



135 River Road • Woolwich, ME 04579
207-837-2199 • tim@atlanticenviromaine.com
www.atlanticenviromaine.com

January 27, 2021

Ms. Alison Sirois
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

Re: Natural Resources Protection Act (DEP) Application on behalf of Adam Mitchell, 53 Benjamin's Way, Yarmouth, Maine.

Dear Alison,

On behalf of Adam Mitchell, Atlantic Environmental, LLC (AE) is pleased to submit an Individual Natural Resources Protection Act (NRPA) Permit Application to the Maine Department of Environmental Protection to construct a dock consisting of a landing and steps that connect to a pier, ramp, and float located at 53 Benjamin's Way in the Town of Yarmouth, Maine. Specifically, the Applicant proposes to construct a four (4) foot wide by six (6) foot landing that connects to a four (4) foot wide by four (4) foot long stairs. The stairs will connect to a six (6) foot wide by twenty-four (24) foot long pier, a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float. The proposal includes a four (4) foot wide by nine (9) foot long set of stairs that extend from the pier and provide access to the intertidal. A copy of this Application has been submitted to the U.S. Army Corps of Engineers (ACOE), Maine Projects Office in Augusta, Maine and to the Town of Yarmouth, Maine. As part of the ACOE requirements, a copy of the IPaC report is included.

Thank you in advance for your consideration of this Application. If you require any additional information or clarifications, please feel free to contact me at 207 - 837 - 2199 or by email at tim@atlanticenviromaine.com.

Sincerely,
Atlantic Environmental LLC.

A handwritten signature in black ink that reads 'Timothy A. Forrester'.

Timothy A. Forrester, Owner

Natural Resources Protection Act Application

to

Construct a Pathway and Dock consisting of a

a Landing, Access Stairs, and a

Pier, Ramp, and Float

located at

53 Benjamin's Way

Yarmouth, Maine

Submitted to:

Maine Department of Environmental Protection

312 Canco Road

Portland, ME 04103

Submitted by:

Atlantic Environmental, LLC

135 River Road

Woolwich, ME 04579

January 27, 2021

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		Adam Mitchell		5. Name of Agent:		Atlantic Environmental, LLC	
2. Applicant's Mailing Address:		16 Yale Street Portland, ME 04103		6. Agent's Mailing Address:		135 River Road Woolwich, ME 04579	
3. Applicant's Daytime Phone #:		(207) 650 - 8249		7. Agent's Daytime Phone #:		(207) 837 - 2199	
4. Applicant's Email Address (Required from <i>either</i> applicant or agent):		Acmitch10@yahoo.com		8. Agent's Email Address:		tim@atlanticenviromaine.com	
9. Location of Activity: (Nearest Road, Street, Rt.#)		53 Benjamin's Way		10. Town:		Yarmouth	
				11. County:		Cumberland	
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Kennebec River	
				14. Amount of Impact: (Sq.Ft.)		Fill: ± 8 sq. ft. below HAT Dredging/Veg Removal/Other:	
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <i>Tier 1</i> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </div> <div style="text-align: center;"> <i>Tier 2</i> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </div> <div style="text-align: center;"> <i>Tier 3</i> <input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </div> </div>			
16. Brief Activity Description:		The applicant proposes to construct a dock consisting of a landing, stairs, a pier, a seasonal ramp, and a seasonal float. The project includes the construction of a meandering pathway.					
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> square feet, or <input checked="" type="checkbox"/> 0.15 acres		UTM Northing: 4845415 UTM Easting: 407215			
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement					
19. Deed Reference Numbers:		Book#: 36487 Page#: 221		20. Map and Lot Numbers:		Map #: 53 Lot #: 16	
21. DEP Staff Previously Contacted:				22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
23. Resubmission of Application?:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, previous application #		Previous project manager: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
24. Written Notice of Violation?:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:		From I-295, take exit 15 and turn right on Route 1. Bear right on Portland St and travel approximately 0.5 miles. Turn right on Route 115 and travel for approximately 0.2 miles. Keep straight on Route 88 and travel for 0.7 miles. Turn left on Princes Point Road and then turn left on Gilman Road. Turn right on Madeleine Point Road and travel for 0.3 miles. Turn left on Benjamin's Way. #53 is located on the right.					
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS					
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input checked="" type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the Information listed under Site Conditions <input checked="" type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input checked="" type="checkbox"/> Erosion Control/Construction Plan <input checked="" type="checkbox"/> Functional Assessment (Attachment 3), if required <input checked="" type="checkbox"/> Compensation Plan (Attachment 4), if required <input checked="" type="checkbox"/> Appendix A and others, if required <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC N/A Description of Previously Mined Peatland, if required			
28. FEES Amount Enclosed:		\$543.00					

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."



SIGNATURE OF AGENT/APPLICANT

Date: January 27, 2021

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.



135 River Road • Woolwich, ME 04579
207-837-2199 • tim@atlanticenviromaine.com
www.atlanticenviromaine.com

January 13, 2021

To whom it may concern:

By this letter, I authorize Atlantic Environmental LLC to act on my behalf as my Agent for the preparation and submission of all federal, state, and local town or city permit applications and relevant documents and correspondence related to the construction of a dock located at 53 Benjamin's Way in Yarmouth, Maine. This authorization includes attending meetings and site visits, appearing before all boards, commissions, and/or committees, and providing other services as required for completing the aforementioned tasks.

Thank you for the opportunity to work with you on this project. Should you have any additional questions, please do not hesitate to contact me at 207-837-2199 or via email at tim@atlanticenviromaine.com.

Adam Whithell

Print Name

[Signature]

Signature

13 Jan 21

Date

Sincerely,
Atlantic Environmental LLC.

Timothy A. Forrester

Timothy A. Forrester, Owner

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**Exhibit 12. Coastal Wetland Characterization
Summary including U.S. Fish and
Wildlife Official Species List**

Exhibit 13. Compensation

EXHIBIT 1.0: ACTIVITY DESCRIPTION

The Applicant owns an approximate 0.15-acre parcel of land located on Benjamin's Way and adjacent to Casco Bay in the Town of Yarmouth, Maine (see **Exhibit 3.0**). The site is developed with a residential structure and associated development. There is currently no formal access to the resource for recreational water pursuits from the Applicant's property, therefore, the Applicant proposes to construct a dock in order to provide safe and reasonable access to Casco Bay and adjacent waters for recreational purposes.

Atlantic Environmental, LLC (AE) investigated the site and the surrounding area to determine the feasibility of accessing the resource and constructing a dock that will accommodate the Applicant's watercraft and meet project goals while avoiding and minimizing impacts to the environment. Based on the Applicant's needs, the existing conditions of the site, and the outcome of our investigations, the following design criteria have been determined.

In order to reach navigable waters on an all-tide basis, the Applicant proposes to construct a four (4) foot wide by six (6) foot long landing that connects to a set of four (4) foot wide by four (4) foot long stairs. The stairs will connect to a six (6) foot wide by twenty-four (24) foot long pier. The Applicant proposes to construct a four (4) foot wide by nine (9) foot long set of stairs for access to the intertidal from the pier. The pier will be supported with a total of eight (8), eight (8) inch by eight (8) inch pilings that will be pinned to ledge. As a result of the supports for the pier, there will be approximately eight (8) square feet of direct impacts to the coastal wetland. The pier will connect to a three (3) foot wide by forty (40) foot long seasonal ramp and a twelve (12) foot wide by twenty (20) foot long seasonal float. The float will be secured in place with cross chains pinned to ledge and helix anchors.

During the off-season, the ramp will be stored on the pier and the float will be hauled off-site and stored in an upland location.

As part of the project, the Applicant proposes to construct a four (4) foot wide by one hundred (100) foot long meandering pathway to provide access to the dock from the upland. The pathway will be constructed out of erosion control mulch and, in areas of steeper slopes along the pathway, the Applicant proposes to construct wood steps to provide safe access and minimize the potential for erosion along the pathway.

EXHIBIT 2.0: ALTERNATIVES ANALYSIS

Several alternatives were considered in determining the need and the placement of the proposed dock. Factors considered in this analysis include: shoreline characteristics, substrates, vegetation, tidal access, identified natural resources, existing structures, and proximity to existing public and private facilities.

2.1: ALTERNATIVE ONE

The Applicant considered not constructing a dock; however, the Applicant's project purpose is to provide safe boating access to the resource. The upland extends to steep exposed ledge and rockweed covered ledge and it is unsafe to traverse with watercraft. Given this, the Applicant determined that the construction of a dock would provide safe access to the resource. Therefore, the no action alternative was rejected since it would not meet the project purpose.

2.2: ALTERNATIVE TWO

The Applicant considered constructing a temporary dock. However, in order to reach navigable waters, a temporary dock would not result in as safe or stable structure. The Applicant needs to span ledge that is located in the intertidal and the safest way to do this is to pin piles to the ledge. For this reason, this alternative was rejected.

2.3 ALTERNATIVE THREE

The Applicant considered other locations on the parcel. The Applicant owns approximately sixty-five (65) feet of shoreline and the dock is centered within this area to provide sufficient distance from the riparian lines. In addition, the proposed location allows

the float to land beyond the ledge and the Applicant determined the proposed location of the dock does not pose an adverse impact to navigation and existing uses in the area. For these reasons, the Applicant determined the proposed location is the most suitable location on the property.

2.4 ALTERNATIVE FOUR

The Applicant considered public and private facilities. The nearest public launch is located approximately six (6) miles from the project site. The launch does not provide as readily available access to meet the Applicant's project goals given the need to trailer and launch their boat on a regular basis. In addition, the Applicant intends to utilize the dock for other recreational activities such as utilizing low impact watercraft (kayaking and paddle boarding) as well as fishing and swimming. For these reasons, the Applicant determined the launch does not meet their project purpose. There are several marinas located in Yarmouth, approximately four (4) miles from the project site. The Applicant determined that given the annual cost to maintain a slip and that a marina does not provide recreational access for swimming, paddleboard, and fishing, this was not a practicable alternative that met their project goals.

2.5 ALTERNATIVE FIVE

The preferred location and proposed dimensions were selected for several reasons:

- a. No public or private facility can reasonably and cost effectively meet the Applicant's project purpose.
- b. The proposed location and dimensions allow the float to extend a reasonable distance from the ledge that is located in the intertidal area and maintain partial-tide recreational

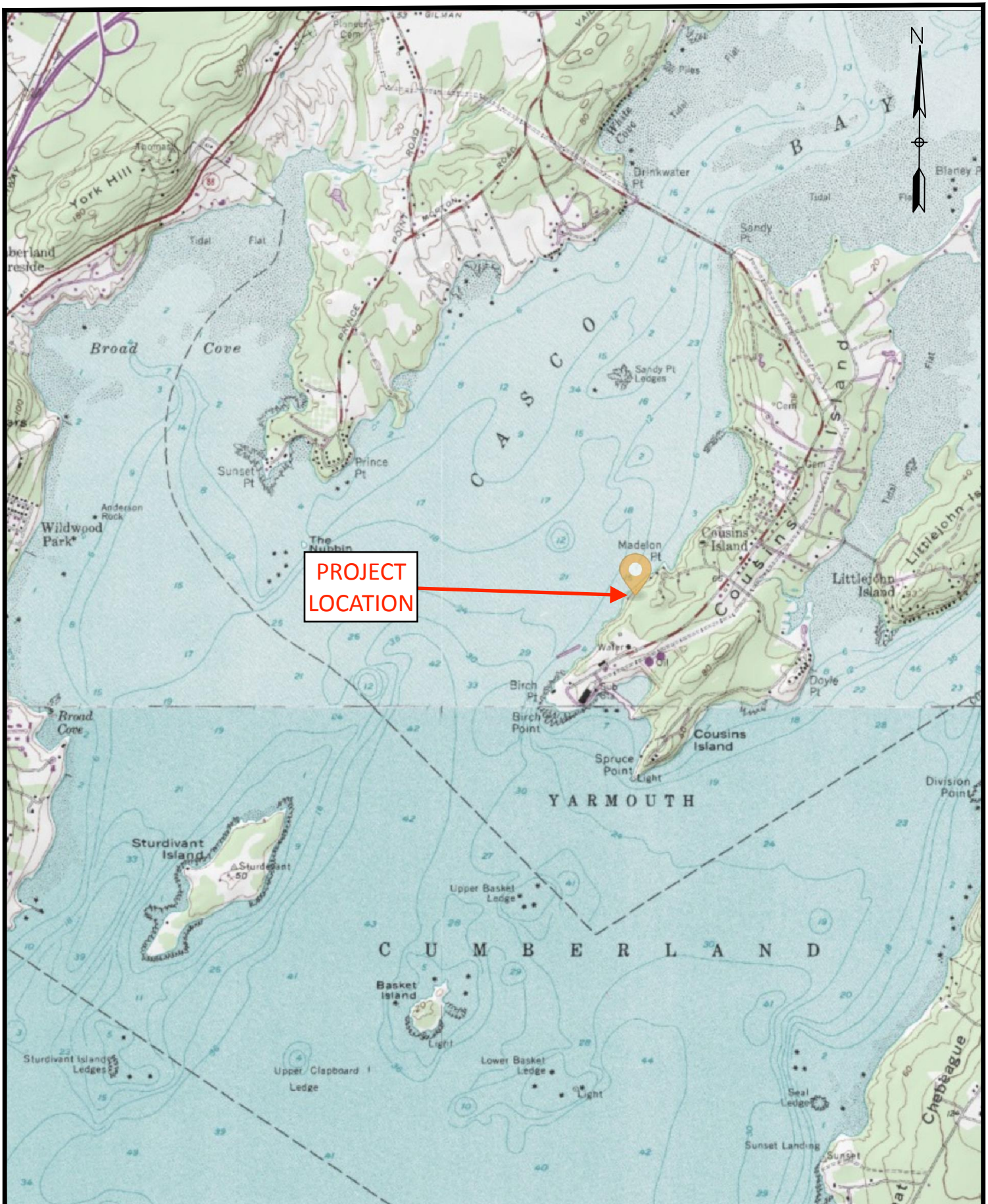
water access.

c. The proposed location is protected from boat traffic and will not pose an impact to navigation.

2.6 STATEMENT OF AVOIDANCE AND MINIMIZATION

In summary, the Applicant considered several alternatives before determining that the construction of a dock was the most practicable alternatives to meet project goals. The proposed dock is the necessary length to reach navigable waters on an all-tide basis and all seasonal structures will be stored outside of the coastal wetland during the off-season.

EXHIBIT 3.0: LOCATION MAP




 <p>ATLANTIC ENVIRONMENTAL LLC. Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticenviromaine.com</p>	<p>Date: 1/25/2021 Revised: Project: Mitchell, Yarmouth Drafted By: ---</p>	<p>PROJECT LOCATION 53 Benjamin's Way, Yarmouth, Maine Maine Atlas & Gazetteer Map 6 (Section D-1) 43.755972, -70.152572</p>	<p>Sheet 1 of 1</p>
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EXHIBIT 4.0: PHOTOGRAPHS

The following photographs are taken from the site of the project and represent the proposed location of the proposed dock located at 53 Benjamin's Way in the Town of Yarmouth, ME.



Photograph One. Aerial View of Project Site. Red arrow indicates approximate location of project.
Source: Google Earth. Date: May 4, 2018.



Photograph Two. Facing southwesterly - View of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 21, 2021.



Photograph Three. Facing northerly – additional view of intertidal at project site. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 21, 2021.



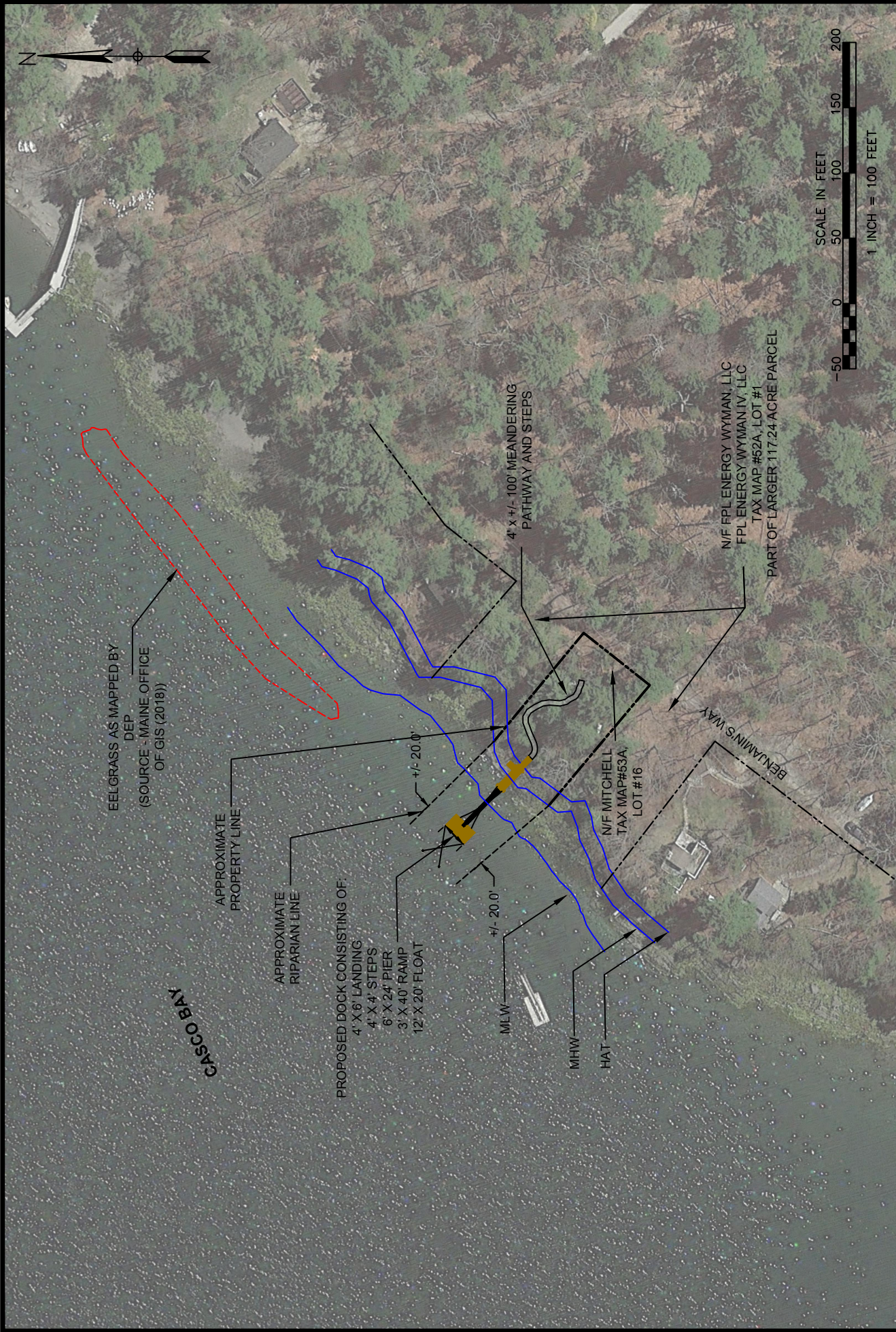
Photograph Four. Facing southerly – view of residential structure and location of beginning of proposed dock. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 21, 2021.



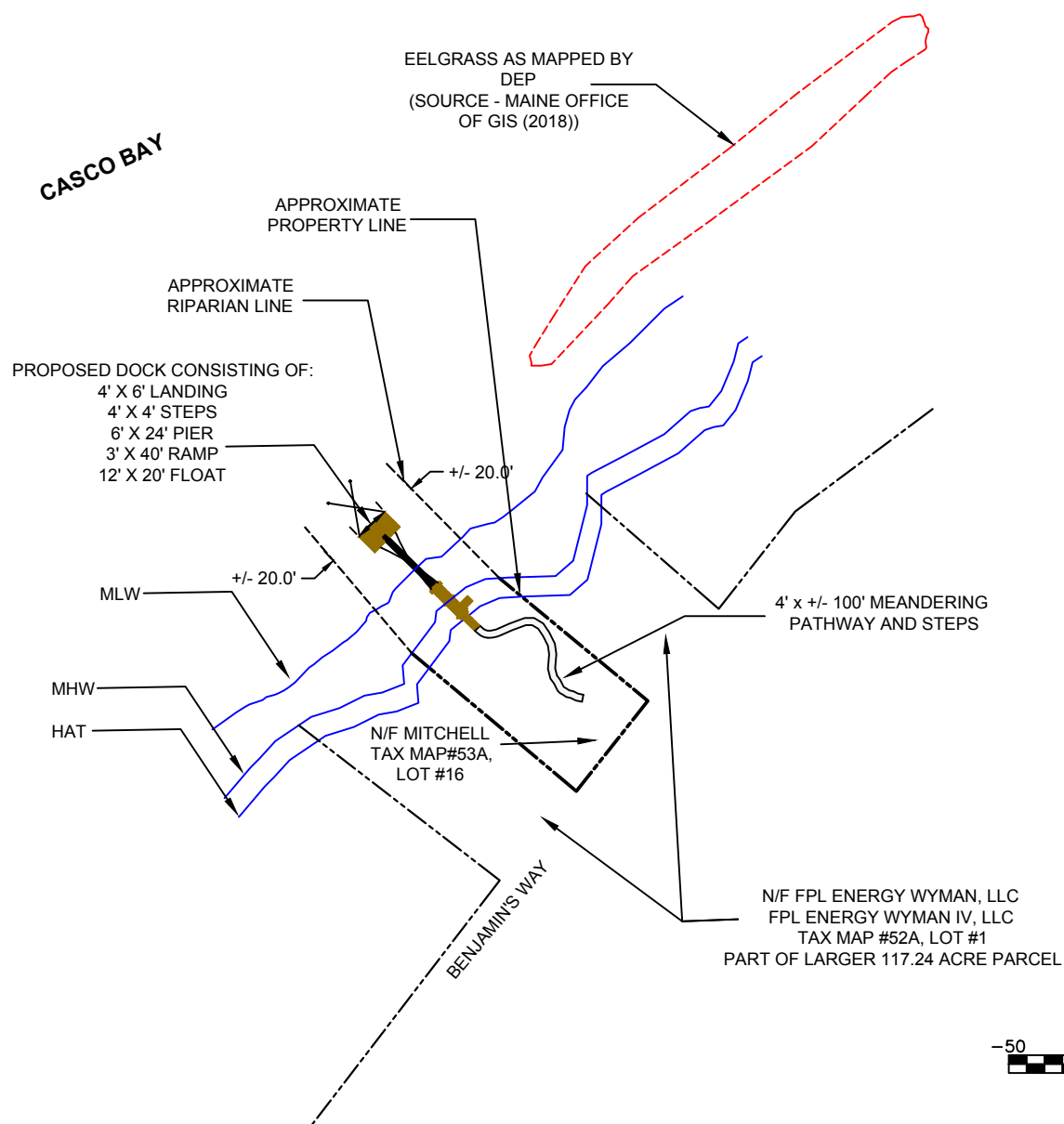
Photograph Five. View of coastal wetland where float will land. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 21, 2021.



Photograph Six. View of residential structure and existing access stairs that will be repaired. Photographer: Tim Forrester, Atlantic Environmental, LLC Date: January 21, 2021.



<p>ATLANTIC ENVIRONMENTAL LLC: Environmental Consultants 135 River Road, Woolwich, ME 04579 (207) 837-2199 tim@atlanticevirmaine.com</p>	<p>Date: 1/26/2021 Revised: Project: Mitchell, Yarmouth Drafted By: TAF/LCV</p>	<p>Plan View of the Proposed Dock for Adam Mitchell located at 53 Benjamin's Way in Yarmouth, Maine.</p> <p>FOR PERMITTING PURPOSES</p> <p>Sheet 1 of 3</p>
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ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 1/26/2021
Revised:
Project: Mitchell, Yarmouth
Drafted By: TAF/LCV

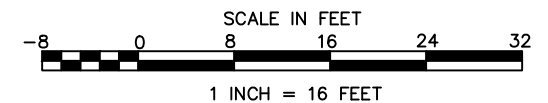
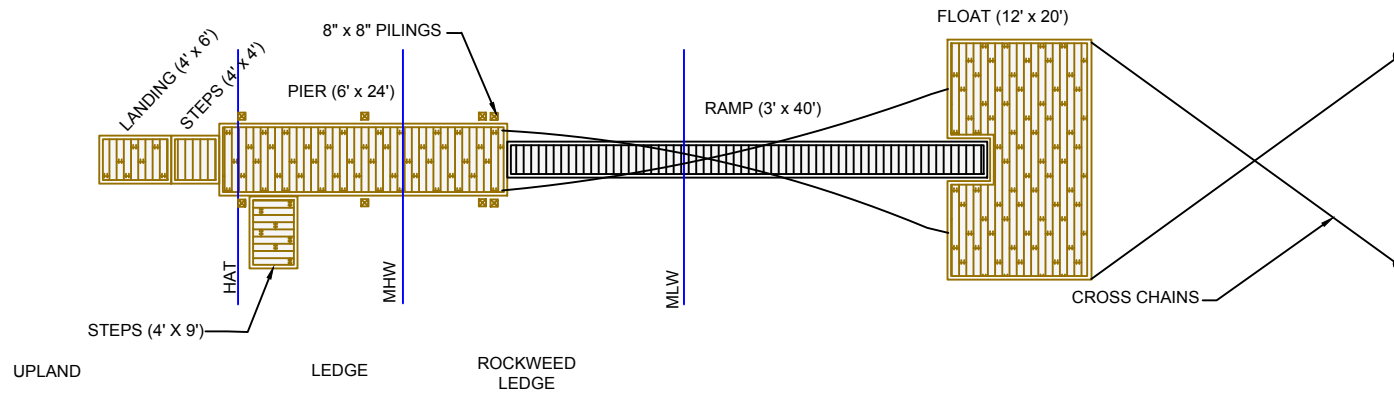
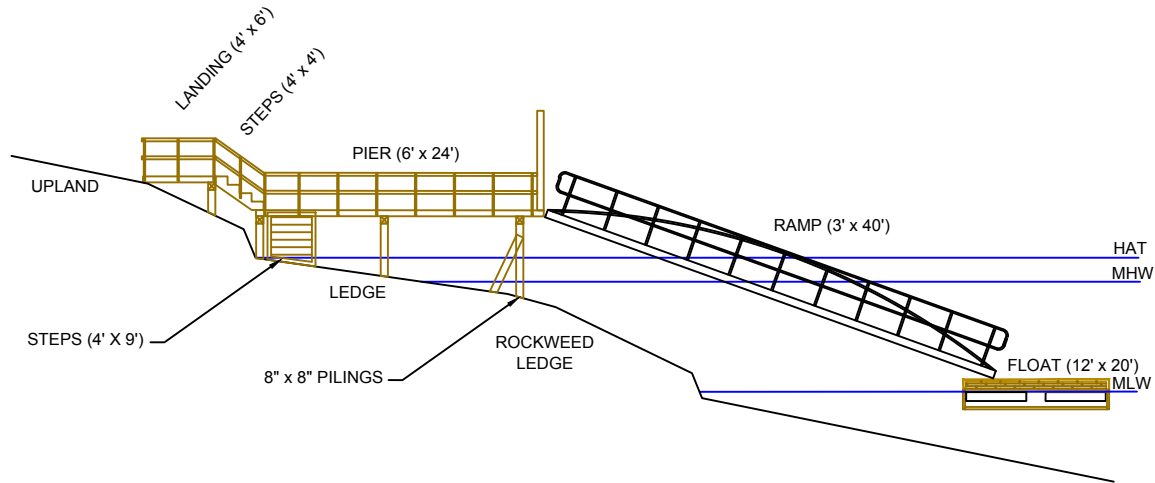
Plan View of the Proposed Dock for Adam Mitchell located at 53 Benjamin's Way in Yarmouth, Maine.

FOR PERMITTING PURPOSES

Sheet
2
of
3

NOTES:

- 1) ALL PT LUMBER WILL BE CURED IN THE UPLAND FOR 21 DAYS PRIOR TO INSTALL.
- 2) DURING THE OFF-SEASON, THE RAMP WILL BE STORED ON THE PIER AND THE FLOAT WILL BE HAULED OFF-SITE AND STORED IN AN UPLAND LOCATION.
- 3) FLOAT WILL BE SECURED IN PLACE WITH CHAINS PINNED TO LEDGE.



ATLANTIC ENVIRONMENTAL LLC.
Environmental Consultants
135 River Road, Woolwich, ME 04579
(207) 837-2199
tim@atlanticenviromaine.com

Date: 1/25/2021
Revised:
Project: Mitchell, Yarmouth
Drafted By: TAF/LCV

Plan View and Cross Section View of the Proposed Dock for Adam Mitchell located at 53 Benjamin's Way in Yarmouth, Maine.

FOR PERMITTING PURPOSES

Sheet
3
of
3

EXHIBIT 6.0: CONSTRUCTION PLAN

The pier will be supported with pilings pinned to ledge as described in **Exhibit 1.0**. Any CCA-treated lumber used for the construction of the pier will be cured on dry land for 21 days prior to the start of construction. The aluminum ramp and wood float will be constructed off-site and set in place once the pier is constructed. The construction of the dock and float haulout should take approximately one (1) to two (2) weeks.

All materials will be transported to the site from the upland and construction access will take place from the adjacent upland. It is not anticipated that measureable soil disturbance will occur as a result of the construction of the pier given the ledge in the area.

EXHIBIT 7.0: EROSION CONTROL PLAN

The dock involves minimal excavation and/or earth moving and all work will be conducted at low tide. Given that minimal sedimentation, if any, will occur for the construction of the dock, no formal measures are proposed to control erosion or sedimentation. The pathway will be constructed with erosion control mulch and any areas of soil disturbance at the completion of construction will be stabilized with vegetation and mulch in accordance with the Department's permanent soil stabilization BMPs published in the most recent version of the Maine Erosion and Sediment Control BMPs manual.

EXHIBIT 8.0: APPENDIX A, B, & D

APPENDIX A: MDEP VISUAL EVALUATION FIELD SURVEY CHECKLIST

(Natural Resources Protection Act, 38 M.R.S.A. §§ 480 A - Z)

Name of applicant: Adam Mitchell Phone: (207) 650 - 8249

Application Type: Individual NRPA

Activity Type: Dock

Activity Location: Town: Yarmouth, Cumberland County

GIS Coordinates, if known: 4845415 Northing 407215 Easting

Date of Survey: January 21, 2021 Observer: Tim Forrester Phone: 207 - 837 - 2199

1. Would the activity be visible from:	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-¼	¼-1	1+
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	x
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	x
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	x
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	x
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	x
F. 1) A municipal park or public open space? Madeleine Point	x	<input type="checkbox"/>	<input type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities? Madeleine Point	x	<input type="checkbox"/>	<input type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	x	<input type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	x	<input type="checkbox"/>	<input type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	x
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		Yes	xNo
5. Are any of the resources checked in question 1 used by the public?		xYes	No

APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST

NAME OF APPLICANT: Adam Mitchell PHONE: (207) 650 - 8249

APPLICATION TYPE: Individual NRPA

ACTIVITY LOCATION: Yarmouth COUNTY: Cumberland

ACTIVITY DESCRIPTION: fill x pier lobster pound shoreline stabilization dredge other:

DATE OF SURVEY: January 21, 2021 OBSERVER: Tim Forrester

TIME OF SURVEY: 11:30 am TIDE AT SURVEY: Low-Tide

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 8 square feet Subtidal area: 0

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: approximately 190 square feet Subtidal area: approximately 280 square feet

HABITAT TYPES PRESENT(check all that apply):

☐ sand beach ☐ boulder/cobble beach ☐ sand flat ☐ mixed coarse & fines ☐ salt marsh
x ledge ☐ rocky shore ☐ mudflat (sediment depth, if known:____)

ENERGY: ☐ protected ☐ semi-protected x partially exposed ☐ exposed

DRAINAGE: ☐ drains completely x standing water ☐ pools ☐ stream or channel

SLOPE: ☐ >20% x 10-20% ☐ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☐ bluff/bank (height from spring high tide:____) ☐ beach x rocky x vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland x stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	x			
clams	x			
marine worms	x			
rockweed				x
eelgrass		x*		
lobsters	x			
other	x			

*Not at project site but located to the northeast of project

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes x no

PREVIOUS ALTERATIONS? ☐ yes x no

CURRENT USE OF SITE AND ADJACENT UPLAND:

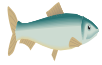
☐ undeveloped x residential ☐ commercial ☐ degraded x recreational

PLEASE SUBMIT THE FOLLOWING:

x Photographs x Overhead drawing

(pink)

Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.



Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.



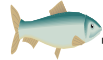
THIS IS AN APPLICATION FOR A....

- ☐ Commercial Dock
If yes, indicate type of commercial activity:
Number of fishermen using this wharf:
- ☐ Public pier, dock or wharf
- ☐ Common or shared recreational pier, dock or wharf
- ☒ Private recreational pier, dock or wharf
- ☐ Expansion or modification of an existing structure
- ☐ Other, please indicate: _____



TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 1 - 3 feet.
My boat(s) includes including motorboat, kayaks, and paddleboards.



TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: See Appendix B



SCENIC CONSIDERATIONS...Please complete Appendix A of the NRPA application.



WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Yarmouth approximately 6 from the project location.

The nearest public, commercial, or private marina is located in Yarmouth, approximately 4 miles from the project location.

☒ I have inquired about slip or mooring availability at the nearest marina or public facility.

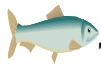
☐ Yes, a slip or mooring is available. ☐ No, a slip or mooring is not available.

*Approximate expected time on waiting list: Unknown – Applicant has determined that a marina does not meet their overall project purpose.

☒ I have contacted the local Harbor Master.

Name: Will Owen Phone: (207) 846 - 3333

I currently use the following for my boat: ☐ Mooring ☐ Marina ☒ N/A



TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

☒ The structure will be supported by a total of eight (8) eight (8) inch by eight (8) inch timber pilings.

☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet

☐ The structure will be supported by solid fill.
_____ square feet of solid fill

☐ Other: _____

DIMENSIONS:

Length of fixed section: 24 feet

Width of fixed section: 6 feet

Length of ramp: 40 feet

Dimensions of float: 12 feet by 20 feet

Distance the structure will extend below mean low water (MLW): approximately 32 feet

Depth of water at the fixed end of the structure (@HAT): approximately 4 feet

Depth of water at the float at low tide: approximately 4.8 feet

Depth of water at the float at high tide (@HAT): approximately 15.8 feet

Dimensions of any proposed buildings (e.g. bait shed):
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

☒ Land

☐ Beach/intertidal area

☐ Water/barge

EXHIBIT 9.0: PUBLIC NOTICE REQUIREMENTS

PUBLIC NOTICE: NOTICE OF INTENT TO FILE

Please take notice that Adam Mitchell (Agent #207-837-2199) is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection on or about January 27, 2021. The application is to construct a dock consisting of an access landing, stairs, a permanent pier and a seasonal ramp and float located at 53 Benjamin's Way (Tax Map 53, Lot 16) in Yarmouth, ME. A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application. The application will be filed for public inspection at the Department of Environmental Protection's office in Portland during normal working hours and an electronic copy is available by contacting the DEP office below. A copy of the application may also be seen at the municipal offices in Yarmouth, Maine. Written public comments may be sent to the regional office in Portland where the application is filed for public inspection: MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. “**Abutter**” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on NOT APPLICABLE

Date

Approximately n/a members of the public attended the Public Informational Meeting.



Signature of Applicant or authorized agent

Date: January 26, 2021

EXHIBIT 10.0: LIST OF ABUTTERS, TAX MAP, AND COPY OF DEED

Name	Map, Block, Lot	Address	City, State/County	Zip Code
FPL Energy Wyman, LLC FPL Energy Wyman IV, LLC	Map 52, Lot 1	700 Universe Blvd.	Juno Beach, FL	33408

Assessors
Maps



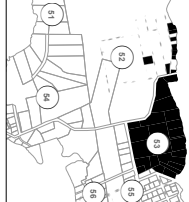
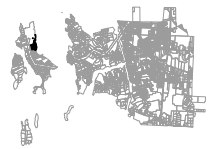
Property Boundary

Paper Streets

Water Body

Map Number

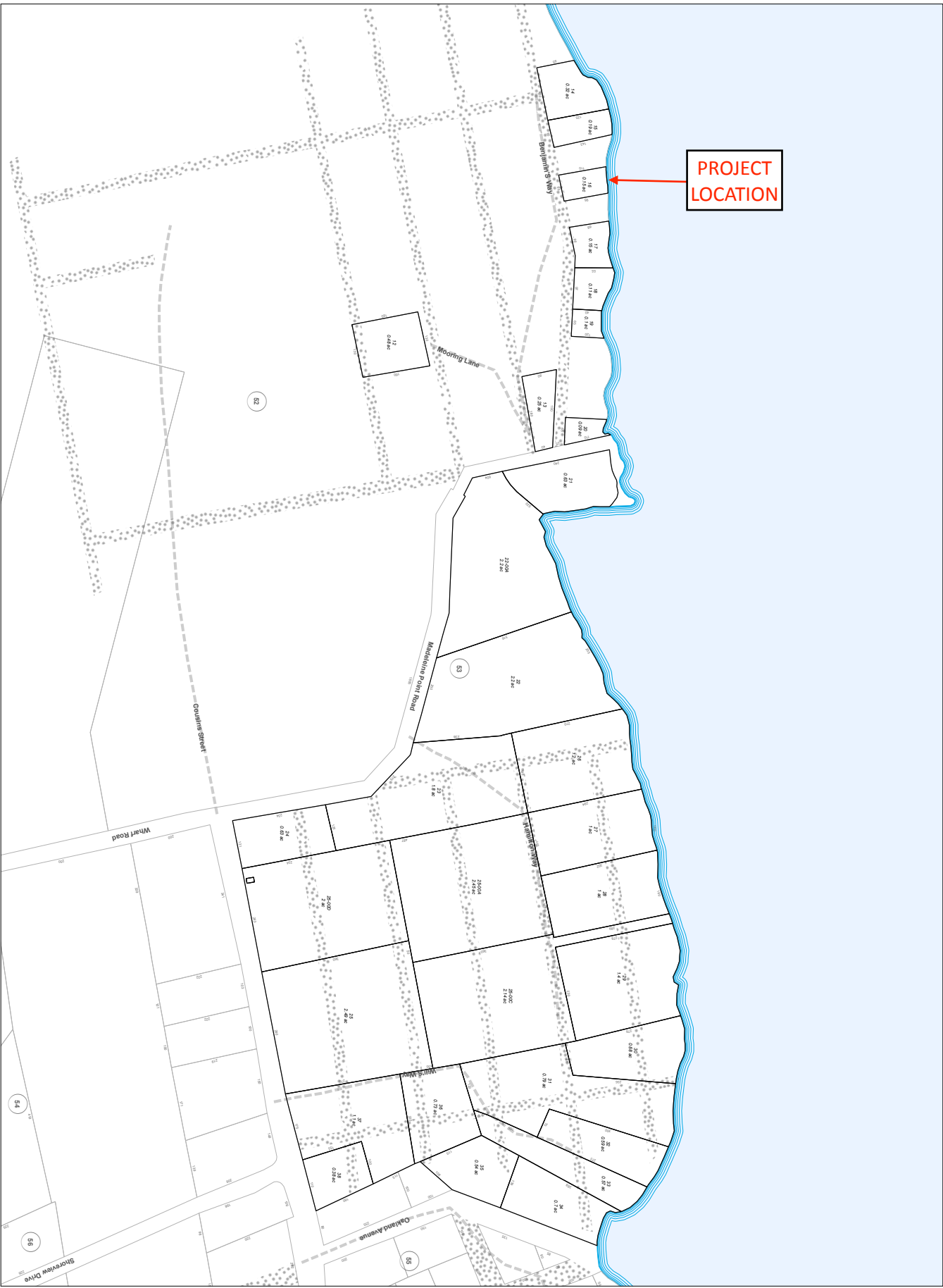
Sample Property Label
Lot 3
Unit 31
1.2 Acres



0 100 200
1 inch = 100 feet

The Town of Winnetka shall not be held liable for discrepancies in land coverage based on the purpose only. Maps revised to 2020.

MAP 53(A)



MAINE REAL ESTATE TAX-Paid

DLN:1002040089163 WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Paul Farm Holdings LLC**, a Washington Limited Liability Company, with an address of 4368 Meadow Lane, Clinton, WA 98236, for consideration paid, grants to **Adam C. Mitchell**, of 16 Yale Street, Portland, ME 04103, with **WARRANTY COVENANTS**, the premises in the Town of Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

See Exhibit A attached hereto

IN WITNESS WHEREOF, **Paul Farm Holdings LLC** has caused this instrument to be signed this 4 day of March, 2020.

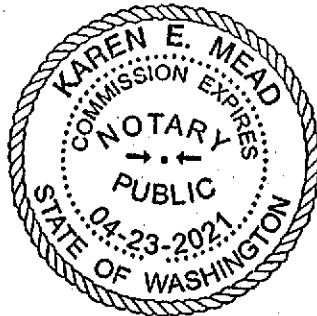
Rachel Bowler
Witness

Paul Farm Holdings LLC

By: Geoffrey Paul
Geoffrey Paul, Managing Member

STATE OF WASHINGTON
COUNTY OF ISLAND

On this 4th day of March, 2020, personally appeared before me the aforesaid **Geoffrey Paul, Managing Member of Paul Farm Holdings LLC** and acknowledged the foregoing to be his free act and deed in his said capacity.



Karen E. Mead
Notary Public/Attorney
Name: Karen E. Mead

Exhibit A

The following described real estate, situated in the County of Cumberland, State of Maine:

53 Benjamin's Way, Map 053, Lot 016, Cousins Island, Town of Yarmouth, State of Maine, bounded on the North by Casco Bay;

on the East by FPL Energy;

on the South by Benjamin's Way;

on the West by FPL Energy.

Meaning and intending to describe and convey the same premises conveyed to Paul Farm Holdings, LLC by Deed from Russell K. Paul dated July 23, 2007 recorded in the Cumberland County Registry of Deeds in Book 25359, Page 294.

EXHIBIT 11.0: MHPC AND TRIBE NOTIFICATIONS



January 26, 2021

Mr. Kirk Mohney
Maine Historic Preservation Commission
State House Station 65
Augusta, Maine 04333-0065

RE: Maine Department of Environmental Protection (DEP), Natural Resources Protection Act (NRPA)
Application for the construction of a dock on behalf of Adam Mitchell located at 53 Benjamin's Way
in Yarmouth, Maine (Tax Map 53A, Lot 16).

Dear Mr. Mohney,

Adam Mitchell (Applicant) has applied for a NRPA permit requesting approval to construct a dock and located at 53 Benjamin's Way in Yarmouth, Maine. The dock will consist of a 4' x 6' landing and 4' x 4' stairs that will connect to a 6' x 24' pier, a 3' x 40' ramp, and a 12' x 20' float and will provide recreational water access to Casco Bay and adjacent waters. Please find a copy of a Location Map and Photographs for your review.

If you have any questions or concerns with this project, please feel free to contact me directly at (207) 837 - 2199 or by e-mail at tim@atlanticenviromaine.com. Thank you in advance for your timely comments.

Sincerely,
Atlantic Environmental LLC.

A handwritten signature in black ink that reads 'Timothy A. Forrester'.

Tim Forrester, Owner

Cc: Jennifer Pictou, Aroostook Band of Micmacs
Donald Soctomah, Passamaquoddy Tribe of Indians, PPR
Isaac St. John, Houlton Band of Maliseet Indians
Chris Sockalexis, Penobscot Nation
Donald Soctomah, Passamaquoddy Tribe of Indians, IPR

EXHIBIT 12.0: COASTAL WETLAND CHARACTERIZATION

12.1 INTRODUCTION

AE personnel conducted a site visit at the Applicant's property on January 21, 2021. The purpose of the site visit was to gather data to perform a coastal wetland characterization of the natural resources at the site and to calculate the impacts of the proposed dock. The assessment was conducted at low-tide.

12.2 METHODOLOGIES

The site was evaluated based on DEP methodologies that include, "Maine's Coastal Wetlands: I. Types, Distribution, Rankings, Functions, and Values" (1999) and "Maine's Coastal Wetlands: II. Recommended Functional Assessment Guidelines" (1999) of which Appendix B, MDEP COASTAL WETLAND CHARACTERIZATION: INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST of the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-BB NRPA Application is based upon. A copy of the checklist is attached in **Exhibit 8.0**. Site-specific data were gathered with a survey level and a Trimble GEO 7X GPS unit. Features identified include rock outcrops, Highest Annual Tide (HAT), Mean High Water (MHW), Mean Low Water (MLW), property pins, habitat types, and existing structures. The collected data were then used to generate plan view and cross section drawings (**see Exhibit 5.0**).

12.3 RESULTS

The site of the proposed project is an approximately 0.15 acre parcel of land that is located off Benjamin's Way in the Town of Yarmouth, Maine. The site is developed with a residential structure and associated development. The upland at the site consists of a steep, exposed ledge bank that extends to rockweed covered ledge. The rockweed covered ledge extends to sand/mud in the lower intertidal. Based on the most recent survey layer of the Maine Office of GIS, Eelgrass

(*Zostera marina*) is located to the northeast of the project site as shown on the plans in **Exhibit 5.0**. The proposed dock will not be located over the eelgrass bed. According to the Department's Geographic Information System (GIS) Significant Wildlife Habitat map, there are no significant wildlife habitats at the project site.

The energy level is considered semi-protected, there is standing water, and there are no freshwater wetlands located in the vicinity of the project site. The general slope in the area where the proposed dock will be located is approximately 10 - 20%. Other docks were observed in the adjacent parcels.

Four (4) general habitat types were identified in the vicinity of the project site: Upland, Exposed Ledge, Rockweed Covered Ledge, and Sandy/Mud. The dock will be located over all of these habitat types.

12.4 DISCUSSION AND CONCLUSIONS

The primary organisms that utilize the entire habitat area include: small crustaceans and juvenile fish.

Based on the site characterization and conditions of the site and the avoidance and minimization measures proposed, all organisms identified within the footprint of the proposed structures are common within the surrounding area and will continue to utilize the area at the completion of construction. It is not anticipated there will be a loss of wetland functions or values as a result of the proposed project. The Applicant does not propose to cut trees for the proposed dock or pathway.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>



In Reply Refer To:

January 26, 2021

Consultation Code: 05E1ME00-2021-SLI-0539

Event Code: 05E1ME00-2021-E-01644

Project Name: Mitchell Recreational Dock

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:

<http://www.towerkill.com>; and at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2021-SLI-0539

Event Code: 05E1ME00-2021-E-01644

Project Name: Mitchell Recreational Dock

Project Type: RECREATION CONSTRUCTION / MAINTENANCE

Project Description: The Applicant proposes to construct a recreational dock that will provide access to Casco Bay. The dock will consist of a 4' x 6' landing, a 4' x 4' steps, 6' x 24' pier with 4' x 9' steps to access intertidal. The pier will connect to a 3' x 40' ramp and a 10' x 20' float. The ramp and float will be stored in the upland during the off-season.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.75587795,-70.15261569214871,14z>



Counties: Cumberland County, Maine

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

EXHIBIT 13.0: COMPENSATION

The dock will result in approximately eight (8) square feet of direct impacts to the coastal wetland. These impacts are a result of the supports for the pilings for the pier as previously described.

All organisms identified within the footprint of the proposed structures were noted within adjacent areas. In accordance with Chapter 310 § 5(C)(6)(b), the proposed project does not cover, remove, or destroy marsh vegetation and does not fill more than 500 square feet of intertidal or subtidal area and, presumably, does not have an adverse effect on marine resources or on wildlife habitat given the minimal impacts from the dock. Given this, no compensation is proposed for this project.