

September 26, 2019

Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
28 Tyson Drive
Augusta, ME 04330

Re: DEP permit application – Alna/Spinney

Dear Ms. MacNeil,

I am writing as a resident of the town of Alna, as a Sheepscot River shoreland property owner, and as a relative of one of the abutters to Mr. Spinney. I understand he has recently filed a DEP permit application for a new common use permanent dock structure in the shoreland zone in Alna. I was forwarded a copy of my father, Allen Philbrick's comments and agree with them. I also have several concerns with regard to the permit application:

Concerns with “common use” permit application designation

1. The permit application is for a significant change in use type from Mr. Spinney's prior private recreational dock to a new “common or shared recreational use” type. The application goes on to describe a new common or shared recreational use not previously approved for 25+ members of an unnamed “recreational club”.
2. This club is not defined and should be described more fully. What is its legal status? Is it a corporation, a LLC, 501c? What is its mission, purpose, bylaws and business plan? Is this a commercial club? The application states that “members pool their resources through annual club membership dues”.
3. The permit describes a campsite and gun range, combined with the proposed common use dock/boat ramp that would indicate increased use similar to a commercial or recreational campground far beyond what occurs there today at Mr. Spinney's private residence. At a minimum, a common use dock suggests, or would give approval for, increased utilization of protected shoreland zones. Up to this point, I have never heard of a campsite, gun range or recreational club using Mr. Spinney's land with regularity and this is the most surprising revelation contained in the permit application.
4. There is no recreational club with an official address of 126 Golden Ridge Rd. in Alna that I am able to find, so why is this particular use type being requested at a private residence?
5. The permit application Attachment 1 statement that “Access to the site is gained via an existing private road from the Golden Ridge Road and it is located on a 120 acre, parcel, tax map R-4, 21” is not accurate. It should be noted that access to the proposed site is via a private road not owned by Mr. Spinney, through Alna tax map lots R-4 20C, R-4 20A and R-4 20. See attached Alna tax map R-4. In addition, the proposed site is located on a 99 acre parcel, tax map R-4 21A, not a 120 acre parcel tax map R-4, 21 as stated.
6. The permit application Attachment 1 statement that “The existing pier, ramp, and float (located approx. 10' South of the existing ramp) has been at this location for approximately 20 years and used seasonally.” is inaccurate, as Mr. Spinney acquired the property in August, 2002, and the earliest permit found for a dock is 2003.

Concerns with Shoreland/Environmental Impact

7. I am concerned with the installation of new permanent fixtures on the Sheepscot river bank in the protected shoreland zone. The permit application describes permanent pilings and dock/pier components more substantial than what was previously approved.
8. Per the attached document, the Midcoast Conservancy has identified the lower Sheepscot River area as a natural habitat of importance. The permit application site is within this designated area.
9. Per the attached letter from the State Department of Agriculture, dated 5/21/14, the lands in question and nearby constitute wetlands of special significance as described in 38 M.R.S. Sec. 480-X(4) or (5) and require certification by a knowledgeable professional wetland scientist that the activity will not alter, or cause to be altered, the wetlands in question under this application. See attached letter. Due to the sensitive areas of protection in close proximity to the permit application site, a certification and a full environmental impact analysis as described above to assess the effects of "common use" of 25-80 recreation club members utilizing motorized boats in the protected areas should be performed.
10. I fear that the increased utilization of motorized boats at the proposed dock and boat ramp may increase the potential for the introduction of harmful invasive species such as zebra mussel and milfoil to this area of the Sheepscot.
11. Please be aware that our family has placed conservation easements on several abutting land parcels, held with Midcoast Conservancy. Our goals for many decades have been to maintain protections of these natural areas without increased development or human use.
12. As a local, it seems to me that there are several existing "common use" public boat launch access points to the river in the area: at the Head Tide Dam, Bass Falls Preserve, Sheepscot Village and Wiscasset. There is not a demonstrated need for a new "common use" access point at this pristine location of protected shoreland.

If Mr. Spinney were to modify his permit application to request a seasonal private recreational dock permit, without common use, and there are no permanent dock/ramp or pier structures involved, my primary objections would be alleviated. This would align with what Mr. Spinney has had at his private residence on and off in the past.

Thank you for your consideration and time on this matter,



Jeff Philbrick
134 Dock Rd., Alna, ME 04535
207-563-4180

Cc: Allen J. Philbrick
Jody Jones, Midcoast Conservancy



NO AGREEMENT PURPOSES ONLY
 NOT FOR PROPERTY IDENTIFICATION

PREPARED BY PHOTODUPLICATION METHODS BY
 JOHN E. O'DONNELL & ASSOCIATES
 AUBURN, MAINE

LEGEND
 ADJACENT SHEET NO.
 COMMON DIMENSION
 DEVELOPMENT LOT NO.
 SCALED DIMENSION

PROPERTY MAP
ALNA
 MAINE

SCALE IN FEET
 0 500 1000

R-4

1979

Lower Sheepscot River



WHY IS THIS AREA SIGNIFICANT?

The Sheepscot River in Alna and Newcastle has long been recognized as an area of ecological significance. This largely intact corridor of fresh, brackish, and salt marshes, though well represented nearby in the Kennebec Estuary, is uncommon elsewhere in Maine. Moreover, the Sheepscot River wetland complex supports nesting bald eagles, several rare plant species, a rare freshwater mussel species, and uncommon salt marsh sparrows.

OPPORTUNITIES FOR CONSERVATION

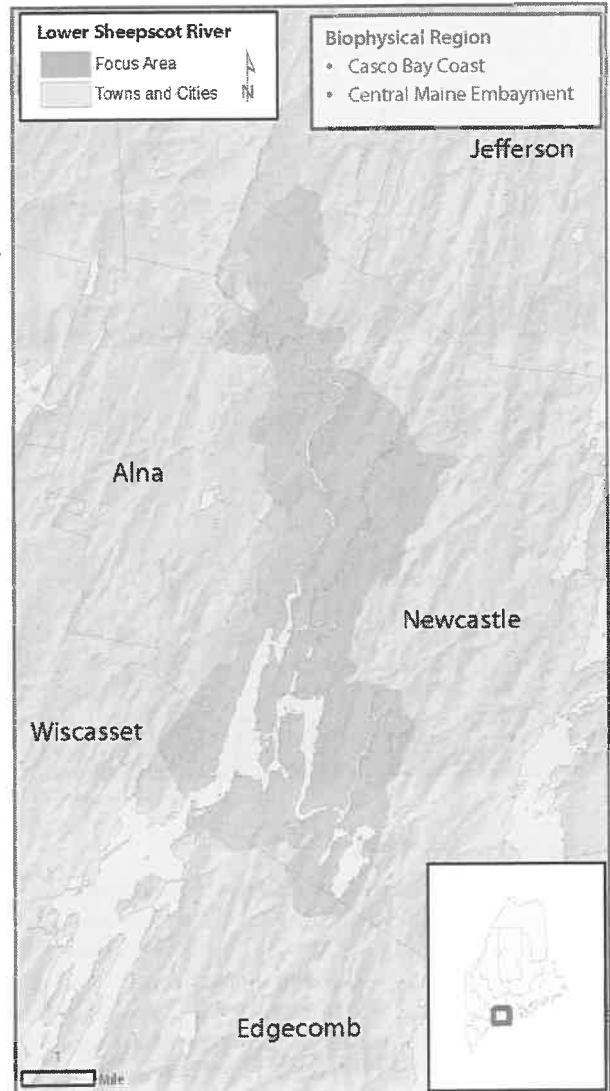
- » Educate recreational users about the ecological and economic benefits provided by the focus area.
- » Encourage best management practices for forestry, vegetation clearing, and soil disturbance activities near significant features.
- » Encourage town planners to improve approaches to development that may impact focus area functions.
- » Restore aquatic habitat connectivity by repairing improperly installed culverts and stream crossing structures.
- » Maintain intact forested buffers along water bodies and wetlands to protect water quality and provide valuable riparian habitat for wildlife.
- » Monitor and remove invasive plant populations.

For more conservation opportunities, visit the Beginning with Habitat Online Toolbox: www.beginningwithhabitat.org/toolbox/about_toolbox.html.

Public Access Opportunities

- Sherman Lake Wildlife Management Area, MDIFW
- Sherman Lake Picnic Area, MDOT
- Marsh River Preserve, SVCA

Photo credits, top to bottom: ME Natural Areas Program, ME Natural Areas Program, Ethan Nedeau, Paul Cyr, Tom Arter



Rare Animals

- | | |
|---------------|--------------------------------|
| Brook Floater | Atlantic Salmon |
| Brown Snake | Wood Turtle |
| Least Bittern | Saltmarsh Sharp-tailed Sparrow |

Rare Plants

- | | |
|----------------------|--------------------------|
| Estuary Bur-marigold | Pygmyweed |
| Horned Pondweed | Saltmarsh False-foxglove |
| Mudwort | Spongy Arrow-head |
| Parker's Pipewort | |

Rare and Exemplary Natural Communities

- Brackish Tidal Marsh

Significant Wildlife Habitats

- Inland Wading Bird and Waterfowl
- Tidal Wading Bird and Waterfowl
- Deer Wintering Areas

the Sheepscot Reversing Falls and railroad bridge. Moreover, two brackish tidal marshes here (Dyer River marsh and Deer Meadow marsh) were found by MDIFW biologists to support both the **salt marsh sharp-tailed sparrow** (*Ammodramus caudacutus*) and Nelson's sharp-tailed sparrow (*Ammodramus nelsoni*). Both bird species are uncommon in Maine, the former listed as Special Concern, and both are restricted to salt and brackish marshes. MDIFW biologists also detected nearly 20 other species in these salt marshes.

Tidal Wading Bird and Waterfowl Habitat has been mapped along the river and around the marshes of much of the tidal portion of the focus area. These areas provide undisturbed nesting habitat and undisturbed, uncontaminated feeding areas and are essential for maintaining viable waterfowl and wading bird populations. Smaller areas of **Inland Wading Bird and Waterfowl Habitat** and **Deer Wintering Area** have been mapped as well. These areas are protected as Significant Wildlife Habitat under the Natural Resources Protection Act.

RARE AND EXEMPLARY NATURAL COMMUNITIES

Brackish tidal marshes contain both freshwater and brackish water species, often in bands corresponding to tidal exposure. Tall rushes and bulrushes often predominate over extensive mid-elevation flats. At the lower elevations, rosette-forming herbs, such as lilaepsis and tidal arrowhead, may be common on the mudflats. Near the high tide line, there may be a fairly narrow zone of muddy gravel or rock shore sparsely vegetated with low herbs, including some rare species such as Long's bitter-cress or water-pimpernel. Sweetgale and poison ivy are often present at the upper fringes of the marsh, at or above the tidal reach.

Brackish marshes are important nesting habitat for several sparrows: Nelson's sharp-tailed sparrow and two uncommon species, the saltmarsh sharp-tailed sparrow and the seaside sparrow. These wetlands also provide foraging habitat for a large number of wading birds including rare species such as the great egret and glossy Ibis. The New England siltsnail inhabits coastal marshes and small tidal rivers where the water ranges from fresh to upper brackish. The spartina borer moth, whose historic range was along the immediate coast throughout New England, likely inhabited tidal marshes with sizeable populations of freshwater cordgrass, its larval host plant.

CHARACTERISTIC SPECIES

The **brook floater** (*Alasmidonta varicosa*) is a freshwater mussel of Special Concern in Maine that is found among rocks, gravel, and sand in creeks and small rivers. In Maine, this species is generally found among rooted aquatic vegetation in nutrient-poor streams. The brook floater has experienced significant declines throughout its range, and many populations have been extirpated. Even where it is found, populations often consist of just a small number of aging individuals. Maine may hold some of the best remaining populations of this species anywhere in its range.

Ecological Services of the Focus Area

- Nursery for juvenile fish and shellfish.
- Supports regional biodiversity by providing habitat for rare plants, animals, and natural communities.
- Major feeding area for myriad bird species.

Economic Contributions of the Focus Area

- Supports commercial forestry opportunities.
- Attracts tourism for wildlife observation, paddling, hunting, and angling.
- Contributes to recreational value of the area, including nearby coastal areas, by protecting water quality, fisheries, and wildlife habitat.

Bald eagles (*Haliaeetus leucocephalus*) were nearly extirpated because of widespread use of environmental contaminants that caused eggshell thinning and impaired reproductive success. With bans on the use of these contaminants and habitat protection measures, bald eagles have made a tremendous recovery. In 2009 they were removed from the state Endangered Species list. They remain listed as Special Concern in Maine. Bald eagles continue to be protected by the USFWS under the Bald and Golden Eagle Protection Act.

The Sheepscot River is one of eight rivers remaining in the US to support a wild population of the Endangered **Atlantic salmon** (*Salmo salar*). Atlantic salmon are an anadromous species, spending most of their adult life at sea, returning to their natal freshwater rivers to spawn. They require free flowing, cool, clear rivers to migrate to suitable spawning and nursery habitats found in upper river reaches. Populations of Atlantic salmon dramatically declined as culverts and dams blocked fish passage and water quality declines in streams and rivers limited habitat quality.




CONSERVATION CONSIDERATIONS

- » Although most of the rivershore below the Dock Road Bridge is narrow and without much marsh expanse, it is undeveloped and devoid of invasive species.
- » In general, threats to aquatic plants and invertebrates include hydrologic alteration (from changes in water flow or impoundment of waterways), point source pollution, development of adjacent uplands and associated water quality impacts, invasive species such as purple loosestrife, and poor timber harvesting practices.

RARE SPECIES AND EXEMPLARY NATURAL COMMUNITIES OF THE FOCUS AREA






	Common Name	Scientific Name	State Status*	State Rarity Rank	Global Rarity Rank
Animals	Brook Floater	<i>Alasmidonta varicosa</i>	T	S3	G3
	Brown Snake	<i>Storeria dekayi</i>	SC	S3	G5
	Least Bittern	<i>Ixobrychus exilis</i>	E	S2B	G5
	Wood Turtle	<i>Clemmys insulpta</i>	SC	S4	G4
	Saltmarsh Sharp-tailed Sparrow	<i>Ammodramus caudacutus</i>	SC	S3B	G4
	Atlantic Salmon	<i>Salmo salar</i>	E		
Plants	Estuary Bur-marigold	<i>Bidens hyperborea</i>	SC	S3	G4
	Horned Pondweed	<i>Zannichellia palustris</i>	SC	S2	G5
	Mudwort	<i>Limosella australis</i>	SC	S3	G4G5
	Parker's Pipewort	<i>Eriocaulon parkeri</i>	SC	S3	G3
	Pygmyweed	<i>Crassula aquatica</i>	SC	S2S3	G5
	Saltmarsh False-foxglove	<i>Agalinis maritima</i>	SC	S3	G4
	Spongy Arrow-head	<i>Sagittaria calycina var. spongiosa</i>	SC	S3	G3G4
Natural Communities	Brackish Tidal Marsh	Brackish tidal marsh		S3	GNR

State Status*






-  Endangered: Rare and in danger of being lost from the state in the foreseeable future, or federally listed as Endangered.
-  Threatened: Rare and, with further decline, could become endangered; or federally listed as Threatened.
-  Special Concern: Rare in Maine, based on available information, but not sufficiently rare to be Threatened or Endangered.

*State status rankings are not assigned to natural communities.

State Rarity Rank

-  Critically imperiled in Maine because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
-  Imperiled in Maine because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
-  Rare in Maine (on the order of 20–100 occurrences).
-  Apparently secure in Maine.
-  Demonstrably secure in Maine.

Global Rarity Rank

-  Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation.
-  Globally imperiled because of rarity (6–20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
-  Globally rare (on the order of 20–100 occurrences).
-  Apparently secure globally.
-  Demonstrably secure globally.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
93 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0093

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

May 21, 2014

Jeffrey and Allen Philbrick
134 Dock Road
Alna, ME 04535

Dear Jeffrey and Allen Philbrick:

The Maine Natural Areas Program recently completed mapping of all of the state's tidal marshes. The work included interpretation of aerial photography along with ground truthing at representative locations. Based on that work and a review of tax maps, our records show that your property in the vicinity of the Sheepscot River in Alna, Maine, likely supports part of a Spartina Saltmarsh. This type of saltmarsh is typically dominated by a mix of bulrushes and Spartina grasses, along with other common saltmarsh plant species. Presumably you are already aware of the presence of saltmarsh at this location.

The Maine Natural Areas Program identifies and encourages protection of important natural habitats throughout the state. Voluntary stewardship of your land is a valuable opportunity for you to conserve a unique part of Maine's natural landscape. While the Maine Natural Areas Program has no regulatory authority, the information we manage is public and may under some circumstances, be used by other state agencies in reviewing permit applications and in managing the state's natural resources.

If you have any questions about this information or the Maine Natural Areas Program in general please let me know. I can be reached by phone at (207) 287-8041 or by email at don.s.cameron@maine.gov. You can also learn more about our program on-line at <http://www.maine.gov/dacf/mnap/index.html> or by searching on our name.

Sincerely,

Donald Cameron, Botanist/Ecologist
Maine Natural Areas Program

Alna R-4-18-A