

## MacNeil, Jami

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**From:** Bertocci, Cynthia S  
**Sent:** Wednesday, June 24, 2020 10:25 PM  
**To:** A. McKinne Stires; Allen J. Philbrick; Bailey Bolen; Bensinger, Peggy; Bertocci, Cynthia S; Burke, Ruth A; Carol Ervin; Cathy Johnson (cjohnson@tidewater.net); Doreen Conboy; Hallowell, Dawn; Jeffry Spinney; Kristin Collins (kcollins@preti.com); MacNeil, Jami; Mark P. Desmeules; Nicholas Barth; William A. Weary  
**Subject:** FW: Jeffry Spinney, Department Order L-28397-4E-A-N, Pier System and Boat Ramp, Alna  
**Attachments:** DEP NRPA permit # L-2897-4E-A.N .pdf; Spinney L28397-4E-A-N Service List rev 6-24-20.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Participants:

It has come to my attention that Nicholas Barth also filed a response to the appeal of the permit issued to Mr. Spinney. It appears below.

I have added Mr. Barth to the service list as a respondent, copy attached. Please update your email distribution list.

Thank you for your attention to this matter.

*Cynthia S. Bertocci*  
*Executive Analyst, Board of Environmental Protection*  
*17 State House Station, Augusta, Maine 04333-0017*  
*Phone: (207) 287-2452*  
*Cynthia.s.bertocci@maine.gov*

**From:** Nicholas Barth <[barthnicholas242@gmail.com](mailto:barthnicholas242@gmail.com)>  
**Subject:** RE: Jeffry Spinney, Department Order L-28397-4E-A-N, Pier System and Boat Ramp, Alna  
**Date:** May 10, 2020 at 6:24:32 PM EDT  
**To:** [ruth.a.burke@maine.gov](mailto:ruth.a.burke@maine.gov)

Mark C. Draper, Chair, Board of Environmental Protection  
c/o Ruth Ann Burke

May 10, 2020

Mr. Draper,

I filed an e-mail with the DEP opposing the Jeffrey Spinney, Department Order L-28397-4E-A-N, Pier System and Boat Ramp, Alna. My e-mail provides background on numerous years of volunteer professional work

spent in the Sheepscot River Watershed. It also challenges the DEP NRPA application process in many respects specific to the approved pier system and boat ramp in the upper estuary of the Sheepscot River. I hope you will

read my filed e-mail with is attached below as a pdf file.

I have read the Ervin/Philbrick/Weary appeal and urge the BEP to overturn the license/permit granted by the DEP. To the best of my knowledge, all the findings and conclusions in error and basis of objections

are factually correct. I also believe this matter should have never come before the BEP. And DEP approval would have never happened if the DEP NRPA application process was operating correctly. I am, therefore,

also respectfully asking the BEP to instruct the DEP to conduct a thorough review and evaluation of the whole NRPA Project Review process in close consultation with the Departments of Agriculture, Conservation,

and Forestry, Inland Fisheries and Wildlife, and Marine Resources. This request is based primarily upon my examination at the DEP of the subject application file and professional work in 1968-1969 for the State of New York

in the Conservation Department. At that time I was the Assistant Director for Conservation Program Planning where all Department programs were being reviewed and evaluated as a first step in the creation of the

New York State Department of Environmental Conservation; dedicated on Earth Day in 1970.

There are definitely administrative shortcoming in the NRPA Project Review process. While DEP has been given the leadership role to administer the NRPA, the natural resource agencies indicated above are

also involved in providing comments on specific projects. Unfortunately, there appear to be no guidelines for an integrated natural resources conservation and environmental impact analysis of NRPA related projects.

The result, which was very apparent when I was looking at the subject application file, has been a "stove piping" or "silo" administrative system where each reviewer is on their own. The Executive Branch of Maine State

Government can and should do better that this to carry out the full legislative intent of the NRPA.

Thank you for your thoughtful consideration of my comments.

Nicholas Barth, Newcastle