

Maine DEP moves to fast-track recovery permits after destructive winter storms

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Kevin Deneault with Portland's Department of Public Works checks flooding at Portland Pier on Jan. 13. *Michele McDonald/Photo Editor*

The Maine Department of Environmental Protection is trying to fast-track efforts to recover from a string of devastating winter storms while giving impacted property owners the flexibility to adapt to changing climate conditions.

The state is trying to make it easier to build back better, with infrastructure that can withstand a wetter, warmer future with rising, stormier seas, but that can also be finished before piping plovers return in March, lobstermen start setting traps in April and the summer tourist season kicks off in July.

"It's a tightrope that we're walking," said Rep. Vicki Doudera, D-Camden, before a vote on fast-track permitting Wednesday by the Legislature's environment committee. "(It's) a dance to try to keep our beautiful Maine environment in mind, but also keep in mind that we have to help people."

New piers, wharves and docks could be up to 4 feet taller than what was destroyed by the January storms under a proposed bill exempting them from tough permit requirements in Maine's Natural Resources Protection Act.

The bill would allow applicants to build back in a more climate-conscious way that can withstand the next big storm or the next half-century of sea level rise, Doudera said. It doesn't make sense to spend money building something that you already know is likely to get destroyed again.

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In plain terms, the bill would allow rebuilt piers, wharves or docks to be 4 feet taller than the ones destroyed by the storm, with enough extra width to support the additional height. The Maine Climate Council projects sea levels are likely to rise between 1.1 and 3.2 feet by 2050 and 3 to 9.3 feet by 2100.

That doesn't mean the work doesn't have to follow state regulations, however. If a property owner breaks a rule during an emergency rebuild, an angry neighbor or business rival could call state inspectors, leading to a fine, the structure being torn down or both, said DEP Commissioner Melanie Loyzim.

The bill would also allow towns to take emergency flood control measures without agency approval, as long as local officials notify the state after the immediate threat to life or property is over and follow all agency clean-up, remediation or restoration orders.

The environment committee voted 11-0 Wednesday to approve the fast-track permit bill. Under NRPA, the permit turnaround time is usually 120 days. Under permit by rule, applicants must give the state 10 days to review the request before beginning work.

The emergency bill needs two-thirds legislative approval and Gov. Janet Mills' signature to become law.

HELP FOR COASTAL DUNES

The same storms that wiped out working waterfronts gouged the coastal dunes, washing away the beach grass, but the Board of Environmental Protection approved emergency rules Thursday that allow people to anchor the sand that remains with coconut logs, root wads and recycled Christmas trees.

If beach towns or shoreline property owners file for coastal dune permits now, they'll have to wait just 10 days – not the 120 days usually required by the Natural Resources Protection Act – to start shoring up the natural barriers that can protect their homes from storm surges and waves.

They will have to finish the work before the March 15 cutoff established to protect nesting piping plovers. The biodegradable materials that could be used to repair the coastal dunes include compostable fabrics, jute or coconut fiber logs, gravel, cobble and recycled Christmas trees.

Wells Selectman Robert Foley, a former state representative who served on the environment committee, told the board that his community needed the rule to replace the 400 feet of dunes lost during the back-to-back January storms, which he characterized as angry and vicious.

“As a town and as a state, we need to pay attention,” Foley said. “This was a wake-up call.”

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Mills is proposing the addition of \$50 million to the Maine Infrastructure Adaptation Fund to help cities, towns and tribal communities prepare their public roads, public buildings sewer and water systems, and privately owned working waterfronts for a warmer, wetter future with rising sea levels.

State lawmakers will consider a bill to create a \$50 million program to make emergency relief payments to the small businesses hurt by the December and January storms. The legislative committee overseeing economic development will hold a Feb. 13 hearing on the bill.

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