

## York, Marylisa

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**From:** MacNeil, Jami  
**Sent:** Thursday, October 24, 2019 10:19 AM  
**To:** jeff.philbrick@lchcare.org  
**Subject:** RE: Public comments for Spinney/Alna dock DEP permit application

Good Morning Mr. Philbrick,

Mr. Spinney's application is not a Tier application. Tier applications are for projects that result in freshwater wetland alterations. This project will result in a coastal wetland alteration and is therefore an Individual NRPA application. No public informational meeting was required prior to filing.

Thank you,

**-Jami MacNeil**

Environmental Specialist III  
Bureau of Land Resources  
Maine Department of Environmental Protection  
(207) 446-4894 | [jami.macneil@maine.gov](mailto:jami.macneil@maine.gov)

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**From:** Philbrick, Jeff <Jeff.Philbrick@lchcare.org>  
**Sent:** Thursday, October 24, 2019 8:59 AM  
**To:** MacNeil, Jami <Jami.MacNeil@maine.gov>  
**Subject:** RE: Public comments for Spinney/Alna dock DEP permit application

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Thank you Jami for your answers to these questions.

One more item has come to my attention. Can you confirm that this is a tier 2 application, or what tier it has been designated?

There is a section in the certification that states a public information meeting per Chapter 2, Rules Concerning the Processing of Applications, Section 13, is required prior to filing the application. This meeting did not occur. Did the DEP waive this requirement, and under what grounds and rationale?

Thank you,  
Jeff

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**From:** MacNeil, Jami <[Jami.MacNeil@maine.gov](mailto:Jami.MacNeil@maine.gov)>  
**Sent:** Tuesday, October 15, 2019 4:23 PM  
**To:** Philbrick, Jeff <[Jeff.Philbrick@lchcare.org](mailto:Jeff.Philbrick@lchcare.org)>  
**Subject:** RE: Public comments for Spinney/Alna dock DEP permit application

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Mr. Philbrick,

There is no formal definition in the Natural Resources Protection Act (NRPA) for a “common or shared recreational pier, dock, or wharf.” It typically means a pier, dock, or wharf used by multiple people beyond the landowner and their immediate family. The application and review process for a shared pier is the same as that for a private pier, and there is no formal criteria for distinguishing the two. The project purpose (common vs. private) is only relevant to the review in the context of the alternatives analysis, as a justification for the project. A NRPA permit applies to the structures as shown on the approved plans. The permit is issued to the applicant and the Department does not typically dictate how the structures are subsequently used. Once a NRPA permit is issued, the applicant has four years to begin construction of the project, and up to seven years to finish construction (from the date of approval). No permit is required for continued use of the structure, unless the permit holder wishes to remove or modify the structure.

Best,

**-Jami MacNeil**

Environmental Specialist III  
Bureau of Land Resources  
Maine Department of Environmental Protection  
(207) 446-4894 | [jami.macneil@maine.gov](mailto:jami.macneil@maine.gov)

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**From:** Philbrick, Jeff <[Jeff.Philbrick@lchcare.org](mailto:Jeff.Philbrick@lchcare.org)>  
**Sent:** Thursday, October 10, 2019 12:32 PM  
**To:** MacNeil, Jami <[Jami.MacNeil@maine.gov](mailto:Jami.MacNeil@maine.gov)>  
**Subject:** RE: Public comments for Spinney/Alna dock DEP permit application

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Good morning Jami, thank you for the confirmation.

I have a couple follow-up questions for you related to this permit application and DEP rules:

1. Can you provide the DEPs definition of “common or shared recreational pier, dock or wharf”?
2. What are the defining differences between this common/shared definition vs. a private recreational pier/dock?
3. Does the DEP have screening criteria to validate the applicants self-classification of the use type on the permit application? What are they? For example, what are the rules the DEP uses to vet that a permit application for a common use dock isn’t really a marina, or that a common use dock isn’t really just a private recreational dock that the applicant will have private parties occasionally and invite others to bring their boats?
4. Is a permit for a common or shared recreational pier/dock different than a permit for a private recreational pier/dock? Are they two separate permits?
5. If granted, does a common or shared recreational dock permit apply to the physical structures, or to the applicant?
6. Does an approved common or shared recreational dock permit apply in perpetuity to those “common users”? When do common use permits expire?
7. What rights do common users have to use an approved common/shared recreational pier permit?

Thank you for clarifying these important questions relative to the application at hand by Mr. Spinney.

Best,  
Jeff Philbrick

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**From:** MacNeil, Jami <[Jami.MacNeil@maine.gov](mailto:Jami.MacNeil@maine.gov)>  
**Sent:** Tuesday, October 08, 2019 10:06 AM

**To:** Philbrick, Jeff <[Jeff.Philbrick@lchcare.org](mailto:Jeff.Philbrick@lchcare.org)>  
**Subject:** RE: Public comments for Spinney/Alna dock DEP permit application

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Dear Mr. Philbrick,

Thank you for your comments regarding the construction of a boat ramp and pier system in Alna as proposed by Jeffry Spinney. The Department is currently reviewing the application under Maine's Natural Resources Protection Act. The Department accepted the application for processing on September 9, 2019. The statutory deadline for the Department to reach a final decision on the application is January 7, 2020; however, the goal date for a decision is November 15, 2019. Written comments will be accepted until a decision is issued.

Your comments will be added to the file and your concerns will be considered during the review of the project. The Department's record, which includes the application of specific interest to you, is available to be viewed at any time. Feel free to contact the Department's File Room at (207) 287-7843 to request a day and time that is convenient for you to view the record.

You may contact me with additional concerns, questions, or comments. I can be reached at (207) 446-4894 or via email at [jami.macneil@maine.gov](mailto:jami.macneil@maine.gov).

Sincerely,

**-Jami MacNeil**

Environmental Specialist III  
Bureau of Land Resources  
Maine Department of Environmental Protection  
(207) 446-4894 | [jami.macneil@maine.gov](mailto:jami.macneil@maine.gov)

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**From:** Philbrick, Jeff <[Jeff.Philbrick@lchcare.org](mailto:Jeff.Philbrick@lchcare.org)>  
**Sent:** Friday, September 27, 2019 5:36 PM  
**To:** MacNeil, Jami <[Jami.MacNeil@maine.gov](mailto:Jami.MacNeil@maine.gov)>  
**Cc:** [jody@midcoastconservancy.org](mailto:jody@midcoastconservancy.org); Allen Philbrick <[philbrick@cmplaw.com](mailto:philbrick@cmplaw.com)>  
**Subject:** Public comments for Spinney/Alna dock DEP permit application

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`Good afternoon Jami,

Attached are my comments related to the DEP permit application in Alna, Maine by Jeff Spinney. Thank you for your work and consideration in this matter. Please feel free to contact me with any questions.

Jeff Philbrick  
Alna, Maine  
207-563-4180

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