

May 12, 2020

Mark C. Draper,
Chair, Board of Environmental Protection
c/o Ruth Ann Burke
ruth.a.burke@maine.gov
17 State House Station
Augusta, ME 04333-0017

Dear Chair and Board Members:

I am writing in support of the administrative appeal of the DEP Permit issued March 13, 2020 to Jeffrey Spinney for a permanent dock/pier/boat ramp installation in Alna (NRPA permit, #L-28397-4E-A-N located in Alna – Jeffrey Spinney). I submitted written comments previously during the permitting process in opposition to the permit application.

In support of the appeal, I wish to highlight the following documents that are contained in the DEP file amassed during the application review and licensing process.

- Exhibit A. Memorandum from MNAP
- Exhibit B. Email requesting qualified field survey of the project vicinity
- Exhibit C. NRPA application Attachment 1: narrative summary (page 8/72)
- Exhibit D. By-laws for GRSC (attached as separate file)

In summary, I request that the Chairman/Board table consideration of this appeal for a reasonable length of time so that a comprehensive field survey of the project site vicinity can be completed.

As Exhibit A shows, MNAP was consulted for unusual features in the project vicinity and they provided what was noted in their database. MNAP noted that they have documentation of a “rare plant (Horned Pondweed) and wetland type (Mixed saltmarsh) near the project area.” MNAP also noted that the specific project vicinity has not been surveyed and that a field survey could ensure that no undocumented rare features are inadvertently harmed.

Exhibit B notes that an abutter to the applicant asked for a field survey to be conducted during the licensing timeframe, and the request was denied due to the direct impact of the project being less than 500 sq. ft. This discussion occurred during the winter months, when no meaningful field survey or inventory could be conducted due to the weather.

While the direct impact of the applicant’s permanent pier/dock/boat ramp project is less than 500 sq. ft., Exhibits C and D elaborate upon the many amenities and additional uses and structures that a newly formed corporation, Golden Ridge Sportsman’s Club, utilizes within the shoreland zone. These amenities and the direct and indirect impacts are collectively far in excess of 500 sq. ft.

Due to the timing of the licensing period (September through March) and impact of the COVID-19 pandemic response, a field survey could not have been completed until the Spring/Summer 2020 timeframe. Now that we are entering the appropriate season, and Governor Mills has outlined a multi-phased plan to reopen the State economy, several neighbors and abutters have secured the services of a qualified ecologist to conduct a field survey and inventory. We anticipate that the results of the survey will be available by late summer. Therefore, I request that the Board table all consideration of this

appeal until after the field survey requested during the winter permit processing timeframe is completed and the results of said survey can be evaluated as part of the decision making process on the appeal.

Thank you for your consideration in this matter,

Sincerely,

A handwritten signature in cursive script that reads "Cathy Johnson". The signature is written in black ink and is positioned to the left of the typed contact information.

Cathy Johnson
P.O. Box 551
34 Golden Ridge Road
Alna, Maine 04535
cjohnson@tidewater.net
207-576-5706
207-462-2164(c)

MNAP Comments

MEMORANDUM

Maine Natural Areas Program

Department of Agriculture, Conservation and Forestry
 State House Station #177, Augusta, Maine 04333

Date: October 4, 2019
To: Jami MacNeil, DEP
From: Kristen Puryear, Ecologist
Re: Rare and exemplary botanical features, L-28397-4E-A-N, Spinney Boat Ramp and Pier System, Alna, Maine.

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site in response to your request received October 3, 2014 for our agency's comments on the project.

According to our current information, there is a rare plant (Horned Pondweed) and wetland type (Mixed Saltmarsh) near the project area. The project itself does not immediately impact either of these features. However, all measures to prevent downstream siltation during construction and installation of the permanent pilings should be employed to avoid impacts to the Mixed Saltmarsh and the species that depend on it. Please refer to the table below and attached map and factsheets for more information about these features.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Notes
Mixed Saltmarsh <i>Mixed graminoid-forb saltmarsh</i>	N/A	S3	G5	BC Good-Fair	Dyer & Sheepscot River Marshes
Horned Pondweed <i>Zanichellia palustris</i>	SC	S2	G5	H Historical	Alna Center Tidal Marsh

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys.

Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

The Maine Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We welcome the contribution of any information collected if a site survey is performed.

Thank you for using the Maine Natural Areas Program in the environmental review process. Please do not hesitate to contact our office if you have further questions about the Maine Natural Areas Program or about rare or unique botanical features at this site.

Exhibit B

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, January 06, 2020 3:12 PM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

This message originated outside of MaineHealth. Use caution when opening attachments, clicking links or responding to requests for information.

Mr. Philbrick,

Your additional comments will be added to the Department's record. Regarding impact numbers, the shading impact resulting from the proposed floats and the ramp leading to the floats is considered indirect impact and is not included in the calculation of direct impacts, which result from filling, regrading, or dredging within the resource. The proposed project will result in approximately 432 square feet of direct impacts (due to the proposed boat ramp) and therefore does not require an assessment by a professional wetland scientist or other qualified professional.

The other concerns you raise have been and are being carefully considered, although any violations of the local shoreland zoning ordinance are not within the purview of the Department's review of the project under the NRPA.

Best,

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

-----Original Message-----

From: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Sent: Monday, January 06, 2020 12:15 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Revised Spinney application comments

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.

Hello Jami,

Happy New Year and I hope you had some restful time off.

In response to your comments about the impact calculations and square footage calculations and wetlands evaluation, I can't begin to be an expert in this area, but my back of the envelope numbers based on the revised plans suggest that the proposed man-made ramp, plus the dock/pier/floats all together exceed 500 sq. ft., thus my initial comment when compared to his previous installation (see attached picture).

The other reason for my suggestion that an independent wetlands scientist evaluate the site is because the attached photo from 7/13/2007 clearly shows Mr. Spinney's primitive dock installed in the midst of a Spartina salt marsh area. Despite this precise spot not being highlighted in the MNAP map, it seems that it should be.

There are several things to note in this photo:

1. The pier structure is permanent in nature, and it appears there was no DEP/NRPA permit in place at the time, or at any previous time. The permanent nature of portions of the installation were also in violation of the town shoreland ordinance regulations, despite a 2003 local permit for a seasonal dock.
2. There are very few vertical components visible with this installation, with very minimal vertical and horizontal sightline impacts.
3. More important for my suggestion for an independent wetlands scientist evaluation, the pictures show significant tidal wetlands surrounding the installation. There was no cut in the river. Since this time, there has been significant expansion of the site and damage done to the wetlands.

Thank you for your consideration of this request.

Best,

Jeff Philbrick

-----Original Message-----

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, December 30, 2019 1:14 PM
To: Philbrick, Jeff <Jeffrey.Philbrick@lchcare.org>
Subject: RE: Revised Spinney application comments

This message originated outside of MaineHealth. Use caution when opening attachments, clicking links or responding to requests for information.

Mr. Philbrick,

Thank you for the additional comments. These will also be added to the record.

I will note that the current NRPA application is an individual NRPA permit application. The club's access to the project is still under consideration. Regarding impact calculations, the 500-sf threshold is for direct impacts to the coastal wetland and does not include shading impacts. Your remaining concerns will be considered to the extent that they relate to the Department's review of the project.

Best,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | <mailto:jami.macneil@maine.gov>

-----Original Message-----

From: Philbrick, Jeff <<mailto:Jeffrey.Philbrick@lchcare.org>>

Sent: Tuesday, December 24, 2019 11:52 AM

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

Subject: Revised Spinney application comments

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.

Good morning Jami,

I wanted to submit the following comments relative to Mr. Spinney/Golden Ridge Sportsman's Club revised permanent pier/ramp/dock permit application:

1. Mr. Spinney has still not addressed the many questions related to the lack of legal access for the Golden Ridge Sportsman's Club LLC to the proposed project site. As such, the project must be considered an individual permit application, and a formal change of this permit application type should be made on the application form.
2. The boat ramp structure changes continue to be permanent, partially man-made and constructed, extend into the Sheepscot River, and are prohibited in Alna's Shoreland Zoning Ordinance.
3. The pier structure changes continue to be permanent, and are prohibited in Alna's per the Shoreland Zoning Ordinance.
4. Mr. Spinney has not demonstrated that his existing methods of access to the river – namely pushing or trailering watercraft into the river without a boat ramp/launch are not feasible. Mr. Spinney has also failed to demonstrate that using a seasonal dock of the size allowed under the town's shoreland zoning ordinance, and anchored without a pier above the HAT, is not feasible. The only reasons for permanent structures and a larger footprint than what existed in the past are to support increased commercial/business operations for the Golden Ridge Sportsman's Club LLC, which has not been properly permitted, has no legal access to the site, and is currently in violation of Alna's SZO (it was formed in May 2019 and has no local permits).
5. Mr. Spinney has not demonstrated that the proposed permanent pier/ramp/dock project and club activity will not unreasonably interfere with existing scenic and aesthetic uses of this pristine, undeveloped section of the Sheepscot River. I request that an independent expert design professional trained in visual assessment procedures conduct a visual impact analysis of the proposed project and site.
6. The suggestion that Mr. Spinney self-monitor any use of his structures or project components, to possibly justify further non-conformity, more permanent components or circumvent local zoning or DEP permit requirements, is completely unacceptable.
7. I question the calculations of the square footage impacted by the project as the combination of proposed ramp, dock and floats in combination far exceeds the 500 square-foot threshold by which independent wetlands assessments and other potential reviews are needed.

Thank you for your continuing efforts and diligence on this project. Wishing you happy holidays and some time off.

Jeff Philbrick

Alna, ME

Exhibit C

NRPA Application – boat ramp/dock repair project

Attachment 1: Activity Description

The proposed activity in this application is to modify an existing boat launch area on the Sheepscot river to include pre-cast concrete ramp planks & appropriate supporting stone bedding with fabric and surrounded by appropriately sized rip-rap to prevent further erosion through continued use.

This improvement to the ramp from its current mixed mud/gravel will make both safer and easier the repeated launching & removal of boats & floats as well as to stabilize the embankment around the pier/launch ramp area used by a recreational club for day use. This club is a group of approximately 25 local area folks who use the river for a variety of activities in the spring/summer/fall. Swimming, boating, duck hunting, fishing are the most common things that our members do in this section of river Sheepscot and its tributary the Dyer river. This location provides for access in a unique area where it would otherwise not be possible due to the old mill dam falls in Sheepscot village.

The existing pier, ramp, and float (located approx 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally. The current pier/ramp/float design extends from shore and places the float just below the low tide line so that there is always water (3-4') at low tide. Recently, ice has damaged the existing pier which has been removed and is seeking to be replaced by a freespan aluminum ramp anchored to the shoreline to maintain same float relative placement beside the boat ramp at low water.

The location of this project is in the town of Alna on the particular ~6.5 mile tidal segment of the Sheepscot river between the reversing falls in Sheepscot village and the Head Tide dam. The specific location is approximately 2.5 miles north from the falls in Sheepscot village.

Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre, parcel, tax map R-4, 21.

This property along with several others is used by a recreational club for swimming, fishing, hunting and members pool their resources through annual club membership dues to maintain the common infrastructure such as the gun range located upland on the property, the camping area, the dock and the boat ramp.

The proposed precast reinforced planks proposed, available locally here in Maine, are the smaller size of the two available commercially and should accommodate the size range of vessels being used in this area on an in & out basis. Each plank is 10' long by approximately 1.5' wide, by 6" thick and weighs approx 945lbs. This size is necessary to safely accommodate both the trailered watercraft launched at this site as well as annual removal of docks for winter storage and fits within the existing launch space so as to minimize any additional disturbance. Once bolted together in a string approx 40' in length (below HAT) total and when installed flush to the surface of the shoreline with stone rip rap (1' surrounding the sides and bottom), are expected to be impervious to damage from ice flow conditions in winter and spring flood debris such as trees/branches.

The manufacturer recommended base of crushed stone (the minimum volume would used to do the job properly) would be put in place in/around/between planks to assist in holding planks/preventing erosion and ensuring bank stability. As well, per a joint discussion with Army Corps and DEP recently, a fabric material was suggested to help stabilize the stone & plank material from sinking and needing to be repaired. Any excess material or material that may need to be removed from the site, would be loaded into a dump trailer or small truck and hauled to an upland disposal area in one of the fields on the property at least 1000' feet upland from the river to prevent any erosion or other damage.

In support of the pier replacement with an aluminum free span ramp (3'x40' approx.) from shore to float, two large wooden piles (approx. 12-16") would be set, cross braced together in

Exhibit D (attached as separate file)