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Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333
207-446-4894
Jami.macneil@maine.gov

Dear Jami:

Thank you once again for your time last Friday and for forwarding the link to Mr. Spinney's interactive Google map of the Sheepscot:

<https://drive.google.com/open?id=1MKT7vOb8jPFpJ6FaAI703kOVm1g&usp=sharing>

As I noted in an earlier letter, I am one of Mr. Spinney's abutters and have known this property on the Sheepscot for 70 years now.

After Friday's full review of the folder and especially of the materials submitted more recently, I write this letter, at your suggestion, to supplement my comments of October 7. My conclusions have not changed – that the proposed installation runs counter to NRPA and Shoreland Zoning regulations, but I now understand that much confusion has arisen from failure to understand that the Sheepscot in and around the Village of Sheepscot is not the Sheepscot up here (basically beyond the powerlines and up to Head Tide). Geography, scenery, esthetics, and usage all are different, and what might be appropriate at the Village is not here. And I write this letter out of full respect for the considerable labor that the DEP and Mr. Spinney have invested in the proposal.

There still is time for you and others in the DEP to take a canoe from Puddle Dock in Alna down to the Village of Sheepscot and verify for yourselves that this stretch of the Sheepscot is of a character far different from that below and of a unique beauty. Without seeing this for yourselves, Mr. Spinney's proposal might be for any river, anywhere, or for the Sheepscot as if it were the same, sea to source.

The DEP and the Town of Alna are legally required to uphold that distinction and the character of the river up here:

The Legislature finds and declares that the State's rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands and coastal sand dune systems are resources of state significance. These resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the State. (*Preamble to Maine NRPA Statute*)

Applicants for permits under the NRPA are required to demonstrate that a proposed activity meets the standards of the NRPA that have been established by the Legislature. Standard 1 in Section 480-D of the NRPA requires an applicant to demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses. (*Chapter 315, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses*).

The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. (*Maine Shoreland Zoning Guidelines*)

The proposed facility “unreasonably interferes with existing scenic and aesthetic uses” and is “larger in dimension than necessary to carry on the activity and be consistent with the surround character and uses of the area.”

The comments for and against the proposal support my conclusion.

1. **Powerboat usage.** Whether or not the river has had regular traffic of powerboats is readily resolved. Commenters arguing that such traffic always has been there adduce stories of their childhoods 40 and 50 years and more ago and in and around the Village of Sheepscot, where they once lived and no longer do. Commenters opposing the proposal live on this upper stretch of the river (and have been there in some cases as many as 70 years) do not even speak of the area around the Village. L They have no evidence of regular or even any powerboat usage on this stretch of the river. Supporters and opponents are talking about two different rivers, and the supporters' evidence stems from a different era.

Opponents, and again, they live here, are indeed aware of current navigational use of the river and note the growing traffic of canoes and kayaks down it. They celebrate that recreational use by hundreds and more people each year. Such usage is consistent with the remote, quiet, wild beauty that these residents enjoy and have enjoyed.

2. **Scenic and esthetic beauty.** Those living on the river and the increasing numbers who canoe and kayak down it know the dramatic appeal of this undeveloped stretch of river. A number of the opponents helped found the Sheepscot Valley Conservation Association (now Midcoast Conservancy) to ensure the continued wild quality of the lands on which they lived. The distinct value of this stretch of the river – environmentally and esthetically -- has been memorialized most recently at the dedication of the new dam at Head Tide as well, over time, in the many conservation easements along it, and in the written and financial support of state and federal agencies.

3. **Size and scale of the proposed installation.** Above the powerlines, there are no structures on the river. It is undeveloped and wild. Any but a small personal dock would stand out – as well as open the way for future development. The installation that Mr. Spinney proposes may be appropriate to the Sheepscot by the Village. Here, it clearly would violate one of the reasons the NRPA and Shoreland Zoning were created. Size, scale, and visual impact matter, in the law. The NRPA requires, visually, that “landscape compatibility,” “scale contrast,” and “spatial dominance” be considered and “the degree to which user or viewer expectations of a scenic resource will be altered.” And, as noted at the start of this letter, the NRPA requires that any proposal show that that it will not interfere with “existing scenic, esthetic, recreational, or navigational use.” On this stretch of the river, Mr. Spinney’s proposal would result in an installation almost laughable except for its sadness.
 - a. Mr. Spinney himself, in his interactive Google map, tells us that “Alna (and Newcastle) both have several structures similar in nature to mine on the Sheepscot river. Ramp/Float systems anchored to the shoreland with ‘permanent’ piles.” But, setting aside for the moment the fact that he has nothing on site now and has had nothing there since 2014, the examples he provides are from that other Sheepscot River, in and around the Village of Sheepscot, and even below the bridge and below the Reversing Falls. A glance at Google Earth makes clear that, indeed, there is nothing above the powerlines, and also underlines the vast differences in scale between the lower and upper parts of the river. For comparisons, in other words, he turns to a different part of the river.

 - b. As to Mr. Spinney’s reference to what he speaks of as his dock, he did obtain a permit in 2003 from the Town of Alna (not from the DEP as well) for a small, seasonal, personal dock, no boat ramp, no club, at an estimated cost of \$100, and he built it. Although it was unusual on the river up here, it was not totally out of keeping with his needs and the area. That dock was crushed by river ice. He built another in 2012, larger, with boat ramp, permanent piers

driven into the riverbank below high-water mark, still personal. The Town of Alna did not issue a permit, presumably because the proposal was seen as “replacement.” There was no DEP action. By 2014 that structure also had been crushed by ice, and there has been nothing on site since.

- c. Mr. Spinney does go beyond comparable installations to try to show “how prevalent docks and boat launches (even permanent ones) have been and are on ‘the river,’” but those he lists largely fall below the powerlines, date from a distant era (a launch on Clifton Walker’s former antedating even my presence on the river 70 years ago), are inaccurate (there has been nothing at the Barth/Conboy residence for over 25 years and once consisted of a few planks down to a float), are minor (duck blinds), or are irrelevant (Mr. Spinney’s house, my house, one of my fields, Bass Falls, etc.).
 - d. Again, there are no structures of any kind on this upper stretch of the Sheepscoot, powerlines to Head Tide, and a large one, like that proposed, is totally out of keeping with local character.
 - e. Mr. Spinney himself recognizes that some sites are inappropriate for some activities. In his proposed bylaws for his newly incorporated Golden Ridge Sportsmen’s Club, he notes two other sites than the Sheepscoot on which club activities will occur, Hassan Avenue (carry-in, carry-out) and Highland Plantation (foot and snowmobile travel only, no ATVs or side-by-sides).
4. **Of a size necessary for the proposed activity.** We already have addressed the question of interference with the scenic and esthetic character of the area. But Shoreland Zoning goes one step further to speak of size as a function of proposed activity: Structures must be no larger “than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.” Given current and historical use of this stretch of the river – little if any powerboat usage, growing canoe and kayak navigation and recreation – the proposed dock is of a size wholly inappropriate to powerboat use. Mr. Spinney notes in his application that water depth at the end of his proposed dock at low tide is two or three feet. Since high tide comes twice a day, only one or maybe two moments are available for navigation by any boat with all but the smallest draft. Somewhat further up the river, Bass Falls requires a carry for canoes and kayaks, and, except in spring run-off and at a few other moments, even canoes and kayaks can’t proceed from Puddle Dock to Head Tide. Some duck hunters or fishermen in small boats with small outboards probably could make some use of the river, and I doubt that anyone would protest their presence and activity. But that usage would not require the size and complexity of a combined dock and float combination of some 50 feet extending over a river 100 feet wide at low tide (total width bank-to-bank of about 200 feet) and 10-foot-wide,

permanent, cement, truck-and-trailer ramp for use by 25 and more club members and their large powerboats. Even a simple float and a simple boat ramp would accommodate probable actual use, along with swimming and enjoyment of the scenery from deck chairs on the clearing at river's edge.

As the DEP considers the evidence, then, it must recognize that there are two Sheepscot Rivers here, and what could work in the lower, does not work up here. At least implicitly, all commenters recognize the distinction, and those living on and enjoying this upper stretch are unanimous in their belief that Mr. Spinney's proposal is wrong up here and that current recreational trends to canoes and kayaks make great sense.

Once again, thank you for the time and effort you have expended on this property. At this point I wish that the complexity of this situation had been addressed far earlier in the process so that Mr. Spinney and the DEP might have had the chance to amend his proposal appropriately. Both of you deserve better.

Sincerely,

William A. Weary
293 North Dyer Neck Road
Newcastle, ME 04553
w.weary@gmail.com