

# Paul Tenan

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October 7, 2019

Jami MacNeil  
Environmental Specialist III  
Bureau of Land Resources  
Maine Department of Environmental Protection 28 Tyson Drive  
Augusta, Maine 04330  
By email: Jami. [Macneil@Maine.gov](mailto:Macneil@Maine.gov)

Re: NRPA Application for a permanent boat launch, and separate dock, ramp, float with permanent support piling. Applicant: Jeff Spinney, 126 Golden Ridge Road, Alna, ME 04535.

Dear Ms. MacNeil,

We are homeowners overlooking the Reversing Falls on the Sheepscot River. This became our home three years ago. We relocated from the Adirondacks of New York where we paddled and fished that region's lakes and rivers and appreciated its beauty and resources throughout the year. Our plan to relocate to Maine was to find the same characteristics and we were fortunate to find our new home in Sheepscot Village to be located at the remarkably pristine, beautiful and diverse landscape that is the watershed of the Sheepscot River. From our home perch, we observe an impressive collection of birds in the fields, water fowl, birds of prey, ocean going migrating birds, fox, deer, river otters, and other mammals though the seasons. The tides, mudflats, trees and abundant grasses provide prodigious opportunities for food, nesting and protective locations to these and other species that are here.

We paddle by kayak and canoe the watershed waters, those both of the Sheepscot and the Dyer River, a tributary to the Sheepscot. White water kayakers are drawn to the Reversing Falls during the tidal changes. We hike the conservation preserve areas in the Watershed area, and in winter, cross country ski and snow shoe our property and adjoining permissible lands on our road. Living here, the case is substantiated each day why the Sheepscot River is designated a Class AA river by the State of Maine, "...waters that are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance." (38 M.R.S.A. Sections 484 and 485.)

During our time here, we have not been aware of powerboat traffic. Chiefly during Striper season, an occasional outboard powered fishing boat will come up river at slow approaching speed to the falls where they stay below that natural barrier. On trips northerly in the watershed, we have not run into motorboat traffic. Specifically, we have not encountered fishing or recreational powerboat or Jet Ski models south or north of the Sheepscot Road Bridge.



I am also a volunteer steward for Bass River Falls, a Midcoast Conservancy preserve situated in Alna between Route 218 and the Sheepscot River. I have observed the tide effects at the preserve's point in the river and describe the current as swift moving at changeover from high to low tide, a very noticeable exposure of riverbank in low tide conditions reducing landing options, and a reduced navigation channel with rolling shoreline contours. Paddling skill or steering and speed handling skill with an outboard motor are necessary to hold position within the range of tidal changes and a meandering riverbank.

### Specific Issues and Questions Related to the Application and It's Processing

1. As of this date, the available documentation of the permit application/approval process makes it difficult to understand the present permit "approved" condition and assess how significant the proposed installation would be to the Sheepscot watershed. To begin, we have been supplied with an approved permit application dated May 5, 2003 signed by Chairman of the Alna Planning Board granting approval for a small dock, ramp and float costing approximately \$ 100.00 for a temporary and seasonal use structure.
2. Based on the available record, there appears that no other permitting inspections, repairs or alterations during the sixteen-year period. We understand that no photos or other evidence have been provided to date in support of the application. The pending application refers "...to the proposed activity... is to modify an existing boat launch area on the Sheepscot River...." The description appears different from the originally permitted "...small dock, ramp and float." We request and recommend that in the absence of material such as photographs, there should be a site inspection by the code enforcement officer before considering action on the application, in to confirm whether there are non-conforming changes from the permitted condition. The findings could have a bearing on reliability of the information contained in the pending application.
3. We believe that the NRPA Appendix D. form is wrong with its statement that the application is for a common shared recreational pier, dock, or wharf. The Appendix was initially more accurately stated as being for a private recreational pier, dock or wharf. That statement was scrubbed out on the form.

The application specifies that the launch and dock be for the use of 25 club members. This is an expression of site control by lease, ownership or other agreement. Further, the private nature of use and control of the installation could change at any time by addition of members, by guest privileges, or private invitation events whether for monetary value or not. All and more possibilities are possible for the controlling entity with the benefits represented by the river project accruing to them, and the risk for diminution of the river as a public asset being borne by the greater community.



4. Elsewhere, the application describes a 25 member local hunt club that are the users and apparently controlling entity for the site, if not the entire acreage which by the way should be described in order to understand how the proposed project is situated within part of the larger property. The implied alternative as the controlling party is Jeff Spinney, or perhaps an unidentified party. This application is deficient in that the accountable party for the proposed construction and installation on a Class AA river is not clearly identified along with regular organization documents that should become available as part of the application, including identification of officers and their powers to act for the entity, lease or similar agreement for property access by the Club from the owner(s), financial statements, appropriate insurance coverage including the construction project, work and project management contracts and financial arrangements adequate for project completion to satisfy the undertaking.
5. The minimum congregation of power boats and vehicles and trailers in a private installation granted river access across the Natural Resource Protected area and Tidal Wetland areas begs the question that the entire facility should be evaluated for the impact that the entire facility may have upon the protected shoreline and waters. A census of the expected actual powerboat (by type), trailers and towing vehicles should be made as part of the evaluation of this application. The applicant should submit as part of the application a site plan displaying dedicated parking and storage areas for all wheeled vehicles – trailers with and without boats attached, trailer transport vehicles including those belonging to members. Storage of gas oil, and other flammable items should be identified. The collective impact of the vehicles should be assessed for the risk posed for the protected shoreline areas which one way or another, virtually all the vehicles will make contact with throughout seasons not including winter.

The facility's total impact in all respects upon the Natural Resource Protected area should be assessed in the permit process.

6. The transfer of invasive plants, shell fish, water insects and other threats by boats moving from affected water areas to another is well documented. This is a subject we sadly know well from Adirondack waters in spite of aggressive mitigation efforts over time. At our Adirondack lake, the battle against Milfoil after 16 years continues with measurable results; however, mitigation of the impact becomes the pragmatic goal, not eradication of the invasive. This is too great of a risk to take with the Sheepscot Watershed when the list of invasive pests continues also to grow. The application clearly becomes a risk factor in this regard.
7. The application suggests that silting and other erosion may be occurring at the present boat launch site. Particularly if found that the site has been in a non conforming site according to the absence of permit approvals, the



applicant should be directed to mitigate the current conditions and this application should be pended.

8. The proposed design will be a permanent structural fixture on the Sheepscot Watershed. For this condition as well as all other implications of this application, the Town of Alna Selectmen and Planning Board should be urged by DEP to formally inform and share all information with the Board of Selectmen and the Planning Board of the Town of Newcastle. The two towns share the Sheepscot Watershed and its Shore land Protection Districts. Jurisdiction in this matter cannot be settled by a road address, when the proposed project penetrates official Shore Land Zoning areas contiguous to two or more towns. Newcastle property owners and homeowners in the Sheepscot Watershed should not have rights abridged by another town's jurisdictional actions. DEP should make its best efforts to see that all property owners potentially affected by this application solely to the Town of Alna on the basis of a mailing address are offered the same opportunity to present their views and express the impact that this application will have on their property and lives.

From the standpoint of the Town of Alna's Shore Land Zoning Ordinance, there is no "dressing up" of the application as being "the same but better" than an earlier approved 10 foot square float. This is a significant sized, permanent installation within the approved Shore Land Zoning Boundaries for the Sheepscot River Watershed, in order to serve seasonal interests of up to 25 people, according to the application. Long established and enforced by not one but two town governments (though only one has been involved in the matter to date) through their Shore land Zoning Regulations, the Sheepscot River has never been threatened this way before to our knowledge.

The Sheepscot River Watershed is designated a Class AA by the State of Maine – "...the highest classification and shall be applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic or recreational importance." For the reasons that we are communicating here combined with those you have received from other concerned citizens that have learned about this threatened action in just the past few days, your office should offer the applicant the opportunity to withdraw the application and failing that, then the application should be denied for being inconsistent with the character, resources, and importance that the Sheepscot River Watershed provides to all.

Thank you.

Sincerely,



Paul M. Tenan



Julie N. Tenan