Appendix A

Response to Comments

Introduction

This appendix to the Final Restoration Plan/Environmental Assessment (RP/EA) contains the Trustees' responses to comments received from the public on the Draft RP/EA. Public review of the Draft RP/EA is an integral component of the restoration planning process. Through the public review process, the Trustees sought public comment on the analyses used to define and quantify natural resource injuries and the methods proposed to restore the exposed and/or injured natural resources or replace lost resource services. The Draft RP/EA provided the public with information about the nature and extent of the natural resource injuries identified and restoration alternatives evaluated.

The Draft RP/EA was made available to the public on January 7, 2000. The public had an opportunity to provide written comments on this document for consideration by the Trustees. The public comment period was from January 24, 2000 to March 9, 2000. In addition, a public meeting was held in Portland, Maine, on February 10, 2000. The transcript of the February 10, public meeting and the one written comment which was received are attached hereto.

Public review of the Draft RP/EA was consistent with all state and federal laws and regulations that apply to the natural resource damage assessment process, including Section 1006 of the Oil Pollution Act of 1990 ("OPA"), 42 U.S.C. §2706, the regulations for Natural Resource Damage Assessments under OPA (15 CFR Part 990), the Natural Environmental Policy Act ("NEPA") (42 U.S.C. §4321, *et seq.*), and the regulations implementing NEPA (40 CFR Part 1500, *et seq.*).

The Trustees have carefully considered all comments received from the public. The Trustees received comments either orally or in writing from the persons listed below concerning the November 29, 1999 Draft RP/EA. Below, the Trustees have provided a summary of the comments submitted as well as their response to the comments. The Trustees have not made any changes to the November 29, 1999 Draft RP/EA as a result of the comments submitted. However, the Trustees did make some revisions to the November 29, 1999 Draft RP/EA to clarify several issues in the document, provide additional information concerning several legal and administrative issues, and to reflect that the RP/EA was now in final, as opposed to draft, form.

Summary of Comments Received at Public Hearing, and Trustee's Responses

Stephanie Cox, Scarborough Conservation Commission
C.D. Armstrong, Resident of Scarborough
Ann Delahanty, Resident of Scarborough

Comment: These commenters stated their support of the Trustees' Draft RP/EA, specifically the Scarborough Marsh restoration project which will result in the enhancement of salt marsh habitat.

Trustees' Response: The Trustees thank these individuals for their support. The Trustees consider Scarborough Marsh to be an important wetland habitat. Scarborough Marsh has been identified as high value habitat for birds, wetlands, fish, shellfish, and other natural resources. No other viable alternatives were identified in the vicinity of the Fore River. The Trustees believe that implementation of this project will adequately address the injuries and interim losses to wetlands and birds exposed to oil from the Julie N oil spill.

Erno Bonebakker, Resident of Portland

Comment: This commenter stated his disappointment concerning the Trustees' proposal to implement wetland restoration in Scarborough Marsh as opposed to the Fore River, where the spill occurred. He also urged the Trustees to strive for the best possible outcome on the Scarborough Marsh project.

Trustees' Response: The Trustees thank this commenter for his comments, and agree that it would have been ideal to conduct all of the restoration projects in the immediate vicinity of the actual injuries. However, the Trustees carried out an extensive search for wetland restoration projects in the Fore River estuary and were unable to find any projects that met the criteria for selection to address this category of injury. As described in the RP/EA, the Trustees evaluated a potential wetland restoration project along Long Creek, but determined that this project was not feasible because of concerns raised by officials at the Portland International Jetport. The Trustees also thank Mr. Bonebakker for his words of encouragement on the Scarborough Marsh project.

Tom Jewel, Board of Trustees of Portland Trails

Comment: This commenter supports the Trustees' plan to construct a one-mile recreational trail along the Fore River that will link two existing trail systems, one that is part of the 85-acre Fore River Audubon Sanctuary and the other located on property owned by the Waynefleet School.

Trustees' Response: The Trustees thank this commenter for his support. The Trustees agree that the proposed addition to the Fore River Trail System will provide a wide array of recreational and ecological benefits to the public, and will adequately compensate the public for lost public uses resulting from the oil spill.

Joe Payne, Executive Director, Friends of Casco Bay

Comment: This commenter stated his disappointment concerning the Trustees' proposal to implement wetland restoration in Scarborough Marsh as opposed to the Fore River, where the spill occurred. He also commented that the Trustees could have made more efforts at outreach to the community to explain the final restoration plan and how it was reached.

Trustees' Response: The Trustees thank this commenter for his comments, and agree that it would have been ideal to conduct all of the restoration projects in the immediate vicinity of the actual injuries. However, the Trustees carried out an extensive search for wetland restoration projects in the Fore River estuary and were unable to find any projects that met the criteria for selection to address this category of injury. As described in the RP/EA, the Trustees evaluated a potential wetland restoration project along Long Creek, but determined that this project was not feasible because of concerns raised by officials at the Portland International Jetport.

The Trustees also thank Mr. Payne for his comments on public outreach. The Trustees made extensive efforts to reach out to the community in the earlier stages of the process, as the assessment was being conducted and the restoration projects were being selected. The Trustees have also worked with the local media to ensure that the final plan was given adequate press coverage. And finally, the Trustees have ensured that all requirements for legal notice and opportunity to comment were satisfied. The Trustees feel that these efforts to inform the public have been adequate.

Summary of Written Comments Received, and Trustee's Responses

Elsa Martz, Resident of Harpswell, Maine

Comment: This written comment proposed the funding of a restoration project to reopen the causeway to Dingley Island, in Harpswell, to restore water flow and protect shellfish beds.

Trustees' Response: The Trustees agree that this project has potential to benefit Casco Bay's marine resources. However, it has no apparent connection to the birds or wetland habitat which suffered injury in the vicinity of the Julie N oil spill. To compensate for injuries and interim losses sustained by wetlands and birds the Trustees have proposed to enhance the productivity of Scarborough Marsh. The Trustees also note that the Dingley Island proposal is much further removed from the Fore River than the Scarborough Marsh proposal is. The Trustees have referred this proposal to the MDEP's Mitigation Banking Program and NOAA's Community-based Restoration Program for potential future funding.

ORIGINAL

STATE OF MAINE

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RE: DRAFT RESTORATION PLAN/ENVIRONMENTAL ASSESSMENT
JULIE N OIL SPILL

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DATE OF HEARING: February 10, 2000

LOCATION: Portland City Hall
Portland, Maine

TRANSCRIPT OF PROCEEDINGS

MR. MARGERUM: Good evening, ladies and gentlemen. I would like to welcome you to this public hearing on the Draft Restoration Plan and Environmental Assessment relating to the oil spill from the Julie N tanker vessel on September 27, 1996. The purpose of this hearing is to receive public comment on the draft plan, which has been available to the public now for a few weeks, and is available on the internet at the DEP-Bureau of Remediation home page. The restoration plan has been prepared by the Natural Resources Trustees, which are the government agencies charged with defending the public resources impacted by the oil spill. The Trustees have prepared this plan pursuant to the Federal Oil Pollution Act of 1990, as well as the State of Maine's Oil Discharge Prevention and Pollution Act. The draft plan attempts to assess and quantify the injuries to the various natural resources and natural resource services impacted by the oil spill. The plan then goes on to propose specific actions to mitigate those injuries by enhancing the natural recovery of the resources and/or providing additional resource services to compensate the public for losses pending natural recovery.

Copies of the plan are available this evening on the table by the back door, as are copies of the public notice. It should be pointed out that this plan does not have anything to do with the private claims by persons, businesses, or private organizations which may have suffered specific injuries from the spill. Those claims are handled through a separate process which is not subject of tonight's hearing. It is my understanding that the responsible party in this case has already expended more than nine million dollars on those sorts of claims, though. My name is Mark Margerum, and I work for the Maine Department of Environmental Protection. The DEP is one of the six state and federal agencies designated as Natural Resources Trustees in this matter. Joining me at the head table are representatives of four of the other five Federal and State Trustees. Start at the end, Rich Dressler, Maine Department of Inland Fish and Wildlife; Gordon Russell, U.S. Department of the Interior Fish and Wildlife Service; Seth Barker, Maine Department of Marine Resources, and immediately to my right, John Catena, U.S. Department of Commerce, National Oceanic and Atmospheric Administration. Before we receive your comments, we'd like to summarize the draft restoration plan for you. The injuries to the public natural resources have been divided into three categories: Marine Communities, Wetlands/Birds, and Public Uses. The Trustees have

identification a number of potential projects to address those injuries, assess those projects, and put together the plan which is the subject of this hearing. I'll summarize the Public Uses portion of the plan, and then Seth Barker will summarize the Marine Communities portion, and Rich Dressler will summarize Wetlands/Birds section. As you know, Portland Harbor is used extensively by the public for various recreational activities which were impacted by the spill. The draft restoration plan provides $125,000 to compensate for this general class of injuries to public uses of the natural resources. This money is proposed to be used by the Portland Trails Organization to construct a one-mile section of trail along a portion of the shore that was heavily oiled by the spill. This trail would be part of the Fore River Trail System, which is part of the planned 30-mile green way network connecting open space, shorelines, schools, businesses, and neighborhoods throughout the City of Portland and along the banks of the Fore River. Ten miles of this network of trails already exist and are heavily used by the public. The proposed one-mile segment would link two existing trail systems, one that is part of the 85-acre Fore River Audubon Sanctuary and the other located on property owned by the Wayneflete School. The proposed trail segment would provide walking, biking, hiking, jogging, and scenic and wildlife viewing

opportunities to the public. The project would include a series of interpretive signs along the trail to inform visitors of the importance of preserving land, the ecology, natural, and cultural history of the area, as well as the oil spill and efforts to mitigate its effects. The objective of this project is to compensate the public for the lost use of Portland Harbor and the Fore River during the Julie N oil spill. Construction of the trail and educational signage would enhance the visitation experience of future trail users by increasing usage and awareness of the sensitive ecology along the Fore River. Seth Barker of the Department of Marine Resources-Portland Oil and Grease Removal Project, which is proposed to address impacts to Marine Communities.

MR. BARKER: Thank you, Mark. The oil and gas removal project is really straightforward. As I'm sure most of you are aware, as a result of the spill there are both short-term and long-term exposures to potentially harmful concentrations of oil. During the cleanup a great deal of effort went into weighing potential damage and recovery of oil against the actual ability to recover spilled oil. My understanding is the recovery rate was -- is really exceptionally good for a spill of this sort, but oil remaining in the system. Because some of the components named, particularly PAHs, PAHs are toxic to marine organisms

and also a public health concern in seafood. Any efforts to reduce or eliminate oil and grease from continuing to reach the Fore River would be beneficial. As part of the Marine Communities Group, we've looked at a wide range of organisms and found a number of habitats in the Fore River and used a number of different methods to identify potential impacts. The end result was really reflected in this proposal in an attempt to find a way to reduce levels in the future of harmful PAHs. I think that it is all quite evident that once the oil is in the system it's hard to get it out, but any efforts, particularly those that are proposed by Portland Public Works, to reduce, as I said, additional quantities remaining in the system would be beneficial. Thank you.

MR. MARGERUM: And now Rich Dressler of the Maine Department of Inland Fish and Wildlife will speak to the Scarborough Marsh Wetland/Bird Habitat Restoration Project.

MR. DRESSLER: My name is Richard Dressler. I'm the wildlife habitat group leader in our Bangor office. I was involved with the response to the spill from day one and supervised the IF&W response to the Julie N spill. We joined forces with the U.S. Fish and Wildlife Service to accomplish two major objectives. One was to recover and rehabilitate birds and other animals that -- oil by the

spill. We also began immediately to collect information to document the effects of oil and wildlife and habitats. During this process we were assisted greatly by many members of the Friends of Casco Bay and other volunteers. We conducted daily surveys in search of oiled birds throughout October and continued surveys in November. Bird observations were recorded thoroughly each day, and we documented present --

COURT REPORTER: Excuse me, I'm having a hard time hearing you.

MR. DRESSLER: As indicated in the report, you will see that we captured or collected 40 birds. Of those 40, 15 died, 12 were dead on arrival at the rehab center, 15 died during attempts to rehabilitate them. Twelve birds were released, and one bird was held in captivity because of injuries not related to the oil spill. During the daily surveys we conducted through October, as indicated, we observed birds with oil on them. Some were impossible to capture or even approach. In total, there were over 1,600 cumulative observations during that period of oil -- of birds with visible oil on them. As indicated in reports, some of those birds could have been counted more than once. In regard to the effects on habitat, we focused on the effects in the wetlands along the Fore River. Surveys conducted in October 1996 indicated that 25.6 acres

received some degree of oiling from the spill. Twelve of those acres were documented as having heavy oiling. In regard to these injuries, we looked at a number of possibilities to compensate for these losses, and as part of this project we're proposing to conduct a restoration project in the Scarborough Marsh. This area is well within the flying range of many of these birds. In fact, we had documented birds -- documentation of birds with oiling in the Scarborough Marsh area. This area was selected because of its opportunities to address both the bird and wetland injuries, and as such we're proposing to use $475,000 of the settlement to develop a project in that area to restore the salt marsh habitat to benefit the birds and also to deal with the wetland loss as a result of the oil. Our goals in the Scarborough Marsh are to increase waterfowl and wading birds, shorebirds, productivity, and doing that through a variety of options. We will be doing initial studies to determine what will be most effective in that area in regards to the utilization of the $475,000. In addition, this option also allows us to spend some portion of those funds on habitat acquisition for the marine bird -- during the spill. Thank you.

MR. MARGERUM: Thank you. As you can see, this hearing is being recorded, and the transcript will be made part of the administrative record in this matter.

After tonight's hearing, the public comment period will be held open for the submission of written comments until March 9. Written comments should be sent to Donald Frankel at the U.S. Department of Justice, whose address appears on the public notice and which also appears on page 1 2 of the draft plan, both of which are on the back table. When the public comment period is closed, the trustees will review all the comments received and will be issuing a summary of responses to public comment. The Trustees will also be issuing a final draft of the restoration plan modified as necessary to respond to those public comments which are found to require changes to the plan. If you would like to receive a copy of the final plan and the response to public comment, please be sure you put your name and address on the mailing list on the table by the entrance. Also on that table is a sign-up sheet for anyone who wishes to make a comment this evening. Anyone who does plan to testify and is not signed up, there is another sheet out there now, and you may do so. I will call on speakers in the order they have signed up. When we have worked through the list, I will ask if there is anyone else who wishes to speak, and then we will close the hearing. As I said, the testimony will be transcribed. In order for our reporter to record your testimony properly, please speak into the microphone at the podium. When you come to the microphone, please state

your name clearly. If you're representing an organization and you wish your comments this evening to be recorded as being on behalf of that organization, please state the organization as well. If you have written copy of your statement or other documents you wish to submit, you may give them to me at that time, and I will enter them into the public record. Please take into consideration the number of people who wish to speak tonight and the need to hear from everyone, and keep your comments to an appropriate length. If you have a presentation which would take more than five or ten minutes, please let me know, and we'll try to accommodate that as well. At this time I would like to recognize the first speaker.

(OFF RECORD)

MR. MARGERUM: Perhaps people didn't understand the purpose of this sign-up sheet.

(OFF RECORD)

MR. MARGERUM: Stephanie Cox.

MS. COX: I do have some comments for you.

MR. MARGERUM: She's presented with me a document entitled Testimony of the Scarborough Conservation

Commission Regarding the Julie N Settlement, dated February 10, 2000.

MS. COX: My name is Stephanie Cox. I'm here on behalf of the Scarborough Conservation Commission. First of all, thank you for the opportunity to address you tonight regarding the Julie N settlement. On behalf of the Scarborough Conservation Commission, we would like to affirm our support for the Maine Inland Fisheries and Wildlife and the U.S. Fish and Wildlife recommendations. We're particularly in favor of the proposal to spend $475,000 of the one million dollar settlement on habitat restoration in the Scarborough Marsh, which is Maine's largest saltwater marsh. The Scarborough Marsh provides unique wildlife habitat for a great variety of plants and animals, offers important opportunities for hunting, fishing, boating, nature study, and surrounds tidal flats with commercially important shellfish beds. Scarborough Marsh accounts for 15 percent of the State's total salt marsh area, and virtually all of it is in public ownership and managed by the Maine Department of Inland Fisheries and Wildlife. Scarborough Marsh is also an important regional economic resource, with income derived from clamming, licensing, and tourism. The Scarborough Conservation Commission hopes you will take advantage of this opportunity to benefit the Scarborough Marsh. Human activities have significantly altered the

marsh, and according to a recently released report by the Maine Audubon Society, the most significant threat continues to be roads and railroads that cross the marsh and form barriers to the flow of tidal water. The spread of invasive plant species, particularly Common Reed or Phragmites australis is abetted by tidal restrictions and poses a significant threat to the marsh today. Habitat and wildlife in the Scarborough Marsh are similar to those found in the Fore River area which was impacted by the spill. However, options to use Julie N money to restore marsh habitat closer to the Portland Jetport would likely not yield as great an impact for wildlife and for Maine's economy as would the choice to invest those dollars in the Scarborough Marsh. Therefore, funds from the Julie N settlement could be used to restore the marsh, enhancing both natural resource and economic values for the people of Maine, and we urge you to give support to the proposal to spend the $475,000 on the Scarborough Marsh. Thank you for the opportunity to address you tonight.

MR. MARGERUM: Thank you. Is there anyone else here who would like to offer comment this evening?

MR. ARMSTRONG: I don't have any prepared remarks, but my name is C.D. Armstrong. I'm a Scarborough resident. I'm involved in a group of people who is trying to form a grass roots organization to promote restoration on

the Scarborough Marsh, and we would strongly support the effort to spend some of this money for bettering the Scarborough Marsh. I have walked the Fore River area. I have walked the Scarborough Marsh, and it would seem to me it would give a real strong bang for the buck to spend the money there in Scarborough Marsh versus the Fore River.

MR. MARGERUM: Thank you very much.

MS. DELAHANTY: Good evening, trustees of the settlement, ladies and gentlemen, and guests. My name is Ann Delahanty. My husband and I are residents in Scarborough. I'm a biologist by trade and have been working on the Scarborough Marsh as a volunteer through a number of organizations, the Cooperative Extension Water -- Program, the volunteer water testing group that's there in Scarborough, it's actually a committee that reports to town council, and also the group that C.D. Armstrong is with, the Friends of Scarborough Marsh. Through my work as a volunteer, I've had a firsthand look the at type of negative impact that development has had on the marsh, including ditching and filling and the impact of recent municipal growth, and I feel that the watershed restoration monies would be well spent in Scarborough and believe that there would be both commercial and recreational value for the restoration project.

MR. MARGERUM: Thank you. Do we have anyone

else who would wish to offer comment this evening?

MR. BONEBAKKER: My name is Erno Bonebakker. I'm a resident of Portland. I appreciate the importance of Scarborough Marsh, however, as a resident of Portland within sound and smell of the spill, I am simply for the record noting my disappointment that the restoration of the wetlands couldn't be done closer to home. That being said, I would urge the trustees to ensure that they do the best restoration that can be done in terms of making fundamental improvements and correction it is to the human impacts of the Scarborough Marsh so that there will not only be an enhancement of bird habitat but truly restoration of the wetland in compensation for the damages that were done in the Fore River -- to the Fore River wetlands. Thank you.

MR. MARGERUM: Thank you very much.

MR. JEWEL: Good evening. My name is Tom Jewel. I'm on the Board of Trustees of Portland Trails. I was asked to attend and pinch hit for our executive director who is out of town today. Portland Trails, of course, supports the proposed settlement. We've spent a lot of time and money over the past few years building trails in the upper Fore River area. The trail we're working on now would link those trails to trails we're working on in the downtown area, down the lower Fore River and along the harbor and Eastern Promenade. Some of that has already been designated

as part of the East Coast Green Way, which is the trail from Maine to Florida that's being worked on, and this is going to be a vital link in that bigger system. We have achieved permission from most of the landowners on the route to build the trail. Wetlands delineations have been done, and we expect the Maine Conservation Corps to be out there this summer building this trail if the settlement stands. We welcome the opportunity to use some of this money and provide public access along the Fore River, and we think it will be a great asset to the people of greater Portland.

MR. MARGERUM: Is there anyone else who would like to offer their comments?

MR. PAYNE: Good evening, trustees. Thank you for the opportunity. My name is Joe Payne. I'm executive director of Friends of Casco Bay, and I think first my notes in general -- more general notes, not specific to this restoration, but as bay keeper, the other hat I wear, I get a lot of questions in my day-to-day work about the things that affect the bay, and certainly the spill and the restoration are no different. The two most common questions that I got -- observation questions I got after the restoration plan was announced was, geez, that doesn't sound like much money for a major oil spill in Casco Bay, and the other one invariably was about the Scarborough Marsh, which seems like we're setting up a little

competition here between Portland Harbor and Scarborough Marsh, which is unfortunate. I think what could happen in general is it's difficult for anyone in the public to comment intelligently about this process since the rules under OPA90 are hard to understand, and the agencies are still interpreting what they can and can't do under those. It's hard to understand what could be done with this money, what couldn't be done, but I think in the future, while there was press coverage of the restoration plan, the trustees may be able to be more proactive about what wasn't done, what was considered, and how this amount was derived, giving some background, because really we have only gotten the bones, and as I know being an intimate observer of the spill and peripheral participant in the process that's gone on in the year since the spill, a lot of the proposals that were considered but didn't make the cut, etcetera, and I think some of that information, it would be better for the community if that information got out to the community. So perhaps an effort at more outreach would explain to the community and make some people more comfortable with the questions they have about it, so those general comments on the process. The Scarborough Marsh issue, as you can imagine, I'm pretty vocal on my interests, being with Friends of Casco Bay and Casco Bay keeper. Casco Bay is my world. I don't look outside that box. There have been lots

of arguments. One is bang for the buck in Scarborough. I think that's a non-starter. When you start talking about doing restoration outside of the watershed, you could make that argument for anything. I'm sure there is a project somewhere that you get more bang for the buck than any restoration ever done, so I don't think that that's a valid comment about what to do. I do understand that Scarborough is within the flyway or do we call it maybe the fly shed of the birds in this area. You know, that makes sense. I understand we don't want to lure birds to the airport to suck them through jet engines. That makes sense. It would seem that at least a discussion -- I mean, what we're presented with is a done deal -- a discussion perhaps because I think one has to think there must be a restoration project in the area of impact that doesn't give you the bang for the buck, that doesn't draw birds to the airport, but that does something where the impact happened because the net result here is the Fore River, Portland/South Portland Harbor suffered diminishment because of the impact of the oil, but the money is going to improve somewhere else. So we have permanent diminishment here while we're using the money to improve where we as a community of species have diminished before but not due to this oil spill. I think the project in Scarborough is a great project. I'm wholly in favor of the project itself. I'm really glad to see

Friends of Scarborough Marsh and support what they're trying to do. Again, I'm not sure that the argument holds that this is the best way to use the oil spill money. I think those are my comments. Thank you very much.

MR. MARGERUM: Thank you. Is there anybody else who would like to offer a comment this evening? If not, I guess we can close this public hearing. I would note again that the public comment period will be held opened until March 9 for the receipt of written public comments. The transcript from tonight's hearing will be put into the public record, and all public comments will be responded to. Thank you all for coming out this evening. Good night.

(Concluded at 7:30 p.m.)

CERTIFICATE

I, Sheila Glusker, a Notary Public in and for the State of Maine, hereby certify that on the 10th day of February, 2000, the within-named speakers were sworn to testify to the truth, the whole truth, and nothing but the truth in the aforementioned cause of action and that the foregoing is a true and accurate record as taken by me by means of computer-aided machine shorthand.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

In witness whereof, I subscribe my hand this 13th day of March, 2000.

_____

Sheila Glusker

Notary Public

Elsa Martz
57 Spruce Cove Road
Cundy's Harbor
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w: 207-725-3308
h: 207-725-2411
emartz@bowdoin.edu

January 13, 2000

Sarah Thompson
Industrial Economics, Inc
2067 Massachusetts Ave
Cambridge, MA 02140

Dear Sarah Thompson:

There was a recent news story about the fine charged to the oil tanker Juliana for the oil spill in Portland Harbor. Is your company making recommendations concerning where that money will be used?

Somewhere in your files, you probably still have 1998 and 1999 correspondence from me about a small project to reopen the causeway to Dingley Island to restore the natural flow and protect one of Harpswell's richest clam flats. This site is in Casco Bay; so if the Juliana fine could be used to restore an area in the same Casco Bay where the oil spilled, it would be appropriate.

Estimated costs for a small 20' precast bridge unit plus pilings, excavation, roadway, guardrail, and temporary causeway construction and removal is about $150,000 -- or, to add on a generous contingency cushion, make it $200,000. (Installing an arch culvert, which would be less effective in restoring the site, would cost perhaps half that amount, but it might as well be done right.)

Can the amount of $200,000 from the Juliana fine be assigned to the restoration of the Dingley Island causeway and clam flat? Please let me know about this and any other suggestions you have. Many thanks.

Sincerely,

Elsa Martz

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home 207-725-2411, work 207-725-3308
emartz@bowdoin.edu

Sarah Thompson
Industrial Economics, Inc
2067 Massachusetts Ave
Cambridge, MA 02140

February 1, 1999

Dear Sarah Thompson.

Last September we had a telephone conversation about the Dingley Island causeway project and your company's role in advising on the fine for the Juliana oil spill in Portland Harbor This letter is to update you on the restoration project and ask if you have know of any businesses who have been fined, or will be fined, and who need a restoration site

There is a coastal restoration site in Harpswell (Casco Bay) with almost-ready-to-go plans and estimated costs. A very brief summary of this photogenic project follows. I hope you will keep this information available for future reference, in case Industrial Economics, Inc. might be able to help in some way.

Reopening the causeway to Dingley Island with a small 20' bridge.
This project will restore a natural area and protect the future of one of Harpswell's richest clam flats. Around 1946, the original 1890s causeway, which had a small bridge, was covered over, widened, and raised. The enlarged structure became a permanent dam to the tidal inlets on either side. By blocking along-shore current flow between the mainland and the island, silt has been accumulating. Reopening the causeway with a small bridge will improve and protect this resource by restoring the natural water flow.

The urgency and need for the project is demonstrated by the fact that silt has been accumulating for 50 years and now there are no clams in the flats within about 600 feet or more of the causeway Although years ago the seals swam into the causeway area, now at high tide, the water is only six feet deep due to the heavy silt accumulation This rich resource is slowly deteriorating, and eventually the clam flats will become a salt marsh.

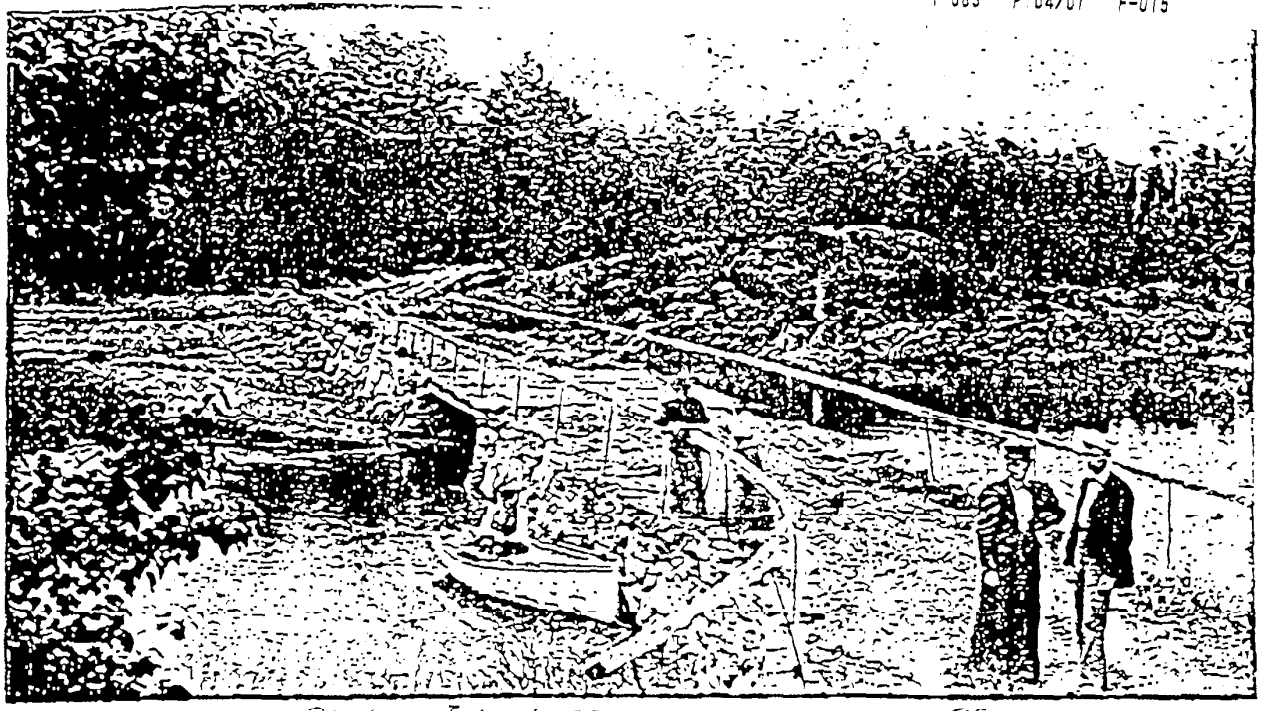
My research into bridge design has shown that a Conspan bridge design may be the most effective. both in costs and in construction time Bedrock is at approximately 20' Estimated costs for the precast bridge units, pilings, excavation, roadway, guardrail, and temporary causeway construction and removal:
→ $140,000.

This is strictly a grassroots project, with the support of neighbors and a number of environmental organizations and agencies including the Friends of Casco Bay, Maine Audubon, Casco Bay Estuary Project, US Fish & Wildlife, and the Maine Department of Marine Resources I also have worked with the Maine DOT and DEP concerning this project

Do you have any suggestions for this project? This site is ready for action. Thanks very much for your time. I look forward to hearing from you

Sincerely,

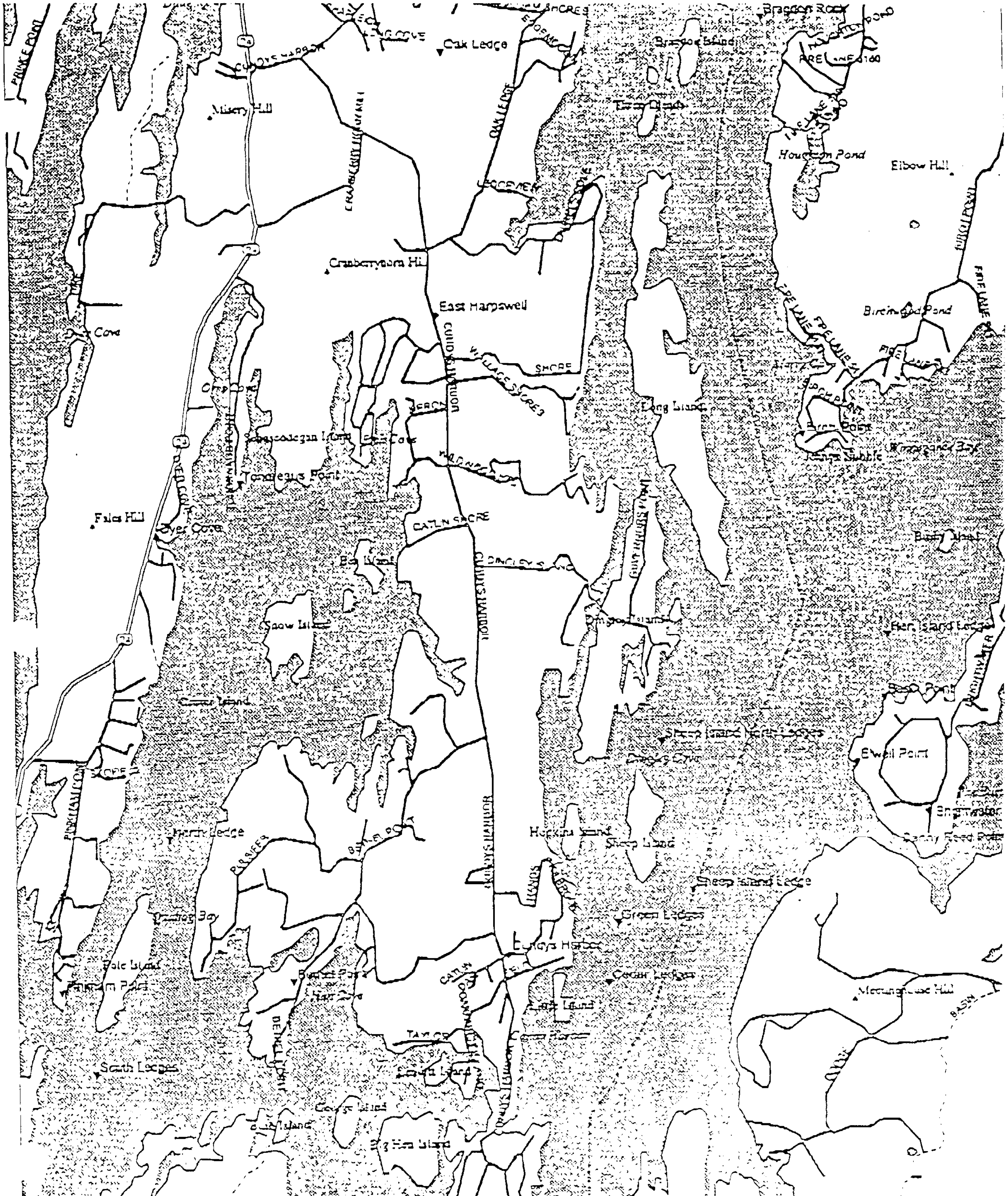
Elsa Martz



Dingley Island causeway 1890.

1956

clam flats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Bragdon Island
Oak Ledge
Misery Hill
Houghton Pond
Elbow Hill
East Harpswell
Long Island
Snow Island
Hopkins Island
Sheep Island
Sheep Island Ledge
Green Ledges
Cedar Ledges
Elwell Point
Pole Island
South Ledges
Yarmouth Island
Bear Island
Sebasco

Department of Marine Resources
Southern Maine Regional Office
HC 63 Box 252, Bath, Maine 04530
Tel. (207)443-6559 FAX(207)386-0025

July 29, 1996

Elsa Martz
12 Lower Spruce Shore Road
Cundy's Harbor
Brunswick, ME 04011

Re: The effects on the clam flats of opening up the causeway to Dingley Island .

Dear Ms. Martz.

Opening the causeway by placing a culvert or bridge should result in an increased current flow over the clam flats as the causeway now blocks along shore current flow between the mainland and the island. Current flow affects a number of parameters important to clam survival and growth including food import, sediment composition, temperature, and dissolved oxygen. In general, increased current flow improves these parameters for soft-shell clams.

After visiting the site of the causeway and observing the clam flats adjacent to it, I am of the opinion that the sediment composition nearest the causeway is less than ideal for soft-shell clams due to the high level of fine sediments. Clams prefer coarser sediment for settlement and fine sediment can interfere with feeding. The fine sediments have probably been accumulating ever since the causeway was established and will continue to do so increasing the area inhospitable to clams. An increase of current flow with an opening in the causeway will remove some of the finer sediments improving its composition.

I discussed the proposal to open the causeway to Dingley Island with the Harpswell Shellfish Committee and they agreed that the clam resource would benefit from such a project.

Sincerely,

Don Card

Donald J Card
Regional Biologist

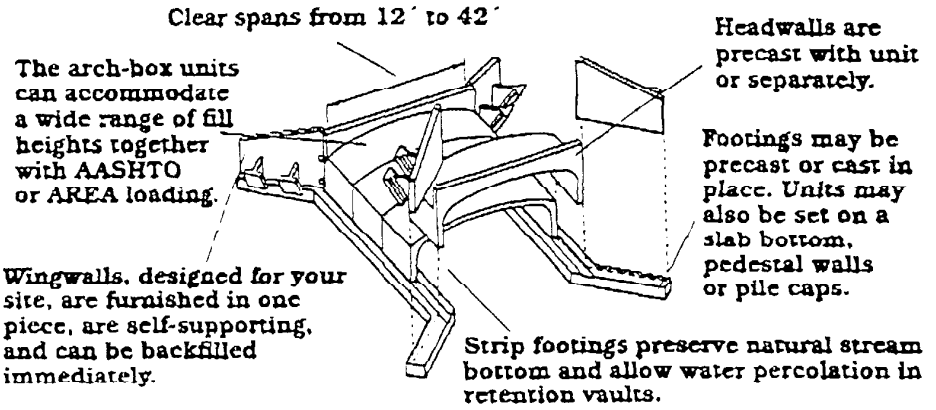
cc: Ron Joseph
David Etnier

What is CON/SPAN?

CON/SPAN is a patented modular precast system for total set-in-place construction of bridges, culverts, underground structures and environmentally acceptable alternatives for underground containment.

- Each installation is custom designed and manufactured for your specific site requirements.
- Precast modular units are delivered to your site and set in place by crane.
- Backfilling can begin immediately.
- CON/SPAN is available from a national network of precast producers.

CON/SPAN's fully engineered system stands apart from other products through the strength of its distinctive arch action and extensive technical support.



- **Separate or integral closed ends are used for underground containment vaults.**
- **Variable modular configurations allow for practically unlimited lengths, widths and vertical clearances.**

How the CON/SPAN staff works for you

- One call to **800-526-3999** connects you with our design team of experienced professional engineers.
- We help owners, consultants and contractors evaluate CON/SPAN solutions for specific projects.
- We work with your local CON/SPAN network supplier to give you accurate pricing.
- We provide comprehensive design support and design aids for automated and manual plan preparation, and assistance through all phases from concept through installation.

How CON/SPAN saves you time and money

- The arch shape provides an economy of materials for a lower initial cost.
- Overall savings for a project is significant over cast-in-place.
- Fast installation—usually in hours. Road closings and detours are minimized, resulting in significant reductions in maintenance of traffic costs. A Maine DOT project study estimated a seven-month savings of construction time over cast-in-place construction.
- Eliminates two major bridge problems—costly maintenance of an exposed bridge deck and bridge deck icing.
- Off-site fabrication ensures tight adherence to specs, less on-site work and quality control of modular units.
- Long life cycle, low life cycle costs, virtually no maintenance.

Appendix B

Finding of No Significant Impact (FONSI)

[To be inserted]