

May 2, 2021

Senator Stacy Brenner
Representative Ralph Tucker
Environmental and Natural Resources Committee
100 State House Station
Augusta, ME 04333

RE: Support for 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 Environmental and Natural Resources:

My name is James Woidt. I am a licensed Civil Engineer with a specialization in water resources including dam safety, flood risk management, and river restoration. In this role, I work directly with public and private owners of dams to maintain the safe condition of their dams, manage risk by proactively preparing for emergency situations, and, when necessary, support the rehabilitation or removal of unsafe dams. I was also the lead author of the "Dams" Section of the 2016 and 2020 *Report Card for Maine's Infrastructure* produced by the Maine Section of the American Society of Civil Engineers. Thank you to Representative Bell for leading this legislation and thank you to all of you for the opportunity to share my support for LD 1488.

Maine's dams are an important part of Maine's history and development: Maine's dams literally powered our state's economy and growth through the Industrial Revolution and into the early 20th century. With an average age of 104 years, many of Maine's 19th-century dams are still in existence today. While some of Maine's older dams have been retrofit or adapted for other purposes including sustainable hydropower, recreation, and waterfowl habitat, many of Maine's dams no longer serve their original purpose. However, even retrofit or newer dams may not have been designed to meet the demands of the coming decades as populations shift, priorities change, and increasing severity and frequency of droughts and floods that we have observed over the past several decades continue, and perhaps accelerate, into the future.

While Maine's dams can and do provide numerous benefits, it is also important to understand the hazards they present to Maine's people and our public resources, including the environment. As documented in the 2020 Report Card on Maine's Infrastructure, there are 72 significant-hazard and 32 high-hazard dams known to and regulated by Maine's Dam Safety Program. An uncontrolled failure of one of these dams has the potential to cause significant environmental and economic damage, and, in the case of high-hazard dams, loss of life. Even low-hazard dams present serious risks: they can cause dangerous re-circulating currents that can trap and drown even strong swimmers and they can also prevent the passage of migratory fish that are an important economic and environmental resource. In all cases, the property, resources, and lives at risk are often third parties that are not responsible for nor directly benefit from the dam. It is these potential adverse impacts to others that are the reason that dams are regulated across the United States, including in Maine.

Given the potential risk to Maine's citizens and public resources, the "D+" grade assigned to Maine's dams in the 2020 *Report Card on Maine's Infrastructure* should give us pause. It also provides evidence that a review of the Maine Dam Safety Program, and how it could be adapted to "Raise the Grade", is warranted. The Association of Dam Safety Officials provided similar evidence in its 2018 *Dam Safety Performance Report for Maine* which found that Maine had 56 percent compliance with ASDSO's *Model Dam Safety Program*. This score is well below the national average of 79 percent. Some of the lowest scored categories were legislation, inspection, and permitting. Considering that limited funding restricts the capacity of the Maine Dam Safety Program to inspect dams on the frequency recommended in the *Model Dam Safety Program*, these lowest-scoring categories may be effectively improved with conscientious legislative review and revision of Maine's Dam Safety Program.

As we consider the current state of Maine's dam infrastructure we are simultaneously confronted with the challenges of the 21st-century. It is therefore important that decision-making related to dams consider the full suite of current, potential, and future benefits and risks of Maine's dams. To the latter, Maine's Dam Safety Program has a critical role in ensuring that the risks posed by Maine's dams are appropriately assessed and managed. It is critical that the authorities and responsibilities of Maine's Dam Safety Program be reviewed to ensure that they are sufficient to balance the benefits and changing demands of Maine's dams with the protection and welfare of the people and public resources of Maine.

LD 1488 provides a means to review Maine's Dam Safety Program and report its finding and recommendations to this Committee next year. As provided by LD 1488, this review will be led by the Maine Dam Safety Program and the Association of State Dam Officials, a non-profit organization dedicated to improving dam safety. I have the utmost confidence that these two entities will be able to provide an objective, impartial review of the Maine Dam Safety Program that is focused on the best interests of the citizens of Maine. This review may also identify opportunities to coordinate with other state agencies, such as the Maine Department of Environmental Protection, to identify ways to more efficiently maintain state-owned dams and streamline permitting involving dams. For these reasons, I believe that LD 1488 is in the best interest of the citizens of Maine and am therefore providing my support for the approval of LD 1488.

Thank you for your time.

Sincerely,



James Woidt, PE
Resident of Scarborough, Maine