfront management plans.

Winning planning grants were Eastport, $12,000; Wells, $5,000; Biddeford, $10,000; Freeport, $7,000; St. George, $7,500; and Belfast, $5,000.

"We're pleased to have federal money to offer Maine's municipalities to support critical harbor and waterfront management planning and public-access site plans," said Gov. John R. McKernan in a prepared release.

LaFaver said that 10 communities had sought the planning grants.

A total of $129,500 was awarded to six cities and towns under the Waterfront Action Grant program. A total of 21 communities had sought these grants, which are used on projects that improve public access to waterfronts.

The Waterfront Action Grans were awarded to:

- Calais: $40,000 to convert an abandoned railroad right of way to a walkway along the St. Croix River.
- Frankfort: $17,000 for improvements including public toilets and park benches at Mount Waldo Park on the Penobscot River.
- Machiasport: $10,000 to buy a small beach in Bucks Harbor that is used as a boat landing.
- Bangor: $10,000 to construct a facility to pump out septic tanks on boats tied up at municipal docks.
- Eastport: $10,000 to build new floats, a gangway and dinghy dock in the harbor's inner basin.
- Brunswick: $42,500 to buy land on the Androscoggin River for a park to commemorate the town's 250th anniversary.

McKernan said the grants were important in helping ensure access to the Maine coast for commercial fishermen and the public.

Work was completed on the contract under our 1989-90 award with Professor Charles S. Colgan of the University of Southern Maine to determine the relative market and nonmarket values of Casco Bay. His report is entitled The Economic Value of Casco Bay. See clippings below.

Finally, the interagency Marine Program Working Group, which was established to coordinate State marine policy issues and to assist in the development of the project, met several times. The Working Group reviewed a State dredge management strategy report and established priorities for tasks identified in the report.

Task 4 -- Program Management & Public Education

A. Public Education Initiative

(1) Coastweek & Coastal Cleanups -- The Coastal Communications Coordinator set up a Marine Debris exhibit at the Portland Public Library in August, secured corporate donations, mailed nearly 8,000 Coastweek events calendars, and scheduled coastal cleanups with the aid of volunteers from a nursing home. Posters, marine debris flyers, volunteer certificates, publicity tips, trash bags, pencils and data cards were prepared and distributed. A day was spent giving out posters and answering questions. Press releases and press kits were sent out and reporters responded to, and three radio interviews and a TV interview were given. After the Cleanup, data cards were tallied for the Center for Marine Conservation.

(2) Shore Stewards Program -- The Shore Stewards Coordinator facilitated the setting up of a Shore Stewards Trust Fund within the Maine Community Foundation and approached seven people to serve on an Advisory Committee for the Fund. The Coordinator began developing a funding strategy for the Trust Fund, which will give mini-grants to coastal communities working on water quality education and monitoring. The Coordinator also submitted applications to three foundations for additional grants.

Six local organizations were lined up to become pilot Shore Stewards groups. All are eager to begin marine debris monitoring and water quality education early next spring. Work was begun on a Shore Stewards newsletter, "The Ripple Effect," to be distributed initially in December.

B. OCS Oversight

Coastal staff completed a questionnaire about the OCS Policy Committee and Regional Technical Working Group, as part of a MMS review of the purpose and functioning of the various OCS advisory boards.

The OCS Policy Committee meeting scheduled for the end of October was canceled because it was uncertain that the federal budget would be passed in time.

Economic study of Casco Bay completed

KJ 10/8/90

(GGS) — The state has completed economic evaluation of ... way to better map the ... Casco

Casco Bay study done

BDN 10/8/90

State's top price tag for region is $1 billion

PORTLAND (AP) — While it may be all but impossible to measure in dollars the value of Casco Bay, a hypothetical figure could likely range from $500 million to $1 billion, says a study commissioned by the State Planning Office.

The 42-page report, "The Economic Value ... prepared to help plan the ... waters that stretch from Cape ... point in Phippsburg. ... an estuary of ... the University of Southern Maine and the study's primary author, likened the report to a missing piece in a jigsaw puzzle of the bay.

When asked to put a value on the bay, Colgan replied, "You're asking an economist to give you a one-handed line. I think, though, when you add it all up, you might be talking about half a billion to a billion dollars.

"But to say the bay can be reduced to a dollar value ... is to miss the point."

Colgan and research associate Frances Lake compiled data on fish landings, boat sales, cargo deliveries to Portland, tourism-related sales and other things on which numbers could be attached. They studied the economics of recreational activities, fish processing, fishing and other services.

Compared property values of the 10 towns and cities on the bay — which totaled ... lion — and estimated the value of ... rged lands — state-owned land below ... tide mark — at about $2 million.

Study assesses economics of Casco Bay

● Estimates of the bay's value to residents and industry may help to make economic decisions tied to the estuary.

PPH 10/6/90

By CLARKE CANFIELD
Staff Writer

The state has completed a major economic evaluation of Casco Bay as a way to better map the bay's future.

The report estimates that Casco Bay and all its resources could be worth $500 million to $1 billion to the local economy, although the authors downplayed the relevance of an exact dollar figure.

The findings came in the 42-page report, "The Economic Value of Casco Bay," commissioned by the State Planning Office.

The bay, which stretches from Cape Elizabeth to Small Point in Phippsburg, has been the subject of environmental, fishery, water quality and other studies. The bay recently was designated an estuary of national significance by the U.S. Environmental Protection Agency.

But an understanding of its economics has been missing until now, according to state officials and the study's principal investigator.

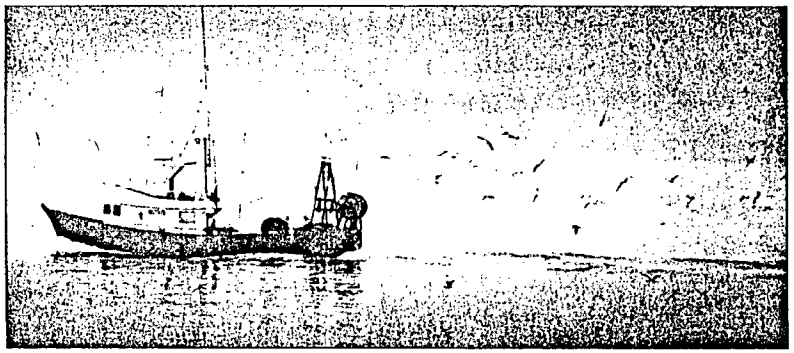
Charles S. Colgan, an associate professor at the University of Southern Maine and the study's primary author, likened the report to a missing piece in a jigsaw puzzle of the bay.

When asked to put a value on the bay, Colgan replied, "You're asking an economist to give you a one-handed line. I think, though, when you add it all up, you might be talking about half a billion to a billion dollars.

"But to say the bay can be reduced to a dollar value ... is to miss the point."

Richard Silkman, director of the State Planning Office, said similar reports on Maine's white-water rivers and woodlands have been compiled in the past. The $15,000 Casco Bay study will be used as another piece of information when making decisions about the future of the bay.

"Until you have a sense of what the value is, it's difficult to make good policy decisions," he said.



Staff photo by David MacDonald

The fishing boat Ellen J enters Portland Harbor through fog and rain, followed by dozens of gulls.

"This is a good background piece upon which we can base policies on the ocean."

Colgan, formerly the state economist, and research associate Frances Lake wrote the report by examining various aspects of the bay. They wrote that so many variables are involved that it is nearly impossible to put a dollar value on it.

They compiled data on fish landings, boat sales, cargo deliveries to Portland, tourism-related sales and other factors to which numbers could be attached. They also studied the economics of recreational activities, fish processing, fishing and other services.

> *"Until you have a sense of what the value is, it's difficult to make good policy decisions."*
>
> **Richard Silkman, director of State Planning Office**

They compared property values of the 10 towns and cities on the bay – which totaled $9.4 billion, and estimated the value of submerged lands – state-owned land below the low tide mark – at about $2 million.

They looked at the amount of money towns will be investing in the future in sewer systems to help clean up the environment. And they estimated non-market values, such as parks and wetlands which cannot be sold or marketed, but which nonetheless are highly valued, as worth a combined $320 million.

"It should be apparent that there is no single number that can be represented as *the* value of Casco Bay," the report reads. "The variety of approaches used here represent different methodological approaches to determining value, and different assumptions about the geographic locations of Casco Bay's values."

The report says that it is important to be aware of the economics of the bay because so many jobs and so much money depend directly and indirectly on the bay's resources. It is also likely that money will be devoted to sustaining and improving the bay's ecosystem in the future.

"Understanding something about the economic value of Casco Bay is part of the process of making wise use of the economic resources that will have to be devoted to maintaining and improving the Bay's natural resources," the report reads.

Silkman and Colgan said as far as they know, this is the first economic study on the bay as a whole.

"The function that the coast plays today is much different than 30 years ago," Silkman said. "I'd call it the first (economic study) of the present era."

YCCS 9/26/90

COASTWEEK

By Susan Gilman
Of the Star staff

Coastweek, a national celebration of coasts, is slated for this weekend, though many communities in Maine are holding events throughout the week.

The 5-year-old program began with five volunteers who set out to clean Maine's sandy beaches, and has grown to a statewide effort in which the rocky shoreline, rivers, lakes, and estuaries, are also included, according to York County coordinator Richard Hogue.

Last year, 2,921 volunteers picked debris from 176 miles of the state's coastline, gathering a total 18,050 pounds of litter.

Hogue said Coastweek officials are hoping to initiate an "Adopt the Beach" program, in which individuals, groups, or businesses would volunteer to become responsible for maintaining a specific area year round. One example, he said, is Kennebunk resident Hartley Lord, who on his daily walks, scans a beach near his home for trash.

Several different groups will be conducting cleanups on different days in Kennebunk, Hogue said. If anyone is interested in joining a group or forming one of their own, call Hogue at 985-4349. He will send a collection card, in order to record what type of trash was found.

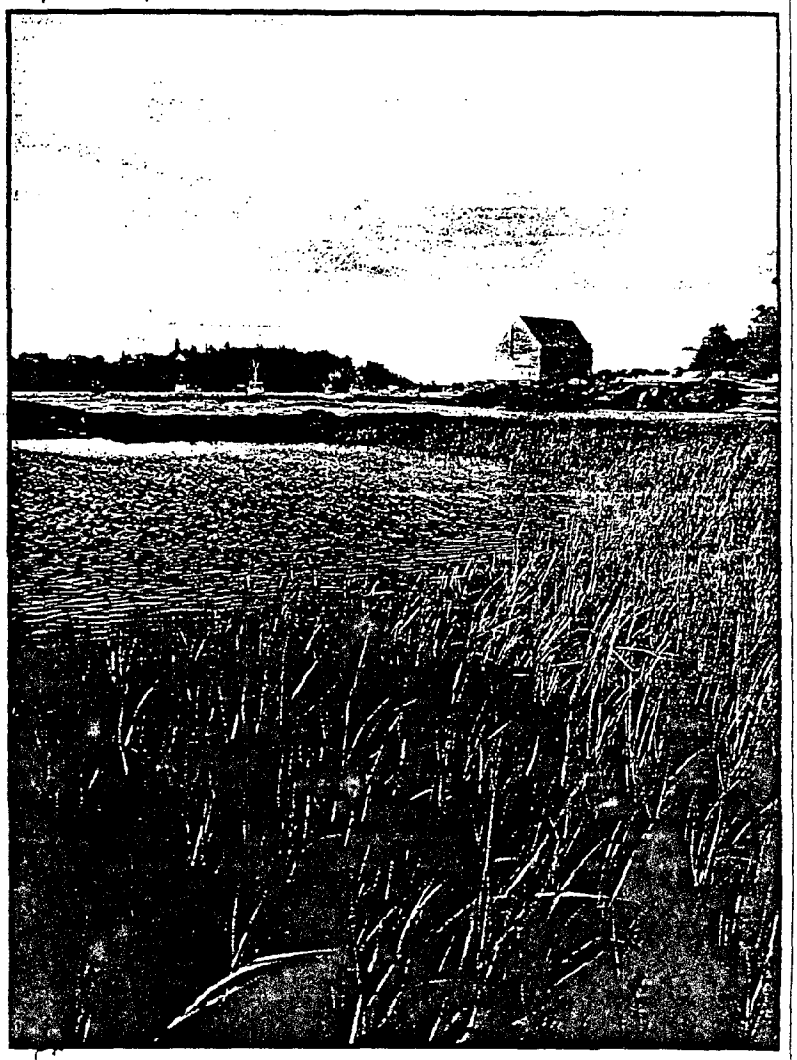
Events scheduled in other communities include:

• Biddeford: The University of New England is sponsoring a beach cleanup Saturday (Sept. 29). Target areas are the public beaches from Hills Beach to Fortunes Rocks. Interested participants should meet at 8:30 a.m. in front of the UNE campus center. Gloves are recommended; trash bags will be available and UNE will dispose of the accumulated trash. For more information, contact Steve Zeeman, at 283-0171.

• Kittery: The Kittery Conservation Commission is sponsoring shoreline pickup. All are invited; meet Saturday (Sept. 29) at noon, at Seapoint and Crescent beaches. Contact Maria Barth for more information, 439-4285. Also taking place is a Plant Identification Walk at Fort Foster, led by Andy Lamont of the Conservation Commission. This is a free event; participants should meet at the park's gate at noon. For more information, contact Conrad Quimby, at 439-7511.

• Wells: Laudholm Beach to Moody Point, sponsored by the Wells Reserve at Laudholm Farm. Everyone interested in cleaning a 2.5-mile stretch of beach, meet at the Wells Reserve Visitor Center Sept. 29 at 9 a.m. Bring rain gear, if necessary, boots, work gloves, plastic garbage bags to collect debris, pencil, bag lunch for picnic following cleanup. Beverages will be provided. Contact Vicki Adams for more information, 646-1555.

• York: Short Sands, Long Beach and York Harbor beaches, cleanup sponsored by the York Conservation Commission. Everyone invited. Meet at Short Sands parking lot Saturday (Sept. 29) at 9 a.m. Bring gloves. Contact Ruth Littlefield, 363-5863. Also, the York County Audubon Society will participate in the cleanup. Meet at York Harbor Beach in York at 11 a.m. Call 363-6687 for more information.



Administering Charitable Trust Funds

Maine Community Foundation's Assets Now Exceed $5 Million

By John R. Wiggins

"One thing we are doing this fall is sponsoring a network for grantmakers all over Maine," says Marion Kane, director of the Maine Community Foundation, which has offices in the Blaisdell & Blaisdell building on Main Street in Ellsworth.

Maine Community Foundation now has assets of more than $5 million. Since it was founded in 1985, it has become the fourth largest foundation in Maine in terms of grants given.

The network Kane speaks of will involve foundation people, organizations such as United Way, and state grantmakers. "The whole grantmaking community in Maine," as she puts it. "We have to look at the economy in the 1990's and set a grantmaking agenda, especially in view of government cutbacks and possible cutbacks in charitable donations, and how they will affect the nonprofit sector in Maine."

Talk of putting a cap on charitable donations emerged at the budget talks under way in Washington just last week.

MCF's money comes from individuals who don't want to set up a private foundation, a cumbersome and expensive effort. MCF will manage their funds, instead, and let them choose the recipients.

MCF has a million dollar endowment to defray its own operational costs, so it only charges half of one percent annually against the principal of the funds it administers. Those funds are meanwhile earning about seven percent interest.

"We are getting more donors," reports Kane. "Many are referred through lawyers who recommend it as an alternative to private foundations. We are getting an increasing number of bequests, too: money left for specific geographical areas with us as administrator. And we are getting requests from banks all over the state to transfer charitable funds of less than $100,000 because they can't economically administer them. It saves them fees and the expense of managing them. They can keep that money in their banks, and we take over the management. Operating as individual funds, they would have to fill out income tax forms, 990 returns, fees.... And they would have to distribute at least five percent of their assets each year. We spare them all that. We don't have to do those things because we are a public foundation and are in a different category.

"Funds in the foundation are also more accessible. We publish them. With a fund held in trust by a bank, you don't know about it. We are working in conjunction with bank trusts, now; more of a partnership, really. Particularly with scholarships, which are extremely cumbersome to administer. Even the Maine Attorney General's Office recently transferred to us a trust fund that it felt wasn't being properly administered by a bank in Thomaston.

"We started a program last year called Partners in Philanthropy. We gave $1,000 to 10 groups of kids in Maine to give away in their community. The groups of kids were in elementary level, Big Brothers, 4-H clubs, or high school. Each group got $1,000 to give away to a nonprofit organization in their community. They could split it two ways, if they wished. The only restriction was that they had to tell us

Marion Kane of the Maine Community Foundation.

why they chose the groups they gave it to.

"We had found that applications for funds for youth proposals coming in never involved young people. Youth never had a voice in the projects aimed at them. It was a remarkable success. We applied to the Ford Foundation for a big grant to continue and expand the project. On Oct. 11 the Ford Foundation will visit us here in Ellsworth and make a decision on whether to give it to us. They selected 15 community foundations. from which they will choose 10 that will get $500,000 over five years. If they pick us, we will have to raise $1 million in unrestricted or field-of-interest money to match it. I think we can do it. One result of it all will be to give more power to kids, resulting in their being on boards and helping to design programs."

MCF has also just completed a study of charitable giving in Maine. "It's the first ever done that looks at how much is given in the charitable sector in Maine," said Kane. "It was distributed in June. We will use it as a base to track charitable giving in Maine. Last year $140 million was given in individual gifts to charitable purposes. The figure is about $155 million when you include corporations. We want to track it and see if corporation gifts increase, funding increases, and so on. No one has ever done it.

"We have just started the first public/private partnership. It's with the State Planning Office. We call it the Shore Steward Program. We will be holding the funds, and the state will administer the program to clean up the shores, collect debris, and monitor water quality. Volunteer groups will take responsibility for whole sections of the coast, investigate them, and see where the debris is coming from.

"There will be a $100,000 permanent endowment fund, and the fund will make grants of $1,000 or less to groups on the coast. Each group will have a designated stretch of coast. Besides monitoring water and cleaning the shore, they will conduct educational awareness programs in the schools.

"That's a new venture. They want the money kept outside the government. The money will be privately raised and held by the MCF. We help identify potential donors. One target group is boat companies along the coast. Bass Harbor Marine gave the first donation. Boat charter companies might encourage passengers to clean up the islands they stop on. It will get under way next summer."

The MCF for two years has been administering the Payson Foundation, the second largest foundation in Maine, with assets of $9 million. "We receive applications and make recommendations. The family makes decisions on where to put it."

Kane says it makes sense to put all money in trust for charitable purposes with the MCF, be the trust large or small. "Lots of lawyers and individuals are realizing that it is expensive to manage a private foundation. The tax laws are all against it."

When one considers the myriad little scholarships held by the dozen for every high school, nonprofit management makes sense.

"When we get enough scholarship funds we will put together a single application form for access to all school scholarships, so a student only has to file one application. A lot of banks would like to transfer their scholarship funds to us. Two have already approached us with $900,000 in funds. We have to run them all through Probate Court to terminate them individually before we can take them over. We will work it out."

ELLSWORTH AMERICAN 9/27/90

There is continuing uncertainty about whether the decisions President Bush made in June to scale back the OCS leasing program will stand, in light of the volatile situation in the Middle East.

C. Other

(1) Gulf of Maine Activities --

In August, the proceedings from a Gulf of Maine Council on the Marine Environment conference on finfish aquaculture were released. The workshop, which took place last February in St. Andrews, New Brunswick, focussed on the current state of knowledge regarding the impacts of pen culture on the marine environment.

The Gulf of Maine Working Group met in Boston in September. Much of the discussion focussed on the draft Gulf Action Plan. Since the September meeting, Working Group members have reviewed the Plan with others in their jurisdictions.

Also at the September meeting, the Working Group subcommittee on monitoring presented the final draft monitoring report. The plan has since been sent out for public review; comments will be incorporated into the final plan to be released at year end. Design of a pilot project to test implementation of the plan was initiated.

A group of people from the region, including Coastal Program staff, met during the reporting period to organize a Gulf Science Workshop to be held in Woods Hole, MA in January.

The fall issue of **Turning the Tide**, the Gulf Program newsletter, was issued during the reporting period. The Coastal Program has now contracted with an individual to expand the size and frequency of 1991 **Turning the Tide** issues.

The second annual Gulfwide Shore Cleanup took place in October. Preliminary estimates indicate that over 10,000 volunteers swept some 73 tons of debris from 535 miles of the Gulf's shoreline.

The Coastal Communications Coordinator researched private production of a Gulf of Maine video, wrote a press release for the fall Council meeting, and developed a proposal to the Council for a Gulf of Maine environmental award.

As a part of the 1991 Congressional budget approved in October, $250,000 has been appropriated to create a Gulf of Maine Data Management System. Massachusetts has agreed to oversee development of the system and will serve as chair of the new Data Management Task Force, which will be considered by the Gulf Council at their November meeting.

Ongoing Gulf projects involving Coastal Program staff include: a slide tape program on the Gulf being developed with the Laudholm Trust in Wells, ME; development of a Gulf brochure; preparation of **Gulf-links**, a guide to the marine-resource organizations of the region; research on the availability non-governmental funding sources to assist in implementing the Gulf Program; and a comparative study of the environmental laws of the three states in the Gulf region, which will be coordinated with a comparable study in the two provinces.

(2) Aquaculture -- The Aquaculture Study Commission established by the Legislature in June reviewed the Parametrix report prepared under CZ083 and incorporated many of its findings in its own report to the Legislature's Joint Standing Committee on Marine Resources. Partly based on Parametrix' work the Commission is recommending several changes in the State's aquaculture leasing and monitoring law in order to ensure both continued growth of the aquaculture industry and protection of the quality of Maine's nearshore waters.

First of hearings held on regs

ATLANTIC FISH FARMING 8/20/90

Farmed salmon were grilled for two days here by a legislative subcommittee which will decide this fall whether the aquaculture industry needs more regulations to control its impact on the environment.

Members of the subcommittee, drawn from the Marine Resources Committee, are: Rep. George Townsend, D-Eastport; Rep. John Marsh, R-West Gardiner; Rep. Virginia Constantine, D-Bar Harbor; Rep. Reed Coles, D-Harpswell; and Sen. Linda Curtis Brawn, R-District 21, Camden. The Marine Resources Committee created the study group last winter after hearings on a bill calling for expanded monitoring and restrictions drew strong opposition from the industry.

The legislators began their Eastport visit with tours of cage sites. For most it was their first look at aquaculture operations. The hearing opened Monday evening with discussions on the effect of the farms on water quality and marine life.

They reached no conclusion, but Townsend said the others "were very impressed by the operations they saw. I think the growers have been able to lay a lot of concerns to rest." On aquaculture's impact on water quality, he said, "Time and time again it came out that we do have the agencies and some of the strongest laws in the country in place now to protect the environment. The problem is clearly one of understaffing, not a need for new requirements."

Tuesday's session was devoted to an issue that only recently has gained attention - the possible genetic contamination of Maine's wild strains of salmon by fish farm escapees.

David Goldthwaite of the U.S. Fish and Wildlife Service said the science of genetics was changing rapidly, "but within five years we'll be able to differentiate between salmon from the Dennys River, the Pleasant, the East Machias. We need this wide genetic base to survive a climatic catastrophe." While the impact of a large release of farmed salmon into the wild, such as by a cage-destroying storm, is not known. "The evidence worldwide is that we should err on the side of caution," he said.

One regulation that should be considered, Goldthwaite said, is one that would require growers to raise fish bred only from Bay of Fundy stock, the Saint John and Penobscot strains, stopping the importation of eggs from Northern Europe.

Richard Saunders of Canada's Department of Fisheries and Oceans said there was evidence in Europe of escapees from one country introducing disease into wild strains in other countries and also of interfering with the reproduction of wild strains. The Penobscot and Saint John strains "are the envy of aquaculturalists throughout the world," he said. "(Maine) growers wouldn't be sacrificing anything by being confined to that stock."

> "...every two years, you're going to need 7 million eggs. Where are you going to get them? Remember this: The value of farmed salmon will exceed the value of lobster in three years. In 10 years, it will exceed the value of our potato crop. We're not talking peanuts."
>
> - Roger Dexter

In addition to limiting aquaculture to Bay of Fundy stock, Saunders suggested that the industry grow sterile fish. The current method of irradiation to induce sterility produces slow grower, but that problem may be overcome soon, he said.

The entire genetic issue seemed a red herring to many, diverting attention away from the question of where the salmon used to stock Maine's rivers come from. Roger Dexter, who worked in U.S. Fish and Wildlife's Maine stocking program for 25 years, said, "In 1960, there were no salmon in the Penobscot River. We brought in eggs from all over; what native genes were there have already been diluted. The point is, we mixed strains to restore salmon to the Penobscot. The same fish used to restock our rivers are what are being grown in these cages; we dumped hundreds of thousands of these same fish in the Narraguagus, the Dennys, and so on. There are no wild strains."

Dexter said another restriction suggested by Saunders, that aquaculture use only eggs less than two generations from the wild, "means that every two years, you're going to need 7 million eggs; where are you going to get them? Remember this: The value of farmed salmon will exceed the value of lobster in three years. In 10 years it will exceed the value of our potato crop. We're not talking peanuts."

Chris Heinig of the monitoring firm Intertide, said Saunders' inference that escaped farmed salmon would lower the quality of wild salmon "seems contradictory with the process of natural selection. You presume that a genetic change from cross-breeding would be bad."

Saunders then said such cross-breeding "could be a positive thing.

Responding to a question from Townsend, Saunders also said there is no evidence that an escape of some 20,000 Ocean Products salmon during a storm several years ago had affected wild strains.

James Schmitt of Ocean Products Inc. pointed out that his company's hatchery on Gardner Lake provides fish for much of the aquaculture industry and "about half of what's used for restocking the rivers. It seems odd that our fish can be used to stock the East Machias River, but one escapes from a pen and swims up the same river, it's a big problem." OPI raises Penobscot and Saint John strains, but a strain from Scotland it also raises "performs about 20 percent better," Schmitt said. "If other agriculture industries in this country - beef, pork, poultry - faced these restrictions, we wouldn't be enjoying the prosperity we have."

Eastporter George Harris asked, "Who's the fishery for?" The stocked Maine rivers, he said, "have never been a fishery for fishermen. It's just for sport fishermen, people who can afford it."

Rep. Cole, chairman of the subcommittee, said that more time would be devoted to the genetics issue at the group's next hearing later this month. At least two more hearings will be held before the subcommittee makes its recommendations to the full Marine Resources Committee in November.

Present aqua report

BY SANDY MORGAN

A draft report on a possible aquaculture evaluation and monitoring program for Maine was presented to government and industry last month.

The 47-page document was prepared by Parametrix Inc. of Washington, at the request of the Department of Maine Resources (DMR). The concise report presents the development of regulations and monitoring programs for other aquaculture industries around the world, including those in British Columbia and Norway.

The authors have done extensive research on the unique coastal environment off Maine's shore and discussed how it could adapt other industry's programs to suit their own needs.

Urgent

Maine has already issued 36 leases for finfish, 19 of which are active farming sites producing an estimated 850,000 pounds of fish yearly. Combine that with 41 shellfish leases and eight joint leases (shellfish/finfish) and, as the authors point out, this constitutes an urgent need to determine what kinds of environmental effects farming is having on Maine's coastal waters.

They cite recent studies (Weston 1986, Rosenthal et al 1988, Nature Conservancy Council 1989 and Parametrix 1989), all of which show the environmental effects of farming as being localized, if the site is well located.

However, "to ensure that farms are sited in appropriate locations and that their effects on the environment are known, a system of permitting and monitoring fish farms is necessary."

Overkill

The researchers are quick to warn about a familiar "regulating" problem, over-kill.

"The process must be designed to be efficient for the aquaculturalist so they are not unduly burdened with expensive, overlapping and time-consuming requirements of various resource agencies."

Tiered approach

To make the program sensitive to different sized operations, they suggest a "tiered" approach be taken, similar to that in Washington State: less than 20,000 pounds production, 20-100,000 and over 100,000 pounds.

"Maine should revise their existing statutes to require that all aquaculture operations obtain a lease to use State lands. By requiring a lease for facilities, the State will have a mechanism to implement the collection of monitoring data and ensure that farms are adequately sited."

They also call for: additional information on lease applications including size, number and configuration of pens, maintenance schedules, stocking density, a waste management program, site characterization report and several others.

"Because the aquaculture industry is new and little information exists on the effects of the farms, annual environmental surveys should be conducted." Regular surveys, they argue, should provide adequate information to regulatory agencies to determine if adjustments to operating practices are warranted. The report continues, discussing in detail, baseline surveys, analytical protocols and water quality analysis.

ATLANTIC FISH FARMING 9/20/90

Wells will appeal a denial of dredge

By Joe Dynan
Of the Star staff

YCCS 9/26/90

WELLS — Selectmen will rely on both legal and environmental experts to argue against the state's expected refusal to allow dredging at Wells harbor.

"The position of the DEP is to have the staff recommend the denial of the full application of the maintenance dredging," Carter told selectmen Tuesday night. Carter said he had been informed by the Department of Environmental Protection project analyst Bill Lallamme that the issue should be on the agenda of the state's Board of Environmental Protection either on Oct. 24 or Nov. 14.

"In a nutshell it comes down to three years of hard work in one afternoon," Carter said. Selectmen have decided to allow Barry Timson, an environmental consultant, and Jeff Hole, an environmental attorney with Bernstein Shur Sawyer and Nelson of Portland to present the case before the BEP, which hears and decides on appeals of DEP cases.

File photo/Jason

The town will argue in favor of the dredging of Wells harbor before a state board in either late October or early November.

Carter said Lallamme is planning to write up the recommendation of the DEP staff to deny a permit for the project, and when the decision is written the town will have 15 days to submit written arguments in favor of the project. Upon receipt of the written comments, the issue will be placed on the BEP's agenda.

DEP Commissioner Dean C. Marrion's signature will not appear on the decision, which DEP spokesman Deb Garrett said was not unusual. "In this case, the board is going to make the decision," Garrett said Wednesday.

When asked if the BEP would simply follow the DEP staff's recommendation, Garrett said, "They're totally independent. Generally speaking they do, but until you get their vote you don't know what they're going to do." Garrett said the decision could be expected the same day as the hearing.

Selectmen also decided to support a five-point plan submitted by the town's Harbor Advisory Committee. Jack Lyons, chairman of the committee, outlined the plan at the meeting.

The plan calls for seeking assistance from York County state legislators, discussing fund-raising efforts to offset legal and consulting fees, soliciting the help of the Army Corps of Engineers, the official applicant of the project, to take the issue through the appeals process, working to bring the issue before the public eye, and contacting as many town officials throughout the Maine coast as possible.

Although the town is not the official applicant of the project, Carter said they would be allowed to argue their case before the BEP because they've been "a part of the application."

Plotting the ultimate argument for dredge

P. 3A By Joe Dynan
Of the Star staff

YCCS 11/7/90

WELLS — The battle lines are being drawn for another skirmish in the seemingly never-ending war over the dredging of Wells Harbor.

Selectmen and members of the town's Harbor Advisory Committee met Oct. 31 with environmental consultant Barry Timson and attorney Geoffrey H. Hole to outline plans for a scheduled appearance before the Board of Environmental Protection, which will decide whether the state will grant a permit for the project.

The hearing will be held Nov. 28 in Augusta.

"It's going to be real important that we have what I call a controlled presentation," Hole said. The attorney advised that the town "orchestrate" its presentation to have "no redundancies, hitting all the high points," and avoid unnecessary information.

It was decided that Hole and Timson would provide the "expert" testimony, but that residents and officials of the town provide additional arguments in favor of the project for a more persuasive presentation.

The preliminary list discussed includes Robert Pirozok, chairman of the Clam Commission, harbor master Roland Falconer, retired Marine Patrol Officer Jim Shaw, one member of the Harbor Advisory Committee, one selectman, one member of the Drakes Island Association, and a representative of the chamber of commerce.

Selectmen may also ask District 6 state Rep. Alberta Wentworth to address the board. Although Wentworth is not seeking re-election, her term doesn't officially expire until Dec. 5.

Hole said the town should highlight the effect the harbor has on the town's commercial fishing industry, and the historical aspects of the harbor.

The town will argue against the recommendations of the Department of Environmental Protection, which is advising that the project be turned down. The DEP's eight-point finding of fact on the dredging proposal claimed the project would cause "unreasonable erosion" which would adversely affect part of the Rachel Carson National Wildlife Refuge, harm wildlife because "a minimum of 5.5 acres" of habitat would be "directly destroyed by the project," and that the dredged sand would "increase the erosion hazard" to the sand dune system.

The DEP'S finding of fact also claimed that the disposal of dredged sand on the northern end of Drakes Island, which residents there have petitioned in favor of, could block the Little River inlet, converting the adjacent marsh area from a fresh and salt water mix into a strictly freshwater marsh.

One alternative to that argument, Timson said, would be to agree to put all the dredged sand on Wells Beach, a proposal that received mixed reaction from town officials.

"I'd hate to see the Drakes Island people not get the sand, they've been most cooperative," selectman Ed Mackel said when the idea was proposed.

In July, the Drakes Island Association collected 280 signatures on a petition in favor of depositing some of the dredged sand from a harbor dredge on the northern end of Drakes Island Beach to fight erosion.

When asked if town officials would agree to drop the depositing of sand on Drakes Island as a condition for dredging approval, selectmen chairman Tom Oliver replied, "If they [the BEP] force the issue, but I think it would be an injustice."

Bob Foley, president of the Drakes Island Association, said his group is seeking nourishment for the beach either with or without the dredging project. "What we basically want is for someone to recognize and acknowledge the erosion problem that's happening on Drakes Island Beach," Foley said.

"I certainly wouldn't stand in the way of the harbor being dredged, but I certainly would continue to fight the powers that be to get something done," Foley said.

At the end of Wednesday's meeting, selectmen suggested that Timson and Hole, whose services are costing $10,000, meet privately with members of the Harbor Advisory Committee and possible residents who may appear before the BEP to discuss the presentation in more detail.

Since $2,000 of the consultants' bill is being paid by the town, Lyons was asked if he felt the meeting could be held privately, or whether it would have to be a public meeting.

"I'm not entirely certain myself if we can do that that way" he responded. "If we can I'd like to, but if we can't, those are the rules."

20

Submerged-land fees draw fire

● People who lease submerged land from the state say new fees are unjustified.

By CLARKE CANFIELD
Staff Writer

PPH 9/27/90

The owners of two marinas and a floating restaurant are challenging the state over new fees they are being charged to lease state-owned submerged land.

The state last month sent three bills that total $15,086 to Great Cove Boat Club in Eliot and DiMillo's Restaurant and DiMillo's Marina in Portland for the use of submerged land in 1990-91. The marinas and restaurant, however, sent back three checks totaling only $7,660, the same amount they were billed in 1989-90.

"I'm not going along with" the fee increases, said Antonio DiMillo, owner of the restaurant and marina bearing his name. "And if it goes to court, I'll win."

So far, they represent the only challenges to a new state policy that has resulted in some business owners facing fee increases of more than 200 percent a year for the next 10 years to lease submerged lands from the state. The new fees go into effect Monday.

> *"Every time I deal with Maine government, it's like dealing with Massachusetts."*
>
> Alan P. Cleveland

The Great Cove club is located on the Piscataqua River on the New Hampshire border and has 87 slips for club members' use.

Alan P. Cleveland, an attorney who is club president, said a 1987 lease between the state and the club says lease fees cannot go up until in 1992. The lease further states that when the fees do go up, the increases shall be reasonable and at market value, he said.

"Every time I deal with Maine government, it's like dealing with Massachusetts," said Cleveland. "It's very disconcerting. They say, 'We don't care, just give us the money.'"

Matthew Bley, submerged lands coordinator with the state Bureau of Public Lands, said marina operators and others who use submerged land have paid deflated fees for years.

He said the new law instructs him to establish a fee schedule based on the value of adjacent shoreland property.

"State law is state law, and we carry out the law," he said.

Under 17th-century ordinances, the public owns underwater land between the low tide mark and three-mile limit of the state's coastal waters, in tidal rivers and in natural lakes larger than 10 acres.

Beginning in 1975, the state began charging wharf and marina owners for the use of the underwater land, except those businesses that were in existence before 1975. Since then, the number of leaseholders has grown to 139. Their fees totaled $145,000 for the 1989-90 fiscal year.

Two years ago the Legislature ordered the Bureau of Public Lands to begin basing fees on "fair market value." Instead of charging a set fee per square foot, the state now calculates each fee by using the value of the adjacent shoreland as a base.

For marinas and other businesses in southern Maine where land values have shot up in recent years, the fees have skyrocketed.

DiMillo's Marina, for instance, has paid an annual fee of $2,660. This year the fee is $5,492, and in 10 years it will be $38,993 a year. DiMillo's Restaurant fees will go up from $2,232 for 1989-90 to $3,901 next year and $18,924 a year in 10 years.

Great Cove now pays $2,768 a year to lease the submerged lands over which its docks float. The fee is scheduled to go up to $5,693 for 1990-91, and to $32,019 a year in 10 years.

Cleveland and DiMillo both sent checks to the state for the 1990-91 year that were the same amount they paid for 1989-90.

If a compromise cannot be worked out, the cases could go to an arbitrator. If an arbitrator cannot resolve the issue, the cases could then go to the courts.

Cleveland said boat club members cannot afford to pay the new fees, and that the state is hurting marina owners and boaters alike in the new fee structure.

"They're driving the middle-class marina off the waterfront," he said.

Bangor Daily News, Monday, October 15, 1990

Coastal groups question officials on environment

By Kathy Harbour
Hancock Bureau

BAR HARBOR — Nearly 75 people gathered at College of the Atlantic Saturday afternoon to question state officials about a broad range of environmental issues.

Questions about the environmental impact of a coal-powered cogeneration plant proposed for Bucksport, concerns about aquaculture operations along the coast, and disagreements with the method of valuation of coastal property were among the issues raised at the first Coastal Campaign public hearing in Maine.

Organized by a number of grass-roots coastal community groups — including Maine Audubon Society, Natural Resources Council of Maine, Friends of Rachel Carson National Wildlife Refuge, Georges River Tidewater Association, and State Taxpayers Opposed to Pollution (S.T.O.P.) — the afternoon hearing was coordinated by Clean Water Action and was part of the New England Coastal Campaign. Similar hearings are being held this fall and winter in five other states.

Six state officials turned out for the hearing, answering questions posed by those in attendance and promising to submit written responses to all questions by mid-November.

Dean Marriott, commissioner of the Maine Department of Environmental Protection, fielded a number of questions about the proposed Applied Energy Services coal-powered plant in Bucksport.

Explaining that the environmental impact of the proposed facility would undergo rigorous scrutiny by his department, Marriott said that his department's analysis "will include an assessment of how the facility will impact on a Class I area," which is Acadia National Park.

"It will have to meet the test of the most stringent air qualities in the state," Marriott added. Marriott said, in response to questions by Kathleen Jenkins of S.T.O.P., that the project would need extensive preconstruction monitoring of the environmental impact. The DEP commissioner said that public hearings about the facility would be held by his department in Bucksport after Jan. 1.

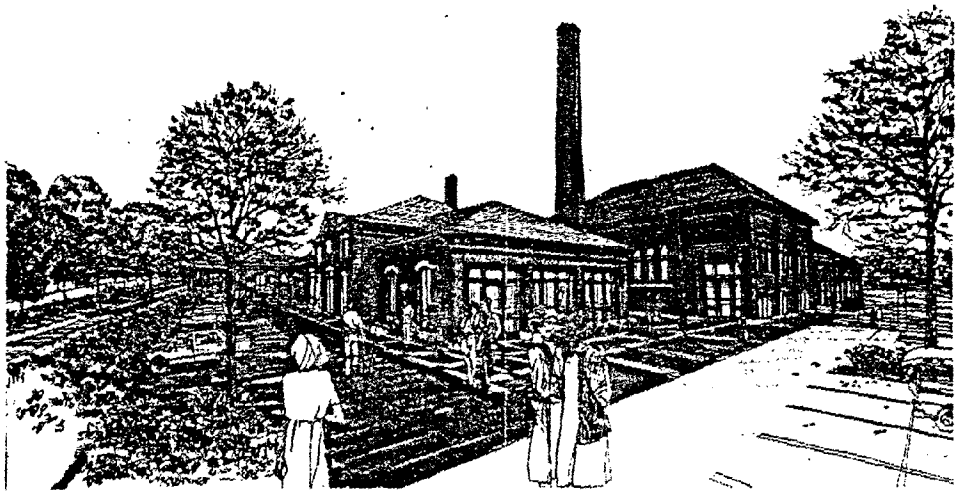
Several concerns were voiced Saturday afternoon about environmental issues tied to coastal waters. In response to a question from Peter Washburn of the Natural Resources Council, William Vail, commissioner of the Department of Inland Fisheries and Wildlife, said his department is concerned about the potential environmental impact of aquaculture operations.

Explaining that recent information indicates a need to be watchful over the native salmon stock, Vail said, "We are determined to prohibit importation of Pacific salmon."

Agreeing with Vail, William Brennan, commissioner of the Department of Marine Resources, said current legislation is addressing genetic concerns tied to the aquaculture industry. "Aquaculture should be encouraged but (we should be) mindful of environmental effects."

Richard Faucher, division chief of the Bureau of Taxation, and David H. Keeley, director of the coastal program at the State Planning Office, responded to several questions about rising property taxes for coastal property. Both cited a number of programs intended to address the issue, such as examination of rights of way within a town, the circuit breaker program now under way to ease the burden of property taxes, and the open space tax law.

State officials pointed to citizen involvement as critical in highlighting and resolving some issues. Jay Clement, project manager for the U.S. Army Corps of Engineers in Augusta, said that with a staff of three people he is dependent on public input and information.



New plans for the Bangor Waterworks call for the construction of 35 one- and two-bedroom vacation units

Time-share units proposed for Waterworks

By Ned Porter
Of the NEWS Staff

BDN 10/4/90

The latest plan for the Bangor Waterworks would convert the historic riverfront buildings to 35 "vacation ownership" units, similar in practice to time-share condominiums.

"It's a unique idea. And it makes the project financially feasible," said Robert E. Baldacci Jr., a local developer and a principal of the development team.

The $3 million project for the reuse of the property on the Penobscot River and owned by the city is a spinoff of the proposal by Bangor Waterworks Associates, a collaboration of a local development company and architecture firm. Originally submitted in June 1989, the plan called for a mixed use development — office, retail, and residential space.

In the wake of changes in the business climate, the developer revised the proposal. The original proposal would have just added office and retail space to a local market glutted with vacancies. And local banks, suffering from ill-advised real estate loans, have grown wary of investing in development projects.

To adapt to the changes, BWA, consisting of developers Baldacci and Carlton C. Young III, and of architects Alan T. Baldwin II and John M. Rohman, joined forces with John Walker, who has developed two interval ownership projects, time-share condos — Vacationland Estates in Island Falls, and Acadia Village Resorts in Ellsworth.

"We were facing the realitites that exist in the marketplace today," Baldacci said. "As a partnership, we're committed to the property. It's a unique parcel."

When it originally sought proposals from developers, the City Council was looking for a development that would convert the buildings into commercial facilities. Last week the council held a workshop on the new plans.

"At the workshop, the council said that this project still met with their overall goals," said Kenneth Gibb, director of community and economic development. "They felt it was a reasonable alternative. I think a majority of the council was happy enough with the concept of time shares."

The change in use is not the only difference between the two proposals. The first time around, the developer planned for the city to use the $100,000 from the purchase price for public improvements to the property.

This time around, the developer is asking for the city to spend $450,000 to improve public areas. The money would come from the purchase price plus financing generated by the project's property taxes.

In the proposal, the developer sees the need for $175,000 in improvements to one of the buildings that will remain public, $150,000 for the construction of a railroad crossing, $25,000 for a turning lane on State Street, and $100,000 for environmental clean up.

"The city's increased contribution is not that new," Gibb said. "It was an issue during the discussions with the original proposal. The environmental assesment proved worse than we thought.

"And the appraisal we had done of the property showed that the city had to do more to market the facility," he said. "In my mind there's no question that increasing the city's contribution is necessary."

Groundwork for re-use of the Waterworks was assiated by a CZMA Planning Grant in 1986-87.

STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17, Augusta, 04333
207 289-7688

JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

MEMORANDUM

TO: Robert Blakesley, State Planning Office

FROM: Pat Fish, Administrative Assistant, Bureau of Land Quality Control
Department of Environmental Protection

DATE: November 20, 1990

SUBJ: Coastal Zone Management Quarterly Report
August 1, 1990 through October 31, 1990

*** ** *** ** *** ** *** ** *** ** *** ** *** ** *** ** *** ** *** ** *** **

This is the quarterly report for August 1, 1990 through October 31 1990. The report consists of the following "work products" as required under Section B of the Memorandum of Understanding between the SPO and DEP:

I. Quarterly list showing the status of consent agreements;

II. Quarterly narrative of major applications, enforcement activities, problems, issues, and accomplishments;

III. Quarterly report on federal consistency review and coordination activities;

IV. Quarterly report on changes in statutes, rules and regulations; and

V. Quarterly report on the Shoreland Zoning Law.

printed on recycled paper

I. Status of Consent Agreements and 80K Actions.

A. Consent Agreements Resolved.

DOWNEAST

1. Owen Lawler & Alvin Fleming, Eastport

Mr. Lawler and Mr. Fleming began constructing an 18 unit motel in the shoreland zone in Eastport without first obtaining a site permit. To resolve the violation they agreed to modify their plans to create a 9-unit motel and pay a $2,194.00 monetary penalty.

2. Robert Wardwell and Sons Construction Co., Orland

Wardwell and Sons constructed a parking lot driveway crossing across a tributary to the Orland River without the appropriate permits. Wardwell & Sons agreed to implement temporary and permanent erosion controls and pay a $500.00 monetary penalty.

3. Lawrence LaPointe, Winterport

Mr. LaPointe placed fill and disturbed soil adjacent to 100 feet of stream bank on his property in Winterport. The stream is a tributary to the Penobscot River. Mr. LaPointe agreed to stabilize the site and pay a $700.00 monetary penalty.

4. Richard and Kathryn Maietta, Winterport

Mr. and Mrs. Maietta dredged and enlarged an existing man made pond which has a stream flowing into and out of it. Silt was deposited in the outlet. The Maiettas have agreed to submit an after-the-fact application for the enlarged pond, stabilize the dredge spoils and pay a $600.00 monetary penalty.

CENTRAL

1. Edgecomb Inn, Edgecomb, NRPA, (coastal wetlands), filling and earth disturbances immediately adjacent to wetland. They were required to stabilize, file for ATF approval and pay a monetary penalty of $700.00.

2. Orchard Park Associates, Farmingdale, NRPA, (stream alteration), filling and earth disturbance impacting two brooks. They were required to stabilize, file ATF application and comply with terms of permit if approved as well as to restore the area if denied and pay $2300.00 monetary penalty.

SOUTHERN

1. Brillant Developers, Inc. and MacMillan Company-
MacMillan Subdivision Section IV-Brunswick (Site Location Subdivision)

Contractor and owner removed trees and placed a building with a 75 foot natural buffer strip along an intermittent stream in DEP approved subdivision. Agreement required revegetation with winterberry and green ask trees and payment of $3,000.00 penalty.

EXHIBIT E-1

2. Surewood Excavation, Inc., Tilton Ave., Kittery (NRPA - Wetland)

   General contractor for Town of Kittery sewer project placed fill in and adjacent to Spruce Creek, a coastal wetland, without first obtaining a permit from the Department. Agreement required restoration of the coastal wetland, re-establishment of a vegetated buffer strip between the project and the upland edge of the wetland using a standard conservation mix and Bankers dwarf willow and payment of a $4,500.00 penalty. The Town had recently paid the same amount in penalties.

3. Alex Timpson, Georgetown (NRPA - Coastal Wetlands)

   Mr. Timpson had constructed a permanent boardwalk and a dock in Back river marsh and Clarey Creek, both coastal wetlands, without first obtaining a permit from the Department. This area is significant wildlife habitat as identified by Department of Inland Fisheries and Wildlife. The Agreement required removal of the structures and a $2,000.00 penalty.

4. James and Mary Jane Mulvihill-Richard G. Roy-Goose Rocks Beach, Kennebunkport (NRPA - Sand Dunes)

   The Mulvihills and Richard Roy, the contractor, increased the dimensions of a pre-existing seawall by as much as four feet in additional height using rocks from an upland source. This was a violation of several permit conditions. Mulvihills had obtained a sand dunes permit to reconstruct the wall to pre-existing dimensions using existing on-site stones.

   The Agreements require Roy to pay a $4,000.00 penalty and Mulvihills to remove all rocks from the upland source and pay a $3,800.00 penalty.

B. Pending Consent Agreements.

This section includes all active consent agreement documents that have been initiated but not yet consummated by the BEP, for towns within the coastal management zone. This includes those initiated prior to Augusta 1, 1990 (i.e. a running tally).

SOUTHERN

1. Kfoury-Weinschenk, Inc., Cape Elizabeth, Site/NRPA
2. John S. Marr, Falmouth, Site
3. Raymond E. Wiley and Wiley Construction Co., Scarborough, NRPA/SOLID WASTE
4. Land Bank, Inc., Fernald Payeur, Vincent Maietta and Maietta Construction, Inc., Scarborough, NRPA (stream alteration/SITE

5. Julie and Everett Gerrish, Kennebunkport, NRPA (sand dunes)

DOWNEAST

1. Steels Construction & M.E. Astbury, Ellsworth, NRPA (stream alteration)
2. Acadia Village Resort, Ellsworth, NRPA (stream alteration)
3. Charles Foster, Ellsworth, NRPA (stream alteration)
4. Lawrence Stanley, Swans Island, NRPA (coastal wetland)
5. William & Nancy Kales, Bar Harbor, NRPA (stream alteration)
6. David Benson, Southwest Harbor, NRPA (stream alteration)
7. Steve LaFreniere, Ellsworth, NRPA, (great pond)
8. 128 Recreational Associates, Sullivan, Site, NRPA (great pond)
9. Sheldon Heartstone, Bangor, NRPA (stream alteration)
10. Donald Pelletier, Hampden, NRPA (stream alteration)
11. Edmund Gillespie, Southwest Harbor Site Location
12. Peter Mayo, Ellsworth, NRPA (stream alteration)
13. Harold MacQuinn, Inc., Bar Harbor, Site Location
14. Cape Aquarius, Ellsworth, Site Location
15. Queen City Associates, Bangor, NRPA (stream alteration)
16. James Awalt, Ellsworth, NRPA (stream alteration)
17. John Mahar, Pembroke, NRPA (coastal wetland)
18. Brown Brothers Trucking, Pembroke, NRPA (coastal wetland)
19. John McIntyre, Eddington, NRPA (freshwater wetland)
20. Edith Trapp, Deer Isle, NRPA (stream alteration)
21. Look Construction, Jonesboro, NRPA (stream alteration)
22. Royce Geele, Jonesboro, NRPA (stream alteration)
23. Steven LaFreniere, Sullivan, Site Location
24. Emery Shute, Stockton Springs, NRPA (stream alteration)

25. Guy Bouchard, Orrington, NRPA (stream alteration)

26. Webber Oil, Blue Hill, NRPA (stream alteration)

27. Richard Hopkins, Bucksport, NRPA (great pond)

28. Frank Sutton, Robbinston, NRPA (coastal wetland)

29. Harriman Brothers Construction, Winterport, NRPA (stream alteration)

CENTRAL

1. Mill Cove Associates, Boothbay Harbor, permit violation and fill in coastal wetland

2. Anthony Correa, Edgecomb, deck over coastal wetland

3. Robert Fish, Boothbay Harbor, reconstructed retaining wall.

4. George Giles, Boothbay, illegal addition to permitted wharf.

5. George McAuley, Belfast, unstable fill in freshwater wetland.

6. Ocean's East Aquarium, Boothbay Harbor, ramp and wharf without permission.

7. James Rutland, Lincolnville, improper grading and riprap.

8. Stewart Smith, Rockport, clay fill adjacent to floodplain wetland.

9. Paul Whitehead and Alden Jordan, Boothbay Harbor, sand below normal high water level.

10. Misty Bay Development Corporation, Newcastle, violation of permit

11. Carter Realty Trust and Arthur Fournier, Northport, improper filling and stream alteration.

12. Jack Mays, Augusta, demolition debris in Togus Pond.

NOTE: All actions but #1 and #6 were pending but were omitted by error from last quarterly report.

II. Narrative of Significant Applications, Enforcement Activities, Problems, Issues and Accomplishments.

A. Applications.

Potato Point Associates (Freshwater Wetland)

The applicant proposes to construct a gravel driveway to provide access to a three lot subdivision on his property at Potato Point on Cousins Island in Yarmouth. The driveway will be constructed over an existing vegetated woods road which traverses a scrub-shrub and forested freshwater wetland. The proposed driveway is the only access to the upland building sites. The proposed driveway will be 14 feet wide and approximately 975 feet long in the wetland. It will be constructed in accordance with the revised plan submitted with the application date stamped October 31, 1990. The applicant also proposes to install four 12 inch corrugated metal pipe (CMP) culverts under the driveway to carry stormwater runoff. The inlet and outlet ends of the culverts will be stabilized with rock riprap.

Edward Houde (Coastal Wetland)

The applicant proposes to construct a crib and pile supported pier with a seasonal ramp and floats on his property adjacent to the Piscataqua River in Eliot. The proposed pier will have a 3 or 4 foot wide by 40 foot long walkway, a 3 foot by 13 foot ramp, and a 6 foot by 6 foot float connected to a 10 foot by 16 foot float. The structure will be supported by one rock filled spruce timber crib, 6 feet wide and 10 feet long at the base. Oak pilings will be located at the four corners of the crib and diagonally cross-tied to provide vertical stability. The pier walkway will also have vertical support piles to provide structural support. These piles will be removed in the fall to prevent damage by winter ice. The proposed pier will provide water access for recreational boating. The applicant proposes to construct the pier using manual labor.

Champion International, Inc.

The applicant proposes to construct an expansion of existing buildings located in a paper mill complex in Bucksport, Hancock County, Maine. This project involves the placement of 24 steel pilings into the Penobscot River to support the floor of a runway building between a wharf warehouse and buildings on the shore. The project also involves extending the foundation of an existing building on the west side of the warehouse for approximately 130 feet along the high water mark; constructing a new building consisting of a core room and roll wrapper room above the extended foundation; placing 75 feet of riprap along the shoreline of a 5 foot wide strip of land along the new building; and removing an existing rotting pier in the water on the east side of the warehouse. Because this project was determined not to adversely affect any areas of concern under the NRPA, the Department approved this project on October 12, 1990.

Tom and Kate Chappell

The applicants propose to construct a 6 by 87 foot wooden pile-supported dock, with seasonal ramp and float, on Elwell Island in St. George, Knox County, Maine. This project was determined by the Department of Marine Resources, Inland Fisheries and Wildlife, and Environmental Protection to not adversely affect any areas of concern under the NRPA. Therefore, the DEP approved this project on October 16, 1990.

Central Maine Power Company

This application was received on September 13, 1990 to construct 9 miles of new transmission lines from Eliot to York. The applicant proposes to cross 16 wetlands, the York River and 8 different brooks and streams.

Tilcon-Maine, Inc.

This After-the-Fact was received on October 15, 1990. Approval is being sought for Bold Hill Road Gravel Pit in Wells for a 46 acre gravel pit. No streams or wetlands are involved.

Cheney/Floros Partnership, Biddeford.

This application for a 75 lot residential subdivision on 76.5 acres was received on September 20, 1990. The project involves 3 perennial and 3 intermittent streams and extensive areas of wetlands with floodplain over one acre.

Spaulding Gravel Pit/Hampden

The applicant proposes to excavate approximately 250,000 cubic yards of material. The pit area will be 27 acres and is located off the Monroe Road in Hampden. The project site consists of moderately sloped mounds and kettles separated by steep side slopes. The significant issues involved with this project are effects on groundwater and reclamation of the pit.

Sams Wholesale, Bangor

The applicant proposes to develop a 109,348 square foot retail store on a 20 acre parcel. The project site is located off Hogan Road in Bangor. The project site consists of a knoll located in the center of the site with moderate grades. The significant issues involved with this project are traffic impacts and erosion controls.

Department of Corrections, Warren

This permit allowed the expansion of the Bolduc facility in Warren to include 50 more beds, two small parking lots and renovations to an older kitchen and cafeteria. The estimated cost is 2.7 million dollars. The permit restricts use of the building until the new sewerage treatment plant is operational.

City of Rockland

This modification includes the addition of two more lots for commercial use. No project impacts were identified.

Northeastern Simon, Inc., Augusta

This project is a regional shopping center consisting of 750,000 square feet of retail space. The estimated cost of the project is 56 million dollars. Environmental concerns include increased traffic in the Augusta area and water quality in Bond Brook located nearby.

Frederic Clifford, Bristol

The applicant proposes to construct a pier, ramp, and afloat on his property on Pemaquid Harbor in Bristol, Maine. The pier will be 6 feet wide by 165 feet long and will be constructed of CCA pressure treated Southern yellow Pine. A 3 1/2 foot by 34 foot seasonal ramp will extend down from the pier to a 10 foot by 20 foot seasonal float. The pier will be approximately 15 feet above the bottom substrate and the pilings will be driven to refusal or pinned to ledge. No permanent structures will extend beyond mean low water. No mechanized equipment will be used in the construction of this project.

Dragon Products Inc., Wiscasset

This project involves the construction of a cement unloading facility at the existing Mason Station facility. The existing facility consists of a dock, building and railroad tracks. The proposed construction is limited to building and unloading conveyer, two support towers for the conveyer and a small structure over the railroad tracks. The project has been opposed by a number of Wiscasset residents who are concerned with dust problems and possible water quality impacts due to the dust.

Elaine Gershman, Sullivan

This project involves the culverting of approximately 20 feet of a stream that flows into Flanders Bay. In addition, a portion of the stream will be riprapped to maintain the stream channel and prevent water from sheeting over the applicant's property. The purpose of the culvert is to allow for a sewer line crossing under the culverted portion of the stream. The purpose of the rip rapping is to channelize flow in the stream. Water currently leaves the channel and flows onto portions of the property which the applicant wishes to develop into a single family residence.

Barletta Co., Inc., Rocky Hill Quarry, Eliot

This project involves a 125 acre quarry on a 301 acre site with removal of 25 million cubic yards of material by drilling and blasting over 50 years. Stone to be crushed, screened and washed on site. Five acres of pavement is proposed.

Terry and Janet Gagner, Tidewater Mall Phase IV, Kittery

This project involves a 38,649 square foot building addition and 123,366 square foot parking addition to 75,887 square foot approved building space with 271,000 square feet of parking. The site itself is 14.4 acres, 11.6 of which would be developed.

Woodward Cove Associates, Woodside Subdivision, Brunswick

The applicant proposes to subdivide phase III of this subdivision into 21 lots on 19.3 acres. The total subdivision will be 51 acres including the two previously approved phases.

Wal-Mart Stores, Inc., Scarborough

The applicant proposes to construct and operate a 109,398 square foot warehouse retail store with associated access, parking, landscaping and draining system on a 13.7 acre parcel.

Cape Arundel Estates, Kennebunkport

The applicant's are proposing a subdivision near the Atlantic Ocean. There is a possible problem with salt water intrusion due to blasting from road construction.

Belfast Marketplace Associates, Belfast

The applicant is proposing a strip mall with possible runoff problems.

Stillwater Avenue Land Assoc., Bangor Mall - Industrial Park in Bangor

This is an application for a mall development which was approved by the municipality under their delegated authority. Since the project does not meet the "no adverse effect on the natural environment standard", the Department has decided to exercise jurisdiction.

City of Bath

The applicant proposes the cleanup of gasoline contaminated soil and on-site debris in preparation for the development of the site for a public boat launching facility. The project will be conducted under the supervision of DEP hazardous waste personnel. Soil erosion and siltation of the adjacent Kennebec River are the main issues of concern in this project. The project will probably be approved with conditions for erosion control and special conditions which will be required by the DEP's Oil Bureau.

Ellis Short Sands Park, York

The applicant proposes to construct a seawall in front of and existing deteriorating concrete seawall as a way of repairing it. The repairs will entail pouring concrete to a thickness of 10 inches immediately on the seaward side of the existing wall, using the existing wall's footing to support the new concrete. The wall is approximately 1,200 linear feet along the beach, is 4 to 5 feet high and fronts a public parking lot. The construction of the seawall will expand its size and height, thereby causing an interference with the flow of waters and sand movement during a 100 year storm.

Widgery Wharf, Inc.

The applicants request approval to construct two wooden piers in Portland. One pier will be 8 feet by 76 feet, the other 8 feet by 65 feet, and will extend out from an existing wharf located in the waterfront district of Portland Harbor. The application includes 34 creosote treated piles.

Jeffrey Hahn

The applicant received approval to construct a gravel driveway on Chebeague Island, Cumberland, Maine. The driveway will run along 200 feet of shoreline, at times 12 to 15 feet from the bedrock cliff. The approval included changes to the plans per suggestions from the Department's Technical Services Unit, including changes to slopes, erosion control plans, and reclamation plans.

C. Problems, Issues and Accomplishments.

Issues

MDOT Winterport, Route 139

This past summer, MDOT had undertaken the maintenance of Route 139 in Winterport. The project impacted two streams. Although the crew had hay bales set up, they were ineffective in preventing erosion of soil into the streams. Sideslopes were left unstable with much erosion evident. Also, a 50 foot section of one stream had been channelized. This led to a meeting between MDOT and DEP on-site to discuss the problems. As a result, MDOT maintenance crews should have a better understanding of the importance of erosion controls and how to properly install them. The Land Bureau Enforcement staff has been working with the Department of Transportation in an effort to improve temporary and permanent erosion controls on DOT's projects. The Engineers from DOT's Construction Division are, for the most part, doing a good job controlling erosion from the upland. There is still a problem with projects which involve work in stream channels. We have not been as successful with the maintenance crews.

Forest Peaslee, Jr., and Steve McGee, Gardiner

This is a violation of improper stream crossing. The case is being pursued in conjunction with the Warden Service, Maine Department of Inland Fisheries and Wildlife. This action represents a new enforcement tactic which couples the wardens summons authority with the Department's requested relief

Accomplishments

1. Continued emphasis on enforcement of permit conditions and requirements

2. Increased monitoring and enforcement activities in the Casco Bay watershed as part of the National Estuary Program in Casco Bay

3. Attendance at EPA wetlands training in Biddeford

4. Continued technical assistance through field determinations and advisory opinions

5. Continued work with A.G.'s office on past referrals:

   - Hanna Joseph, Saco, NRPA (sand dunes)
   - Claude Dubois, Inc., multiple sites in coastal zone, SITE/SOLID WASTE
   - George Garnache, Biddeford, SITE
   - Harry Crooker, Brunswick, NRPA (coastal wetlands)
   - Frederick and Grace Perrault, Saco, NRPA (sand dunes)

III. Quarterly Report on Federal Consistency Review and Coordination Activities.

No new projects were proposed in this quarter. However, the Department consulted with the U.S. Army Corps of Engineers to coordinate the review of future projects and provide technical assistance. A meeting was held on October 16, 1990 between members of the Corps, State Planning Office and DEP staff. The meeting covered procedural and time constraints of federal projects, Corps testing guidelines for dredged materials, discussion of proposed DEP testing protocol, and identification of issues to be resolved at a later date.

IV. Changes in Statutes, Rules and Regulations.

See Wetlands Rules and Summary at end of document.

V. Report on Shoreland Zoning Activities.

CZM Quarterly Report

Since the adoption of the revisions to the State of Maine Guidelines for Municipal Shoreland Zoning Ordinance by the Board of Environmental Protection in March of 1990, Department staff has been busy with educational efforts. Those efforts have been directed mainly at municipal officials but have also included the general public and the business community.

The shoreland zoning unit has again initiated "office hours" at the various regional planning commission offices. The office hours concept allows municipalities to meet with the DEP staff to discuss shoreland ordinance issues including the new standards, and the development of zoning maps to meet the requirements of the updated ordinance and statute. Office hour sessions were conducted in Milbridge, Norway, Bangor, Wiscasset, Houlton and Machias.

The unit has also devoted substantial efforts to the state's code enforcement officer certification program. That program will require all municipal code enforcement officers to be certified by the Department of Economic and Community Development.

Since shoreland zoning issues are a major part of a code enforcement officer's duties, the subject of shoreland zoning was presented as part of the certification program in Portland, Auburn, Presque Isle and Ellsworth. Each session was three hours in length and was devoted entirely to shoreland zoning issues.

Similar workshops were conducted for the Soil and Water Conservation Commission, the Cumberland County planners, the Maine Chamber of Commerce and Industry and the Maine Forest Products Council. The sessions (3 in all) with the Forest Products Council concentrated on allowable timber harvesting activities in the shoreland zone.

Direct assistance with administrative and enforcement issues continues to be provided to municipalities. Such assistance may be in the form of an evening meeting with a local planning board or a site visit with a local code enforcement officer to assist the CEO with his enforcement responsibilities. Such meetings/site visits were undertaken in Belgrade, Burnham, Casco, China, Liberty, Robbinston, South Portland, Standish and Thorndike.

In another matter, after nearly a 10 month hiatus, another edition of the Shoreland Zoning News was published and mailed to 2100 individuals/boards. Articles included the following issues:

A. Statutory overriding provisions;

B. The expansion of the shoreland zone to include wetlands and streams;
C. Availability of the ordinance on floppy disk;
D. Stairways for access to the water;
E. Newly adopted legislation;
F. Office hours; and
G. Agriculture standards in the shoreland zone

Rezoning issues have also involved a significant amount of staff effort during the past three month period. After it was learned that the town of Freedom did not have a shoreland ordinance, the Board of Environmental Protection adopted an emergency ordinance for that town. Work has begun to adopt a permanent ordinance to replace the emergency ordinance which expires in early 1991.

The towns of Farmington, Dover-Foxcroft, and Newcastle are also receiving staff attention due to attempts to relax certain portions of the town's zoning maps. In the case of Farmington, the Board has denied the amendment to rezone a portion of shoreline from the resource protection district to the limited residential district. That matter is currently under appeal by the land owner.

Perhaps the most important activity undertaken by the Shoreland Zoning Unit has been the development of several policies which will guide staff when reviewing ordinances for compliance with the Shoreland Zoning Law. Draft policies have been developed for issues such as dealing with already developed areas which do not meet the new guidelines, shoreland zoning adjacent to forested wetlands, volume and floor area calculations, and meshing the new commercial fishing/maritime activities district with the states coastal policies. These policies should be available to municipalities by mid-December.

Regarding recommendations for legislative action, staff has recommended several changes to the shoreland zoning law. A copy of staffs recommendations is attached to this report.

Proposed Legislative Amendments to the "Mandatory Zoning and Subdivision Control Act"

1. The title of the Act should be reworded "Mandatory Shoreland Zoning Act" since this act has little to do with subdivision regulation.

2. "Forested wetlands" should be exempt from the definition of "freshwater wetlands" in section 436-A(5). Forested ten-plus acre wetlands maps for the state are not available and municipalities should not be burdened with the task of mapping these areas. Furthermore, the determination of the boundaries of forested wetlands is difficult and can not readily be administered by local code enforcement officers not specifically trained in wetlands delineation techniques.

If the legislature agrees to exempt forested wetlands from mandatory zoning requirements, section 439-A(5) should be amended to eliminate the phrase, "except surrounding existing forested wetlands or harvested forested wetlands that are not zoned for resource protection". This phrase would not be necessary if forested wetlands are exempt from the mandatory shoreland zoning law.

3. The definition of "stream" in section 436-A(11-A) should be reworded to clarify that a "stream" need not flow to a river, as defined, in order to meet the "stream" definition. A "stream" that flows to a great pond, to tidal waters, or to a wetland is also intended to fall within the definition of "stream".

"Stream" could be redefined as follows: "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river, or flows to another shoreland zoned water body or wetland.

4. Under section 438-A(3), the phrase "after notice and hearing" should be stricken from the 5th sentence. The current language will result in an administrative nightmare for the Department. The hearing requirement is unnecessary since a municipality can appeal the commissioner's decision to the Board of Environmental Protection and since the commissioner's decision must be based on the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances.

For the same reasons above, the phrase "after notice and hearing" should be deleted from section 438-A(4).

5. In sections 439-A(2) and 439-A(6), the term "high-water mark" should be changed to "high-water line" to be consistent with the remainder of the statute.

6. Also, under section 439-A(5), a provision should be added which would allow planning boards to permit timber harvesting operations to remove more than 40% of the volume of trees in a ten year period where good forest management practices warrant. This provision was inadvertently deleted during recent amendments to the Act.

7. Under Section 441.3, the present law requires local code enforcement officers to submit annual reports on shoreland zoning activities to the DEP. The Department has not found this requirement to be extremely valuable, due in part to the limited response on the part of the municipalities and in part because of the lack of Department staff to analyze the incoming data. The Department recommends that the annual reporting requirement be changed to a biennial reporting requirement. If adopted, the Department will continue to receive data on a regular basis, while reducing the workload and costs to municipalities.

Continued from Front Page

IV. Section 439-A(5), states as follows:

Municipal ordinances shall regulate timber harvesting within the shoreland area. Notwithstanding any provision in a local ordinance to the contrary, timber harvesting activities shall be no less restrictive than the following:

A. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains; and

B. Within a shoreland area zoned for resource protection abutting a great pond, there shall be no timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards.

This provision became effective on September 30, 1989.

V. Section 439-A(6), states as follows:

Within the shoreland area, municipal ordinances shall provide for effective vegetative screening between buildings and shorelines. Notwithstanding any provision in a local ordinance to the contrary, vegetative screening requirements shall be no less restrictive than the following:

A. Within a strip extending 75 feet inland from the normal high-water mark, there shall be no cleared opening or openings, except for approved construction, and a well distributed stand of vegetation shall be retained;

B. Within a shoreland area zoned for resource protection abutting a great pond there shall be no cutting of vegetation within a strip of land extending 75 feet inland from the normal high-water mark except to remove safety hazards; and

C. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, is allowed in any 10 year period, provided that a well-distributed stand of trees and other natural vegetation remains.

This provision became effective on September 30, 1989.

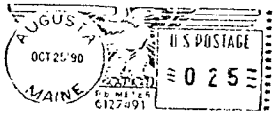
The above noted paragraphs are minimum statutory provisions which must be administered and enforced by the municipalities. In addition, the statute permits municipalities to enact more stringent provisions if desired. If your municipality would like further clarification on this subject please contact the Department of Environmental Protection's shoreland zoning unit at 289-2111.

Continued from Page Two

that "When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities." It is important to note that existing regulations of the Department of Human Services may require a licensed sewage disposal system well before the 120 day time period elapses. This is particularly relevant to travel trailers with internal plumbing, in which case a subsurface disposal system may be required immediately.

The second concern raised by the DHS is the requirement that written sewage disposal plans for individual private campsites be approved by the Local Plumbing Inspector. That agency notes that "Under municipal laws related to plumbing inspection and rules promulgated under 22 MRSA 42, there is no authority for such review nor is there a compensation permit or plan approval fee built into the system." The (DHS) suggests that the reference to the " Local Plumbing Inspector" in the guidelines be replaced with the Code Enforcement Officer". We agree, and recommend that municipalities make that change as you update your local shoreland ordinances.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND QUALITY CONTROL
STATE HOUSE STATION 17
AUGUSTA, ME 04333



04333STATBSTAT
BOB BLAKESLEY
STATE PLANNING OFFICE
STATION 38
AUGUSTA ME 04333

Department of Environmental Protection
Bureau of Land Quality Control, State House Station 17, Augusta, ME 04333
Volume 4 Number 1 Summer 1990
SHORELAND ZONING NEWS
Shoreland Zoning Unit, 289-2111

Provisions that Override Local Ordinance

by Richard P. Baker, Shoreland Zoning Coordinator

On February 14, 1990 the Board of Environmental Protection (BEP) amended the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. As required by the Mandatory Shoreland Zoning Act, 38 M.R.S.A. Section 438-A(2), the BEP has adopted a schedule for municipalities to adopt and submit to the DEP updated shoreland zoning ordinances which are consistent with, or are no less stringent than, the minimum guidelines adopted by the BEP and, for coastal communities, which address the coastal management policies specified in 38 M.R.S.A. Section 1801. That schedule calls for municipalities to update local ordinances by December 31, 1991. If a municipality fails to adopt and submit a suitable ordinance by that date the Board of Environmental Protection will adopt a suitable ordinance for that municipality.

Except for several provisions established by the mandatory shoreland zoning law, which override any local ordinance provision to the contrary, a municipality must continue to administer its current ordinance until amended or changed by the municipality, or by the BEP if the municipality fails to do so.

It is very important that municipal officials become familiar with the provisions in the Mandatory Shoreland Zoning Act which are in effect now, even if not contained in their local ordinance. The following provisions contained in the Act must be administered and enforced by the municipality even if not addressed in the local ordinance:

I. Section 438-A(3) states that "Municipal ordinances, amendments and any repeals of ordinances shall not be effective unless approved by the commissioner." Thus, after January 1, 1989, any newly adopted, amended, or repealed ordinance which affects the shoreland zone must be approved by the Commissioner of Environmental Protection before that ordinance, amendment or repeal action becomes effective.

II. Section 438-A (6) states that "A copy of each request for a variance under an ordinance approved by the Board or Commissioner under this article shall be forwarded by the municipality to the commissioner at least 20 days prior to action by the municipality. The material submitted shall include the application plus all supporting information provided by the applicant". Section 438-A(6) further provides that any comments submitted by the commissioner "shall be made part of the record, and shall be considered by the municipality prior to taking action on the variance request."

III. Section 439-A(4), states that "Notwithstanding any provision in a local ordinance to the contrary, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 shall meet the water setback requirements approved by the board, except structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls." A substantial expansion of a building is defined as "an expansion which increases either the volume or floor area by 30% or more."

Thus, since January 1, 1989 there has been a statutory limitation on expansions of structures which do not meet the setback requirement. The statute limits the expansion of any portion of a structure which does not meet the setback *requirement to less than 30% of the existing floor area or volume.* The 30% limitation applies for the lifetime of the structure.

The Department, however, stresses that contrary to what you may have heard in the past, the 100 foot setback contained in the newly revised guideline ordinance is not effective until incorporated into the local ordinance. The BEP affirmed this position at its regularly scheduled meeting on May 23, 1990. Therefore your municipality should continue administer the setbacks contained in your local ordinance until changed by your municipality, or by the BEP if your municipality fails to update its ordinance by December 31, 1991.

Continued on Back Page

We're Back!

Nearly nine months have elapsed since the shoreland zoning unit published its newsletter. Much of the cause of this hiatus is the loss of two of the shoreland zoning unit's staff. Due to budget constraints Andrea Lapointe, the newsletter's editor, and Tim Wright were transferred to the Department's site location of development licensing unit. The loss of these two staff members has made a significant impact on the unit's ability to provide timely services. Andrea is no longer reviewing variances; applications for variances should be sent to Dan Prichard.

Andrea, however, volunteered to coordinate the printing of this edition of the newsletter. We thank Andrea for her assistance in getting this newsletter published. And to both Andrea and Tim go a word of thanks for their past efforts.

EXHIBIT E-2

31

Shoreland Areas Expanded

As most of you are aware, the Mandatory Shoreland Zoning Act was amended in 1989 to require several new areas be included within municipal shoreland zoning ordinances. In addition to great ponds, rivers, and tidal areas, the law now requires towns to zone areas within 250 feet of all coastal wetlands, and freshwater wetlands greater than 10 acres in size, as well as areas within 75 feet of certain mapped streams as defined in the law.

The DEP shoreland zoning staff has distributed to each community a freshwater wetland map for that town showing the non-forested wetlands 10 acres or more in size, and the rating of those wetlands for wildlife habitat. These maps are to be used in amending your local shoreland zoning map, and in determining the appropriate zoning district. The State of Maine Guidelines for Municipal Shoreland Zoning Ordinances require that currently undeveloped areas adjacent to moderate or high value wetlands be designated as Resource Protection Districts. Areas which are currently developed may be zoned based on the existing pattern of development (residential, commercial, etc.).

The DEP Staff has also provided to those communities which have mapped coastal wetlands (salt marshes and meadows), a listing of those wetlands and their habitat value rating.

Further information concerning those wetlands may be obtained from the Department of Inland Fisheries and Wildlife Regional Office serving your area.

The law also requires that municipalities establish a 75 foot zone along certain streams as shown on the most recent edition of the U.S.G.S. Topographic Maps covering your community. The new "stream" definition includes outlet streams from great ponds and any perennial stream below its first confluence with another perennial stream. For most areas of the state, the more accurate 7.5 minute series topographic maps are available.

When identifying those streams which must be zoned it is important to remember that the great pond outlet or stream confluence for a particular stream in your community may be located in an adjoining town or be several towns away and therefore you may need to look beyond your town's borders to properly identify all of the streams which need to be zoned. The Regional Planning Council serving your area or the DEP shoreland zoning staff can provide some assistance in identifying those streams subject to shoreland zoning.

Topographic maps may be obtained at a reasonable cost (usually 2 to 3 dollars) from many local sporting good stores, by ordering directly from the U.S. Geological Survey, or by writing to the Maine Geological Survey, Department of Conservation, State House Station 22, Augusta, ME. 04333. If ordering the maps it is important to specify the name of each map needed to cover your community, and surrounding area. An index map identifying the maps for the entire state is also available.

QUESTIONS & ANSWERS

We have a steep bank along our shoreline. Can we build a set of stairs to gain access to the shoreline?

The new State of Maine Guidelines for Municipal Shoreland Zoning Ordinances do allow for the construction of permanant or temporary stairways within the setback area (usually 75 or 100 feet) from the shoreline when there is no other access alternative on the lot, and there is a safety hazard due to steep slopes, or unstable, highly erodible soils. If those conditions exist, stairs could be permitted if they are kept to the minimum width necessary to provide access to the water. The guidelines recommend a maximum width of four feet. Decks, landings, and patios within the setback area are not permitted.

Note: Permanant structures, including stairs, which extend in, on, or over the water or which require ground disturbance to erect, require a permit from the DEP under the Natural Resources Protection Act.

Our town is in the process of amending our shoreland zoning ordinance and would like to place the state guidelines in our town's personal computer. Is it possible to get the guidelines on computer disk?

Yes. The DEP is able to copy the guidelines onto either 3.5" or 5 1/4" floppy disks in a number of software programs which are listed below. If your town uses one of these programs and wishes to have a copy, just send a blank disk to the shoreland zoning unit and we will load the guidelines onto the disk and return it to you. Also, many of the regional planning councils have the guidelines on computer and may be able to provide copies as well.

Available Software Formats

ASCII	Multimate	SAMNA
Displaywrite	Onedocument	Wang
FFTDCA	Onetext	Wordperfect
MS-WORD	RFTDCA	Wordstar

Does the standard for individual private campsites in the state model ordinance override the Plumbing Code?

Following the Board of Environmental Protection's adoption of the revised State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, the Department of Human Services' (DHS) Health Engineering section expressed two concerns regarding the language contained in Section 15.E., Individual Private Campsites, which are worth noting in this newsletter. First, paragraph 6 states

Continued on Back Page

Report on New Legislation

The legislature, during its last session, enacted several bills which address shoreland zoning issues. A listing and summary of the laws are provided below.

1. PL 727, An Act to Require Mitigation for Land Use Violations within the Shoreland Zone, allows for monetary penalties to be assessed on a per day basis and requires violators to correct or mitigate a violation occurring within the shoreland zone.

2. PL 733, An Act Allowing Water Utilities to Sue for Injunctive Relief Regarding Lake Water Quality allows a water utility to seek injunctive relief against a shoreland zone property owner who is violating a municipality's shoreland zoning ordinance if the water supply is directly affected by the violation. The property owner, the municipality and the Attorney General must be given 60 days notice before such actions are filed in court.

3. PL 803, An Act Regarding Certain Resource Protection Zones within Shoreland Zoning Areas, requires any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75 foot no-cut strip, to be reforested within two growing seasons after completion of the harvest, according to guidelines adopted by the Board of Environmental Protection.

4. PL 838, An Act to Exempt Forestry Activities in Forested Wetlands from Regulation Under the Natural Resources Protection Laws, defines a forested wetland, and exempts areas surrounding forested wetlands from shoreland timber harvesting regulations unless that surrounding area is zoned for resource protection. This bill was enacted as emergency legislation and became effective on April 17, 1990.

5. PL 890, An Act to Clarify the Role of the Board of Environmental Protection, shifts the responsibility for approving municipal shoreland zoning ordinances and amendments thereto, from the Board of Environmental Protection (BEP) to the commissioner of DEP.

All of the above bills, with the exception of PL 838, become effective on July 14, 1990.

Office Hours Postponed

Following the Board of Environmental Protection's adoption of revisions to the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances on February 14, 1990, the staff of the shoreland zoning unit conducted workshops around the state to familiarize town officials with those new guidelines. In addition, staff has worked with the regional planning councils to establish "office hours" in numerous areas. The office hours concept permits town officials to meet with the staff of the shoreland zoning unit at a location close to home to discuss issues relating to the adoption and implementation of the new shoreland standards.

Unfortunately, attendance at the initial office hours sessions has been somewhat disappointing. Therefore, additional office hours sessions were postponed until September. If you are interested in the office hours concept please contact your regional council.

Agriculture Standards Revised

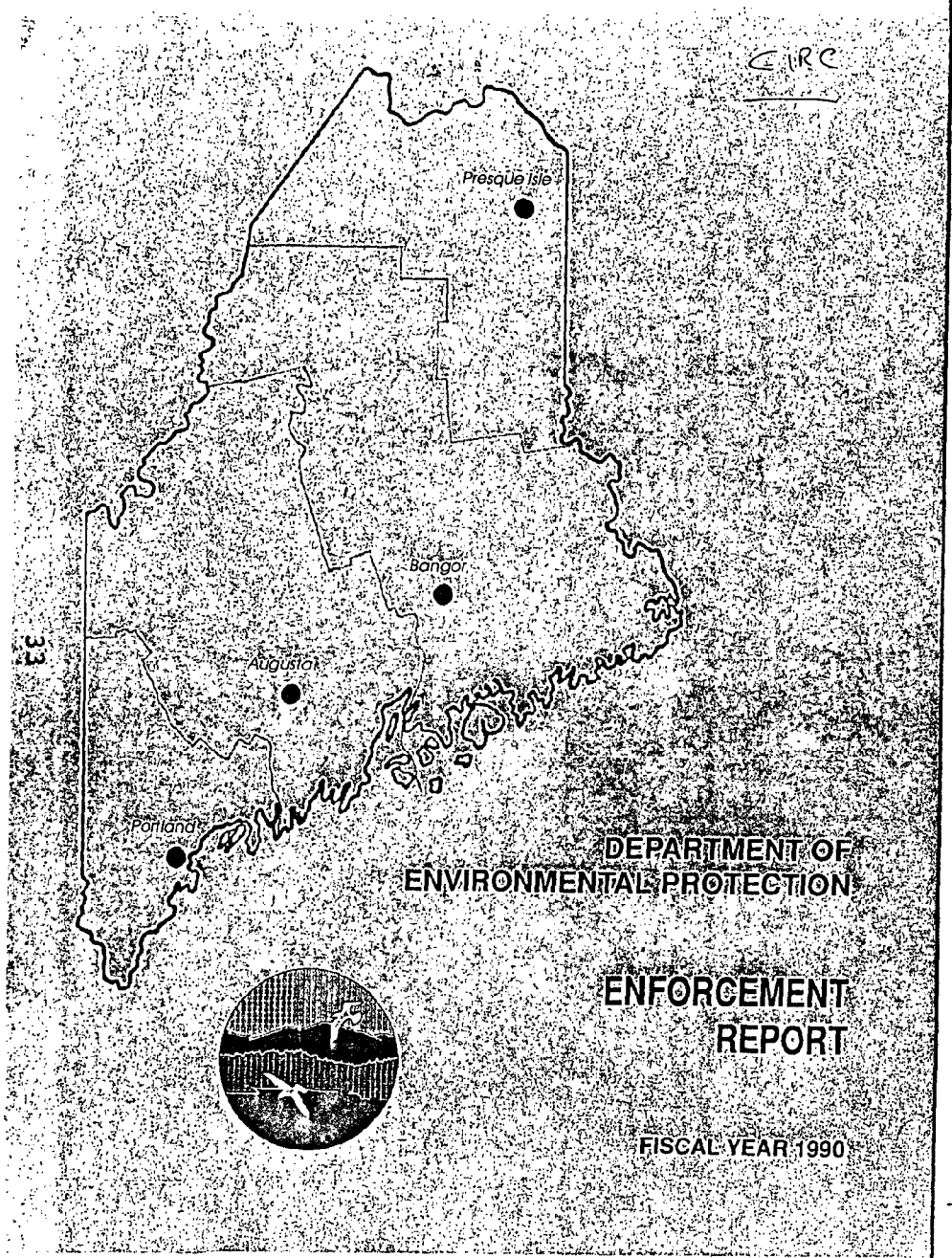
The revised guideline shoreland zoning ordinance contains updated standards for agricultural activities. The agriculture standards were debated to a considerable extent at the time the BEP voted to accept the new guideline ordinance. Much of the debate centered on the grandfathering of existing tilling and livestock grazing operations in the shoreland zone. In the end, the Board voted to allow existing tilling and grazing activities in the shoreland zone to continue regardless of the setback from the water body or wetland. New tilling and grazing activities, however, will require specific setbacks from water bodies and wetlands.

There has been some question as to what constitutes "new" grazing and tilling operations. Although the new guidelines are not absolutely clear, the Board's intent was to consider new grazing and tilling to be those operations that are initiated on newly cleared areas that have not been part of an existing farm's operation. Fields which are in a farm's normal rotational use may be maintained in the rotational use. However, if a field reverts to primarily woody vegetation, any reuse of that field must be done in accordance with the clearing standards, which contain provisions for maintaining vegetated buffer strips between the land use and the water body or wetland.

The agriculture standards will most likely be further revised within the next year or two, following the development of "best management practices" (BMP's) for agricultural activities. This effort is currently underway and involves the DEP, the Department of Agriculture, and other related interest groups.

The above discussion should be viewed only in the context of shoreland zoning requirements. State law prohibits discharges of pollutants into waters of the state. If agricultural activites, including tilling of soil and grazing of livestock results in unreasonable discharges of pollutants, including sedimentation into surface waters, the DEP may take enforcement action.

Local ordinances must be updated to be consistent with, and no less stringent than, the guideline ordinance, and be submitted to the DEP no later than December 31, 1991.



STATE OF MAINE

Department of Environmental Protection

MAIN OFFICE: RAY BUILDING, HOSPITAL STREET, AUGUSTA
MAIL ADDRESS: State House Station 17 Augusta 04333
207-289-7688

JOHN R. McKERNAN, JR.
GOVERNOR

DEAN C. MARRIOTT
COMMISSIONER

Annual Report

Enforcing Maine's Environmental Laws
August 1990

This second Annual Report on enforcement of Maine's environmental laws reflects our continuing commitment to protecting our natural resources and the public health. In the past year the Department resolved 36 percent more cases than the prior year. During this same time frame, civil penalties assessed rose more than 300 percent to over 3.2 million dollars.

The Maine Department of Environmental Protection believes that enforcement is an essential part of a comprehensive program to protect our environment. Thanks for the success of the program go to the DEP enforcement staff and our colleagues at the Attorney General's Office.

I welcome your comments on how we are doing.

Dean Marriott
Commissioner

EXHIBIT E-3

printed on recycled paper

ENFORCEMENT REPORT FOR FISCAL YEAR 1990

The Department of Environmental Protection's commitment to strong enforcement of Maine's environmental laws sparked increased activity of greater scope in Fiscal Year 1990 (hereafter "FY90"), which encompasses the period from July 1, 1989 to June 30, 1990. During that time a record number of cases were resolved and total assessed penalties increased 300% to $3.2 million. The Department also broadened its enforcement perspective and increased the number of resolutions involving multiple bureaus. By adopting this approach, the Department breaks out of the compartmentalization that frequently results in pollution being shifted from one program media to another rather than focusing on pollution prevention.

But, increased enforcement activity has not come without controversy. As the Department completed a round of enforcement activities targeting the major industries of the State and began to closely examine environmental compliance at many smaller businesses, we discovered that public support for environmental protection has its limits. The reaction of small businesses and municipalities to compliance through enforcement has been one of dismay, even though in many cases enforcement comes only after the violator refuses to heed technical advice provided by DEP staff. The attitude appears to be that it is acceptable for these groups to violate the law because the costs of environmental compliance are high.

However, in the State's view, compliance with environmental laws is not a matter of competing resources, but rather an issue of environmental ethics. If a polluter, large or small, public or private, is committed to the goal of protecting Maine's environment, that commitment must be reflected in a budget supporting that goal. All Maine's citizens must make pollution prevention their number one goal, and the reduction, control and treatment of waste streams their secondary objective. When a polluter puts production and efficiency above pollution treatment and control, when pollution control equipment is the last budget item to receive funding, it is the Department's responsibility, on behalf of the people of the State, to move beyond technical assistance. The Department must, through enforcement, compel that polluter to reorder its priorities.

Diligent and fair enforcement of environmental laws is difficult to achieve and maintain. As this report indicates, Maine's record places it in the vanguard of environmental enforcement in New England and the nation.

Summary of Enforcement Activity

I. Number of cases resolved.

Although a number of enforcement staff positions remained vacant due to budget constraints, in FY90 there was a 36% increase in the number of formal enforcement actions resolved. However, the number of formal enforcement cases

resolved (see Figure 1) tells only part of the story: in fact, only one in ten complaints of violations actually works its way to formal enforcement. The other 90% are not violations, are minor in nature, or are easily corrected through technical assistance and voluntary compliance.

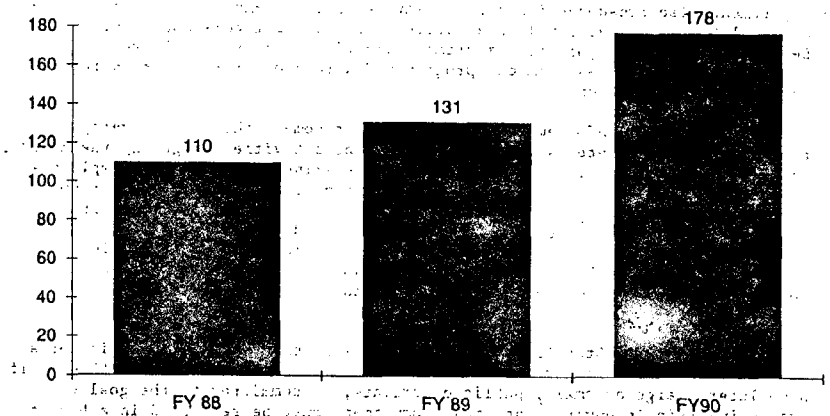


Figure 1. Number of cases resolved, by fiscal year.

An excellent case study of the complaint/compliance/enforcement process can be found in the program to remove overboard discharges. Approximately 230 complaints of illegal overboard discharges were pending in FY90. During that period, 12 complaints were investigated and determined not to be illegal discharges, 30 complaints were referred to Local Plumbing Inspectors for action, and 48 discharges were removed voluntarily with technical assistance provided by Department staff. Only two cases were concluded through formal enforcement action. This ratio of complaints, compliance and enforcement, including the number of cases awaiting investigation and resolution, is representative of the enforcement process throughout the Department.

All five of the program bureaus increased the number of cases resolved in FY90. The Bureau of Air Quality Control's ("Air Bureau") enforcement program experienced the most dramatic increase (see Figure 2) as the efforts of the new, full-time air enforcement staff began to show results.

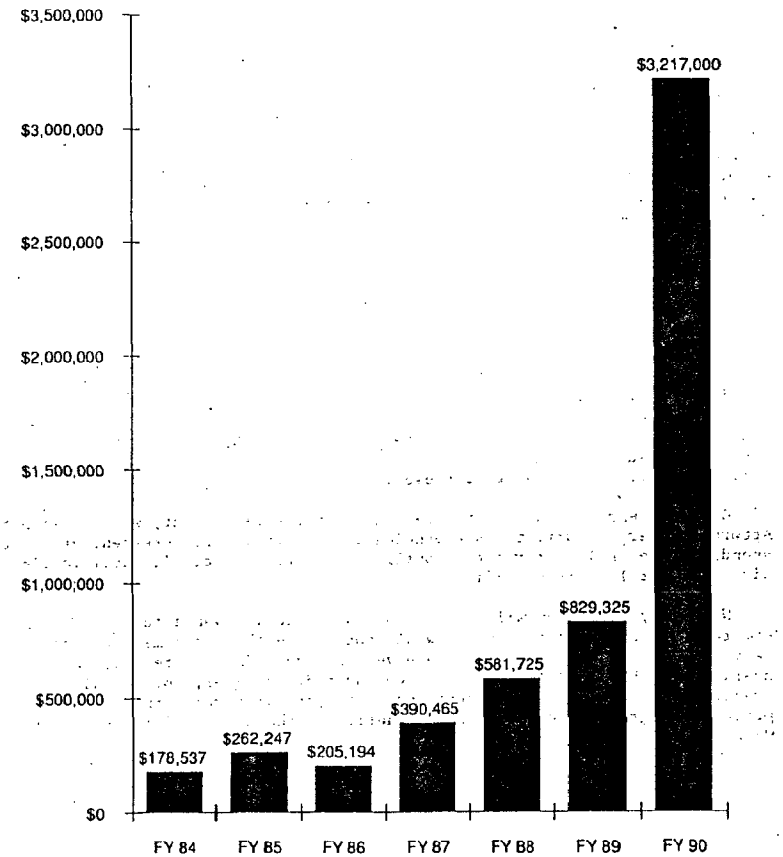


Figure 4. DEP enforcement penalties assessed to the general fund.

Another factor prompting the increased penalty dollars assessed in FY90 was "economic benefit." To comply with environmental requirements, sources of air and water pollution must install, operate and maintain appropriate pollution control equipment. Failure to install this equipment can mean significant cost savings for the violator who delays or avoids these expeditures. But calculating the economic benefit derived from non-compliance and including that figure in any penalty assessed balances the equation; the Legislature has provided by statute that the Department may seek penalties equal to twice the economic benefit derived from an environmental violation. This removes any economic incentive for non-compliance. Although not easily calculated in most situations, economic benefit can be a very effective, objective basis for establishing penalties.

CONCLUSION

The Department's management team and enforcement and compliance staff have worked hard over the last few years to develop a strong, effective and consistent environmental enforcement program for the State of Maine. As a result of those efforts, the Department, through its staff, has gained respect from industries and individuals alike as an agency that will work with the public to ensure compliance with the State's environmental laws, even as it insists on strict adherence to those laws.

Criminal enforcement is one area in which the Department, working with the Attorney General's Office, is expanding its efforts. The deterrent effect of spending time in jail for intentionally, knowingly and/or willingly fouling the air, water or land is significant.

Not every violation will receive our attention. Even a full complement of enforcement and compliance staff would not enable the Department to address the many thousands of complaints it receives each year in a state that makes up nearly half the total land area of New England. However, working with available resources, we will continue to target our enforcement initiatives to produce the greatest environmental benefit for the people of the State of Maine.

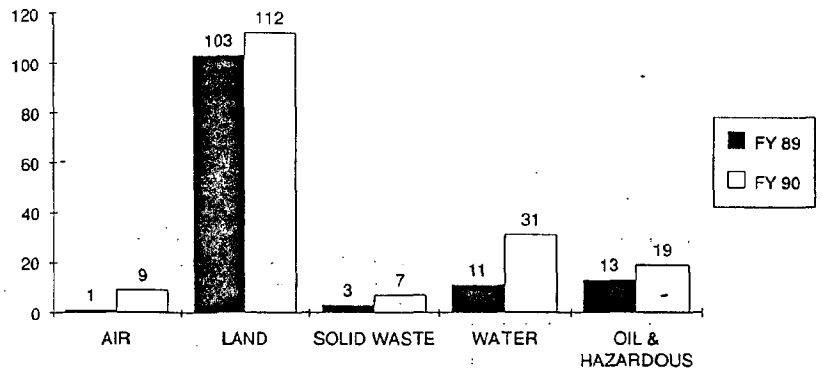


Figure 2. Number of cases resolved, by bureau.

As the Department's enforcement program has matured, so has the process for investigating and developing an enforcement case. The Attorney General's Office has trained staff and provides guidance throughout the enforcement process. A new Consent Agreement Policy was approved this year by the Commissioner, the Board of Environmental Protection and the Attorney General. The wealth of knowledge Department staff have gained through experience has translated into standard procedures that enhance quality control and quality assurance, while at the same time shortening the internal review that all enforcement actions must undergo before being presented to a violator.

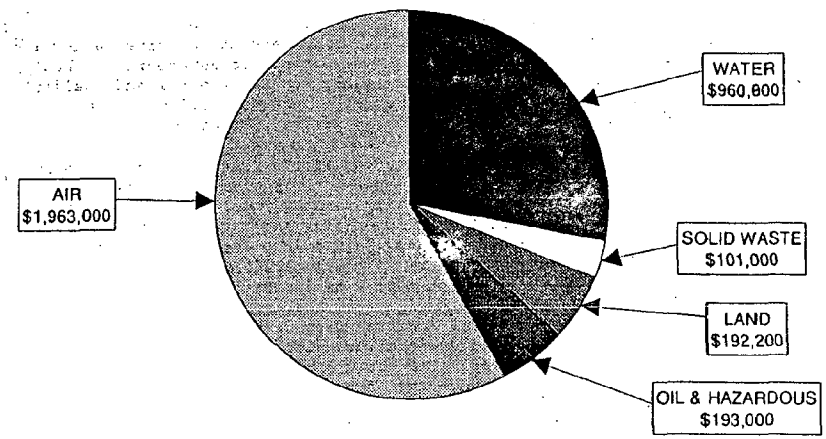
The formal enforcement process has changed little from that described in our last annual report. Administrative consent agreements are by far the most frequently used enforcement tool, accounting for the resolution of 89% of all formal enforcement actions in FY90. The remaining cases were resolved either in Superior Court by the Attorney General (6%) or in District Court using Rule 80K (5%). The latter is a rule of court allowing certified and authorized Department staff to prosecute cases on behalf of the State.

More important than the abstract numbers, many of the cases resolved in FY90 will result in very real environmental benefits for the people of Maine. For example, enforcement action prompted the MERC facility in Biddeford to permanently seal the equipment responsible for several episodes of ash fallout. The town of Thomaston agreed to undertake extensive renovations of its wastewater treatment plant which may, in turn, result in the reopening of acres of clam flats for harvesting. Champion International in Bucksport moved its chlorine storage from a residential area to the mill complex and installed alarms to detect malfunctions of the chlorine system, thereby removing the potential for unmonitored releases. Finally, Georgia Pacific agreed to undertake specific steps to improve fish passage on the St. Croix as part of a settlement for air emission and water quality violations.

These are just a few examples of the environmental benefits obtained in FY90 through formal enforcement. An additional 174 other enforcement actions resulted in pollution cleanup or pollution prevention.

II. Penalties assessed.

The increase in FY90 penalties was dramatic, amounting to more than four times the dollar figure assessed in FY89 and more than the entire amount assessed in the seven previous years (see Figure 4). Although most bureaus increased the penalties they collected, the tremendous increase is largely attributable to the coming of age of the Air Bureau's enforcement efforts (see Figure 3). For the first time in the history of air emission regulation in Maine, both large and small sources are facing penalties for failure to abide by the standards found in their licenses and in State statutes. For the Air Bureau, FY90 was a year of pursuing old violations that had accumulated during years when virtually no enforcement action took place. Although there are still several major sources that have enforcement action pending, the record penalties assessed by the Air Bureau will hopefully diminish in years to come as the deterrent value of high penalties, and the resultant negative publicity, take effect.



178 ACTIONS RESOLVED
$3,410,000 in enforcement penalties assessed to dedicated & general funds.

Figure 3. DEP enforcement penalties by bureau for FY90 (includes penalties assessed to dedicated funds).

QUARTERLY REPORTS FROM COASTAL COORDINATORS

SOUTHERN MAINE REGIONAL PLANNING COMMISSION'S FIRST QUARTER REPORT -- COASTAL SECTION. This report covers work performed from 8/1/90 through 10/31/90.

A. SHORELAND ZONING

OVERVIEW

All things considered, the coastal towns in this region have made fairly good progress this quarter on shoreland zoning (with SMRPC's assistance). Three of the twelve communities -- Biddeford, Kennebunk and Wells -- now have final or near-final drafts completed. Another four towns -- Arundel, Eliot, Ogunquit and York -- are working on their ordinances and will likely meet next year's regular town meeting deadlines (some of these towns have their town meeting in the summer). South Berwick and Old Orchard Beach have not yet started working on their ordinances but are just finishing comprehensive plans and say they will work on shoreland zoning as the first part of their zoning revision process. Both these towns have a Town Council form of government and so they have a lot more flexibility in terms of meeting the December '91 deadline. Kittery and Saco also have Council forms of government and plan to have ordinances in place sometime next year. Only one town with a town meeting form of government has yet to begin its shoreland zoning revisions, and this town (Kennebunkport) almost always has a second town meeting late in the year. Each town's progress is described in more detail below.

TOWN SUMMARIES

Arundel While our workplan scheduled Arundel shoreland zoning assistance for the second quarter, some work began this quarter. The Planning Board has directed the town's new part-time professional planner to prepare a SLZ draft ordinance and the planner has sought SMRPC assistance. SMRPC's coastal coordinator met several times with the new planner and is currently preparing a list of needed/recommended changes. As Arundel's town meeting is in June, there still seems to be adequate time to meet next year's deadline.

Biddeford Biddeford has completed its proposed shoreland zoning revisions with SMRPC's assistance. The revisions have received Planning Board approval and have been incorporated into a new city-wide zoning package scheduled for consideration by the City Council next month (November).

Eliot Eliot has just recently gotten started on its shoreland zoning work. SMRPC provided quite a bit of assistance to town officials via telephone during the latter part of the quarter. Additionally, assistance was provided to the CEO (who sometimes acts as the planner) with the drafting of the shoreland zoning map. Assistance with ordinance writing will probably be provided during the second quarter, as indicated in the workplan.

Kennebunk Extensive assistance was provided to Kennebunk's Town Planner this quarter; the town now has a final draft shoreland zoning section of its ordinance awaiting Planning Board approval

Kennebunkport Little assistance was provided to Kennebunkport this quarter on shoreland zoning. Planning Board members attended SMRPC's SLZ workshops, but have not begun to do much work on their ordinance, nor are they interested in any assistance just yet. The town is scheduled for second quarter assistance in the workplan.

Kittery Kittery recently hired a new Town Planner (from out of state) and SMRPC provided assistance to him this quarter on understanding the new SLZ guidelines. Kittery's new harbor plan contains shoreland zoning recommendations but they are not particularly useful as no basis for the recommendations is included. Kittery's entire new zoning ordinance ("unified development code") was recently abolished by referendum so shoreland zoning is only one of many zoning issues the town is working on. Additional assistance will be provided next quarter.

Ogunquit SMRPC reviewed Ogunquit's shoreland zoning work at the beginning of this quarter and provided extensive comments/suggestions. These comments were passed on to the consultant the town has hired to assist them with their overall zoning rewrite, and SMRPC has not heard from the town since. Ogunquit is planning to adopt the whole zoning package at its March, 1991 Town Meeting. Local officials will be contacted soon to see how things are going.

Old Orchard Beach OOB is will not be working on its shoreland zoning provisions until early next year, as the comprehensive plan is just now being finalized. The council form of government should allow the town to adopt the necessary revisions prior to next year's deadline.

Saco No shoreland zoning assistance was provided this quarter. City planners feel they're on track with the revisions, and will be in compliance on schedule.

South Berwick No shoreland zoning assistance was scheduled for, or provided to, South Berwick this quarter. As indicated in the workplan, the town is waiting until after adoption of the comprehensive plan to begin its zoning revisions. This seems feasible with respect to the deadline, given that South Berwick is another town with a council form of government.

Wells SMRPC recently provided the Wells Planning Board with a second draft of the proposed shoreland zoning revisions. Assistance will continue on schedule.

York Follow-up assistance to last quarter's work was provided in the form of a draft rewrite of York's "Nonconforming situations ordinance" that brings this section of York's zoning ordinance into compliance with the shoreland zoning guidelines. No other assistance has been requested to date; the coastal coordinator will contact the town next quarter to see how the rest of the revisions is going.

REGION-WIDE SHORELAND ZONING ASSISTANCE

The coastal coordinator held a regional workshop in Kennebunk in late

EXHIBIT E-4

September which attracted a small (nine people) but lively group of local officials from six area towns. While attendance was less than had been hoped for, typically the one Planning Board member or other town official that attends these workshops serves as the motivating force for the rest of the Board. A copy of the outline and some of the overhead projections etc. that are used at these workshops is enclosed.

As promised in the workplan, the coastal coordinator has continued to put articles in the SMRPC Newsletter on shoreland zoning. Copies were enclosed with the general fund quarterly report.

Technical assistance on the guidelines via telephone was provided to a variety of town officials from various boards or offices.

Work has also begun on the development of model performance standards that go beyond the minimum guidelines. As it was very important to coordinate this work with the state OCP and other regional agencies, it was not possible to begin this work until late in the quarter. The coastal coordinator has now begun collecting information from other state agencies and local/regional offices on recommended buffers and other protective measures to address wildlife and water quality concerns in non-resource protection districts of the shoreland zone. As it is important that these model standards be developed soon in order for them to be useful, draft standards should be prepared by the end of next (the second) quarter.

B. TECHNICAL ASSISTANCE ON COASTAL POLICY IMPLEMENTATION

COMPREHENSIVE PLAN ASSISTANCE

SMRPC's workplan scheduled significant assistance for three towns during the first or second quarters. These three towns are discussed below

Eliot The coastal coordinator has corresponded by mail and telephone with members of Eliot's comprehensive planning committee and offered to review the coastal section of their plan. To date the committee has not availed themselves of this service. It is not clear whether this is because little has been completed yet on this subject or because they are not interested. Contact will be renewed next quarter.

Kennebunk Detailed comments on Kennebunk's draft marine resources section of the comprehensive plan were provided this quarter. A follow-up discussion was held with Kennebunk's Town Planner, and the comments have been passed on to the town's consultant.

Wells Comments on a partial draft of Well's marine resources section were prepared and sent to the town late this quarter. The present draft consists of basically inventory and a little analysis. The planning committee has been debating policy issues inconclusively for the last six or eight months.

OTHER COASTAL POLICY RELATED ACTIVITIES

Assistance was provided to Wells on its harbor management grant commencement process.

The coastal coordinator participated in a variety of coastal meetings and forums this quarter including: A forum in York with the York Planning Board, York Conservation Commission and Central Maine Power on protecting a particularly valuable wildlife and scenic resource area along the York River; A meeting of the New Hampshire and Maine Piscataqua River Study Commission that identified coastal planning issues for the Commission to address; and a meeting on the impacts of the Port of Portsmouth expansion plans on southern Maine coastal communities.

Assistance was provided to the Great Works Regional Land Trust and the Town of South Berwick on protection efforts for tidal portions of the Salmon Falls River.

Assistance was provided to the Kittery Conservation Commission on the development of a possible 205j grant project to study pollution sources and management strategies for the Spruce Creek watershed.

Work on the berthing study (an on-going project) was put on hold this quarter, but will hopefully be wrapped up next quarter.

Other activities, such as attending OCP bi-monthly workshops and disseminating news and information on Coastal Program activities, events and publications, were carried out as usual.

Greater Portland Council of Governments
233 Oxford Street · Portland, Maine 04101 · (207) 774-9891

October 2, 1990

TO: Marvin Rosenblum

FROM: Mathew Eddy MAE

SUBJECT: First Quarter Report for FY91

I. Contract Coordinators

Miracle of miracles: the coordinators remain unchanged.

II. Coastal Program

A. **Coastal Policies.** Staff has been active in the development of the Casco Bay Estuary Program. Tasks have included membership on the original steering committee, on the Technical Advisory Committee and on the Local Government Committee. We have also served as a liaison between the Government Committee and the Citizen's Interest Group Advisory Committee. We have assisted, in conjunction with the Mayor of Portland, in the calling together of the Government Committee and have provided limited assistance to DEP and EPA in organization of tasks and contacts. At the same time, we have continued our relationship with the Friends of Casco Bay and have assisted in the summer workshop series. Finally, we have kept our communities aware of the activities related to the Casco Bay Program through our newsletter.

B. **Shoreland Zoning.** Please find attached letters formally inviting coastal (as well as inland) planners to our initial workshop on shoreland zoning. We have begun initial investigative work on local ordinances and have become familiar with the new rule criteria. Initial contacts were made with Portland, South Portland, Scarborough, Brunswick and Yarmouth to assess there interest in the program and what they might be looking for for product.

C. **Direct Technical Assistance.** Pleased see the attached letter for our first scheduled workshop. A working alliance with local planners will be established as a result of that meeting.

D. **General Assistance.** Please see our attached newsletters for information related to announcements, etc.

Bridgton · Cape Elizabeth · Casco · Cumberland · Cumberland County · Falmouth · Freeport · Gorham · Gray · Harrison · Naples
New Gloucester · North Yarmouth · Portland · Pownal · Raymond · Scarborough · Sebago · Standish · Westbrook · Windham · Yarmouth

III. Growth Management

A. **General Fund.** Please see our newsletter for information related to various announcements, etc. We have also contacted all of our communities to solicit their interest in the floodplain program and will expend more energy in that direction during the winter quarter.

B. **Growth Management.**

Monitoring and Technical Assistance. Our monitoring assistance for this period has been turned into Henry Nichols. We have also been working with the Towns of North Yarmouth and Sebago (once again) to try and help them out of the problems they have had with the planning process. At this time, it looks like North Yarmouth will contract directly with us to help them finish their work.

Round Assistance. We have provided extensive technical assistance to the towns of Brunswick and Scarborough. Information that we have developed for them is attached. We have also met with Henry Nichols and Brunswick representatives to review their work program. We have also held discussions with Cape Elizabeth officials concerning their status, which at this time, is still uncertain (although they are leaning towards waiting for one year).

Education. Please find attached packets put together for our first educational programs. Attendance has been relatively good, although the Selectmen training has been a flop. We are continuing to work with our Executive Committee to obtain greater participation.

Special Projects and Subregional Forums. We have not done very much work in this direction, beyond assigning staff and establishing a work program outline for each.

Regional Review. Staff have been assigned; we are awaiting our first plans.

September 28, 1990

TO: Coastal Community Planners

FROM: Rick Seeley, Coastal Coordinator

SUBJECT: GPCOG's Shoreland Zoning Technical Assistance Program for FY '91

This year, most of GPCOG's Coastal Program funding is dedicated to providing technical assistance for updating coastal communities' shoreland zoning.

Program Overview

We have designed our workplan to assist your communities with:

1) Identifying specific measures needed to bring local ordinances into conformance with the new minimum requirements of state law,
2) Updating assessments of local shoreland-related land use needs and policy issues,
3) Developing model shoreland zoning ordinance provisions to meet the needs identified and the new minimum requirements, and
4) Assisting interested communities with drafting amendments to their shoreland zoning ordinances.

We plan to accomplish the first three tasks by February 1991, so as to lay the groundwork for individual communities' work on ordinance amendments.

To begin identifying specific measures needed to bring local ordinances into conformance with the new minimum requirements of state law, **COG will hold a morning joint meeting for coastal planners on Wednesday, October 17, 1990, from 9:00 am to 12:00 pm, in the large conference room at COG's Offices, 233 Oxford Street, Portland.** At the joint meeting:

Rich Baker, DEP's Shoreland Zoning Coordinator, will present an overview of the changes to the Shoreland Zoning Law and Guidelines, with ample time allowed for questions and answers.

I will present a brief overview of the remainder of COG's Technical Assistance Program.

Tom Burns will give a demonstration of COG's GIS capability and current GIS projects relevant to the region's communities.

COG's inland communities face the same deadlines for updating their shoreland zoning ordinances and share some of your issues concerning inland wetlands, streams, rivers and water dependent uses. They may have valuable insights to offer, and may ultimately be able to benefit from relevant portions of the model standards to be developed later in the process. Accordingly, we also invite local officials from inland communities to attend the October 17 joint meeting.

To update our assessment of local shoreland-related land use needs and policy issues, COG is conducting a waterfront needs survey, interviewing coastal land users in each of the coastal communities. At the same time, I will be reviewing coasral communities' local comprehensive plans' policies or draft policies related to shoreland issues. Before and after the October meeting, I will be conducting a detailed review of each coastal community's shoreland zoning provisions to assess what changes need to be made to conform with the new law, and more importantly, to learn how the existing provisions do and do not address shoreland policy issues and land use needs of local importance and concern.

In December, COG will hold a second joint meeting for coastal planners at which we will present the findings of our review of local ordinances and policies and the results of our waterfront survey. We will also outline a proposed set of model shoreland zoning provisions and ask for direction from you concerning their development .

Next, we will prepare a draft or drafts of the model provisions for your review and comment during their development. At present, we anticipate that we will produce model provisions tailored to meet the identified needs of rural, urban and island shoreland areas. We plan to complete the model provisions by the end of February 1991.

Thereafter, I will be available on request until to provide general technical assistance to individual communities with updating and improving their shoreland zoning, with or without the use of the model standards or parts thereof, depending on your community's desires.

I look forward to working with you on this project, and I remain available at any time should you have questions concerning any of the new requirements or suggestions concerning development of the model provisions. Please call me at 774-9891 if you have any questions.

CAPITAL COASTAL COUNCIL OF GOVERNMENTS

FIRST QUARTERLY REPORT

November 1, 1990

TASK A. Local Adoption of Shoreland Zoning Ordinances

The emphasis of this first quarter has been on the sub-regional workshops which will be supplemented by individual meetings with each planning board during the next quarter. Care was taken to schedule the workshops to avoid conflicts with planning board or comprehensive plan meetings. Attendance at the workshops was disappointing despite the sub-regional meeting locations, personalized letters of invitation, and phone conversations with most of the planning board chairs. I expect that the follow-up meetings will be more productive.

1. Preliminary Town Status Report - Submitted September 17, 1990

2. Individual Town Evaluations - This task will be completed during the second quarter in conjunction with the individual meetings that are being scheduled with each town.

3. Sub-regional Shoreland Zoning Meetings - Three sub-regional workshops were held for 11 of the coastal towns to give them an overview of the new Guidelines. Personalized invitations were sent to each town's planning board chair and code enforcement officer. The remaining 8 towns were not offered a sub-regional workshop because they had already completed their shoreland zoning ordinance amendments or they had previously been presented with the introductory material at an individual meeting.

Products: a. list of sub-regional workshops
b. invitation letter example, workshop agenda, handouts and attendance sheets.

4. Individual Technical Assistance - Each town has received a follow-up letter from CCCOG offering to meet with the planning board to begin the shoreland zoning ordinance update process. CCCOG will be providing each town with a set of topographic maps for the town which have been marked to show the wetlands and streams which must now be included as part of the shoreland zone.

Products: a. TA letter example
b. log of TA provided during the first quarter

TASK B: Coastal Policies Implementation

Individual Meetings with Towns - CCCOG staff met with the comprehensive planning committee of Topsham to discuss the coastal policies. The agency is under contract with the Town to provide the marine resources element of their plan which will include consideration of the coastal policies.

Products: draft outline of the marine resources plan element

TASK C: Planning and Appeals Boards Basic Training

No work will be completed on this component until next quarter.

CCCOG TECHNICAL ASSISTANCE LOG

November 1, 1990

This log builds upon the Preliminary Town Status Report prepared in September.

BATH
CCCOG will be discussing the necessary shoreland zoning amendments with the City's new planner, Matt Eddy, when he gets on board in late November. The Planning Board has recently lost their very competent Chair and will need Matt's guidance in making any policy decisions related to ordinance amendments.

BRUNSWICK
Amy has requested a review of the shoreland zoning related amendments which she has drafted. I will be following up with recommendations if needed.

GEORGETOWN
I have met with members of the Planning Board to review their existing land use maps and will be reviewing the revised ordinance adopted in June before meeting with them again to make recommendations on both the maps and ordinance.

PITTSTON
I have met with the Planning Board Chair to review the Town's existing maps and to discuss the Town's current shoreland zoning which places much of the shorefront in resource protection. This appears to be overly restrictive and should be reviewed as the Town considers the additional areas which must be protected. I will be meeting with the Board to present the topographic maps and ordinance recommendations.

RANDOLPH
I have talked with the Selectmen and they seem committed to reactivating the Planning Board. In the mean time, the code enforcement officer has been charged by the Selectmen with drafting the shoreland zoning ordinance update. He will attempting the first draft which I will review prior to our joint meeting with the Planning Board.

TOPSHAM
I met with the comprehensive planning committee to discuss coastal policies as part of the marine resources portion of their comprehensive plan.

At the workshops or over the phone, I have talked with representatives from an additional 12 towns about their ordinance update process but I have not yet scheduled individual meetings with most of them. These meeting dates will be set during the next several weeks.

CCCOG

COASTAL SUBREGIONAL SHORELAND ZONING WORKSHOPS

TOWNS	MEETING DATE
Georgetown Woolwich Phippsburg Arrowsic	September 27, 1990
Topsham Bowdoinham Richmond	October 17, 1990
Dresden Pittston Chelsea Randolph	September 16, 1990

COASTAL TA REPORT: 1st QUARTER

TASK A: SHORELAND ZONING

Technical Assistance

The EMCRPC Coastal Planner contacted coastal town Planning Boards during the 1st Quarter to discuss local shoreland zoning issues, to offer ordinance assistance, and to help them establish a timeframe for SZO revisions. Several towns are moving along with the revision process, and are relying on our TA to produce a workable draft that will be ready for public hearings during the next three or four months. Below is a town-by-town summary of the shoreland assistance provided by the Coastal Planner and other EMCRPC staff during the 1st Quarter:

Camden
Met with a member of the Planning Board and Zoning Board to discuss shoreland zoning, wetlands protection, and questions on the provision for a "Certified Wetlands Plan" in Camden's zoning ordinance. Camden adopted the State minimum shoreland regulations last June, but will amend their ordinance based on revisions to the Comprehensive Plan (in progress).
Also provided shoreland zoning information to two Camden area Realtors.

Cushing
Spoke with Planning Board on identifying and zoning shoreland areas that must be in Resource Protection. Cushing has also indicated that they need help with preparing the shoreland zoning map. Although the Town seems reluctant to do more than what is required by the State minimum Guidelines, EMCRPC is encouraging the planning board to carefully consider Resource Protection districts and the CFMA district.

Friendship
Met with the Planning Board to discuss Friendship's SZO, and the steps towards revising the local ordinance during the next year. The St. George draft SZO was used as an example, since Friendship's issues are similar (e.g., CFMA Districts). The Coastal Planner will meet again with the Planning Board in November, after they have had time to review the sample ordinance relative to our discussion at the meeting.

Isleshoro
The Island has contracted with EMCRPC to complete a set of three maps (template, lot map, and wetlands map) to be used for planning and zoning purposes.

Lincolnville
Spoke to the CEO on the July 1990 amendments to the State SZ Act regarding mitigation of SZ violations. The CEO was interested in enforcement of the penalties for violating (e.g., dumping gravel into a pond) shoreland regulations.

Matinicus
Staff spoke with the assessor from Matinicus on a number of occasions concerning the Island's Comprehensive Plan and shoreland zoning. Since Matinicus is a LURC plantation, the process will be different from other towns, and will involve working closely with LURC and OCP to determine the procedure for developing the Comp. Plan and the Implementation Program.

North Haven
Provided subdivision information to the Planning Board Chair and the CEO. EMCRPC's Coastal Planner is continuing discussions with the Planning Board and Board of Selectmen regarding a 600-ft. setback from Fresh Pond, North Haven's public water supply. Also provided training and certification information to the CEO.

Northport
Provided materials from the coastal workshop on Comp. Planning & Shoreland Zoning to the Northport Comp. Plan Committee, who were unable to attend.

Owls Head
Continued helping the Planning Board to prepare the amended Land Use Ordinance for Town vote (passed in October). The next step will involve revising the shoreland regulations, probably integrating these into the Town-wide ordinance.

Rockport
Provided information to the Town on potential funds to help Rockport purchase a half-acre waterfront parcel abutting the Town landing.

Rockland
EMCRPC staff completed the Development Review Procedures handbook for the City of Rockland. EMCRPC staff continued to provide TA to the City Planning Board as they development recommendations for zoning ordinance amendments (rezoning commercial and residential districts) for City Council review and approval.

South Thomaston
Met with the Long-Range Planning Committee/Planning Board, to continue SZO revisions. Assisted the Planning Board chair and members of the LRPC with a cluster development provision for the shoreland zone (see Attachments). This provision has been shown to other towns (St. George, Friendship) which are considering cluster development provisions in their ordinances. The Coastal Planner will continue meeting with the Planning Bd. Chair and LRPC to prepare a draft SZO for the first public hearing in December.

St. George
The EMCRPC Coastal Planner has been working closely with the Planning Board on SZO revisions. The Planning Board subcommittees, each working on different SZO districts, have identified specific recommendations for areas that should/could be zoned for Resource Protection, CFMA, and Stream Protection. Recommendations for the CFMA District included rezoning some sections and parcels of the shoreline that are currently zoned Marine Residential, and establishing land use standards that will promote commercial fishing activities and reduce nonconformancy in those areas. Separation of commercial and residential uses, which are currently lumped into the Marine Residential District, into Limited Residential and Limited Commercial Districts will help clarify appropriate uses in those zones. The Land Use Table (Section 14) will specify permissible uses, going into more detail than the State model.

A draft will be ready for the first public hearing in December; the ordinance will be ready for Town vote at a special Town Meeting in the Spring. Since St. George is just beginning the Comp. Plan, the Town will likely adopt the basic State Model SZO at first (with some revisions mentioned above), and amend it later according to policies and goals developed in the Comp. Plan.

Thomaston
Investigated the sewer and building permit application process regarding a subdivision in Thomaston. Conflicts (and threatened lawsuits) between developers and the Town have resulted from the Town's sewage treatment capacity problems, and the Consent Agreement with DEP that restricts new sewer hook-ups. EMCRPC staff discussed the problem with the Town Manager, members of the Comprehensive Plan Comm., Planning Board, Sewer Committee, DEP, and the developer. On the advice of the Town Attorney, the developer was given four of the nine building permits he had requested. The Town ratified the Consent Decree at a special Town meeting, which will restrict issuance of additional building permits.

Vinalhaven

EMCRPC anticipates working with the Vinalhaven Planning Commission on revising Island-wide districts. The VPC is revising other sections of the Land Use Ordinance (using EMCRPC recommendations made earlier this year), and they want our assistance in defining districts and developing a better land use table in the ordinance. The new ordinance will probably include a Shoreland Overlay District, Watershed Protection Overlay District, in addition to the CFMA, residential and limited commercial zones in the State SZO. (The Marine Law Institute handbook on shoreland zoning options will be useful for this project.)

Warren

Contacted the Town manager about the proposed nickel mine near Crawford Pond, and offered our assistance in reviewing the shoreland zone around the pond, and the impacts of mining activities on the water quality and other resources in the pond's watershed.

TASK A - 1st Quarter Workshops:

EMCRPC Coastal Planner participated in the Maine Coast Scenic Workshop in Bar Harbor in September. There was a good turn-out from our communities. The conference was especially useful in helping participants understanding the benefits in protecting scenic and other natural resources through the growth management process.

EMCRPC conducted a workshop in October on the link between comprehensive planning and shoreland zoning (see Attachments). The requirements in the State's Mandatory Shoreland Zoning Act and the Growth Management Law made this a timely and important topic for a Fall workshop. The agenda included a review of the comprehensive planning process and the zoning options outlined in the new Marine Law Institute handbook, "Comprehensive Planning & Shoreland Zoning". Staff from OCP discussed other shoreland zoning issues. More than 30 people attended, representing at least 11 towns (coastal and inland). Others have requested copies of the MLI handbook, and have asked for our assistance in incorporating shoreland regulations into town-wide land use ordinances.

The DEP Office Hours Clinics were not held during this quarter, since the Shoreland Zoning / Comprehensive Planning workshop provided a similar opportunity for towns to discuss shoreland issues with the Coastal Planner and with a representative from OCP's Coastal Program. Workshops such as the one held in October, which focus on a specific issue or problem and allow time for discussing other shoreland issues seem to be more effective. However, Office Hours will be scheduled in the 2nd Quarter if necessary.

TASK B: COASTAL POLICIES

Of the three Tier I coastal communities in the EMCRPC district, Warren was the first to submit their Comprehensive Plan for State review. EMCRPC staff are reviewing the Plan as well. The Coastal Planner will comment on the Coastal Policies and natural resources sections of the Warren Plan.

Warren held a regional on November 13, and invited neighboring communities to discuss interlocal and regional issues, and to discuss how these issues were addressed in Warren Comp. Plan. Northport and Thomaston are scheduled to submit their Plans in April 1991 and February 1991, respectively. The Coastal Planner will meet with both Comp. Plan Committees in the next quarter to discuss Coastal Policies and review drafts of the relevant sections in the Plans.

Tier II towns are just getting started. Through our workshops and general coastal TA, we have stressed the importance of comprehensive planning and the relationship between comprehensive plans and shoreland zoning in each community. At least one of the future quarterly workshops will focus on Coastal Policy-related issues.

TASK C: GENERAL TECHNICAL ASSISTANCE

The Coastal Planner continues to provide general assistance to all coastal communities regarding shoreland and related issues. Most of the questions, particularly from planning boards, are about subdivisions that are in or adjacent to shoreland areas. Other questions concern local ordinance administration and enforcement. Workshops will be scheduled in the next three quarters to address some of these issues.

Coastal Planning Grants (1990)

Belfast and St. George are running behind schedule, due to the delayed notification of their grant awards. Memos were sent to the Comprehensive Plan Committees, Board of Selectmen (St. George), Harbor Committees, and Planning Board (or Belfast City Councilors) urging them to move quickly with the RFP and selection of a consultant. Both towns were encouraged to coordinate their comprehensive planning, shoreland zoning revisions, and coastal grants projects to make the most efficient use of time and money.

Belfast recently hired a new City Manager; the former one had been the CPG Project Coordinator. The EMCRPC Coastal Planner will be meeting with the new City Manager to discuss the Harborfront Land Use Study (and EMCRPC Coastal TA in general).

Penobscot Valley Council of Governments

COASTAL ZONE MANAGEMENT CONTRACT

QUARTERLY REPORT - July/Aug./Sept FY 91

Contract requirements:

Attended Coastal Coordinator Meetings:
1. July 24, 1990
2. August 28, 1990
3. September - No Meeting

Quarterly Report Enclosed.

Task A: SHORELAND ZONING

I. "Technical Assistance Needs" report enclosed.

II. Assistance Techniques:
a. Log of "Technical Assistance Provided" enclosed.
b. Clinic was given 9/26/90 at PVCOG with Dan Prichard of DEP
c. Videotapes: None loaned out this quarter.

Task B: COASTAL POLICIES

No coastal plans have been submitted this quarter for review. On-going discussions concerning the nine coastal policy issues occur during shoreland zoning ordinance assistance and at other times.

Task C: GENERAL ASSISTANCE

I. Log of assistance to communities is enclosed.

II. Copy of packet sent to CZM community CEO's enclosed.

COASTAL COMMUNITIES: Technical Assistance Log

First Quarterly Report - July/August/Sept. 1990

NOTE: Shoreland Zoning Ordinance revision assistance log separate.

All CZM community CEO's were mailed the informational packet on enforcement and OCP's training and certification program.

1. BANGOR

a. 8/7/90 — Stan Moses, Community Development Office
Information on the CZM Program for future projects.

b. 9/7/90 — John Lord, Senior City Planner
Shoreland Zoning Revision discussion; ordinance manual

c. 9/7/90 — For City of Bangor consultants, CH_2M Hill
Water Quality Reports for sewage outfall project

2. BREWER

* Discussions with City Planner, Tom Kurth, on Shoreland Zoning Ordinance revision.

3. EDDINGTON

* 9/7/90 — Pat Wilking, CPC Chair - Mailed copy of "Comprehensive Planning for Lake Watersheds" manual

4. FRANKFORT

* 8/21/90 — Evelyn Adams, PB Chair - Shoreland Zoning guidelines, non-conforming uses, and sand and salt pile requirements.

5. HAMPDEN

* Discussions with Town Planner, David Gould, about the shoreland zoning ordinance revision.

6. ORRINGTON

8/16/90 — * Visit to PVCOG by Bob Cust, PB member for revised laws and information for new Planning Board members, for shoreland zoning guidelines, wetland rules information, and subdivision law update.

7. PROSPECT

* Discussed with Bill Sneed, PB Chair, about the importance of adopting a locally passed shoreland zoning ordinance to replace their State-imposed one.

8. SEARSPORT

9/17/90 Ginger Aldus, Clerk, Town Office - mailed her the packet on the CEO Training and Certification Program and other enforcement information.

9. STOCKTON SPRINGS

* Correspondence with PB Chair on shoreland zoning ordinance revision.

10. VEAZIE

* Correspondence and meetings with the town manager, planning board chair, and CEO on shoreland zoning ordinance revision.

11. WINTERPORT

8/9/90 Joe Brooks, PB Chair - letter and material including model subdivision regulations manual and confirmation on meeting date of 9/7/90, 7 pm in Winterport.

9/20/90 Meeting covering shoreland zoning guidelines, subdivision review ordinance revision, and planning board roles.

SLZ

Log of Direct Assistance

	Municipality	Date - 1990	Phone/Mail/Mtg.	TO:
	1. Clifton	8/2 & 8/7	Mail	PB Chair
	2. Garland	8/13	Phone & Mail	PB Chair
*	3. Orrington	8/16	Mtg.	PB member
*	4. Frankfort	8/21	Phone & Mail	PB Chair
	5. Bradford	9/6	Mail	PB Chair
	6. Charleston	9/6	Mail	PB Chair
	7. Corinth	9/6	Mail	PB Chair
*	8. Bangor	9/7	Phone & Mail	Sr. Planner
	9. Bangor Hydro	9/13	Phone	Employee
	10. Milo	9/17	Phone	Town Manager
*	11. Winterport	8/9 9/27	Phone & Mail Mtg.	PB Chair PB - Winterpor
	12. Dexter	9/20 9/27	Phone Mtg.	CEO PB/CEO - Dexte

Log of Shoreland Zoning Direct Assistance: October 1990

P = phone
C = correspondence/mail
M = meeting or visit at PVCOG

PB = planning board member
TM = town manager
S = selectman

Municipality	Date	P/C/M	Contact	Topic
Searsport	10/2	p/c	LeeAnn Trenholm, PB Sec.	Fees/ slz
Frankfort	10/2	p	Sandy Stone/ Recreation Dir.	WAG proj. Mtg.
Winterport	10/10	p	PB member	Old v. new ord.
Frankfort	10/10	p	Mike Gallagher/OCP	Frankfort's WAG
Frankfort	10/10	m	Parks & Rec. Committee, 7 pm Town Hall.	RE: WAG
Prospect	10/15	p	Bill Sneed, PB Chair	SLZ ord. revision & mtg.
Searsport	10/22	p	Don Grant, TM	Permits needed for
Searsport	10/24	p		State & Fed's for docks & wharves for inclusion in shoreland zoning ordinance information.
Coast Guard	10/24	p	Called Marine Safety Office in Portland to answer above questions.	
Prospect	10/24	m	3 PB members: Bill Sneed, Diane Terry, & Paul Hamilton.	SLZ ordinance revision.
Frankfort	10/25	p	Evelyn Adams, PB Chair	SLZ ord. revision, WAG mtg. & ZBA status.
Searsport	10/25	p	Don Grant, TM.	Permits necessary. SLZ ord. status.
Winterport	10/25	m	PB	SLZ ord. zoning map draft
Stockton Springs	10/29	p	PB Chair, George Peckham	SLZ ord. rev. mtg. date: Nov. 5, 1990
All CZM mun.	10/29	c	Letters to State people for information on 4 categories on An Atlas of Coastal Maine maps.	
Bangor	10/29	m	Bangor resident interested in slz guidelines.	
Eddington	10/29	p	Audrey Fox, TM.	SLZ ord, revision ta.

HANCOCK COUNTY PLANNING COMMISSION COASTAL CONTRACT

QUARTERLY REPORT: August - October 1990

The tasks outlined below correspond to the tasks outlined in Rider "C" of the HCPC's Coastal Contract.

TASK A SHORELAND ZONING

A.1 A.1.A Commission staff completed The Technical Assistance Strategy (see attachment A for documentation).

A.2 A.2.A No work has been completed this quarter on this activity. This work was scheduled for the second quarter.

A.3 A.3.A Shoreland Zoning Technical Assistance this quarter has consisted of working with local boards to discuss the new guidelines, enhance local awareness of prevalent coastal issues, and to develop plans to implement the new model standards into local ordinances.

Most communities in the region are working to revise their ordinances by Spring Town Meeting. The Planning Commission is encouraging those communities that can tie the shoreland revisions into the implementation phase of their comprehensive planning process, to do so. These communities are Surry, Stonington, Trenton, Blue Hill, Winter Harbor, and Ellsworth.

The direct revision of ordinances and maps will take place throughout the remaining quarters. As the model standards are completed by participating agencies, they will be an important tool for revising local ordinances. (See Attachment B for documentation.)

A.4 A.4.A The Coastal Coordinator and Shoreland Zoning Technical Assistance have attended the OCP bi-monthly training workshops.

TASK B COASTAL POLICIES

The Coastal Coordinator has continued to work with Round one and two communities in Hancock County. A review of Surry's Comprehensive Plan was conducted.

The Planning Commission is currently under contract to work with Blue Hill, Ellsworth, and Trenton on their comprehensive plans. The coastal coordinator is working with the assigned

staff person regarding coastal policies. The coastal coordinator has set a joint planning board, comprehensive planning committee meeting with the Town of Winter Harbor in order to integrate coastal policies into the shoreland zoning and comprehensive planning efforts to date.

Coastal policies and their relation to the growth management process have been discussed with several area Round three towns. (See attachment B for documentation.)

TASK C

The HCPC staff has distributed new coastal information to several area towns to date. One town in the region has in region has indicated interest in the upcoming Waterfront Action Grant Program. (See Attachment C for documentation.)

CZM ADDENDUM

Report for Billing notes: WCRPC, Machias
1st Quarter Report
October 31, 1990

TASK 1. RALLY

Rally conducted 10/15/90
Products attached: Meeting notice
Attendance list
No agenda (rally was more informational and for discussion than formal training session)

Rally participants: 25, representing 10 communities. 8 were of 13 originally targeted with these funds. Of the remaining two, one was coastal; their participation anticipated. The other, Cooper, is a small inland community, quite passive in the past. Their interest is strong and activity in their region expected.

TASK 2. TRAINING

A) The group reviewed the WCRPC program, discussing the content and format of each workshop. Workshop format accepted as means of training assistance. Workshop content perscribed by Rally participants. One issue, "Taking", was added to the list of seven. The Maine Municipal Association has refused a request to assist with the Taking issue.

Ordinance familiarity training. Rally participants requested this training begin by comparison of town shoreland zoning standards with the 1990 Minimum Guidelines for Shoreland Zoninging. Cover pages for two communities, Lubec and Robbinston, are attached. Robbinston's comparison is complete and has been distributed. Lubec's comparison is still in draft form.

B) Rally participants did not wish to commit two Board members to each training session. No limitation was preferred.

Group enthusiastic over public participation efforts being structured to ease time constraints, such as, posted public notices and media notices to contact a single Board member who will record ideas, concerns, issues, and take names of citizens interested in lending a hand in the shoreland zoning effort.

MACHIAS VALLEY NEWS OBSERVER, OCTOBER 31, 1990

Shoreland Zoning Topic of Town's Rally

Selectmen, Code Enforcement Officers, and Planning Board members met with the staff of the Washington County Regional Planning Commission at Graham's Restaurant to work out a technical assistance program for the towns to adopt a shoreland zoning ordinance by next spring. Ten towns were represented and in two hours had agreed on an eight step program which would lean to an ordinance which not only could be adopted by town meting but would meet the standards of the Department of Environmental Protection.

Deborah Dowling, Planner for the Planning Commission, led the group to a consensus after pointing out that no town should allow neglect of locally creating an acceptable shoreland zoning ordinance to open the door to a State mandated ordinance. "The minimum guideline language does not have to be used verbatim when revising local ordinances. There may be other ways to achieve goals. D.E.P. and the Planning Commission encourage originality and sound planning techniques", Ms. Dowling told the group.

The state has set a deadline of December 31, 1991, for all towns to update and adopt as well as submit to the Board of Environmental Protection, shoreland zoning ordinances consistent with the minimum guidelines adopted by the BEP last winter. Copies of the published guidelines have been mailed to every town to help planning boards address the standards set by the law, (38 M.R.S.A. section 435-449).

In the next few months the Planning Commission will be scheduling workshops which will focus on ordinance review, law review, mapping, coastal policies, planning techniques, technical writing, warrant article, and the implications of "taking" when a town zones.

Requests were made by towns with islands to focus on a workshop on how the ordinance could protect "our valuable resources, islands" as a man from Addison stated.

The Planning Commission staff encourages all Washington County towns to begin now with the updating of their shoreland zoning ordinance in order to be well ahead of the deadline and to have by town meeting in 1991, an ordinance to protect shoreland that the town can live with.

The rally was attended by twenty-six people representing the following towns: Beals, Jonesport, Roque Bluffs, Pembroke, Lubec, Machias, East Machias, Cooper, Addison and Robbinston.

TRY, THIS
AT LEAST ON
F THE BILLIAE.

THE SUNRISE COUNTY

WASHINGTON COUNTY
REGIONAL PLANNING COMMISSION

63 MAIN STREET MACHIAS, MAINE 04654 TEL. (207) 255-8686

COASTAL PROGRAM
Glenn Avery & Deborah Dowling
Coastal Coordinators

1st Quarter Report

October 31, 1990

July 31, 1990 to October 31, 1990 Activities ----------

****

SHORELAND ZONING:

The FY89-90 closed literally with a "clinic" including four towns on July 31, 1990. The towns, Lubec, Whitneyville, Roque Bluffs, and East Machias, were instrumental in developing the "workbook" format/product which is currently being used in working sessions. (SEE attached WORKBOOK)

BEALS ISLAND: met numerous times with planning board members, BOA members, and selectmen whereby T/A was given to assist in determining methods for best improving the shoreline ratings in the town. October 9th a town meeting approved ten major protective measures which increased the town's shoreland zoning ordinance strength. Beals planning board is now working with neighboring Jonesport to investigate ways to cooperate in the adoption of an upwards amended ordinance for spring town meeting, 1991. A protective measure to address an interlocal and shared waterbody is being discussed. (SEE attached news article and DEP letter to Beals).

ADDISON: extensive session with CEO on town's improved enforcement procedure relevant to upcoming process for beginning Comprehensive Plan and its relation to the updating and adoption of the shoreland zoning ordinance. Session led to gained seriousness by selectmen who later attended "rally" for "critical towns" held in Machias, October 15th (SEE newsarticle and complete rendering in report under "workshops held".)

Additional sessions, one-on-one, were held with Cutler, Calais, Perry, and Pembroke in the first quarter relative to code enforcement and significance of having a shoreland zoning ordinance capable of surpassing the minimum and ready for town meeting in 1991.

Met with OCP staff to rework "work plan" and to upgrade as well as intensify focus/strategy on identified "critical" towns (13 towns) and additional funding. A training program is now underway to address ordinance review, law review, mapping, coastal policies, planning techniques, technical writing and addressing the warrant article for adoption by the town. All towns have indicated interest in having and improved shoreland zoning ordinance ready for town meetings, 1991. (SEE attached CZM ADDENDUM concerning "focus" funds and "critical" towns)

REGION #1 WORKSHOP, "Protecting Your Shoreland", held in Milbridge on Thursday, October 25th. The speaker was DEP representative, Dan Pritchard, who offered "office hours" from 1-4PM that day in the Milbridge Town Office. (SEE attached news article announcing the workshop, attendance list) Preceding the workshop, the DEP representative and coastal coordinator met with Milbridge town manager to discuss in detail the new stream protection limitations. Towns represented at the workshop were Milbridge, Addison, and Columbia. The workshop for designated area REGION #2 (Whiting) is scheduled for November 27, 1990.

DEP "office hours" held in Machias August 6th. Three towns (Beals, Whiting, and Jonesport) attended. Hours were from 1-4PM and 5-8PM.

Met with WCRPC Executive Committee to discuss approved work plan relative to the focus on shoreland zoning efforts. The Committee has 8 towns represented (Calais, Machias, Roque Bluffs, Lubec, Eastport, Machiasport, Cherryfield, and Vanceboro).

Attended two Coastal Coordinators' meetings in Augusta.

Maine has for some years been using bond issue money to acquire and protect special properties. Here are two reports, one from our own department and one from the Land For Maine's Future Board, on how these special places in Maine are being protected for the future.

Your Land, My Land, OUR Land

PLACES FOR WILDLIFE . . . ACCESS FOR PEOPLE

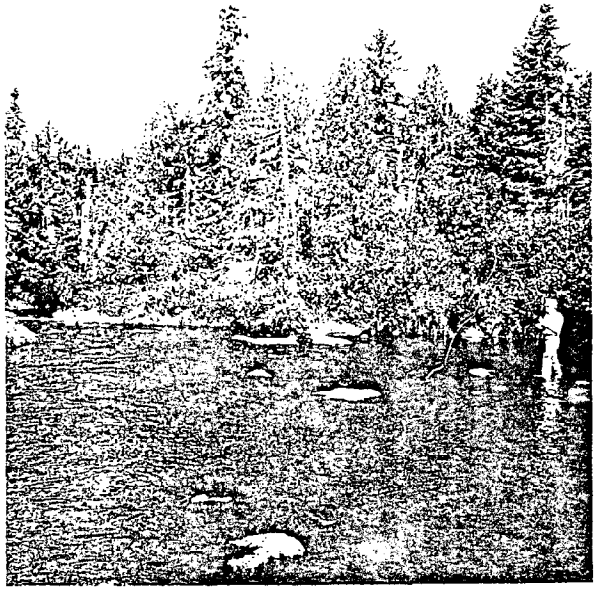
The author is director of public information and education for the department, and is editor of MAINE FISH AND WILDLIFE Magazine.

by Tom Shoener

Upland and wetland tracts in Cherryfield and Bowdoin...a seabird nesting island off Jonesport...deer wintering areas in Hollis and Livermore... over six miles of an undeveloped salmon spawning tributary to Moosehead Lake...habitats for rare species in Kennebunk and Lee...several tracts important to nesting or wintering waterfowl...all are among the newest additions to Maine's wildlife management area system.

The Department of Inland Fisheries and Wildlife has bought these properties and others, totalling 12,219 acres, with funds from a $5 million wildlife habitat acquisition bond issue approved by Maine voters in 1986. Among the new state-owned lands are parcels in 13 counties, from York to Aroostook, ranging from eight acres to over 3,800 acres, and representing an array of habitat types from rocky coastal islands to northern forests.

With land values escalating rapidly, $5 million did not promise to meet all the need for protection of critical wildlife habitat and recreational lands. A work-



Roach River. Photo by Tom Carbone

LAND FOR MAINE'S FUTURE IS GAINING GROUND

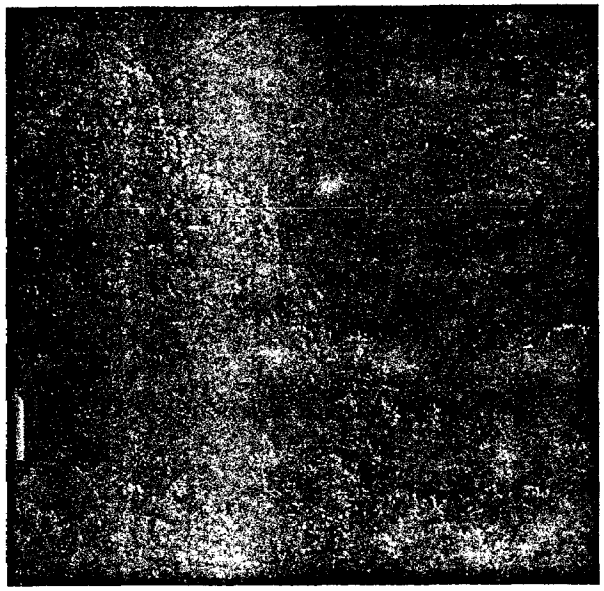
The author is senior planner for the Land For Maine's Future Program, where she evaluates properties for board consideration.

by Lissa Widoff

Maine's natural heritage of rivers and lakes, mountains and forests, and rocky fog-bound coast, has defined our sense of place and connection to the outdoors. Increasing development pressure, the loss of public access and the degradation of critical habitats and natural resources triggered an awareness of the need to secure such areas for the future.

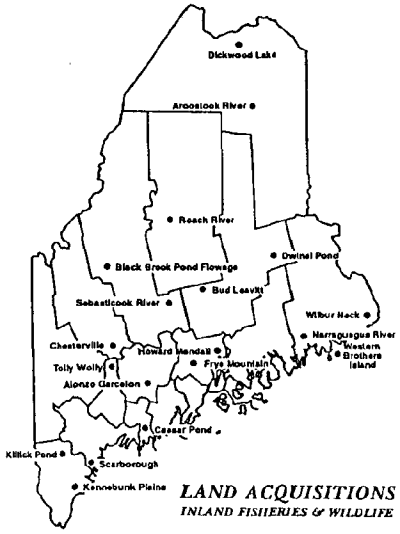
In November 1987, Maine citizens voted in overwhelming support for a referendum dedicating $35 million to the purchase of natural lands of state significance. Such high quality areas would represent the very best of Maine's recreation lands, physical landscape features, areas of scenic beauty, farmland or open space, undeveloped shorelines, wetlands, fragile mountain areas or other important conservation lands. Habitat for rare and endangered plant or animal species or natural communities would be given priority as would areas providing access to these natural resources.

The $35 million Land For Maine's Future Fund has created a mechanism whereby state agencies, private land conserva-



Pollywog Gorge, Nahmakanta. Photo by Jim Bernard

EXHIBIT E-5



LAND ACQUISITIONS
INLAND FISHERIES & WILDLIFE

ing group of citizens and professional conservationists made recommendations to the department on the habitat types and general locations (coastal/inland, northern Maine/southern Maine) where acquisition emphasis should be placed. The list of potential acquisitions was further refined by the availability of willing sellers and reasonable prices, and by field evaluations by department staff. The department's advisory council gave final approval on all purchases.

When the last of the five million dollars had been committed, the department had eleven new wildlife management areas, some with potential for enlargement, and had added acreage to eight others.

Though most were bought primarily to protect and enhance their existing values as wildlife and fish habitat, all will continue to be open for traditional public uses. As development continues to take other lands out of wildlife production and posting closes them to recreational access, the wisdom of the voters in approving creation of the Inland Fisheries and Wildlife Acquisition Fund will be all the more apparent.

Following is a summary of the new wildlife management lands:

tion groups and municipalities may coordinate to assure the protection of the most outstanding conservation and recreation lands throughout the state. The 11-member Land For Maine's Future Board (LFMB) began its "star search" for properties to acquire in September 1988 when it began its first public solicitation for proposals and suggestions for land acquisition. This unique approach involved landowners, private conservation groups such as The Nature Conservancy and the Maine Coast Heritage Trust, towns and state agencies in presenting proposals to the Board. A second solicitation in March 1989 further met the Board's goals of identifying significant lands throughout the state which fulfill recreation needs and conservation priorities.

In less than two years of careful evaluation of a diversity of properties, site selection and negotiation, the Board and staff, with the assistance of state agencies and cooperating entities, have successfully completed the acquisition of 47,364 acres of forests, lakes, wetlands and undeveloped coastal lands in 11 counties. The Board has thus far committed $23.5 of the $35 million for land purchases and associated costs, and has received nearly $1 million in cash matching funds and another $1 million contributed in property and in-kind services. The Board continues its identification and pursuit of significant lands on an ongoing basis. Additional funds have been reserved for access improvements on acquired properties.

Each of the properties purchased by the Land For Maine's Future Board will be held and managed by one of the several land management agencies in state government. The majority of these properties have gone to the Department of Conservation's Bureau of Public Lands and Bureau of Parks and Recreation, and to the Department of Inland Fisheries and Wildlife. The Board staff provides the agencies with information on special features such as endangered species habitats, natural communities and archaeological and historical sites found on the lands. A summary of the Board's purchases to date follows:

The "Diamond" Lands

The most significant acquisition approved by the Board involves seven different properties comprising nearly 40,000 acres in what has been touted as the largest single land conservation purchase in Maine's history. Working for eighteen months with The Nature Conservancy, a deal was struck for the

Roach River
690 acres — Piscataquis County

The last major tract funded by the Inland Fisheries and Wildlife Acquisition Fund, and considered by many the crown jewel of them all, this purchase provides river access along both sides of the entire 6.3-mile stretch of Roach River between First Roach Pond, Kokadjo, and Moosehead Lake. This pristine river is Moosehead's most important tributary for landlocked salmon spawning.

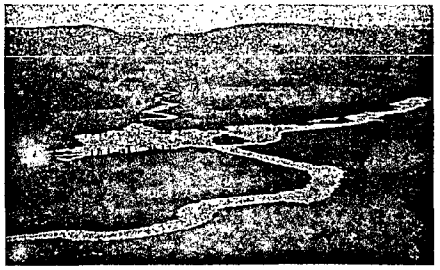
The purchase includes title to a 250-foot strip of land bordering both sides of the stream and an easement to an additional 250-foot strip along each side, creating a 1,000-foot wide corridor the entire length of the river. Also included are several routes of walk-in access over privately-owned land, to enable fishermen to reach remote stretches of the river.

Fisheries biologists' studies indicate that about half of Moosehead Lake's wild salmon population originate in the Roach River, and that its brook trout production is also significant.

The river also affords outstanding fishing opportunities, and in recent years has become increasingly popular as a spot for fly fishing during September. The fall fishing is provided by mature salmon and brook trout which ascend the river to spawn.

Black Brook Pond Flowage
465 acres — Somerset County

Black Brook Pond Flowage is a wetland near Flagstaff Lake with great potential as waterfowl habitat. The department hopes to build a low head dam at the site of an old log driving dam to create



Black Brook Pond Flowage. Photo by Peter Cross

(continued on page 8)

LAND ACQUISITIONS
LAND FOR MAINE'S FUTURE BOARD

fee purchase of these lands from Diamond Occidental Forest, Inc. and the James River Corporation.

The centerpiece of the package is the 31,512-acre tract including all of Nahmakanta Lake, the southern third of Rainbow Township and all of T.1,R.11 where recreational opportunities abound for the hunter, hiker and fisherman. An estimated 50 miles of undeveloped water frontage on the 24 lakes and ponds on the property provide a variety of access opportunities and natural resource features. Twelve miles of the Appalachian Trail traverse the land and pass through old-growth forests, an impressive gorge along Pollywog Stream, the shoreline of Nahmakanta Lake, and numerous other streams and valleys. Remote ponds and nearly 8,000 acres of an essentially roadless area around the upper Debsconeag Lakes characterize the northeast part of the property. Under the purchase agreement for the property, the National Park Service will acquire the Appalachian Trail corridor, which will defray some of the purchase costs to the state. This entire tract will be managed by the Bureau of Public Lands and continue to provide traditional recreational, backcountry and

(continued on page 10)

a large, shallow marsh in an area of the state where such wetlands are scarce. The marsh created would provide seasonal habitat for a variety of wildlife including nesting habitat for common goldeneyes, ring-necked ducks and black ducks.

Aroostook River
149 acres — Aroostook County

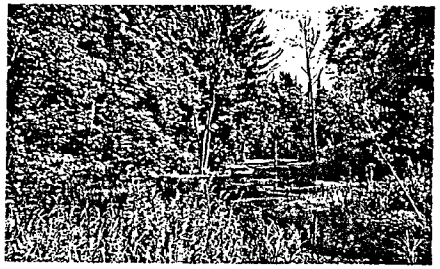
Possibly the beginning of a new wildlife management area in northern Maine, this tract is along the flood plain of the Aroostook River. The flood plain between Masardis and Ashland contains numerous back water channels and small oxbows which are locally important to waterfowl, aquatic

Aroostook River. Photo by Arlen Lovewell

furbearers, wading birds and other wildlife. These back waters contain freshwater marsh habitats, which are relatively rare in northern Maine but highly productive areas for ducks and geese. Forested wetlands are also an important habitat type associated with the Aroostook River flood plain. Northern red oak, also relatively rare in northern Maine, is found in these forested wetlands, and its acorns are a source of food for wood ducks. This area of the Aroostook River is roughly the northern extent of the wood duck's range in Maine.

Tolly Wolly
525 acres — Androscoggin County

This tract of land along the Androscoggin River in Livermore, which is recognized by the department as an important deer wintering area, was on the verge of being subdivided into a housing development.



Tolly Wolly. Photo by Tom Carbone

The Tolly Wolly area is the largest known and documented deer yard in Livermore and represents a significant amount of open space providing habitat not only for wintering deer, but also a wide range of wildlife species including moose, ruffed grouse, woodcock, snowshoe hare, a variety of furbearers and many non-game species.

The tract has long been valued by local residents as an area for hunting, fishing, trapping, snowmobiling, cross-country skiing and other outdoor recreation by the general public.

The name Tolly Wolly (also Tolla Wolla) was given to the area by a tribe of American Indians called the Roccomeco, and referred to small broken falls or rapids on the river. Indians, perhaps attracted to the area by salmon runs and good hunting, reportedly continued to reside at Tolly Wolly and coexist peacefully for many years with the first white settlers who moved into the area in the 18th century.

Dwinal Pond
2,000 acres — Penobscot County

In the towns of Lee and Winn, this parcel of land comprises much of the Dwinal Pond Flowage and was purchased for creation of a wetlands wildlife management area.

Dwinal Pond Flowage is on Mattakeunk Stream and has excellent water quality, and abundant variety of waterfowl foods and an excellent seasonal brook trout fishery. The area also contains a peat bog covering some 275 acres of land containing a reserve of 250,000 tons of commercial quality material.

The area's unique plant and animal associations include shrubby cinquefoil and bog birch. Other potential unique species include calypso orchids, swamp fly-honeysuckle and Dorcas copper butter-

Dwinal Pond. Photo by Paul Fournier

fly. Dorcas coppers are listed as Category 2 (may beendangered or threatened, and requiring status survey work) by the U.S.Fish and Wildlife Service. The tract is also inhabited by a variety of game and nongame wildlife including deer, moose, waterfowl, shorebirds, raptors, furbearers and reptiles and amphibians.

Future management of the property may include construction of a small water control structure on Mattakeunk Stream to create a flowage of approximately 1,200 acres. Improvement of the flowage should result in enhancing its production of these and other species of wildlife.

Narraguagus River. Photo by Tom Schaeffer

Narraguagus River
1,450 acres — Washington County

Much of this tract bordering the Narraguagus River in Cherryfield had been scheduled for subdivision. It offers habitat for a variety of wildlife and has long been a popular area with local hunters, fishermen and trappers. The acquisition provides over three miles of frontage along the east and west branches of the Narraguagus River, one of Maine's most famous Atlantic salmon waters.

Mainly wooded terrain covered with a diversity of hardwood and some softwood growth, the tract provides food and cover for large and small game animals, furbearers and nongame wildlife. A marshy brook contained within the property provides an opportunity for placing one or more water-level control structures to improve the habitat for waterfowl and aquatic furbearers.

Killick Pond
700 acres — York County

This tract of land in Hollis is one of the region's primary deer wintering areas and one of the few large, undeveloped tracts left in a part of the state that has been undergoing rapid development.

Killick Pond. Photo by Paul Fournier

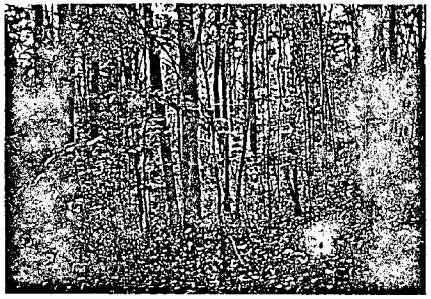
The purchase includes the northern shore and outlet of undeveloped Killick Pond, which offers fishing for brook trout and other game fish. The pond and its inlet and outlet also provide good wetlands habitat for waterfowl and furbearers.

The parcel contains a variety of vegetation cover types, from scrub oak-gray birch to mature pine

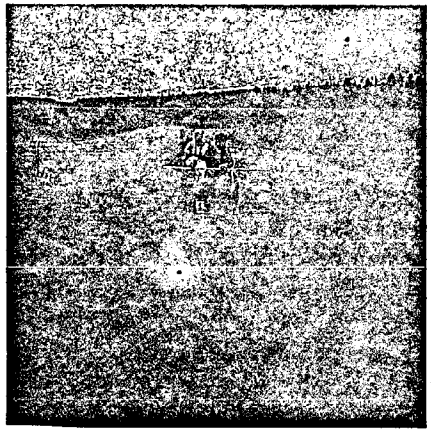
(continued on page 12)

hunting opportunities that those familiar with the property have known.

Another property featured in the acquisition is a 2,262-acre tract along 12 miles of the Androscoggin River in Turner and Leeds, just 5 miles from Auburn and Lewiston. Important waterfowl habitat along the sheltered coves and bays of the river will be protected with this purchase. Under management by the Bureau of Parks and Recreation, access to the property is assured and hunting for deer and waterfowl will continue among the other traditional recreational activities of hiking, skiing and snowmobiling along this wooded parcel.

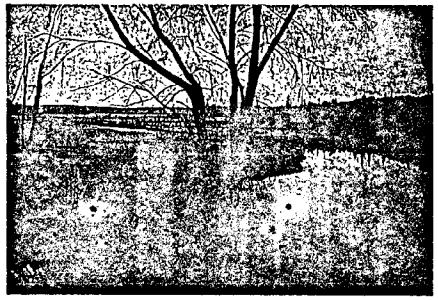


Androscoggin River. Photo by Lissa Widoff



Mattawamkeag River. Photo by Lissa Widoff

In Kingman and Drew townships, over 4,000 acres of oak woods, marshes and heaths, cedar swamps and floodplain forests along the Mattawamkeag River include highly productive wildlife habitat. Protection of this vast and sensitive area will conserve the habitat values of the land for both game and non-game species. Open ponds associated with the riverland tract and its tributaries are crucial areas for black ducks and other waterfowl. This property has been a protection priority of the Department of Inland Fisheries and Wildlife for many years.



Mattagodus Stream. Photo by Lissa Widoff

Mattagodus Stream meanders through 1,425 acres of open heaths, spring-fed peatlands and cedar woodlands in Webster Plantation. At least one wetland area is a rare wetland type, a "calcareous fen". The water feeding the sedge-dominated wetland is rich in calcium which causes an unusual assemblage of plants to occur there. Dependent on this collection of plants are several rare and endangered invertebrate species, most notably the Dorcas Copper butterfly, which feed on the flowers of shrubby cinquefoil, an uncommon species which indicates the enriched nutrient status of the wetland. Botanists and ecologists are just beginning to document the diversity and significance of the largest known calcareous wetland in Maine.

Three smaller tracts were also included in the Diamond Occidental/James River land deal. The Department of Inland Fisheries and Wildlife will receive 175 acres of woodland and over a mile of undeveloped shorefront land along the Little Ossipee River in Waterboro. This purchase will complement protected lands elsewhere along the river. Nearby, The Nature Conservancy has acquired an option to purchase 1,100 acres of pitch-pine/scrub oak community, said by ecologists to be the most endangered natural forest habitat in New England.

In the western Maine town of Lovell, the Bureau of Parks and Recreation will receive a 90-acre tract on the top of scenic Sabattus Mountain, the highest point in the town.

In the town of Peru, the Bureau of Parks and Recreation will receive a 54-acre addition to nearby Little Concord Pond State Park. At the base of Bald Mountain, the tract will complement the recreational and trail opportunities available at the park.

Morgan Meadow

While the Diamond deal was underway, another property was negotiated for purchase in the Cumberland County town of Raymond. Known as Morgan Meadow, a 1,072-acre tract of forested hills and wetlands in the rapidly urbanizing Sebago Lake area has remained undeveloped and accessible to the public. The landowner, wishing to see the property remain available for hunters, hikers, fishermen and those interested in nature study, approached the LMFB about protection of the site. The Board negotiated a bargain sale of the property which offered financial benefits to the landowner while preserving a top priority wildlife site in the southern Maine region.

Morgan Meadow. Photo by Lissa Widoff

Cobscook Bay: Tide Mill Farm and Commissary Point

Throughout North America and Canada, wildlife managers have recognized the serious decline in recent years of waterfowl populations. Conservation efforts have taken on international proportions to coordinate a comprehensive approach to protection. The North American Waterfowl Management Plan, an agreement signed by the U.S., Canada and Mexico is an attempt to plan and set goals for protection of waterfowl species.

Tide Mill Farm. Photo by Jim Bernard

In the Atlantic Coast Region, Maine harbors much of the critical wintering habitat for black ducks. Cobscook Bay, in eastern Washington County is considered the most important and productive wetland habitat in Maine. The wide flats flooded by the daily tides provide a rich source of food and nutrients for the thousands of migrating shorebirds which stop to feed and rest before continuing their journeys north in summer and south in fall.

(continued on page 12)

and hemlock trees. Management plans will include enhancing the area for deer through cutting activities to maintain softwood cover while also providing browse for food.

The tract abuts a parcel of about 1,200 acres owned by the Department of Conservation and another owned by the Maine National Guard, creating a parcel of about 2,300 acres of public land in the towns of Hollis and Limington.

The area has a long history of use by local residents for summer and winter outdoor recreation.

Caesar Pond
500 acres — Sagadahoc County

Located in the town of Bowdoin, between population centers in Lewiston and Brunswick, this 500 acre tract of upland and wetland surrounds most of Caesar Pond.

It rated high for state acquisition because of its development vulnerability, existing habitat value, and the exceptional potential for both wetland and upland habitat management. Also, there are several large adjacent tracts of land that might be added to this parcel to produce a moderate-sized wildlife management area.

Caesar Pond. Photo by Tom Carbone

Caesar Pond is a shallow water body with valuable waterfowl nesting habitat at the northern end. Other wetlands on the tract have excellent potential for waterfowl development.

(continued on page 22)

In addition to the importance of Cobscook Bay for black ducks and other waterfowl and shorebirds, the bay contains the state's largest population of bald eagles. They nest in the mature pines and hemlock lining undeveloped shoreline areas, and are commonly seen feeding off the shallow waters of the Bay.

As is true with most of Maine's coastline, private ownership predominates here on the Bay. Public access is limited and critical wetland resources are often threatened by shoreline development. Alternative protection mechanisms beside outright fee ownership can play an important role in such instances. Conservation Easements have become a powerful land protection tool in recent years because of their flexibility in adapting to a landowner's unique circumstances. Particular rights to the land such as access, scenic protection or development rights can be donated or sold by the landowner to a non-profit entity such as a land trust or government agency. The rights are granted in perpetuity; that is, they become part of the deed forever.

The LMFB has purchased a conservation easement on a unique 1,520-acre property on Cobscook Bay which includes 5 1/4 miles of undeveloped shorefront on Whiting Bay, the innermost arm of Cobscook Bay, and access to over 1,000 acres of woodlands for hunting, hiking, nature study and other outdoor recreational pursuits.

The landowners, the Bell family of Edmunds Township have resided on the property for seven generations. The woodlands and fields have been the mainstay of the family farm since the previous dairy operation ceased. Financial difficulties nearly forced the Bells to sell off the farm and see the family homestead subdivided.

The Maine Coast Heritage Trust and the local Quoddy Regional Land Trust recognized the extremely significant natural resources associated with the land including the undeveloped shorefront, two bald eagle nests, a deer yard and

(continued on page 24)

Dickwood Lake
3,860 acres — Aroostook County

Located in the town of Eagle Lake, this large, scenic tract surrounds Dickwood Lake and borders on Wallagrass Lake. Wildlife presently using the area include moose, snowshoe hare and other game and nongame species that thrive in post-harvest northern forests.

Once a deer wintering area, much of the property's value to deer has been reduced until softwoods, heavily cut-over during the last decade, regenerate.

Dickwood Lake. Photo by Gary Donovan

The area has traditionally been used for a variety of outdoor recreation, including snowmobiling, and its acquisition ensures continued public recreational access in an area of the state where changing forest ownership trends have made the future of recreational access uncertain.

Wilbur Neck
200 acres — Washington County

Located in Pembroke on Cobscook Bay, this includes an active bald eagle nest and provides prime waterfowl habitat. The undeveloped area has extensive shorefrontage, as well as upland habitat. The tract also includes a site registered with the state's Critical Areas Program because of an unusual population of marine snails that inhabit a stretch of the intertidal zone.

Kennebunk Plains
1,041 acres — York County

Although the Kennebunk Plains acquisition was funded mainly by the Land For Maine's Future Board (see related article), the Department of Inland Fisheries and Wildlife and other groups shared some of the cost. The department used monies from the Inland Fisheries and Wildlife Acquisition Fund for its contribution.

The Land For Maine's Future Board designated the department to hold title to the Kennebunk Plains.

The Plains is the home of four animal and plant species considered endangered in Maine, and five others which are considered rare.

The property consists of over 600 acres of open fields, which had been managed for commercial blueberry harvesting, surrounded by woodlands of scrub oak, pitch pine and other hard-and soft-wood tree species typical of southern Maine.

There are four cold-water brooks and many springs on the property. An aquifer under the site is the primary water supply for several York County communities.

The wooded areas along the brooks are excellent wildlife habitat, supporting a large deer population, as well as part of Maine's small population of wild turkeys and wildlife.

The Kennebunk Plains is the home of the rare grasshopper sparrow and has what is believed to be the largest remaining population in the world of the northern blazing star, a rare aster-like flower. The site is also home to the endangered black racer snake and several rare moths and butterflies.

The department will manage the property to protect its natural values and also to continue as a large area open for hunting, bird watching and other recreational use — an increasingly rare commodity in heavily developed York County. Under state ownership it will also be open for public blueberry picking. Future management plans include rebuilding a washed-out dam that once created a pond that provided valuable wildlife habitat and was popular with fishermen.

As with several of the parcels acquired by the Department of Inland Fisheries and Wildlife, the Maine Chapter of The Nature Conservancy played a key role in the Kennebunk Plains transaction. As part of the complex purchase agreement — which included state, local and private money, land and long-term management services — The Nature Conservancy transferred to the department 105 acres of prime land on Taunton Bay in Hancock County. This land supports two bald eagle nests and includes more than a mile of spectacular shorefront on an estuary.

Wildlife management area expansions

The Acquisition Fund was also used to add acreage to several existing wildlife management areas owned by the department. The Alonzo Garcelon Wildlife Management Area in Kennebec County grew to over 4,000 acres with the addition of 527 acres in three parcels of upland in Windsor and Augusta. Eighty three acres were added to the 600-acre Chesterville Wildlife Management Area in Franklin County, and the 6,000-acre Bud Leavitt Wildlife Management Area in Penobscot and Piscataquis counties gained 78 acres through the acquisition of a parcel of land in Garland.

In Waldo County, 124 acres in the town of Prospect were added to the 370-acre Howard Mendall Wildlife Management Area, and 70 acres in Montville are now part of the Frye Mountain Wildlife Management Area, bringing its total acreage to over 5,100. An eight acre parcel acquired in Scarborough was added to the 3,100-acre Scarborough Wildlife Management Area, Cumberland County.

In the Somerset County town of Cambridge an addition of 670 acres was made to the Sebasticook River Wildlife Management Area, increasing it to over 1,600 acres. Much of this land, along the flood plain of Main Stream Sebasticook, is forested with mature cedar and is heavily used by deer. The area also supports populations of waterfowl and furbearers and a few spruce grouse, possibly the southernmost limit of their range in Maine.

Cambridge. Photo by Tom Carbone

One coastal island — 20-acre Western Brothers Island off Jonesport — was added to the Coast of Maine Wildlife Management Area, bringing it up to 37 islands totalling 500 acres. One of the gems of the downeast coast, Western Brothers supports significant breeding populations of eider ducks, Leach's storm petrels and black guillemots.

Western Brothers Island. Photo courtesy of The Nature Conservancy

freshwater wetland habitats. The natural significance of the land, coupled with the landowners' strong desire to remain on the land and continue to be steward to it, led to their interest in pursuing a conservation easement.

The Department of Inland Fisheries and Wildlife was designated the agency to hold the conservation easement, which consists of development rights to all of the land, public access along the shoreline and over the woodland areas for passive recreational uses, including hunting. Wetland areas may be cooperatively managed to enhance waterfowl habitat, and the owners can productively manage their woodlands for timber production and wildlife habitat. Inland Fisheries and Wildlife will monitor the terms of the easement to assure that the resources are protected and that the landowners use of the land can continue. Under the easement, the land may never be developed and will therefore be protected well into the future, consistent with the mandate of the Land For Maine's Future Board.

In addition to the purchase of the conservation easement on the farm property, the LMFB acquired a small point and two islands adjacent to Cobscook Bay State Park. This significant addition to the park will be held by the Bureau of Parks and Recreation. The Tide Mill Farm is across Burnt Cove from the park.

Directly across Whiting Bay from Tide Mill Farm, a 250-acre parcel of land known as Commissary Point became available to the LMFB. The Board purchased 200 acres in fee, which will also be managed by Inland Fisheries and Wildlife as a new wildlife management area. The remaining 50 acres will be protected under an easement which prohibits the construction of additional dwellings on the existing homesite. This parcel protects an additional two miles of Cobscook Bay frontage and with the Tide Mill Farm easement represents a significant step in the protection of this unique region.

Kennebunk Plains

The first purchase approved by the Land For Maine's Future Board has provided one of the more unusual blends of natural resource values, endangered species and wildlife habitats, and recreational opportunities.

The Kennebunk Plains is a sandplain grassland habitat which is home to four animal and plant species considered endangered in Maine, and five others which are considered rare. Most notable of these is the grasshopper sparrow. The sparrow requires grasses for nesting materials which have been eliminated by herbicide spraying on nearby blueberry fields. They find suitable nesting territory on the Plains and have maintained a small

Kennebunk Plains. Photo by Bill Silliker, Jr., courtesy of The Nature Conservancy

but stable population. Black Racer snakes are also found on the Plains as is the world's largest population of Northern Blazing Star *(Liatris borealis)*, a plant aptly named for the blaze of purple flowers seen on the Plains when the plants are in bloom in late August.

The Kennebunk Plains has also been popular for hunters of deer, partridge and wild turkey. The pine barrens habitat ringing the Plains and descending toward Branch Brook provide a protective corridor for game and non-game wildlife. The Plains also overlies a significant sand and gravel aquifer providing water for Kennebunk, Wells and Kennebunkport, which is assured protection with state ownership.

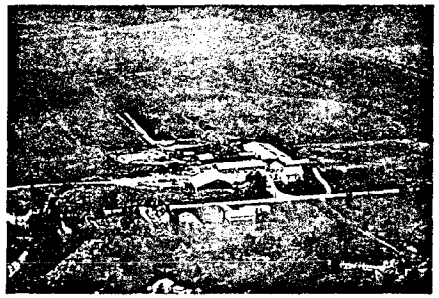
The Nature Conservancy provided the opportunity for state purchase of the land with its longstanding relationship with the landowner. The Nature Conservancy has offered a commitment to assist in the long-term stewardship and management of the site which abuts their own 100-acre preserve on the Plains. The state purchase of the remaining 1,000 acres of the Plains will not only protect important habitat for rare and endangered species and natural communities, but will preserve an important piece of open space in this heavily developed southern Maine region.

As part of the acquisition deal, The Nature Conservancy has also donated to the Department of Inland Fisheries and Wildlife a 105-acre shorefront property on Taunton Bay in the town of Hancock which includes an active bald eagle nest.

Alice Wheeler Farm

Within one-half mile of Merrymeeting Bay, Alice Wheeler's Farm in Richmond is a popular stopover for migrating Canada geese and many other waterfowl species. The farm was considered one of the most important pieces of rural open space to be preserved in this central Maine region, primarily for its farmland value.

Critical to the support of other farms in the area, this productive dairy farm exercises conservation management and has made lands available for public use. Now this farm will never be threatened with development due to the purchase of de-

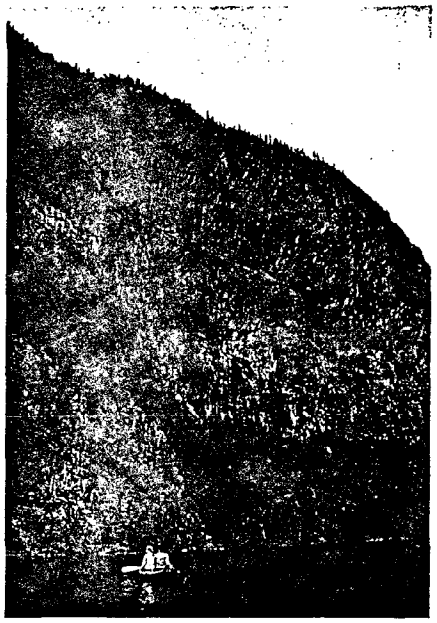


Alice Wheeler Farm. Photo by Tom Carbone

velopment rights by the Land For Maine's Future Board. The development rights easement will be held by the Department of Agriculture, Food and Rural Resources which hopes to begin its own farmland preservation program, using this featured purchase as a model for future efforts.

Mt. Kineo

Few other landforms in Maine so clearly symbolize the majesty of the North Maine Woods as Mt. Kineo, rising precipitously from the waters of Moosehead Lake. Henry David Thoreau wrote of this "celebrated precipice" in *The Maine Woods* in 1857, and recognized the significance of the site to the Native Americans in the region. The Penobscots would travel great distances to use the flint rocks of the cliffs to make stone tools which are still of great interest to archaeologists. Over 800 acres of woodland flank the precarious cliffs which are not only home to a number of cliff-dwelling rare plants, but have been the successful breeding location for a pair of peregrine falcons since they were first released at the site several years ago.



Mt. Kineo. Photo by Lissa Widoff

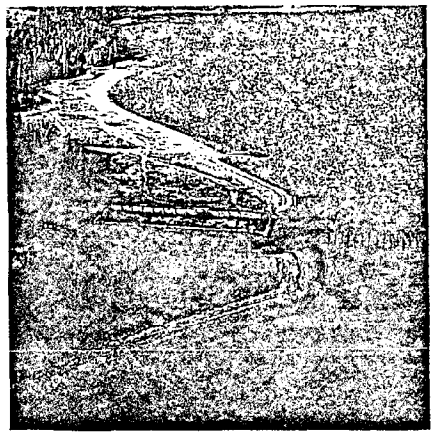
This property also came to the Board's attention through the proposal process. The Moosehead Lake Comprehensive Land Use Plan Advisory Committee presented the purchase idea to the Board. The long-time owner of the property and Greenville resident negotiated a bargain sale of the property

to the Board with the keen assistance of The Nature Conservancy.

The Bureau of Parks and Recreation will manage this historic natural landmark, improving camping and hiking opportunities. Access to Mt. Kineo will continue to be primarily by water, and boat access facilities are presently being developed.

Bradbury Mountain State Park Addition

The most recent acquisition approved by the LMFB is the purchase of a 100-acre tract of woodland adjacent to the southern border of the popular Bradbury Mountain State Park in Pownal. This tract will preserve the mountain viewshed and expand recreational opportunities for hiking, cross-country skiing and hunting, which are currently enjoyed in the park.



Sandy Point Beach. Photo by Lissa Widoff

When the Land For Maine's Future Board received public comments regarding priorities for land acquisition, a recurrent theme articulated to the Board was the limited amount of public access to the coast. With coastal property values at a premium, the Board made a commitment to seek out the best possible parcels for the best prices. Fortunately, through the skilled negotiating abilities of agency staff and cooperating entities involved in the various transactions, four significant coastal parcels were acquired in addition to the Cobscook Bay properties.

Dodge Point

In Newcastle, the Land For Maine's Future Board acquired a 495-acre tract along the Damariscotta River. The wooded property protects over 7,000 feet of tidal river frontage with a number of small sandy beaches. The heavily wooded and hilly tract is the largest remaining undeveloped section along the river and provides access, hiking, picnicking and swimming opportunities.

This property was proposed to the Board by The Maine Coast Heritage Trust and a local land trust, The Damariscotta River Association, which learned of the availability of the land before it was to be placed on the market. Matching funds totaling $340,000 towards the $2,350,000 purchase price was provided to the Board from the land trust and the Maine Coastal Program. Management services will be contributed by the land trust and the town of Newcastle. These groups will work with the Bureau of Public Lands on the long-term management of the property.

Sandy Point Beach

Sandy Point Beach in Stockton Springs on Penobscot Bay has traditionally been a popular spot for residents of nearby Bucksport and Belfast, and visitors from as far as Bangor. The high quality beach was acquired from Central Maine Power, and the Maine Coastal Program provided $35,000 in matching funds toward the $857,125 purchase price.

The Bureau of Parks and Recreation will manage the 100-acre property for active day use, with assistance from the town of Stockton Springs.

Shackford Head

In September 1988, the fledgling Eastport Land Trust proposed to the LMFB the purchase of 90-acre Shackford Head, an undisturbed peninsula at the north end of Cobscook Bay. The site had gained notoriety when the Pittston Company proposed to locate an oil refinery on it. That failed attempt, followed by years of idle ownership by Pittston, led to the Land Trust proposal when the property became available for sale. Even before the

Shackford Head. Photo courtesy Eastport Land Trust

Pittston Company had acquired it, a number of development plans had been proposed for the site, dating as far back as 1903.

Once again, the Board successfully negotiated a bargain sale for the property, paying $560,000 for two tracts appraised at a total price of $703,000. The Bureau of Parks and Recreation has already begun natural resource inventories of the site and planning for improved trails and parking facilities at the new state park.

Cutler Coast

In contrast to the gentle slopes and flat tidal character of Cobscook Bay, the outer coast of Washington County exemplifies the rugged, fog-bound rocky coast of Maine. In the town of Cutler, a 2,100-acre tract of wild coastline formerly owned by Downeast Timberlands (a Hearst Corporation), was sold to the state as part of a larger land conservation transaction.

Cutler Coast. Photo by Lissa Widoff

The Conservation Fund, a non-profit land conservation group based in Arlington, Virginia, negotiated the deal and acquired over 8,000 acres of spruce-fir timberland, which will be managed for conservation. The coastal tract acquired by the state includes four and a half miles of "bold coast". Steep cliffs, rock outcrops, sheltered pebble beaches and dense coastal spruce-fir forests characterize this last wilderness of the Maine coast.

The Bureau of Public Lands will manage this parcel and develop a management plan that includes use of the area for passive recreation such as hiking, hunting and camping.

The Land For Maine's Future Board is moving quickly towards expenditure of its remaining funds. The need for additional purchases of public lands for wildlife conservation, recreation and public access continues to be a priority for the public and state officials. A new bond issue is proposed for voter approval in this November's election. A $19 million dollar fund would provide $9.5 million to the Land For Maine's Future Fund, of which $1 million would be dedicated to the purchase of farmland development rights; $8.5 million would replenish the Inland Fisheries and Wildlife land acquisition fund, and $1 million would be used to repair Churchill Dam on the Allagash Wilderness Waterway.

Exhibit E-6

LIST OF PRODUCTS, CZ100 AWARD (1989-90)

Task 1 -- Core Law Enforcement & Administration

** Guidelines for Municipal Shoreland Zoning Ordinances, Dept. of Environmental Protection, effective March 24, 1990.

* Municipal Code Enforcement Officers Training and Certification Manual: Understanding Shoreland Zoning, Floodplain Management and the NFIP, Introduction to and Use of Building Codes (in 3 vols.), DECD/OCP, August 1990

Task 2 -- Local Technical & Financial Assistance

* A Handbook for Municipal Officers on Interlocal Code Enforcement, DECD/OCP, August 1990

* Comprehensive Planning and Shoreland Zoning: How to Zone to Meet the Requirements of Both, Marine Law Institute, October 1990

* How to Conduct an Inventory of Scenic Areas, A Handbook for Local Volunteers, Holly Dominie, DECD/OCP, October 1990

* Comprehensive Harbor Plan, Kittery, Maine, Wallace, Floyd Associates, Inc. & T.Y. Linn, August 1990

* Hampden Waterfront Study, W/B/R/C Architects/Engineers, Coplon Associates, Landscape Architects, August 1990

* Riverfront Study, Wiscasset, Maine, Holly Dominie et al, October 1990

* Joint Bangor-Brewer Harbor Study, T.Y. Linn et al, August 1990

* "Comprehensive Plan Findings, Town of Richmond, Maine," OCP, October 1990

** A Study of the Cousins River, Greater Portland Council of Governments, April 1990

** The Mousam River Greenway Plan, Kennebunk Conservation Commission, July 1990

** Five Islands Wharf Study, Georgetown, Maine, Kimball Chase, June 7, 1990

** Rockland Harbor Public Access, Land Use Decisions, July, 1990

** Varrell's Wharf Feasibility Study, Coastal Strategies, Inc. for the Town of York, July 23, 1990

** Stockton Springs Harbor Public Access and Waterfront Plan and Ordinance, July 25, 1990

Task 3 -- Acquiring Shoreline Access Sites for Public Use

Task 4 -- Coastal Policy Development

* The Economic Value of Casco Bay , Charles S. Colgan, Univ. of Southern Maine, October 1990

Task 5 -- Program Administration & Implementation

** Coastweek '89 Summary Report, Julie Ann Canniff, SPO, October 1989; Coastweek '89 Report, Julie Ann Canniff, SPO, October 1989; Maine's Coastal Cleanup '89, Summary Report and Recommendations, Flis Schauffler, SPO, October 1989.

Section C Annual Report, November 1989

"Maine's Response to OCRM's Evaluation Findings for the Maine Coastal Program for the Period from August 1986 through June 1989," and "Reprogramming Request, CZ100," February 14, 1990

** Watershed: An Action Guide to Improving Maine Waters, Maine Coastal Program, Maine DEP, and Univ. of Maine Cooperative Extension, April 1990

** Coast-Links, A Resource Guide to Maine's Coastal Organizations, SPO, Spring 1990

** An Aquaculture Development Strategy for the State of Maine, Executive Summary and Technical Report, Aquaculture Development Committee, March 1990

** The Environmental Impacts of Finfish Culture, Summary, Gulf of Maine Working Group Aquaculture Workshop, March 1-2, 1990

---

* Transmitted with this progress report.
** Transmitted with a previous progress report.

Exhibit E-7

LIST OF PRODUCTS, CZ521 AWARD (1990-91)

Task 1 -- Core Law Enforcement & Administration

Task 2 -- Municipal Grant Program

* Guidelines & Application for the Implementation Grant & Coastal Management Grant Programs, DECD/OCP, October 1990

Task 3 -- Coastal Policy Development: Allocating Maine's Marine Waters

Task 4 -- Program Management & Public Education

---

* Transmitted with this progress report.

prog1190.rpt

NOAA COASTAL SERVICES CENTER LIBRARY
3 6668 14103 2518