

York, Marylisa

From: Clement, Jay L CIV USARMY CENAE (USA) <Jay.L.Clement@usace.army.mil>
Sent: Thursday, July 2, 2020 2:16 PM
To: William A Weary
Cc: MacNeil, Jami; Spinney, Jeffrey
Subject: Local Questions

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Mr. Weary:

In the interest of full disclosure, I'm copying Mr. Spinney in this correspondence. Below are answers from the Corps to your recent questions:

1. Do your permits still stand as approved, given a) that the local permit for a permanent boat ramp was denied and b) that a dock system other than that permitted was installed? As long as the location and dimensions of what's in place are not larger than what we authorized then he wouldn't be out of compliance.
2. What has been the history of permits like yours that are rejected at the local level and/or withdrawn? It happens. State, federal and municipal regulatory authorities have their own regulations and review criteria and remain independent reviews.
3. Will the abutters' appeal to the BEP proceed as originally filed? Or is it now moot? Not a question for the Corps.
4. Since the two pieces of the project were approved as a unit, with dock size contingent on a valid license to the Golden Ridge Sportsman's Club, how does withdrawal of the dock project - and rejection of the boat launch -- affect the permits you issued? In order for the Corps permit to remain valid, authorized project elements need to be in good standing with the town. If you haven't approved an element and we did, he can't do that one. If you take an action that changes what we authorized, e.g. a longer float or larger ramp, he'd have to modify our permits.
5. Since the proposed boat launch will not, banning some later reversal, now take place, must Mr. Spinney remediate the shoreline as specified in the permit and prevent future trailered launches from the site? That wasn't our requirement.
6. What requirements now apply with respect to the Golden Ridge Sportsman's Club, since the NRPA permit was predicated on its existence and validity? The applicant recently told the Alna planning board that the club was for the benefit of himself and a few friends. Not a question for the Corps.
7. Mr. Spinney filed for a notification to begin work based on your permits on March 4, 2020, with anticipated conclusion of April 8, prior to receipt of any permit from the planning board and, now, long in the past. Does he/did he need to file a new notification for installation of the dock system? It would be the right thing to do but it is not technically required once he does it once.
8. May Mr. Spinney rely upon the 2003 permit to install his seasonal dock system? If he is relying on the 2003 Alna permit, does he need a new permit from the Army Corps for the now-installed system? That 2003 permit was issued

without an Army Corps permit; unpermitted shoreline excavation also has taken place since then. Moreover, no site plans or drawings of the 2003 permitted dock have been found. Where does that prior excavation stand with respect to both DEP and Army Corps regulations? Does the Army Corps in its files have any drawings or plans from 2003? See above. If what he's installed is essentially in compliance with his recent Corps permit, no further action is required. The recent permit essentially resolved any past violation.

9. Does the proposed work to the HAT require any further permitting from either of your agencies? Work above the HAT is outside Corps jurisdiction. Any fills placed below would be jurisdictional and need a permit unless they were in compliance with the permit.

Please let me know if you have further questions.

Jay Clement
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