

Penobscot Bay Watch

PO Box 1871 Rockland ME 04841

(207) 691-4634 * coastwatch@gmail.com

November 24, 2021

Heather Stukas

Army Corps of Engineers Maine Projects office

Augusta Maine

Comments on the Safe Harbors Maine Rockland Harbor marina expansion application Note: our attachments are all available in our review of SHMs DEP NRPA application

Penobscot Bay Watch is a citizen's effort in defense of the ecological integrity and adaptability of Maine's biggest bay, through local oversight and community action. We seek responsible coexistence of our human communities with Penobscot Bay's fishes, shellfish, plankton, seaweeds, seabirds and other baylife, including those in and around its tidal river drainages

Based on our review of Safe Harbor Marina's application and of the responses by BPL, DEP, DMR, and detailed below we request that the US Army Corps of Engineers find that (1) the SHM application is incomplete, and (2) that state agency reviews of the proposal are insufficient.

At Issue:

Precedent in Rockland Harbor

Navigation safety

Inadequate Alternatives Review

Inadequate description of affected scenic and natural resources

Inadequate review of the affected environments by state agencies.

False or Incomplete Information supplied by applicant

We consider these deficiencies serious enough that the Corps of Engineers cannot properly evaluate the Safe Harbors Rockland marina expansion proposal on its suitability or not for a General Permit unless missing elements are addressed

Precedent The applicant's list of developments in its application shows how, down the years, the owners of this site have kept as close to its original harbor footprint when built for the MBNA corporation's yachts. The list also denotes how often proposals for significant expansion since then have been rejected.

Safe Navigation The project will diminish safe public access to and transit through Rockland Harbor and its mooring fields and inner harbor in several ways. This includes leasing submerged lands long used for public moorings to a nationwide marina holding company for their private clients.

SHM would increase congestion in the inner harbor. This increases the hazard for fishermen, sailors and others navigating into, through and out of the harbor to using the city's docks and mooring fields and municipal and federal channels.

The addition of Dock "C" and its 14 slips significantly increases congestion in the inner harbor and intrudes into what has historically been a paddle and skiff area only. The proposed Dock C is particularly of concern for the hundreds of kayakers and paddleboarders that prefer to stay away from larger craft by limiting their harbor navigation to nearshore waters. SHM would allow up to seven motorized vessels at a time to invade that space, significantly reducing safety of the paddlers using that part of the harbor. **This is unacceptable.** SHM needs to delete Dock C from its proposal. Please require this change.

Inadequate Alternatives Review. Applicant neglects a major alternative, similar to the one that Maine DEP has used twice in denials of the Samorock's proposed private pier adjacent to the Rockland Breakwater. This would be to eliminate most of SHM's docks proposed to host 150 foot + megayachts from its plan. Instead, require they use the outer harbor anchorage sites, as the cruiseships do. Passengers and crew can travel to and from shore in launches and water taxis. The remaining oversize pier would be part of the Safe Harbors fuel dock would be necessary to stabilize oversize vessels while they take on fuel or use a pump out station for their sewage. The No Action alternative, the status quo, should be ACOE's Aferred Alternative,

Inadequate review of the affected environments by state agencies.

Viewshed Maine DEP is aware of the significance and uniqueness of the Harbor Park viewshed. The SHM project will result in degradation of one of Rockland's most important visual resources, by expanding an existing marina in a way that will attract oversized megayachts to the harbor; blocking all or part of this viewshed, which stretches out to the harbor lighthouse, then 14 miles across an unspoiled expanse to the Fox Islands, (Vinalhaven and North Haven)

Important irreplaceable and limited viewsheds such as the downtown Rockland Harbor viewshed, with its substantial public pedestrian use and access **should not be degraded**.

Under NRPA's Chapter 315 "A scenic resource visited by large numbers who come from across the country or state is generally considered to have national or statewide significance."

The Rockland Harbor viewshed is certainly of national and regional significance. Tens of thousands of people visit Harbor Park every year, both ordinary sightseers and those attending Rockland's famed Lobster Festival and its Blues Festival. All stand in awe of the surprise viewshed out to Vinalhaven, framed on one side by the Rockland Lighthouse, with Owls Head State Park

Rockland Viewshed Protection History In 1990, the last statewide coastal scenic resource inventory to date issued the following Viewshed Management Recommendations for Rockland Harbor "Develop performance standards for the eventual development/redevelopment of waterfront parcels, **focusing on maintenance of visual access to waterfront areas** and bulk and space requirements."

In 2001 and 2007 Maine DE and concurring state and federal agencies protected an important viewshed on the other end of Rockland Harbor, rejecting efforts by the owners of the Samoset Resort to build a private marina alongside the Rockland Breakwater. It was rejected partly for threatening the degradation of Marie Reed Park's immense public pedestrian-only viewshed from Rockland Lighthouse to VinalHaven and partly for threatening to block harbor lobstermen from their productive grounds along the breakwater at the proposed Samoset pier site **See attached DEP's 2001 and DEP's 2007 documents**. Note these are transcriptions of the original documents.

Note that the state rejected the visual impact analysis carried out by a Samoset consultant. When the visual analysis was redone accurately, the threat to the city viewshed was far more significant than the applicant had claimed.

Third time is the charm. Shielding one important Rockland viewshed, twice, shows that state and federal governments historically has recognized how increasingly rare public pedestrian-accessible viewsheds of Penobscot Bay are along the Route 1 corridor.

The Corps of Engineers concurred with DEP's precautionary decision *then*; the new generation of federal and state permit reviewers involved in the present review **should heed these precedents**

Fish and Shellfish Habitat The evaluations cryptically states “Activities will take place outside of migratory fish seasons.” The **operations** of the proposed expanded areas must be part of the review, not only construction activities The operations will take place when many migratory fish are visiting Rockland Harbor including but not limited to sturgeon, mackerel, bluefish and striped bass. These, as well as the the year-round fishes and shellfish will be impacted by vessel graywater and the runoff from daily mega yacht deck washdowns draining into the harbor - along with whatever cleansers are used The applications asserts on fish and shellfish are unacceptable under General Permit review guidelines as “False or Incomplete Information” **SHM's fish and shellfish and shellfish data review should be rejected**

Wildlife Habitat the consultant's wildlife survey ridiculously concludes that *,"Herring and Ring Billed Gulls Observed, no other species observed."* Eco-Analysts survey's apparent single brief observation does not remotely offer sufficient portrayal of the wildlife of Rockland Harbor that would be impacted for the purposes of state and federal review

To claim that two gull types "were observed" does not a bird inventory make. Even a cursory look at the work of IFW and other bird experts reveals the harbor is a regular and seasonal site for ospreys, sea ducks including buffleheads, eiders, harlequin ducks and black scoters, double crested cormorants, great blue herons and many more. In addition seals are common in Rockland Harbor .

We consider the ecological analysis provided by the applicant to be hopelessly deficient and misleading. Unacceptable under General Permit review as “False or Incomplete Information” It falsely depicts a nearly lifeless harbor ecosystem rather than the reality as noted above, and **should also be rejected as insufficient**

COASTAL ZONE MANAGEMENT

As noted in Maine Coastal Program's Strategic Outlook 2021-2025:

“Access to the shore is a traditional way of life for Maine residents, who value the coast for its scenic beauty, recreational opportunities and cultural heritage. The biggest industries in Maine depend on access to the water and tourism is a primary contributor to the state’s economy.”

Contrary to the strategic outlook, this SHM proposal to attract Megayachts threatens to reduce Rockland Harbor's “scenic beauty, recreational opportunities and cultural heritage” (the harbor viewshed, the harbor's amenities for tourism including swimming and the harbors value to its sailing and

commercial fishing fleets, respectively.)

In closing, please declare the SHM application incomplete and the state DEP review of the project insufficient. Return the application to SHM for modification, including the elimination of Dock "C" to protect paddlers and swimmers. before bringing it back for review

Sincerely

Ron Huber

Ron Huber Watch

cc Jay Clement