

**SEARS ISLAND SCOPING MEETING
GOVERNOR'S CABINET ROOM
JANUARY 23, 2006**

MEETING SUMMARY – *draft March 1, 2006*

I. WELCOME AND INTRODUCTIONS

Karin Tilberg, Martha Freeman and Dianne Smith all welcomed the group and set out the goal for today's meeting: to agree on a design for a stakeholder/public participation process which will consider future uses for Sears Island, and develop a consensus plan for those uses.

II. GROUNDRULES

The following groundrules were adopted:

- 1) Active Listening to Understand, Not to Debate
- 2) Question to Clarify, Not Cross-Examine
- 3) Focus on Concerns/Interests, not Positions
- 4) Address others' concerns as well as your own; identify areas of common ground; each person reserves the right to disagree, and assumes a responsibility to offer an alternative proposal that seeks to accommodate his/her interests and the interests of others
- 5) Maximum participation; Share the Air Time; be concise; no interruptions
- 6) Each person to express own views, no speaking for others at the table or attributing motives to others
- 7) Focus criticism on ideas, not the person (no personal attacks)
- 8) There are no dumb ideas or questions
- 9) No characterizing others' view to media

III. MEASUREMENTS FOR A FULLY SUCCESSFUL PROCESS FOR FUTURE USE PLANNING

Participants were asked to look at the stakeholder process from its conclusion and ask, "How would we know if we had a successful process (how would we measure that)?"

- All ideas were on table
- All perspectives, all stakeholders participate
- We have a sense of excitement, shared purpose
- Clear direction; outcome
- Intergovernmental compatibility
- No preconditions in discussion

- Take the right amount of time
- We have developed a plan for future uses
- Realistic, tangible
- Town and other stakeholders' acceptance of plan and implementation
- Sufficient education has taken place and agreement on educators
- Public benefit
- Shown respect for town, statutes
- Look at Sears Island in the context of its environs and the region
- Include the Port of Searsport in the considerations
- Economic, (direct/indirect) and environmental impact on region has been analyzed
- Plan helps to broaden tax base
- People had a to chance to voice views, we were respectful of all ideas
- Public participation was part of the process in a meaningful way

IV. WHERE TO BEGIN THE PLANNING PROCESS AND HOW TO USE DOCUMENTS, STATUTES, AGREEMENTS AND OTHER INFORMATION

Participants suggested the first issue to address is whether all the appropriate stakeholders were included in the Core Stakeholder Committee or the Resource Circle (see discussion of stakeholders below).

Then a process of information gathering and joint education has to be undertaken, to be sure everyone is working from the same base of information. When there is data collection necessary, who collects the data and agreement on it will be issues.

The group then identified a list of studies, reports and documents which should be compiled and reviewed by the stakeholder group as part of its study:

- L.D. 277
- Town's Sears Island Alternative Use Committee Report
- Searsport Comprehensive Plan & Ordinances
- Local Zoning Ordinances
- Environmental Data on Sears Island generated by DOT, DEP, IF&W, DOC, DMR
- Terry DeWan report
- U.S. Army Corps "dredging report" on Searsport and Stockton Springs and other relevant ACE studies and reports
- History of State and Federal monies spent to date and rationale spent
- Calhoun Study on Wetlands
- Consent Decree (synopsis)
- DOT documents outlining Maine's 3- port strategy

- Protect Sears Island document
- Good maps (land) & charts (water)
- Excerpt from “Law in Search of Geography”
- Maps should include overlays with Integrated Transportation System and Pipelines
- Local Studies which have been done of economic impact
- A way to identify “gaps” in data
- Investments by Sprague, Irving others
- Video – Tom Seymour
- Background on LMF- GAL
- “Enhancement Report” if it exists
- 1995 Sears Island Management Advisory Committee Report
- Examination of the strategic importance of the Port of Searsport
- Understanding of Global Trade pattern & relationship to Port Development
- Memorandum Of Understanding (MOU) between DOT and Town

When the group reviewed this extensive list of historical and present documents, a concern was raised that the stakeholder group shouldn’t get “bogged down” in the divisiveness of the **long** history of controversy surrounding Sears Island. Rather, after giving due consideration to the existing agreements and statutory requirements (e.g. L.D. 277) the group should feel free to look forward and develop agreements on future uses.

The group also discussed how and when to use this body of information and documents. There may be other documents as well. Are they simply there as a resource to be used as needed? Would it be helpful to have someone (Margaret Chase Smith Center, Muskie School?) prepare a technical review of the literature & provide summaries to the stakeholder group? Would the group benefit from a two hour “official” education by a panel? It was noted that the stakeholders group should be empowered to seek new information as it deems necessary (within the financial constraints available. DOT has only \$50,000 for this process. Several people said it might be possible to raise some additional private support for this process). **Note: these issues were unresolved in today’s discussion.**

One of the first issues which the stakeholder group must resolve is the geographical scope of its study. Will the group consider Mack Point? To what extent should it consider the needs of others throughout Maine whose lives and work are impacted by what happens in the Port of Searsport?

V. STAKEHOLDER ANALYSIS: WHO SHOULD BE INVITED TO ENSURE A BALANCED DISCUSSION

The group agreed that “the public” is a primary stakeholder and whatever process is

Designed, it MUST include public input. To avoid raising inaccurate expectations, however, the public must be advised that while the stakeholder group wants and needs its input, that the group must make an independent judgment based on its study of all the relevant information. We need to be clear with public and stakeholders that while the discussion should be unrestricted, there are some parameters and implementation steps already in place (i.e. L.D. 277, gubernatorial review, etc.).

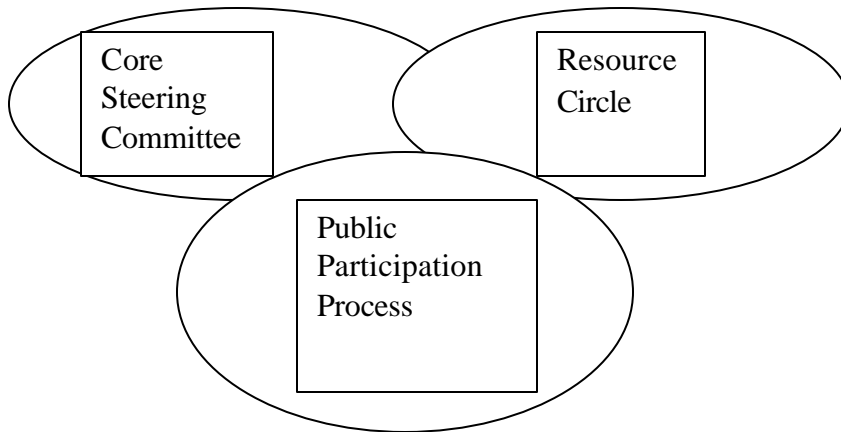
- BALANCE is key (if use a consensus process, numerical balance is somewhat less important)
- We need people who will make a commitment to be part of the whole process and work
- Can we use a self-selection process (let stakeholders identify themselves)?

In addition to the interests represented at today's meeting, the group then identified a number of different potential stakeholders:

- Penobscot Bay Alliance
- Penobscot Bay Marine Museum
- Maine Maritime academy
- Maine Marine Trades Association
- Montreal & Maine Atlantic RR
- Marine Boatbuilding
- Sprague Energy
- Northern Maine
- Other Ports
- Fishermen, Shellfish industry
- Surrounding communities
- Fisherman & other users of Bay

The decision was made to create a Core Steering Committee (CSC) comprised of the interests invited to today's meeting, with the addition of: 1) a representative of the Education/Academic Community; 2) DECD / tourism perspective, and 3) invitation to representatives from the fishing/lobstermen in the area (to be coordinated by Dave Etnier of DMR). In choosing this CSC, today's group agreed to be open to including new members when the group begins its work.

Working with that CSC would be a Resource Circle (RC) comprised of many of the other interests identified in today's discussion. Those representatives would not be expected to attend all meetings. Finally, the work of both the CSC and the RC would be informed by a public participation process which would include at least some "Open Space Technology" event (or similar process) at which people could identify for themselves and discuss the issues about which they were most concerned.



VI. LOGISTICS: SITE FOR MEETINGS, ANTICIPATED LENGTH OF PROCESS, PREPARATION OF AGENDAS & MINUTES, OTHERS

The group agreed the first meeting and any public participation portions of the process should be held in the Searsport area. At least one of the meetings should be held in the Bangor area, to permit easier access for Northern Maine stakeholders. It was agreed that while there might be a “site visit” in late March, the CSC would begin its work in April and work through June. If necessary the group would reconvene its work in the fall of 2006.

VII. FUNCTIONS OF AND HIRING PROCESS FOR FACILITATOR (IF ANY)

The group quickly agreed it needed a facilitator. There were three elements to this discussion:

1. **Qualifications of the facilitator:** Someone who has an understanding of land use planning, has the analytical ability to understand and interpret laws and data, someone who is available during the time period of this process, someone who has credibility with all interests and who is perceived as fair, someone with a track record of dealing with complex public policy issues, and someone who is clear and well prepared
2. **Scope of Work:** This depends to some extent on how many meetings the process will involve. It was decided to set out in an RFP a Goal for this process: A clear plan of

action developed by consensus on future uses for Sears Island, which would then be given to the Governor, Legislature, Town of Searsport and state agencies for review, approval and implementation. The candidate will then be asked how he/she would approach such a process.

3. Process of Decision-making for Hiring Facilitator: The group decided to create a selection committee to interview and select a facilitator. The committee will include representatives from all interests:

Joan Saxe	Tim Love
Dianne Smith	Kathy Fuller
John Melrose	Martha Freeman
Karin Tilberg	

Kathy Fuller will draft an RFP and circulate it among the group

VIII. STRUCTURE FOR IMPLEMENTING AGREEMENTS FROM TODAY

The same selection committee will also consider issues which must be addressed prior to convening any official process in April. Among those issues are:

- Site Visit in March?
- Hire Facilitator
- Determining Resource Circle
- Compiling Documents and considering any necessary joint education
- Arranging an opportunity for the Core Steering Committee to meet with Resource Circle
- Identify a place, date for and begin to notify public of Open Space/public participation event

IX. IMMEDIATE NEXT STEPS

The group will issue a public statement about the agreements arrived at today. The notes of the discussion will form the basis of the release, which will be coordinated by Karin Tilberg.

X. JURISDICTIONAL ISSUE

A question was raised as to whether DOT continued to hold jurisdiction over the planning process for the future uses of Sears Island. If so, is this consistent with a multi-agency, and stakeholder process which has as its goal the development of a plan for those future uses. Although it was clarified that Governor Baldacci wanted to convey agency

collaboration, that DOT had agreed to engage in this planning process and would deeply involved in the substantive discussions, and that having the process be hosted by DOC and SPO, it was agreed that a formal rationale for this process must be developed in order to defend itself against any challenge to its work.

Meeting Summary Respectfully Submitted by:

Jonathan W. Reitman, Esq.
Meeting Facilitator
47 Ocean Drive
Brunswick, ME 04011
(207) 729-1900
749-6912 (cell)
729-0919 (fax)
jreitman@goslinereitman.com
www.goslinereitman.com