

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 01, 2021 11:00 AM
To: lynn chaplin
Subject: RE: Rockland Marina Expansion

Dear Ms. Chaplin,

Thank you for your comments regarding the expansion of an existing marina in Rockland Harbor as proposed by SHM Rockland, LLC. The Department is currently reviewing the application (#L-20386-4P-P-N) under Maine's Natural Resources Protection Act (NRPA). The Department accepted the application as complete for processing on July 26, 2021. The statutory deadline for the Department to reach a final decision on the application is November 23, 2021. The deadline for public comments on the application is November 4, 2021.

Your comments will be added to the file and will be considered during the review of the project. You may contact me with additional concerns, questions, or comments at (207) 446-4894 or via email at jami.macneil@maine.gov.

Sincerely,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: lynn chaplin <600maine@gmail.com>
Sent: Wednesday, October 27, 2021 5:18 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Rockland Marina Expansion

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Rockland Harbor has been used by local families since its inception. Family activities, group uses, and a great place to take a break or eat a lunch and watch the boats. Walking dogs, exercising, ect. has always been allowed at the Harbor.

Local family boats have filled this harbor--- Please do not make our Harbor into a "rich man's" convenient storage for a mega yacht. It would block the view of the breakwater and sailboats that currently use the harbor to its fullest comfortable potential. We do not want the equivalent of downtown Boston in our local Harbor.

Lynn Chaplin
Owls Head

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 01, 2021 10:18 AM
To: 'Becca Shaw Glaser'
Subject: RE: Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Dear Ms. Glaser,

Thank you for your comments regarding the expansion of an existing marina in Rockland Harbor as proposed by SHM Rockland, LLC in NRPA application #L-20386-4P-P-N. The deadline for public comments on the application is November 4, 2021.

To answer your question in comment #4, the Department is aware of the environmental covenants related to the voluntary response action plan (VRAP) at the project site, which was implemented to deal with lime kiln residue. If/when the applicant proposes to disturb soil within those areas, they will need to submit a plan for handling any lime kiln residues encountered during construction to the Department for review and approval. At this time, the applicant does not propose disturbance within those areas.

Your comments will be added to the file and will be considered during the review of the project. You may contact me with additional concerns, questions, or comments at (207) 446-4894 or via email at jami.macneil@maine.gov.

Sincerely,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Wednesday, October 27, 2021 6:15 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jami,
Thank you so much for carefully considering public comments on Safe Harbor Marinas' Rockland Natural Resources Protection Act permit application to expand their marina. I grew up in Rockland and nearby Camden; my dad made his living on a boat out of Rockland's North End Shipyard. Some of my concerns with Safe Harbor's proposal are as follows:

1. The application is incomplete. Without accurate, independent 2D/3D renditions of how the views from all sides of the harbor-- Sandy Beach, the boardwalk, Harbor Park, the Breakwater, and

even the State Park at Owls Head--will be affected by the maximum amount of boats which are longer than 200'+ and several stories-high on their marina, we can't accurately assess how the viewsheds and our enjoyment of the harbor will be affected.

2. As far as megayachts, the original Yachting Solutions' application for the 2017 federal Boating Infrastructure Grant, the grant which Safe Harbor Marinas Rockland has taken over, references megayachts at least 25 times and states that the "Yachting Solutions Boat Basin is positioned to become the most attractive destination for megayachts between Portland and Bangor." Though SHM seems to have taken pains to avoid using the term "megayacht" in their application to the state, and in their recent public statements, their current proposal includes several 150' docks, able to hold 200' boats, and perhaps even longer, and the Yachting Solutions associates who oversaw YS's BIG grant are still in charge of Safe Harbor-Rockland; those 25 megayacht references are still very much relevant and should be seen as reflective of Safe Harbor's plans. Megayachts are among the most environmentally destructive ways to travel; their small global fleet is responsible for spewing pollution and guzzling fuel--even more than entire nations. How does allowing for the building of more megayacht infrastructure, therefore inviting them into Maine waters, fit with Maine's aims at being better stewards of the environment, and our future as a species?

3. One of the things the people of Rockland and the surrounding communities enjoy most about Rockland is the harbor boardwalk. This boardwalk was originally included in a plan by the former owner of the land, MBNA/Bracebridge Corporation; the plan was approved by the Maine DEP in 2000. In this plan the harbor boardwalk was billed as "An approximately 1,350 foot boardwalk will provide public access during daylight hours along the applicant's waterfront between two municipal parks (Harbor Park and Sandy Beach Park) bordering the site on the north and east boundaries." document 000150; bk2550; page 245; attached).

The expanded marina is very likely to interfere with these open views which have been enjoyed along the boardwalk by the public for over twenty years, particularly the fact that these boats can be several stories high. Furthermore, continued public access is also not guaranteed in the recent deed transfer between Rockland Harbor Park LLC and Safe Harbor, meaning that our community could easily lose this space we have enjoyed for decades (attached).

4. There are environmental covenants enacted on the property which Safe Harbor bought. Is the DEP looking to check on whether any of those are relevant to the plan Safe Harbor has put forward (doc 3450; book 3774; page 101; also in the deed between Bracebridge and Rockland Harbor Park LLC doc 3451; book 3774; page 125 (attached))?

5. An unknown number of moorings would have to be moved. At an October 13, 2021 Rockland City Council meeting, Safe Harbor Marinas, who want to start dredging on November 1, were unable to give even a ballpark figure of how many moorings their plan would require moving. Moving moorings often causes stress, financial cost and other burdens to the people whose moorings are being moved. It can lead to a loss of established uses such as fishing, if any of them are related to fishing uses, as well as recreational users. Most of the docking space Safe Harbor is creating will be for "transient users;" this means that locals are being pushed out of the way to make room for more transient boat users.

5. Fuel bunkering is in their plans. Although Safe Harbor declined to include their bunkering plans in their application, at the October 13, 2021 Rockland City Council meeting to discuss their plans, Bill Morong, who was there as a consultant representing Safe Harbor Marinas Rockland said that Safe Harbor is planning to be the only marina "north of Portland" very specifically doing fuel bunkering. This will involve, in Morong's words: "10,000 gallons or something like that, so it's not

just pulling up to a pump and putting in and holding the nozzle. It's a larger exercise than that...So to answer your question, not another fuel pump in town. But we would allow for a truck to come in and have some plumbing to do that for for a larger service." So, he said they are planning to plumb the marina for these large quantities of boat fuel.

10,000+ gallons of bunker fuel in Rockland's inner harbor, abutted by two of Rockland's most-used city parks, seems like a pretty big deal, with potential for incidental leakage and spills. Although bunkering spills and leakage now appear to be rare as long as adequate equipment is used, it is still a worry. The fact that their plan to be a major Maine bunkering location is not referenced in Safe Harbor's application, yet has been discussed in their publicly-vocalized plans, makes one wonder again whether their application is incomplete.

6. Some of their proposed dredging runs right through the city channel. Page 45 of their application includes a dredging proposal--it includes a swath 300' long and for the entire width of that length of the city channel. How long will the dredging go on for? How disruptive will it be? Certainly the dredging would cause undue burden on the boats that currently navigate that channel.

7. Their marina is likely to obstruct the city channel, particularly when boats are on their longest dock, which could likely accommodate a 240' (or even longer) megayacht. At the October 13 Rockland City Council meeting, Safe Harbor was asked if boats at SHM would ever obstruct the city channel. Mike Sabatini, the engineer consulting with SHM-Rockland, whose firm drew up the plans for the expansion, said, "A boat could be sitting there, if it became a problem, it could be moved, but *there's no reason why a boat couldn't be there for a week or a couple days*. And it wouldn't obscure the *whole* channel." Morong seemed to try to tamp down Sabatini's comment by saying, "The intention is not to obscure the channel." That may be a stated intention, but the likelihood that the boats would end up obscuring part of the city channel for days on end, is high. The buffer that SHM has put between its dock and the city channel is only 20', while the large boats they hope to attract are often 40'+ wide boats, meaning that when those larger boats are on that dock, they will undoubtedly be poking into the city channel, which is used by all sorts of boats and watercraft. This would mean the Rockland Harbormaster would be tasked with having to decide whether to talk to Safe Harbor about these boats in the channel, potentially causing frequent tension and stress on city employees. Why couldn't they put a more appropriate 60' buffer on that dock?

8. They are also proposing a look-out near Sandy Beach, another of Rockland's prized public parks. Again, without a 2D/3D model, how are we to know the extent to which this will affect our views and the wide-open space we enjoy at Sandy Beach? I have been the volunteer gardener for Sandy Beach for over a decade. I see how many members of the public enjoy this space, for swimming and relaxing. There are almost always families with small children enjoying Sandy Beach, particularly families without much money. To have another privately-owned lookout that might encroach on that public feeling would be a shame. While SHM claims this new lookout would be publicly-accessible, their actual deed says that they can make the boardwalk closed to the public if they and the owners of the other section of the boardwalk agree to it. Therefore, were that to happen, this lookout could be simply more private corporate encroachment on what is now an area of public enjoyment.

9. They want to put four 150' docks on the Eastern side, a side they do not even have a submerged land lease for. Why can't they be satisfied with the submerged land lease they already had, rather than taking more of the public water and viewshed, an area where seabirds and other animals use, for their own profit?

Thank you so much. I would love to be informed of any future opportunities to engage on this topic.

Rebecca Glaser
Rockport

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 01, 2021 11:04 AM
To: Abi Morrison
Subject: RE: Proposed marina in Rockland

Good Morning,

Thank you for your comments regarding the expansion of an existing marina in Rockland Harbor as proposed by SHM Rockland, LLC. The Department is currently reviewing the application (#L-20386-4P-P-N) under Maine's Natural Resources Protection Act (NRPA). The Department accepted the application as complete for processing on July 26, 2021. The statutory deadline for the Department to reach a final decision on the application is November 23, 2021. The deadline for public comments on the application is November 4, 2021.

Your comments will be added to the file and will be considered during the review of the project. You may contact me with additional concerns, questions, or comments at (207) 446-4894 or via email at jami.macneil@maine.gov.

Sincerely,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Abi Morrison <acmorrison108@gmail.com>
Sent: Wednesday, October 27, 2021 8:23 PM
To: Ed Glaser <eglaser@rocklandmaine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>; saustin@rocklandmaine.gov
Cc: Nate Davis <ndavis@rocklandmaine.gov>; bdorr@rocklandmaine.gov; lmaclellanruf@rocklandmaine.gov
Subject: Re: Proposed marina in Rockland

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. MacNeil,

The more I learn about the Safe Harbor Marina expansion into our city channel, obstructing views from our boardwalk and nearby beach, the more I understand why it is such a bad idea. Our harbor park, and board walk from there to Sandy beach is a huge asset to the community and a boon to our tourist industry. Rather than jettisoning moorings for locals and making access to the harbor via the city docks more difficult, we need to support small scale boat owners, whether pleasure or working boats.

Mega yachts bring mega pollution and stress local services. For one, just to store enough fuel for one of these low grade fuel guzzling tanks will require a sizable chunk of land in a residential neighborhood. With the proposed dockage space, it's hard to imagine the number of fuel trucks required and thus safety concerns involved in servicing yachts as suggested by the developer.

We at the very least need to have a complete application with to scale drawings and 3D models in order to assess the impacts on our unique harbor. The community and users from the wide area surrounding need to be able to see how much of the charm and public access to the harbor would disappear if this bloated project is pushed through.

Yours,
Abi Morrison

Abi Morrison L.Ac.
17 Masonic Street
Rockland, Me. 04841
[207]594-4766

MacNeil, Jami

From: Lauren Dillard <lauren@anchordown.me>
Sent: Monday, November 01, 2021 2:26 PM
To: MacNeil, Jami
Subject: Opposition to marina expansion plan

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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I am an Owls Head resident and a boater whose boat is moored over by the Sail Steam and Power Museum. I oppose the new owners' proposed plans for "development" of the Rockland marina.

They are a big corporation in the leisure / vacation industry and if their proposals were adopted, Rockland-area people would have reduced visibility of and access to our beautiful harbor, which would turn into a parking lot for wealthy mega-yachters.

We don't want our harbor to be an anonymous, vanilla playground for Big Money and corporations. I strongly urge these plans to be rejected.

Thank you, and I'll keep watching the developments on this issue.

--Lauren Dillard

MacNeil, Jami

From: cevans@gwi.net
Sent: Monday, November 01, 2021 12:24 PM
To: jami.macneil@maine.gov.
Subject: Rockland's Marina Expansion Project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I am writing to express my concern over the proposed Safe Harbor expansion in Rockland and request that you halt its development. Many others have written eloquently about the potential flaws in the permitting process, the detriment to the Rockland viewscape and questionable safety of handling the massive fueling requirements if the project is allowed to be completed. While I share those concerns, I recognize that this is a long standing business deal and there are many facets to it.

What is most alarming to me however, is that the whole concept of **facilitating the use of mega yachts flies in the face of both state and local climate action plans** and every effort to combat climate change. Even as world leaders are meeting to avert global catastrophe, this project encourages the extravagant use of untold gallons of fossil fuel for leisure only. Much of the corporate profits that enabled the purchase these yachts and leisure to sail them were enabled by the pressure of big money on small communities to yield their environmental resources. This must stop if we are to survive. This is our chance to make a stand.

Many of us feel helpless in the face of climate change and corporate strong arming, but you are in the unique position to actually do something. This piece of environmental exploitation is exclusively for the good of the very rich and to the detriment of both the environment and the people who live, work and visit Rockland and have a right to enjoy the natural beauty of Rockland Harbor.

I implore you to reject this proposal.

Most sincerely,

Constance Evans
Rockland Resident and business owner

MacNeil, Jami

From: Amy Files ♡ SoRO <soroneighbors@gmail.com>
Sent: Monday, November 01, 2021 4:21 PM
To: MacNeil, Jami
Subject: Safe Harbor Expansion project in Rockland -- Public Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jami,

I am submitting comments regarding my concern about the proposed private marina expansion in Rockland, Maine.

I am a Rockland resident and business owner. I've lived here for over 9 years. My father grew up here and we have spent many summers on the Rockland harbor boating. One of the reasons that my partner and I decided to relocate here was because of our neighborhood's proximity to the water.

We are not currently boaters but we are daily walkers. Having access to the water through its views and via the boardwalk is an important part of our daily lives and sanity.

If the marina is allowed to expand as proposed it will permanently alter the experience of the public harbor, the boardwalk and Sandy Beach (Rockland's only public beach).

Currently you can walk down to this area at most any time of the year or day and look out to the ocean and islands. Also important is the view from the South End neighborhood that looks back over the harbor to the city and hills behind. And Sandy Beach, though small, is a lovely, quiet spot to sit and look out at the water -- it feels secluded and open even though it's in the middle of our small city due to the openness you feel when looking out at the water. This experience will be destroyed if Safe Harbor is allowed to expand on land or water to the right of the Archer's restaurant.

What upsets me most about this proposal is that our harbor is a public resource. I would like to think that the days of handing over public resource to private companies for their own profit is over.

If the city is in need of more slips — we can build ones that are publicly accessible and designed to serve smaller boats and fisherman that live here— not the mega yachts that this is designed to accommodate.

This company's main brand is luxury clients and very large (sometimes taller than the homes allowed on land) yachts.

This expansion will not benefit our town but further privatize it, turning it into a seasonal playground for the very rich.

And these yachts it will be home to are extremely unsustainable. The larger 200 footers use hundreds of dollars of fuel within only 10 minutes.

I do not consider it conscionable for a the federal government, state or city to allow any new infrastructure that would contribute to and encourage more (completely unnecessary) fossil fuel use.

Additionally it sounds as though this company would like to provide fuel bunkering which would introduce the potential for spills in our harbor.

Lastly I will just say this -- I walk the board walk daily if not weekly and I regularly see a variety of wildlife in the same exact areas that the expansion and dredging is proposed: loons, heron, ducks, buffleheads and more. There is no question that this expansion would destroy their habitat.

I hope that you will hear the concerns from our residents and come to the same conclusion that I have: this proposal will be damaging to our environment, take away precious public access to public views and water access, and is not in the public's or state's interest.

Thank you for your consideration,

Amy Files

207-542-4858

--

Amy Wilder Files | **Artist** | **Designer** | **Community Organizer**

MacNeil, Jami

From: Kerry Hadley <kerry.hadley6@gmail.com>
Sent: Monday, November 01, 2021 7:12 PM
To: MacNeil, Jami
Subject: My concerns and objections to Safe Harbors plan

Follow Up Flag: Follow up
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Categories: Red Category

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Hello Jami -

I am a 30 year resident of Owls Head and a former Chamber of Commerce Executive Director (Portsmouth, NH) so I understand the needs for business to grow and for development. That said, with climate change, I no longer support growth as I did, and as we even did in Portsmouth, the growth that does occur needs to be carefully regulated.

I love our small towns, and yet vibrant and dynamic communities that have thankfully not gotten as gobbled up, commercialized and just plain gross as Bar and Boothbay Harbor have.

I see this development as adversely affecting environmental safety nets, views, clean water, quality of life, etc. if this plan is passed. I love boats, and yachting, and sailing, and safe harbors.

I don't love gasoline in the water, view obstruction, development that overwhelms it's environment.

Here are just some of my concerns:

1. *The application is incomplete.* Without accurate, independent 2D/3D renditions of how the views from all sides of the harbor, Sandy Beach, the boardwalk, Harbor Park, and even the State Park at Owls Head and the Breakwater--will be affected by the maximum amount of 200+ and several stories high megayachts on their marina, we can't accurately tell how the viewsheds and our enjoyment of the harbor will be affected.

2. *As far as megayachts, Yachting Solutions' application for the 2017 federal Boating Infrastructure Grant, the grant which Safe Harbor has now taken over, references megayachts at least 25 times* and states that the "Yachting Solutions Boat Basin is positioned to become the most attractive destination for megayachts between Portland and Bangor." Though SHM seems to have taken pains to avoid using the term "megayacht" in their application to the state, and in their recent public statements, their current proposal includes several 150' docks, able to hold 200' boats, and perhaps even longer, and the Yachting Solutions associates who oversaw YS's BIG grant are still in charge of Safe Harbor-Rockland; those 25 megayacht references are still very much relevant and should be seen as reflective of Safe Harbor's plans.

3. *One of the things the people of Rockland and the surrounding communities enjoy most about Rockland is the harbor boardwalk(which was billed as a boardwalk providing "public access" in MBNA's original application to the DEP; 000150; bk2550; page 245), approved in 2000, walking along the the scenic harbor.* The marina is very likely to interfere with these open views, particularly with docking a number of these boats

that can be several stories high. And furthermore, continued public access is also not guaranteed in the recent deed transfer between Rockland Harbor Park LLC and Safe Harbor, meaning that our community could easily lose this space we have all enjoyed for decades.

4. *There are environmental covenants enacted on the property which Safe Harbor bought.* Is the DEP looking to check on whether any of those are relevant to the plan Safe Harbor has put forward (doc 3450; book 3774; page 101; also in the deed between Bracebridge and Rockland Harbor Park LLC doc 3451; book 3774; page 125)?

5. *An unknown number of moorings would have to be moved* (Safe Harbor have not said how many would have to be moved to accommodate their plan). This often causes a lot of stress, financial cost and burden to the people whose moorings are being moved. It can lead to navigational challenges as well as loss to established uses such as fishing, if any of them are related to fishing uses.

5. *Fuel bunkering is in their plans.* Although Safe Harbor hasn't included this in their application, at the October 13, 2021 Rockland City Council meeting to discuss their plans, Bill Morong of Safe Harbor said that Safe Harbor is planning to be the only marina "north of Portland" very specifically doing fuel bunkering. This will involve, in Morong's words: "10,000 gallons or something like that, so it's not just pulling up to a pump and putting in and holding the nozzle. It's a larger exercise than that...So to answer your question, not another fuel pump in town. But we would allow for a truck to come in and have some plumbing to do that for for a larger service." He said they are planning to plumb the marina for these large quantities of boat fuel. 10,000+ gallons of bunker fuel right in Rockland's inner harbor seems like a pretty big deal, with potential for leakage and spills, unless managed exceedingly carefully.

6. *SOME OF THEIR PROPOSED DREDGING RUNS RIGHT THROUGH THE CITY CHANNEL.* Page 45 of their application includes a dredging proposal--it includes 300' long and for the entire width of the city channel. How long will the dredging go on for? How disruptive will it be?

7. *Their marina is likely to obstruct the city channel, particularly when boats are on their longest dock, which could likely accommodate a 240' (or even longer) megayacht.* At the October 13 Rockland City Council meeting, Safe Harbor was asked if boats at SHM would ever obstruct the city channel. Mike Sabatini, the engineer consulting with SHM-Rockland, whose firm drew up the plans for the expansion, said, "A boat could be sitting there, if it became a problem, it could be moved, but there's no reason why a boat couldn't be there for a week or a couple days. And it wouldn't obscure the whole channel." Morong seemed to try to tamp down Sabatini's comment by saying, "The intention is not to obscure the channel." That may be a stated intention, but the likelihood that the boats would end up obscuring part of the city channel for days on end, is of concern.

8. The proposed look-out near Sandy Beach, another of Rockland's prized public parks doesn't have any 2D/3D modeling, so how are we to know the extent to which this will affect our views and the wide-open space we enjoy at Sandy Beach?

Thank you in advance for considering my and many others strong concerns about this project.

Sincerely

Kerry Hadley

102 N. Shore Drive

Owls Head, Maine 04854

(207) 596-3884

kerry.hadley6@gmail.com

MacNeil, Jami

From: Ron Huber <coastwatch@gmail.com>
Sent: Monday, November 01, 2021 5:02 PM
To: MacNeil, Jami
Subject: Safe Harbors - a question

Follow Up Flag: Follow up
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EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Members of the Rockland city lobstering community are circulating a petition concerning the SHM proposal. They plan to submit it to you as a collective comment. Question: is a pdf file of the petition adequate as in other comments? Or do you require the original be gotten to you?

Note that the petition is not a state regulatory style petition. It will be like past ones by fishermen about Rockland harbor development controversies and consist of a paragraph of their concerns, followed by their written and printed names and their lobster licence #s.

Ron

Ron Huber
Penobscot Bay Watch
POB 1871, Rockland Maine 04841
e coastwatch@gmail.com
www.penbay.org 207-691-4634

MacNeil, Jami

From: Paul A Rosen <paul@anchordown.me>
Sent: Monday, November 01, 2021 12:19 PM
To: MacNeil, Jami
Subject: Marina expansion application

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please accept this email as my opposition to the Safe Harbor Rockland marina expansion application.

As a year round state-tax paying local resident, I firmly believe that the limited economic benefits of this proposed project will be grossly overshadowed by the negative impact on both local citizens and our visitors, and their right of enjoyment and access to the Rockland harbor-front..

To support the growth of mega-yachts in Maine is an absolute contradiction in no uncertain terms to both the preservation of our environment and the extreme and growing inequality they represent. It goes against everything the Great State of Maine stands for.

The other key points to consider in rejecting this application are;

- The lack of protection for public access along the Harbor Walkway, and the resultant impact on the whole harbor-front.
- The pollution and noise, regardless of false promises by Safe Harbor, from 150 to 250 foot yachts will be significant. There will be deliveries of 5-10,000 gallon fuel delivers for just on yacht. Climate change, rising sea levels, Carbon dioxide levels..please, please. let's say it loud and clear that the new "Gilded Age" just isn't MAINE.
- While big money usually has its way, let's be courageous, both in public service and private enterprise, and say enough is enough!

Thank you in advance for listening.

Paul Rosen
Owls Head

MacNeil, Jami

From: Marjorie Strauss <mavis1048@gmail.com>
Sent: Monday, November 01, 2021 8:42 AM
To: MacNeil, Jami
Subject: Application #L-20386-4P-P-N

Follow Up Flag: Follow up
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To Jami MacNeil and the Department of Environmental Protection,

I am writing to state my strong objection to the proposed, revised plan for Rockland, Maine's harbor. I understand that the project will be stalled or stopped if the Maine DEP finds evidence of potentially negative impact on the natural environment.

I would like to know what steps are being taken to assess the environmental impact? And will the results of this assessment be presented to the public before a decision is made to go forward? I have just viewed the plans and there appears to be a very large area that will have to be dredged. How will that not affect the environment? Then of course there is the addition of a huge grid of cement moorings to accommodate large yachts, and won't that "affect" the environment? And then there is the invasion literally of large yachts - and won't they affect the environment with their fuels and waste, not to mention creating an influx of their owners making the area a "private" living space that will be off limits to the rest of us? And what about the areas that are now assessable to the public? The wonderful boardwalk and Sandy Beach? Can you say that this will still be open to local residents and visitors?

As a resident of Rockland's South End, I join my neighbors in objecting to this plan. Our harbor is small, and this plan is overwhelming. I also object to the changes to Sandy Beach—a beach I go to regularly and swim at, as do many residents and visiting tourists. It is wonderful to have a public beach that's accessible to everyone. Further, our board walk is used constantly by residents and visitors alike. It offers public access to our water, and harbor.

Rockland's Harbor cannot accommodate an increased number of boats—especially large yachts. This is a working community and our residents are employed in businesses, and nonprofits locally—including Pen Bay-Maine Health Hospital. Changing the look and accommodating wealthy yacht owners will further erode and eliminate the affordability of living in this area. Already, rents have skyrocketed and our hard-working employees are being driven out. With this outrageous plan for our Harbor, local people will be driven out.

And what about our local fishermen? Permitting and accommodating huge yachts will overwhelm the harbor, making it crowded, exclusive, and unavailable to visitors, in addition to residents.

Can you definitively say that this won't affect the quality of the Harbor's water? Adding yachts will severely impact the water's quality and result in significant pollution, and environmentally unsafe conditions.

This plan seriously endangers and impacts the quality of Rockland's Harbor, and Rockland, and I speak for many local citizens in objecting and calling for the rejection this plan.

Sincerely and with respect,
Marjorie Strauss

MacNeil, Jami

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Monday, November 01, 2021 11:41 AM
To: MacNeil, Jami
Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil
Subject: RE: SHM Rockland, LLC - comments
Attachments: 20190612_113432.jpg

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jami,

Thanks for the update. The size of ships will be varied and could range in size from 20' to 200', with the more frequent being in the range of 30' to 60'. In fact, the larger floats are being fitted with power connections that allows varied use by multiple smaller boats instead of one large vessel. This flexibility is also built into the current marina arrangement. You will see from the attached picture that the marina expansion will be mostly obscured by the existing wave fence (under the Safe Harbor pier) and by frequent visits by a cruise ship to the City docks. The season in which any larger vessels may be docked at Safe Harbor Marina, will be the same season that cruise ships use the city float, so the view from Harbor Park will be consistent with existing views. Recall, also, that landward extension of the fixed pier (approx. 65') will be dedicated as a public viewing area, in fact, in response to hearing recent concerns about public access, the gated/private portion of the pier will be moved from its current location at the landward side of the restaurant to the seaward side of the restaurant. This will increase the public access view area from 65' another 55' for a total of 120'. Recall also, that recent prior plans for the marina expansion extended much farther out into the harbor and the comments at that time asked to move more of the marina expansion behind the wave fence and eliminate broad side slips, which was done. Lastly, with regard to views, the current marina arrangement only extends 100' beyond the existing pier with less obtrusive east/west slips and the prior 2008 approval by DEP extended 200' beyond the existing pier with north/south "broad side" slips.

For fuel, the marina currently does not offer fuel service and no formal fuel service is proposed. One option that is being considered is to install a "dry" fuel line that would allow a fuel truck to connect at a landward location and provide fuel to a boat at a dock. I am not aware of a spill prevention plan, but ownership let me know the marina has been awarded a clean marina designation in the past.

I hope this all helps and let us know if we can provide more information.

Regards,

Michael J. Sabatini, P.E.

Landmark Corporation Surveyors & Engineers
135 Rockland Street
Rockport, Maine 04856
207-236-6757 (office)
207-975-3886 (cell)

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Friday, October 29, 2021 5:36 PM
To: Michael Sabatini <mike@landmarkmaine.com>
Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil
Subject: SHM Rockland, LLC - comments

Hi Mike,

The Department received numerous public comments this week for SHM Rockland, LLC. I am still sorting through them to determine which questions require a response. It is clear, however, that a main concern is the visual impact of megayachts or cruise ships docked at the expanded marina, and the potential for fuel spills.

- Can you provide more information on the size of the ships that would be docked here, the average length of time each ship would remain at the dock, and the frequency/number of ships anticipated to dock there over the course of an active season?
- Does the marina have a spill prevention plan for potential fuel/oil spills?

The Department received a request to extend the deadline for public comments and has decided to grant the request. The new deadline is close of business on November 4, 2021. You will see a notification about this shortly.

Thank you,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov



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MacNeil, Jami

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Hi Mike,

Thank you for the added details and clarifications. In the attached photo, can you more specifically describe where the photographer is standing and what direction they are looking?

- What is the approximate height range of the vessels that will dock at the marina?
- How long (hours, days, weeks) are larger vessels (100+ feet long, for example) anticipated to remain docked at the marina during a given stay?
- During which months of the year are large vessels anticipated to use the marina? (approx. date range, e.g. April – October)
- Where will SHM customers refuel, if not at the SHM marina? The Town dock?

I will see if I can combine the public comments we have received so far into a single document that can be easily shared.

Thank you,
Jami

-Jami MacNeil (she/her)

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Regards,

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Thank you,

Jami

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov



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MacNeil, Jami

From: Green, Robert L
Sent: Monday, November 01, 2021 10:02 AM
To: MacNeil, Jami
Subject: RE: Site Visit to Rockland

I won't have time to travel up to Augusta first. I will meet you in Rockland.

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, November 1, 2021 10:00 AM
To: Green, Robert L <Robert.I.Green@maine.gov>
Subject: RE: Site Visit to Rockland

Thanks. I will let Karen Foust know we plan to come. I will reserve a vehicle from Augusta, if you want to share a ride.

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Green, Robert L <Robert.I.Green@maine.gov>
Sent: Monday, November 01, 2021 9:49 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Site Visit to Rockland

Good morning,

Yes, I would. Although I scheduled an appointment in Portland at 10:00 on Friday, I think I can make the 1:300 in Rockland.

Thank you.
Bob.

Robert L. Green, Jr.
Regional Licensing & Compliance Manager
Central Maine Regional Office
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 615-2214

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, November 1, 2021 9:38 AM
To: Green, Robert L <Robert.I.Green@maine.gov>
Subject: FW: Site Visit to Rockland

Hi Bob – You want to go to this site visit with me on Friday?

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: Foust, Karen L <Karen.L.Foust@maine.gov>

Sent: Thursday, October 28, 2021 8:43 AM

To: Tom Luttrell <tluttrell@rocklandmaine.gov>; Ryan Murry <rmurry@rocklandmaine.gov>; Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>; Nault, Denis-Marc <Denis-Marc.Nault@maine.gov>; Michael Sabatini <mike@landmarkmaine.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>

Cc: Noll, John <John.Noll@maine.gov>; DiBello, Carol <Carol.DiBello@maine.gov>; Parlin, Anja <Anja.Parlin@maine.gov>

Subject: Site Visit to Rockland

Good morning,

The Bureau will conduct a visit to the site of the SHM Rockland float expansion and dredging proposal at 12 Water Street in Rockland on Friday November 5, 2021 at 1:30. I will send an agenda for the visit by early next week to facilitate the flow of information.

Several interested parties have also requested to be notified of the visit, so there will be members of the public present. The visit will not provide an opportunity for further public comment, but will provide an opportunity to respond to the concerns that fall under the Bureau's purview of the public trust rights of fishing, fowling, navigation and recreation.

Best regards,

Karen Foust

Submerged Lands Coordinator

Bureau of Parks and Lands

22 State House Station

Augusta, ME 04333-0022

(207) 287-6128

MacNeil, Jami

From: Foust, Karen L
Sent: Monday, November 01, 2021 10:05 AM
To: MacNeil, Jami
Subject: RE: Site Visit to Rockland

Perfect – glad that you can make it!

From: MacNeil, Jami <Jami.MacNeil@maine.gov>
Sent: Monday, November 1, 2021 10:02 AM
To: Foust, Karen L <Karen.L.Foust@maine.gov>
Subject: RE: Site Visit to Rockland

Hi Karen,

I will be able to make it on Friday after all. Bob Green and I both plan to come for the Land Bureau. Thanks again for organizing.

-Jami

-Jami MacNeil (she/her)

Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Foust, Karen L <Karen.L.Foust@maine.gov>
Sent: Thursday, October 28, 2021 8:43 AM
To: Tom Luttrell <tluttrell@rocklandmaine.gov>; Ryan Murry <rmurry@rocklandmaine.gov>; Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>; Nault, Denis-Marc <Denis-Marc.Nault@maine.gov>; Michael Sabatini <mike@landmarkmaine.com>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: Noll, John <John.Noll@maine.gov>; DiBello, Carol <Carol.DiBello@maine.gov>; Parlin, Anja <Anja.Parlin@maine.gov>
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Best regards,

Karen Foust
Submerged Lands Coordinator

Bureau of Parks and Lands
22 State House Station
Augusta, ME 04333-0022
(207) 287-6128

MacNeil, Jami

From: MacNeil, Jami
Sent: Tuesday, November 02, 2021 11:48 AM
To: Ron Huber
Subject: RE: Safe Harbors - a question

Mr. Huber,

Since the petition would not be a formal petition under any Department Rule or state law, there is no need to make sure we get the original signatures. A scanned PDF sent as an e-mail attachment would be fine. Having the original would not change how we consider the comments.

If the individuals signing the collective comment letter would like to be considered as individual interested persons, they will need to list their name, address, and a phone number or e-mail address. If they do this, they will be added to the "service list" for the review, meaning they will receive a copy of the final Department Order. They would also receive any updates the Department sends out on the review, such as the recent announcement extending the deadline for public comments.

For individuals who do not wish to be interested persons, they can still add their signature and printed name to the letter, but should leave out their contact information.

It may be most efficient to have a single contact person for the collective letter, but that is up to you and the other petition organizers.

Best,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

From: Ron Huber <coastwatch@gmail.com>
Sent: Monday, November 01, 2021 5:02 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Safe Harbors - a question

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Members of the Rockland city lobstering community are circulating a petition concerning the SHM proposal. They plan to submit it to you as a collective comment. Question: is a pdf file of the petition adequate as in other comments? Or do you require the original be gotten to you?

Note that the petition is not a state regulatory style petition. It will be like past ones by fishermen about Rockland harbor development controversies and consist of a paragraph of their concerns, followed by their written and printed names and their lobster licence #s.

Ron

Ron Huber
Penobscot Bay Watch
POB 1871, Rockland Maine 04841
e coastwatch@gmail.com
www.penbay.org 207-691-4634

MacNeil, Jami

From: Ron Huber <coastwatch@gmail.com>
Sent: Tuesday, November 02, 2021 1:20 PM
To: MacNeil, Jami
Subject: Re: Safe Harbors - a question

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Thank you Ms.MacNeil for the guidance.

Ron Huber
Penobscot Bay Watch
POB 1871, Rockland Maine 04841
e coastwatch@gmail.com
www.penbay.org 207-691-4634

On Tue, Nov 2, 2021 at 11:48 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

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Best,

Jami

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

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Ron

Ron Huber

Penobscot Bay Watch

POB 1871, Rockland Maine 04841

e coastwatch@gmail.com

www.penbay.org 207-691-4634

MacNeil, Jami

From: Foust, Karen L
Sent: Tuesday, November 02, 2021 11:32 AM
To: Tom Luttrell; Ryan Murry; MacNeil, Jami; Stukas, Heather CIV USARMY CENAE (USA); Nault, Denis-Marc; Michael Sabatini
Cc: Noll, John; DiBello, Carol; Parlin, Anja
Subject: Site Visit- Discussion Points
Attachments: SHM Site Visit Points of Discussion.docx

Good morning,

Attached is a list of the discussion points for the site visit at 1:30 on Friday. We will meet at the Gazebo to view and walk from there.

I look forward to seeing everyone there.

Karen Foust
Submerged Lands Coordinator

Bureau of Parks and Lands
22 State House Station
Augusta, ME 04333-0022
(207) 287-6128

On site Visit Questions

SHM Rockland, LLC

November 5, 2021 @ 1:30

Moorings – Displacement of Moorings and availability of alternative moorings

Federal Channel – City Channel and buffer – Berthing within Federal or City Channel Buffer- City's ordinance

Proximity to City's dock – Two floats 30 ft. each are included on the City's submerged lands lease, along with an associated piling. The floats did not show up on the latest GE imagery, nor are they indicated on the applicant's site plan. Proximity of "Dock C" (the timber floats) to those floats and/or to the City's other closest float

Navigation –

Navigation and Maneuverability of Small Cruise ships (224 ft. long) at City's adjacent dock.

Types and sizes of vessels using the City's dock

Ingress and egress for inner dinghy dock

Recreation – East End Beach area

Commercial Fishing Activity in the area

MacNeil, Jami

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Wednesday, November 03, 2021 11:27 AM
To: MacNeil, Jami
Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil; Foust, Karen L; 'Justin Davis'
Subject: RE: SHM Rockland, LLC - comments
Attachments: 20190612_113432.jpg; Westport-W112-34m-GA.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Jami,
See my comments below in red.
Note that I also copied Karen to share information.

Regards,

Michael J. Sabatini, P.E.

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To: Michael Sabatini <mike@landmarkmaine.com>
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Hi Mike,

Thank you for the added details and clarifications. In the attached photo, can you more specifically describe where the photographer is standing and what direction they are looking? **The photo was taken while standing from the approximate middle of the frontage of Harbor Park looking directly at the end of the existing Safe Harbor pier. The direction would be southeasterly.**

- What is the approximate height range of the vessels that will dock at the marina? **According to Safe Harbor, most larger boats (above 70') have part of the lower deck, the main salon, an upper deck/flying bridge, and an upper pilot house above the water line. This height is approximately 25'. See example plan attached. Keep in mind the pier is about 17.5' above the water at low tide and about 7.5' above the water at high tide, so the boats that are behind the pier will be partially obscured.**
- How long (hours, days, weeks) are larger vessels (100+ feet long, for example) anticipated to remain docked at the marina during a given stay? **Based on last year's Safe Harbor data, of the vessels over 70' in length, the average stay was 2.7 days.**

- During which months of the year are large vessels anticipated to use the marina? (approx. date range, e.g. April – October) **The marina is open from Memorial day to Columbus Day, but the larger vessels are anticipated between July 4th and Early September (Labor Day).**
- Where will SHM customers refuel, if not at the SHM marina? The Town dock? **In Rockland Harbor, there is fuel available at Journey's End, Knight's Marine, and Landings marinas.**

I will see if I can combine the public comments we have received so far into a single document that can be easily shared.

Thank you,
Jami

-Jami MacNeil (she/her)
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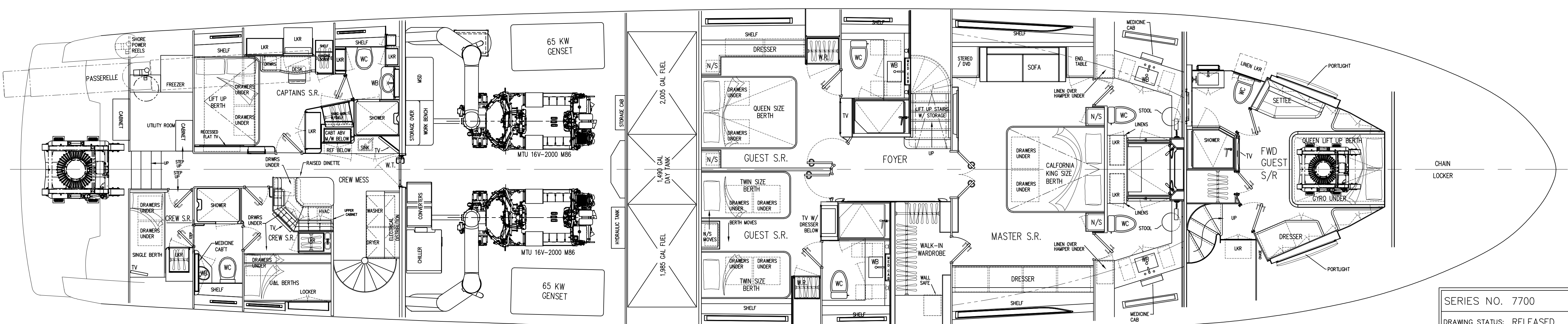
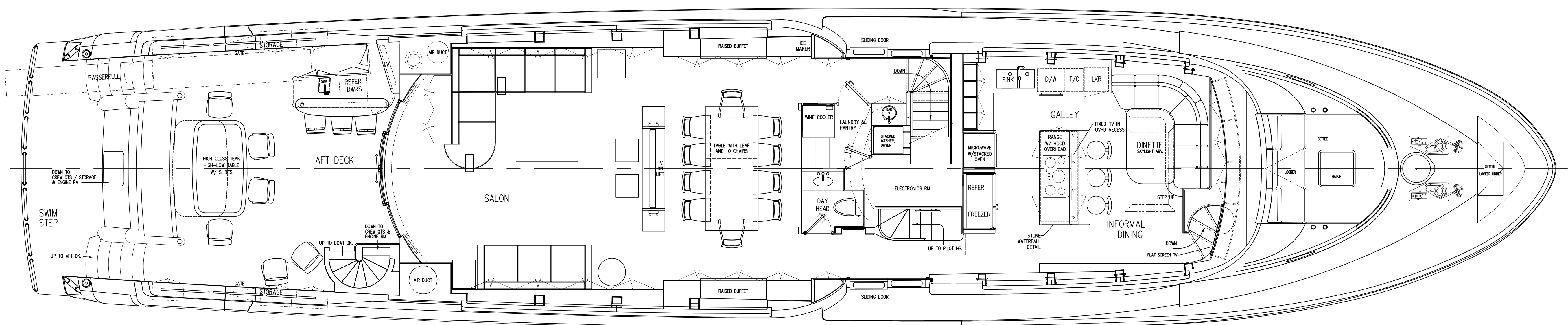
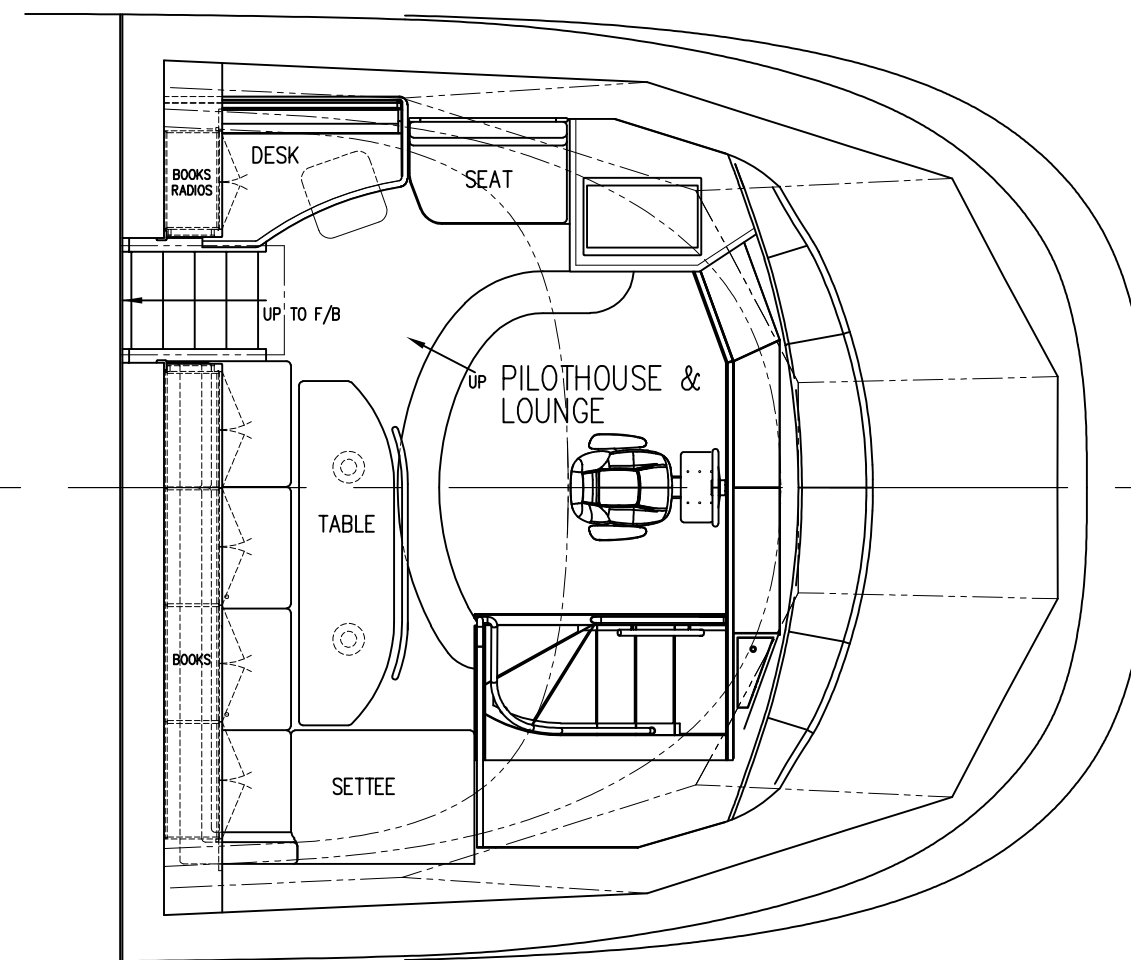
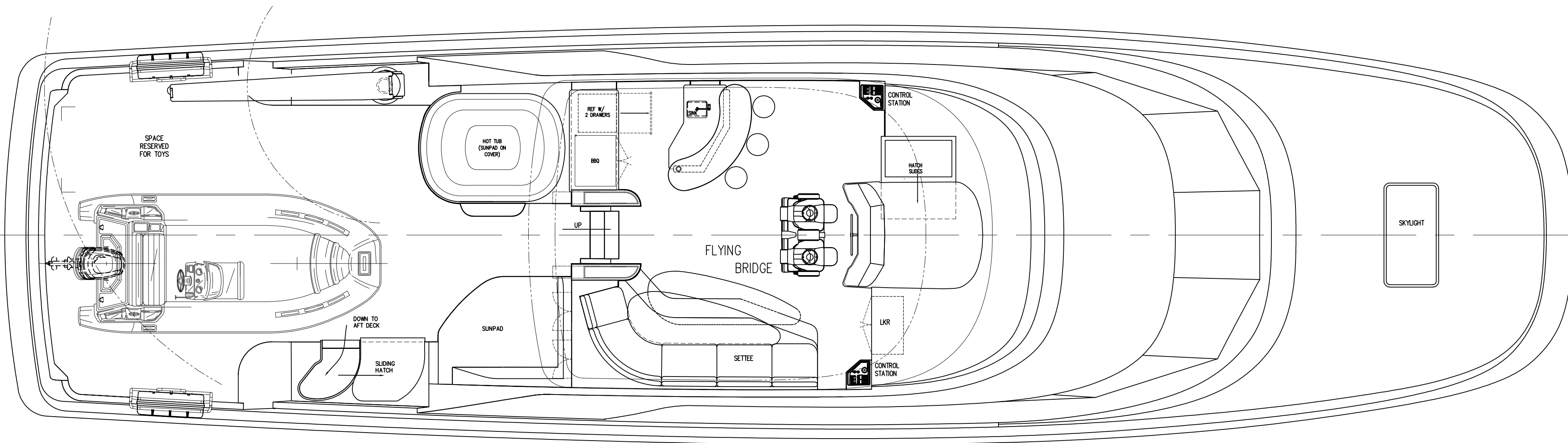
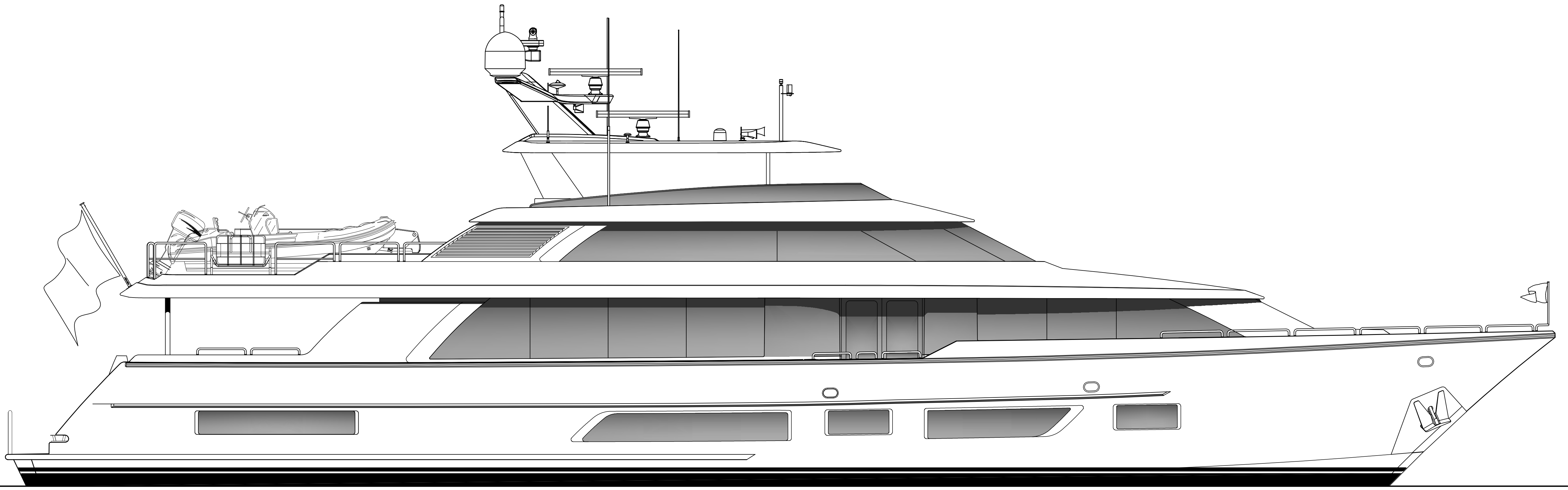
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DRAWING STATUS: RELEASED
PART NO. 000005-33
DESIGN NO. 112-2
PROFILE & ARRANGEMENT

REV	ZONE	DATE	BY	DESCRIPTION	ECO
△	ALL	4/3/2019	DMR	UPDATE EXTERIOR BAR ASSY'S	27516
△	ALL	1/21/2019	HPV	UPDATE SALON COCKTAIL TABLE, ADD POP-UP LIGHTS	27069
△	ALL	10/05/2016	HPV	INCORPORATE STANDARD DESIGN CHANGES	26330
△	ALL	10/25/2017	HPV	INCORPORATE STANDARD DESIGN CHANGES	23238

112'-0" x 23'-5" MOTORYACHT
SCALE: 1/4" = 1'-0"
DATE: 6-8-16
DRAWN BY: STO
REV. D
PAGE 1 OF 1

WESTPORT
DESIGN OFFICE 501 356
WESTPORT, WASHINGTON 98595
PHONE (509) 268-1500
FAX (509) 268-1900

MacNeil, Jami

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Thursday, November 04, 2021 1:43 PM
To: MacNeil, Jami
Subject: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Jami,

Thank you so much for your reply. I am relieved to hear that you are aware of the environmental covenants and their boundaries. I know that the company has already presented, in a private meeting with some city of Rockland officials, some sort of upland plans, so it is likely in the future to come up.

I would like to submit more public comments regarding Safe Harbor Marinas' expansion plans for the Maine DEP's consideration.

1. I want to make sure that the proposal is considered carefully in terms of its close proximity to Sandy Beach (sometimes called South End Beach, as on this image below showing the expansion plan proposal in context with the surrounding parks). As I said in my previous email, I have been the volunteer gardener at Sandy Beach for over ten years and I see how much it is enjoyed by the community year-round.

Sandy Beach is the ONLY swimming ocean beach in all of Rockland. It also seems to be our only truly sandy public beach, albeit quite small. People could swim at the Breakwater as well, but I don't see them doing that, plus the beach there is rockier. At Sandy Beach in the summer, every single day of the week (unless it's very rainy or cold) there are always families with children enjoying it, often families without much money or other resources. **Sandy Beach is where people go to take a dip, take a longer swim, sunbathe, picnic, play, explore, visit, cool off in summer. Families spend the whole day there. At night, they moon-gaze, look out at the Breakwater, and more.**

I don't know how disruptive the marina expansion could be for the people at Sandy Beach, but I am concerned about more boats, especially the 200'-240' boats, coming in and out near people trying to relax, unwind, enjoy themselves. Plus if the boats can be seen and heard in their slips from Sandy Beach and Sandy Beach Park it could take away from the open feeling people currently enjoy there. Those four 150' docks they want to put in near Sandy Beach can hold boats that are at least 200' long, so they need to be viewed as how that extra 50' or more poking out from the docks will be viewable from Sandy Beach.

I am also concerned about SHM's plans to have large trucks coming in to bring in the 10,000+ gallons of fuel to put in the boats. (10,000 gallons was the info quoted, approximately, by SHM's Bill Morong at the October 13 Rockland City Council meeting.)

Are those trucks going to be disruptive, loud, have fumes as they go in and out of the very small driveway/access point right next to Sandy Beach Park?

Certainly, those trucks would affect those there to enjoy the small public strip of land that we call Sandy Beach and Sandy Beach Park. Though I have been reading that recent federal regulations makes boat fuel much less destructive to human health, and as long as these boats and trucks use the very best fittings, spills and incidental leakage of this fuel has become less common, I still am concerned about it, particularly with how close it is to the children playing at Sandy Beach.

Others have also wondered what regulations are in place for washing boats so close to public areas and the shore. When I was a kid growing up at the North End Shipyard in Rockland through the 80s and 90s, all the boats were washed with soaps, scrubbed down with all sorts of toxic paints, varnishes, grease, etc. There was always a slick of oil around there from fuel and oil used in the boats. That residue would be floating around. I would hope there are better regulations now, but there is concern that if these megayachts are being washed there, it will affect sealife, human life, and the ability to swim, etc.

The other thing to know about Rockland is that it is only recently that we have been able to enjoy swimming in Rockland Harbor. When I was a kid growing up there, in the 80s and 90s, I remember seeing raw sewage in the harbor due to inadequate drainage systems, and the other fuel and oil slicks made swimming there not so pleasant. So we finally have this lovely place at Sandy Beach to swim, sunbathe, and water clean enough to swim in. I have talked to several locals who think of Sandy Beach as their special place to go; one for when she was in recovery from heavy substance use, others as balm for their grief.

The risk that this expanded private marina might negatively affect those who are finally able to enjoy the water from the shore should be carefully considered. Why should the state give more public water over to a private for-profit corporation, the largest marina corporation in the world, when we the public have only recently had clean-enough water to swim in in Rockland harbor?



2. Is the DEP aware that in January 2021, hundreds of arbor vitae were clearcut from the land owned by Safe Harbor and Rockland Harbor Park LLC? On the map, those trees/hedges were near that gazebo and all the way along much of the harbor boardwalk, on the harbor side of where it shows parking spots. It seemed like it happened overnight; there had been a large hedge enjoyed by many birds, and then suddenly, it had all been chopped down to the ground apparently by Rockland's Public Works Department working alongside SH and RHP who approved it. The decision was all conducted behind closed doors and took many of us by surprise. I went and counted the stumps afterwards. The trees/hedge was close to the water's edge, so I wondered at the time whether that clearcutting was legal, and whether it being so close to the shore also made it illegal. Or perhaps the city got a permit for it ahead of time? Is the DEP the correct agency that should be looking into that? Here is an article about it:

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The sort of behavior that the city has undertaken alongside SHM and RHPLLC concerns me as I wonder what other things they may undertake behind the scenes, in corporate-government partnership. It cannot be considered public, when the public weren't involved in the process.

3. I neglected to mention the great blue heron that many people have noticed in the inner harbor now, near where the marina expansion would be. Will all the dredging and disruption affect the herons and other animals there?

4. I wanted to also include some comments by locals made at the October 13, 2021 Rockland City Council meeting, in case they did not know about the public comment with the state:

Ken Pride, Rockland, taught school here for 32.5 years, was told he had to move his mooring when MBNA came to town. “For me it worked out okay, because I'm in a more weather-friendly place. But the dilemma was I incurred significant expense because of the move. I was in different water. I was more than two or 300 strokes by oar from the public landing. And all of a sudden I had to pay four times as much to keep my dinghy in a different place. But my point is that it's not just a simple moving of moorings, the morning owners will incur additional expense in terms of gear. Where are you going to put those guys because they're going from shallower water to deeper water and their access to their morning is changing?...I personally will not campaign to stop you guys. I know there's give and take in all of these kinds of things. But I am extraordinarily skeptical about your ability to not impede traffic through the city channel.”

Amy Files, Rockland: “But my main issue with this project is that the federal government is using tax dollars to take away my view and access to the harbor in order to build a playground for rich yacht owners. I don't see how in any way a project like this is in the public's interest. It doesn't align with Maine or Rockland's values and protecting public access to our harbor and our shoreline. It further tips the balance of ownership of our city from a year-round residential community to a seasonal wealthy elite from away city. And it doesn't align with state or city climate goals as the project would encourage increased use of fossil fuel burning unsustainable luxury items. I realize council isn't currently in a position to approve or reject the application. But your voice as our representatives is powerful. And with that voice, I'd urge you to reject the expansion. It's one thing for a property owner to update and renovate infrastructure on their own property. But allowing them to expand their property line is very different. It would be like allowing a homeowner or business owner to move their property line into one of our public parks, and in many ways that's just what the expansion would be doing. The public access is being sacrificed in the name of private profit and a large swath of our harbor is being privatized. I hope that in your position, you'll encourage further review by the state, demand more scrutiny and ask more questions. For example, how can the state evaluate impact on views without any renderings or photo mock-ups? How can the state evaluate ecological impact on traffic without an explicit description of the size and amount of vessels that the expansion would accommodate? And what's the actual value of this expanded area taking into account loss of access, impact on paddlers, small craft, harbor moorings, loss of view and experience? And if this project is allowed to go forward, how will the public be compensated for that loss? I hope you'll also please urge the state to expand public process to include a public meeting here in Rockland that includes stakeholders, residents and councillors.”

Judy Pasqualge, Rockland: “I think that the proposal does violate Maine guidelines as it does unreasonably interfere with customary or traditional public access ways to or from public trust rights, especially recreation.”

Maria Devery, Owls Head. “I've watched this, I've read about it, I've looked at the drawings, etc. And I agree with a previous speaker who talked about the harbor really as the jewel of the city. And I think that you guys are handing over the jewel of this city without a fight. And it's something that the people before you worked long and hard to create, along with many other things in the city. I personally don't understand how many people a megayacht is going to bring in. I don't think that a megayacht is like taking a bus and it hauls in 300 people....”

Thanks again for taking my comments seriously. I would love to continue to be informed of future things, such as a site visit, if there is one.

Thank you!
Rebecca Glaser
Rockport

On Mon, Nov 1, 2021 at 10:17 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Dear Ms. Glaser,

Thank you for your comments regarding the expansion of an existing marina in Rockland Harbor as proposed by SHM Rockland, LLC in NRPA application #L-20386-4P-P-N. The deadline for public comments on the application is November 4, 2021.

To answer your question in comment #4, the Department is aware of the environmental covenants related to the voluntary response action plan (VRAP) at the project site, which was implemented to deal with lime kiln residue. If/when the applicant proposes to disturb soil within those areas, they will need to submit a plan for handling any lime kiln residues encountered during construction to the Department for review and approval. At this time, the applicant does not propose disturbance within those areas.

Your comments will be added to the file and will be considered during the review of the project. You may contact me with additional concerns, questions, or comments at (207) 446-4894 or via email at jami.macneil@maine.gov.

Sincerely,

Jami

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Wednesday, October 27, 2021 6:15 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

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Dear Jami,

Thank you so much for carefully considering public comments on Safe Harbor Marinas' Rockland Natural Resources Protection Act permit application to expand their marina. I grew up in Rockland and nearby Camden; my dad made his living on a boat out of Rockland's North End Shipyard. Some of my concerns with Safe Harbor's proposal are as follows:

1. The application is incomplete. Without accurate, independent 2D/3D renditions of how the views from all sides of the harbor-- Sandy Beach, the boardwalk, Harbor Park, the Breakwater, and even the State Park at Owls Head--will be affected by the maximum amount of boats which are longer than 200'+ and several stories-high on their marina, we can't accurately assess how the viewsheds and our enjoyment of the harbor will be affected.

2. As far as megayachts, the original Yachting Solutions' application for the 2017 federal Boating Infrastructure Grant, the grant which Safe Harbor Marinas Rockland has taken over, references megayachts at least 25 times and states that the "Yachting Solutions Boat Basin is positioned to become the most attractive destination for megayachts between Portland and Bangor." Though SHM seems to have taken pains to avoid using the term "megayacht" in their application to the state, and in their recent public statements, their current proposal includes several 150' docks, able to hold 200' boats, and perhaps even longer, and the Yachting Solutions associates who oversaw YS's BIG grant are still in charge of Safe Harbor-Rockland; those 25 megayacht references are still very much relevant and should be seen as reflective of Safe Harbor's plans. Megayachts are among the most environmentally destructive ways to travel; their small global fleet is responsible for spewing pollution and guzzling fuel--even more than entire nations. How does allowing for the building of more megayacht infrastructure, therefore inviting

them into Maine waters, fit with Maine's aims at being better stewards of the environment, and our future as a species?

3. One of the things the people of Rockland and the surrounding communities enjoy most about Rockland is the harbor boardwalk. This boardwalk was originally included in a plan by the former owner of the land, MBNA/Bracebridge Corporation; the plan was approved by the Maine DEP in 2000. In this plan the harbor boardwalk was billed as "An approximately 1,350 foot boardwalk will provide public access during daylight hours along the applicant's waterfront between two municipal parks (Harbor Park and Sandy Beach Park) bordering the site on the north and east boundaries." document 000150; bk2550; page 245; attached).

The expanded marina is very likely to interfere with these open views which have been enjoyed along the boardwalk by the public for over twenty years, particularly the fact that these boats can be several stories high. Furthermore, continued public access is also not guaranteed in the recent deed transfer between Rockland Harbor Park LLC and Safe Harbor, meaning that our community could easily lose this space we have enjoyed for decades (attached).

4. There are environmental covenants enacted on the property which Safe Harbor bought. Is the DEP looking to check on whether any of those are relevant to the plan Safe Harbor has put forward (doc 3450; book 3774; page 101; also in the deed between Bracebridge and Rockland Harbor Park LLC doc 3451; book 3774; page 125 (attached))?

5. An unknown number of moorings would have to be moved. At an October 13, 2021 Rockland City Council meeting, Safe Harbor Marinas, who want to start dredging on November 1, were unable to give even a ballpark figure of how many moorings their plan would require moving. Moving moorings often causes stress, financial cost and other burdens to the people whose moorings are being moved. It can lead to a loss of established uses such as fishing, if any of them are related to fishing uses, as well as recreational users. Most of the docking space Safe Harbor is creating will be for "transient users;" this means that locals are being pushed out of the way to make room for more transient boat users.

5. Fuel bunkering is in their plans. Although Safe Harbor declined to include their bunkering plans in their application, at the October 13, 2021 Rockland City Council meeting to discuss their plans, Bill Morong, who was there as a consultant representing Safe Harbor Marinas Rockland said that Safe Harbor is planning to be the only marina "north of Portland" very specifically doing fuel bunkering. This will involve, in Morong's words: "10,000 gallons or something like that, so it's not just pulling up to a pump and putting in and holding the nozzle. It's a larger exercise than that...So to answer your question, not another fuel pump in town. But we would allow for a truck to come in and have some plumbing to do that for for a larger service." So, he said they are planning to plumb the marina for these large quantities of boat fuel.

10,000+ gallons of bunker fuel in Rockland's inner harbor, abutted by two of Rockland's most-used city parks, seems like a pretty big deal, with potential for incidental leakage and spills. Although bunkering spills and leakage now appear to be rare as long as adequate equipment is used, it is still a worry. The fact that their plan to be a major Maine bunkering location is not referenced in Safe

Harbor's application, yet has been discussed in their publicly-vocalized plans, makes one wonder again whether their application is incomplete.

6. Some of their proposed dredging runs right through the city channel. Page 45 of their application includes a dredging proposal--it includes a swath 300' long and for the entire width of that length of the city channel. How long will the dredging go on for? How disruptive will it be? Certainly the dredging would cause undue burden on the boats that currently navigate that channel.

7. Their marina is likely to obstruct the city channel, particularly when boats are on their longest dock, which could likely accommodate a 240' (or even longer) megayacht. At the October 13 Rockland City Council meeting, Safe Harbor was asked if boats at SHM would ever obstruct the city channel. Mike Sabatini, the engineer consulting with SHM-Rockland, whose firm drew up the plans for the expansion, said, "A boat could be sitting there, if it became a problem, it could be moved, but *there's no reason why a boat couldn't be there for a week or a couple days*. And it wouldn't obscure the *whole* channel." Morong seemed to try to tamp down Sabatini's comment by saying, "The intention is not to obscure the channel." That may be a stated intention, but the likelihood that the boats would end up obscuring part of the city channel for days on end, is high. The buffer that SHM has put between its dock and the city channel is only 20', while the large boats they hope to attract are often 40'+ wide boats, meaning that when those larger boats are on that dock, they will undoubtedly be poking into the city channel, which is used by all sorts of boats and watercraft. This would mean the Rockland Harbormaster would be tasked with having to decide whether to talk to Safe Harbor about these boats in the channel, potentially causing frequent tension and stress on city employees. Why couldn't they put a more appropriate 60' buffer on that dock?

8. They are also proposing a look-out near Sandy Beach, another of Rockland's prized public parks. Again, without a 2D/3D model, how are we to know the extent to which this will affect our views and the wide-open space we enjoy at Sandy Beach? I have been the volunteer gardener for Sandy Beach for over a decade. I see how many members of the public enjoy this space, for swimming and relaxing. There are almost always families with small children enjoying Sandy Beach, particularly families without much money. To have another privately-owned lookout that might encroach on that public feeling would be a shame. While SHM claims this new lookout would be publicly-accessible, their actual deed says that they can make the boardwalk closed to the public if they and the owners of the other section of the boardwalk agree to it. Therefore, were that to happen, this lookout could be simply more private corporate encroachment on what is now an area of public enjoyment.

9. They want to put four 150' docks on the Eastern side, a side they do not even have a submerged land lease for. Why can't they be satisfied with the submerged land lease they already had, rather than taking more of the public water and viewshed, an area where seabirds and other animals use, for their own profit?

Thank you so much. I would love to be informed of any future opportunities to engage on this topic.

Rebecca Glaser

Rockport

MacNeil, Jami

From: MacNeil, Jami
Sent: Thursday, November 04, 2021 2:06 PM
To: Becca Shaw Glaser
Subject: RE: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Hi Ms. Glaser,

Thank you for your additional comments. These will also be added to the record and considered during the Department's review.

The cutting of upland vegetation adjacent to the coastal wetland is subject to the Shoreland Zoning Ordinance, administered by the Town. That activity does not fall within the Department's jurisdiction under the NRPA.

All of the proposed dredging areas are subtidal, and therefore will not affect habitat used by wading birds such as herons.

There is a site visit scheduled for tomorrow at 1:30pm, for regulators to view the site. Although members of the public may be present, there will be no opportunity for public comment at the site visit.

Best,
Jami

-Jami MacNeil (she/her)
Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

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Sent: Thursday, November 04, 2021 1:43 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
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Works Department working alongside SH and RHP who approved it. The decision was all conducted behind closed doors and took many of us by surprise. I went and counted the stumps afterwards. The trees/hedge was close to the water's edge, so I wondered at the time whether that clearcutting was legal, and whether it being so close to the shore also made it illegal. Or perhaps the city got a permit for it ahead of time? Is the DEP the correct agency that should be looking into that? Here is an article about it:

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Amy Files, Rockland: "But my main issue with this project is that the federal government is using tax dollars to take away my view and access to the harbor in order to build a playground for rich yacht owners. I don't see how in any way a project like this is in the public's interest. It doesn't align with Maine or Rockland's values and protecting public access to our harbor and our shoreline. It further tips the balance of ownership of our city from a year-round residential community to a seasonal wealthy elite from away city. And it doesn't align with state or city climate goals as the project would encourage increased use of fossil fuel burning unsustainable luxury items. I realize council isn't currently in a position to approve or reject the application. But your voice as our representatives is powerful. And with that voice, I'd urge you to reject the expansion. It's one thing for a property owner to update and renovate infrastructure on their own property. But allowing them to expand their property line is very different. It would be like allowing a homeowner

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Maria Devery, Owls Head. “I've watched this, I've read about it, I've looked at the drawings, etc. And I agree with a previous speaker who talked about the harbor really as the jewel of the city. And I think that you guys are handing over the jewel of this city without a fight. And it's something that the people before you worked long and hard to create, along with many other things in the city. I personally don't understand how many people a megayacht is going to bring in. I don't think that a megayacht is like taking a bus and it hauls in 300 people....”

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Rockport

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Sincerely,

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-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

From: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Wednesday, October 27, 2021 6:15 PM

To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Subject: Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jami,

Thank you so much for carefully considering public comments on Safe Harbor Marinas' Rockland Natural Resources Protection Act permit application to expand their marina. I grew up in Rockland and nearby Camden; my dad made his living on a boat out of Rockland's North End Shipyard. Some of my concerns with Safe Harbor's proposal are as follows:

1. The application is incomplete. Without accurate, independent 2D/3D renditions of how the views from all sides of the harbor-- Sandy Beach, the boardwalk, Harbor Park, the Breakwater, and even the State Park at Owls Head--will be affected by the maximum amount of boats which are

longer than 200'+ and several stories-high on their marina, we can't accurately assess how the viewsheds and our enjoyment of the harbor will be affected.

2. As far as megayachts, the original Yachting Solutions' application for the 2017 federal Boating Infrastructure Grant, the grant which Safe Harbor Marinas Rockland has taken over, references megayachts at least 25 times and states that the "Yachting Solutions Boat Basin is positioned to become the most attractive destination for megayachts between Portland and Bangor." Though SHM seems to have taken pains to avoid using the term "megayacht" in their application to the state, and in their recent public statements, their current proposal includes several 150' docks, able to hold 200' boats, and perhaps even longer, and the Yachting Solutions associates who oversaw YS's BIG grant are still in charge of Safe Harbor-Rockland; those 25 megayacht references are still very much relevant and should be seen as reflective of Safe Harbor's plans. Megayachts are among the most environmentally destructive ways to travel; their small global fleet is responsible for spewing pollution and guzzling fuel--even more than entire nations. How does allowing for the building of more megayacht infrastructure, therefore inviting them into Maine waters, fit with Maine's aims at being better stewards of the environment, and our future as a species?

3. One of the things the people of Rockland and the surrounding communities enjoy most about Rockland is the harbor boardwalk. This boardwalk was originally included in a plan by the former owner of the land, MBNA/Bracebridge Corporation; the plan was approved by the Maine DEP in 2000. In this plan the harbor boardwalk was billed as "An approximately 1,350 foot boardwalk will provide public access during daylight hours along the applicant's waterfront between two municipal parks (Harbor Park and Sandy Beach Park) bordering the site on the north and east boundaries." document 000150; bk2550; page 245; attached).

The expanded marina is very likely to interfere with these open views which have been enjoyed along the boardwalk by the public for over twenty years, particularly the fact that these boats can be several stories high. Furthermore, continued public access is also not guaranteed in the recent deed transfer between Rockland Harbor Park LLC and Safe Harbor, meaning that our community could easily lose this space we have enjoyed for decades (attached).

4. There are environmental covenants enacted on the property which Safe Harbor bought. Is the DEP looking to check on whether any of those are relevant to the plan Safe Harbor has put forward (doc 3450; book 3774; page 101; also in the deed between Bracebridge and Rockland Harbor Park LLC doc 3451; book 3774; page 125 (attached))?

5. An unknown number of moorings would have to be moved. At an October 13, 2021 Rockland City Council meeting, Safe Harbor Marinas, who want to start dredging on November 1, were unable to give even a ballpark figure of how many moorings their plan would require moving. Moving moorings often causes stress, financial cost and other burdens to the people whose moorings are being moved. It can lead to a loss of established uses such as fishing, if any of them are related to fishing uses, as well as recreational users. Most of the docking space Safe Harbor is creating will be for "transient users;" this means that locals are being pushed out of the way to make room for more transient boat users.

5. Fuel bunkering is in their plans. Although Safe Harbor declined to include their bunkering plans in their application, at the October 13, 2021 Rockland City Council meeting to discuss their plans, Bill Morong, who was there as a consultant representing Safe Harbor Marinas Rockland said

that Safe Harbor is planning to be the only marina “north of Portland” very specifically doing fuel bunkering. This will involve, in Morong's words: “10,000 gallons or something like that, so it's not just pulling up to a pump and putting in and holding the nozzle. It's a larger exercise than that...So to answer your question, not another fuel pump in town. But we would allow for a truck to come in and have some plumbing to do that for for a larger service.” So, he said they are planning to plumb the marina for these large quantities of boat fuel.

10,000+ gallons of bunker fuel in Rockland's inner harbor, abbuted by two of Rockland's most-used city parks, seems like a pretty big deal, with potential for incidental leakage and spills. Although bunkering spills and leakage now appear to be rare as long as adequate equipment is used, it is still a worry. The fact that their plan to be a major Maine bunkering location is not referenced in Safe Harbor's application, yet has been discussed in their publicly-vocalized plans, makes one wonder again whether their application is incomplete.

6. Some of their proposed dredging runs right through the city channel. Page 45 of their application includes a dredging proposal--it includes a swath 300' long and for the entire width of that length of the city channel. How long will the dredging go on for? How disruptive will it be? Certainly the dredging would cause undue burden on the boats that currently navigate that channel.

7. Their marina is likely to obstruct the city channel, particularly when boats are on their longest dock, which could likely accommodate a 240' (or even longer) megayacht. At the October 13 Rockland City Council meeting, Safe Harbor was asked if boats at SHM would ever obstruct the city channel. Mike Sabatini, the engineer consulting with SHM-Rockland, whose firm drew up the plans for the expansion, said, “A boat could be sitting there, if it became a problem, it could be moved, but *there's no reason why a boat couldn't be there for a week or a couple days.* And it wouldn't obscure the *whole* channel.” Morong seemed to try to tamp down Sabatini's comment by saying, “The intention is not to obscure the channel.” That may be a stated intention, but the likelihood that the boats would end up obscuring part of the city channel for days on end, is high. The buffer that SHM has put between its dock and the city channel is only 20', while the large boats they hope to attract are often 40'+ wide boats, meaning that when those larger boats are on that dock, they will undoubtedly be poking into the city channel, which is used by all sorts of boats and watercraft. This would mean the Rockland Harbormaster would be tasked with having to decide whether to talk to Safe Harbor about these boats in the channel, potentially causing frequent tension and stress on city employees. Why couldn't they put a more appropriate 60' buffer on that dock?

8. They are also proposing a look-out near Sandy Beach, another of Rockland's prized public parks. Again, without a 2D/3D model, how are we to know the extent to which this will affect our views and the wide-open space we enjoy at Sandy Beach? I have been the volunteer gardener for Sandy Beach for over a decade. I see how many members of the public enjoy this space, for swimming and relaxing. There are almost always families with small children enjoying Sandy Beach, particularly families without much money. To have another privately-owned lookout that might encroach on that public feeling would be a shame. While SHM claims this new lookout would be publicly-accessible, their actual deed says that they can make the boardwalk closed to the public if they and the owners of the other section of the boardwalk agree to it. Therefore, were that to happen, this lookout could be simply more private corporate encroachment on what is now an area of public enjoyment.

9. They want to put four 150' docks on the Eastern side, a side they do not even have a submerged land lease for. Why can't they be satisfied with the submerged land lease they already had, rather than taking more of the public water and viewshed, an area where seabirds and other animals use, for their own profit?

Thank you so much. I would love to be informed of any future opportunities to engage on this topic.

Rebecca Glaser

Rockport

MacNeil, Jami

From: Ryan Smith <ryan.chaga@gmail.com>
Sent: Thursday, November 04, 2021 2:23 PM
To: MacNeil, Jami
Subject: Rockland resident expressing concerns regarding SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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Greetings, my name is Ryan Smith and I am a resident of 27 Tea St. in Rockland. The Safe Harbor Marina expansion to service super/mega yachts violates the Natural Resource Protection Act in following ways.

-Adverse Visual Impact

Rockland citizens are rightfully concerned about the potential loss of viewsheds from both Harbor Park and South End Beach Park.

The terms "dominance" and "scale" come to mind. The imposing size and volume of these vessels to be serviced by this marina far out scales anything the public can themselves afford to access and the visual component will dominate the landscape.

-Significant Wildlife Habitat

The cove in question to be further developed is also significant wildlife habitat to sea ducks and, in the summer attracts large schools of menhaden, the States primary source of lobster bait.

I beg of you to look at what mega yachts will Bring to our state. Paul Allen's megayacht alone destroyed 85% of a coral reef habitat in the Cayman Islands. By providing infrastructure for these boats we open up a whole other realm of potential ecological hazards. Thank you for your time.

Ryan Smith
27 Tea St.
Rockland Maine 04841

MacNeil, Jami

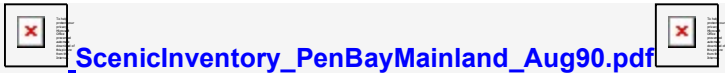
From: Ron Huber <coastwatch@gmail.com>
Sent: Thursday, November 04, 2021 4:15 PM
To: MacNeil, Jami
Subject: Safe Harbors Rockland application comments
Attachments: Strong nor'easter rips boats from moorings in Rockland Harbor _ PenBay Pilot.html; samorock_2001_draft_denial.pdf; samorock_2007_denial_by_dep.pdf; MCP Strategic Outlook 2021_2025.pdf; scenic_inventory_1990_owls_head_rockland_rockport_camden_aug90.pdf; ScenicAssessmentRpt.pdf; pbw_ltr_dep_re_safeharbors_110421.pdf

Categories: Red Category

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Attached are the Penobscot BayWatch comments on the Safe Harbors Rockland marina expansion project, and cited attachments.

We reserve the right to add additional comments before the close of the comment period November 5 2021 at 5pm. Note that one document: Scenicinventory_PenBaymainland_Aug90.pdf, is so large it was automatically sent as a google drive document



Ron Huber
Penobscot Bay Watch
POB 1871, Rockland Maine 04841
e coastwatch@gmail.com
www.penbay.org 207-691-4634

Penobscot Bay Watch

Keeping an eye on Maine's biggest bay

POB 1871, Rockland ME 04841

coastwatch@gmail.com 691-4634

October 29, 2021

Jami MacNeil, Environmental Specialist III
Bureau of Land Resources
Maine Department of Environmental Protection

(207) 446-4894 | jami.macneil@maine.gov

Comments re SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Dear Ms. MacNeil

Penobscot Bay Watch is a citizens association dedicated to protecting and conserving Maine's biggest bay. We have reviewed and commented on numerous development proposals affecting Penobscot Bay habitat, water quality and living resources over the past 20 years.

The following are Penobscot Bay Watch comments to the Department of Environmental Protection in regard to the proposal of Safe Harbor Rockland LLC to expand their marina to accommodate up to 8 multistoried megayachts of 200 feet in length, and many more smaller craft. This will be preceded by an overview of

Together, the combination of these developments will unacceptably degrade Rockland Harbor's navigation, mooring fields, fisheries, public access, public health and scenic viewshed, all at once. We urge DEP to either reject the current plan or require significant reductions in their proposals' footprint, marina expansion, and/or their operations.

GENERAL COMMENTS

At times Maine DEP has limited the incremental degradation of Penobscot Bay's shores and waters, by paying attention to the potential cumulative impacts that particular commercial, industrial and residential development and their combined discharges and visual and health impacts can have on Penobscot Bay towns' water quality, their shores and shallow water habitats, their coastal forests, their limited and irreplaceable natural and urban public

scenic view sheds.

Other times, a “silo” philosophy reigns, and the Agency declines to consider impacts of multiple applicants proposing habitat loss and/or waste discharges into the same waterbody, erroneously claiming that each must be considered on its own, and cumulative impacts will not be considered.

We believe the present administration is willing to choose the option of paying attention to cumulative impacts in addition to direct impacts. Maine DEP can for example, continue its history of protection and conservation of Rockland Harbor's natural resources and unique scenic viewsheds: not only Mary Reed Memorial Park near the the base of the city breakwater; but now Harbor Park, adjacent to downtown Rockland.

Maine DEP successfully defended Mary Reed Memorial Park's viewshed and fisheries alongside the adjacent Rockland Breakwater **twice** under successive administrations.. Details below. See also two attached DEP decision document transcriptions .

The Safe Harbor Rockland proposal under review offers many parallels with the earlier Samorock proposals. If approved it too result in encroachment into public waters used for commercial fishing and the degradation of a unique Rockland viewshed of local and national significance. Both times these were proposed by absentee corporations, with concern for little beyond their own profit.,

We urge DEP not to allow Safe Harbors to turn a public piece of the harbor to their own ends while displacing some of the city's public harbor users, driving out one or more of the existing marinas by offering lower fees for similar activities and product, degrade the Harbor Park viewshed by allowing oversized pleasure craft , up to 200 feet long and 4 stories high, to visit the already crowded inner harbor . These combined would decrease the city's attraction as a unique place as well as increase risks to public health and safety.

Climate. DEP needs to consider the impacts being wrought by climate change in its review. Present time's warming climate has brought a new wave of development to Penobscot Bay. Yet it also appears that more frequent severe storms are visiting our bay; witness the October 27, 2021 beaching of vessels in the vicinity of the harbor reach that the applicant hopes to exploit for mega yachts.

That event alone shows that the plans that SHM inherited from Yachting Solutions and amended to increase the marinas size and capacity may have already been outstripped by the new weather patterns.

SHM's two proposed embellishments: boosting the density of pleasure craft in the inner harbor, and anchoring and docking up to eight view-blocking megayachts off the exposed beach area south of the present marina at the site overall lends to being an unscenic, unsafe harbor.

As noted in Maine Coastal Program's Strategic Outlook 2021-2025:
“Access to the shore is a traditional way of life for Maine residents who value the coast for its scenic beauty, recreational opportunities and cultural heritage. The biggest industries in Maine depend on access to the water and tourism is a primary contributor to the state’s economy.”

Contrary to the strategic outlook, this SHM proposal actually threatens Rockland Harbor's “scenic beauty, recreational opportunities and cultural heritage” (the harbor viewshed, the harbor's amenities for tourism swimming and sailing and the harbor's commercial fishing fleets, respectively.)

The proposed expansion of this marina would significantly degrade the harbor park view shed, would reduce public access to the harbor, would greatly narrow an important reach of the harbor's nearshore water trail traversed by the kayaking, paddle boarding and rowing public.

The expansion would require the dredging away of large area of the harbor's productive lobster habitats, long exploited by the harbor's small-vessel but lucrative and sustainable commercial lobster fishery.

The arsenic-rich spoils would be dumped into a closed quarry, whose fractured rocky sides and floor would loose a tainted leachate that would chronically reduce the water quality of the nearby Saint George River, harming that river's aquaculture and commercial and recreational fisheries as well as tainting wells and springs in the area surrounding the quarry dumpsite

Those biggest industries that the Coastal Program's strategic outlook calls for conserving, tourism and fishing, both would both be unacceptably impacted by the SHM proposal if approved.

In summary the applicant would reduce public harbor access, a significant scenic view shed, harbor lobster fisheries and reduce use of the the city's tiny

public beach public beach.

As noted, DEP has acknowledged concerns raised about the broader effects, both indirect and cumulative, of major developments that fall under their purview and acted appropriately by rejecting them.

We hope that this is one of those times.

SPECIFIC ISSUES Listed by the names of their related attachments

Attachment 1. Regulatory history. The applicant's list of developments shows how, down the years, the owners of this site have kept as close to its original footprint as it was when built for the MBNA corporation's yachts. The list also denotes how often proposals for significant expansion since then have been rejected.

The present applicant proposes to expand into a public mooring field and into waters near shore used as a water trail by paddlers and skiffs to reduce interaction with larger vessels. This proposal would bring the very vessels the paddlers are avoiding, right into that space, making them vulnerable there too to larger craft. This is unacceptable.

Attachment. 2 Alternatives analysis

The applicant ignores genuine alternatives. For example, instead of crowding Rockland's inner harbor with oversized view-blocking graywater-discharging megayachts, all visiting mega yachts have the alternative of safely mooring in the outer harbor, with easy access to Rockland by watertaxis, launches and other private vessels.

That alternative is what that Maine DEP preferred to Samorock's proposal to set up a private marina alongside the Rockland Breakwater for the ease of its boating visitors. This is also the practice of most cruise ships visiting Rockland. There is no reason that the applicant cannot follow the same practice.

While the megayachts may be smaller than some cruise ships, the applicant proposes to bring them well into the inner harbor. Not briefly, like the boutique small cruise ships that rarely if ever spend more than 24 hours in Rockland. The applicant proposes to allow megayachts to stay as long as they are willing to pay for.

The applicant would also act as service center for megayachts, which could cause megayachts to stay an extended periods of time be left in the inner harbor for for as long as repairs or additions to the big vessels takes.

The proposed expansion of the marina will make it likely that it will become a site for used mega yacht sales. These would be allowed to stay indefinitely within Safe Harbors' leased submerged lands reach fouling the view and the waters as they must be continue to have systems running aboard, and hence require crew aboard. Their graywater wastes would also wash into Sandy Beach waters, risking public health

It is far better to require megayachts to anchor in the outer harbor like the larger cruiseships do, and and bring crews and passengers ashore and back in launches and other small craft. Ditto for food and other material items needed aboard

We believe the information above demonstrates that the applicant has failed to failed to consider this reasonable alternative to the massive structures the applicant proposes for mega yacht use.

Maine DEP has required this alternative in past permit reviews Rockland Harbor. DEP needs to adhere to that standard. .

Attachment 3. Maps Applicants' site maps are insufficient to denote impacts the project would have on harbor users . The applicant makes every effort to crop its site maps down to the smallest area of the harbor possible. This makes it difficult for reviewers to understand the projects likely offsite impacts and encourage the aforementioned "silo" thinking, that would review the project on its own without any consideration of the numerous offsite impacts the project would have. The applicants maps are insufficient without a look at the larger harbor picture, The one d harborwide map it offers is insufficient

Attachment 4 No comments

Attachment 5. Existing conditions. This suffers from the use of the same very close-in maps that prevent consideration of the existing conditions the surrounding harbor areas for context.

Attachment 6 Additional Plans: Blank see attachment 5

Attachment 7 Construction Plan. No issues. We prefer the project be rejected

Attachment 8 No comments

Attachment 9 Site conditions/Environmental assessment

This tiny review by Eco-Analysts is far too limited. Its review of animals using the site does not taking into the account the well-documented seasonally numerous wildlife users of the site

Attachment 10 No comments

Attachment 11 Historic Preservation No comments

Attachment 12 Functional Assessment This is very inaccurate. Consider the section of this assessment:

Groundwater recharge/ Discharge Thanks to inevitable leachate from the former gravel pit – its adjacent bedrock greatly shattered by the mining process - the quality of the groundwater used by used by by people, the local springs used by wildlife and the waters where the leachate from the waste dump will enter the Saint George River will all be badly polluted with heavy metals in the waste for at least a century

Fish and Shellfish Habitat The evaluations cryptically states “Activities will take place outside of migratory fish seasons.” The **operations** of the proposed expanded areas must be part of the review, not only construction activities The operations will take place when many migratory fish are visiting Rockland Harbor including but not limited to sturgeon, mackerel, bluefish and striped bass. These, as well as the the year-round fishes and shellfish will be impacted by vessel graywater and the runoff from daily mega yacht deck washdowns draining into the harbor - along with whatever cleansers are used

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Sediment/Toxicant Retention The applicants states “Tidal Action reduces the opportunity to perform this function”. However, a key part of the proposal is the installation of wave attenuators specifically designed to slow waters entering their site. If the project is built the attenuators will **increase** sediment retention.

Wildlife Habitat the consultant's wildlife survey ridiculously concludes that *,"Herring and Ring Billed Gulls Observed, no other species observed."*

Eco-Analysts survey's apparent single brief observation does not remotely offer sufficient portrayal of the wildlife of Rockland Harbor that would be impacted for the purposes of DEP's review. Even a cursory look at the work of IFW and other bird experts reveals the harbor is a regular and seasonal site for ospreys, sea ducks including buffleheads, eiders, harlequin ducks and black scoters, double crested cormorants, great blue herons and many more. To

claim that two gull types "were observed" does not a bird inventory make. Wintertime sea ducks (multiple species) flock to the Rockland Harbor from Canada and will be impacted by the project. In addition seals are common in Rockland Harbor .

We consider the ecological analysis provided by the applicant to be hopelessly deficient and misleading. It falsely depicts a nearly lifeless harbor ecosystem rather than the reality as noted above, and should be rejected as insufficient

Recreation The applicant blithely states "This is the Function and Value of a marina", as if marina use is the sole recreational activity of the harbor. It is not. Instead recreational sightseers will be thwarted, of their views, kayakers and paddle boarders will have a significantly smaller and considerable less safe nearshore harbor trail once the the applicant extends a floating pier with 14 slips into it Beachgoers at Sandy Beach will repeatedly find the waters closed to swimming and wading thanks to the graywater and wash down waters that these adjacent megayachts would inevitably discharge.

Visual Quality The applicant is entirely off the mark. Its statement "Marina is in an urban area with numerous other marinas docks and wharfs." entirely ignores the very high quality scenic views from Harbor Park that would be blocked by the proposed project, This includes views from Harbor Park of the Rockland Lighthouse, Owls Head State Park, of at least a hundred square miles of West Penobscot Bay, and of the shores of of the Fox Islands, 12 miles distant.

Moreover the Scenic Assessment Handbook (attached) issued by the Coastal Program urges the use of the last scenic evaluation of coastal Penobscot Bay, which is "Scenic Inventory Mainland Sites of Penobscot Bay" (DeWan and Naetzker, 1990). (Attached)

This document includes these "Viewshed Management Recommendations" for Rockland: (attached): "Develop performance standards for the eventual development/redevelopment of waterfront parcels, **focussing on maintenance of visual access to waterfront areas** and bulk and space requirements." (our emphasis)

The proposed marina expansion would completely ignore these recommendations. We hope that DEP will, instead, assign great value to these simple clear recommendations.

Attachment 13 COMPENSATION Document falsely claims that the only part of their project requiring compensatory action is their pilings! The degraded viewshed, the

lost fishing grounds, the forcible removal of the public and their moorings from part of the nearshore harbor to make room for megayachts, the adding of slips for motorized vessels into the harbor trail area used by kayakers paddleboarders and skiff users...all these would require compensation as well. It is unlikely that the applicant would agree to mitigating those degradations of the harbor, However DEP must be strong on site protection and insist real compensation must be agreed to if the applicants wants approval from DEP

All these adverse impacts must not be allowed, merely to benefit an international marina holding company, the tiny mega yacht sector, and a cabal of local politicians. Safe Harbors would take over, bite by bite, as much of Rockland's public inner harbor as they can on behalf of their absentee corporate owner, if this application was approved.

Certainly from their investors' perspective, Rockland Harbor is little different from any of the hundreds of other harbors they've bought into and settled in as Big Frog of the small harbor. The fact that Safe Harbors was significant funded by the Koch Brothers in its growth phase does not augur SHM being interested in the slightest in providing environmental protections for host communities, including Rockland.

In closing we urge DEP to respect the Coastal Programs growth recommendations for Rockland and to review the application in light of the issues we have . raised above. Maine DEP has saved Rockland at least twice from misguided harbor development plans. Please carry on the noble tradition of your Department being truly committed to Environmental Protection, and turn back this application.

Sincerely

Ron Huber

Ron Huber
Penobscot Bay Watch

See next page for list of attachments

Attachments

* 2000 rejection of Samorock proposal (transcription) *(

* 2007 denial of Samorock proposal (transcription) *

(I received those two documents from DEP in an old fashioned fax machine that used scrolled heat sensitive paper, so I transcribed them. DEP will certainly have the original documents.)*

Maine Coastal Program Scenic Assessment Handbook

*MCP Strategic Outlook 2021_2025

Coastal Program Scenic Inventory Program

“Scenic Inventory Mainland Sites of Penobscot Bay Aug 1990

“Owls head to Camden Hills State park” excerpt from Scenic Inventory Aug 1990

News story

“Strong nor'easter rips Rockland Harbor” PenBay Pilot news 10/27/21