

MacNeil, Jami

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Friday, November 05, 2021 9:13 AM
To: MacNeil, Jami
Subject: Re: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)
Attachments: F737749C-FDFB-46B0-9FDD-FD21CA788D07.png;
3483314A-6543-4766-9DA6-8A7B6B4BC37C.png
Categories: Red Category

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Thank you, Jami. I've decided to bend my work schedule so that I can be there. I'm curious how site visits work, having not seen them before, and will come in my capacity as a columnist for a local paper. I love the idea that you get to visit various sites to look at them.

Is there a place I can go to find out general statistics for what percentage of NRPA applications are approved throughout the state, year to year?

One other thing I wanted to note about SHM's application is something that may seem small but also could have been intentional. I compared the second Yachting Solutions application, which is put together by the same engineering firm, and under the guidance of the same person, Bill Morong, the head of Yachting Solutions, who is now a primary consultant for Safe Harbor Marinas on the ground in Rockland, with the current SHM application. The previous application included depictions of boats tied up at the docks on the Eastern side—although these depictions were flat, and didn't give a sense of the height of these boats, they helped with visualizing how long those boats would stick out.

That feature isn't in the new application, and one wonders if it was done in order to make it appear as if SHM didn't know the exact length and width of the boats they plan to dock there and charge for, and/or perhaps to obscure how those 200'-240' boats could actually be affecting the viewshed, line of sight, littoral zones, and the municipal channel. I believe a more accurate rendering including the maximum boat lengths and widths would better reflect their plans.

Attached are screenshots from the SHM application, which includes them trying to show that their previous application called for more dredging; it also shows that in their prior application they included boat renderings, whereas the current one does not seem to anywhere.

Thank you,
Rebecca Glaser

On Thursday, November 4, 2021, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Ms. Glaser,

Yes, I will be at the site visit. I do believe a representative of the applicant will be present. I hear and acknowledge your concerns and frustrations with the process, but we do have to follow our rules and policies on public comment.

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: Becca Shaw Glaser <beccaglaser@gmail.com>

Sent: Thursday, November 04, 2021 5:39 PM

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

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

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Hi Jami,

Thank you again for your detailed reply. I really appreciate it.

That's interesting that the clearcutting, which was done by the city, would be under the purview only of the city itself. It seems like that dynamic opens up room for environmental mishaps.

As to the great blue heron, I wasn't thinking merely of dredging's impacts but of the fact that Rockland has been seeing more birds like that than we used to, and I wonder if having more activity, more boats, etc. in that area might affect them as well. You probably understand heron habits more than I do though!

Will you be at the site visit tomorrow?

I have to work, although I've considered trying to get over for the site visit. But I don't know if it makes sense for me to go to something where I am assuming, based on it being explained as not allowing public comment, I won't be able to converse and explain some of the public's concerns. In contrast, it is my assumption that the representatives of the company will be allowed to converse with and of course try to explain their proposal in the best possible light to state regulators. Perhaps I am wrong, but if that is how these state site visits work, it seems to have the potential to be skewed in favor of companies since they get to represent their applications in the best light, and it locks out the wisdom of the public who may have other things to point to at a site visit which are hard to explain in email.

I imagine that is not a policy that you personally have control over but I simply wanted to express that it doesn't feel like the most open, public process if that is how the state conducts these site visits. Conversely, I can imagine that having to field many comments and questions from the community could feel overwhelming, but if only the corporation or government officials are allowed to speak in person with the state regulators, does that not in some ways disempower and even devalue the public, the community at large?

Thanks again, and take care,

Rebecca Glaser

On Thursday, November 4, 2021, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

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

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

Sent: Thursday, November 04, 2021 1:43 PM

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

Subject: Additional 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 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: <https://knox.villagesoup.com/2021/01/23/rockland-clears-greenery-to-open-harbor-view-1881380/>

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

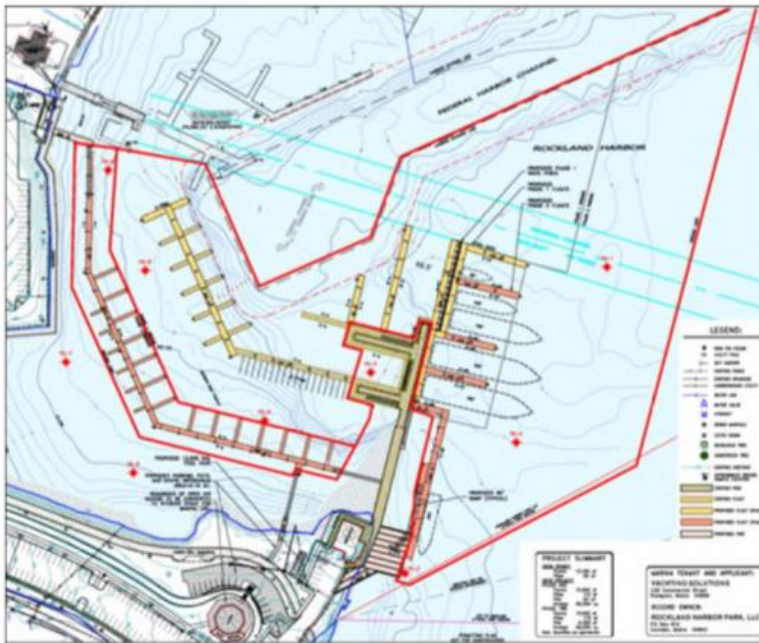


broadside boats and relocation of a city channel. Due to this opposition, this marina expansion option was abandoned.

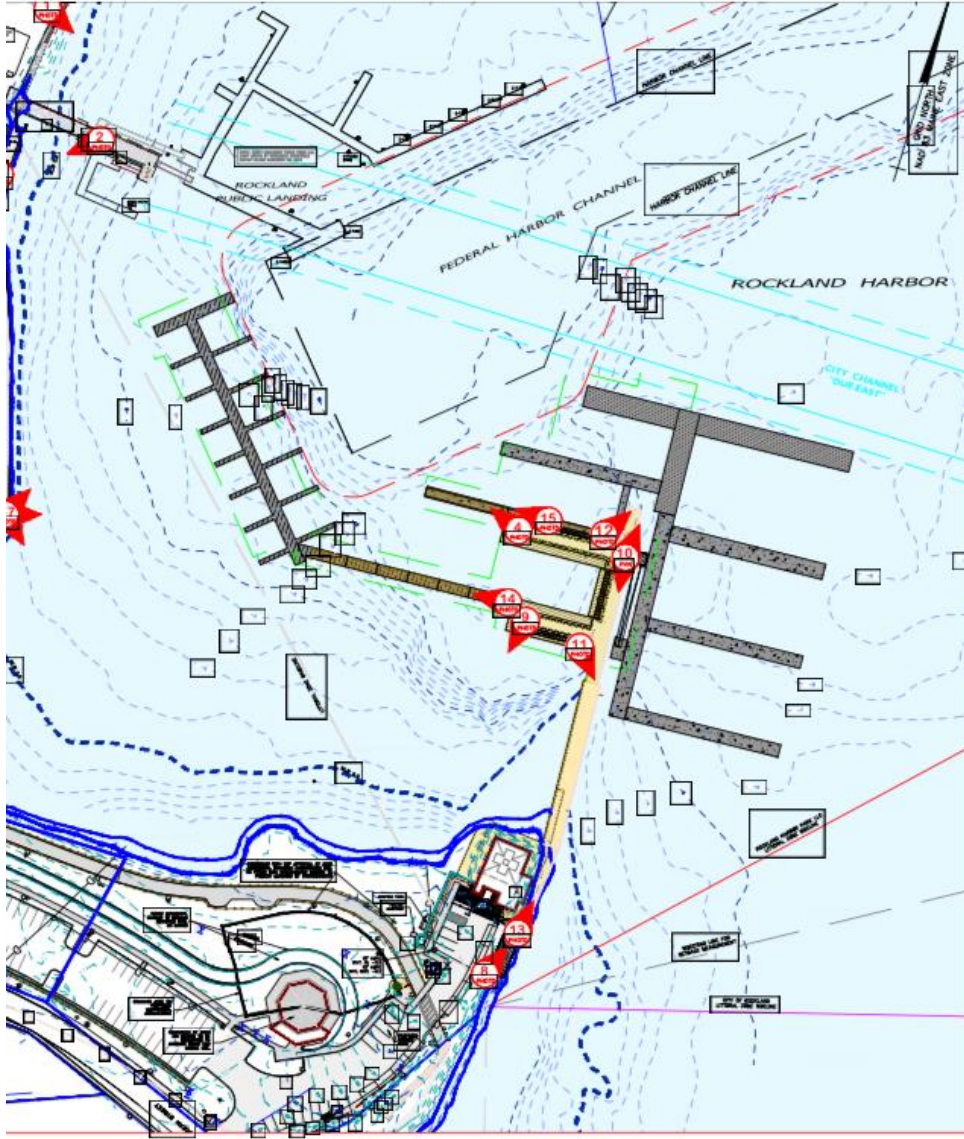
Avoidance and Minimization

Reduce Size of Project

As discussed above, the project size has been reduced to accommodate public sentiment. As a result, the amount of direct and indirect sub-tidal impacts will be significantly reduced. By way of example, below is an image of an earlier concept that shows a much larger dredge area (shown in red) envisioned for the larger Inner Harbor project:



The dredge area shown above is over 11 acres. The current project has minimized the dredge area to approximately 3.0 acres



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SH ROCKLAND - NRPA APPLICATION
 PHOTO KEY
 ROCKLAND, MAINE

SCALE: 1"=120'

JUNE 2021

SHEET 1 OF 1

MacNeil, Jami

From: MacNeil, Jami
Sent: Friday, November 05, 2021 11:20 AM
To: Ron Huber
Subject: RE: Todays Rockland visit - where there will you be meeting up with SHM and others

Hi Mr. Huber,

We are meeting at the gazebo.

-Jami MacNeil (she/her)

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

From: Ron Huber <coastwatch@gmail.com>
Sent: Friday, November 05, 2021 10:45 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Todays Rockland visit - where there will you be meeting up with SHM and others

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Hi Jami are you meeting up with the others for the site visit at 1:30 at Archers restaurant? Or elsewhere?
We understand there'll be some . Looking forward to meeting you and Karen F. and seeing you two in action.
Ron

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

MacNeil, Jami

From: MacNeil, Jami
Sent: Friday, November 05, 2021 11:29 AM
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)
Attachments: 2021-11-01 DEP Report re Development Permit Processing.pdf

Hi Ms. Glaser,

Thank you for the additional notes and images. I will accept these into the record, but please note that the deadline for public comments was yesterday at 5:00 pm. No further comments will be accepted so we have time to complete our review.

I will look into your question about permit statistics. We do not have a public database, unfortunately.

-Jami MacNeil (she/her)

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those 200'-240' boats could actually be affecting the viewshed, line of sight, litoral zones, and the municipal channel. I believe a more accurate rendering including the maximum boat lengths and widths would better reflect their plans.

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Jami

-Jami MacNeil (she/her)

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

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

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Hi Jami,

Thank you again for your detailed reply. I really appreciate it.

That's interesting that the clearcutting, which was done by the city, would be under the purview only of the city itself. It seems like that dynamic opens up room for environmental mishaps.

As to the great blue heron, I wasn't thinking merely of dredging's impacts but of the fact that Rockland has been seeing more birds like that than we used to, and I wonder if having more activity, more boats, etc. in that area might affect them as well. You probably understand heron habits more than I do though!

Will you be at the site visit tomorrow?

I have to work, although I've considered trying to get over for the site visit. But I don't know if it makes sense for me to go to something where I am assuming, based on it being explained as not allowing public comment, I won't be able to converse and explain some of the public's concerns. In contrast, it is my assumption that the representatives of the company will be allowed to converse with and of course try to explain their proposal in the best possible light to state regulators. Perhaps I am wrong, but if that is how these state site visits work, it seems to have the potential to be skewed in favor of companies since they get to represent their applications in the best light, and it locks out the wisdom of the public who may have other things to point to at a site visit which are hard to explain in email.

I imagine that is not a policy that you personally have control over but I simply wanted to express that it doesn't feel like the most open, public process if that is how the state conducts these site visits. Conversely, I can imagine that having to field many comments and questions from the community could feel overwhelming, but if only the corporation or government officials are allowed to speak in person with the state regulators, does that not in some ways disempower and even devalue the public, the community at large?

Thanks again, and take care,

Rebecca Glaser

On Thursday, November 4, 2021, MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

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

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

Sent: Thursday, November 04, 2021 1:43 PM

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

Subject: Additional 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 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: <https://knox.villagesoup.com/2021/01/23/rockland-clears-greenery-to-open-harbor-view-1881380/>

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)

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

Report to the Joint Standing Committee on
Environment and Natural Resources
130th Legislature

Review of Development Permit Processing

November 1, 2021

Contact: Nicholas D. Livesay, Director
Bureau of Land Resources
Phone: (207) 530-0965



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 State House Station | Augusta, Maine 04330-0017
www.maine.gov/dep

Pursuant to Public Law 2021, chapter 62, the Department of Environmental Protection has evaluated permit processing and processing times under three of Maine's core environmental laws:

- Site Location of Development Law, 38 M.R.S. §§ 481 through 489-E;
- Natural Resources Protection Act, 38 M.R.S. §§ 480-A through 480-JJ; and
- Stormwater Management Law, 38 M.R.S. § 420-D.

This report summarizes the Department's findings and discusses the relationship between Department staff levels and delivery of service.

I. Background

A. Statutory Framework

Site Location of Development Law (Site Law) – Under this law, the Department is responsible for reviewing permit applications for all development of state or regional significance that may substantially affect the environment and all larger-scale subdivisions, generally commercial subdivisions with five or more lots and residential subdivisions with 15 or more lots. Effectively, in addition to these larger subdivisions, all development that includes more than three acres of impervious area or occupies more than 20 acres requires a Site Law permit from the Department. These thresholds triggering Site Law review may be exceeded by a single development proposal or in aggregate by multiple, related proposals over time.

Examples of development that commonly requires a Site Law permit include: larger apartment building complexes, shopping centers, new and expanded manufacturing facilities, schools, utility infrastructure such as transmission lines and pipelines, land-based aquaculture, wind power, and solar power.

Natural Resources Protection Act (NRPA) – Under this law, the Department is responsible for reviewing permit applications for construction and earth moving activities in and adjacent to certain environmental resources identified in statute as protected natural resources. The potential impact of development activities on freshwater wetlands, coastal wetlands (including the ocean), rivers, streams, brooks, lakes, and ponds are evaluated by the Department as part of the NRPA permitting process. Activities potentially affecting coastal sand dune systems, significant wildlife habitat (as defined in statute), fragile mountain areas, and community public water system protection areas typically require review under NRPA, as well.

Examples of activities that commonly require a NRPA permit include: installation of riprap or a retaining wall along oceanfront property; construction of a residential pier; clearing of a forested wetland for shade management associated with a solar project; and the filling a wetland for construction of an access road to a development, extension of an airport runway, expansion of a school or business, and establishment of a new commercial or industrial facility.

Stormwater Management Law – Under this law, the Department is responsible for reviewing permit applications for construction activity that disturbs an acre or more of land. However, if

the development proposal is large enough to require a Site Law permit, the development is exempt from the Stormwater Management Law and potential stormwater impacts are reviewed and evaluated as part of the Site Law permitting process.

Examples of projects requiring a Stormwater Management permit include: construction of a small office building and associated parking lot or installation of a distributed generation (<5 MW) solar project that occupies 20 acres or less.

Relationship Between These Laws – Site Law, NRPA, and the Stormwater Management Law all operate together. It is not uncommon that a development proposal large enough to require review under Site Law also impacts a protected natural resource, such as a wetland, requiring a NRPA permit, as well. When both a Site Law permit and NRPA permit are required for a single development, the Department issues both permits as part of a single document or order. This order addresses the different legal standards contained in the two governing laws and accompanying rules.

The legal relationship between Site Law and the Stormwater Management Law is slightly different, but the practical effect is the same. Projects large enough to require a Site Law permit are exempt in statute from the Stormwater Management Law. The law, however, specifies that Site Law projects must meet stormwater standards. The result is that stormwater review is conducted as a part of the review of all Site Law applications, but a separate stormwater permit is not issued for these developments. Only projects that are large enough to trigger the Stormwater Management Law by disturbing an acre or more, but small enough not to trigger Site Law, receive a Stormwater Management permit.

If a project requires both a Stormwater Management permit and NRPA permit, both permits are issued as part of a single order.

B. Permit Types

Individual Permit v. Permit-by-Rule (PBR) – Permits issued under these three laws fall into two broad categories, permits-by-rule or individual permits.

Projects with minimal environmental impact and minimal risk may be authorized through a PBR. Presently, PBRs are issued for qualifying projects under NRPA and the Stormwater Management Law. There are no Site Law PBRs at this time. All PBR applications are reviewed by staff to ensure that all the necessary submissions are included and that the project qualifies for PBR. Many PBR applications are completed and submitted by property owners, as opposed to being prepared by consultants. Staff frequently work with these individuals to help them understand how to design their project to qualify for a PBR and what materials they need to submit along with their application form. Staff also visit individuals' property as part of assisting them through the PBR process. Once a PBR application is submitted, absent notification from the Department that a PBR application is deficient or that an individual permit is required, a PBR is deemed approved and becomes effective 14 days after receipt by the Department.¹

¹ Land Division staff also receive and review Notices of Intent to Comply with the Maine Construction General Permit (NOIs). This general permit covers certain construction activity that disturbs more than

All other permits are individual permits, meaning an order is drafted by staff and signed by the Commissioner or her designee, typically the Director of the Bureau of Land Resources. As part of this process, the project manager commonly meets with the applicant as part of separate pre-application and pre-submission meetings, visits the development site, reviews the application materials and identifies any additional information needs, coordinates technical review within the Department (e.g., with stormwater engineers) and with other agencies (e.g., Department of Inland Fisheries and Wildlife (DIFW), Department of Marine Resources (DMR), Maine Historic Preservation Commission (MHPC), Maine Natural Areas Program (MNAP), Maine Geological Survey (MGS)), evaluates compliance with all the applicable review standards, and drafts a recommended order.

New Permits, Permit Amendments, Minor Revisions, and Other Orders – Individual permits fall into different categories. One category of permit is a new permit. Once issued, a permit may be modified either through a permit amendment or minor revision. A permitting decision, in the form of a signed, written order, is required for new permits, permit amendments, and minor revisions. A permit may be modified with a minor revision when the proposed change is small and meets certain criteria established in rule, such as decreasing or eliminating environmental impact. All other permit modifications require an amendment.

Under Site Law, a new permit is issued the first-time development on a parcel exceeds the size threshold triggering the need for such a permit. A Site Law permit applies to the whole parcel. All subsequent development on the parcel, unless exempt from permitting by statute, requires either a permit amendment or minor revision. This means, for example, that development of a large-scale water bottling facility on undeveloped property would require a new Site Law permit. Once issued, construction of a 45,000 square foot expansion would require a permit amendment. Additionally, construction of a new 25-acre, 5 MW solar project on an undeveloped portion of the same parcel would require an amendment to the existing Site Law license. Construction of the same solar project on a different parcel, however, would require a new permit as opposed to an amendment. Similarly, construction of a land-based aquaculture facility on a previously undeveloped site would require a new Site Law permit, while construction of the same facility at former paper mill site already subject to a Site Law permit would require a permit amendment. The majority of amendments issued by the Department are Site Law amendments.

Under the Stormwater Management Law, a new permit is issued for a project when more than an acre will be disturbed. Subsequent modification of the approved stormwater management plan or additional, contiguous development that is part of the same larger project likely would require a permit amendment. Small changes that fall within the definition of minor revision, such as a reduction in the number of parking spaces and associated paved area, likely would not rise to the level of change warranting an amendment.

Under NRPA, a new permit is issued for activity that may impact a protected natural resource. NRPA permits authorize specific activity and are rarely amended. For example, if a NRPA permit is issued to authorize 20,000 sq. ft. of wetland fill as part of construction of an shopping

an acre and is part of the federal National Pollutant Discharge Elimination System (NPDES) program grounded in the federal Clean Water Act. NOIs function similarly to PBRs.

center and three years later the developer wants to fill 7,500 sq. ft. more of wetland in order to construct additional buildings, a new NRPA permit would be required for the new wetland fill, as opposed to amending the previously issued permit that authorized separate activity.

In addition to the issuance of new permits, permit amendments, and minor revisions, the Department issues a number of other types of orders. For example, the Department issues orders approving the transfer of existing permits to new owners and confirming that conditions of a previously issued permit have been satisfied by the permit holder.

C. Department Organizational Structure and Staff Responsibilities

Organization – The Department is organized into four bureaus, one of which is the Bureau of Land Resources. Within this bureau, the Land Division administers Site Law, NRPA, and the Stormwater Management Law. The Land Division includes a Division Director and four supervisors (Environmental Specialist IVs) who each lead a team. Each team includes licensing staff and field services staff. With the exception of one Biologist I who provides field services, all other licensing and field services staff are Environmental Specialist (ES) IIs or IIIs. Additionally, stormwater engineers are assigned to these teams.²

Licensing Staff – The Land Division includes 17 licensing positions. This total includes two ES III positions created in the FY 2022/2023 Biennial Budget. The position break-out is as follows:

- 13 Senior Project Managers (ES IIIs)
- 4 Project Managers (ES IIs)

Consistent with their respective job specifications, ES IIIs may handle more complex and more controversial matters. As a result, ES IIIs handle nearly all Site Law permitting and some NRPA and Stormwater permitting. ES IIs handle primarily NRPA permitting.

The primary responsibility of licensing staff is reviewing permit applications and drafting permitting decisions (i.e., orders). This licensing function include: pre-application and pre-submission meetings, site visits to property proposed for development, reviewing application materials, identifying outstanding questions or application deficiencies and requesting additional information from applicants, coordinating external review of applications with experts in other state agencies (e.g., DIFW, DMR, MHPC, MNAP, MGS), coordinating internal review of applications with stormwater engineers and with individuals with geotechnical, hydrological, water quality or other areas of expertise as appropriate), and drafting the order with the permitting decision.

Licensing staff responsibilities also include post-construction site inspections to assist permittees with ongoing compliance, participating in the bureau’s “on-call” program (receiving and responding to public inquires on one of three designated phone lines serving different regions), attending professional training, and recording necessary data (e.g., wetland impact tracking data) and archiving files in accordance with retention policies.

² The FY 2022/2023 Biennial Budget added five positions with the Land Division. As part of the assimilation of these positions, adjustment to the existing four-team organizational structure is anticipated.

To fulfill these responsibilities, licensing staff's time should be apportioned as shown in Table 1

Table 1. ES II & ES III Licensing Staff Core Responsibilities	
Licensing	70%
Compliance	15%
On-Call	10%
Other	5%

ES IV staff directly supervise all licensing staff and their work. With respect to the permitting process this includes: answering questions about regulatory requirements, coordinating with challenging applicants, participating in project meetings and site visits with applicants, and reviewing orders. These supervisors also serve as project managers due to overall workload within the Department and frequently handle particularly complex permitting matters.

Stormwater Engineering Staff – The Licensing Division includes six engineering positions, including three positions created in the FY 2022/2023 Biennial Budget:

- 1 Sr. Environmental Engineer
- 3 Environmental Engineers
- 2 Assistant Engineers

These positions will form a stormwater team once filled. At present, however, only one Environmental Engineer position is filled and a recently hired Assistant Engineer is scheduled to join the Department in December. Recruiting and retaining staff in these positions historically has been difficult and that trend continues in a strong job market for engineers in Maine. The last five times the division has posted an opening for an Environmental Engineer an average of one qualified candidate (i.e., a Professional Engineer) has applied, with the applicant pool ranging from zero to two candidates satisfying the minimum qualifications for the position. Only one of four individuals offered a position has accepted and joined the Department. This individual has since left the Department. Recruiting to fill vacant positions is underway.

Engineering staff are responsible for reviewing stormwater management plans and related engineering included in Site Law permit applications and Stormwater Management permit applications. As part of this review, they participate in pre-application meetings, prepare written review comments on application submissions, and coordinate with engineers working for applicants to ensure stormwater management systems are adequately designed to protect water quality and meet the applicable environmental standards. Engineering staff also are responsible for administering the 5-year recertification program for approved stormwater management systems. This involves inspecting existing systems to ensure they are functioning properly and coordinating with property owners to make sure they are adequately maintaining their systems and that the systems are functioning properly. Engineers also are responsible for conducting compliance inspections and assisting with enforcement of stormwater violations.

Field Services Staff – The Licensing Division includes eight field services staff. The position break-out is as follows:

- 1 Biologist I
- 4 ES IIIs
- 3 ES II

Field services staff provide field determinations, assisting members of the public who call with questions about the natural resources on their property by visiting the property to view what resources are present. As part of this assistance, staff help property owners understand what options they have for completing their desired project and what types of permits may be required. These staff also assist local code enforcement officers by answering similar types of questions about development proposals presented to local municipalities that may impact natural resources regulated at the state level. In addition, field services staff respond to citizen complaints, often regarding activity on nearby or abutting property. These staff also are responsible for compliance inspections and for pursuing enforcement action where violations cannot be resolved voluntarily by the property owner. Formal enforcement involves preparing notices of violation and preparing and negotiating consent agreements, which involves coordination with the Office of the Attorney General and ultimately requires approval by the Board of Environmental Protection.

Along with field-related work, field services staff participate in the Land Division’s “on-call” program and process nearly all of the NRPA and Stormwater PBRs received by the Department, as well as accepting Maine Construction General Permit NOIs. Over the past decade, on average staff have processed over 1,759 PBRs and over 198 NOIs, annually. The annual averages for the last five years are 1794 and 258, respectively

To fulfill these responsibilities, field services staff’s time should be apportioned as shown Table 2.

Table 2. Field Services Staff Core Responsibilities	
Complaint Response & Compliance Assistance	30%
PBR Processing & Assistance	20%
Field Determinations	20%
Formal Enforcement	10%
On-Call	10%
Other	10%

The same ES IV staff who directly supervise licensing staff also supervise field services staff. Currently, the four teams with the Land Division contain both licensing and field services staff.

II. Permitting Volumes and Processing Times

A. Permit Numbers for 2020 and the Last Decade

2020 was a busy year for permitting within the Department. For example, the Land Division:

- Issued more individual land orders – 830 – (Site Law, NRPA, Stormwater) in 2020 than in any other year in the last decade;
- Issued 59 new Site Law orders for projects in 2020; this is a 59% increase over the next highest year in the last decade, 2019;
- Issued more NRPA and Stormwater PBRs – 1919 – in 2020 than in any other year in the last decade; and
- Accepted more Maine Construction General Permit NOIs in 2020 than in any other year in the last decade.

Figure 1 below illustrates the overall permit volume for the last decade, showing that the five highest annual totals have all come in the last five years, with 2020 being the busiest. While permit numbers were high in 2020, and 2021 is on track to be just as busy, these overall permit volumes are generally consistent with levels over the last decade, as shown in Figure 1. One exception, however, appears to be an upward trend in new Site Law applications; these are applications for new, larger developments. The scale of Figure 1 does not show the upward trend in new Site Law applications; the graph in Figure 2 focuses solely on this category of permit over the last decade and clearly shows the notable increase.

Figure 1

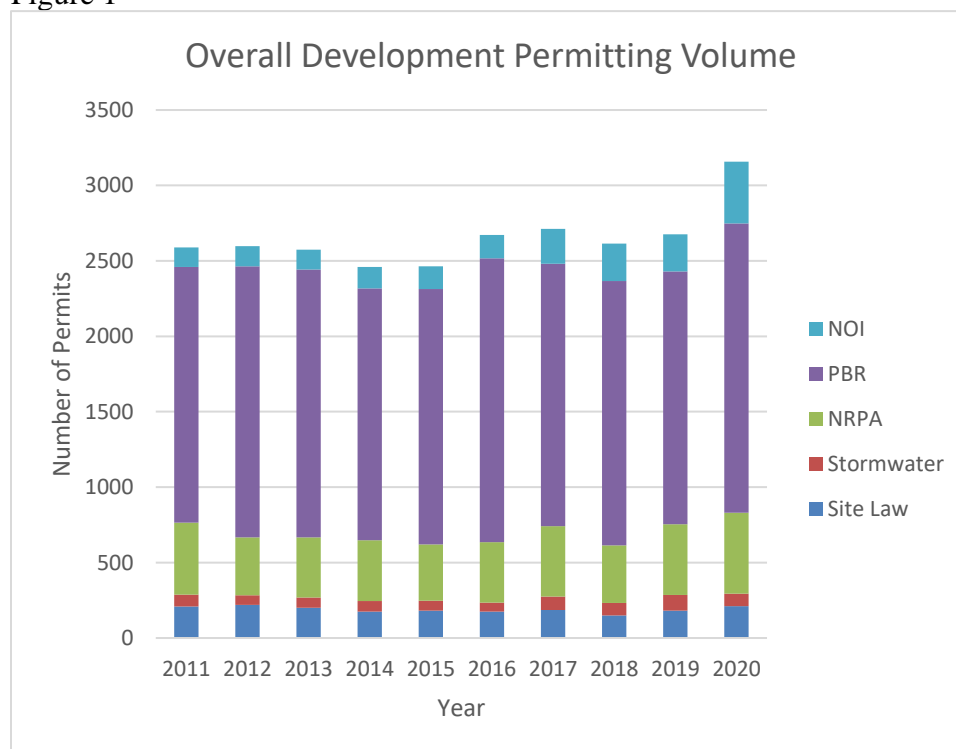
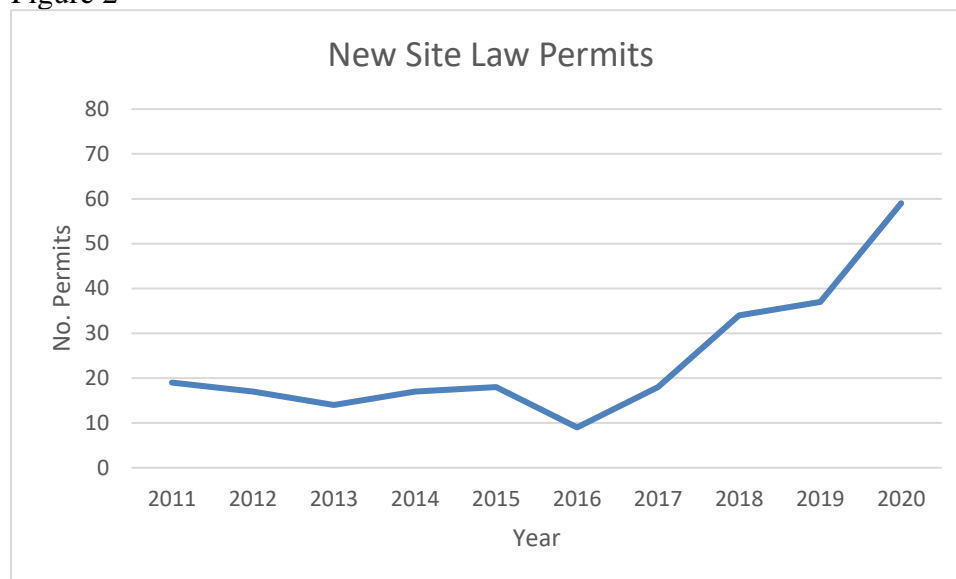


Figure 2



B. Processing Times for Site Law Permits

Consistent with the request in P.L. 2021, ch. 62 that the Department evaluate what staffing levels would be necessary for the Department to process permit amendments and minor revisions within the same timeframe set by the Commissioner for new permits, the Department reviewed processing times for these three categories of Site Law orders – new permits, amendments, and minor revisions – over the last decade. The Department focused on Site Law orders because these orders are the most complex and time consuming and account for the overwhelming majority of amendments and minor revisions.

In the figures below, for each of these three types of Site Law orders the number of permits per year and average processing time for that year are plotted on the same graph. A figure comparing the processing times for new permits, amendments, and minor revisions also is included.

When reviewing these figures, and particularly average processing times, key caveats include:

- Processing times are based on the date an application is accepted as complete for processing and the date an order is signed. In the interim, an application may be placed on “hold,” for example, when the Department is waiting for material from an applicant. The time an application may be on hold is not subtracted from or otherwise reflected in the processing time calculations.
- Many factors influence processing times, such as: the nature and complexity of environmental impact associated with the project, whether the permitting is tied to an enforcement matter, the quality of the application, the need for additional information and the speed with which it is provided, review by outside agencies, and the participation of

members of the public opposed to the project, as well as staff workload, staffing levels, and staff efficiency.

- A small number of applications with long processing times may significantly influence the averages. With the exception of identifying and reviewing several amendment applications that had very long processing times (exceeding 700 days), the Department has not evaluated the potential influence of unique permitting matters on average processing times.

Observations drawn from review of Site Law permit volume and processing time data include:

- The average processing time for new Site Law applications has remained relatively consistent over the last decade, even with a significant increase in new permit applications.
- Over the last decade, the average processing time for new Site Law applications has been roughly two weeks longer than for amendment applications, which in turn has been longer than for minor revisions. Between 2011 and 2020 the average processing times have been:
 - 131 days – New Site Law Permits
 - 115 – Amendments
 - 54 – Minor Revisions
- Over the last four years (2017-2020):
 - The Department has had the four highest overall permit totals of the decade.
 - The number of new Site Law permits has trended upwards, with the three highest totals for the decade coming in the last three years.
 - The combined number of new Site Law and Site Law amendment applications has been trending upward, with the four highest totals for the decade coming in the last four years. These two types of applications are the two most time consuming for licensing staff to process and influence the efficiency with which staff can process all categories of permits.
 - The average processing times across these four years (2017-2020) are higher than the average times for the last decade as a whole. The averages over the last four years were: 137 days for new Site Law permits, 144 days for amendments, and 78 days for minor revisions.
 - While in 2020, Site Law amendment applications were processed over a period 10 days shorter, on average, than applications for new Site Law

permits, in 2017 and 2018 the processing of amendment applications took roughly three weeks longer than applications for new permits, and in 2019 the processing of amendments applications, on average, took two days longer than applications for new permits.

- A portion of the increase in the average processing time for amendment applications in recent years may be attributable to a small number of unique permitting matters with long timelines (see discussion below), however, the general trend notably coincides with the period with the greatest number of new and amendment Site Law applications and the highest overall application volume. Two large projects, the NECEC transmission line and Nordic Aquafarm’s land-based aquaculture facility also were under review during this time period and together involved several thousand hours of Land Division staff time.
- The additional stormwater engineering staff positions created in the most recent budget are expected to alleviate one significant pinch point in the permitting process if the Department is able to attract qualified candidates to fill these positions. The two additional ES III positions also will help reduce the high workload for existing project managers. The Department anticipates, however, that at the present permit application volume, as well as at levels equivalent to the lower five-year average and even lower 10-year average, permitting workloads will exceed what project managers reasonably can be expected to handle while fulfilling all of their job responsibilities. (See Section III, below, and Table 4.)

Figure 3

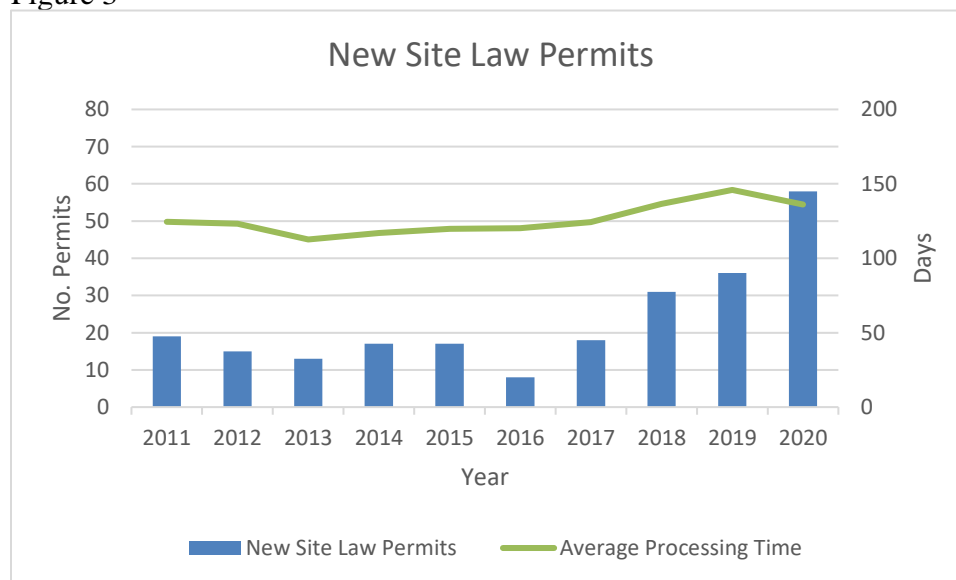


Figure 4

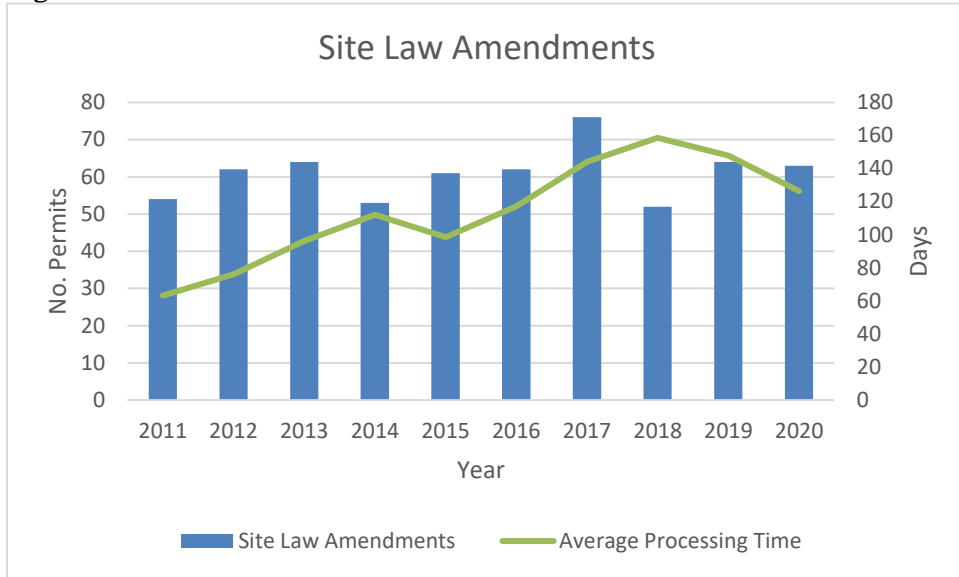


Figure 5

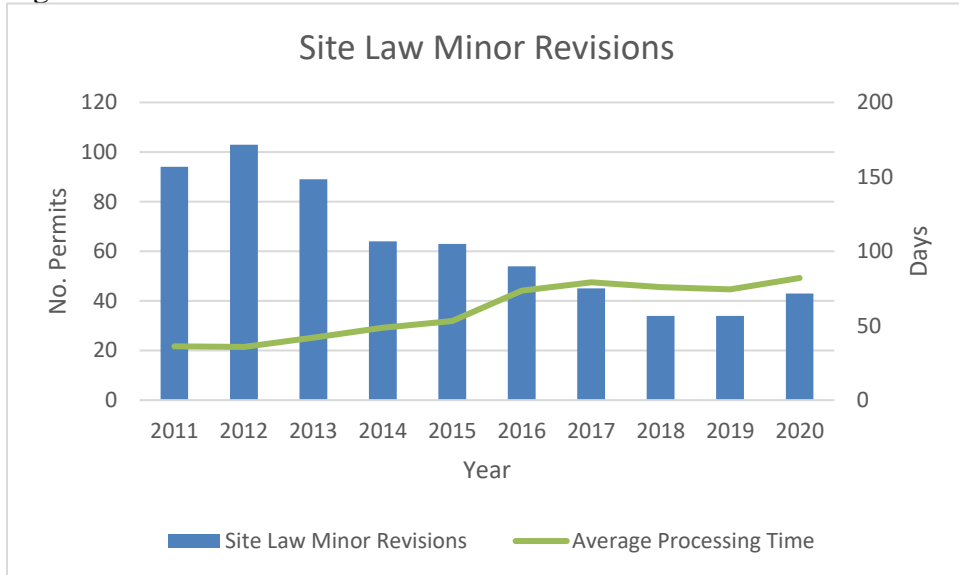
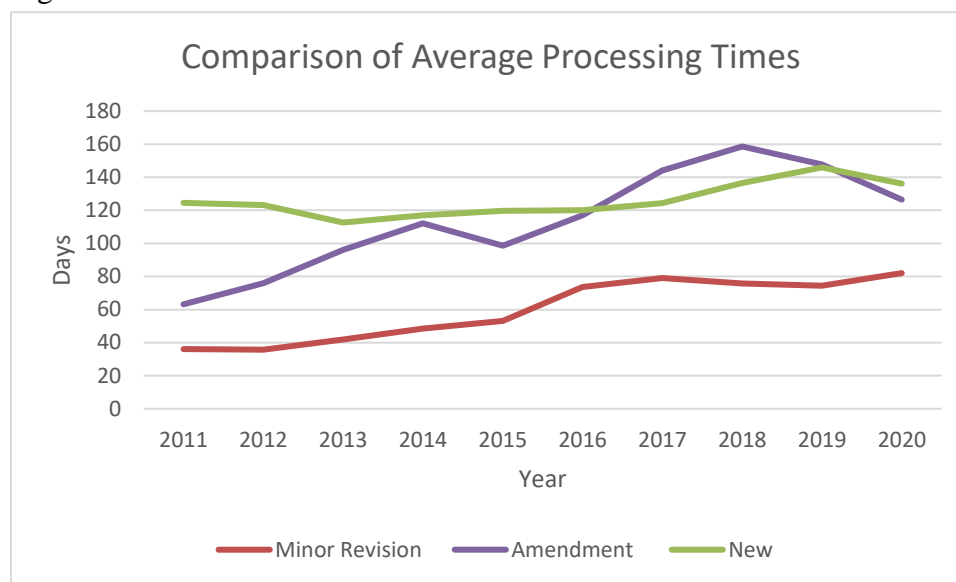


Figure 6



As noted above, multiple factors effect permit processing times. In addition, when calculating averages (the averages here are the mean), a small number of permits with long processing times can significantly influence the average. Understanding the factors behind these types of permitting events can provide helpful context when reviewing processing time.

The Department has not reviewed all, individual permitting actions over the last decade in order to identify and understand potential outliers. The average processing time for Site Law amendment applications in 2018, however, was sufficiently notable that the Department investigated whether isolated applications influenced the average.

Between 2011 and 2020, the Department approved over 600 Site Law amendment applications. The two with the longest processing times, by a considerable amount, were both approved in 2018. One application pended for 721 days and the other for 1,138 days. The former involved an airport runway expansion within the watershed of lake most at risk; a range of stormwater treatment and mitigation alternatives had to be explored because there was no remaining phosphorus allocation for the expansion. The latter involved unlicensed activity with significant stormwater implications and wetland impacts. The after-the-fact permitting of this activity was intertwined with two related enforcement actions, one initiated by the Department and the other initiated by the U.S. Environmental Protection Agency due to the seriousness of the violations.

Both with respect to the average processing time for Site Law amendment applications in 2018, and when reviewing average processing times generally, the ability for a small number of projects to influence averages is important to remember.

Overall, when looking at the data reflected above, the combined number of applications for new Site Law permits and Site Law permit amendments appear to be an important influence on permit processing times.

III. The Challenge of Balancing Permitting Efficiency Goals with Delivery of Other Environmental Services

A. The Consequences of a Singular Focus on Permitting

The Department recognizes the importance of efficient permit review to applicants, whether an individual or business. This is reflected in the priority given to permitting within the Land Division.

Licensing staff are expected to devote 70% of their time to licensing activities. (See Table 1, above). Due to permit application volumes and the priority given to permitting, the actual time these staff focus on licensing exceeds 90%, with the majority of the remainder of their time devoted to responding to on-call inquiries. As a result of the focus on permitting, licensing staff conduct few, if any, compliance inspections. This means, for example, they do not have the opportunity to see how well the permits they write are working and whether the permits are achieving the intended environmental outcome.

Even focusing nearly all of their time to processing permits, licensing staff do not have the capacity to manage all land licensing activity. Supervisors also carry their own project load and former Land Division staff who now work elsewhere in the Department are regularly called upon to manage projects. While supervisors are expected to manage the review of some permit applications, in recent years their project loads have been significant enough that it comes as a tradeoff. For examples, supervisors have less opportunity to review, evaluate, and improve internal practices and or the environmental policies they administer. Notably, it has been years since any of the rules administered by the Land Division have been updated.

The work of field services staff, too, is influenced by licensing activities – specifically the review and processing of NRPA and Stormwater PBRs. Over the last decade, the Department has processed an average of 1759 PBRs per year. The most recent five-year average (2016-2020) is over 1,794 PBRs annually. At these levels, field services staff devote approximately 30% percent of their time to processing these applications. One result of this focus on permitting is that few compliance assistance inspections are conducted by field services staff and that all requests for field determinations cannot be accommodated.

B. Finding the Right Balance

Using permitting data for the last decade, and based on experience regarding the approximate number of staff hours it takes to process different types of applications, the Department has assessed what percentage of licensing staff time must be devoted to licensing to accommodate different permit volumes. As part of this basic modeling, how different numbers of staff can reasonably be expected to handle different permitting volumes can be evaluated.

The Department has broken Site Law, NRPA, and Stormwater Management permits into four subgroups for each of these statutory permit types: new permits, amendments, minor revisions, and other. The “other” subcategory captures condition compliance orders, permit transfers, and review of the transfer of delegated authority to municipalities for certain Site Law and

Stormwater Management applications. The result is a total of 12 subcategories of permit types (e.g., new NRPA, Site Law amendment, Stormwater minor revision, Site Law other). For each of the subcategories, the Department has tabulated the permit numbers for the last decade and calculated the annual average for both the last decade (2011-2020) and for the last five years (2016-2020).

For each of these subcategories, the Department also estimated the number of staff hours expected to be required, on average, to process applications. These estimates are included in Table 3, below. All aspects of licensing are included in these estimates, such as pre-application and pre-submission meetings, site visits, application review and information requests, responding to public inquiries, order drafting, etc. These estimates do not include the hours associated with “special fee” projects³ or preparation of draft permitting decisions for the Board of Environmental Protection in conjunction with appeals. The time for these unique projects is estimated to be 1,200 hours of staff time, cumulative across all licensing staff, annually.⁴

Table 3

Permit Subcategory	Days	Hours
NRPA, new	5	40
NRPA, amendment	3	24
NRPA, minor revision	2	16
NRPA, other	1	8
Stormwater, new	4.5	36
Stormwater, amendment	3	24
SW, minor revision	2	16
SW, other	1	8
Site Law, new	12.5	100
Site Law, amendment	10	80
Site Law, minor revision	2	16
Site, other	1	8

Accounting for how applications are apportioned between ES II Project Managers and ES III Senior Project Managers (e.g., all new Site Law applications are processed by ES IIIs), the Department is able to evaluate what percentage of staff time is expected to be devoted to licensing activities at different permit volumes and different staffing levels, assuming 1,904 work hours in a year.⁵ Consistent with the job expectation for ES II and ES III licensing staff,

³ Special fee projects are those expected to require a considerable amount of additional staff resources to process. Applicants are required to reimburse the Department for the actual cost of processing the application through payment of a “special fee,” as opposed to payment of the standard application fee. Most wind power projects are designated “special fee” projects. Other recent examples include the NECEC transmission line proposal and Nordic Aquafarms’ proposed land-based aquaculture facility.

⁴ For context, it is not uncommon for the management of the application process and related amendments for a grid scale wind power project to involve 1,500 to 2,000 hours of Land Division staff time. The Maine Power Reliability Program transmission line upgrades, which did not involve a hearing or any appeals, required over 2,000 hours of Land Division staff time and the Nordic Aquafarms’ project has involved over 2,000 hours of Land Division staff time.

⁵ 248 work days – 10 days of vacation = 238 days. 238 days x 8hrs/day = 1904 hrs

approximately 70% of their time should be devoted to licensing activity. Above this percentage other important responsibilities have to be curtailed and, ultimately, permitting efficiency is impacted and employee retention becomes more challenging.

Table 4 shows the relationship between different permit application volumes – specifically the 10-year average and five-year average – and staffing levels, and the percentage of working hours licensing staff devote solely to licensing. Note that in high volume permit application years such as 2020 (and 2021 based on the applications to date), the percentage of staff time devoted to licensing was higher than those shown in Table 4. This is because the volume of permit applications in 2020 was higher than both the 10- and five-year averages.

An example of how to review Table 4 follows. In 2020, the Land Division was staffed with 4 ES II positions and 11 ES III positions responsible for processing individual permit applications. At that staffing level and at a permit application volume equal to the average for the last five years, the time needed to process those applications would exceed staff capacity even if 100% of staff time had been devoted to licensing. In 2020, application numbers exceeded the most recent 5-year average. This resulted in supervisors assuming a large permit load and former Land Division staff still working at the Department assuming licensing responsibilities. These staffing levels also gave rise to concerns about permit processing times as reflected in multiple pieces of legislation.

In the most recent budget, two ES III staff were added to the Land Division, increasing the total number of ES III licensing staff to 13. The benefit of this addition is reflected in Table 4. The Department's analysis suggests these 13 staff will have to devote 89% percent of all working hours to manage a permit application volume equal to the five-year average. As further reflected in Table 4, an increase of ES III licensing staff from 13 to 16 with a permit application volume equal to the five-year average would require these staff to devote approximately 72% of their time to licensing. At this level of staffing and volume of applications, ES III licensing staff would be positioned to fulfill their job responsibilities in alignment with the expectations for their position and to process applications – whether for new permits, amendments, or minor revisions – in better alignment with the expectation of applicants and members of the public.

Beyond these examples, the impact of adjusting staff numbers or of future fluctuations in permitting volumes is reflected in Table 4.

Table 4

Comparison of Licensing Staff and Permit Volume % Total Work Hours Devoted to Licensing							
Position	Env. Specialist II			Env. Specialist III			
No. Staff	4	5	6	11	13	15	16
5 yr. avg. (2016-2020)	102%	81%	68%	105%	89%	77%	72%
10 yr. avg. (2011-2020)	96%	77%	64%	99%	84%	73%	68%

The Department conducted a similar type of analysis with respect to the processing of PBRs by field services staff. Presently, these staff devote approximately 30% of their time to processing PBRs. This focus takes away from other important services these staff are expected to provide, especially field determinations that help individuals understand what resources exist on their property, their development options, and any permitting requirements. This is a valuable service that helps protect the environment and prevent potential violations.

As outlined in Table 2, a better balance of field service staff time, consistent with the delivery of other core services, is achieved if 20% of their time is focused on PBR processing and related assistance (e.g., helping individuals design their projects to qualify for a PBR). Table 5 shows the relationship between the number of field services staff and the time each staff person, on average, spends processing PBR applications under the five- and 10-year PBR average for application volume. Although the average number of PBR applications received annually over the last five years is slight higher than the decade as a whole, the difference is not significant enough to affect the percentages in Table 5; they are the same under both PBR volume scenarios. Because both ES II and ES III staff process PBRs, this table does not identify the type of Environmental Specialist. Presently, there are eight field services staff positions within the Land Division: 2 in Portland, 2 in Augusta, 1 in Bangor, and 1 in Presque Isle. As illustrated in Table 5, for field services staff to be able to focus approximately 20% of their time on licensing and the remainder on the rang of services they are expected to provide, three to four additional position would be needed.

Table 5

Comparison of Field Services Staff and PBR Volume % Total Work Hours Devoted to PBRs				
Position	Env. Specialist II/III			
No. Staff	8	10	11	12
5 yr. avg. (2016-2020)	29%	23%	21%	19%
10 yr. avg. (2011-2020)				

IV. Conclusion

Regardless of the number of permit applications received by the Department or number of fellow team members, staff within the Land Division are committed to reviewing applications, helping applicants achieve their development goals, and ensuring Maine's environment is protected in accordance with the controlling statutory programs. The discussion and analysis above provide background and context regarding Land Division staff's responsibilities, as well as a framework for evaluating how staffing levels and permit application volumes influence the service delivered by the Department. With respect to the processing of individual permit applications under Site Law, NRPA, and the Stormwater Management Law, two additional ES II positions, three additional ES III positions, and full employment of all existing positions in the division would be necessary to fulfill expectations for the Department's land licensing program at application levels below those presently being experienced, but equivalent to the five-year average.

With respect to the processing of PBRs by field services staff and balancing this licensing function with the range of other services they are expected to provide, continued curtailment of

services such as field determinations and inspections aimed at promoting compliance is expected at the existing staffing level and reasonable anticipated PBR volume. The Department is pursuing outside assistance through contract and cooperative agreements to assist with licensing and coordinating with the Bureau of Human Resources to attract qualified applicants for existing openings. The Department also will consider additional staffing requests in future budget proposals after filling existing vacant positions.

MacNeil, Jami

From: Ron Huber <coastwatch@gmail.com>
Sent: Friday, November 05, 2021 12:04 PM
To: MacNeil, Jami
Subject: Re: Todays Rockland visit - where there will you be meeting up with SHM and others

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.

Thank you.!

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

On Fri, Nov 5, 2021 at 11:20 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

Hi Mr. Huber,

We are meeting at the gazebo.

-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: Friday, November 05, 2021 10:45 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Todays Rockland visit - where there will you be meeting up with SHM and others

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.

Hi Jami are you meeting up with the others for the site visit at 1:30 at Archers restaurant? Or elsewhere?

We understand there'll be some . Looking forward to meeting you and Karen F. and seeing you two in action.

Ron

Ron Huber

Penobscot Bay Watch

POB 1871, Rockland Maine 04841

e coastwatch@gmail.com

www.penbay.org 207-691-4634

MacNeil, Jami

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Friday, November 05, 2021 10:52 PM
To: Foust, Karen L; MacNeil, Jami
Subject: Re: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)
Attachments: F737749C-FDFB-46B0-9FDD-FD21CA788D07.png;
3483314A-6543-4766-9DA6-8A7B6B4BC37C.png

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 Karen and Jami,

Thank you so much for coming to Rockland today. I hope you enjoyed yourselves. I know that this may not be able to be entered into the public record, but I said I would follow up with some important clarifying information after a brief conversation with Karen Foust at the site visit today. There seemed to be a discrepancy between what Ms. Foust understood Safe Harbor Marinas' plans are for the four 150' docks on the Easten side, versus what Safe Harbor's representatives have been stating publicly.

Ms. Foust said that the application called for no longer than 150' boats to be berthed in the 150' docks. I explained that Bill Morong, the consultant and main spokesperson for Safe Harbors' plans in Rockland, said, at the October 13, 2021 Rockland City Council meeting, that Safe Harbor could dock up to 200' boats on those docks. From the City's recording of the meeting:

<https://livestream.com/rocklandmaine/events/9889860/videos/226572158>, at **1:00:01, Rockland Mayor Ed Glaser asks Bill Morong:**

"On the outer-face docks, what do you see as the maximum size vessel that you'll put out there?" Glaser clarifies, "I meant on the Eastern side where you have all those fingers."

Safe Harbor representative Bill Morong responds:

"Oh, in the slips; so, they're 150 foot fingers. So typically, you could put, you could probably, at 150 feet, you could have probably a 50 foot overhang max, I would think, and be safe with a breastline tie-up."

This is a Safe Harbor Marinas' representative stating unequivocally at a formal, public, Rockland City Council meeting, that they would plan to put 200' vessels on those four 150' docks. If they have not made those intentions clear in the application, that needs to be sorted out, because that appears to be their plan.

It may be relevant to refer to the comment I send to Jami MacNeil earlier today, showing that in the previous application for the marina expansion, Yachting Solutions included a mock-up showing how the boats would poke out significantly of those four docks, but in the SHM application, they have no longer included the boat mock-ups.

I also want to note that while SHM has now said 16 moorings would need to be moved for their expansion, my dad, Ed Glaser, who was the Rockland Harbormaster for over twelve years, and is now

Mayor of Rockland, told me tonight that it will certainly be more than 16 moorings the project would displace.

And a final note, after the meeting, I went to our beloved Sandy Beach to tend to the flower gardens I take care of. It was particularly evident from there with the red mooring ball marking the end of those 150' docks, that the new docks and their attendant large yachts to be berthed there, will be a dominant view for people from Sandy Beach Park and from the beach itself. If the docks are built, and the new submerged land lease given from what is now public to a private corporation, it will undoubtedly affect the lovely, open feeling people now enjoy at our only sandy harbor swimming beach as they swim, walk their dogs, unwind, picnic, visit, and play.

Thank you very much,
Rebecca Glaser

----- Forwarded message -----

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

Date: Fri, Nov 5, 2021 at 9:13 AM

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

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

Thank you, Jami. I've decided to bend my work schedule so that I can be there. I'm curious how site visits work, having not seen them before, and will come in my capacity as a columnist for a local paper. I love the idea that you get to visit various sites to look at them.

Is there a place I can go to find out general statistics for what percentage of NRPA applications are approved throughout the state, year to year?

One other thing I wanted to note about SHM's application is something that may seem small but also could have been intentional. I compared the second Yachting Solutions application, which is put together by the same engineering firm, and under the guidance of the same person, Bill Morong, the head of Yachting Solutions, who is now a primary consultant for Safe Harbor Marinas on the ground in Rockland, with the current SHM application. The previous application included depictions of boats tied up at the docks on the Eastern side—although these depictions were flat, and didn't give a sense of the height of these boats, they helped with visualizing how long those boats would stick out.

That feature isn't in the new application, and one wonders if it was done in order to make it appear as if SHM didn't know the exact length and width of the boats they plan to dock there and charge for, and/or perhaps to obscure how those 200'-240' boats could actually be affecting the viewshed, line of sight, littoral zones, and the municipal channel. I believe a more accurate rendering including the maximum boat lengths and widths would better reflect their plans.

Attached are screenshots from the SHM application, which includes them trying to show that their previous application called for more dredging; it also shows that in their prior application they included boat renderings, whereas the current one does not seem to anywhere.

Thank you,
Rebecca Glaser

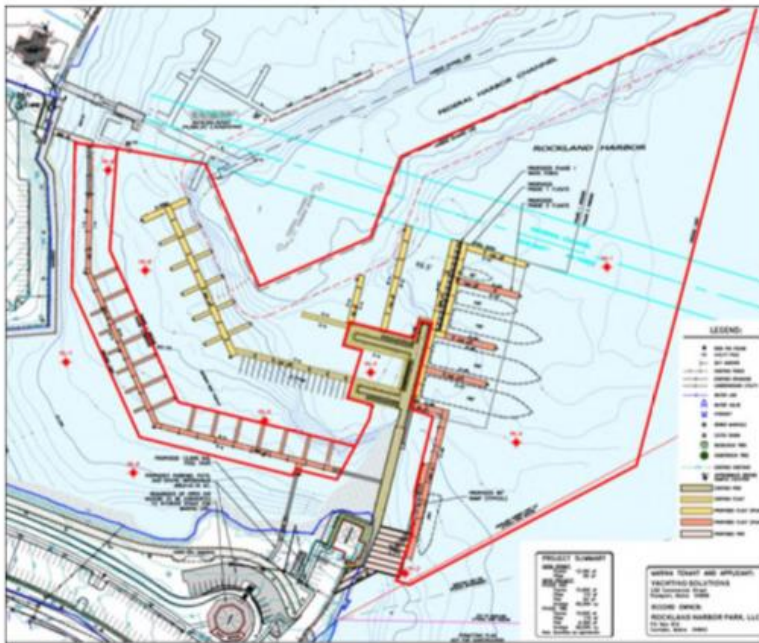


broadside boats and relocation of a city channel. Due to this opposition, this marina expansion option was abandoned.

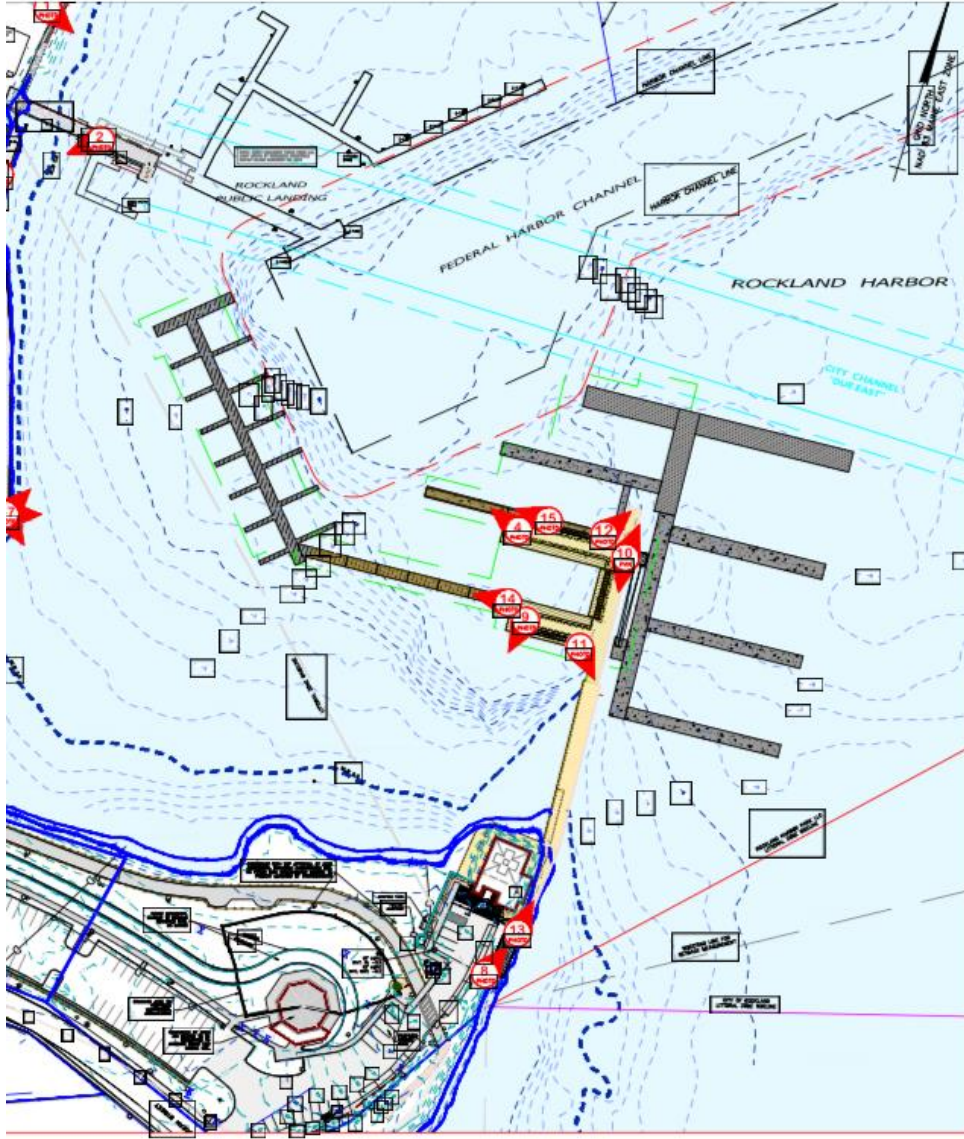
Avoidance and Minimization

Reduce Size of Project

As discussed above, the project size has been reduced to accommodate public sentiment. As a result, the amount of direct and indirect sub-tidal impacts will be significantly reduced. By way of example, below is an image of an earlier concept that shows a much larger dredge area (shown in red) envisioned for the larger Inner Harbor project:



The dredge area shown above is over 11 acres. The current project has minimized the dredge area to approximately 3.0 acres



LANDMARK CORPORATION
 SURVEYORS & ENGINEERS
1 Rockland Street Rockland, Maine 04856 Phone: (207) 734-0737 www.LandmarkMaine.com

SH ROCKLAND - NRPA APPLICATION
 PHOTO KEY
 ROCKLAND, MAINE

SCALE: 1"=120'

JUNE 2021

SHEET 1 OF 1



MacNeil, Jami

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Friday, November 05, 2021 8:31 AM
To: Foust, Karen L
Cc: MacNeil, Jami; 'Stukas, Heather CIV USARMY CENAE (USA)'
Subject: RE: SHM Rockland, LLC - comments

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.

Karen,

The difference is that fueling service will not be an "open to the public" service like a gas station, it will only be facilitated if a larger vessel, that is renting a slip, wants to buy directly from a fuel truck. So no fuel will be stored on-site and any fuel line to the dock will sit empty until its use.

Michael J. Sabatini, P.E.

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

From: Foust, Karen L <Karen.L.Foust@maine.gov>
Sent: Friday, November 5, 2021 8:04 AM
To: Michael Sabatini <mike@landmarkmaine.com>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>; Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>
Subject: RE: SHM Rockland, LLC - comments

Hi Mike,

At the public informational session in October there was discussion about "bunkering" fuel. How does that differ from refueling on the docks, and wasn't that a service that the marina was planning/hoping to provide to the larger vessels?

Thanks,
Karen

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Wednesday, November 3, 2021 11:27 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil; Foust, Karen L <Karen.L.Foust@maine.gov>; 'Justin Davis' <JDavis@appliedtm.com>
Subject: RE: SHM Rockland, LLC - comments

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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.

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: Monday, November 1, 2021 12:14 PM
To: Michael Sabatini <mike@landmarkmaine.com>
Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil
Subject: RE: SHM Rockland, LLC - comments

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)

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

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

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Jami,

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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,

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- 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

From: Foust, Karen L
Sent: Friday, November 05, 2021 8:33 AM
To: Michael Sabatini
Cc: MacNeil, Jami; 'Stukas, Heather CIV USARMY CENAE (USA)'
Subject: RE: SHM Rockland, LLC - comments

Got it, thanks for the quick reply.

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Friday, November 5, 2021 8:31 AM
To: Foust, Karen L <Karen.L.Foust@maine.gov>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>; 'Stukas, Heather CIV USARMY CENAE (USA)' <Heather.S.Stukas@usace.army.mil>
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Sent: Wednesday, November 3, 2021 11:27 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>

Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil; Foust, Karen L <Karen.L.Foust@maine.gov>; 'Justin Davis' <JDavis@appliedtm.com>

Subject: RE: SHM Rockland, LLC - comments

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Cc: wmorong@shmarinas.com; Heather.S.Stukas@usace.army.mil

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-Jami MacNeil (she/her)

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Sent: Friday, October 29, 2021 5:36 PM
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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: Ken Wexler <KWexler@elaine.com>
Sent: Saturday, November 06, 2021 7:38 AM
To: Foust, Karen L; MacNeil, Jami
Cc: Becca Shaw Glaser; Nate Davis; Pinny Beebe-Center; Valli Geiger (valligeiger@gmail.com); Ken Wexler
Subject: SHM

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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Karen/Jamie

I would like to thank you and your colleagues for the time you spent with many of the folks who came to your inspection/ viewing of the SHM project.

The gentleman from DMR was particularly helpful in explaining the parameters of what oversight the various State Agencies have in this matter.

Out of one such discussion came the fact the Agency with the most oversight, DEP, had their own period and process for public comment.

Most of us were not aware of this and forwarded our comments to Jami's attention. I do not believe the City publicized the different public comment options.

In any case would it be possible for you to forward all the public comments you received within the deadline, to the DEP. They need to be aware of the issues that were brought up

That effect their purview.

Also to follow up on what Becca said, The City Harbor master told me personally and then repeated it to several others, that the

Megayachts on the outboard side would extend 50 feet beyond the end of the new pier into the harbor. It was unclear how much they would extend beyond the inside piers

I urge the State take a careful look at what the current design of this expansion would do to our harbor.

Also— a short period for the public to respond what was said by the development team at the walkthrough might be helpful

Thank you

Ken Wexler

Owls Head

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: 'Diana Coleman'
Subject: RE: Application #L-20386-4P-P-N

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

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

-----Original Message-----

From: Diana Coleman <dcolemanglobal@gmail.com>
Sent: Saturday, October 30, 2021 1:27 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: 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.

To Jami MacNeil and the Dept of Environmental Protection,

I am writing to state my strong objection to the proposed, revised plan for Rockland, Maine's harbor.

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 our 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 even more.

Our harbor now is attractive with primarily small boats anchored at moorings. We also support our lobster boats—owned by hardworking lobster fishermen and women. Permitting and accommodating huge yachts will overwhelm the

harbor, make it crowded, and unappealing. This is Maine!! Not a ritzy marina in Florida or California, nor should it be. Visitors, in addition to residents, come here to enjoy the “small town feel” of charming towns, harbors, and beaches.

We also remain concerned and vigilant about monitoring the quality of our Harbor’s water. Adding yachts will severely impact our water’s quality, and result in significant pollution, and environmentally unsafe conditions.

I hope for the sake of the people living here, visitors who appreciate and respect the quiet charm of this community, and for the generations of residents and visitors to follow, that the “powers that be” recognize this plan as seriously endangering and impacting the quality of Rockland’s Harbor, and our town, and reject this plan.

Thank you.

Diana Coleman
South End Rockland Resident
Avid Swimmer, Walker, and Concerned Citizen

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: 'Maria Devery'
Subject: RE: Rockland Harbor

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

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Sincerely,

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

-----Original Message-----

From: Maria Devery <mariadevery@gmail.com>
Sent: Saturday, October 30, 2021 12:42 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Rockland Harbor

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 Day,

I am writing in opposition to the SHM plan to build a marina which will dock very large yachts.

I have seen the drawings - hard to visualize the actual build - but from the talk at the city council meeting, I got the idea of what was going to happen.

This marina will dramatically change the harbor and infringe on the enjoyment that Rockland residents as well as the surrounding community have experienced for many years. It will obstruct view, it will be very noisy when generators are running, and will impact the native fish and birds that call these waters home. (dredging large amounts)

There is a boardwalk which the proposed contract states access can be removed at any time for any reason. This is very bad for the city as it removes the one and only water resource that Rockland has.

Who owns the harbor - why does SHM think they can do this? I didn't want to write a book - Becca Shaw Glazer has and she covers every issue in detail.

Thank you for your consideration.

Maria Devery

Owls Head

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: Lauren Dillard
Subject: RE: Opposition to marina expansion plan

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

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

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

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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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: cevans@gwi.net
Subject: RE: Rockland's Marina Expansion Project

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

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Maine Department of Environmental Protection
(207) 446-4894 | jami.macneil@maine.gov

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

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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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: Amy Files ♥ SoRO
Subject: RE: Safe Harbor Expansion project in Rockland -- Public Comments

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

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

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

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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:09 AM
To: Eileen Fitzgerald
Subject: RE: Harbor Proposal Under Consideration

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

-Jami MacNeil (she/her)

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

From: Eileen Fitzgerald <eileenfitz184@gmail.com>
Sent: Saturday, October 30, 2021 5:38 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Harbor Proposal Under Consideration

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My comments are as follows:

As a Rockland resident, I am discouraged to learn of the extensive proposal to develop Rockland's harbor set before you. My reasons for objecting are personal and on behalf of my fellow citizens.

In January of this year I sustained a spinal cord injury. My world has drastically changed and my ability to enjoy this wonderful town is very limited. The thought of not being able to gaze at the harbor from my wheelchair makes me beyond sad. As a volunteer to the amazing Heart and Soul project, I often documented testimony from Rockland residents who expressed how essential "walking the harbor" was to their connection to this town. Some of these folks did not have much disposal income to enjoy, but they had the boardwalk.

It is well known that mega yachts and cruise ships are self-contained with passengers having little need to come ashore except to visit the Farnsworth or be bussed to Camden. The impact to Rockland will have negative environmental impact without the benefit of economic growth.

The deep pockets of those investors aim to elbow their way into Rockland's harbor regardless of our community's well-being. My fervent hope is that you will not be part of their campaign.

Eileen Fitzgerald
Rockland resident

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: Kerry Hadley
Subject: RE: My concerns and objections to Safe Harbors plan

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

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.

Sincerely,

-Jami MacNeil (she/her)

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

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

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 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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: Connie Hayes
Subject: RE: NNRPA Application #L-20386-4P-P-N - SHM Rockland, LLC - DEP public comment

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

-Jami MacNeil (she/her)

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

From: Connie Hayes <connie@conniehayes.com>
Sent: Saturday, October 30, 2021 12:15 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: NNRPA Application #L-20386-4P-P-N - SHM Rockland, LLC - DEP public comment

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 MacNeil, ..

I am a resident of Rockland, Maine at 222 Broadway. I am writing to express my concern about the impact the Safe Harbor Marina plans will have on the Rockland community and natural resources. Although our city does not have jurisdiction over the water portion of the plans, I seek your authority to be as strict as possible to require responsible behavior as you regulate Safe Harbor's activities in our currently clean and beautiful harbor.

The impact on Rockland's land infrastructure is a ripple effect I urge you to consider. The edges of our shore will change in unanticipated ways. Fuel storage, visitor amenities, and increased development on nearby land are likely to be components requiring city infrastructure and services. Rockland is a county seat and service center with high taxes stretched to cover basic services from untaxed real estate. Deterioration of water, sewer, paving, and access to electricity are concerns that are likely to be stressed further if Safe Harbor proceeds with their plans. If there are ways to have Safe Harbor take responsibility for the financial and environmental impact of their extensive changes to our harbor (and in turn our shore), please build their burden into the requirements. A small, highly used, public, clean, sandy, beach is likely to be dwarfed and made unpleasant with obstructed views of the harbor with Safe Harbor's plans.

Citizens of Rockland are at your mercy to have you recognize fragile municipal, community and natural resources and to protect them for us with your regulations. Please be as strict as possible.

Thank you,

Connie Hayes
222 Broadway
Rockland, Maine 04841
207-594-1633
connie@conniehayes.com

--

Connie Hayes
222 Broadway
Rockland, Maine 04841
www.conniehayes.com

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:09 AM
To: Jim Rigassio
Subject: RE: application #L-20386-4P-P-N - public comments
Attachments: RE: SHM Rockland LLC - public comments - Smith

Hi Mr. Rigassio,

Thank you for your additional comments, they will be added to the file and considered during the remainder of our review. The Department anticipates issuing a decision on the project within the next few weeks.

Another commenter previously raised concern about inadequate dinghy space for Safe Harbor customers, and Mr. Sabatini provided a response. Because you specifically mentioned a similar concern, I have attached the response for your information.

Your other concerns are noted. Issues of visual impact, noise, and water quality do fall under the scope of the NRPA and are a part of our review. The issue of whether the grant should have been awarded and how it will be spent is not under the DEP's purview. I will ask the applicant to respond regarding the suggested alternative of using the Dragon Cement pier.

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: Jim Rigassio <jrigassio38@gmail.com>
Sent: Saturday, October 30, 2021 6:41 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: application #L-20386-4P-P-N - public comments

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Thank you for extending the deadline for public comments on application #L-20386-4P-P-N.

Wonderful to see the city of Rockland work with Safe Harbor this past spring to remove overgrown trees and bushes along the water's edge to restore the public's visual access to the harbor. Exciting that after more than a decade of neglected landscaping by the previous owner, the public can once again walk down Ocean Street and visually connect with the harbor.

Summer 2021 brought a new visual fence: Four- and five-storey cruise ships and private yachts using the Safe Harbor docks. The public's water view became a view of cruise ships and giant yachts. Then came the tour busses parked alongside the public beach in a residential neighborhood, staged to take cruise ship passengers to other coastal destinations. Waiting buses that idled for extended periods of time to provide air conditioned

comfort for the tourists simultaneously caused discomfort to Rockland residents and visitors using the adjacent public beach.

Two additional issues to raise relate to the conflicting goals of the federal grant and the proposed project: First, the \$1 million grant to improve the public's access to the water would not benefit the general public. Safe Harbor's clients are large yacht owners, and not the general boating public. Their activities put an additional burden on existing public resources. For example, during 2021, Safe Harbor rented moorings at double the rate charged by the harbormaster, and when Safe Harbor failed to provide adequate dinghy dock space for their clients, the town's public landing quickly became overcrowded with dinghys.

Second, the \$1 million federal grant for expanding the Safe Harbor facilities in Rockland includes the addition of pumps for fuel and waste. While we all hope that precautions are taken for diesel fuel to go in boats and human waste to come out without spilling, accidents do happen. Large boats also have bilge pumps that pump brackish and often contaminated water from the bilge and engine rooms directly into the water. The proposed docks on the east side of the existing pier would subject the town beach where residents and visitors regularly swim to unfiltered bilge pump discharge on a regular basis, and the occasional contamination from fuel and waste spills.

Here's my idea for how Rockland and Safe Harbor can work together again towards a solution for everyone: Dragon Cement stops shipping their products by sea next year and decommissions their deeper-water pier in Rockland's South End. Rockland and Safe Harbor work with Dragon Cement to convert the barge pier to the better location for docking cruise ships and large yachts. Smaller boats can use the existing Safe Harbor facility in the inner harbor without crowding the inner harbor and obstructing the public's visual access to the water. The need to dredge would be reduced or eliminated, and the swimmers at the public beach don't have to worry about the proximity of the large ships and won't hear the noise of the tour buses that service the cruise ships.

It is good news that Rockland has become an attractive destination for boaters. We need to make sure harbor development benefits both transient boaters and permanent residents alike.

Jim Rigassio
9 Suffolk St.
Rockland, ME 04841
207-691-0750
jrigassio38@gmail.com

MacNeil, Jami

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Saturday, August 21, 2021 12:55 PM
To: MacNeil, Jami
Subject: RE: SHM Rockland LLC - public comments - Smith
Attachments: Proposed Dinghy.jpg; Existing Dinghy.jpg

Follow Up Flag: Follow up
Flag Status: Completed

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Jami,
Sorry this took so long, I was away on vacation for a bit.
Please see responses below in **Red**.

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, August 13, 2021 9:02 AM
To: Michael Sabatini <mike@landmarkmaine.com>
Subject: RE: SHM Rockland LLC - public comments - Smith

Hi Mike,

We have received an additional question on the project from Ms. Smith:

According to Mr. Sabatini, Safe Harbors (SH) does not have a dinghy dock yet. According to Safe Harbor staff, this past weekend, there were at least 5-7 dinghies tied to Safe Harbor floats of the approximately 15 Safe Harbor moorings that were occupied, and 10 of these had people on board with their dinghy. It should be noted that the general public sometimes tie up their dinghy to Safe Harbor docks to go to the restaurant. The dinghies are currently placed wherever they can be but primarily at the locations indicated on the attached image (Existing Dinghy.jpg). It is typical that only 50% of the moored vessels will need dinghy space at any one time and the numbers above are consistent with this rule of thumb.

Please describe how the SH customers utilize the restrooms and laundry if they are on a mooring and there is no dinghy dock. Safe Harbors does accommodate dinghies now and will accommodate them in the future. This allows any mooring customer to utilize the Safe Harbor facilities which includes restrooms, showers, laundry, golf cart transport, and even a courtesy car when available.

Please also show the proposed dinghy dock on the figures. The dinghy dock should be sufficient size to assume one dinghy per mooring ball.

The plan for dinghies is on the back side of the most landward finger of Dock-A as shown on the attached image (Proposed Dinghy.jpg). This float is 150' long which could provide up to 5' of float length per dinghy for 30

dinghies. With rafting, it is likely that twice the number of dinghies could be accommodated. Safe Harbor currently has 20 moorings and is restricted to 25 moorings by harbor rules.

I see boaters who are on SH moorings using the Town Dock, probably because it is closer to the shops, Farmer's Market, dumpster, etc. and I expect this will continue even after SH installs their overdue dinghy dock. The public landing is just that, a public facility, and as such Safe Harbor customers are not restricted from using it, however, Safe Harbor makes a point of keeping and improving the facilities and services that boaters need on the Safe Harbor property. It should also be noted that last weekend there were 53 boats in the city mooring field and these boats only have the city facilities to utilize for access to shore and bathroom facilities etc. Rockland is becoming a more popular destination for boaters from all over, not just those coming to the Safe Harbor Rockland facility. If anything, the expansion of the Safe Harbor facilities will help relieve the congestion at the city docks, as boaters will have additional facilities and options to choose from when visiting Rockland harbor.

As this question has relevance to existing uses and navigation, please provide a response.

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

From: MacNeil, Jami
Sent: Tuesday, August 03, 2021 3:03 PM
To: Michael Sabatini <mike@landmarkmaine.com>
Subject: RE: SHM Rockland LLC - public comments - Smith

Thank you, I will forward to the commenter and we will consider this response in our review of impacts on existing uses.

Best,

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

From: Michael Sabatini <mike@landmarkmaine.com>
Sent: Monday, August 02, 2021 3:27 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: SHM Rockland LLC - public comments - Smith

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Jami,
Below is a response to Ms. Smith's comment #2, shown in Red.
In reading her comments, I think she may be looking at the plans I inserted in the narrative that show a project of much greater scope. I hope this helps and feel free to call if you would like to discuss further.
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, July 30, 2021 12:16 PM
To: Michael Sabatini <mike@landmarkmaine.com>
Subject: SHM Rockland LLC - public comments - Smith

Hi Mike,

The Department received the attached comments from an interested person regarding the proposed marina expansion in Rockland Harbor. The commenter has laid out three questions. Question #2 is pertinent to the Department's review regarding the impact of the project on existing recreational and navigational uses. Please provide a response:

2) *From the figures, it appears that the proposed marina expansion takes over the Town Dock and dinghy dock.*

There must be some misunderstanding, the marina expansion only occupies area in front Safe Harbor property and will not affect the Public Landing ("Town Dock").

a) First, I am concerned that the dinghy dock, water, and pump-out will be available only to marina customers. I have seen this happen in other ports (Port Jefferson, NY, for example) that only allow dinghies to land at private docks. The average cruiser who anchors cannot come ashore and the residents are forced to pay some sort of permit fee to the marinas. Where will these facilities be relocated and how will the average cruiser come ashore, get a pump-out, etc.?

The dinghy and pump out services at the Public Landing will not be affected by Safe Harbor's expansion. Transient boaters not staying at the Safe Harbor facility will be able to use the Public Landing facilities if they choose.

b) Second, restricted access will discourage cruisers and also make the waterfront inaccessible to residents like myself. How does this help the local businesses and city overall?

The Safe Harbor expansion in no way will restrict public access, in fact, the pier extension will increase waterfront access for the general public and provide a new public viewing area. The additional slip space for transient boaters will encourage increased visitation to Rockland and will likely increase activity for local businesses.

c) Third, Safe Harbor has already installed many moorings in the harbor but has not provided additional dinghy dock space. The dinghy dock is now overcrowded. What is being done to alleviate the overcrowded dinghy dock?

Clients utilizing Safe Harbor moorings are utilizing Safe Harbor facilities, in general, not town facilities. They are utilizing our dedicated rest rooms laundry and courtesy cars. We are planning on allocating some dingy tie up space for SH clients utilizing SH moorings, as part of this expansion.

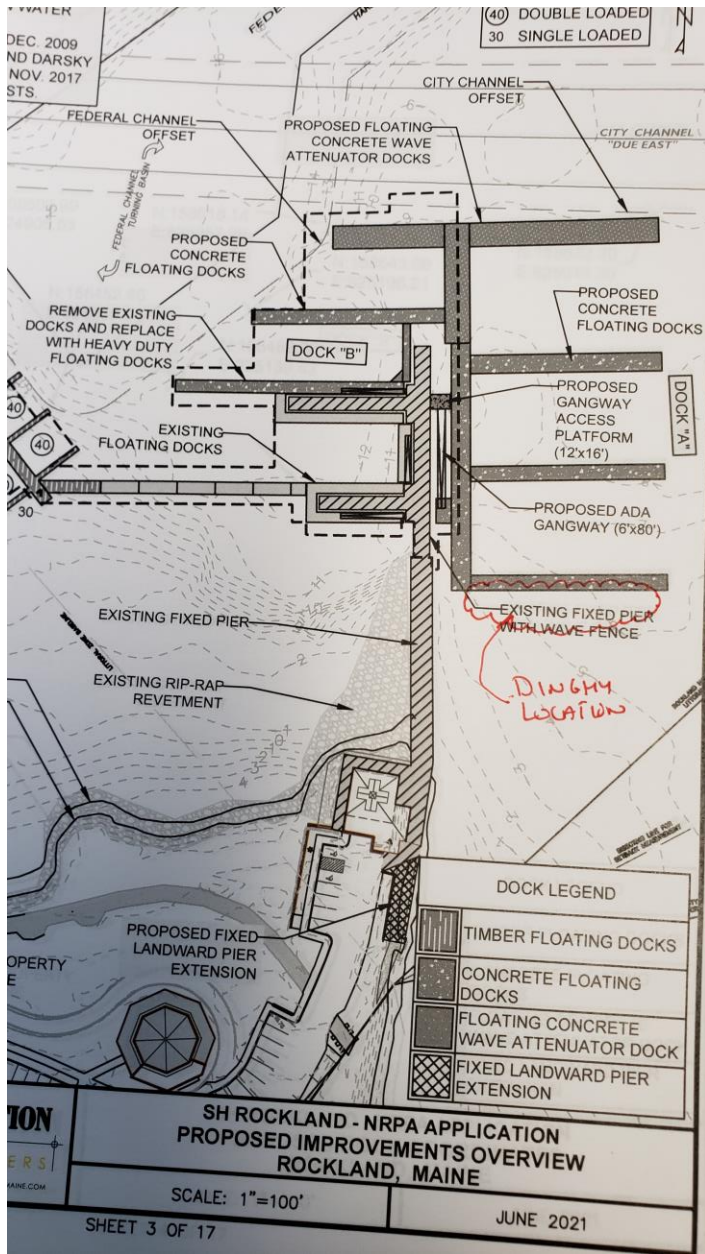
Questions #1 and #3 are outside the scope of the Department's review under the NRPA, and we will not require a response. However, the Department recommends you provide a response as a courtesy to the commenter. I will leave that up to you.

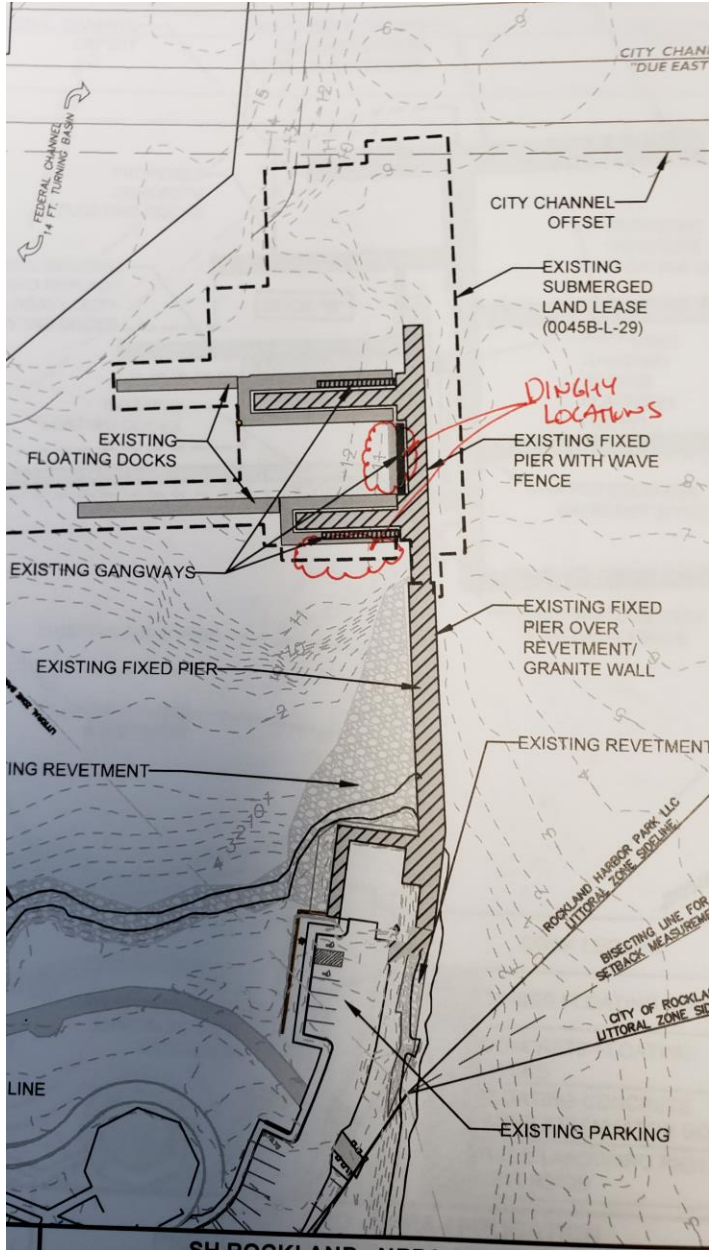
Thank you,
Jami

-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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:10 AM
To: annie mahoney
Subject: RE: SHM Rockland, LLC

Ms. Mahoney,

Thank you for notifying us that your concerns have been addressed and that your previous comments are now withdrawn 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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

The record is now closed for public comment so we can complete our review, but if you have any questions, feel free to contact me.

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

-----Original Message-----

From: annie mahoney <anniem1935@gmail.com>
Sent: Sunday, October 31, 2021 3:08 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject:

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Jami.. I wrote a note/letter of my concerns with the Rockland Harbor revision before doing my homework. In hindsight I see the three years of work that went into addressing the issues that worried me are already resolved..

therefore, would you mind removing my letter from the responses....

Thank you very much.

annie mahoney

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:10 AM
To: Karen M
Subject: RE: Comments and Concerns re: Rockland Harbor Expansion

Ms. Meunier,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project. I did replace the original PDF you sent on 10-30-21 with the second version you sent on 10-31-2021.

Sincerely,

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

From: Karen M <meukam13@gmail.com>
Sent: Sunday, October 31, 2021 4:39 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Comments and Concerns re: Rockland Harbor Expansion

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Jami

I am sending you a second email with the attachment as I found a typo and since this will represent my statement I did not want it to be passed in with an error.

I also want to take this time to add that I am not opposed to updating and improving, with the thought that this would bring in improvements to clean up the water, avoid boat contamination, and better water testing for other contaminants from industry along the waters. However, to expand to bring in more boats is really asking for trouble.

I traveled throughout Maine along the coast this past summer and photographed the waters and we are in trouble. In Machias for example there is a flow of water running under the road bridge that is covered in a white foam. In Lubec, as quiet as it is there, the water along the jetty is filled with an oil/gas slick. And in Rockland, as I mentioned in my attached letter, we have this sludge that is worse each year. If you follow the current, you also see this on beaches in adjacent towns. I no longer feel safe swimming in the water, which is so sad.

Traveling to Scotland and other parts of Europe I have seen waters where there is no pollution as crystal clear as the air, seeing for miles the bottom of the ocean. In Rockland and parts of Maine we are lucky if we can see out hands once in the water. This is my concern.

If you have read to this line I thank you for your patience and for hearing me out.

Respectfully,

Karen Meunier

From: [Karen M](#)

Sent: Saturday, October 30, 2021 7:35 PM

To: jami.macneil@maine.gov

Subject: Comments and Concerns re: Rockland Harbor Expansion

Dear Jami MacNeil

I am writing to address my great concern of the environmental impact an expansion at the Rockland Harbor will create. Because I have pictures included I created a pdf (attached) with my comments and pictures of the pollutants that already exist and appears to be getting worse year-after-year. Instead of addressing this (seems like there has been a blind eye to the waters lately), Rockland is now considering taking action that will only make this worse.

Please read my full statement with pictures in the attachment.

Thank you for allowing me, and others to speak out.

Sincerely,

Karen Meunier

(410) 703-3456

meukam13@gmail.com

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:10 AM
To: Mimi Rigassio
Subject: RE: comments for application #L-20386-4P-P-N
Attachments: Proposed Dinghy.jpg

Dear Ms. Rigassio,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Because you specifically mentioned concerns about the impact of boat traffic on the swimming area at Sandy Beach, please see the attached visual, which the applicant provided during the review, to clarify that the proposed innermost finger float extending east from the existing pier would be for dingy tie ups and not for large vessels. Please also note the orientation of the finger floats, and that the innermost float would be located at least 400 feet from the nearest corner of Sandy Beach.

The impact of the project on wildlife and fisheries is a part of the Department's review, and your concerns will be considered. Please note, however, that the proposed dredge would be in subtidal areas only, and would not directly impact mudflats.

Sincerely,

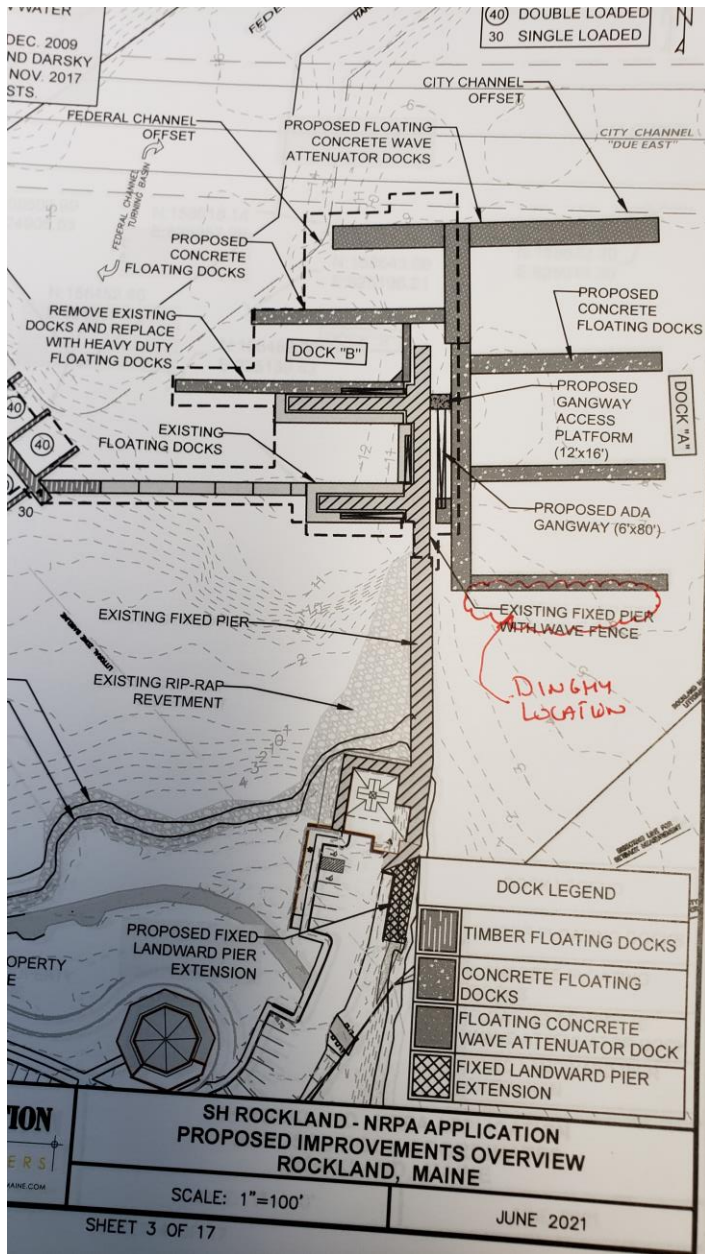
-Jami MacNeil (she/her)

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

From: Mimi Rigassio <jimimi83@gmail.com>
Sent: Sunday, October 31, 2021 1:12 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: comments for application #L-20386-4P-P-N

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Please see attached comment for application #L-20386-4P-P-N



MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:09 AM
To: 'Patty Nutt'
Subject: RE: Rockland Harbor Proposal

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

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

-----Original Message-----

From: Patty Nutt <penutt@comcast.net>
Sent: Saturday, October 30, 2021 8:01 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: Rockland Harbor Proposal

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>>

>> I am writing in response to the proposed changes in the use and dockage proposals for Rockland Harbor. In no way can this small harbor and community withstand the changes to our working waterfront that this proposal would thrust upon us. I am shocked that the proposal has succeeded in getting this far. People in our community have worked hard to create a wonderful, publicly accessible harbor walk and park for all to enjoy; not just the elite.

>>

>> One of my many concerns is that our one and only public access city beach and swimming area has not been marked on any of the submitted drawings to the DEP. This beach and swimming area lies within 50 -100 yards of the proposed 150 foot dock proposal. This beach, swimming and park area is invaluable to the health and well being of people in our community. Sandy Beach is easily accessible by walking for many residents of our waterfront city. How can this possibly be taken from us. With mega yachts docking and maneuvering, our beach area would be obliterated. This would be an unthinkable loss for the citizens of Rockland.

>>

>> The environmental impact that these mega yachts bring to our harbor are many. Water pollution, noise pollution, and light pollution. Also the effect of underwater vibration from these vessels has been scientifically documented to have a devastating effect on sea life.

>>

>> I am concerned that the City of Rockland, in attempting to honor the wishes of the voters, would fail in their efforts to limit the number of cruise ships in our harbor as the cruise lines would now have the ability to seek private dockage from Safe Harbor.

>>

>> Lastly, I bring up the access to our harbor that the local fisherman have had for generations. They are the backbone of our working waterfront and are, and have always been, a sustaining factor in our city's commerce. How can they be so blindly robbed of their historical livelihoods.

>>

>> Patricia Nutt

>> Rockland Maine

>>

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MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:15 AM
To: jwaterspasq@yahoo.com
Subject: Comments on NRPA application #L-20386-4P-P-N, SHM Rockland LLC proposed marina expansion

Dear Ms. Pasqualge,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments were received by mail on 10/25/2021 and will be added to the file and considered during the review of the project. Your concerns about impacts to existing recreational and scenic uses do fall under the Department's review. The cost of the project and its impact on the economy are outside the scope of the NRPA. The Department is limited to reviewing the activities proposed in the current application, and not potential future activities. We would review those future activities if/when they are proposed in a future application.

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

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: Paul A Rosen
Subject: RE: Marina expansion application

Mr. Rosen,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

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

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

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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:14 AM
To: Ryan Smith
Subject: RE: Rockland resident expressing concerns regarding SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Mr. Smith,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

The term Significant Wildlife Habitat has a specific definition under the NRPA, per [38 MRS § 480-B\(10\)](#). The coastal wetland at the project site does not meet this definition, as determined by the Maine Department of Inland Fisheries and Wildlife. However, the Department is reviewing the project to determine if it would meet the NRPA standard of no unreasonable impact to marine habitats and fisheries.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

-Jami MacNeil (she/her)

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

From: Ryan Smith <ryan.chaga@gmail.com>
Sent: Thursday, November 04, 2021 2:23 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Rockland resident expressing concerns regarding 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.

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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: Carol Sloane
Subject: RE: I object to the transformation of Rockland Harbor

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

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

From: Carol Sloane <carolawam@gmail.com>
Sent: Saturday, October 30, 2021 8:00 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: I object to the transformation of Rockland Harbor

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

Rockland Harbor is charming and inviting because it is clean and undeveloped.

There are many reasons why it could be developed, but filling the water with docking structures and mega yachts is not a good choice. Making it a destination for cruise ships is not a good choice either

'Might does not make right'.

Money does not buy the right to transform a landscape.

Large boat activity will bring inevitable pollution, discharges, and fueling accidents are not avoidable. (I note that mention of a large fueling operation is in the application)

The rush to approve this project in order to qualify for the Boating Infrastructure Grant by September 2022 puts pressure on you to make a decision in favor of Safe Harbor.

However there are many incomplete parts of their application.

1. Older evaluations and applications for use of the Harbor do not apply to today's global situation of rising waters and increasing tidal activity. When the Breakwater is now often under water at high tides, it is evident that things have changed.
2. Surrounding wetlands will be impacted, and due to the rising waters, this will impact downtown and the sewer system in a sizable way. Dredging, and then docks and structures and large boating activity in the Harbor will reduce the ability for tidal action to support wetland function in the area. (see Wetland Function- Value Evaluation Form)
3. Provisions for fuel spill accidents are not sufficient to protect the Harbor and nearby beaches.
4. There is no guarantee that once this Marina is in place it will not expand into its original proposed footprint, and fill the Harbor with transient boats.

I realize that the economic value of development is a big draw to the Town tax base.

There are other ways, more innovative and appropriate ones to consider, but they do take invention and forward thinking, and they are not on offer at this time.

Is there a way to make good use of the climate changes that are upon us? Our waters are so vulnerable, but have so much to offer us if we employ them wisely.

Mega Yachts, Marinas and entertainment for the 1% who can afford this indulgence is not a good choice for Rockland at this time.

Please do not allow this proposal to go forward, ever.

Thank you for reading my letter

Carol Sloane

Rockland, Maine

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:12 AM
To: Marjorie Strauss
Subject: RE: Application #L-20386-4P-P-N

Dear Ms. Strauss,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

To answer your specific question about how we assess environmental impact:

Under the NRPA, the project must meet a set of standards including, among others, no unreasonable harm to wildlife habitats and fisheries, and no violation of any state water quality law. In making this determination, the Department considers a number of factors including, among others, the size and nature of the proposed activity, the proposed construction methods, the project location, and review comments from biologists with the Maine Department of Inland Fisheries and Wildlife and from the Maine Department of Marine Resources. We also consider other information in the application, such as the Site Conditions Report prepared by a professional wetland scientist. Public comments are also considered. If a permit is approved, the Department may include any number of conditions to further minimize environmental impact of the project, such as time-of-year work restrictions and the use of turbidity curtains around the dredge area to limit the effect of temporary sediment displacement.

The Department's explanation for its decision on this application, whether it is an approval or a denial, will be written into the Department Order. A copy of the final order will be sent to all persons who have submitted written comments on the project.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

-Jami MacNeil (she/her)

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

From: Marjorie Strauss <mavis1048@gmail.com>
Sent: Monday, November 01, 2021 8:42 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: 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.

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: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: David Theriault
Subject: RE: Safe Harbor Proposal Rockland Harbor

Dear Mr. Theriault,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

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

-----Original Message-----

From: David Theriault <dtheriault29@icloud.com>
Sent: Friday, October 29, 2021 1:20 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Safe Harbor Proposal Rockland Harbor

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.

I would like to voice my concern about this proposal.
Dredging the inner harbor to make room for large yachts and passenger liners will have a negative impact on the view from the shore, and possible environment damage.
I feel this is a public area and commercial concerns should not be a priority.
David Theriault
1 Wellington Drive Rockport Maine

Sent from my iPhone

MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:08 AM
To: holly young
Subject: RE: Proposal to build marina in Rockland

Dear Ms. Young,

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

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

-----Original Message-----

From: holly young <htaylor@gmail.com>
Sent: Saturday, October 30, 2021 7:06 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Proposal to build 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.

Please reject this proposal. It will affect community life on the shore and ruin the beautiful views so many enjoy all year long. I am one of those citizens. Please leave Rockland Harbor alone from this kind of development.

Respectfully,

Holly Young

126 Limerock St
Rockland

Sent from my iPad

MacNeil, Jami

From: Kerry Hadley <kerry.hadley6@gmail.com>
Sent: Monday, November 08, 2021 8:26 AM
To: MacNeil, Jami
Subject: Re: My concerns and objections to Safe Harbors plan

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 Jami - thank you for your response and consideration of citizens concerns. Greed tends to drive everything in this world, sadly, and we need strong safeguards for public health, access and quality of life against it.

Thank you
Kerry

On Mon, Nov 8, 2021 at 8:12 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

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.

Sincerely,

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

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

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 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: Connie Hayes <connie@conniehayes.com>
Sent: Monday, November 08, 2021 8:31 AM
To: MacNeil, Jami
Subject: Re: NNRPA Application #L-20386-4P-P-N - SHM Rockland, LLC - DEP public comment

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Thank you Jami.

Connie Hayes
Rockland

On Mon, Nov 8, 2021 at 8:08 AM MacNeil, Jami <Jami.MacNeil@maine.gov> wrote:

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 deadline for public comments on the application closed on November 4, 2021. The Department anticipates issuing a decision on the project within the next few weeks.

Your comments will be added to the file and will be considered during the review of the project.

Sincerely,

-Jami MacNeil (she/her)

Environmental Specialist III

Bureau of Land Resources

Maine Department of Environmental Protection

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

From: Connie Hayes <connie@conniehayes.com>
Sent: Saturday, October 30, 2021 12:15 PM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: NNRPA Application #L-20386-4P-P-N - SHM Rockland, LLC - DEP public comment

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Dear Jami MacNeil,.

I am a resident of Rockland, Maine at 222 Broadway. I am writing to express my concern about the impact the Safe Harbor Marina plans will have on the Rockland community and natural resources. Although our city does not have jurisdiction over the water portion of the plans, I seek your authority to be as strict as possible to require responsible behavior as you regulate Safe Harbor's activities in our currently clean and beautiful harbor.

The impact on Rockland's land infrastructure is a ripple effect I urge you to consider. The edges of our shore will change in unanticipated ways. Fuel storage, visitor amenities, and increased development on nearby land are likely to be components requiring city infrastructure and services. Rockland is a county seat and service center with high taxes stretched to cover basic services from untaxed real estate. Deterioration of water, sewer, paving, and access to electricity are concerns that are likely to be stressed further if Safe Harbor proceeds with their plans. If there are ways to have Safe Harbor take responsibility for the financial and environmental impact of their extensive changes to our harbor (and in turn our shore), please build their burden into the requirements. A small, highly used, public, clean, sandy, beach is likely to be dwarfed and made unpleasant with obstructed views of the harbor with Safe Harbor's plans.

Citizens of Rockland are at your mercy to have you recognize fragile municipal, community and natural resources and to protect them for us with your regulations. Please be as strict as possible.

Thank you,

Connie Hayes

222 Broadway

Rockland, Maine 04841

207-594-1633

connie@conniehayes.com

--

Connie Hayes
222 Broadway
Rockland, Maine 04841
www.conniehayes.com

--

Connie Hayes
222 Broadway
Rockland, Maine 04841
www.conniehayes.com

MacNeil, Jami

From: Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>
Sent: Monday, November 08, 2021 11:52 AM
To: Ryan Murry
Cc: Foust, Karen L; MacNeil, Jami
Subject: Special Condition associated with the City Channel

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Good Morning Ryan:

The Corps will be incorporating the following special condition within the Corps permit decision per your request.

The permittee shall not have any structures (including vessels and floats) wider than 20 feet or encroaching into the City Channel "Due East" northern or seaward of "Dock "A" T-Head" without prior approval from the City of Rockland Harbormaster.

Heather S. Stukas
Project Manager

Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, ME 04330

Office (207)623-8367 ext. 8 or (978)318-8678
Cell (207)272-5219

<https://www.facebook.com/CorpsRegulatoryMaineProjectOffice/>

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MacNeil, Jami

From: Foust, Karen L
Sent: Monday, November 08, 2021 12:00 PM
To: Stukas, Heather CIV USARMY CENAE (USA); Ryan Murry
Cc: MacNeil, Jami
Subject: RE: Special Condition associated with the City Channel

The way I read this, there could be a docked boat that encroaches into the City channel but not by more than 20 ft. Is that correct?

From: Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>
Sent: Monday, November 8, 2021 11:52 AM
To: Ryan Murry <rmurry@rocklandmaine.gov>
Cc: Foust, Karen L <Karen.L.Foust@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Special Condition associated with the City Channel

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MacNeil, Jami

From: Ryan Murry <rmurry@rocklandmaine.gov>
Sent: Monday, November 08, 2021 12:09 PM
To: Stukas, Heather CIV USARMY CENAE (USA); Foust, Karen L
Cc: MacNeil, Jami
Subject: Re: Special Condition associated with the City Channel

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Good Morning Heather,

I appreciate all your help with this matter. I believe this special condition will alleviate any public concerns on maintaining navigation within the city channel and allow at the same time for discretion on an individual basis.

Karen,

What we are looking to restrict without at-least prior authorization is the docking of vessels on the mentioned float that are 20 feet or greater in beam (width) or that would encroach on the city channel.

Ryan

From: Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>
Sent: Monday, November 8, 2021 11:51:48 AM
To: Ryan Murry <rmurry@rocklandmaine.gov>
Cc: Foust, Karen L <Karen.L.Foust@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Special Condition associated with the City Channel

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MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 12:17 PM
To: Foust, Karen L; Ryan Murry; Stukas, Heather CIV USARMY CENAE (USA)
Subject: RE: Special Condition associated with the City Channel

This condition limits encroachment with the City Channel itself but not the 20-foot buffer shown on the plans, is that correct? A vessel 20 feet or less in width could still be docked within that buffer without prior approval?

-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: Monday, November 08, 2021 12:11 PM
To: Ryan Murry <rmurry@rocklandmaine.gov>; Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: RE: Special Condition associated with the City Channel

Ok thanks for the clarification Ryan

From: Ryan Murry <rmurry@rocklandmaine.gov>
Sent: Monday, November 8, 2021 12:09 PM
To: Stukas, Heather CIV USARMY CENAE (USA) <Heather.S.Stukas@usace.army.mil>; Foust, Karen L <Karen.L.Foust@maine.gov>
Cc: MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: Special Condition associated with the City Channel

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MacNeil, Jami

From: MacNeil, Jami
Sent: Monday, November 08, 2021 8:11 AM
To: Ken Wexler; Foust, Karen L
Cc: Becca Shaw Glaser; Nate Davis; Pinny Beebe-Center; Valli Geiger (valligeiger@gmail.com)
Subject: RE: SHM

Mr. Wexler,

I am the project manager for the Maine DEP's review of the SHM Rockland, LLC application under the Natural Resources Protection Act. I apologize that we did not do formal introductions at the site visit and I regret any resulting confusion. All comments submitted to me to date have been entered into the Department's record and will be considered during the review. As of November 4, 2021, our record closed to public comment so we have time to complete our review. The public is still free to submit comments to me, but I will not guarantee they will be entered into the record.

If you sent comments to Karen Foust prior to close of business on November 4, and you also meant to send them to me at DEP, you may forward those to me now and they will be entered into the DEP's record.

Prior to submission of the NRPA application to the DEP in July, the applicant sent notices in the mail to each abutting property owner, posted a notice in a locally-circulated news publication, and sent a notice and copy of the application to the Town office. They also held a public informational meeting on July 1, 2021. Prior to the meeting, they mailed notices to abutters and posted a notice in the newspaper. This meets the Department's requirements for public notice prior to filing an application.

I can confirm that the Department is aware that vessels docked at the marina could be up to 200 feet in length, extending up to 50 feet beyond the 150-foot length of the proposed finger floats to the east.

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: Ken Wexler <KWexler@elaine.com>
Sent: Saturday, November 06, 2021 7:38 AM
To: Foust, Karen L <Karen.L.Foust@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Cc: Becca Shaw Glaser <beccaglaser@gmail.com>; Nate Davis <ndavis@rocklandmaine.gov>; Pinny Beebe-Center <pinny14@gmail.com>; Valli Geiger (valligeiger@gmail.com) <valligeiger@gmail.com>; Ken Wexler <KWexler@elaine.com>
Subject: SHM

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Karen/Jamie

I would like to thank you and your colleagues for the time you spent with many of the folks who came to your inspection/ viewing of the SHM project.

The gentleman from DMR was particularly helpful in explaining the parameters of what oversight the various State Agencies have in this matter.

Out of one such discussion came the fact the Agency with the most oversight, DEP, had their own period and process for public comment.

Most of us were not aware of this and forwarded our comments to Jami's attention. I do not believe the City publicized the different public comment options.

In any case would it be possible for you to forward all the public comments you received within the deadline, to the DEP. They need to be aware of the issues that were brought up

That effect their purview.

Also to follow up on what Becca said, The City Harbor master told me personally and then repeated it to several others, that the

Megayachts on the outboard side would extend 50 feet beyond the end of the new pier into the harbor. It was unclear how much they would extend beyond the inside piers

I urge the State take a careful look at what the current design of this expansion would do to our harbor.

Also— a short period for the public to respond what was said by the development team at the walkthrough might be helpful

Thank you

Ken Wexler

Owls Head

MacNeil, Jami

From: Ken Wexler <KWexler@elaine.com>
Sent: Monday, November 08, 2021 8:19 AM
To: MacNeil, Jami; Foust, Karen L
Cc: Becca Shaw Glaser; Nate Davis; Pinny Beebe-Center; Valli Geiger (valligeiger@gmail.com)
Subject: RE: SHM

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Jami

Thank you so much for this email. I appreciate the interest DEP has shown in this project and in the process .

And sorry for the confusion on my part

Ken

From: MacNeil, Jami [mailto:Jami.MacNeil@maine.gov]
Sent: Monday, November 8, 2021 8:11 AM
To: Ken Wexler <KWexler@elaine.com>; Foust, Karen L <Karen.L.Foust@maine.gov>
Cc: Becca Shaw Glaser <beccaglaser@gmail.com>; Nate Davis <ndavis@rocklandmaine.gov>; Pinny Beebe-Center <pinny14@gmail.com>; Valli Geiger (valligeiger@gmail.com) <valligeiger@gmail.com>
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Jami

-Jami MacNeil (she/her)

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

From: Ken Wexler <KWexler@elaine.com>

Sent: Saturday, November 06, 2021 7:38 AM

To: Foust, Karen L <Karen.L.Foust@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>

Cc: Becca Shaw Glaser <beccaglaser@gmail.com>; Nate Davis <ndavis@rocklandmaine.gov>; Pinny Beebe-Center <pinny14@gmail.com>; Valli Geiger (valligeiger@gmail.com) <valligeiger@gmail.com>; Ken Wexler <KWexler@elaine.com>

Subject: SHM

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Owls Head

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To: Ken Wexler; MacNeil, Jami
Cc: Becca Shaw Glaser; Nate Davis; Pinny Beebe-Center; Valli Geiger (valligeiger@gmail.com)
Subject: RE: SHM

Dear Mr. Wexler,

I encouraged any interested parties who sent comments that were received after the October 15th Submerged Lands Program's deadline to send their comments to Jami at DEP prior to November 4th, so that their concerns would be heard and recorded.

The next step for the Submerged Lands Program will be to issue Preliminary Findings that will be sent to all interested parties as well as the applicant. There is a 30 day comment period for those Findings during which people may submit further evidence to challenge the Bureau's Findings. That opportunity will hopefully fulfill your request for an opportunity to speak to any new concerns.

Regards,
Karen

From: Ken Wexler <KWexler@elaine.com>
Sent: Monday, November 8, 2021 8:19 AM
To: MacNeil, Jami <Jami.MacNeil@maine.gov>; Foust, Karen L <Karen.L.Foust@maine.gov>
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Karen/Jamie

I would like to thank you and your colleagues for the time you spent with many of the folks who came to your inspection/ viewing of the SHM project.

The gentleman from DMR was particularly helpful in explaining the parameters of what oversight the various State Agencies have in this matter.

Out of one such discussion came the fact the Agency with the most oversight, DEP, had their own period and process for public comment.

Most of us were not aware of this and forwarded our comments to Jami's attention. I do not believe the City publicized the different public comment options.

In any case would it be possible for you to forward all the public comments you received within the deadline, to the DEP. They need to be aware of the issues that were brought up

That effect their purview.

Also to follow up on what Becca said, The City Harbor master told me personally and then repeated it to several others, that the

Megayachts on the outboard side would extend 50 feet beyond the end of the new pier into the harbor. It was unclear how much they would extend beyond the inside piers

I urge the State take a careful look at what the current design of this expansion would do to our harbor.

Also— a short period for the public to respond what was said by the development team at the walkthrough might be helpful

Thank you

Ken Wexler

Owls Head

MacNeil, Jami

From: Foust, Karen L
Sent: Monday, November 08, 2021 9:02 AM
To: Becca Shaw Glaser; MacNeil, Jami
Subject: RE: Additional Public Comment on SHM Rockland, LLC's Natural Resources Protection Act permit application (#L-20386-4P-P-N)

Good morning Rebecca,

Thank you for your email clarifying the statement that was made at the October 13th City Council Meeting. I had attended that meeting on-line and although I hadn't noted what he was referring to in the response, you and Mr. Wexler have both made it clear that the berthing area of the boats on the 150 ft. docks pointing east could be up to 50 ft. longer than the floats themselves. I have noted that in my take away from the meeting on Friday. We also discussed the extended berthing with Mr. Morong and Mr. Sabatini after walking around on the floats.

I always find it helpful to see what a project will look like at the actual site and we enjoyed being in Rockland and seeing what the City has to offer. The Boardwalk is indeed a highlight of the City and a beautiful way to experience Rockland. (The Wass' hotdogs were pretty good too!)

The next steps are that the Bureau will issue Preliminary Findings. You and other interested parties will be given 30 days to comment on those Findings.

Regards,
Karen Foust
Submerged Lands Coordinator

From: Becca Shaw Glaser <beccaglaser@gmail.com>
Sent: Friday, November 5, 2021 10:52 PM
To: Foust, Karen L <Karen.L.Foust@maine.gov>; MacNeil, Jami <Jami.MacNeil@maine.gov>
Subject: Re: Additional 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 Karen and Jami,

Thank you so much for coming to Rockland today. I hope you enjoyed yourselves. I know that this may not be able to be entered into the public record, but I said I would follow up with some important clarifying information after a brief conversation with Karen Foust at the site visit today. There seemed to be a discrepancy between what Ms. Foust understood Safe Harbor Marinas' plans are for the four 150' docks on the Easten side, versus what Safe Harbor's representatives have been stating publicly.

Ms. Foust said that the application called for no longer than 150' boats to be berthed in the 150' docks. I explained that Bill Morong, the consultant and main spokesperson for Safe Harbors' plans in Rockland, said, at the October 13, 2021 Rockland City Council meeting, that Safe Harbor could dock up to 200' boats on those docks. From the City's recording of the meeting:

<https://livestream.com/rocklandmaine/events/9889860/videos/226572158>, at 1:00:01, **Rockland Mayor Ed Glaser asks Bill Morong:**

"On the outer-face docks, what do you see as the maximum size vessel that you'll put out there?" Glaser clarifies, "I meant on the Eastern side where you have all those fingers."

Safe Harbor representative Bill Morong responds:

"Oh, in the slips; so, they're 150 foot fingers. So typically, you could put, you could probably, at 150 feet, you could have probably a 50 foot overhang max, I would think, and be safe with a breastline tie-up."

This is a Safe Harbor Marinas' representative stating unequivocally at a formal, public, Rockland City Council meeting, that they would plan to put 200' vessels on those four 150' docks. If they have not made those intentions clear in the application, that needs to be sorted out, because that appears to be their plan.

It may be relevant to refer to the comment I send to Jami MacNeil earlier today, showing that in the previous application for the marina expansion, Yachting Solutions included a mock-up showing how the boats would poke out significantly of those four docks, but in the SHM application, they have no longer included the boat mock-ups.

I also want to note that while SHM has now said 16 moorings would need to be moved for their expansion, my dad, Ed Glaser, who was the Rockland Harbormaster for over twelve years, and is now Mayor of Rockland, told me tonight that it will certainly be more than 16 moorings the project would displace.

And a final note, after the meeting, I went to our beloved Sandy Beach to tend to the flower gardens I take care of. It was particularly evident from there with the red mooring ball marking the end of those 150' docks, that the new docks and their attendant large yachts to be berthed there, will be a dominant view for people from Sandy Beach Park and from the beach itself. If the docks are built, and the new submerged land lease given from what is now public to a private corporation, it will undoubtedly affect the lovely, open feeling people now enjoy at our only sandy harbor swimming beach as they swim, walk their dogs, unwind, picnic, visit, and play.

Thank you very much,
Rebecca Glaser

----- Forwarded message -----

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

Date: Fri, Nov 5, 2021 at 9:13 AM

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

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

Thank you, Jami. I've decided to bend my work schedule so that I can be there. I'm curious how site visits work, having not seen them before, and will come in my capacity as a columnist for a local paper. I love the idea that you get to visit various sites to look at them.

Is there a place I can go to find out general statistics for what percentage of NRPA applications are approved throughout the state, year to year?

One other thing I wanted to note about SHM's application is something that may seem small but also could have been intentional. I compared the second Yachting Solutions application, which is put together by the same engineering firm, and under the guidance of the same person, Bill Morong, the head of Yachting Solutions, who is now a primary consultant for Safe Harbor Marinas on the ground in Rockland, with the current SHM application. The previous application included depictions of boats tied up at the docks on the Eastern side—although these depictions were flat, and didn't give a sense of the height of these boats, they helped with visualizing how long those boats would stick out.

That feature isn't in the new application, and one wonders if it was done in order to make it appear as if SHM didn't know the exact length and width of the boats they plan to dock there and charge for, and/or perhaps to obscure how those 200'-240' boats could actually be affecting the viewshed, line of sight, litoral zones, and the municipal channel. I believe a more accurate rendering including the maximum boat lengths and widths would better reflect their plans.

Attached are screenshots from the SHM application, which includes them trying to show that their previous application called for more dredging; it also shows that in their prior application they included boat renderings, whereas the current one does not seem to anywhere.

Thank you,
Rebecca Glaser