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By email: Jami.Macneil@Maine.gov

Feb. 16, 2020,

Re: DRAFT - NRPA permit, # L-28397-4E-A-N, located in Alna - Jeffrey Spinney

Dear Ms. McNeil,

Thank you for addressing some of our concerns regarding the Spinney Dock application. I am pleased that you confirmed that the entire upper estuary “is essentially a no wake zone” and that the users of the proposed club would be held accountable for following this law. I am also thankful you addressed the issue of aquatic invasive species and requiring signage at the property

I agree with all the points made in the email I signed that you received earlier in the day. I strongly disagree that the application for a pier and dock on the Sheepscot River filed by Jeffrey Spinney meets the legal requirements of the NRPA, and I again urge you to deny the application.

I will address these issues in three parts:

- A. The entire process is flawed due to inaccuracies in the applicant’ information.
- B. The majority of us were not given the opportunity to speak at a public hearing on this topic.
- C. It appears that the majority of points I made in the documents I submitted, remain unaddressed.

A. The entire process is flawed due to inaccuracies in the applicant’ information.

It appears to me that the document “DRAFT - NRPA permit, # L-28397-4E-A-N, located in Alna - Jeffrey Spinney” is significantly flawed because it begins by accepting a false premise put out by Mr. Spinney and his acquaintances that there are docks and boats all along the upper estuary of the Sheepscot River, where his development is planned. Mr. Spinney has conveniently misrepresented some of the facts to attempt to persuade the DEP that the existing use of the Upper Sheepscot Estuary is what his narrative says it is. This simply isn’t true. Based on this faulty information, he (and the DEP) claim the project will not interfere with the existing scenic and

aesthetic uses of the upper Sheepscot River estuary and will not harm or interfere with any habitat or wildlife, because the activities (docks, motor boating, skiing, hunting, camp grounds) he proposes have been happening on the river for years and years right up to the present moment.

As an example, the DEP chose to accept the applicant's "evidence"; the area where the ramp will be put is commonly used by motorboats, and contains many docks and lawns similar to what he proposes. Thus his dock plan would simply maintain the status quo. The facts speak differently. There are no structures of any kind that exist on the Upper Sheepscot Estuary that are similar to or as large as his proposed ramp and dock. The applicant showed evidence (I assume pictures) of docks and boats and lawns that are two miles below his location (the two small docks in the Village).

The truth is, that on a nice summer day, there might be a couple of kayaks and/or canoes paddling up and down the river near my house just below Spinney's property (many more near Reversing Falls). On any given day during any season, motor boats are virtually absent from the river all the way from the Falls up to Head Tide. I've spent many hours canoeing the river and even more time sitting on my deck in direct view of the River. I have seen **one** motorized boat in the past four years. That boat was a 20-footer that was illegally flying up and down the river at about 15-20 mph. It caused all the birds in the area (including a family of bald eagles that hangout in the pine trees) to fly away.

In my opinion, the DEP chose to disregard or ignore the collective wisdom and experience of:

(1) The 50-100 people who all live on or near the section of the Sheepscot and whom all disagree with the applicant and the DEP's assessment of the existing use of the river;

(2) The Sheepscot Valley Conservation Association and its members;

(3) The Maine Atlantic Salmon Conservation Fund; and

(4) Multiple Maine State government documents which all agree that the Sheepscot River is an area of very special aesthetic and ecological significance and that any development of the type Mr. Spinney is proposing on the river will significantly harm the river in many ways.

https://www.maine.gov/dacf/mnap/focusarea/lower_sheepscot_river_focus_area.pdf

To reiterate, the draft document starts with the false premise that this project will not change the existing state of the River. That false premise is due to Mr. Spinney's misrepresentation of the evidence about the existing use of the River, the fact that the DEP seems to have used these half-truths to make its decision, and the fact that it continues to ignore the voices of those who live on the River and understanding the situation at hand.

B. The majority of us were not given the opportunity to speak at a public hearing on this topic.

You state in your document that no one requested a hearing within 20 days. For all practical purposes, most of us were prevented from being able to request a hearing because we were never

informed by the developer, the DEP or the town of Alna, about this proposed development. Who bears the responsibility of informing those most directly impacted?

I did not know about this plan until November 24th 2019, three months after proposal, so I certainly didn't have the opportunity to request a hearing.

C. It appears that the majority of points I made in the documents I submitted, remain unaddressed.

Because my concerns were originally unaddressed, I pose the following questions:

1. Why did the DEP choose to believe and rely on Mr. Spinney's beliefs and "evidence", rather than the evidence and observations of dozens of folks who believe in conserving Sheepscot River? Alternatively, why didn't the DEP conduct it's own investigation?
2. Why did the DEP ignore studies regarding the impact that boats and motors in small channel river, showing there is adverse affects to marine invertebrates, which are a major part of the Sheepscot ecosystem?
3. Why did the DEP ignore studies showing that boats, motors and the noise and pollution they create, will adversely affect nesting birds, Bald Eagles, Ospreys and other protected birds of prey.
4. Why did the DEP not address how motor boats might affect the at least 1-2 active bald eagle nests in the upper Sheepscot River Upper Estuary?
5. Why did the DEP ignore the fact that active motorboats will harm the peace and quiet of the River's residents, marine fauna and other wildlife?
6. Why did the DEP not address how hunting may adversely affect existing the wildlife, scenic, aesthetic and recreational uses of the upper estuary?

"Lead created by hunting them will affect the marine invertebrates, nesting birds, bald eagles, ospreys and other important and protected birds of prey. There are two active bald eagle nests within 5 miles of the proposed ramp. In the first two weeks of January, five sick eagles were rescued from locations throughout the state and admitted to Avian Haven, a wildlife rehabilitation center in Freedom. All five birds had elevated levels of lead in their blood. Within days, all of the birds died."

7. While you admit that the project is near Endangered Atlantic Salmon spawning and rearing areas, why did you fail to address how a "sportsman's camp" with 25 members, dozens of boats, and increased motor boating activity in a very narrow and shallow river, might adversely affect the Salmon population?

"The populations of Atlantic salmon endemic to Maine's rivers are unique biological entities: they

recognize no man-made boundaries and roam international waters for half their life span; they are exploited by distant fisheries as well as those in home waters; they migrate to feeding areas north of the Arctic circle yet they return to their natal streams to reproduce their kind. They exhibit a plasticity that is unique among anadromous fishes and given the opportunity, small populations like those returning to the Sheepscot River are capable of circumventing both natural and man-made catastrophes. They surmount the marine and freshwater fluctuations in survival that determines the number of salmon returning each year. They remain as a renewable resource of importance to the State of Maine, for the benefits derived are woven throughout the fabric of our economy as citizens and visitors alike pursue *Salmo salar* for food and sport.”

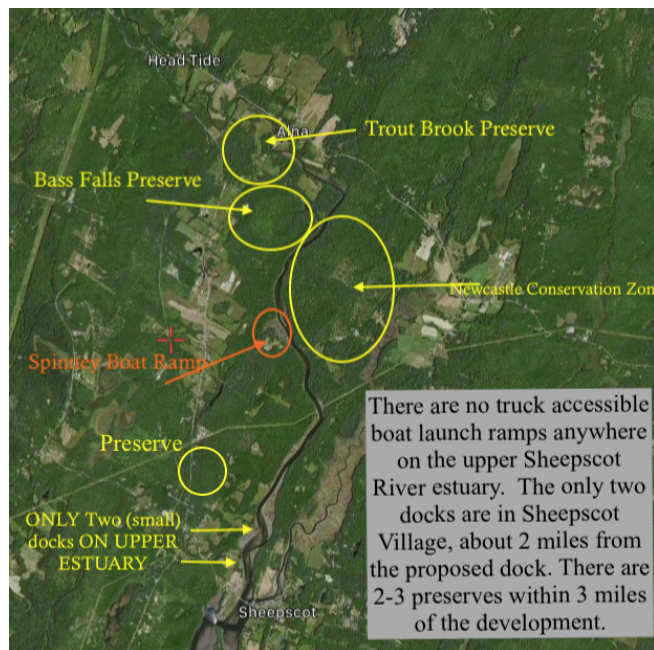
http://www.krisweb.com/biblio/sheepscot_asc_meister_1982.pdf

8. Why was there no mention of all the work that is being done to preserve the Upper Sheepscot Estuary, including Trout Brook and Bass Falls preserves, both within minutes of the proposed development? The existing state of the area will be threatened by developments like those proposed by Mr. Spinney.

A rare opportunity to protect both sides of a stream of critical importance to Atlantic salmon has come to fruition with the purchase of a 40-acre parcel by the Sheepscot Valley Conservation Association. The acquisition, the third in three years by the SVCA, ensures that the former Tornell Farm, which abuts Trout Brook on both shores, will continue to provide a protective conservation buffer. The purchase was the culmination of many years of informal discussions between the SVCA and the landowner, who sold the property at the below market value to ensure that it would retain its rural character for walking and other low impact activities. The SVCA plans to protect habitat and establish walking trails for recreational access.

<https://www.midcoastconservancy.org/preserve/sheepscot-valley/>

https://www.fws.gov/GOMCP/pdfs/MAS_2007_overview.pdf



9. Why did the DEP ignore the facts the SVCA is actively working to protect the **Forever Wild Corridor**, the stretch of river from Alna Head Tide to Sheepscot Village? Only a few houses are visible from the river in this entire stretch. But since it is located in fast-developing Mid-Coast Maine, preservation of this wild experience is of tremendous importance.

<https://mainerivers.org/watershed-profiles/sheepscot-river/>

10. Why did the DEP ignore the facts that the tidal wetlands downstream of Alna Village and in neighboring Newcastle have been identified by the Maine Natural Areas Program as a Focus Area of Ecological Significance? The salt marshes, mud flats, support rare mussels and several species of rare plants, such as the salt marsh false foxglove (*Agalinis maritima*).” (Sheepscot River Management plan Jan26.07.)

Sincerely,

Steven Cheff

