

MacNeil, Jami

From: Hinkel, Bill
Sent: Wednesday, December 30, 2020 3:27 PM
To: Burke, Ruth A; Hinkel, Bill; Bensinger, Peggy; MacNeil, Jami; Hallowell, Dawn; Carol Ervin; Bailey Bolen; Allen J. Philbrick; plyons@eatonpeabody.com; William A. Weary; Kristin Collins (kcollins@preti.com); Jeffrey Spinney; Cathy Johnson (cjohnson@tidewater.net); Doreen Conboy; Mark P. Desmeules; A. McKinne Stires; Nicholas Barth; Jon Luoma
Subject: Spinney appeal

Ms. Johnson:

This responds to your inquiry by phone on December 28, 2020, in the above-captioned matter. You stated that construction of a pier system and boat ramp recently commenced at Mr. Spinney's property and inquired to whom concerns regarding compliance with the Department order L-28397-4E-A-N under appeal should be directed. Ms. MacNeil is the Department project manager to whom questions or concerns regarding license condition compliance should be directed.

You expressed interest in and inquired as to the procedure for submitting supplemental evidence to the Board for consideration in its review of the pending appeal. As noted in Chair Draper's ruling of June 19, 2020, the evidentiary record in this matter is closed. Pursuant to Chapter 2, §§ 24(D)(2) and (3), generally, proposed supplemental evidence must be submitted either with the appeal or with the response to the appeal. Beyond that, the rule also provides that the Chair may accept into the record additional evidence or analysis from the Department staff, as staff to the Board, in response to the appeal. A request that the Board admit supplemental evidence at this time in the process would rarely be granted but would be within the discretion of the Chair. If you decide to file such a request, it should be addressed to Chair Draper in care of Ruth Ann Burke, with copies to the service list. The request should provide your argument on why the record should be supplemented at this late stage of the appeal, and should include as an attachment the evidence you are requesting to be admitted.

Respectfully,

William F. Hinkel
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