

MacNeil, Jami

From: MacNeil, Jami
Sent: Friday, November 05, 2021 11:29 AM
To: Becca Shaw Glaser
Subject: RE: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)
Attachments: 2021-11-01 DEP Report re Development Permit Processing.pdf

Hi Ms. Glaser,

Thank you for the additional notes and images. I will accept these into the record, but please note that the deadline for public comments was yesterday at 5:00 pm. No further comments will be accepted so we have time to complete our review.

I will look into your question about permit statistics. We do not have a public database, unfortunately.

-Jami MacNeil (she/her)

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Friday, November 05, 2021 9:13 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

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Thank you, Jami. I've decided to bend my work schedule so that I can be there. I'm curious how site visits work, having not seen them before, and will come in my capacity as a columnist for a local paper. I love the idea that you get to visit various sites to look at them.

Is there a place I can go to find out general statistics for what percentage of NRPA applications are approved throughout the state, year to year?

One other thing I wanted to note about SHM's application is something that may seem small but also could have been intentional. I compared the second Yachting Solutions application, which is put together by the same engineering firm, and under the guidance of the same person, Bill Morong, the head of Yachting Solutions, who is now a primary consultant for Safe Harbor Marinas on the ground in Rockland, with the current SHM application. The previous application included depictions of boats tied up at the docks on the Eastern side—although these depictions were flat, and didn't give a sense of the height of these boats, they helped with visualizing how long those boats would stick out.

That feature isn't in the new application, and one wonders if it was done in order to make it appear as if SHM didn't know the exact length and width of the boats they plan to dock there and charge for, and/or perhaps to obscure how

those 200'-240' boats could actually be affecting the viewshed, line of sight, litoral zones, and the municipal channel. I believe a more accurate rendering including the maximum boat lengths and widths would better reflect their plans.

Attached are screenshots from the SHM application, which includes them trying to show that their previous application called for more dredging; it also shows that in their prior application they included boat renderings, whereas the current one does not seem to anywhere.

Thank you,
Rebecca Glaser

On Thursday, November 4, 2021, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Ms. Glaser,

Yes, I will be at the site visit. I do believe a representative of the applicant will be present. I hear and acknowledge your concerns and frustrations with the process, but we do have to follow our rules and policies on public comment.

Best,

Jami

-Jami MacNeil (she/her)

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From: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Thursday, November 04, 2021 5:39 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: Re: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jami,

Thank you again for your detailed reply. I really appreciate it.

That's interesting that the clearcutting, which was done by the city, would be under the purview only of the city itself. It seems like that dynamic opens up room for environmental mishaps.

As to the great blue heron, I wasn't thinking merely of dredging's impacts but of the fact that Rockland has been seeing more birds like that than we used to, and I wonder if having more activity, more boats, etc. in that area might affect them as well. You probably understand heron habits more than I do though!

Will you be at the site visit tomorrow?

I have to work, although I've considered trying to get over for the site visit. But I don't know if it makes sense for me to go to something where I am assuming, based on it being explained as not allowing public comment, I won't be able to converse and explain some of the public's concerns. In contrast, it is my assumption that the representatives of the company will be allowed to converse with and of course try to explain their proposal in the best possible light to state regulators. Perhaps I am wrong, but if that is how these state site visits work, it seems to have the potential to be skewed in favor of companies since they get to represent their applications in the best light, and it locks out the wisdom of the public who may have other things to point to at a site visit which are hard to explain in email.

I imagine that is not a policy that you personally have control over but I simply wanted to express that it doesn't feel like the most open, public process if that is how the state conducts these site visits. Conversely, I can imagine that having to field many comments and questions from the community could feel overwhelming, but if only the corporation or government officials are allowed to speak in person with the state regulators, does that not in some ways disempower and even devalue the public, the community at large?

Thanks again, and take care,

Rebecca Glaser

On Thursday, November 4, 2021, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Ms. Glaser,

Thank you for your additional comments. These will also be added to the record and considered during the Department's review.

The cutting of upland vegetation adjacent to the coastal wetland is subject to the Shoreland Zoning Ordinance, administered by the Town. That activity does not fall within the Department's jurisdiction under the NRPA.

All of the proposed dredging areas are subtidal, and therefore will not affect habitat used by wading birds such as herons.

There is a site visit scheduled for tomorrow at 1:30pm, for regulators to view the site. Although members of the public may be present, there will be no opportunity for public comment at the site visit.

Best,

Jami

-Jami MacNeil (she/her)

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From: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Thursday, November 04, 2021 1:43 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jami,

Thank you so much for your reply. I am relieved to hear that you are aware of the environmental covenants and their boundaries. I know that the company has already presented, in a private meeting with some city of Rockland officials, some sort of upland plans, so it is likely in the future to come up.

I would like to submit more public comments regarding Safe Harbor Marinas' expansion plans for the Maine DEP's consideration.

1. I want to make sure that the proposal is considered carefully in terms of its close proximity to Sandy Beach (sometimes called South End Beach, as on this image below showing the expansion plan proposal in context with the surrounding parks). As I said in my previous email, I have been the volunteer gardener at Sandy Beach for over ten years and I see how much it is enjoyed by the community year-round.

Sandy Beach is the ONLY swimming ocean beach in all of Rockland. It also seems to be our only truly sandy public beach, albeit quite small. People could swim at the Breakwater as well, but I don't see them doing that, plus the beach there is rockier. At Sandy Beach in the summer, every single day of the week (unless it's very rainy or cold) there are always families with children enjoying it, often families without much money or other resources. **Sandy Beach is where people go to take a dip, take a longer swim, sunbathe, picnic, play, explore, visit, cool off in summer. Families spend the whole day there. At night, they moon-gaze, look out at the Breakwater, and more.**

I don't know how disruptive the marina expansion could be for the people at Sandy Beach, but I am concerned about more boats, especially the 200'-240' boats, coming in and out near people trying to relax, unwind, enjoy themselves. Plus if the boats can be seen and heard in their slips from Sandy Beach and Sandy Beach Park it could take away from the open feeling people currently enjoy there. Those four 150' docks they want to put in near Sandy Beach can hold boats that are at least 200' long, so they need to be viewed as how that extra 50' or more poking out from the docks will be viewable from Sandy Beach.

I am also concerned about SHM's plans to have large trucks coming in to bring in the 10,000+ gallons of fuel to put in the boats. (10,000 gallons was the info quoted, approximately, by SHM's Bill Morong at the October 13 Rockland City Council meeting.) **Are those trucks going to be disruptive, loud, have fumes as they go in and out of the very small driveway/access point right next to Sandy Beach Park?**

Certainly, those trucks would affect those there to enjoy the small public strip of land that we call Sandy Beach and Sandy Beach Park. Though I have been reading that recent federal regulations makes boat fuel much less destructive to human health, and as long as these boats and trucks use the very best fittings, spills and incidental leakage of this fuel has become less common, I still am concerned about it, particularly with how close it is to the children playing at Sandy Beach.

Others have also wondered what regulations are in place for washing boats so close to public areas and the shore. When I was a kid growing up at the North End Shipyard in Rockland through the 80s and 90s, all the boats were washed with soaps, scrubbed down with all sorts of toxic paints, varnishes, grease, etc. There was always a slick of oil around there from fuel and oil used in the boats. That residue would be floating around. I would hope there are better regulations now, but there is concern that if these megayachts are being washed there, it will affect sealife, human life, and the ability to swim, etc.

The other thing to know about Rockland is that it is only recently that we have been able to enjoy swimming in Rockland Harbor. When I was a kid growing up there, in the 80s and 90s, I remember seeing raw sewage in the harbor due to inadequate drainage systems, and the other fuel and oil slicks made swimming there not so pleasant. So we finally have this lovely place at Sandy Beach to swim, sunbathe, and water clean enough to swim in. I have talked to several locals who think of Sandy Beach as their special place to go; one for when she was in recovery from heavy substance use, others as balm for their grief.

The risk that this expanded private marina might negatively affect those who are finally able to enjoy the water from the shore should be carefully considered. Why should the state give more public water over to a private for-profit corporation, the largest marina corporation in the world, when we the public have only recently had clean-enough water to swim in in Rockland harbor?



2. Is the DEP aware that in January 2021, hundreds of arbor vitae were clearcut from the land owned by Safe Harbor and Rockland Harbor Park LLC? On the map, those trees/hedges were near that gazebo and all the way along much of the harbor boardwalk, on the harbor side of where it shows parking spots. It seemed like it happened overnight; there had been a large hedge enjoyed by many birds, and then suddenly, it had all been chopped down to the ground apparently by Rockland's Public Works Department working alongside SH and RHP who approved it. The decision was all conducted behind closed doors and took many of us by surprise. I went and counted the stumps afterwards. The trees/hedge was close to the water's edge, so I wondered at the time whether that clearcutting was legal, and whether it being so close to the shore also made it illegal. Or perhaps the city got a permit for it ahead of time? Is the DEP the correct agency that should be looking into that? Here is an article about it: <https://knox.villagesoup.com/2021/01/23/rockland-clears-greenery-to-open-harbor-view-1881380/>

The sort of behavior that the city has undertaken alongside SHM and RHPLLC concerns me as I wonder what other things they may undertake behind the scenes, in corporate-government partnership. It cannot be considered public, when the public weren't involved in the process.

3. I neglected to mention the great blue heron that many people have noticed in the inner harbor now, near where the marina expansion would be. Will all the dredging and disruption affect the herons and other animals there?

4. I wanted to also include some comments by locals made at the October 13, 2021 Rockland City Council meeting, in case they did not know about the public comment with the state:

Ken Pride, Rockland, taught school here for 32.5 years, was told he had to move his mooring when MBNA came to town. “For me it worked out okay, because I’m in a more weather-friendly place. But the dilemma was I incurred significant expense because of the move. I was in different water. I was more than two or 300 strokes by oar from the public landing. And all of a sudden I had to pay four times as much to keep my dinghy in a different place. But my point is that it's not just a simple moving of moorings, the morning owners will incur additional expense in terms of gear. Where are you going to put those guys because they're going from shallower water to deeper water and their access to their morning is changing?...I personally will not campaign to stop you guys. I know there's give and take in all of these kinds of things. But I am extraordinarily skeptical about your ability to not impede traffic through the city channel.”

Amy Files, Rockland: “But my main issue with this project is that the federal government is using tax dollars to take away my view and access to the harbor in order to build a playground for rich yacht owners. I don't see how in any way a project like this is in the public's interest. It doesn't align with Maine or Rockland’s values and protecting public access to our harbor and our shoreline. It further tips the balance of ownership of our city from a year-round residential community to a seasonal wealthy elite from away city. And it doesn't align with state or city climate goals as the project would encourage increased use of fossil fuel burning unsustainable luxury items. I realize council isn't currently in a position to approve or reject the application. But your voice as our representatives is powerful. And with that voice, I'd urge you to reject the expansion. It's one thing for a property owner to update and renovate infrastructure on their own property. But allowing them to expand their property line is very different. It would be like allowing a homeowner or business owner to move their property line into one of our public parks, and in many ways that's just what the expansion would be doing. The public access is being sacrificed in the name of private profit and a large swath of our harbor is being privatized. I hope that in your position, you'll encourage further review by the state, demand more scrutiny and ask more questions. For example, how can the

state evaluate impact on views without any renderings or photo mock-ups? How can the state evaluate ecological impact on traffic without an explicit description of the size and amount of vessels that the expansion would accommodate? And what's the actual value of this expanded area taking into account loss of access, impact on paddlers, small craft, harbor moorings, loss of view and experience? And if this project is allowed to go forward, how will the public be compensated for that loss? I hope you'll also please urge the state to expand public process to include a public meeting here in Rockland that includes stakeholders, residents and councillors.”

Judy Pasqualge, Rockland: “I think that the proposal does violate Maine guidelines as it does unreasonably interfere with customary or traditional public access ways to or from public trust rights, especially recreation.”

Maria Devery, Owls Head. “I've watched this, I've read about it, I've looked at the drawings, etc. And I agree with a previous speaker who talked about the harbor really as the jewel of the city. And I think that you guys are handing over the jewel of this city without a fight. And it's something that the people before you worked long and hard to create, along with many other things in the city. I personally don't understand how many people a megayacht is going to bring in. I don't think that a megayacht is like taking a bus and it hauls in 300 people....”

Thanks again for taking my comments seriously. I would love to continue to be informed of future things, such as a site visit, if there is one.

Thank you!
Rebecca Glaser
Rockport

On Mon, Nov 1, 2021 at 10:17 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Dear Ms. Glaser,

Thank you for your comments regarding the expansion of an existing marina in Rockland Harbor as proposed by SHM Rockland, LLC in NRPA application #L-20386-4P-P-N. The deadline for public comments on the application is November 4, 2021.

To answer your question in comment #4, the Department is aware of the environmental covenants related to the voluntary response action plan (VRAP) at the project site, which was implemented to deal with lime kiln

residue. If/when the applicant proposes to disturb soil within those areas, they will need to submit a plan for handling any lime kiln residues encountered during construction to the Department for review and approval. At this time, the applicant does not propose disturbance within those areas.

Your comments will be added to the file and will be considered during the review of the project. You may contact me with additional concerns, questions, or comments at (207) 446-4894 or via email at jami.macneil@maine.gov.

Sincerely,

Jami

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Wednesday, October 27, 2021 6:15 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

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Dear Jami,

Thank you so much for carefully considering public comments on Safe Harbor Marinas' Rockland Natural Resources Protection Act permit application to expand their marina. I grew up in Rockland and nearby Camden; my dad made his living on a boat out of Rockland's North End Shipyard. Some of my concerns with Safe Harbor's proposal are as follows:

1. *The application is incomplete.* Without accurate, independent 2D/3D renditions of how the views from all sides of the harbor-- Sandy Beach, the boardwalk, Harbor Park, the Breakwater, and even the State Park at Owls Head--will be affected by the maximum amount of boats which are

longer than 200'+ and several stories-high on their marina, we can't accurately assess how the viewsheds and our enjoyment of the harbor will be affected.

2. As far as megayachts, the original Yachting Solutions' application for the 2017 federal Boating Infrastructure Grant, the grant which Safe Harbor Marinas Rockland has taken over, references megayachts at least 25 times and states that the "Yachting Solutions Boat Basin is positioned to become the most attractive destination for megayachts between Portland and Bangor." Though SHM seems to have taken pains to avoid using the term "megayacht" in their application to the state, and in their recent public statements, their current proposal includes several 150' docks, able to hold 200' boats, and perhaps even longer, and the Yachting Solutions associates who oversaw YS's BIG grant are still in charge of Safe Harbor-Rockland; those 25 megayacht references are still very much relevant and should be seen as reflective of Safe Harbor's plans. Megayachts are among the most environmentally destructive ways to travel; their small global fleet is responsible for spewing pollution and guzzling fuel--even more than entire nations. How does allowing for the building of more megayacht infrastructure, therefore inviting them into Maine waters, fit with Maine's aims at being better stewards of the environment, and our future as a species?

3. One of the things the people of Rockland and the surrounding communities enjoy most about Rockland is the harbor boardwalk. This boardwalk was originally included in a plan by the former owner of the land, MBNA/Bracebridge Corporation; the plan was approved by the Maine DEP in 2000. In this plan the harbor boardwalk was billed as "An approximately 1,350 foot boardwalk will provide public access during daylight hours along the applicant's waterfront between two municipal parks (Harbor Park and Sandy Beach Park) bordering the site on the north and east boundaries." document 000150; bk2550; page 245; attached).

The expanded marina is very likely to interfere with these open views which have been enjoyed along the boardwalk by the public for over twenty years, particularly the fact that these boats can be several stories high. Furthermore, continued public access is also not guaranteed in the recent deed transfer between Rockland Harbor Park LLC and Safe Harbor, meaning that our community could easily lose this space we have enjoyed for decades (attached).

4. There are environmental covenants enacted on the property which Safe Harbor bought. Is the DEP looking to check on whether any of those are relevant to the plan Safe Harbor has put forward (doc 3450; book 3774; page 101; also in the deed between Bracebridge and Rockland Harbor Park LLC doc 3451; book 3774; page 125 (attached))?

5. An unknown number of moorings would have to be moved. At an October 13, 2021 Rockland City Council meeting, Safe Harbor Marinas, who want to start dredging on November 1, were unable to give even a ballpark figure of how many moorings their plan would require moving. Moving moorings often causes stress, financial cost and other burdens to the people whose moorings are being moved. It can lead to a loss of established uses such as fishing, if any of them are related to fishing uses, as well as recreational users. Most of the docking space Safe Harbor is creating will be for "transient users;" this means that locals are being pushed out of the way to make room for more transient boat users.

5. Fuel bunkering is in their plans. Although Safe Harbor declined to include their bunkering plans in their application, at the October 13, 2021 Rockland City Council meeting to discuss their plans, Bill Morong, who was there as a consultant representing Safe Harbor Marinas Rockland said

that Safe Harbor is planning to be the only marina “north of Portland” very specifically doing fuel bunkering. This will involve, in Morong's words: “10,000 gallons or something like that, so it's not just pulling up to a pump and putting in and holding the nozzle. It's a larger exercise than that...So to answer your question, not another fuel pump in town. But we would allow for a truck to come in and have some plumbing to do that for for a larger service.” So, he said they are planning to plumb the marina for these large quantities of boat fuel.

10,000+ gallons of bunker fuel in Rockland's inner harbor, abbuted by two of Rockland's most-used city parks, seems like a pretty big deal, with potential for incidental leakage and spills. Although bunkering spills and leakage now appear to be rare as long as adequate equipment is used, it is still a worry. The fact that their plan to be a major Maine bunkering location is not referenced in Safe Harbor's application, yet has been discussed in their publicly-vocalized plans, makes one wonder again whether their application is incomplete.

6. Some of their proposed dredging runs right through the city channel. Page 45 of their application includes a dredging proposal--it includes a swath 300' long and for the entire width of that length of the city channel. How long will the dredging go on for? How disruptive will it be? Certainly the dredging would cause undue burden on the boats that currently navigate that channel.

7. Their marina is likely to obstruct the city channel, particularly when boats are on their longest dock, which could likely accommodate a 240' (or even longer) megayacht. At the October 13 Rockland City Council meeting, Safe Harbor was asked if boats at SHM would ever obstruct the city channel. Mike Sabatini, the engineer consulting with SHM-Rockland, whose firm drew up the plans for the expansion, said, “A boat could be sitting there, if it became a problem, it could be moved, but *there's no reason why a boat couldn't be there for a week or a couple days*. And it wouldn't obscure the *whole* channel.” Morong seemed to try to tamp down Sabatini's comment by saying, “The intention is not to obscure the channel.” That may be a stated intention, but the likelihood that the boats would end up obscuring part of the city channel for days on end, is high. The buffer that SHM has put between its dock and the city channel is only 20', while the large boats they hope to attract are often 40'+ wide boats, meaning that when those larger boats are on that dock, they will undoubtedly be poking into the city channel, which is used by all sorts of boats and watercraft. This would mean the Rockland Harbormaster would be tasked with having to decide whether to talk to Safe Harbor about these boats in the channel, potentially causing frequent tension and stress on city employees. Why couldn't they put a more appropriate 60' buffer on that dock?

8. They are also proposing a look-out near Sandy Beach, another of Rockland's prized public parks. Again, without a 2D/3D model, how are we to know the extent to which this will affect our views and the wide-open space we enjoy at Sandy Beach? I have been the volunteer gardener for Sandy Beach for over a decade. I see how many members of the public enjoy this space, for swimming and relaxing. There are almost always families with small children enjoying Sandy Beach, particularly families without much money. To have another privately-owned lookout that might encroach on that public feeling would be a shame. While SHM claims this new lookout would be publicly-accessible, their actual deed says that they can make the boardwalk closed to the public if they and the owners of the other section of the boardwalk agree to it.

Therefore, were that to happen, this lookout could be simply more private corporate encroachment on what is now an area of public enjoyment.

9. They want to put four 150' docks on the Eastern side, a side they do not even have a submerged land lease for. Why can't they be satisfied with the submerged land lease they already had, rather than taking more of the public water and viewshed, an area where seabirds and other animals use, for their own profit?

Thank you so much. I would love to be informed of any future opportunities to engage on this topic.

Rebecca Glaser

Rockport