

Maine Executive Order 24 FY 08/09 Signed January 22, 2009

An Order Implementing the Recommendations of the Sears Island Planning Initiative's Joint Use Planning Committee

WHEREAS, the State of Maine is dedicated to preserving its historic coastline while providing economic opportunities to its citizens that its proximity to navigable waters offer; and

WHEREAS, the State of Maine owns Sears Island in the Town of Searsport, County of Waldo, where both of these goals can be compatibly and responsibly pursued; and

WHEREAS, Sears Island lies centrally on Maine's largest bay, Penobscot Bay, which has seaports, manufacturing centers, farms, rocky headlands and well over 100 islands on its waters and shores. The Bay, which serves as the economic domain of a thousand or more working fishing and lobster boats, includes a major shipping channel, and is a recreational and ecological location of world class standing; and

WHEREAS, Sears Island located in the harbor of Searsport is uniquely suited, through its deep water ship access and its rail connection allowing double stacked rail cars to travel unabated from Searsport to Chicago, to be the location of a future freight container port; and

WHEREAS, Maine's future economy will be strengthened by the inclusion of Sears Island in the global freight transportation routes; and

WHEREAS, the parties to the Consensus Agreement, that created the Joint Use Planning Committee, shared a good faith belief that opportunities to pursue a port and conservation uses were compatible and should be given equal weight and attention and should all be vigorously pursued ; and

WHEREAS, the Sears Island Planning Initiative Consensus Agreement established that the appropriate uses for Sears Island are compatibly managed marine transportation, recreation, education, and conservation, therefore, the joint use planning process defined two significant land use parcels on the Island, a 601-acre conservation parcel known as the "Protected Property" and a 330-acre "Transportation Parcel", for the benefit of the Town of Searsport, County of Waldo and the State of Maine; and

WHEREAS, Sears Island Planning Initiative Consensus Agreement established that the Maine Department of Transportation (MaineDOT) will actively market, solicit proposals and create partnerships for a cargo/container port on Mack Point and/or Sears Island on the Transportation Parcel; and

WHEREAS, Sears Island Planning Initiative Consensus Agreement established that the MaineDOT, with the Town of Searsport and appropriate others will provide for light recreation, education and conservation facilities on the Protected Property by conveyance of an easement covering that area; and

WHEREAS, the Final Report and Recommendations for Implementation of the Sears Island Planning Initiative Joint Use Planning Committee, prepared pursuant to the Sears Island Planning Initiative Steering Committee Consensus Agreement has been presented to and approved by the Joint Standing Committee on Transportation of the Maine Legislature in accordance with Maine Public Law 2005, Chapter 277;

NOW, THEREFORE, I, John E. Baldacci, Governor of the State of Maine, do hereby order and direct as follows:

The Maine Department of Transportation will in all respects implement the recommendations of the Sears Island Planning Initiative's Joint Use Planning Committee.

o MaineDOT, as Grantor, will grant a Conservation Easement on a 601-acre conservation parcel known as the Protected Property on Sears Island to the Maine Coast Heritage Trust, the Holder, with the Maine Department of Environmental Protection as the Third Party Enforcer.

o MaineDOT will fix the boundaries of the Transportation Parcel and the Protected Property as determined by the Joint Use Planning Committee and defined in the Conservation Easement.

o The Transportation Parcel is reserved by MaineDOT for future transportation use, allowing for joint or concurrent development of a marine transportation facility, compliant with 23 CFR 774.

o MaineDOT will create a "Sears Island Conservation Area Advisory Group" to provide public input on future land use and guidance to MaineDOT with respect to the management of the Protected Property.

o MaineDOT, upon execution of the Conservation Easement, will actively and aggressively work with the Maine Port Authority and other interested parties to initiate the process of marketing and development of a cargo/container port on Mack Point and Sears Island in accordance with the Agreement including initiating a request for proposals for a cargo/container port facility which will utilize environmentally-responsible technologies to minimize impact to natural resources, cultural values and existing marine activities while creating significant economic opportunity for the citizens of the State of Maine.

Effective Date:

The effective date of this Executive Order is January 22, 2009.