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**Testimony of Rep. Lynn Copeland
Before the Environment & Natural Resources Committee
Presenting L.D. 946: A Resolve To
Authorize Maine as the Nonfederal Sponsor with the
United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco**

Senator Brenner, Representative Tucker, and distinguished members of the Environment & Natural Resources Committee, my name is Lynn Copeland, and I am honored to represent the citizens of House District 14, which is downtown and coastal Saco. I am here to present **LD 946, A Resolve to Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers (“ACOE”) for the Shore Damage Mitigation Project in Saco.**

The State of Maine has Jurisdiction over the Saco River wherein there is a Federal Navigational Channel with a long stone Jetty heading out of the mouth of the Saco River (the “Jetty”). The Jetty was installed by the ACOE in 1867. The erosion caused by the Jetty has severely impacted Ferry Beach State Park and all of Saco Bay shorelines.

Here is the situation. The State owns the Saco River (the “River”). There is a federal channel in the River connecting Saco Bay and the downtown areas of Saco and Biddeford. Ferry Beach State Park is on the shoreline of Saco Bay just north of the mouth of the Saco River, within the City of Saco. In addition to the economic loss of 38 seaside houses and 2 streets, with associated tax revenue, the City of Saco typically spends upwards of \$350,000 annually of their taxpayers’ funds to shore up the shoreline and roadways, and has done so for decades. The communities of Saco, Biddeford, Old Orchard Beach and Scarborough have had negative effects because of the erosion caused by the Jetty. The State’s support is sorely needed.

There is a long history regarding the Jetty. In 1867, the ACOE constructed a large stone Jetty on the north side of the Saco River mouth. The Jetty has altered the wave action, pattern of currents and sand deposits, and is the primary cause of the devastating erosion in Camp Ellis, effecting the shoreline ecology. The ACOE has accepted responsibility for this structure and much of the damage it has caused.

The loss of beach, vegetation and habitat to endangered species is astonishing and not to be ignored. The [piping plover](#) is a small shorebird whose habitat is sandy beaches and is federally listed as a threatened bird species. In addition, the safety and well-being of residents and visitors to the beaches along the Saco Bay shoreline, animal habitats are negatively impacted as well.

To date, thirty-eight homes and 2 streets have fallen into the sea, and off the City of Saco's tax roll. Two streets have also washed into the sea. See *Figure 1*, a [1908 map overlay](#). The houses that are now in danger were once six or more houses back from the sea. Here is a link to **historical information** on the City of Saco website: https://www.sacomaine.org/departments/administration/camp_ellis.php. The erosion has and will continue to negatively impact the beautiful Saco Bay shoreline if remediation is not initiated once and for all.

The economic damage to the City of Saco and surrounding communities along with the State of Maine and Ferry Beach State Park is real. Along the Saco Bay shoreline is Ferry Beach State Park which is enjoyed by thousands each year. In addition to park fees, visitors who vacation in this area shop and dine in nearby downtown communities. The State of Maine has a huge stake in this project in terms of revenue and other economic factors such as sales tax and loss of valuable sandy beaches at Ferry Beach State Park. See [Link 2](#) for a [2012 Fiscal Impact Analysis](#), while keeping in mind it is far worse now.

There have been more than 36 studies of this area over the years by Thornton Academy Students, University of New England researchers, the Woods Hole group, the U.S. Army Corps of Engineers and by Peter A. Slovinsky, Marine Geologist at the Maine Geological Survey, Maine Department of Agriculture, Conservation and Forestry. See [Link 3](#) for the [Slovinsky 2020 update](#) report.

The Plan that is on the table now is the U.S. Army Corps of Engineers, Section 111 of the River and Harbor Act of 1968, Shore Damage Mitigation Project of the Saco River and Camp Ellis Beach, Saco, Maine, dated September 2017, Alternative 6. (The "[Section 111 Plan](#)" or the "Plan") See [Link 4](#) page 70 of the Shore Damage Mitigation Project report. In support of the Plan, with the efforts of U.S. Congressman Tom Allen, Congress approved the Water Resources Development Act of 2007 and authorized a maximum Federal expenditure of \$26,900,000 for work under Section 111 at Camp Ellis. There is also additional federal funding that our current federal delegation is working to make available. See [Link 5](#), [In the Senate of the United States, 116th Cong., 2d Sess. EDW20274, P. 41](#). U.S. Senators [Angus King, Jr.](#) and Susan Collins, along with U.S. Congresswoman [Chellie Pingree](#) have been working tirelessly to facilitate the implementation of the agreed-upon Section 111 Shore Damage Mitigation Project (Camp Ellis Jetty Spur). Over the years, there has also been much [media coverage](#). See [Link 6](#).

The Saco City Council [voted](#) in favor of the Section 111 Plan. While the Section 111 Plan does not have a local share component, it does require a non-federal sponsor for any cost overages. This is where State support is needed. The City of Saco and its taxpayers cannot afford to be on the hook for this huge project, which effects not only Saco, but the neighboring

communities, Ferry Beach State Park, and local sales tax revenue from visitors to the beach communities in Saco Bay to the State of Maine. Adding this Jetty spur would increase the likelihood of greater economic development in this beautiful seaside community.

Accordingly, the State of Maine should agree to be the non-federal sponsor for the U.S. Army Corps of Engineers, Section 111 of the River and Harbor Act of 1968, Shore Damage Mitigation Project of the Saco River and Camp Ellis Beach, Saco, Maine, dated July 2017, Alternative 6. The 130th Legislature must authorize the Maine Attorney General to work with the City of Saco and the U.S. Army Corps of Engineers to come up with an agreement with The Department of the Army for construction of the Saco River and Camp Ellis Jetty Section III Project, Alternative 6.

Here is a link to historical information on the City of Saco website:

https://www.sacomaine.org/departments/administration/camp_ellis.php. So far, 38 houses and 2 streets have fallen into the sea and/or off the City of Saco's tax rolls. The erosion has and will continue to negatively impact the beautiful Saco Bay shoreline if remediation is not initiated once and for all. The State of Maine has a huge stake in this project in terms of economic impact (sales tax and other revenue from vacationers) and loss of valuable sandy beach at Ferry Beach State Park.

Prior political legislation working toward a solution:

[126th LD 1644](#), An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River

[128th HR 101](#), House Resolution Expressing Support For Immediate Action Regarding The Erosion At Camp Ellis Caused By The Federal Navigation Project Jetty

[129th LD 774](#), An Act To Protect Maine's Beaches and Shoreline

[129th LD 774](#), with ENR Committee Amendment – Integrated 25 Beach Management Program Working Group Report to 130th Legislature by January 15, 2021

[Saco City Council Resolve](#), October 21, 2019

[Army Corps of Engineers Section 111 Shore Damage Mitigation Project Plan](#), including Alternative 6, April 2013

[Senator Angus King video](#) of Senate hearing with ACOE candidate, November 9, 2017

[Saco River and Camp Ellis Beach Data Collection and Modeling Report](#) October 2006 showing Plan 6, Inshore Location of a 750-foot Spur Jetty

[A 2020 Update on Shoreline Changes along Saco Beaches](#), Peter Slovinsky, Marine Geologist, Maine Geological Survey

Below is an overlay from 1908 showing catastrophic losses due to the Federal Jetty; we need to protect what is left of Camp Ellis and the Saco Bay shoreline.



Congresswoman Pingree on Camp Ellis Jetty getting an understanding of the issues.



In passing this bill, multiple problems would be resolved, including saving the Piping Plovers and their habitat.

Negotiations with the ACOE are advancing, but not complete. I ask for time to adjust the language in LD 946. Thank you for the opportunity to present this bill. I am happy to answer any questions you may have.