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**MAINE AUDUBON
TESTIMONY IN SUPPORT
OF PROPOSED CHANGES TO CHAPTER 355 SAND DUNE RULES
BEFORE THE BOARD OF ENVIRONMENTAL PROTECTION
THURSDAY, AUGUST 11, 2005**

Good afternoon, Chairman Scott, and members of the Board of Environmental Protection. My name is Jody Jones and I represent Maine Audubon and our 11,000 members and supporters. I'm here this afternoon to speak in support of the proposed sand dune rule changes.

Last year, Maine Audubon entered into an agreement to participate in a stakeholder committee process regarding Maine's coastal sand dune system policy. This agreement was a compromise that also allowed the proposed sand dune rule revisions, which we opposed, to move forward on an interim basis. Maine Audubon did this with the hope that a long-term solution to the intense controversy surrounding the sand dune rules and related beach issues could be reached.

Maine's sandy beaches and their associated dune systems are a rare jewel that complements our rocky coastline. Of the approximately 3,500 miles of coastal shoreline in Maine, less than 75 miles can be characterized as sandy beach. This rare habitat type provides habitat for a diverse group of migratory shorebirds including endangered piping plovers and least terns. This year on Maine's beaches, there were only 44 pairs of piping plovers nesting in the entire state. The conservation of this habitat is essential for their continued existence in Maine.

Dune systems also provide a buffer that helps protect inland habitat areas like salt marshes and estuaries. The natural barriers they create also help protect buildings, property, and people from wind and water driven by ocean storms. Structures on the dunes are at the greatest risk from harm while at the same time causing the greatest damage to the sand dune system by limiting the sand movement needed to build dunes. Building directly on the dunes compromises the protection the dunes provide.

For these reasons, Maine Audubon is very pleased that, after many years of battle, agreement has been reached on a broad package that addresses a wide range of issues surrounding coastal sand dune management. The package includes a comprehensive state beach nourishment policy; a program for voluntary acquisition of storm-damaged and at-risk properties; hazard mitigation; and revised sand dune regulations. We are pleased that the issues of wildlife and wildlife habitat management are addressed in all of these areas.

Maine Audubon supports the entire negotiated package including the proposed rule revisions before you. Changes to the rules include: allowing modifications to seawalls to reduce the negative impact upon the sand dune system, allowing elevators and ramps for handicap access, stricter standards for reconstruction of buildings after severe damage from wave action from an ocean storm in frontal dune areas outside of the V (or high velocity) Zone, requiring property owners to apply for a permit within a specified period of time when an emergency action has been taken to protect a seawall and requiring the removal of the temporary material, requiring all reconstructed frontal dune buildings to be moved back to the extent practicable, requiring the most recently mapped V Zones to be used in determining compliance with the applicable standards, establishing mitigation and enhancement measures for all projects, and new standards for beach nourishment projects.

Maine Audubon believes that the rule changes, together with the larger package, are a win-win for everyone: wildlife, beachfront property owners, and beach visitors. The rules addressing rebuilding after severe damage by an ocean storm will not revert back to the 1983 rules as we had hoped. Instead, property owners will be allowed to rebuild one time in the V Zone portion of the frontal dune providing they can meet the standards. This rebuild will be up on posts and as far back on the lot as possible. In the back portion of the frontal dune, there is no limit to rebuilding, but minimization and mitigation will be required (including a range of possibilities: moving back on the lot, going up on posts, building a dune, vegetating, altering seawalls, and downsizing). Utilizing the best available information on V Zones will also be a significant improvement.

All projects will continue to be subject to the shoreline change standard (e.g. a project may not be permitted if, within 100 years, the property may reasonably be expected to be eroded as a result of changes to the shoreline such that the project is likely to be severely damaged after allowing for a two foot rise in sea level over 100 years). This standard, together with the voluntary acquisition program and the revised rebuilding standards, give us comfort that buildings will not be repeatedly built in the frontal dune where they degrade wildlife habitat and contribute to loss of nesting habitat.

We urge the Board to adopt the proposed rule changes. Thank you for your consideration.