

York, Marylisa

From: MacNeil, Jami
Sent: Thursday, March 12, 2020 11:59 AM
To: William A Weary
Subject: RE: [Non-DoD Source] Spinney dock/ramp excavations

Mr. Weary,

The CEO's determination is not being considered a factor in the DEP's review one way or another. This is a consideration for the Town.

Thank you,

-Jami MacNeil
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (USA) <Jay.L.Clement@usace.army.mil>
Sent: Thursday, March 12, 2020 11:15 AM
To: William A Weary <w.weary@gmail.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: [Non-DoD Source] Spinney dock/ramp excavations

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These are considerations for the DEP and perhaps the Town Mr. Weary, not for the Corps.

Jay Clement
Senior Project Manager
US Army Corps of Engineers
Maine Project Office

-----Original Message-----

From: William A Weary [mailto:w.weary@gmail.com]
Sent: Thursday, March 12, 2020 11:01 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Clement, Jay L CIV USARMY CENAE (USA) <Jay.L.Clement@usace.army.mil>
Subject: [Non-DoD Source] Spinney dock/ramp excavations

Jami and Jay, I know the moment is late, but the last-minute submission by Mr. Spinney of a statement from the Alna CEO requires rebuttal for the record and, hopefully, a reconsideration of the draft permit. Mr. MacKenzie found, on the basis of a site visit, that the excavation for the launch predated any shoreland zoning ordinances and, thus, was a nonconforming structure not subject to other code. I'm not sure how the CEO reached such a conclusion on the basis of a site visit and in the face of evidence to the contrary well known to Mr. Spinney (and also presented to you). The Google Earth photo of 1997 showing unbroken salt marsh on the riverbanks is clear, and my own photos show excavations for ramp and dock occurring in July 2012. Recent statements from prior owners of Mr. Spinney's property

underline this evidence: They never cut any bank. Should the CEO's finding prove to be official, it will, of course, be appealed. For the purposes of permits, though, the consequences of accepting it without question could be elimination of any requirement that Mr. Spinney make compensation for unpermitted excavation and a claim into the future for prior use. Thank you again -- Bill

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William A. Weary

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