

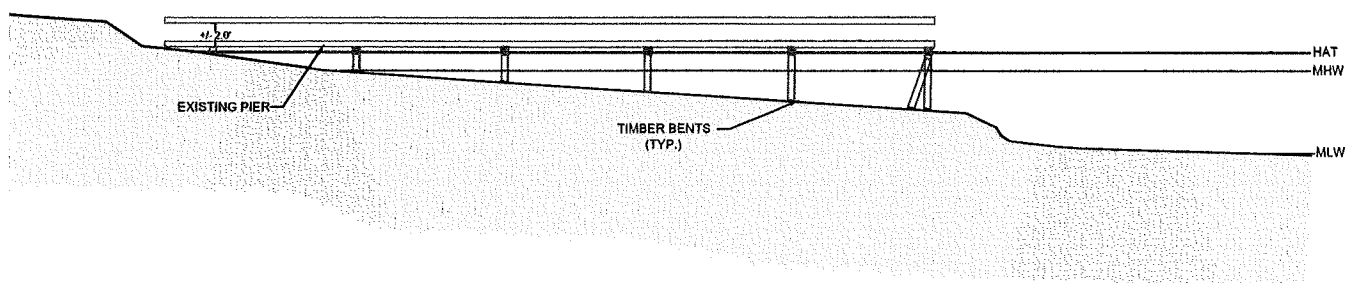
January 10, 2024

Good morning Senator Brenner and Representative Gramlich and distinguished members of the Environment and Natural Resources Committee. My name is Tim Forrester and I am here today neither for nor against LD 2030, An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act. I wanted to provide additional considerations in the text of this bill as it relates to the implications of elevating existing pier language.

Currently, I am the Director of Coastal Resources with Flycatcher, LLC, a Maine based consulting firm that works with individuals and industry to provide a range of services that includes project design, permitting, and compliance. I am also a Professional Wetland Scientist and have over 25 years of experience with natural resources permitting in the State of Maine. Over the past 20 years I have focused my career path towards coastal projects, specifically dock design and permitting.

As evident by the storm that whipped through our State overnight, there is an increase in the intensity and frequency of larger storm events. These events are wreaking havoc on roads, houses, utilities, and existing structures both inland and along the coast. The combination of these storms with rising sea levels can result in damage and destruction of existing waterfront structures. We commonly work with landowners that have an existing pier that floods not only during storm events but during periods of higher tides. As it currently stands, if the landowner would like to raise the elevation of the structure for the sole purpose of reducing flooding and the associated safety hazards that result from this, it requires an individual Natural Resources Protection Act permit (NRPA) which is an expensive and timely process. While I support the general notion that landowners should be given an option to raise the elevation of an existing structure without the need for an individual NRPA permit, I believe a more reasonable solution would be to allow this under Chapter 305 of the NRPA in place of a statutory exemption with the addition of specific requirements.

One issue with the current proposal is that, while it allows for a two feet increase in the height of a pier, it does not allow for any additional changes to the dimensions. However, if you raise the height you would need to provide some means to access the structure by either allowing the pier to extend further into the upland or allowing an additional structure such as stairs as demonstrated in the included Figure.



**Figure One. Example of Elevating Pier without allowing additional structures.**

Based on my experience, allowing an elevation increase under Section 2 and Section 4 of Chapter 305 would allow a more efficient review process while still providing DEP with the ability to review individual projects. This would also allow review agencies such as the Maine Department of Marine Resources to ensure timing of construction will avoid potential impacts to the habitat and species that utilize the habitat.

Respectfully,



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