

To: Joint Standing Committee on Appropriations and Financial Affairs

From: Becky Bartovics

Date: Monday, April 1, 2024

Re: LD 2214 An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025: Section YYY

Dear Senator Rotundo, Representative Sachs and members of the committee,

I am a resident of North Haven, a grandmother of five, a mother of a nurse and lobster fisherman, a small farmer, and an environmental activist. I served on the Sears Island Planning Initiative (2004-9) and attended most of the OffShore Wind Port Advisory Group meetings as a citizen. I worked for Cambridge Alternative Power in the late '70's and early '80's, and my former husband and I ran a small energy audit company. I have served on various town energy committees both here and my previous location. I am a believer in Renewable Energy.

I am testifying in opposition to the Change Order Sec. YYY. 38 MRSA §480-KK including 1 through 4.

Section 1 Creating the Coastal Sand Dune Restoration Fund as a gift to some environmental concerns allowing MDOT to obviate specific regulations prohibiting Sand Dune destruction on Sears Island (LD 2266), is antithetical to the premise of the Clean Water Act's No Net Loss ethic. Coastal sand dunes, wetlands and forested coastal wetlands are among the most important habitats to preserve as we move into increased sea level rise and storm activity associated with climate change. (See Maine Won't Wait, Section 6)

Section 4 Creating a restoration fund would be laudable **except** that the money comes from unexpended Disaster Relief Funds. Given the level of destruction that the December and January storms have left in their wake, it is shocking that there are any unexpended Disaster Relief funds left. Struggling to rebuild speedily enough to be able to handle upcoming summer trade is hard enough. But, realizing that there are relief funds available to toss at an unrelated new fund is infuriating. On my island, Brown's Boatyard sustained devastating damage due to storm surge, wind and waves. I know it intimately as my son works there and has been underneath the building, trying to stabilize it so that they can actually have income this year. Vinalhaven sustained 20 foot waves on their shores. Lobster pounds have been destroyed and docks have gone missing. Just this last weekend's ice damage has been significant elsewhere in Maine, and who knows what the next Nor'easter this week will bring. Disaster Relief funds

should be spent on disasters. One should also note that successful sand dune restoration is extremely expensive.

Section 2 offers a free ride to the DEP to permit development on Sears island. As part of the Appropriations and Financial Affairs Committee one would hope that the committee would see the financial projections from the port development project before issuing such a permit if that is even appropriate. However, MDOT still has not provided their updated information, due out in June. As part of their previous analysis from Moffatt and Nichols, the financial projections were listed as 50 to minus 30% accurate. Those numbers are useless. Moffatt and Nichols were engaged to provide a more robust analysis more than a year and half ago. Along the way they have developed a matrix preliminary to the required Environmental Impact Statement. Glaringly, there is no mention of any infrastructure costs for development of Sears island. This is the same tactic used in the 1986 Sears Island Development application, and that omission was one of the items that caused it to fail. Sears Island has no electricity, no sewer, no water supply and most importantly an eroding access road that certainly will not support the construction and manufacturing equipment contemplated. Maine taxpayers will be on the hook for all of that. Why don't we wait to do this kind of end-run permitting when we see the actual information from the MDOT's consultants?

Section 3 Sand Dune Conservation: The plan is to ease the northerly sand dune on the westerly side of Sears Island to Maine Coast Heritage Trust. That section of coastal sand dune is divided by the central roadway from the rest of the eased property and not easily accessed. Sand dunes are impacted by hardscapes. The 25 acre pier that is contemplated for the Sears Island Development most certainly will cause impact to the existing sand dune. Has Maine Coast Heritage Trust agreed to receive this easement? Will Friends of Sears Island, who oversee the rest of the 601 acre easement on Sears Island be responsible for that as well?

This last minute Change Order is poorly conceived and way too premature to be part of the annual Budgetary process. I'm disturbed that such language is hidden in budgetary legislation. I urge you to remove Section YYY of the Change Order Budget as it is inappropriate to proceed with it.

Respectfully Submitted

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