

Sears Island fed agency/public online meeting.

June 6, 2024 *Note_this is a rush transcription. Any all errors are mine.-RCH*

Agency Speakers

S0 EPA Tim Timmermann
S1 ACOE Christine Jacek
S2 NOAA Kaitlyn Shaw
S3 NOAA Chris Boelke NOAA
S4 USFWS Patrick Dockens
Plus assorted public speakers

TIMMERMAN start

Speaker 0 EPA roles and responsibilities for a project like this will will be in two big bins.

We have responsibilities under the National Environmental Policy Act, to work with the lead federal agency that will ultimately be identified for the project to go through the NEPA process, to try to help them do a full analysis of project alternatives and impacts of any port that may be proposed.

Speaker 0 We would be working with them on on both of those issues, on impact avoidance, on mitigation, on having them fully explain how they will meet the terms and conditions of various other environmental laws and statutes as they go through the environmental review process.

Speaker 0 In conjunction with that, we will also be working actively with the Army Corps of Engineers on authorities that they have under the Clean Water Act and the Rivers and Harbors act to weigh in and offer our expertise and guidance in their process.

Speaker 0 So those are the two big bands of work that we have. [at EPA] We try to do as much work as we can early in the process with the lead federal agency. Again, we don't have one yet in this project, to try to make sure all the issues are on the table so that they can be part of the discussion. And Phil and Alex, I don't know if you had anything else you wanted to add in before we shift over,

but it's hard to boil it down. It took two minutes, but that's what I tried to do.

Ron No, that was a good synopsis.

Speaker 0 It may make sense for Army Corps to talk about our permitting authorities, because then at least there's that cascade effect of as part of the permit review process, I know that we then start incorporating Fish and Wildlife and NMFS and all of that, and then those folks can talk about their consultation processes and what they would be looking at.

Speaker 1 Christine Jacek ACOE

[The Army] Corps] operates typically under two authorities and court project, there could be a third authority that we operate under. So the primary that we work with is section 404 of the Clean Water Act. And so with that, we will be regulating discharges of fill below the high tide line or within other waters and wetlands.

S1 And then we also operate under Section 10 of the Rivers and Harbors act of 1899. And with that one, we would be regulating work structures and dredging below the mean high watermark.

S1 Now, depending on what type of dredging would be proposed associated with the court, we may also be working with section 103 of the Marine Sanctuaries Protection Act. I'm remembering the acronym right. And that one will be regularly regulating with transport of dredge materials for offshore disposal. So those are the three main authorities and things that we will be looking at is the discharges of fill the work structures and dredging and then potentially the ocean transport of dredge material for disposal.

S1 1:08

I will also say that beyond Regulatory Army Corps I need to add another one. I work in regulatory, We also have other sections of army corps. A Navigation section An Operations section. We do a lot with Army Corps.

S1 For this particular project, I am at least aware that there is a federal navigation channel here. It was flagged to the applicant that it is what would be called a Section and review would be required. So for all projects, we have dams, we have little navigation projects, we have feature nourishment, we have grounds, and we have a whole bunch of stuff that Army Corps has built, operates and maintains.

S1 If any project is looking to potentially affect an Army Corps resource, they need to get a four week permission from appropriate sections of Army Corps, where we determine that these projects are going to have an effect to the operations and maintenance. So that's something that's on our radar.

S1 But we haven't gotten far enough into knowing the project to know it before our permission is required, but it is something that we're looking at. So as part of all of this, when we're doing permit reviews, we have quite a few different competitions that we do.

S1 So I'll kick it over to Caitlin who I work with all the time on all kinds of projects. Talk about the National Marine Fisheries EFH consultation stuff.

End ACOE

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Speaker 2 NOAA Kaitlyn Shaw Speaker 2

start at 2min 34seconds

[Kaitlyn Shaw NOAA (978) 282-8457 <kaitlyn.shaw@noaa.gov> Marine Resources Mgmt Specialist, Habitat and Ecosystem Services Div. Gloucester. Performs EFH consultations"]

S2 Shaw: "Thanks, Christine. So as I mentioned, I'm with NOAA Fisheries. My colleague, Peter Johnson is also with NOAA NOAA Fisheries and not at the meeting today. He will be responsible for the ESA Section Seven consultation.

S2 So just keep in mind that the essential fish habitat consultation and the ESA section seven consultation will be separate points of contact.

S2 So I'll be reviewing the project under the Fish and Wildlife Coordination Act which predates the Magnuson Stevens Fishery Conservation and Management Act, and I will be receiving the essential fish habitat consultation from the designated federal action agency.

S2 Fish and Wildlife Coordination Act predates the Magnuson Stevens Act as I said, and it directs the services to investigate and report on post federal actions that affect any stream or body of water to provide recommendations to minimize impacts on fish and wildlife resources.

S2 The Magnuson Stevens Act requires federal agencies to consult with us on their activities including permits and licenses that may adversely affect essential fish habitat. As part of this process, we provide advice and conservation recommendations to the federal action agency to avoid minimize and mitigate for the adverse effects to essential fish habitat and manage species.

S2 EFH consultation begins when the federal action agency provides us with an EFH assessment. We evaluate hundreds of EFH assessments each year for a wide variety of projects. The federal action agencies are required to respond to our essential fish habitat conservation recommendations that we propose to avoid, minimize and mitigate for those adverse effects.

S2 As of today, I've provided early coordination technical assistance to project proponents on the resource delineation needs and specific concerns that may arise during the consultation. This early coordination technical assistance is routine for larger projects, and it applies to all site alternatives. More information about our consultation procedures can be found on our website.

S2 Early communications indicated interest in comments from the New England Fishery Science Center, to my knowledge,

the Science Center does not currently provide conservation recommendations on essential fish habitat consultations. I might be mistaken on how they did this in the past, or Chris Boelke of NOAA might be able to add a little bit of background on that.

S2 But to my knowledge, the conservation recommendations come from our office and will come from me once this consultation begins.

S2 Today, we haven't received a consultation request from the designated federal action agency and therefore we don't have the appropriate information to make any determination at this time regarding site selection or which project because we don't have the information that we would need to make those suggestions, and several items have changed at the site.

S2 Since the site was past investigated, primarily a number of new species were designated, including juvenile Atlantic cod habitat areas of particular concern, and other advances in the science related to habitat utilization of underpier structures has also been developed.

S2 As such, we have currently expressed concerns about potential degradation of habitat beneath dense aggregate wharves. But to date are our early coordination technical assistance is very broad and general and relates to the information needs that we'll need for a consultation. So I'll just mention Chris, if you have anything before passing it over to Patrick. Anything that I missed or want to carry on that

S3 Chris Boelke NOAA 6:37

<https://www.fisheries.noaa.gov/contact/chris-boelke>

That was great, great summary on everything. Just to your point about the Science Center's science does not have any role. We assess just habitat consultation process, they may have in the past provided early coordination and maybe some informal technical assistance, but nothing formal in this role, and they will not have the role moving forward. So thanks, Caitlin. Great job.

End NOAA

Speaker 4 USFWS Patrick Dockens US FWS 7:04

Okay, so like NMFS, we also have authority under the ESA Endangered Species Act, and we haven't gotten a project so we haven't started consultation. One little bit of information that we have gotten is they (?) proposed a study plan for doing bat surveys out on the island.

S4 I don't know if those have started yet, but I did review their study plan and approve it. It follows the guidelines, the Fishery Service guidelines and protocols for bat surveys. I will be reviewing the report once the surveys are done.

S4 Dockens Other than that, there is isn't a lead agency selected so consultation can't start until that I consult with the lead agency with input from any other cooperating agencies.

S4 Once that starts, they'll be doing consultation. NMFS and us...we sort of share jurisdiction on salmon. But this is saltwater so they'll be doing the salmon consultation.

S4 NMFS has other species that also be consulting on but my consultation will be limited to the bats and the shorebirds at this point. Depending on how long the process takes, other species may be listed as we move forward. But as of now that's that's what we have

Speaker 0 TIMMERMAN

I think that's it for the federal agencies?

[Speaker 5 Ron Huber requests more details on the bat survey]

Speaker 4 USFWS Dockens they will be doing acoustic surveys out on the island. At some point, the consultants that DOT has hired will go out there and put up acoustic monitors....

Speaker 4 They'll be left up for a few days to a week or two and then they'll pull those acoustic monitors down, get the data off of them and then have experts review the data and determine whether or not they have detected. We will probably be proposing or making a determination on whether we..... let's try and tell him that shortly. That hasn't that determination has been made yet. will likely be made sometime this summer. Okay,

Speaker 5 Ron Huber 9:42

There are a lot of questions many people have.

I'd like Kyla Bennet to lead with questions that we think they need to get.

Speaker 6 Kyla Bennett 10:00

[to the staffers] "Thanks so much for that summary. I really appreciate it. I just have a couple of quick questions.

Q1 To Patrick, [USFWS] what about the Rusty Patch Bumblebee? My understanding was that there was some habitat on Sears island. Is that going to be assessed as well?"

Speaker USFWS 10:15

Rusty patch Bumblebee in Maine. The only area we asked agencies to consult is a small patch up by Stockton Springs. Further inland. Rusty patch bumbles haven't been found in Maine since 2009 or so.

Although there may be suitable habitat on the island. We haven't designated critical habitate. And as far as we know, they don't occur anywhere near the project except for Stockton Springs. We have found them there since 2000. .

Speaker 6 Kyla Bennett 10:45

Q2 Okay, thank you. And, Christine [ACOE], I have a question for you. I was not aware that you were going to be the Army Corps project manager for this. So when Pierre sent our letter regarding the causeway, I'm not sure how many of you from the federal agencies got it.

It's highly likely that the Maine DOT never installed the 2 foot culvert in the causeway, which they were required to do under the permit that was issued in 1988.

S6 And I guess that as this would be a permit violation and not an unpermitted discharge that would fall in the realm of the Corps enforcement, I'm wondering if you know the status of that. I know that MaineDOT sent some people out to look for the culvert, but I am not sure that they found it because I don't think it exists.

Speaker 1 ACOE 1 11:37

Yeah, so I think was that the letter that was addressed to our commander Colonel Davis? Correct? Yes, yes. Okay. So yes, it did make its way to me, he kicked it over to me at some point.

S1 So I have the letter in my hands. We found the hard copy administrative record yesterday. So I've been looking through everything, I have a like a file box full of paperwork. So I've been going through that historical record, but I've only had about 24 hours where I've had it in hand.

So I'm looking at the previous permits, because of the winding history that is the color of this plate and other proposed projects and all the actions that have happened here. It's just... its, it's gonna take me a while to look at the entire thing. So I'm looking at it. I'm trying to find the order of operations, what went on where the permits were and what happened. So we're looking into it right now. We have received your letter and are aware.

Speaker 6 Kyla Bennett 12:36

Okay, thank you so much. If you need us to go up to Augusta where there's a repository of documents, there may be something up there that you don't have.

S6 That's the one thing that we were wondering is whether there was some permit amendment that none of us were aware of, that allowed them to delete the culvert.

S6 But I would find that strange because in court they represented in all the court cases, Maine DOT represented that that culvert made the causeway a bridge, and therefore they got a bridge permit, not a solid fill causeway permit.

S6 So I really don't want to lose sight of of this particular fact, I know it sounds ancient. But as Phil knows, that solid fill causeway has really disrupted the tidal flow patterns there, and has resulted in a lot of environmental damage. I don't know how much that that two foot culvert would have helped. But certainly it would have helped a little bit. And if it was part of the permit, and it was never built. I think it needs to be addressed. Whether whether the Sears Island alternative is chosen or not. So thank you for that.

S6 Then, so the last one of my questions was who's the lead agency? We I guess the answer is we don't know. I assume it's going to be the Corps as it was in previous years.... No, Christine? You don't think it's going to be the Corps?

Speaker 1 Christine Jacek ACOE 14:01

No. I would strongly advise against that assumption. Just okay. There's there's quite a bit of nuance when it comes to determining who is the lead federal agency but at least in my coordination with Maine so far, they've indicated a couple of different other federal agencies that may be providing funding and if any other federal agencies provide funding for this project, that is automatically that Army Corps will NOT be the lead federal agency. It seems to me at least from what I'm seeing and hearing that it's highly unlikely there isn't going to be another federal agency funding. So I would be very surprised. We are a federal, okay.

Kyka Bennett 14:41

So it's federal highway....., or BOEM?

ACOE Jacek: Speaker 14:46

definitely not BOEM.....I mean, it could be it could be DOT. It could be. It could be MARAD, but really not really not sure. And I didn't get very far in The conversations

that I had, you know, and that seems like a really important first point when we're talking about process right to have to have an organizing factor.

Kyla Bennett : "Christine it is is interesting for me to hear, I hadn't heard that that the Corps would not be a lead federal agency. Is this federal funding from another source? I still think that there will be have to be a real discussion that's going to happen, but kinda we don't we don't have any good intel on that at all.

KB We think it would be it would be helpful for all of us if we did, because then we would, then we'd be able to rally around, you know, it'd be organized, more organized.

I think if there's no application, there isn't anything yet. That's the other thing. There's only news, news stories and, and a state's position. So there's not there's nothing yet to coalesce it.

Speaker 1 . Jacek ACOE 15:52

We've been pretty on our opposite counsel and on this project, particularly, but on large federal, large projects and multiple federal agencies in general, and our Office of counsel has expands and regulation to refer back to and that funding trigger is the primary trigger to determine the belief.

16:09

Thank you. I think David has a question.

Speaker 8 David Italiaander 16:12

I do know that the end that has applied for the multimodal project discretionary grant, they've also applied for an EPA grant for like 130 million, I believe, and also a port development grants. So I guess it could be any of those agencies in transportation?

Speaker 6 Kyla Bennett 16:34

So that's, I guess, we'll find out one who the lead federal agency is that'll be make life much easier. However, that

being said, for Tim and Alex, I just wanted to point out something that we have noticed:

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Maine DOT seems to be pre-determining or pre selecting their alternative, contrary to NEPA, and I just wanted to flag that for you.

I know that letters have been sent from local attorney up in Maine , but they certainly have been doing everything in their power to make sure that Sears Island is the lead.

And I keep reminding them that they are not the decider of what what the LEDPA is. [Least Environmentally Damaging Practical Alternative]

And one difference that I want to flag between what happened in the 90s and now, is that Sprague Energy is all in for having this port on its property.

To that point: they are already shipping out wind turbines, they already have the rail and the highway access, they have the space, they just issued a website yesterday, press releases, they want this so badly.

And when we look at that, and also the other thing that's changed between the 90s and now is that NEPA of course, and other laws require some consideration of climate change impacts. I'm not talking about, you know, the benefits of an offshore floating wind facility because no matter where this port is built, those benefits will be the same.

What I'm talking about is the use of raw materials, the destruction of intact ecosystems. If you look at the IPCC report from 2023, figure seven, it says very clearly, that leaving intact ecosystems intact will do more to combat climate change than all the wind projects that we have proposed.

So, to me, I really want to make sure that all of the federal resource agencies take a very hard look at the impacts associated with site selection.

And the difference between Sears island which has reverted to a very intact ecosystem vs. Mack Point which is a Brownfield. We will be hiring a consultant to do that analysis for us because I know full well, that Maine DOT will not be the other other thing I wanted to flag for you.

Speaker 0 Timmermann Quickly, really quickly. One thing I did notice in the Sprague package to look at it really quickly last night was they seem to call into question the way that Maine DOT NEVER has taken a look at their site so they're like fundamentally even questioning it. Like you said, they're all in it felt like that.

Speaker 0 Tim That's why I said to Ron: "Is this even a real website? I had to like kind of... wait, no, I just someone playing a really good joke, because it felt it felt very much like the kind of dialogue we would want to see about alternatives.

Speaker 0 Tim And we have we have said that the other agencies have said that too. When we've had the informal discussions with Maine DOT on how important a robust Alternatives Analysis is here under the various statutes. So that's not lost on us.

Speaker 0 Tim This kind of Sprague announcement you it obviously makes it. It makes it much easier you as you can imagine to even argue for those things because you you have. Often if we just think in the 404 context, we have the question of a site even being available, where else we're going, Hey, we're here.

Speaker 0 Tim And we actually think it can work and that we don't know any details. We don't need details about all the impacts. We don't know what their graphics are showing it could be colossal amount of fill to get to the 100 acres. I don't know any of those details yet.

Speaker 0 Tim But but on its face, it's very good news for an Alternatives Analysis process having more than just what's being proposed. So that's all I can tell you.

Speaker 6 Kyla Bennett 20:40

The last thing - I know there's another hand up - but I just want to get in my last point here, which is I just want to flag for you that VHB, for some reason, was unable to find the vernal pools on Sears Island. We sent two people out and found three vernal pools which were created under the consent decree that I negotiated. Because they had built vernal pools back in the 80s.

Those vernal pools are working magnificently. In fact, they are all significant vernal pools under the definition of the state. We have pictures, we have videos, literally hundreds of egg masses in all three pools.

VHB said there were no vernal pools on Sears Island! So whatever analysis VHB is doing, comparing Mack Point to Sears Island? Phil [Colarusso], I don't know if you remember the Lisa Stanley video where she stood on that point and said, the lovely forested wetlands of Mack Point are so valuable. And then she stood in Sears Island and said the swamps of Sears Island are degraded and awful.

They are doing the same thing all over again.

The fact that they were unable to find these vernal pools in the middle of the breeding season is indicative of their analysis.

And I just want to flag for you that there are vernal pools out there. We're trying to get them designated as significant by the state of Maine, but they are not doing it because we didn't have permission to go on the land which there is broad permission under the consent decree and the the easement to allow until a port is built to allow people to walk that property.

But the state is not allowing us to certify them. But just wanted to flag that for you. Please take what VHB does with a grain of salt because they are up to their old tricks.

Speaker 9 22:30

My point so much that there is an open house do you people know about that people on the panel, June 11. And I really urge some some of you to either go yourselves or to get representatives from your organization's to go Tuesday, June 11. And there are two options, one 845 In the morning, and the other at 145 in the afternoon. And it's I don't know, we could send you more information. But you can get that information, I'm sure just by looking into it. But we have that information if you if you want it. And a lot of us will be there. It's important, right?

Thank you. Kyla, were you were you done?

u I just had what I just wanted to offer to Tim and others that I have a copy of the 1995 letter that all of you agencies wrote If you want to see it, because in that letter, you basically said and I said that the development of SearsIsland would cause or contribute to significant degradation of waters of the United States under 404, under [[T 3010. C 0 given the US Fish and Wildlife Service status and Trends report on wetlands.

Since then, things have gotten even more dire on the wetlands front. And I would just want to say that I would it would be hard to imagine how this project would not also today cause cause or contribute to significant degradation of the Waters of the US.

Speaker 2 24:31

So, Ty, thank you all so much for being here today. And Ron putting this together. So I had a few comments. One, question for you, Christine. There's a group that's been promoting the development of Sears Island publicly here and they are saying that the Army Corps would turn down the use of

Mack Point because of dredging. And I we have felt I heard that it is based on nothing. There's there's nothing so far that's indicated to us that that would be the case. And I just wanted to hear from you your thoughts on that?

Speaker 1 25:11

I mean, I certainly haven't made any statements that we wouldn't support Mack Point because of the dredging.

Speaker 2 25:18

Thanks. Thank you for that. And then the other thing I wanted to mention is, is how the federal grant that was submitted by the state of Maine, the two grants that David talked about, one of them specifically is for construction on Sears Island.

And I'm, I'm just I'm wondering if you agency is if any of you folks have any say in the granting of federal dollars. So they might get, they might receive grant money, and then it would go to you afterwards, is that the understanding?

. And then the last point I wanted to make is anybody looking at the benefits to the entire bay of preserving Sears Island in terms of like, the cooling of the waters, about having that entire island intact? Because like I heard, you know, these isolated pieces, and I'm just wondering if there's a, you know, a micro regional effect that's, investigated?

Speaker 1 26:36

That would be part of analysis during permit review for Army Corps, so I can't say what would be included at this point.

Kyla Okay, well, I definitely I know Becky's on here. And maybe she could speak better to but I know that there's a significant effect of because it's, it's at the head of the estuary where the Penobscot River enters, and it has a unique position in that way that Mack Point doesn't serve. So we wanted to flag that for you folks.

Speaker 4 27:10

You're done under grant process. Typically, I can't speak to the particular grants that DOD is applying for. But when it's fish wise service that has the grant money, they would not ask folks in the same area to review those grants. Typically, the those grants will be reviewed by someone in another region. They don't want that sort of overlap of

responsibilities. Normally, Hi, this these grants, though, I don't know about. I'm not reviewing them anyways. Thanks.

Speaker 2 27:46

It's my understanding that at least for our consultation, that they that if you are if if an agency is funding the project, then they need to consult with us on the project that they're funding.

Speaker 7 28:02

If I could just jump in on the grants question, I don't want to cut David and Becky but I was at a Gulf of Maine meeting that Boehm hosted last Friday. And the the forum was discussed publicly there in Maine said that they were they were looking to develop the fort at Sears Island. And it appeared to me that the state of Massachusetts is actually working in conjunction with the state of Maine, in in the theory that we're going to need more than one port to support the development of floating offshore wind in the Gulf of Maine. So that was just something that I observed and they seem to make, you know, made the comments. So just for context for everybody, because I don't know if you were all at the meeting, and I think probably will make I believe they're recording the whole thing. So if you wanted to watch play that back, that that meeting that took place on anyways, it was just interesting. It's something I wasn't aware of, but But it appears that the states, you know, want to support each other and and Maine at that point was just speaking of, you know, their proposal for Sears island. So looks like

Speaker 1 29:10

is one where the state of Massachusetts and Maine have jointly applied the Massachusetts project to Salem harbor. They're looking to branch improvement dredge.

Speaker 7 29:23

Yeah. Well, they were it sounded like they had another they had another thing that they were trying to support in Maine, so I'm not I'm not sure.

Unknown Speaker 29:32

It was it was a joint series and Salem.

Unknown Speaker 29:36

Okay, looks like David's next sorry.

Speaker 8 29:42

They do have a compact and then looking at it together because of the way the literacy would have to come ashore and where it would come ashore and all that stuff. So they have a number of agreements, working. My question relates to the 1995 studies that Tyler referred to earlier. And will those agencies keep keep? Keep them front of mind because the findings were dramatic. He found that there'll be adverse effects on human health and welfare, life stages with aquatic life and other wildlife, and aquatic ecosystem diversity, productivity and stability and aesthetic values. And you also found that because of the unique, the unusual juxtaposition of the habitats that result in in the highlight a diversity of students Island, mitigation would be virtually impossible. So my question is, as you as you examine, once you get the application, you're examining the conditions on students Island, will you keep a Top of Mind with the previous findings? And feel compelled to compare them? If you find otherwise and defend, why you might find otherwise? And if in fact, the findings are the same? And you you urge the the permits not to be issued? As you did in 1995? Will the Army Corps undertake to actually respect that recommendation rather than ignore it as we did 30 years ago? Thanks.

Speaker 1 31:26

So part of the reason why I wanted the full admin record from previous actions was so that I can delve into some of those materials and use them as part of consideration once we receive a project application. But as to analysis determinations, and final permit decision. I can't speak to that because we don't have the full context yet of an application. Right.

Speaker 8 31:54

Have a question hypothetical, perhaps, if I may. If if, for example, the neck point was chosen as preferred location,

is it conceivable that that might be accomplished with just an EAA rather than EIS? Given? Everything that's known about it?

Speaker 7 32:17

We don't know the answer. All we know is that in the elementary discussions with main do TV, if they have said there would be an EIS for the project. So that we don't have David that would have to depend on so so let's say let's say they pivoted, let's say pivoted and say, Oh, we want to do it at that point, then you'd have to look at the facts of that particular proposal. And whether or not there's potential significant impacts. And so, yeah, again, we can't prejudge that. And that would be. Yeah, I mean, it's hard. It's hard. First of all, I think I think that is that is a discussion that would happen. If you were talking about Mac point being in the number one spot, not a discussion you'd be having, if you're talking about Sears island being in the number one spot. So that's all I can tell you. I hadn't even I hadn't even done any thinking about that until you said that, because it just feels like the kind of project that typically would have at least EPA recommending an environmental impact statement for it, because it's, you know, it's a big industrial facility. That's going to trigger a number of different authorizations. And we'll have, you know, it's, it's going to be a big, big facility, and there's going to be, you know, we're not even talking about the fact that you will have concrete batching to create all these foundations for the flooding. You know, there's other things that the port will the port will generate to Kiowas point that that are, I think, part of the mix, at least in the NEPA world. So

Speaker 9 33:49

could I ask a question, this is the answer Galland, are you? Are you any of you receive the Moffat Nichols study that was done? I think about a year ago, that does discuss the dredging issue, and what we have heard is that the numbers are very different than the ones that the DoD is putting out or any any of these agencies using that are that are, you know, we can't get it. It's not been released. Governor Mills has not released

Speaker 2 34:24

I can I can I clarify, can I jump in and clarify that? Yeah. So, there was a there was a feasibility study by the Mapa and Nichols engineers in 2021. And but there has been a subsequent steps which resulted in dredging numbers. And there has been subsequent studies, one done by Moffat and Nichols again, and another study completed by spragg energy through Appledore, I believe with updated dredging numbers and that that was something we wanted to ask if you folks had seen but also to let you know that state of Maine hasn't released those updated numbers, which is a concern for us, obviously, things

Unknown Speaker 35:13
will get a few weeks. Oh,

Speaker 10 35:18

I just want I could I just go, I don't want lives. Sorry. First of all, thank you very much everybody for being on this call. And for such clear answers, even though it's pretty muddy, the process is pretty muddy right now, I just want to say as I live in Penobscot Bay on North Haven, and I was part of the series I am planning initiative, you know, back in 2005, through 2009. And my family are, my children are Fisher fishermen. And so I, you know, come to this thinking about the entirety of the bay, how the bay, how the waters, the gyres in the bay, and how the waters travel around the bay, and also about the benefit of the ocean of the of Sears Island to cooling, Clean Waters, entering the bay with the nutrients and all of that, that provide for the bottom of the food chain. And, you know, and I and as David mentioned, there isn't another thing, mitigation is as a four letter word in my in my lexicon. So I just wanted to point out that I, you know, I'm concerned that D O T, main d, o, t and main D. P, have recently been really narrowing the scope of their environmental analysis on many projects. And I think it's really important to look at the, you know, holistically as the impact of something as large emphasise the largest undeveloped island on the coast of Maine, you know, how it really will impact the largest embayment in Maine. And this embayment really has

impact going all the way out to the Gulf of Maine and beyond. So I hope that as part of this process, you can look at it, you know, in a bigger picture way.

Unknown Speaker 37:18
Looks like Ron is next to Sure.

Speaker 5 37:19
Okay. A couple of questions for folks. Pat Dawkins, Wendy MAHANEY worked on this. The Sears Island projects many times over the years, and yet she's said to sit this one out, do you have a access to her her records on this project? And could be can you make them available without us for to come and inspect them? Because obviously, they'd be so large, it'd be ridiculous to for something be sent in pounds. Paper? So there's, there's that question.

Speaker 4 Dockens 37:51

Yeah, Wendy works in the office with me. And we have chatted about the history of this project. There's, I'm sure there's a large box full of files on it, and I will be going to them at some point. If there's questions about the history and how it pertains to any future consultation, hopefully I can get that information out of there. If not, well, I can't also can't guarantee that everything that existed back then still exists now. The office, the office has moved in the meantime, and sometimes things get lost. But we certainly will look through any hard copies and records that we have in the office.

Speaker 5 Ron Huber 38:34

I and many others have a great deal of the backstory that we say build those things to certainly send them to Christine, the core, we can send you I can tell you links to the different law cases that took issue with the causeway took issue with the whole development project in which the Corps was very much involved and so on.

And and you will see the the court being incensed over the perfidy of the Coast Guard say yeah, we'll call it a bridge, knowing that it's not a bridge, knowing that at best, it'd be a two foot pipe, which is not a bridge, and

yet avoiding the congressional reviews that would have occurred there. So there's a lot of bad backstory of that.

And the challenge with that one, too, is that maybe Alexandra has some thoughts on this, too is the current flow there the energies of that not the wind of the water, the bay in the river hitting each other. They're used to the ecology of that area, they relied on this on the overflow around the island that allowed stockton harbor to be this immense nursery.

That's why the Wabanaki call it a great shellfish Bay, the date of people who, who who farmed it for so many years, it would say/ So, is there any understanding of looking into the hydrology that's been damaged as a result of the causeway, which, as the Court will say was not lawfully done at all? When, as I believe other folks have said there are many people with a lot of details on how it wrecked them as boaters or fishermen on either side of that causeway. So are you willing to look into that?

[No response]

Speaker 5 Ron Huber 40:15

Well, okay, well, if there's crickets are there, I'll send you some information.

Finally, the Causeway, by the way, also sort of gave the estuary a stroke, it's allowed a lot of waste from this abandoned acid factory/ fertilizer factory in the 40s to the 90s . And these things have been eroding because of the corroding shore, especially now that the storms have opened more of what was filled shoreline.

And so water quality problems that are in that harbor are very important because well, they're now separated from Searsport Harbor's Long Cove by the causeway. The water going in and out of that is used as a sort of a resting area between migrating down or migrating up

So we're really concerned that that the agencies look at the accumulation of of wastes that are there in the

sediments and in the water quality water, very top of the sediments to in that area while they're determining issues that are that need to be looked at in this. This my last thing I want to raise.

===Beverly signon problem=====

Speaker 4 41:35

Okay, Beverly, I see you've been trying to get on and in your mouth, you're muted. So we can't hear you. And if you I know some other people have their hands up and they've been trying to ask questions, too.

Unknown Speaker 41:48

Oh, my goodness. So am I've ever

Speaker 7 41:50

Look at the upper right upper right hand corner of your screen, you're gonna see a thing that says Mike MMIC. And you just click that and your microphone one. Right next to the red leave. Well, all right,

Speaker 5 42:02

right now it says on but not.

Speaker 7 42:07

Attorney Ron, Beverley. Am I gonna see if I can unmute that relate from where I am. Sometimes that works.

Unknown Speaker 42:22

Hello, hello. Hello. Hello.

Speaker 4 42:24

Aaron, comment in the chat. If you can see the chat. You can type a comment in there.

Speaker 5 42:30

Well, I could do that. But I'm not quite a best at chatter.

Speaker 4 42:36

Ron, I think we're good with you. We can hear you. Okay. It's, it's Beverly we're trying to get

Speaker 5 42:42

okay. So Mike, do what can I just say correctly that people did hear what I was saying? Yes, of course. Okay. For a moment. I thought whoa. Okay. Well, then, since at least one specialist trying to get on I do have a quick question about earlier when you talked about shorebirds being studied. What about the other 240 species that migrate through Sears Island every year? Will they be considered

Though not under the Endangered Species Act unless they're listed under the Endangered Species Act. Some birds aren't protected under many birds are protected under the Migratory Bird Treaty Act. And the D O T is responsible to look at the look they're responsible or the lead federal agency is responsible for looking at under looking at the impacts under the Migratory Bird Treaty Act.

Speaker 8 43:42

But that thing that's mostly hunting and things like that, that wouldn't necessarily

Speaker 4 43:46

the mercury Act actually protects all nesting birds. Now I can say all their celebrates that aren't protected. And a lot of those birds actually the birds that are hunted, or birds that are non native or introduced into the US, all other birds are protected and that protection pertains to their nesting so you can't knowingly or willingly take down active nests, active nests or nests that have contacts eggs or nestlings.

Speaker 8 44:14

Right but it's the shorebirds apparently have the fewest strikes with things like turbines and cranes and things like that. But I periods the migratory birds that will pay the biggest price 15 storey tall pole lamps, lighting, at story cranes, 120 story turbines, that's going to be right

in the in the path of all a 1000s and 1000s of migrating birds twice a year. And there's no they have no voice they have no protection they have no consideration.

Speaker 1 44:51

Typically under the EIS reviews and within Army Corps individual permit reviews, at least from what I've seen, I work regular off for wins which is partially why I was assigned to this project. There is consideration of Fish and Wildlife values and migratory birds not covered by the Endangered Species Act would be considered under those analyses versus ESA consultation. So the other fish and wildlife is considered that aren't ESA protected? Thank you,

Speaker 7 45:20

just a quick time check we got we got five minutes left

Speaker Chris of FOSI 45:39

I'll mention the last couple of things that I had on here. So one of the things we've just again, wanted to flag there's a couple of things. While we had this meeting, I wanted to make sure to bring up to all you folks.

One is actually a point that Ron had brought up in our pre meeting about the potential for chemical extrusions due to the fact that this is a manufacturing assembly and launching proposal. So these, the manufacturing component involves glue, and stuff that we assume so that's just something we wanted to make sure it was on your radars.

And, and then the other point was about this, this rolls per like the model of wind turbine, and the space requirements of this turbine that the University of Maine in the state of Maine is promoting. And David actually can speak better to that. I'd like to put that to you, David.

Speaker 8 David Italiaander 46:50

Well, I guess it's a size issue. I guess it's almost more of a commercial issue. There are competitors that are that

are smaller, lighter, cheaper to produce. But I just I'm not sure how the agencies can can impact those decisions.

Speaker 2 Kaitlyn Shaw NOAA 47:09

I guess, I guess my question, my question as part of that, in that case, it's just because they require more space. You know, there's some of these produce, like, for example, Salem, Massachusetts, the site there has much less space because of the type of turbine that they are looking to do there.

And for whatever reason, we're looking at a semi submersible barge and, you know, the huge, huge amount of space and so I wanted, that does seem like agency is pertinent because of the impact the level of impact? Because of the size required? So I just wanted to, you know, ask if there's any comments on that and, and just point that out. If there's other there's other there's other ways of doing these that take up a lot less space and impact.

Speaker 8 David Italiaander 47:57

It could be done with smaller footprint? Is that considered by the agencies?

Speaker Ron Huber 48:05

Well, I guess they have to have a plan to look at Can I interject t one important thing is it would really be helpful to have it have a meeting in the flesh with staff on the island or yur offices all or any of you want to We can also take you on overflights with project lighthawk they are always pleased to help agency officials get a birds eye view of this small bujt important part of the estuary

Very qualified pilots. See the hydrology, the aerodynamics, the whole thing.

So can we do a sort of a next steps thing is what I'm saying, after whatever Becky has to say?

Speaker 10 Becky Bartovics 48:45

I would just want to express what a caller . She's very concerned Is there any agency that takes a look at the benefits that are, you know, not economic, particularly, but actually the solace that this island provides for the population of people and actually all of our relatives, all the animals and beings, but particularly, there are so many people in this day and age that are not able to get to places of the natural world who do benefit from being on Sears Island.

Is there any agency that takes that kind of, you know, the climate crisis of psychological or psychic crisis that is also occurring? This island provides resources for that. I think that's the question that was asking.

Speaker 1 ACOE 49:42

That would probably be an Army corps. We do what we call a public interest review as part of our permit reviews. And with that, we consider a whole bunch of different factors aesthetics, Fish Wildlife values, which I had already mentioned, you know, economics as a whole.

There's, I think there's like 32. If I remember the last count correctly, then one of those is just an other category where we can catch anything that those sort of factors don't consider. Or we also do just a general public interest.

So for some of these aspects that are really important or concerning, when we eventually get a complete application, there will be an Army Corps public notice. And we strongly encourage commenting on that, so that we know that those factors are present. And we can consider them as part of our analysis whether or not we're an elite level, we'll still be doing that.

Speaker 7 50:32

I would offer that w if when and if there's a public need the NEPA process for the project during scoping, that can certainly be something that you raise to lead federal agency as an important issue for discussion in the EIS.

And I think I think it would typically, it would typically be something that would be covered, as you know, recreational use are the things that might that might occur on the on the island that to the degree that they're affected by any project that might happen there. It would be something that they, you know, they wouldn't typically discuss. So we're at we're at 1001.

Ron, you wanted next steps your offer, your offer is a nice offer. I think, right now, there's no reason that federal agency would make any sort of visits, and we don't even have a project, we have this breaking news about Mack point.

So we're going to have to take this step by step and see what you know, what process plays out, and there may be a very appropriate time for a visit, to not only look at tears island, but hopefully to be looking at, you know, any alternative that's in the mix. So

Speaker 5 51:37

hopefully, just this remember, if if we could to some extent, be cc'd and otherwise hese some of these conversations that are that are affordable like that, so that we are not NC hoping to find out what happened last week, or two months ago or something by four years, it can take forever. Is there a way for us to simply be closer more in real time like that as a as a CC or blind? CC? I hope not.

But but you know, in the end these interagency discussions...

Speaker 5 52:17

I'm not sure what the what your hesitation is. Looks like we're running out of time. I don't think he's saying no, Ron, I think it's a question of, first of all, there's nothing actively going on.

Speaker 5 52:34

And we can express you understand, yeah, we can express the interest that that you have for them to be very public

facing in the work, the work that they do and set up. At some point, at some point, there's going to be an actual public process with permits filed and a NEPA process started and I think that helps organize it.

So let's go and subscribe to the Army Corps and find out what permits are applied for so I do that. So that phase will be in the fall is one of the permits, or you're planning on filing the permits.

Speaker 1 ACOE Jacek 53:15 Alright, so our anticipated timeline on this application is in the fall? Ro

Ron, I have your email I can coordinate with our admin person, and have you put on our public notice list. And that's something that you'd be interested in for projects in Maine.

Ron Huber 53:28

Yeah, that's very helpful. If you do that. Thank you.

Unknown Speaker 53:34

Anybody else.

Speaker 10 53:37

I already am on it. So I can let people know about it. I think one question I see her she's up.

Speaker 9 53:47

I just want to know what about the Moffitt and Nichols report if you any of you have it even now, when your process when it begins, when the application is submitted.

Included, it may not be included. Using DLT as using all information, just know that it's not updated, and they're holding on to the updated information, which shows different figures. Okay, so get it. Thank you ever so much scoping stuff. Thank you. Thank you very much for this. Thank you, everyone.

Speaker 10 54:36

Incredible. Thank you so much. Appreciate it. Thank you.
Thank you.

Speaker 2 54:43

I added the June 11 tour to the chat. FYI. Thank you guys.
Thank you

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