

Town of Frye Island / Application for Park and Ride Facility L-25719-NA-B-N
Request for Board Jurisdiction by The Friends of Raymond Cape

- Commissioner's Determination on Jurisdiction
-



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

March 22, 2013

Stephean Chute, Esq.
P.O. Box 707
South Casco, Maine 04077

RE: MDEP Stormwater Management Permit, Project #L-25719-NA-B-N
Frye Island Park & Ride Facility, Raymond

Dear Mr. Chute:

Thank you for your letter dated February 19, 2013 concerning the Town of Frye Island's application to construct the Frye Island Park & Ride Facility in Raymond. The proposed project will require a Stormwater Management Permit from the Department. The Department welcomes and considers any comments submitted during the review of pending applications.

I have carefully considered your concerns about potential environmental impacts resulting from the proposed project and your request to have the Board of Environmental Protection hold a public hearing and assume jurisdiction over this project. Chapter Two, the Department's Rules Concerning the Processing of Applications, states that the Board shall decide each application for approval of permits and licenses that in its judgment represents a project of statewide significance. Recent revisions to Chapter Two outline the criteria for determining when a project is of statewide significance. The project must meet at least three of the following four criteria:

- A. Will have an environmental or economic impact in more than one municipality, territory or county;
- B. Involves an activity not previously permitted or licensed in the State;
- C. Is likely to come under significant public scrutiny; and
- D. Is located in more than one municipality, territory or county.

Chapter 2 also states that, "When the Board assumes jurisdiction over an application, it will hold a public hearing unless it votes otherwise at the time it assumes jurisdiction."

After reviewing your concerns, I believe that this application does not meet the Chapter 2 criteria for the Board to assume jurisdiction. Therefore, I am recommending that the Board not assume jurisdiction or hold a public hearing on this project. If you have further questions or would like to submit additional written comments concerning this application, please contact Christine Woodruff in the Southern Maine Regional Office in Portland at christine.woodruff@maine.gov or (207) 615-6426.

Sincerely,



Patricia Aho
Commissioner

C: Christine Woodruff, MDEP (christine.woodruff@maine.gov)
 Phill Lowe (sebagolowe@gmail.com)
 John Ewalt (jmewalt@gmail.com)
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