



JANET T. MILLS
GOVERNER

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

Sent via electronic mail only

MEMORANDUM

To: Board of Environmental Protection
Cc: Service List for Appeal of L-28397-4E-A-N
From: Jami MacNeil, Department of Environmental Protection
Date: January 15, 2021
Re: Staff request for admission of supplemental evidence in Appeal of Spinney Natural Resources Protection Act permit (#L-28397-4E-A-N) by Ervin, Bolen, Philbrick, and Weary

Chair and Board Members:

Department staff recently became aware that the permanent boat ramp that was approved by the Department in Order #L-28397-4E-A-N, dated March 13, 2020, a permit issued to Jeffrey Spinney, had been constructed. Construction took place on or about December 27, 2020. The appeal of the Order that was filed on April 7, 2020 by abutters Carol Ervin & Bailey Bolen, Allen J. Philbrick, and William Weary is currently pending before the Board. The Board granted two consecutive 60-day continuances of the Board's consideration of the appeal at the request of the licensee, with no objection from the appellants. The requests for continuances were related to the licensee's efforts to obtain local approval for the proposed project. The latest continuance expired on December 15, 2020.

After receiving information that the project had been constructed, in order to fully assess the issues raised in the appeal, the Department staff conducted an on-site inspection of the site on January 7, 2021. The Department's notes and photographs from the site visit are attached to this memorandum. The Department requests that the Board allow these notes and photographs to be entered into the record as supplemental evidence in the pending appeal pursuant to Chapter 2, §24(D)(3).

Jeff Spinney – Boat ramp and dock system, Alna DEP #L-28397-4E-A-N, Inspection Notes & Photos

Project Location: 126 Golden Ridge Road, Alna

Date/Time: 1/7/2021, 11am – 12pm

Low tide: 11:30am

Conditions: Snow cover 2-3” deep; sunny; 33°F.

Department staff: Jami MacNeil; Cameron Dufour

Others on site: Jeff Spinney (licensee); Tom McKenzie (Alna CEO)

Notes:

Attendees met at the licensee’s house and walked down the tote road from house to project site. Boat ramp construction was complete. DEP staff measured the ramp and found it is 12 feet wide by approximately 30 feet long (beginning approximately at the highest annual tide line (HAT) and extending towards mean low water). The immediate upland at the top of the ramp had been regraded to tie into the ramp, as proposed on the approved plans. Ramp surface (rock aggregate) appeared stable. Licensee stated that geotextile fabric was placed under the stone ramp surface (as shown in construction photos sent by licensee). Adjacent upland was covered in snow; however, pushing snow aside, hay mulch was evident underneath (also evident in construction photos). DEP staff advised that the licensee should continue to monitor the upland area during any melting events and apply additional mulch as needed.

The approved seasonal floats were being stored in the upland. The approved seasonal aluminum ramp (gangway) was also in the upland, though it is slightly overhanging the coastal wetland. Staff advised the licensee to move it further onto the upland. The gangway was resting on a granite block, located in the upland several feet from the HAT line. DEP advised the licensee to move the block to a different upland location during the off-season to prevent the block from being considered a permanent structure as defined in the NRPA, and licensee agreed.

Signs advising of boating speed laws and best practices to prevent spread of invasive species were posted in a visible location at the launch area as required in the NRPA permit.

Summary: Project is complete, site appeared stable to the extent observable under snow conditions. No adverse environmental impacts were observed.



Photo 1: Ramp, from upland



Photo 2: Ramp, lower section



Photo 3: Ramp surface



Photo 4: Ramp surface (key for scale)



Photo 5: Looking north



Photo 6: Looking north



Photo 7: Looking south



Photo 8: Looking south



Photo 9: Signs



Photo 10: Aluminum ramp (gangway)



Photo 11: Granite block for gangway



Photo 12: Floats stored in upland