

May 13, 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 as a local citizen in support of the appeal of DEP's NRPA permit, #L-28397-4E-A-N granting Jeffry Spinney the right to build a permanent boat ramp, pier and dock in Alna on the Sheepscot River between Sheepscot Village and Head Tide Village.

I live near the Sheepscot River in the affected area, and, like many others, recreate on and around this section of the river in all seasons of the year. Attached is my letter dated 2/28/20 that I submitted to the DEP, describing my concerns about this proposal and my personal connection to the Sheepscot River.

Many other local citizens expressed similar concerns during the DEP permitting process, evidence of the value people place on the natural, wild, and undeveloped character of this section of the Sheepscot River.

Of particular concern, and a major reason why the DEP permit should be overturned, is that the permit was predicated on false and misleading information that in many cases was supplied by the applicant himself. Surely DEP (and, see below, the Army Corps of Engineers) should have done a more thorough investigation of the background and claims in this permit application.

Maine DEP allowed to stand the applicant's claim that the river section in question is "developed, with structures, lawns, and docks" which is patently untrue as pictures in the DEP record show. In Sheepscot Village, a mile and a half below the proposed project site, there are certainly homes, lawn and docks. Similarly, a mile and a half above the project area, at Head Tide Village, there are homes, and a few "lawns," no docks of the type proposed that I am aware of. But in the three-mile stretch between these two historic villages, there are no riverside structures, roads, docks, or lawns, and, in fact, only a very few buildings or homes visible at all from the river's banks. This entire three-mile stretch is either wooded or marshy, entirely natural.

This section of the Sheepscot River is a classic example of a tidal river area that, historically served industrial, forestry, farming, and transportation uses, but which in the course of a few human decades has reverted to a natural state, now harboring wildlife and plant communities, and serving as a wildlife corridor between coastal and inland areas. The Sheepscot is the southernmost Atlantic salmon river on the eastern U.S. seaboard. It is exactly such areas of special "natural character" that Maine's DEP is charged to protect.

Vessel traffic on the river

Maine DEP apparently relied on a recently granted Army Corps of Engineers permit for this project which, incredibly claimed that a permanent boat ramp, pier and dock serving a 25 member "sportsmen's club" would not increase traffic on the river. An email dated May 6, 2020 from Matt Buhyoff of NOAA

stated that “NOAA’s Endangered Species Act consultations “relied on the description of the proposed dock and ramp provided to us by the federal proponent or permitting authority. In this case, the project description provided to us by the Army Corps indicated that the project would not result in a net increase in vessel traffic.””

It is not possible to believe this statement from the Army Corps. How could they have come to such a conclusion about a project whose stated purpose is to increase motor boat use on the river, and how could Maine DEP have accepted it?

As local residents who have lived and are living beside the Sheepscot River in this area have stated repeatedly in the record, there has been only very infrequent motorized boat traffic on the river within living memory, and virtually none in recent years. “Vessel” traffic on the Sheepscot River above Sheepscot Village has been almost entirely muscle-powered, and it is just this quiet, protected character that has made the river so valuable and important for both wildlife and human recreation.

The “Golden Ridge Sportsman’s Club”

The record suggests that the project applicant, Jeffry Spinney, after determining that Maine DEP would not grant a permit for a permanent boat ramp, pier and dock for personal, private landowner use on this section of the Sheepscot River, decided to apply for his permit on behalf of the “Golden Ridge Sportsman’s Club” – a club which he incorporated initially in June 2019 as a for-profit corporation and then registered it again as a non-profit corporation in December 2019, clearly in order to apply for his permit.

The DEP’s permit is based on the existence of the club and assumed “shared use,” but there is no evidence in the record that the club actually exists or functions as a group entity, that there are any other members or officers other than Mr. Spinney himself, or that club dues are required or collected. (I have heard Mr. Spinney say, at an Alna Planning Board meeting, that he would bear all project expenses himself.) Mr. Spinney is both the grantor of the DEP required Land Use License Agreement and the grantee, as President of the Club. Surely this is a conflict of interest. To my knowledge, no other members or officers of the club have appeared in public on behalf of the supposed club.

It appears in the record that Maine DEP staff advised applicant Spinney on how best to “construct” his application in order to get approval of a permanent boat ramp, pier and dock based on a purported sportsman’s club. If Maine DEP allows, or even encourages, private landowners to install permanent boat ramps, docks, and piers on the basis of permit applications based on fictional or semi-fictional clubs or groups, it will be opening a gigantic loophole in its implementation of the NRPA, and, more importantly, will fail to protect Maine’s natural character and carry out DEP’s mandated duties.

No pre-existing boat ramp

Maine DEP’s permit was also based on inaccurate information in a letter from Alna’s Code Enforcement Officer who stated that a boat ramp existed at the project site prior to the adoption of any Alna ordinance. As is clearly documented by photographic evidence in the record from William Weary, a Newcastle resident who lives directly cross the Sheepscot River from the proposed project site, the marshy shoreline was unbroken until the property was acquired by Mr. Spinney in 2003 long after Alna adopted ordinances and the state adopted the NRPA; there was no pre-existing boat ramp. The CEO likely accepted this false information from the applicant himself (who incidentally is the Chair of the Alna Planning Board, raising other conflict of interest issues.)

Conclusion

In conclusion, there are a number of serious flaws and outstanding questions in Maine DEP's permit for the permanent boat ramp, pier, and dock, and BEP should overturn it. If such DEP permits can be granted under such questionable circumstances, based on false and misleading information, supplied by the permit applicant himself, Maine DEP will be actively encouraging degradation and damage to Maine's natural character, which it is charged to protect. The Sheepscot is only one of many valuable natural areas in Maine which have recovered, close to coastal, inhabited communities, from historically intensive, sometimes polluting and disturbing, uses. It is an extremely valuable aspect of community life in Maine that so many of us live on, near, or within reach of such recovering natural areas. MEDEP should be encouraging this trend, not turning back the clock.

BEP members and DEP staff should come look at the Sheepscot River themselves. There are public lands and trails leading to, and along, parts of the river section in question where people can hike, hunt, fish, and see a wide variety of bird and animal life. These areas on conservation land and private lands protected by conservation easements are used regularly by both locals and visitors for quiet recreation in a beautiful natural area. Please don't allow this area to be destroyed by the proposed project.

Thank you for your consideration of these comments.

Sincerely,

Jon Luoma
34 Golden Ridge Road
Alna, ME 04535

Attachments:

2/28/20 letter from Jon Luoma to DEP
3/11/20 email from Jon Luoma to DEP