

**From:** Green, Robert L  
**Sent:** Friday, January 7, 2022 11:05 AM  
**To:** Madore, David  
**Cc:** Hallowell, Dawn  
**Subject:** RE: Pier proposal  
**Attachments:** 096c315 (1).doc

**Importance:** High

Good morning,

In response to the request from Sen. Curry, the NRPA standard in question is:

### §480-D. Standards

The department shall grant a permit upon proper application and upon such terms as it considers necessary to fulfill the purposes of this article. The department shall grant a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 1 to 11, except that when an activity requires a permit only because it is located in, on or over a community public water system primary protection area the department shall issue a permit when it finds that the applicant has demonstrated that the proposed activity meets the standards set forth in subsections 2 and 5. [PL 2009, c. 615, Pt. E, §7 (AMD) .]

**1. Existing uses.** The activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.

In making a determination under this subsection regarding an expedited wind energy development, as defined in [Title 35-A, section 3451, subsection 4](#), or an offshore wind power project, the department shall consider the development's or project's effects on scenic character and existing uses related to scenic character in accordance with [Title 35-A, section 3452](#). In making a decision under this subsection regarding an application for an offshore wind power project, the department may not consider whether the project meets the specific criteria designated in [Title 12, section 1862, subsection 2, paragraph A, subparagraph \(6\)](#), divisions (a) to (d). This limitation is not intended to restrict the department's review of related potential impacts of the project as determined by the department.

[PL 2009, c. 615, Pt. E, §8 (AMD) .]

To assist the Department in making this determination we rely on the requirements of Chapter 315, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses (see attached). Section 4, Scope of Review clearly outlines the Department's responsibility. I need to contact the consultant and request additional information regarding the scenic impact the proposed project will have. Given that this will be the first residential pier on a long stretch of coastline that doesn't have this sort of structure means that we will be looking at this closely (regardless of the public's concern). The overriding questions will be 1) what is reasonable; 2) have they adequately examined the alternatives to meet the project need; and 3) have they avoided/minimized the scope of the project to the greatest extent practicable?

As for review of the application, given my current workload and the need to discuss the project at length with the consultant, I do not foresee the Department reaching a decision on the application before the March 10, 2022 deadline. I have too much in front of this. FYI, I still have 19 unanswered email messages from the public that I have not been able to respond to yet.

Bob.

Robert L. Green, Jr.

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**From:** Madore, David <David.Madore@maine.gov>  
**Sent:** Friday, January 7, 2022 10:44 AM  
**To:** Green, Robert L <Robert.L.Green@maine.gov>  
**Cc:** Hallowell, Dawn <Dawn.Hallowell@maine.gov>  
**Subject:** FW: Pier proposal  
**Importance:** High

Hi Bob,  
Please see below. Also, following up on Sen. Curry request from earlier this week, I still need the criteria we use to issue the permit.  
Thanks

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**From:** Carrigan, Don <[Don.Carrigan@NEWSCENTERmaine.com](mailto:Don.Carrigan@NEWSCENTERmaine.com)>  
**Sent:** Friday, January 07, 2022 10:42 AM  
**To:** Madore, David <[David.Madore@maine.gov](mailto:David.Madore@maine.gov)>  
**Subject:** Pier proposal

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David..

Good morning. I'm doing a story on local opposition in Lincolnville to a 300-foot private pier project on Penobscot Bay, for the Ward family.. I believe DEP is in the process of reviewing the application. Can you give me an update on this, and an estimate of when a decision might be made? Also, I've been told by the pier designer that the Army Corps has approved the project, and that DMR has also said there would be minimal impact.

Can you confirm that?

AND does DEP consider visual impact of the project, which appears to be the major objection, in making a decision?

Thanks,  
Don Carrigan  
Channel 6  
NEWS CENTER Maine  
691-2004