

## York, Marylisa

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**From:** MacNeil, Jami  
**Sent:** Monday, July 6, 2020 4:09 PM  
**To:** William A Weary  
**Cc:** Clement, Jay L CIV USARMY CENAE (USA); Spinney, Jeffry  
**Subject:** RE: Local Questions

Mr. Weary - I will add to Jay's responses. Jay's are in red, mine are in blue.

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.**

DEP: The NRPA permit still stands. As long as the granite block for the pier system is not in place more than 7 months out of the year, it is a seasonal system. The change is minor and we determined that it does not require a formal permit modification.

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 What has been the history of permits like yours that are rejected at the local level and/or withdrawn?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.**

DEP: Same. The reviews are separate.

3. Will the abutters' appeal to the BEP proceed as originally filed? Or is it now moot? **Not a question for the Corps.**

DEP: The appeal will likely proceed, unless the appellants withdraw the appeal or the permit-holder requests that the Board vacate the permit.

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.**

DEP: Same. If Mr. Spinney has local approval (and all other applicable approvals) to do one part of the project, he can do that part.

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.**

DEP: No. The requirement for restoration is only if he constructs the launch ramp, and then it loses its shared-use function.

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.**

DEP: The same requirements that are listed in the permit conditions. The club will doubtless be a topic at the appeal hearing.

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.**

DEP: Timing of construction was the subject of the recent minor revision.

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.**

DEP: Same. The recent permit considered and resolved the past activities. The validity of the 2003 permit is a Town issue.

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.**

DEP: It depends on the nature, extent, and location of the work. Maintenance to <50% of an existing structure, such as a road, does not require a permit. New fill or structures, or expansions of structures, within 75 feet of the river will require a permit.

Best,

-Jami MacNeil (she/her)  
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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, July 02, 2020 2:16 PM

To: William A Weary <w.weary@gmail.com>

Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>; Spinney, Jeffry <Jeffry.Spinney@LibertyMutual.com>

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  
Senior Project Manager  
US Army Corps of Engineers  
Maine Project Office  
207-623-8367 x1

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