



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report

for actions during February 2024

ISSUED: March 5th, 2024

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 530-3138 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law, remediate environmental damage, restore natural resources to appropriate conditions, and/or impose penalties to deter similar actions in the future.

Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Andrew and Blake Foote, Owls Head, Knox County, Maine. Andrew and Blake Foote own property located in Owls Head, Knox County, Maine. On May 17, 2019, Department staff conducted a site inspection at the property of Andrew and Blake Foote to determine if three vernal pools on the property met the biological and physical criteria of “significant vernal pools” as defined in Department *Rules for Significant Wildlife Habitat*, 06-096 C.M.R. ch. 335. Staff documented biological and physical criteria for all three vernal pools. In addition, the vernal pools and surrounding areas were found to meet the definition of “freshwater wetlands” under the *Natural Resources Protection Act*, 38 M.R.S. § 480-B(4). During the inspection, staff observed an accessway and fill material in one significant vernal pool depression, fill and vegetation removal within the critical terrestrial habitat of all three significant vernal pools, fill and soil disturbance within the freshwater wetlands on-site, that erosion and sedimentation controls were not present at the time of the inspection, and upon further investigation found that Andrew and Blake Foote had not obtained permits from the Department for the above described activities. The above-described activities are violations of the *Natural Resources Protection Act*, 38 M.R.S. § 480-C and the *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C. On August 31, 2020, Andrew and Blake Foote submitted a plan to restore 523 square feet of freshwater wetland and significant wildlife habitat. Restoration was completed to the Department’s satisfaction on November 12, 2021. On April 27, 2023, Andrew and Blake Foote submitted an after the fact permit for 3,528 square feet of wetland alteration and an after the fact permit by rule application for activities near a significant vernal pool. To resolve these violations, Andrew and Blake Foote agreed to pay to the *Treasurer, State of Maine*, a civil monetary penalty in the amount of five thousand dollars (\$5,000.00).

Worcester Holdings, LLC, Columbia Falls, Washington County, Maine. Worcester Holdings, LLC (Worcester Holdings) owns property located in Columbia Falls, Maine. Beginning as early as 2019, Worcester Holdings stripped, graded, and did not revegetate at least seven acres of land within the development (hereinafter the “Flagpole View Cabins



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Development"). In 2019, Worcester Holdings constructed the first 20 cabins in the Flagpole View Cabins Development. Worcester Holdings constructed the remaining 32 cabins and restaurant over the next three years. At various times, Worcester Holdings has used the cabins to provide worker housing. Since 2022, Worcester Holdings has also seasonally rented the cabins and opened the restaurant building to the public as a takeout restaurant. At some point during the construction period, Worcester Holdings also built new roads on the site and expanded existing access roads. On July 13, 2022, Department staff conducted an inspection of the Flagpole View Cabins Development based on a complaint about an unpermitted development. Based on that inspection, the Department determined that the Flagpole View Cabins Development encompassed more than three acres that had been stripped, graded, and not revegetated. The Department also determined that there were no erosion and sedimentation controls in place at the site and that no permits had been obtained from the Department for the activities described above. By constructing and operating a development of state or regional significance that may substantially affect the environment without first obtaining a permit from the Department, Worcester Holdings violated the *Site Location of Development Act*, 38 M.R.S. § 483-A(1). By conducting an activity that involves filling, displacing, or exposing soil or other earthen materials and not implementing appropriate measures to prevent unreasonable erosion of soil or sediment beyond the project site, Worcester Holdings violated the *Erosion and Sedimentation Control law*, 38 M.R.S. § 420-C. To resolve these violations, Worcester Holdings agreed to pay to the *Treasurer, State of Maine* a civil monetary penalty in the amount of two hundred and fifty thousand dollars (\$250,000.00) and to file an after-the-fact permit application for the activities on the site by March 1, 2024. If the after-the-fact permit application is not submitted or if the application cannot be approved, Worcester Holdings must submit a restoration plan to remove and restore the area where any unpermitted structures in violation of the *Site Location of Development Act* remain.