



JANET T. MILLS
GOVERNOR



GERALD D. REID
COMMISSIONER

MEMORANDUM

TO: Mark Draper, Board Chair of the Board of Environmental Protection,
Kate Tierney, Assistant Attorney General

FROM: Scott Belair, Bureau of Land Resources, Northern Maine Regional Office

SUBJECT: Administrative Consent Agreement, Town of St. Agatha (Town)

DATE: May 14, 2020

Statute and Rule Reference: By conducting, or causing to be conducted, an activity that involves dredging, filling, bulldozing, removing or displacing soil, sand, vegetation or other earthen materials adjacent to; in, on or over a protected natural resource without first obtaining a permit from the Department, the Town violated the NRPA, 38 M.R.S. § 480-C.

By conducting an activity that involves filling, displacing or exposing soil or other earthen material without first taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into the protected natural resources, the Town violated the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C.

Location: 419 Main Street, Saint Agatha, ME

Description: On October 29, 2018, DEP staff received an anonymous complaint that a large amount of fill had been placed adjacent to Long Lake behind the Town Office in Saint Agatha. DEP staff inspected the location and observed that approximately 4,500 square feet of area in and adjacent to Long Lake had been filled along 119 feet of the shoreline. The filled area began 3-6 feet below the normal high-water line and extended up to 47 feet away from the lake. Staff also observed that the vegetation within this area had been removed as the project involved the mowing of all groundcover and saplings in order to place the fill on the site. There were no erosion and sedimentation controls in use on the site at the time of the visit. After further investigation, it was determined that the Town owned the property and the Town’s Public Works Department had completed the project without having obtained a permit from the Department.

The project was undertaken so that the Town’s heavy equipment could access the lake to remove an elaborate docking system although the large area that was filled was not necessary to do so. The NOV required that the site be restored although a small area could remain provided that the

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town would develop a design for a proper accessway and apply for an NRPA Individual Permit to make the improvements for future access. An NRPA Permit was approved on August 6, 2019 for all portions of the project that had not been previously restored.

Environmental Issues: Long Lake has great water quality and supports a robust cold-water fishery. Placing fill adjacent to and within the lake in such a large area without proper E&S controls would have introduced sediments and nutrients to the lake unnecessarily and could have been easily avoided.

Staff Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of one thousand nine hundred and eighty-seven dollars (\$1,987.00).

Is the agreement subject to 30-day public comment pursuant to 38 M.R.S. § 347-A(6)

Yes No

POSTED FOR 30-DAY PUBLIC COMMENT:

Enforcement Coordinator: N/A Posting Date: N/A Expires:
 N/A

PROCEED WITH SIGNATURE:

Enforcement Coordinator: _____ Date: _____