

To: Members of the Joint Committee on Environment and Natural Resources
From: Becky Layton Bartovics
Date: March 12, 2025
Re: **LD 226: An Act to Protect the Cultural Resources and Historical Heritage of Sears Island in Searsport by Extending Conservation Easement Protections** and **LD 735 "An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding Land Development"**

Senator Tepler, Representative Doudera and Members of the Environment and Natural Resources Committee:

I am a resident of North Haven and part of a fishing family who are intimately connected to the waters of Penobscot Bay. I am also representing a group of citizens around the bay who feel similarly. What happens to the natural resources of Sears Island will impact all of them and it is why I speak today. Besides being a small farmer, my employment history was in renewable energy. I have long advocated for 100% renewable energy in order to preserve our planet. Protecting natural resources is an essential legacy for life on earth to continue in the face of climate change. As Robin Wall Kimmerer says, "We live in a time when every choice matters."

Since there is a viable alternative Off Shore Wind (OSW) port site less than a mile away from Sears Island, called Mack Point, the state has a perfect option that would enable implementation of the Governor's Climate Policy, neatly answering the need for renewables while at the same time protecting a significant natural resource. The optics could not be more compelling. This is not NIMBY.

Perhaps "familiarity breeds contempt" is what has driven the multiple efforts to develop Sears Island, this real gem in our midst. What if there was a plan to harvest 2.2 million cubic yards of soil from the Eastern Prom in Portland to allow for industrial development? I bet we would not be talking about this at all. Local residents and thousands of visitors cherish this unique place in the same way.

Sears Island is unique on the Coast of Maine and offers a rare intact environment along the whole East Coast of the US. Preserving this gem would be an important addition to the Governor's 30x30 initiative. Its 930 acres of forested coastal wetlands with significant mature forests cool the island and its waters, providing benefits for all sea creatures downstream. It is important to note that cooling the waters of the bay is essential to life in the ocean. Our fishery depends upon the services of uninhabited places that provide natural nutrition for their catch. This major resource provides bottom of the food chain organisms to all the fisheries.

Sears Island provides a significant migratory bird stopover, unparalleled on the coast due to lack of human infrastructure, a dark night sky and its abundance of roosting and feeding areas. Offering a broad array of littoral habitat for terrestrial fauna as well, it also is an important asset to the human visitors of all stripes seeking solace, seeking open

space and the well documented healing aspects of being in the forest. Friends of Sears Island provides programs year round while the island offers coastal access for countless local public and home schoolers. Sears Island is free to the public and accessible.

It also has important cultural and archaeological significance. It was inhabited by current day Penobscot Nation ancestors for thousands of years prior to European contact. At no time have members of the Indigenous Nations of Maine ever been consulted on any plans that impact this island. This lack of consultation must be remedied.

Since the 1980's, there has been a long history of actively protecting Sears Island from development. I participated in the Sears Island Planning Initiative and the Joint Use Planning Commission which ultimately resulted in the Consent Decree signed in 2009. That Decree came about in large part as a result of an earlier state government attempt to degrade Sears Island in a manner that violated Federal environmental law.

Because Mack Point already has marshaling port infrastructure for wind energy development, has little in the way of ecologically important assets¹, and would offer a similar employment prospects, and with the current federal determination not to support OSW there is no reason to continue the effort to develop the precious island resource that is Sears Island.

Given the recent dismemberment of the mechanisms by which the Federal Government enforces the Federal Clean Water Act (Maine's Senator Edmund Muskie's legacy), it is even more important that we do everything we can to protect the clean waters that we have.

We suggest that the Committee adopt a friendly amendment to LD 226 to permanently protect the island as free and open to the public by November 2025, if at all possible.

We believe protecting the whole island is timely. Clearly there is a large portion of the local populace who will oppose any development of the island now and in the future. This group is not going away. It is time to find a solution to this "Island of the Shining Sea" – Wahsamkik – home to tribal nations long before colonization.

Regarding LD 735, We believe that the law approved in the 131st session giving a waiver to develop a coastal sand dune to obviate existing law was inappropriate and sets a bad precedent allowing potential unrestrained destruction of Maine's legacy environment. It should be rescinded. Amending LD 735 to remove the other two issues would garner support, otherwise the bill is too complicated.

We urge you to vote "ought to pass" on L.D. 226 as amended. LD 735 should be amended to rescind the Sand Dune Legislation of the 131st Legislature only.

¹ The only wetland on Mack Point is surrounded by fuel tank infrastructure and tarmac. Sears Island has multiple wetlands of importance dwarfing the only one on Mack Point.

I am happy to provide references if requested and to field any questions.

Respectfully submitted,

Becky Layton Bartovics Environmental Activist
North Haven, Maine
bbartovics@gmail.com
207-390-0393

John Fitzgerald and Christine Real de Azua- Sedgwick, Maine

Sandra Scholar, Esq., Greenville Junction, Maine
Albert M. Manville, II, PhD, Certified Wildlife Biologist, Greenville Junction, Maine

Sara Hotchkiss, Waldoboro, Maine
Wayne Myers, Waldoboro, Maine

Marianne Hill, South Portland, Maine

Jonathan Fulford, Belfast, Maine

Beverly Roxby, Belfast Maine

Kenneth S. Cline, Bar Harbor, Maine

David Gibson, Morrill, Maine

DAMELA MACBANE, CAMDEN, MAINE