



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

**MEMORANDUM**

TO: The Board of Environmental Protection  
FROM: Eric Hitchcock, Bureau of Land & Water Quality, Augusta  
RE: Consent Agreement for John Hangen  
DATE: February 18, 2010

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**Statute and Rule Reference:** *The Natural Resources Protection Act*, 38 M.R.S. § 480-C, prohibits soil disturbance and filling adjacent to a great pond without first obtaining a permit from the Department.

**Location:** Fort Fairfield, Maine

**Description:** On July 16, 2009, Department staff inspected property owned by John Hangen on Monson Pond in Fort Fairfield. The inspection revealed that fill was placed in an area approximately 10 foot by 15 foot immediately adjacent to Monson Pond for the purposes of installing a boat ramp. The ramp extended to the normal high water line of Monson Pond. John Hangen did not first obtain a permit for this activity. An inspection the following day on July 17, 2009, revealed that the fill had been removed to the satisfaction of Department staff.

**Environmental Issues:** Great ponds are among the State's most sensitive protected natural resources. Aquatic life is richest and most abundant in the shallow water about the edges of lakes. This zone in which light penetrates to the bottom of the lake is known as the littoral zone. Lake bottom habitat can be greatly diminished from the deposition of silt loads due to the erosion from soil disturbance into the water body. Excessive amounts of silt deposited in the littoral zone smothers bottom dwelling organisms, stress free-moving organisms, increases water temperatures and eliminates fish spawning and other wildlife habitat. The quality of runoff water into the lake can also be greatly reduced by flowing over impervious surfaces, such as boat ramps.

The fill material was removed quickly and the area revegetated and stabilized such that no short or long term impact is anticipated.

**Department Recommendation:** The Department recommends acceptance of this Consent Agreement stipulating that John Hangen pay a monetary penalty of \$ 1,507.50, which has been paid. The penalty is based on the Department's penalty policy reflecting the size of the violation, knowledge of the violator, and that the violation could have been avoided.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN THE MATTER OF:

JOHN HANGEN ) ADMINISTRATIVE CONSENT
EASTON, AROOSTOOK, MAINE ) AGREEMENT
NRPA ) (38 M.R.S. § 347-A)
2009-104-L )

This Agreement by and among John Hangen , the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

- 1. John Hangen, 117 Morse Road , Fort Fairfield, Maine owns a parcel of land on Morse Road in Fort Fairfield, Maine as described and recorded in Book 4257 on Page 302 of the Aroostook County Registry of Deeds.
2. The property described in Paragraph 1 of this Agreement is adjacent to Monson Pond which is a great pond as defined by the Natural Resources Protection Act, 38 M.R.S.A. § 480-B(5). A great pond is a protected natural resource pursuant to 38 M.R.S.A. § 480-B(8).
3. On July 16, 2009, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that John Hangen had constructed a ten foot wide, 15 feet long earthen boat ramp on his property. The ramp extended to the normal high water line of Monson Pond. John Hangen did not first obtain a permit from the Department for this activity.
4. By filling and disturbing soil adjacent to a great pond without first obtaining a permit from the Department, John Hangen violated the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.
5. On July 17, 2009 the Department issued a Notice of Violation to John Hangen regarding the violation described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).
6. On July 17, 2009, Department staff inspected the property described in Paragraph 1 of this Agreement and determined that all fill had been removed from the shore line of Monson Pond and that all disturbed areas have been permanently stabilized. All restoration has been completed to the satisfaction of Department staff.
7. The Department has regulatory authority over the activities described herein.

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JOHN HANGEN  
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2009-104-L

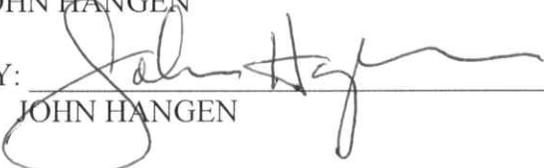
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ADMINISTRATIVE CONSENT  
AGREEMENT  
(38 M.R.S. § 347-A)

- 8. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
- 9. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
- 10. To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, John Hangen agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of one thousand five hundred seven dollars and fifty cents (\$1,507.50) as a civil monetary penalty.
- 11. The Department and the Office of the Attorney General grant a release of their causes of action against John Hangen for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of two(2) pages.

JOHN HANGEN

BY:  DATE: 12/22/09  
JOHN HANGEN

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
SUSAN M. LESSARD, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL