

Bertocci, Cynthia S

From: Burke, Ruth A
Sent: Wednesday, May 13, 2020 11:58 AM
To: Bertocci, Cynthia S
Subject: FW: Letter in support of the appeal of DEP's NRPA permit #L-28397-4E-A-N for Jeffry Spinney's permanent boat ramp, pier, and dock on the Sheepscot River in Alna Maine
Attachments: Jon Luoma BEP letter.docx; Jon Luoma DEP letter.docx; DRAFT - NRPA permit, # L-28397-4E-A-N, located in Alna - Jeffry Spinney

FYI

Ruth Ann Burke
Office of the Commissioner
Maine Department of Environmental Protection
P-207-287-2811
F-207-287-2814

From: Jon Luoma <jluoma@tidewater.net>
Sent: Wednesday, May 13, 2020 11:41 AM
To: Burke, Ruth A <Ruth.A.Burke@maine.gov>
Subject: Letter in support of the appeal of DEP's NRPA permit #L-28397-4E-A-N for Jeffry Spinney's permanent boat ramp, pier, and dock on the Sheepscot River in Alna Maine

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Ms. Ruth Burke – Attached please find a letter to BEP supporting the appeal of DEP's NRPA permit #L-28397-4E-A-N for Jeffry Spinney's permanent boat ramp, pier, and dock on the Sheepscot River in Alna Maine and two attachments from the Dep record. Please let me know if you have any questions.

Jon Luoma

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

Jon Luoma
P.O. Box 551, 34 Golden Ridge Road,
Alna, ME 04535

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330
Email: Jami.Macneil@Maine.gov

February 28, 2020

RE: Draft DEP decision for Jeffry Spinney's proposed boat ramp and pier at 126 Golden Ridge Road, Alna, Maine 04535

Dear Ms. MacNeil:

I am writing to oppose granting of this application for a new ramp and pier on this very special section of the Sheepscot River in Alna and Newcastle. I will not address here the many reasonable objections made by many other respondents based on technical dock and ramp matters or specific ecological and biological values, so very real here.

As an Alna resident who walks, skis, and paddles (by muscle power) along and on this river section, I believe strongly that you are not adequately addressing and taking into account the "existing scenic, aesthetic, recreational or navigational uses" on this river stretch, as you are mandated to do. Protection of Maine's unique and extensive riverine and shoreland areas, throughout the state, are dependent on DEP's taking protection of these values extremely seriously. The ramp and pier proposed in this application *will* certainly "unreasonably interfere with" these fragile "scenic, aesthetic, recreational, and navigational uses."

It is incorrect to say, as the draft decision does, that the Sheepscot River shorelines above Sheepscot Village and below Head Tide, or more accurately below the Dock Road bridge at Puddledock, are in any way "developed, with structures, lawns, and docks" -- of which the ramp and pier proposed in this application would be just one more. Paddling north from Sheepscot Village, once one has passed through the immediate settled area extending perhaps a quarter mile north of the bridge, the river and its shores all the way to the Dock Road bridge feel, and to a large extent are, "wild."

There are no permanent structures on or near the river banks. A power line crosses the river, and a few houses are visible, in part, upslope on the steep ridges above the river, but otherwise the shores are entirely woods or marsh. There are no "lawns" once Sheepscot Village is left behind.

This river section is completely quiet and natural. I have been able to watch eagles, deer, fisher, and mink there. As you know, the Nature Conservancy, Midcoast Conservancy, Atlantic Salmon Federation, and other organizations have devoted large amounts of time and money towards conservation and protection in this specific river area, through land and easement purchase, habitat analysis, dam restoration, and water quality monitoring. This is a *Maine, Beginning With Habitat* Area of Statewide Significance, providing habitat for Endangered, Threatened, and Rare animal and plant

species. There are public hiking trails along the river shore, on protected land, frequently used by townspeople and others desiring a quiet experience in nature, away from traffic, motors, and noise. Encouraging motorized craft on this river stretch will permanently alter this experience, so important to “quality of life” for those of us who live nearby and visitors as well.

Regarding the Golden Ridge Sportsman’s Club: my understanding is that a permanent ramp and pier would not be permitted here were the application made by the private landowner alone. Why, then, an application for a permanent ramp and pier for a perhaps 25-member Sportsman’s Club, with increased shoreland and motorized craft use, is acceptable is not clear to me. But in any case, I believe that the Golden Ridge Sportsman’s Club only came into existence after Jeffrey Spinney determined that a permanent ramp and pier would not be permitted for his personal use. It would seem justifiable to wonder about the true status of this new club, especially as I have heard Mr. Spinney state, at an Alna Planning Board meeting (of which he is the chair), that he would bear all ramp and pier costs himself alone. If this is a true, legitimate club, why wouldn’t dues or other funds from the membership be available to meet the sizable construction and installation costs?

The draft decision also exaggerates the current motorized boat usage above Sheepscot Village. I believe there is almost none, and virtually all boat use in recent decades has been muscle-powered. The amount of development here is exaggerated also.

In short, there are any number of ‘red flags’ raised by this application, and many inaccuracies in the draft decision. This ramp and pier should not be approved on “scenic, aesthetic, and recreational” grounds alone. But there are so many additional outstanding questions that rejection should be mandated also.

Please reconsider your draft decision and reject this application.

Sincerely,

Jon Luoma

Bertocci, Cynthia S

From: Jon Luoma <jluoma@tidewater.net>
Sent: Wednesday, March 11, 2020 10:17 PM
To: MacNeil, Jami
Cc: Reid, Jerry
Subject: DRAFT - NRPA permit, # L-28397-4E-A-N, located in Alna - Jeffry Spinney

Dear Jami –

Recently revealed information about Jeff Spinney's purported "Golden Ridge Sportman's Club" makes it clear that the club does not actually exist. Mr. Spinney "founded" the Golden Ridge Sportsman's Club specifically to get around DEP's prohibition on granting ramp permits to a single landowner. The club appears to be a convenient fiction, invented and registered with the secretary of state, for that purpose. For DEP to grant an NRPA permit under these circumstances is neither fair nor right.

Mr. Spinney is the Club's "founder," but in all public meetings to date of the Alna Planning Board or Alna selectmen about the project, no other officer or member of the club has appeared or spoken, despite requests that other club members come to future meetings. Are there actually any officers or members? For how long have how many members been paying annual dues, if at all?

An article about this project in today's March 12, 2020, *Lincoln County News*, quotes Mr. Spinney: "We are still working that stuff out as part of this whole thing," Spinney said of the membership the fees." "A lot of details on *my* [emphasis added] private club (are) in flux, as we have never been that formal before now and are discovering our way," Spinney said."

Mr. Spinney describes the club members as "a group of friends." It does not appear he anticipates accepting other members of the public as members. If this is so, how is this proposed 'club' ramp and dock any different from a single private landowner receiving an NRPA permit, installing a dock and ramp, and allowing a few friends to use it – in other words, a single landowner permit, which DEP would not allow?

I heard Mr. Spinney say, at the December Alna Planning Board meeting, that he would bear all costs of this project himself. Taken together, the many questions surrounding the nature, or even the existence, of this club make the granting of an NRPA permit by Maine's DEP highly questionable. If the DEP approves issuing a permit for this project, without looking further into whether the Golden Ridge Sportsman's Club is in reality a legitimate club, it will be encouraging other individual landowners seeking permits for individual, private ramps and docks, to use this same 'club' subterfuge.

I strongly urge you not to grant this permit unless and until clear evidence is provided that the Golden Ridge Sportsman Club is something more than a smokescreen towards an individual, private ramp and dock. This would include actual adopted bylaws (not drafts), minutes showing when these bylaws were approved, a list of officers, minutes showing the date of their election, terms of office and responsibilities, and documents showing how many members currently belong to the purported club and who has paid dues. If the club is legitimate, Mr. Spinney should be able to provide these documents within a few days.

If, as the evidence available to date shows, this club is a fiction and Mr. Spinney cannot provide these documents, DEP should not grant the permit.

Jon Luoma

Golden Ridge Road, Alna 586-5706