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Testimony on

L.D. 228, “*An Act to Allow Coastal Seawalls to Be Raised by up to 2 Feet in Order to Accommodate Predicted Sea Level Rise*”

**Presented by
Representative Robert A. Foley
District 145**

Environment and Natural Resources Committee
Monday, February 24, 2025

Good morning, Senator Tepler, Representative Doudera, and distinguished members of the Joint Standing Committee on Environment and Natural Resources:

I am State Representative Bob Foley, and I represent the citizens of District 145, which is most of the Town of Wells. I’m here today to introduce my bill, L.D. 228, “*An Act to Allow Coastal Seawalls to Be Raised by up to 2 Feet in Order to Accommodate Predicted Sea Level Rise.*”

The last time I presented here, this panel passed a very important piece of legislation dealing with sand dune restoration and reconstruction utilizing biodegradable materials and coir log. I am happy to report that one of the first major projects utilizing these materials is currently underway in Wells and came at a critical time as this dune system was destroyed last year.

After last year’s storms, this Committee, the Department of Environmental Protection, and the Chief Executive took immediate action to facilitate the necessary emergency repairs, waving the requirements for lengthy permits and allowing wharfs, docks, and piers to be rebuilt two feet higher to accommodate the predicted sea level rise.

My bill follows the same logic that was used to allow the wharfs, docks, and piers to be rebuilt, taking into account the projected sea level rise.

Many of the homes along our coastline have already made necessary regulatory adjustments and improvements to protect their properties from sea level rise. We now require coastal homes to be raised two feet above base flood elevation with flow through foundations and require them to be moved back on the lot as far as possible.

Over, please

Unfortunately, the seawalls, that were built 50 to 100 years ago, when the homes were first built, have not been allowed to adapt accordingly.

During last January's storms, waves simply rolled over the tops of the seawalls, damaging the property behind them while washing hundreds of cubic yards of sand, rock, and debris off the beaches into the properties and roadways. Due to potential contamination and debris, much of the sand had to be trucked off the roads and properties, stockpiled until it could be sifted of debris, and subsequently tested for any contamination before potential reuse.

Some will argue that seawalls cause coastal erosion and that raising them will not help. Well, it may be true that minor erosion does occur at the base of the seawall, but the facts are that the seawalls are already there. They're not going away, and whatever limited erosion they may cause is already occurring. Raising them an additional two feet will not cause greater erosion. It will provide added protection for the properties behind them and may actually help prevent sand from overtopping the seawalls that ends up stockpiled in some gravel pit.

Interestingly, the law today already allows property owners to build a temporary structure, of any size, to protect their property without a permit. Accordingly, a property owner can currently erect a barrier wall system of any design, perhaps four or five feet high, the length of the entire property, without a permit, as long as it is removed within seven months! It can go up again the following year, and again, and again, so why not allow property owners to simply add to an existing structure by just two feet, permanently, and create some uniform standards?

Not only will my bill aid private property owners, but many municipalities have crucial infrastructure, like roads, water, and sewer lines, that will also be protected. The Town of Wells had to rebuild and repair Webhannett Drive, which sits directly behind a seawall, three times last January.

Fortunately, the Department has started to approve individual projects with heightened seawalls on a case-by-case basis. I'm optimistic that my bill will give the Department, the towns, and property owners a pathway to a more streamlined methodology, hopefully through the permit-by-rule approach.

One perspective as to why this is such an important issue for the towns along Maine's coastline is that in Wells alone, the properties that sit directly behind the seawalls have an assessed value of \$970,000,000 dollars or roughly \$5 million in property tax revenue to the town. That's just in Wells! There are billions more at risk in Kennebunk, Kennebunkport, Biddeford, Saco, Old Orchard Beach, Scarborough, and up through Boothbay and Bar Harbor.

Last fall, my wife and I visited Bar Harbor to walk the famous Ocean Path Trail. Unfortunately, our walk was only about a half mile, as the storm damage was still not repaired. They would do well to be able to raise those seawalls an additional two feet to

protect that beautiful pathway and the properties behind. We need to do something to help these areas become more resilient to coastal storms and sea level rise.

Simply put, property owners want the ability to protect their property, as it is their constitutional right to full and unrestricted access to the enjoyment and maintenance of their property. Many of these homes have been in families for generations.

I've added an emergency clause to this bill to give the Department time to craft rules and property owners an opportunity to prepare to undertake projects next fall before another winter hits.

Thank you for your consideration.