

FAQ: Activities in Coastal Sand Dunes (August 2021)

Maine's coastal sand dunes and beaches provide natural protection against storm surge and high waves, reducing coastal flooding and structural damage. They also provide important wildlife habitat. Sand, cobble, grass, shrubs and trees are all part of a system that needs to thrive in order to provide a protective shield from negative tidal effects, especially with the influence of sea level rise. Below are questions about common activities that landowners and others often ask about doing at Maine's beaches. The Department regulates activities in coastal sand dunes under the Natural Resources Protection Act, Chapter 355. *You should always confirm that you either own the property on which the activity will take place, or you have the owner's permission.*

1. Can I dig up or pull beach grass or other dune vegetation from an area that I own?



Not without a permit from the Department. Removal of vegetation in a protected natural resource like the coastal sand dune system is generally **not** permitted since its removal can lead to increased erosion and loss of important wildlife habitat. Much of Maine's beach and dune area is home to endangered piping plovers, small shorebirds that need these areas to nest and raise their young. Volunteers install fencing each spring to keep people and pets away from these areas and remove them when the nesting season is over.

2. Can I move sand and debris away from my house/lawn/developed area on my property?

Yes. This activity is "de minimis" (a permit is not required) provided only debris is removed and sand/cobble/seaweed is placed properly back into the sand dune system. Debris is defined in rule as "non-

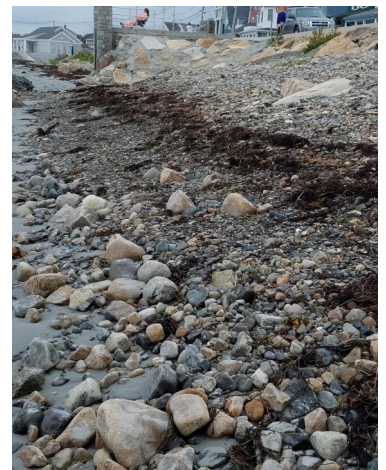
mineral material" so does not include sand, cobble or seaweed, but **does** include, and in this case, allows the removal of, driftwood and most other human-made material, including garbage or trash. If garbage or trash is removed, it must be disposed of at an approved waste disposal facility. See the "de minimis" section on the back page for more.

3. Can I move cobbles away from my house/lawn/developed area on my property?

Yes, but with limitations. Small amounts of cobble can be removed by hand but need to be placed immediately seaward of a frontal dune or seawall on your property. However, any clearing of significant amounts of cobble or removal using large equipment may require a permit. Please contact the Department if this is your intent.

4. Can I move sand/debris/cobble from the Town owned beach in front of my house?

No. If the beach is owned by the Town, permission must first be granted by the Town. Cobble removal may require



permits from the Department (See #2 and #3). Check with your local Code Enforcement Officer, Town Engineer, or Public Works Director.

5. **What do I do with garbage and other waste found within the natural cobble/sand/debris?**

See the answer to #2.

6. **Is seaweed considered waste and can/should it be removed?**

No. Seaweed is not considered waste and should be treated differently from “debris,” i.e. not removed from the dune system. It can be moved as a “de minimis” activity provided it is not removed from the sand dune system and its placement does not disturb dune vegetation.

7. **Can I stockpile the sand recovered from my lawn into a protective berm?**

No. The “de minimis” provisions require sand to be spread out not to exceed 3 inches in depth. If a property owner would like to use the sand to create a protective dune, there is an abbreviated permitting process (i.e. Permit by Rule) that can be obtained.

8. **Can I build a new footpath to the beach?**

A new path to the beach requires a Department permit. Dunes lose their protective cover of vegetation along foot paths where people access the beach. Over time, the paths can act as conduits for flood water and waves. A path that curves or zig-zags near the seaward edge of the dune can slow erosion and flooding. To protect dunes from foot traffic that can cause erosion, elevated walkways can be constructed over a sand dune.

For info on this and other coastal issues, the Maine Geological Survey has published resources on coastal hazards and best

practices at https://digitalmaine.com/mgs_publications/605/ and https://digitalmaine.com/mgs_publications/606/

Other “de minimis” activities that DO NOT require a permit:

- Removal of debris from a beach provided only limited amounts of cobble and no sand is removed;
- Addition of loam on existing lawn if the total depth of loam does not exceed 3 inches;
- Removal of sand from lawns or other developed areas provided the sand is retained in the coastal sand dune system, does not disturb existing dune vegetation, and is spread on beach areas to a depth of no greater than three inches above the existing beach grade;
- Construction of open fences to keep pedestrian traffic off dune vegetation or away from designated essential wildlife habitat areas;
- Removal of seaweed from developed area (this does not apply to undeveloped frontal dunes) provided the seaweed remains in the coastal sand dune system and does not impede the growth of dune vegetation; and
- Construction of a walkway or path on an existing developed area.

