

6/5/2020

Dear Mr. Draper,

I am in receipt of 3 letters this morning that were **not** distributed to myself or my attorney, I have written two very specific sections of this letter addressing the Conboy and the Stires letters, but I also wanted to speak more generally to begin with regarding the generalized assertion by this small but vocal group that there are no structures along the Sheepscot river. **This is patently false as demonstrated to the DEP and Army and I will now demonstrate to the BEP.**

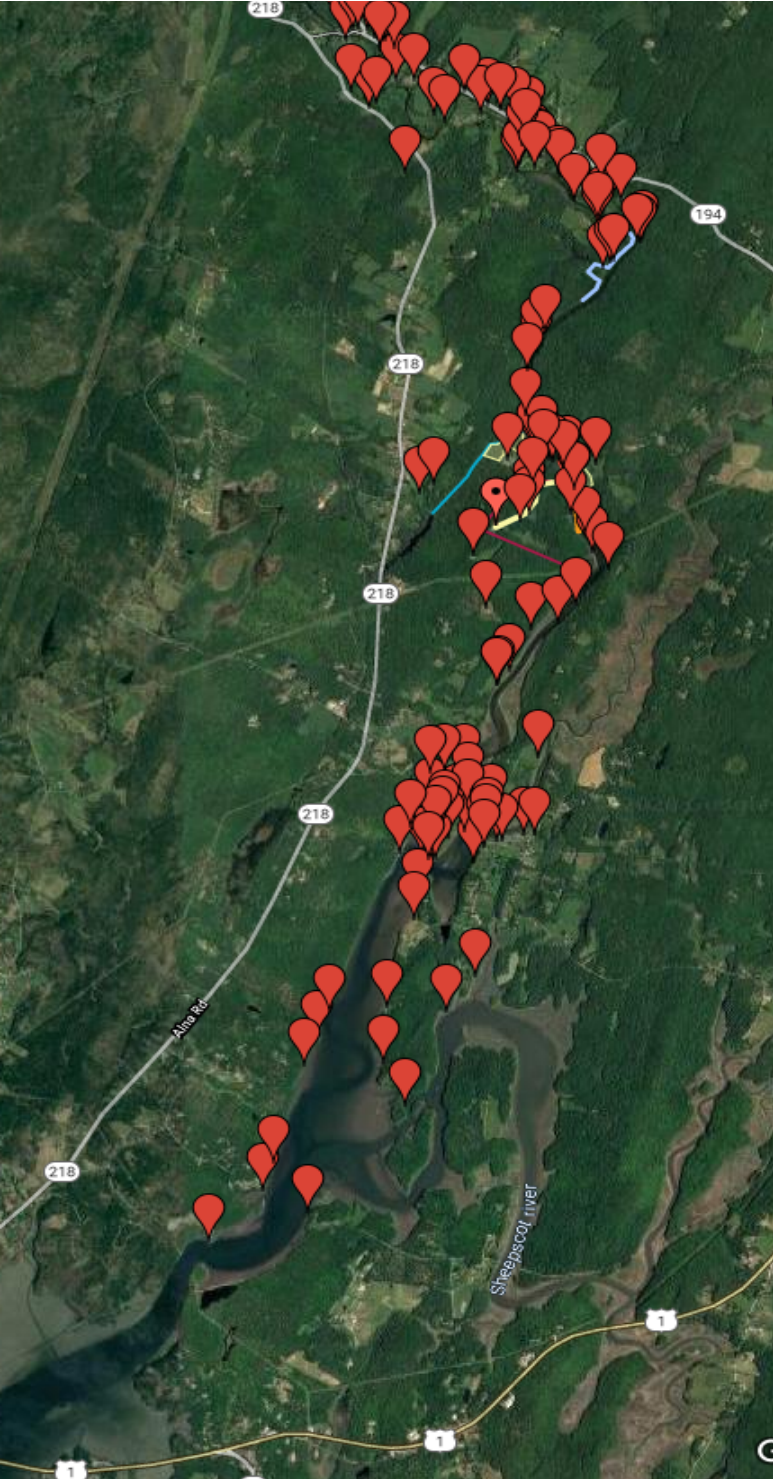
As part of the permitting process, I conducted a significant and in-depth river survey with a scope ranging across the entire ecological segment of the Sheepscot river, as is defined by the authoritative ecological study of the river. This segment is defined in the report and runs from the route 1/railroad bridge at the head of Wiscasset bay to the Head Tide dam. This section is the 'Upper estuary' of the Sheepscot river.

This official & authoritative ecology report by the Department of interior, fish and wildlife service was included in the DEP record a couple of different times in email discussion and reference with the DEP, but here is a link for your convenience.

<https://spo.nmfs.noaa.gov/sites/default/files/legacy-pdfs/SSRF309.pdf> - specifically cited in my 4/17/20 response to comments via email to DEP.

An interactive google map that I created is in the DEP record and was relied upon very heavily throughout the NRPA permitting process. It is only really usable in an online manner due to the complexity and quantity of content (pictures, state/federal/local permits, planning board minutes, tax map property overlays, IF&W GIS layers, etc.) embedded within it. This map was and should continue to be used as a resource in decision-making as it is probably one of the only aggregated repositories of this information in a usable form.

Overview photo: This screenshot illustrates just how much there is in the mapped area. Obviously way too much information to digest at this level which is why it deserves further scrutiny

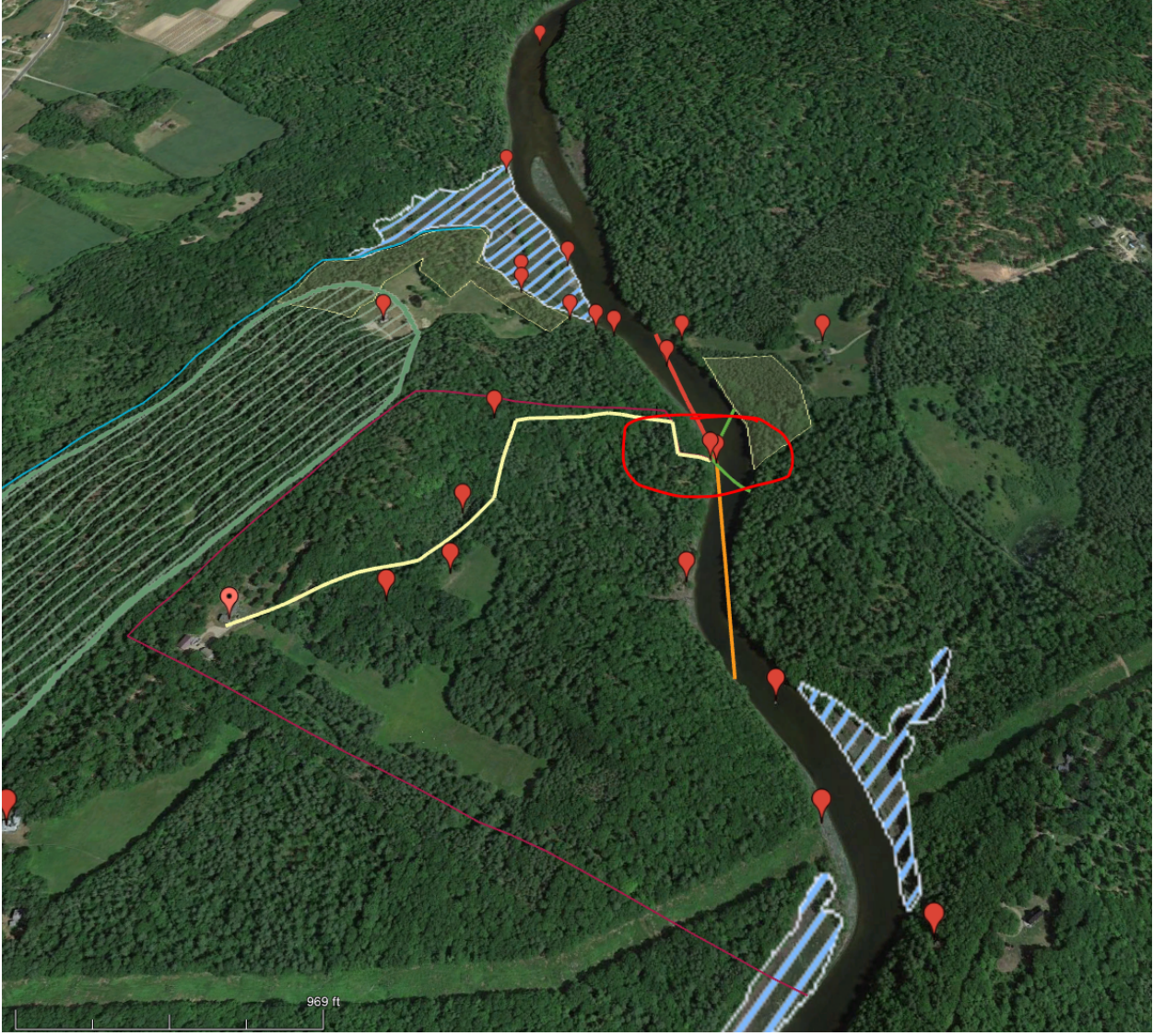


My map may be freely accessed by anybody at:

<https://www.google.com/maps/d/drive?state=%7B%22ids%22%3A%5B%221MKT7vOb8jPFpJ6FaAI703kOVm1g%22%5D%2C%22action%22%3A%22open%22%2C%22userId%22%3A%22100625895324030900319%22%7D&usp=sharing>

Below is a snapshot overview of my specific project area excerpted from the interactive map and encircled in red, with the IF&W GIS overlay enabled showing the mapped sensitive habitat area (green and blue crosshatch areas).

I strongly encourage both you and the board to closely explore and review this map in the record along with all of the embedded photos, permits, etc. showing the vast array of structures that dot the river where opponents claim there are none.



Part 1.) The Conboy Letter to BEP dated May 4, 2020

Commenter Doreen Conboy states that there are no other structures on this portion of the Sheepscoot. Two structures on Ms. Conboy's property happen to be some of the permanent structures noted on the interactive map. Ms. Conboy's husband/partner Joe Barth received a permit for a wooden launch ramp leading down to the HAT line in 2008. A photograph of this launch ramp as well as the applicant submitted permit documents are included in the interactive map, and copied below:

Photo 1: Joe Barth submitted picture of wooden canoe launch/skidway structure on a sloped ramp area purported to the planning board to be in 'continuous use since 1937' at the existing location and Mr. Barth was seeking repairs



Existing Skidway Location

Photo 2: Alna Planning Board minutes from the meeting where Mr. Barth was present regarding a trail he was building along the river (map(s) provided by Mr. Barth also shown below) as well as the launch way/skidway he wished to 'repair'. As briefly noted, Joe Barth was advised that the DEP should be contacted but it was fine with the town. No evidence was found at DEP that this was ever permitted under NRPA.

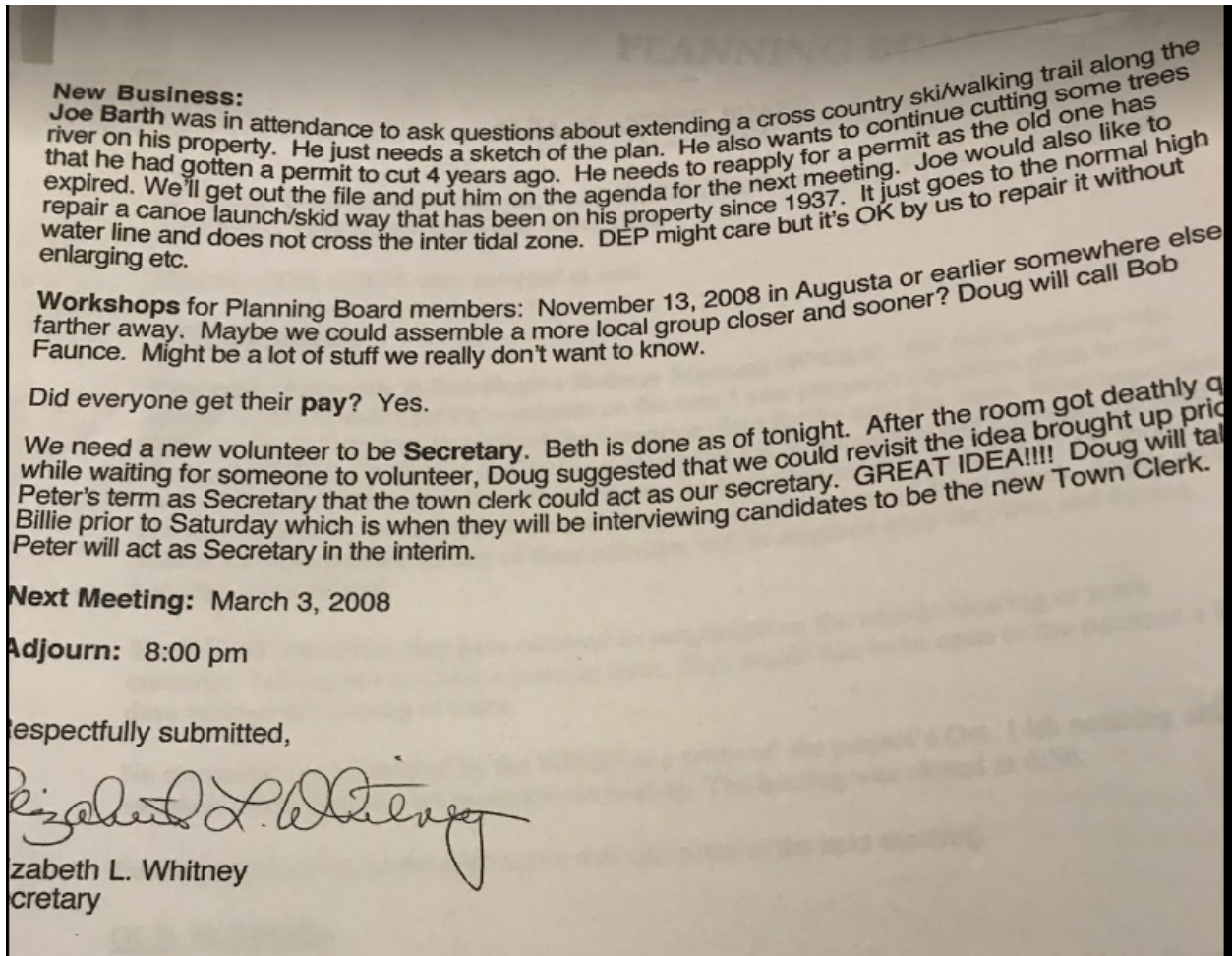


Photo 3: Alna Planning board Minutes reflecting the 10' wide trail Mr. Barth was creating along the river within the RP section of the shoreland zone along with some earthwork he planned..

ALNA PLANNING BOARD
Minutes of March 3, 2008

Attendees: Doug Baston (Chair), Peter Tischbein (Secretary), Beth Whitney, Tom Albee, Sean Day, Mary McPherson. Also present was Merle West (CEO).

Minutes of Feb. 4, 2008 as prepared by Beth Whitney was accepted as read.

ROAD ORDINANCE-PUBLIC HEARING

The public hearing was opened at 7:35. Doug provided background as to what prompted the need for the new ordinance. In part it was from the mandate from the Comprehensive Plan and the will of the Selectmen given the local development pressure at that time. The Road Commissioner has reviewed the draft ordinance and his comments have been incorporated. The public hearing was opened up for comment. Joe Barth asked for clarification as to ordinance applicability. It was explained that the ordinance only applied to new roads, not new or existing driveways. No other comments were received therefore the hearing was closed at 7:42.

OLD BUSINESS

BARTH- work in the Shoreland Zone

Joe Barth was present to explain his plans for: undertaking a selective timber cut on his property along the Sheepscot River and in doing so creating a 10 ft. wide trail along the river. At this point the trail will not be open to the public but a use easement may be granted to the Sheepscot River Conservation Commission some time in the future. The cutting operation will take place over 4 years. Joe also wants to backfill around the concrete dug well head located approx. 175 ft. from the river's edge (25 ft. outside of the Resource Protection District). Joe also wanted to repair & replace an existing boat skidway on the river's edge. All of these planned activities were approved by the board provided: Joe provide photos/drawings of the skidway and the permit is conditioned that the CEO undertake a site visit of the work area prior to any work commencing.

WISCASSET, WATERVILLE & FARMINGTON RAILWAY (WW&F)

Zack Wylie was present to outline the plans by the WW&F to expand the existing rail workshop building. This entails extending three bays by 30 ft. towards the Cross Rd. It was decided that this work was so minor that it did not require amending the existing Site Permit. The planned work would be permitted by the CEO as a Work Permit.

There was general discussion as to the resubmittal requirements for reauthorizing the WW&F plans for extending the railway project out for another 5 years. The current town Subdivision & Site Plan Permit approval expires in June 2008. It was decided that the WW&F provide application documentation and project notification to the abutting property owners for the next phase of expansion similar to and was done for the initial Site permit application and include any

Photo 4: Map submitted to Alna Planning board by Joe Barth showing location of ramp/launch area

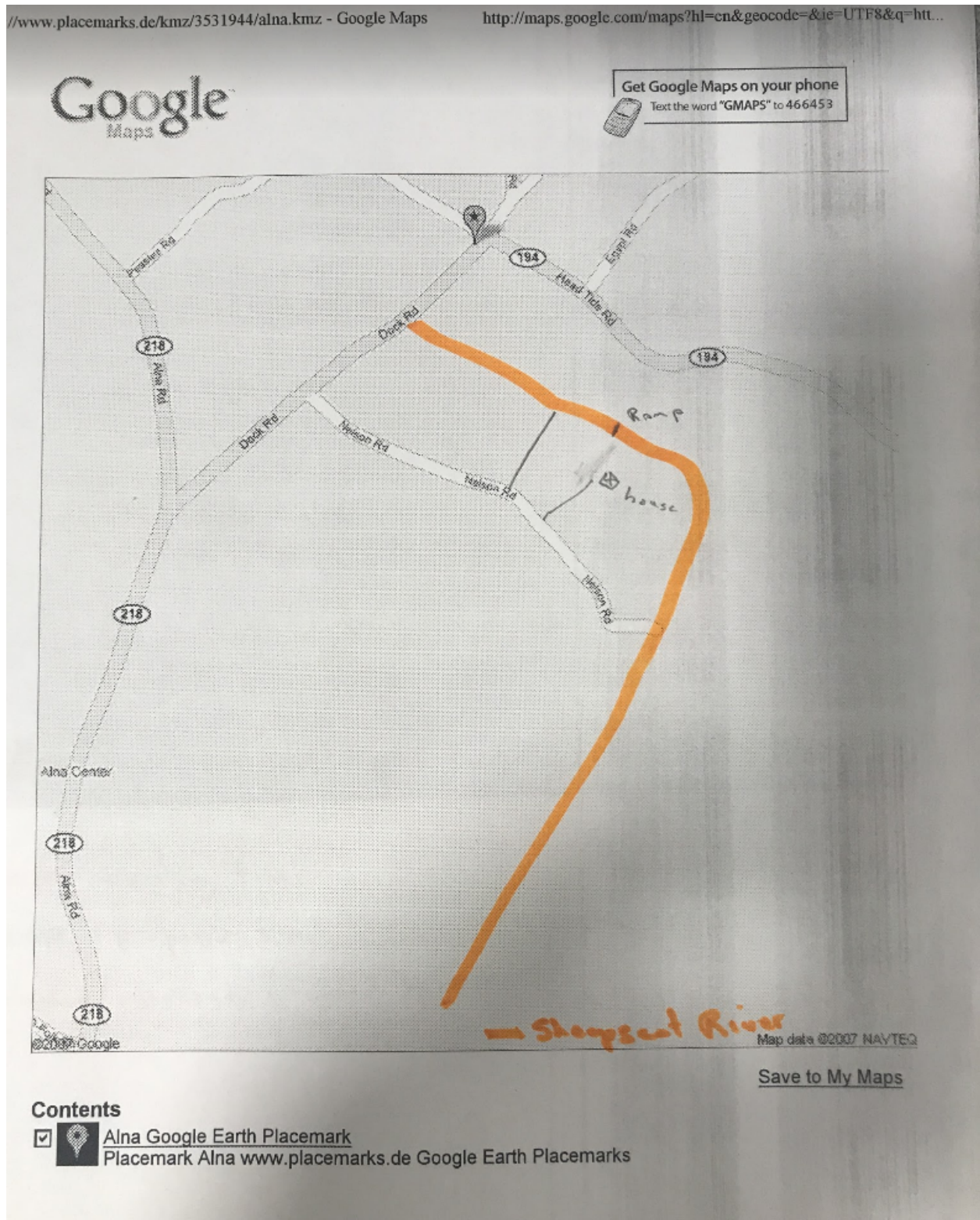
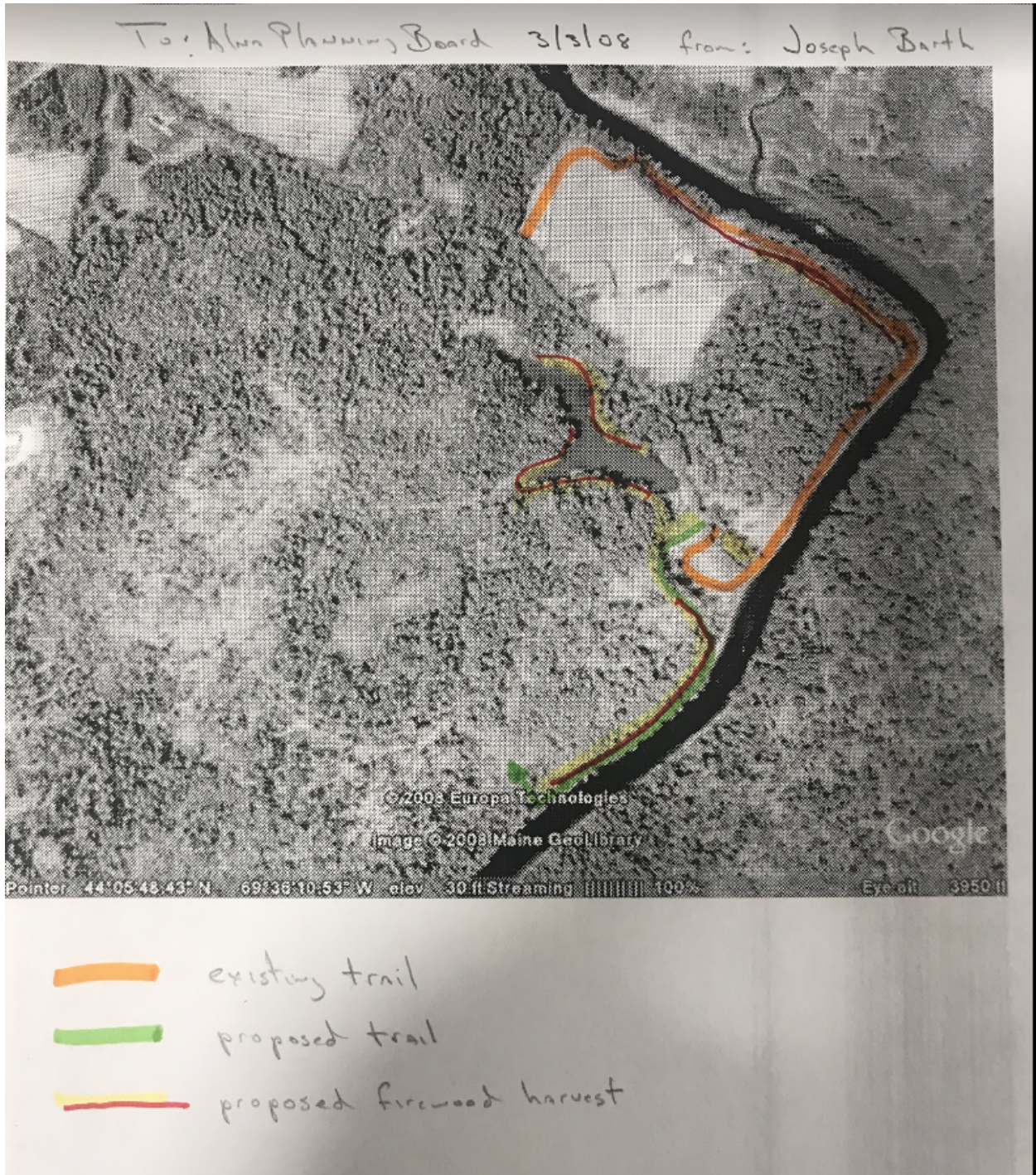


Photo 5: Map submitted to Alna Planning board by Joe Barth for proposed river trail system along river edge & also freshwater wetlands



Finally, also on the Barth property midway along their river trail discovered in this river survey there appears to be an outhouse in RP district of the shoreland zone. At the town level, this is an **unpermitted structure as well as an unpermitted septic disposal system**. I am confident this would not be permitted at the state level either. (see photo 6)

*It should be noted that although this structure itself was noted and pinned on the interactive map during NRPA licensing process, not a lot of attention was given to it at that time as it was upland of the HAT line. Accordingly, photographs of this structure have intentionally **not** been introduced as that would constitute new evidence per BEP rules.*

Photo 6: excerpt of the interactive map (from record), zoomed in to show Barth/Conboy property.

Red circle indicates the outhouse building. Blue line is the river trail. (approx.), yellow circle is boat launch/ramp. Blue cross hatch area is IF&W sensitive habitat GIS overlay, red circle is the outhouse, Blue cross hatch area is IF&W sensitive habitat GIS overlay.



In summary, not only do the existence of these structures on the Barth/Conboy property itself call into question the veracity of the letter written, at least one of them is simply illegal/impermissible in Alna and unpermitted at the State level and as a result, could potentially require remediation. Honestly, I think the disparity between this particular letter (from a person who I believe generally has good intent) and the reality of what exists on the river just goes to show how confused some people in Alna are regarding what is and what is not considered a structure in the shoreland zone.

Part 2.) The undated Stires Letter to BEP

While there is very little substantive information in Mr. Stires' letter to respond to, his assertion that his canoe was the only boat on the river is clearly disputed in the record by numerous others who grew up in Alna and are of similar age to him and who also wrote letters (included in the DEP record). These letters stated various aspects of their use over the same river segment over the same years. This use talks of fishing, motorboats, even waterskiing on this segment of the river. It should be noted that while Mr. Stires technically owns the property, he has not lived here for many, many years as he resides in Westport.

Finally, referring to the interactive map of all structures along the river, you will see Mr. Stires' boathouse along the salt marsh.

Photo 11: Boathouse along saltmarsh



Photo 12: An excerpted section of interactive map (part of DEP/BEP record) showing the Stires boathouse (red circle) as well as IF&W mapped sensitive habitat area (blue lines) overlaid:



Sincerely,

-Jeff Spinney

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Alna, ME 04535