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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

**TESTIMONY OF
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SPEAKING IN OPPOSITION TO L.D. 488

AN ACT TO PROTECT COASTAL PROPERTY BY ALLOWING PROPERTY OWNERS TO PROTECT THEIR EXISTING DWELLINGS

SPONSORED BY REP. HALL

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

FEBRUARY 24, 2025

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection. I am speaking in opposition to L.D. 488, and specifically against the provisions related to coastal sand dune systems.

As drafted, L.D. 488 would allow the construction of a new seawall in a coastal sand dune system. The Department's Chapter 355 Coastal Sand Dune Rules define a seawall as a "vertical wall, or other sloped barrier that separates land from water areas, commonly constructed out of rocks, wood, concrete or other similar materials, generally

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built for the purpose of protecting structures or property from shoreline erosion caused by wave or current action.” The Department’s opinion is that the placement of fill covered by riprap or rocks would meet this definition.

The Department’s Coastal Sand Dune Rules, which have been in effect since 1983, prohibit the construction of a new seawall or similar structure in a coastal sand dune system. Ch. 355 §5(E). Seawalls are detrimental to coastal sand dune systems because they prevent the movement of sand and gravel within and to dune systems and because they deflect wave energy from the seawall back onto the beach. Deflection of wave energy scours away sand and gravel, which lowers the beach profile, thereby reducing the natural protection afforded by coastal sand dune systems against storm events and resulting in the loss of beach area above the high tide elevation.

The Department’s Rules do allow, and the Department routinely permits, alternatives to seawalls that can afford additional protection to property owners. In a coastal sand dune system, beach nourishment and dune restoration projects can restore beach and dune topography that provides natural protection during storm events. The Department now permits enhanced dune restoration projects using biodegradable stabilization materials, such as coconut fiber coir logs, pursuant to Public Law 2023, Chapter 97 (L.D. 478). Additionally, a property owner may enhance resilience to storm surge and flooding by elevating their dwelling on a post or piling foundation.

As mentioned, the Department’s primary concern with L.D. 488 pertains to its allowance for new seawalls in coastal sand dune systems. In a coastal wetland outside of a coastal sand dune system, nothing in the Department’s rules prohibits the construction of a new seawall. In accordance with the Department’s Chapter 310 Wetlands and Waterbodies Protection rules, an applicant in this situation must demonstrate that the impact to the coastal wetland has been minimized, that that impact has been compensated for when necessary, and that the impact is reasonable. The Department appreciates that L.D. 488 focuses on protecting building foundations and would not allow fortification more than 50 feet beyond the building foundation. Proximity of a

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proposed seawall to a building or other structure is one valuable metric by which to gauge the necessity of the project and the reasonableness of its impact.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.