



Testimony before the

Joint Standing Committee on Environment and Natural Resources

By Kaitlyn Bernard, Natural Resources Policy Advisor

May 3, 2021

RE: LD 1488, Resolve, To Study and Recommend Improvements to Maine's Dam Safety

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Kaitlyn Bernard and I am the Natural Resources Policy Advisor for The Nature Conservancy in Maine. I appreciate this opportunity to testify **in support of** LD 1488, Resolve, To Study and Recommend Improvements to Maine's Dam Safety.

The Nature Conservancy (TNC) is an international conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. The Nature Conservancy has been working in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 275,000 acres. We work across the state to restore the rivers and streams that support healthy fish populations, partner with fishermen to rebuild groundfish populations to benefit coastal communities across the Gulf of Maine, and develop innovative solutions to address the causes and impacts of climate change.

The Maine Dam Safety Program (MDSP) has identified more than 1,000 dams in Maine and is responsible for regulating and overseeing non-Federal Energy Regulatory Commission (FERC) licensed dams. The program has a wide array of responsibilities in addition to inspecting these dams including outreach to dam owners, identifying and administering federal and state funding, supporting emergency action plans, and reviewing designs for new dam construction or reconstruction projects. All of this work is conducted on a lean program budget and by 2.5 full time staff.

Over the last several years there have been many examples of dam issues in other states both in our region and across the country. Almost exactly one year ago heavy rainfall and rising floodwaters led to two private dams breaking in Michigan on May 19, 2020. Three communities

needed to be evacuated due to that emergency and it made national news. And closer to home, in 2005 a potential flooding crisis in Taunton, Massachusetts at the Whittenton Mills dam resulted in 2,000 residents being evacuated from their homes. National Guard troops were temporarily brought in to manage the situation which cost the town nearly \$1.5 million. This incident led to the state of Massachusetts improving their approach to dam safety. While we have had less dramatic breaks in Maine, we have an opportunity here in Maine prevent harm. This bill will allow the state to evaluate our dam infrastructure and implement forward-looking changes before it is too late.

According to the annual Maine Infrastructure Report Card from the American Society of Civil Engineers, our dam infrastructure ranks a D+. The study outlined in LD 1488 would invest some much needed additional capacity in the important Maine Dam Safety Program by compiling critical data and bringing in support from key stakeholders in this arena. This bill would be a catalyst for Maine receiving a peer review from the Association of State Dam Safety Officials (ASDSO) and result in a comprehensive report on the state of our dam infrastructure. A representative from ASDSO helped draft the bill and has made himself available to the ENR Committee should you have any questions.

Information collected in this study will form the baseline for recommendations to update, better support, and add resources and capacity to Maine's Dam Safety Program. The bill outlines key components of the study that will be critical to evaluate including: potential risks to downstream communities, an assessment of the resiliency of Maine's existing dams and their ability to withstand historic and projected drought and flood events, and a review of resources and grant programs available for the program and dam owners.

Multiple stakeholders, including the Maine Dam Safety Program, helped shape LD 1488 and we appreciate Representative Bell's leadership in bringing it forward. We commend the staff team at MDSP and hope the passage of this bill will give them a chance to evaluate their efforts and identify areas where additional investment or changes might make them even more effective. It is worth noting that our neighboring states of New Hampshire and Vermont manage similar dam safety programs and might have insights or methods that could be adopted in Maine to sync up regional dam oversight.

Again, we commend our partners and the Maine Dam Safety Program for bringing forward this study. We hope this committee will support LD 1488 and we are eager to see how the study work takes shape and what recommendations may surface for future legislation. Thank you for the opportunity to comment and TNC is happy to answer any questions.