STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

James W. Parker, Chair

Cynthia S. Bertocci
Executive Analyst

Ruth Ann Burke
Board Clerk

MEMORANDUM

TO: Board of Environmental Protection
FROM: Cynthia Bertocci, Executive Analyst
DATE: July 16, 2015
RE: Searsport Navigation Improvement Project – Requests for Board Jurisdiction
DEP Project #L-26487-08-A-N/ L-26487-4E-B-N

Project Description

The U.S. Army Corps of Engineers and the Maine Department of Transportation have applied for a Natural Resources Protection Act (NRPA) permit and Clean Water Act Section 401 water quality certification for a dredging project in and near Searsport Harbor. The project would deepen both the existing entrance channel and turning basin from a depth of 35 feet to a depth of 40 feet. In addition, the entrance channel would be widened from its current 500 feet at the narrowest point to 650 feet, and a maneuvering area adjacent to the State Pier's east berth in Long Cove would be created. The maneuvering area would have a length between 875 feet on the west side and 1066 feet on the east side and a width of 400 feet. This area would be deepened to 40 feet. Approximately 892,000 cubic yards of material would be dredged for the improvement project.

Additionally, maintenance dredging would be conducted to bring the existing project to its authorized depth of 35 feet plus two feet of allowable overdepth. Approximately 37,100 cubic yards of material would be removed for maintenance dredging.

The total amount of material to be removed is approximately 929,100 cubic yards. The applicant is proposing to dispose of the dredge material in Penobscot Bay at the Penobscot Bay Disposal Site located between Northport and Islesboro.

Issue before the Board

The issue before the Board at the July 16th meeting is whether the Board should assume licensing jurisdiction and conduct a public hearing on the application. The Board is not considering the merits of the application at this time.

The Commissioner received 35 requests from organizations and individuals for the Board to assume licensing jurisdiction over the application. Following review of these requests, the Commissioner, in a letter dated June 24, 2015, notified interested persons of her determination that the project does not meet the criteria for Board jurisdiction. She stated that the Department would hold a public hearing on the application in response to conflicting technical information.

Kim ErvinTucker, on behalf of several organizations and individuals, and Stephen Hinchman, on behalf of the Islesboro Islands Trust, have asked to address the Board on the question of Board

jurisdiction. Others who have requested that the Board take jurisdiction may also wish to address the Board.

Materials in the Board Packet

The following materials are included in the Board packet:

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• Criteria for Board Jurisdiction: Excerpts from Statute and Rule • 38 MRS § 341-D(2) Board Responsibilities and Duties, Permits and License Applications • Chapter 2, section 17 Board Assumption of Jurisdiction over an Application	7
• Commissioner Aho's June 24, 2015 Determination on Board Jurisdiction	15
• Excerpts from the Application • Public Review Draft: Environmental Assessment (April 2013)	19
• Searsport Harbor Federal Navigation Maintenance and Improvement Project (April 2015)	37
• Requests for Board Jurisdiction • Town of Islesboro, letter dated May 27, 2015	53
• Islesboro Islands Trust, letter dated June 1, 2015	57
• Kim Ervin Tucker, letter dated June 1, 2015	69
• A list of other requests for Board Jurisdiction	87