



Committee on Environment & Natural Resources
% Legislative Information Office
100 State House Station
Augusta, ME 04333

February 24, 2025

RE: LD 228, An Act to Allow Coastal Seawalls to Be Raised by up to 2 Feet in Order to Accommodate Predicted Sea Level Rise & LD 488, An Act to Protect Coastal Property by Allowing Property Owners to Protect Their Existing Dwellings

Dear Sen. Tepler, Rep. Doudera, and Members of the ENR Committee:

My name is Francesca "Ches" Gundrum and I am Maine Audubon's Director of Advocacy. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to "conserve Maine's wildlife and wildlife habitat" by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in opposition to LD 228, *An Act to Allow Coastal Seawalls to Be Raised by up to 2 Feet in Order to Accommodate Predicted Sea Level Rise* and LD 488, *An Act to Protect Coastal Property by Allowing Property Owners to Protect Their Existing Dwellings*.

The Natural Resources Protection Act (NRPA) is one of Maine's most important environmental protection laws and changes to this statute – *big or small* – must be considered thoroughly. NRPA is a key environmental permitting law designed to protect certain natural resources from development-related activities. From education to conservation, Maine Audubon works to conserve the diverse natural resources of state significance that NRPA was created to help protect.

Coastal sand dune systems are sand and gravel deposits that provide invaluable ecosystem services and economic benefits. This resource acts as a buffer between oceanic forces and our coastal communities – protecting buildings and infrastructure from waves and flooding. Coastal wetlands are all tidal and subtidal lands e.g., swamps, marshes, bogs, beaches, flats, or other contiguous lowlands that are subject to tidal action. The Department of Environmental Protection (DEP) has the responsibility and regulatory authority under NRPA to protect these vulnerable areas.

LD 228 would allow DEP to approve one-time increases to seawalls of up to two feet in coastal sand dune systems. LD 488 would allow DEP to authorize the fortification of homes in coastal sand dune systems or coastal wetlands. Maine Audubon reviews these bills and the issue that it seeks to address with great interest and attention. While we understand and appreciate the sponsors' intent behind these bills to support coastal communities, we caution this Committee with advancing them.

Maine's coastal sand dunes and coastal wetlands are under threat. The Gulf of Maine is warming faster than 99% of the world's oceans – among the effects of warming oceans are rising sea levels. As Maine's sea level rises, coastal communities and ecosystems are seeing increased frequency of nuisance flooding, inundation of coastal lowlands with saltwater, erosion, and loss of dry beaches, saltmarshes, sand dunes, and other habitats. Closest to Maine Audubon's mission, sand dunes contain critical wildlife habitat. Endangered Least Terns and Piping Plovers rely on sandy beaches and sand dunes on Maine's coast to nest and rear their young. Functional sand dunes are essential for a healthy beach, and the future of our beach-nesting species rely on them.

We know that hardened stabilization structures (e.g., riprap, seawalls, etc.) have significant downsides. While seawalls and other hardened structures may offer some localized protection for individual properties, they can accelerate erosion elsewhere – literally shifting the burden to someone else. Permitting property owners to elevate seawalls by two feet or reinforce their land with riprap in protected natural areas does not resolve the challenges of sea-level rise. Instead, it temporarily benefits those who can afford such measures while worsening erosion, damaging neighboring properties, and further harming Maine beaches and marshes.

Over the last several years, this Committee, DEP, the Board of Environmental Protection, and diverse range of stakeholders have made *and* are currently making several changes to NRPA to help address the issues of a rapidly changing climate in these systems, including allowing for the use of biodegradable stabilization materials; increases in the height of existing piers, wharfs, and docks in coastal wetlands; elevating existing building foundations in coastal sand dune systems; and more. Currently, DEP is working on updates to NRPA and other rules to help encourage “nature-based solution” (NbS) stabilization methods and simplifying the permitting process for applicants along the way.

We do not want to pit “green” and “gray” infrastructure against one another – we know that working along a “green-gray spectrum” will help produce the most effective outcomes. However, we believe that the changes to NRPA in recent years plus the ongoing efforts to examine how we support coastal communities and protect natural resources strike the appropriate balance required by the urgency of the moment.

Maine Audubon shares our mutual commitment to making Maine's coastline more resilient – now more than ever. For the future of both our wildlife and human communities, it is imperative that the work of Maine's natural resource agencies is guided by the best available science. **We encourage the Committee to oppose these bills.** Thank you for your time and consideration.

Sincerely,



Francesca “Ches” Gundrum
Director of Advocacy