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TESTIMONY BEFORE THE JOINT COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES
IN OPPOSITION TO LD 946

Resolve, To Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco

April 12, 2021

Senator Brenner, Representative Tucker, and members of the committee, my name is Robert Marvinney, and I am the State Geologist and Director of the Bureau of Resource Information and Land Use Planning. I am speaking on behalf of the Department of Agriculture, Conservation and Forestry in opposition to LD 946, Resolve, To Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco.

First and foremost, our opposition to this bill does not represent opposition to the City of Saco or the Corps of Engineers project intended to address erosion at Camp Ellis caused by the federal jetties. My agency and the Department of Environmental Protection have been working for decades with the City of Saco to mitigate the beach erosion, coastal flooding, and property damage caused by the jetties. We worked with the Corps of Engineers on designing the comprehensive study that identified the proposed project – a 750-foot long spur jetty combined with beach nourishment – as a reasonable approach to reducing erosion at Camp Ellis. This design minimizes our primary concern with any solution at Camp Ellis, that the erosion problem should not be simply exported to the next segment of beach.

Our opposition is to the Project Partnership Agreement that the Corps insists is necessary to move forward on this project. The Resolve requests that the State of Maine sign the binding agreement with the Corps of Engineers, details of which the State has not seen.

Furthermore, we believe the pathway to a lasting solution at Camp Ellis is one that keeps all parties engaged – the City of Saco, the State agencies, and the Corps of Engineers. The Corps has stated many times over the decades that a Project Partnership Agreement will commit the local partner to the long-term maintenance of the project including multiple cycles of beach nourishment. This commitment could reach many tens of millions of dollars over the next 50 years. The Corps has also made clear that once the current federally authorized funds are expended, they will have no further responsibility for mitigating future erosion in Saco caused by the federal jetties or their modification. This is unacceptable. There is no national precedent for a state or municipality to take over full responsibility for a federal coastal engineering project.

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In summary, the State agencies remain committed to working with the City of Saco on a long-term solution at Camp Ellis. However, passing the Resolve would mean the State is warranting the work of the Federal government.

Thank you for your time. I would be happy to answer any questions now or at the work session.

DRAFT