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To: Harbor Master John Lemoine and the Members of the Town of Mount Desert Harbor  
Committee  
From: The Executive Officers of the Northeast Harbor Fleet  
Date: September 7, 2022  
Re: Fleet response to the South Shore Cove Association Appeal of the Harbor Master's June 8,  
2022 Decision

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Respectfully, the Executive Officers of the Northeast Harbor Fleet submit the following response to the Harbor Master and the Members of the Harbor Committee urging the Harbor Committee to affirm the June 8, 2022 decision that granted full approval to the Fleet for use of four moorings east of Gilpatrick Ledge (the "Ledge").

### **FACTUAL BACKGROUND**

1. The Northeast Harbor Fleet (the "Fleet") consists of three entities: the Northeast Harbor Fleet, a yacht club organized as a tax exempt social club under § 501(c)(7) of the tax code; Northeast Harbor Sailing School, a tax exempt sailing school organized under § 501(c)(3); and Clifton Dock Corporation, organized as a for profit C-corporation.
2. The purpose of the Fleet is to get all people out on the water. The Sailing School provides sailing instruction to some resident youths at no cost.
3. Clifton Dock is a commercial dock that provides fueling services year round. The stock of the Clifton Dock Corporation was gifted to the Fleet approximately thirty-five years ago. While the entity is profitable, deriving its income from a lease of the fuel dock operations and lease revenue from moorings, its earnings have been used to maintain the facilities. Clifton Dock has never paid or declared a dividend. Clifton Dock allows lobster women and men the opportunity to get fuel year round and helps support and maintain the local economy.

4. In June 2021, Clifton Dock received permission from Harbor Master Lemoine to install four moorings east of the Ledge. This area falls outside of the harbors of Northeast Harbor and Somesville, and thus neither a traffic nor a mooring plan was created.
5. The Fleet requested to install the four mooring in order to quell its ever expanding mooring waitlist. Today, there are thirty-eight (38) members requesting the ability to lease a mooring.
6. For the remainder of the 2021 summer, the moorings were safely used. They were well anchored and did not impede safe navigation. They are a great distance from the thoroughfare between Great Harbor and Somes Sound and nestled in behind the Ledge. There were no complaints brought to the attention of the officers or the employees of the Fleet. Ironically, a member of the South Shore Cove Association (“SSCA”) leased one of the four moorings.
7. The Fleet chose this area east of the Ledge because we believe that during the summer months the prevailing Southwesterly winds are well buffered by Greening Island. It can be calm in this area while a breeze could be blowing a quarter mile southeast in the Great Harbor.
8. In the summer, the Northeast and Northwest breezes are highly likely to be in the upper ranges of wind speed and the area east of the Ledge is perfect for protection and safe from those wind directions.
9. Even though some of the Fleet’s moorings cannot be seen from the main dock, we successfully manage our member’s safety, assistance, needs and calls for pick up through the use of a VHF radio. We also respect the tidal fluctuations and comply with standards of safe and proper navigation.
10. The Fleet Green Team, a group of member volunteers who promote and protect the sustainable use of the waters and parks, believes the moorings do not affect the approximately

dozen or so lobster traps in the cove. Further, most of the traps are not in the vicinity of the four (4) existing moorings and that lobster fishers service traps in far more crowded mooring fields including the inner harbor areas of Northeast and Southwest Harbors.

11. The Green Team believes the existing moorings create a minimal environmental impact on the biodiversity in the area east of the Ledge. According to the eelgrass mapping studies conducted by the Maine Department of Marine Resources, “the [area] in question does not host . . . ‘likely fragile eelgrass meadows . . .’”.

12. In December 2021, after not hearing any complaints, the Fleet requested to place six (6) additional moorings in the same location and requested that the initial four (4) moorings be made permanent.

13. This proposal was reviewed by the Harbor Committee during the January 2022 meeting. At this meeting, the Harbor Committee expressed their concern that the Gilpatrick Cove mooring field was too spread out and that we should devise a plan to reorganize Gilpatrick Cove before they would consider the request.

14. At the February Harbor Committee meeting, the Fleet General Manager, Fran Charles, presented a thorough plan to address and accommodate the Harbor Committee’s concern. Specifically, the Fleet agreed to:

A. Relocate 15 moorings from the outer edge of Gilpatrick Cove to the area east of the Ledge. We also requested an additional 15 moorings in that area;

B. Moor only aesthetically pleasing sailboats in the area east of the Ledge;

C. Pull back the outer perimeter of our existing mooring field more than 100 yards (300 feet) in some places to ease transit between the Great Harbor and Somes Sound;

D. Convert some of the larger 400 Series stones to be ‘anchor stones’ for additional strings of the 200 series moorings. This would allow us to use fewer resources to moor more boats;

E. Speak to some of our members who owned private moorings along the outside perimeter to see if they would be willing to move closer to shore at the same time. All of those members willingly agreed;

F. Register all the moorings with the Army Corps of Engineers. Collate all data on every mooring along lat/long; and

G. Replace mooring chains every four years.

15. During the February meeting some individuals of the newly formed SSCA opposed our mooring request. Some of these individuals are members of the Fleet and own property along the shore east of the Ledge. Since then, they have sent emails to other property owners and various Fleet members expressing why they were opposed to letting our members gain access to the water.

16. In March, the Fleet withdrew its February plan.

17. In his June 8, 2022 decision, the Harbor Master declared that he had “reviewed the moorings . . . on numerous occasions . . . and [had] found no safety or navigation concerns.” Moreover, he found the moorings “had not moved from where they were set” in over a year.

## STATUTORY AUTHORITY

The Harbor Committee should be guided by the Town of Mount Desert Harbor Ordinance (“Ordinance”). Specifically, references will be made to §§ 3.2, 4.1, 7.3, and 7.15.

## ARGUMENT

The Harbor Committee should affirm the Harbor Master’s decision to fully approve the four (4) Fleet moorings in the area east of the Ledge.

**Point #1: De Novo Standard of Review.** Harbor Ordinance § 4.1. Although the Ordinance plainly states that the Harbor Committee “will review the Harbor Master’s decision, . . . *de novo*,” the language thereafter tempers the review by stating that “the Harbor Committee may affirm, modify, or **set aside the decision, . . . , only if such is not supported by the facts, or is clearly contrary to the intent and specific provisions of this Ordinance.** Emphasis added.

The Harbor Master is an expert who has devoted his life and livelihood to protecting all boaters around the waters of MDI. On a daily basis, he is making decisions that affect the safety and well-being of all individuals who venture out on the water. It would defy reason and logic for the Harbor Committee to simply ignore John Lemoine’s decision granting the four (4) Fleet moorings in the area east of the Ledge.

His decision is in fact well supported by the facts. He found the moorings to be in order. He declared “the moorings had not moved from the location they were set in” for nearly one year. Then he determined “that there were no safety or navigational concerns. His decision will allow the general public to gain safe and effective access to the water, because the Fleet’s

purpose is to do just that. With more moorings, more people have the opportunity to get out on the beautiful waters surrounding the Town of Mount Desert.

**Point #2:** § 3.2 General Duties & Responsibilities. The Harbor Master is promoting order in the tidal waters around the Town of Mount Desert by approving the four (4) moorings. They are nestled behind the Ledge, in deep water, and are easily accessible by the Fleet launch. Moreover, the moorings can be leased by the general public after becoming a Fleet member.

**Point #3:** The SSCA never received formal notice of the four (4) moorings being placed in the area east of the Ledge. We have been unable to find any language in the Ordinance that requires the Harbor Master or a party making a mooring request to provide notice to others. Although, as a good neighbor the Fleet should have provided its neighbors, including members of the SSCA, notice and had a discussion about the moorings. That was regrettable.

**Point #4:** § 7.15 Designation of Mooring Spaces. There is no requirement for either the Harbor Master or a party requesting a mooring to create a plan when the mooring requested is outside the harbors of Northeast or Somesville. The Ordinance is specifically permissive for areas such as the one east of the Ledge. Specifically, “[t]he Harbor Master, with approval of the Harbor Committee, *may* create mooring and traffic plans for other harbors or any other areas in the tidal waters of Mount Desert as needed.” Emphasis added.

The Harbor Committee may still affirm the Harbor Master’s decision even though a plan was not created.

**Point #5:** § 7.3 Placement of Mooring. It is unclear how this section of the Ordinance would allow the Harbor Committee to set aside the Harbor Master’s Decision. The Ordinance here

states that “[n]o person shall place a mooring . . . except with the express permission and written approval of the Harbor Master . . . “ A party must make the request, and obtain both express permission and then final approval from the Harbor Master. If the “test” period between express permission and final written approval shows that the moorings are in order and safe, as is the case with the four (4) moorings, the Harbor Committee should not disturb the decision of the Harbor Master.

**Point #6:** Increased parking congestion. The Fleet takes traffic safety seriously and have made strident efforts to be certain that children’s bikes are inside the wall along South Shore road. We have removed all the overgrown bushes to increase visibility. We have continued to encourage the use of bikes and mopeds. There are days when the parking lot is tight. Despite this, the Fleet has never been cited for a traffic violation that we are aware of. We will always strive to be good neighbors and are anxious to react to ideas for improvement.

### **Conclusion**

Full approval of the four (4) moorings should be affirmed by the Harbor Committee because the Harbor Master determined the moorings to be in order and safe. The moorings can also be leased by the general public upon completing the membership process, so their use is widely available to boaters who want access to the waters.



Stephen W. Wagner  
207-992-4414  
swagner@rudmanwinchell.com

September 7, 2022

**VIA FEDERAL EXPRESS/VIA EMAIL: jrankin@eatonpeabody.com**

Harbor Committee  
Attn: Jennifer Rankin  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

**Re: South Shore Cove Association Appeal – Eelgrass and Substrate Survey Report**

Dear Chairman Savage and Members of the Harbor Committee:

Enclosed for submission are eleven (11) copies of Stantec's Memorandum dated September 7, 2022, regarding the Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine – August 2022 Survey Results report.

Thank you.

Sincerely,

Stephen W. Wagner  
SWW/leb  
Enclosure  
74295/84478

cc: Patrick Lyons, Esq. (w/encl.)



## Memo

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To: Stephen W. Wagner  
Rudman Winchell

From: Paul Sokoloff  
Topsham, ME Office

File: 195602473

Date: September 7, 2022

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**Reference: Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine August 2022 Survey Results**

On August 9, 2022, Stantec completed a survey to map eelgrass (*Zostera marina*) boundaries, substrate types, and associated benthic habitat in an area proposed for the installation of 34 moorings between Gilpatrick Ledge and Sargent Head in South Shore Cove, Mount Desert, Maine (Project Area). This report describes the results of the August 2022 survey, describes the extent of the eelgrass and approximate spatial location of hard substrate (i.e., ledge/boulder/cobble) identified during the survey, and summarizes potential implications of placing moorings in the Project Area.

### METHODOLOGY

Stantec conducted the eelgrass survey based on the Joint Federal Agency Submerged Aquatic Vegetation Survey Guidance for the New England Region Tier 1 methodology.<sup>1</sup> Stantec delineated the extent of the continuous eelgrass meadow using SCUBA in the Project Area. Where eelgrass had a patchy distribution, the continuous eelgrass meadow was defined as eelgrass present within  $\leq 2$  meters of nearby eelgrass.<sup>2</sup> The continuous eelgrass meadow boundary was delineated by Stantec divers who communicated their position to surface support staff using buoys. The boundary was recorded by surface support staff using a Global Positioning System Trimble GeoExplorer Series Receiver with sub-meter accuracy. In addition to the boundary survey, Stantec recorded the following information for observed eelgrass meadows:

1. General sediment type (e.g., silt, mud, sand, and shell)
2. Qualitative estimate of the percent cover of eelgrass within the project vicinity (e.g., barren, sparse [1–10% cover], low [11–25%], moderate [26–50%], and high [ $>50\%$ ]). This was done for each survey area as a whole and within individual eelgrass beds where percent cover is highly variable
3. Epiphyte coverage (i.e., absent, light, or heavy)

The approximate location of hard bottom substrate (ledge/boulder/cobble) within the Project Area was sketched on field maps by the field staff based on diver observations and observations of bottom roughness on the vessel's depth sounder.

### EELGRASS AND SUBSTRATE SURVEY RESULTS

During the Eelgrass and Benthic Substrate Survey of the Project Area, two eelgrass beds were identified (Figure 1). The larger bed, located in the western portion of the Project Area, had moderate (26–50%) to high (greater than 50%) eelgrass cover (Photos 1–3). The deep edge of this eelgrass bed had sparse to low (1–25%) coverage of eelgrass. Substrate in this eelgrass bed was silty fine and medium sand, with boulders,

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<sup>1</sup>[https://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged\\_Aquatic\\_Vegetation\\_Survey\\_Guidance\(11-Aug-2016\).pdf](https://www.nae.usace.army.mil/portals/74/docs/regulatory/JurisdictionalLimits/Submerged_Aquatic_Vegetation_Survey_Guidance(11-Aug-2016).pdf)

<sup>2</sup>Short, F.T., K.W. Koch, J.C. Creed, K.M. Magalhães, E. Fernandez, and J.L. Gaeckle. 2006. SeagrassNet monitoring across the Americas: case studies of seagrass decline. *Marine Ecology* 27:277–289.

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine August 2022 Survey Results

cobbles, gravel, and medium sand adjacent to the eelgrass bed (Photos 4 and 5). The western edge of this eelgrass bed transitioned to gravelly cobble habitat. On the eastern edge of the eelgrass bed, there was interspersed boulder and cobble habitat with sugar kelp (*Laminaria saccharina*), red algae, and coralline algae. The cobble habitat on the eastern edge graded to ledge with coralline algae. The location and extent of the eelgrass bed as well as the approximate location of the hard bottom substrate are presented on Figure 1. During the survey, the following fauna were observed in this eelgrass bed: juvenile and adult lobsters (*Homarus americanus*), northern sea stars (*Asterias rubens*), rock crabs (*Cancer irroratus*), jonah crabs (*Cancer borealis*), and green crabs (*Carcinus maenas*) (Photos 6–8). In addition, four traditional block and chain moorings were observed (Photo 9).

The eastern eelgrass bed (Photos 10–12) was located between two areas of ledge/boulder/cobble in the Project Area, with the approximate locations of this hard bottom depicted on Figure 1. The substrate in this eelgrass bed was silty mud with muddy gravel on the edges of the bed grading to ledge. The interior portion had moderate (26–50%) coverage, while the northern and southern edges had sparse (1–10%) coverage (Photo 13).

The hard bottom (ledge/boulder/cobble) substrate in the Project Area was predominantly covered with a medium to high density of sugar kelp, Irish moss (*Chondrus crispus*), and coralline algae and other brown and red algae species (Photos 8, 10, 11 and 12). The location of the hard bottom in Figure 1 is approximate and are based on diver observation and the vessel's depth sounder. If the location of these ledges needs to be further refined, Stantec recommends a hydrographic survey.

The area between the hard bottom and the eastern eelgrass bed was composed of silty mud with mussel shells. This area of soft bottom did not contain an eelgrass bed, but intermittent shoots were present in this area (Photo 14).

In addition to the photos in this report, videos of the eelgrass beds and substrates were collected and are available upon request.

## MOORING IMPACTS TO SENSITIVE HABITATS

Eelgrass is a specialized marine flowering plant that has adapted to the nearshore marine environment. Eelgrass beds provide important ecosystem functions in Maine, including foraging areas for juvenile fish and invertebrates, food for migratory waterfowl, oxygen production, improved water quality through water column filtration, absorption of excess nutrients, sequestration and storing of carbon mitigating climate change, and protection of the shoreline from erosion by reducing wave energy. Eelgrass also strengthens the local economy as it is high-quality habitat for fish, crustaceans and shellfish important to commercial and recreational fishing industries in Maine. Healthy eelgrass beds also support use by waterfowl and shorebirds, which offer boaters and visitors recreational wildlife viewing opportunities. Despite the ecological importance of eelgrass beds, eelgrass populations in Maine and the world are in decline.<sup>3</sup>

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<sup>3</sup> Short, F.T., B. Polidoro, S.R. Livingstone, K.E. Carpenter, S. Bandeira, J.S. Bujang, H.P. Calumpang, T.J.B. Carruthers, R.G. Coles, W. C. Dennison, P.L.A. Erftemeijer, M.D. Fortes, A.S. Freeman, T.G. Jagtap, A.H.M. Kamal, G.A. Kendrick, W.J. Kenworthy, Y.A. La Nafie, I.M. Nasution, R.J. Orth, A. Prathep, J.C. Sanciangco, B. van Tussenbroek, S.G. Vergara, M. Waycott, J. Zieman. 2011. Extinction risk assessment of the world's seagrass species, *Biological Conservation*, 144:7 1961-1971

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine August 2022 Survey Results

The Maine Department of Marine Resources (MDMR) states the following about eelgrass in Maine:

*Maine's eelgrass meadows form an important marine and estuarine coastal aquatic habitat. Along with other plants, eelgrass forms the base of food production in the sea. Eelgrass provides shelter for juvenile fish, and invertebrates, is a site for primary settlement of the larvae of some bivalve mollusks and invertebrates, and in certain locations helps to stabilize unconsolidated sediments and shorelines.<sup>4</sup>*

Based on the National Marine Fisheries Service Greater Atlantic Fisheries Office Habitat Conservation and Ecosystem Services Division Recommendations for Mapping Habitat,<sup>5</sup> both the ledge and eelgrass beds present in the Project Area would be classified as complex habitat. Complex habitats generally be defined as:

1. Hard bottom substrates (defined as: gravels, gravel mixes, gravelly, and shell);
2. Hard bottom substrates with epifauna or macroalgae cover; and
3. Vegetated habitats (e.g., submerged aquatic vegetation and tidal wetlands).

This "complex habitat" is important for various juvenile fish species that are commercially and recreationally important species. The installation of traditional block and chain moorings into the Project Area could damage these complex habitats and reduce or eliminate their functionality as habitat for juvenile fish and invertebrates.

Traditional block and chain moorings located in eelgrass beds have been identified by state and federal natural resource agencies as one of the significant stressors to eelgrass. As the traditional mooring chain drags on the bottom, a barren mooring scar is created within the eelgrass bed disrupting the ecosystem values and functions previously described. Moorings scars can vary in size based the numerous factors, including the size of the moored vessel, the tidal range for the mooring location, the amount of movement of the moored vessel, and other factors. Based on past project experience in Portland Harbor<sup>6</sup>, one estimate of the average area of mooring scar is 437 square feet per traditional mooring. State and federal agencies recommend against placement of moorings in eelgrass based on recent consultations with the MDMR, the Maine Department of Environmental Protection and NOAA Fisheries on other projects in Maine.

The ledge, located between the two eelgrass meadows, is likely not optimal substrate for mooring placement. The ledge and associated hard substrate (i.e., cobbles and boulders) here will prevent mooring anchors from settling into the bottom, reducing, or eliminating their functionality. If moorings were placed on the ledge, moored vessels could drag the mooring anchors over the ledge and cause similar habitat damage to the to the eelgrass mooring scars discussed above.

## GENERAL IMPACTS FROM BOAT TRAFFIC

In addition to the direct habitat impacts moorings can have on eelgrass, there are also potential impacts from increases in boat traffic associated with additional moorings. Prop scars, caused by a boat's propellor or motor contacting the seafloor in shallow waters, can damage eelgrass. Prop scars can especially damage the

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<sup>4</sup> <https://www.maine.gov/dmr/science-research/species/eelgrass/>

<sup>5</sup> National Marine Fisheries Service. 2021. Updated Recommendations for Mapping Fish Habitat. National Oceanic and Atmospheric Administration. March 2021.

<sup>6</sup> Average eelgrass mooring scar calculated in Portland Harbor for the Portland Harbor Dredge Project mitigation plan. <https://portlandharbor.org/>

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
August 2022 Survey Results

below-ground root and rhizome structures of an eelgrass plant while also creating a visible scar in the bed. These scars are not limited to motorized vessels but can also be caused by sailboats if their centerboard, keel, and/or rudders come in contact with the seafloor. Similar to the scars created by traditional block and chain moorings, these prop scars can reduce the ecosystem values and functions of eelgrass beds that were previously described.

## RECOMMENDATIONS

To avoid impacts to sensitive habitats within the Project Area, block and chain moorings should not be placed within mapped eelgrass beds or areas of hard substrate. Conservation moorings are an improved alternative to traditional block and chain moorings that utilize a helical anchor and tether system, eliminating bottom chain and the potential for associated eelgrass impacts. Conservation moorings have been successfully installed to restore eelgrass beds throughout New England. In 2012, MDMR completed an evaluation of eelgrass impacts from traditional moorings and conservation moorings. The MDMR report recommended a transition to conservation moorings.<sup>7</sup> Conservation moorings require sufficient soft sediment depth for installation of the helical anchor. Based on the amount of hard bottom in South Shore Cove, some of the softer sediments may be underlain by harder bottom. A pre-deployment survey by a mooring installer is required to determine sediment depth for helical anchor installation.

**Stantec Consulting Services Inc.**



**Paul Sokoloff**

Project Manager

Phone: 207 406 5475

Paul.Sokoloff@stantec.com

Attachment: Figure 1. 2022 Eelgrass Survey  
Representative Photographs

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<sup>7</sup> <https://www1.maine.gov/dmr/shellfish-sanitation-management/documents/eelgrassmoorings.pdf>

September 7, 2022

Stephen W. Wagner

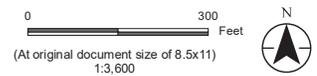
Attachments

**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
August 2022 Survey Results

## **FIGURES**



- Legend**
-  Approximate Ledge/boulder/cobble (hard substrate).
  -  2022 Eelgrass Extent



Project Location: Mount\_Desert Island, Maine  
 Prepared by PWB on 2022-08-17  
 TR Review by KWH on 2022-08-17  
 IR Review by PS on 2022-08-17

Client/Project: South Shore Cove Association  
 South Shore Cove Eelgrass  
 195602473

Figure No. **1**  
 Title **2022 Eelgrass Survey**

- Notes**
1. Coordinate System: NAD 1983 UTM Zone 19N
  2. Data Sources: MEGIS
  3. Background: Aerial Imagery provided by National Agriculture Imagery Program (NAIP), Maine, 2021.

L:\195602473\03\_data\gis\_cae\gis\MXD\2473\_01\_MDI\_EelGrassSurvey.mxd Revised: 2022-08-31 By: pbarbera

September 7, 2022

Stephen W. Wagner  
Attachments

**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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## **REPRESENTATIVE PHOTOGRAPHS**

September 7, 2022

Stephen W. Wagner  
Attachments

**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 1: High density eelgrass in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 2: High density eelgrass in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.

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Photo 3: Moderate density eelgrass in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 4: Eelgrass in gravelly sand in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 5: Gravelly sand with shells and cobbles in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 6: Lobster (*Homarus americanus*) in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 7: Lobster on sandy bottom adjacent to the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 8: Sea Star (*Asterias rubens*) on hard bottom adjacent to the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.

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Stephen W. Wagner

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 9: Traditional block and chain mooring located in the western eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 10: Hard bottom habitat present in the central portion of South Shore Cove in Mount Desert. August 2022.

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**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 11: Hard bottom habitat with kelp and coralline algae present in the central portion of South Shore Cove in Mount Desert. August 2022.



Photo 12: Hard bottom habitat with kelp and coralline algae present in the central portion of South Shore Cove in Mount Desert. August 2022.

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Stephen W. Wagner  
Attachments

**Reference:** Eelgrass and Substrate Mapping of Proposed Mooring Placement Area in South Shore Cove, Mount Desert, Maine  
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Photo 13: Moderate density eelgrass in the eastern eelgrass bed in South Shore Cove in Mount Desert. August 2022.



Photo 14: Soft bottom substrate located between eastern eelgrass bed and centrally located hard bottom habitat in South Shore Cove in Mount Desert. August 2022.

## Jennifer Rankin

---

**From:** John E. Klein <jeklein67@gmail.com>  
**Sent:** Friday, August 19, 2022 4:44 PM  
**To:** Jennifer Rankin; 'John Lemoine'  
**Cc:** 'Stephen W. Wagner'; 'Lynn E. Brochu'; 'John Klein'; 'Susan Klein'  
**Subject:** Appeal of Grant of Moorings to Fleet in South Shore Cove

\*\*\*\* This message was sent from an external sender \*\*\*\*

Town of Mount Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

Dear Sirs,

My wife and I support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022 to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.

My wife and I have spent 20 summers in Northeast Harbor. We currently own the property at 6 Odyssey Way in Northeast Harbor, which property is situated on the shoreline of South Shore Cove. Before that, we rented the house at 36 South Shore Road during ten summers, which property also is situated on the shoreline of South Shore Cove. We have strong knowledge and great love for South Shore Cove and its scenic beauty, its wildlife and unspoiled habitat, and its lobster pots.

As with many others living on South Shore Cove, we only learned this summer about the Northeast Harbor Fleet's positioning of four "temporary" moorings in South Shore Cove in 2021. As with many others living on South Shore Cove, we were given no notice and no chance to object to this decision by the Harbormaster in 2021 and only learned about it this summer by chance. All 10 owners of property on South Shore Cove are united in opposition to the four Fleet moorings, as either temporary or permanent moorings (as well as to the Fleet's plan to increase its moorings in South Shore Cove to 30 moorings).

We believe the four moorings now located in South Shore Cove (and any additional moorings) will detract from the order in the tidal waters of South Shore Cove and jeopardize the safety and use of South Shore Cove by the general public, including the residents on South Shore Cove.

- South Shore Cove directly faces the Western Way and is not protected, either by islands or by a more enclosed cove, from heavy swells during storms, making it dangerous for boats kept on moorings.
- The current kayaking, paddle boarding, fishing, and even swimming by the public will become questionable with sailboats, motorboats and launches of the Fleet frequenting South Shore Cove.
- Without a line of sight from its base in Gilpatrick Cove or Clifton Dock, the Fleet cannot properly supervise situations involving moorings on South Shore Cove, especially given the dangers arising from the submerged ledges in South Shore Cove.
- Using South Shore Cove for moorings will inhibit lobstermen from using South Shore Cove for their livelihood.
- Additional Fleet moorings in South Shore Cove will generate additional need for parking to utilize the Fleet's dock near the blind corner on Maple Street and South Shore Road and near the blind curve of South Shore Road, making an already dangerous situation that much worse for the substantial number of cars, children on bicycles and pedestrians that pass by.

We believe that installing moorings in South Shore Cove will forever change one of the few remaining unspoiled coves in Northeast Harbor.

- South Shore Cove has no docks and no moorings (other than the four new Fleet moorings), and the 10 property owners on South Shore Cove have all agreed not to apply for or install docks or moorings.
- South Shore Cove is home to fish, lobsters, wildfowl, and occasionally seals and dolphins, likely due to its absence of moorings and the presence of two eel grass meadows found in the cove. Scientific evidence has shown that moorings destroy eel grass meadows, and the setting of moorings in South Shore Cove risks negatively impacting the flora and fauna that inhabit the cove. This runs counter to the Fleet's missions "to promote and embrace a culture of environmental awareness" and "respecting the rugged beauty of Maine".
- The existing and planned moorings in South Shore Cove will destroy an historic resource, namely the unfettered view of South Shore Cove that has for over a century delighted boaters entering and leaving the Northeast Harbor marina and the Fleet. Like Bear Island, the open panorama of South Shore Cove, including houses by renowned local architect Fred Savage, is an important historic resource of the Town of Mount Desert.

We do not think it reasonable or the correct balancing of equities for the Clifton Dock Association, a for-profit entity under the Fleet's management, to be granted rights to a local public economic resource for a private for-profit use.

We believe that it is in the best interest of the Town to change the location of the four moorings now located in South Shore Cove to some location outside of South Shore Cove. An alternative solution is for the Fleet and the Town to recognize that the Fleet is at capacity, that no more moorings should be added, and that the Fleet's allocation of moorings, including the assignment of multiple moorings to the same family, should be reviewed in light of the limited capacity.

With best regards,

John and Susan Klein

John E. Klein  
2912 N Street, NW  
Washington, D.C. 20007  
Tel: 202-333-3837

## James G. Blaine

PO Box 1027, 4 Southwind Lane  
Northeast Harbor, ME 04662

Telephone: 276-3631  
email: [jblaine1945@gmail.com](mailto:jblaine1945@gmail.com)

August 31, 2022

To: The Harbor Committee  
Rick Savage, Chairman  
John Lemoine, Harbormaster

Subject: Moorings in South Shore Cove

Dear Rick and John,

Earlier this year we wrote a letter opposing the Fleet's proposal to put 34 moorings in South Shore Cove, a proposal which the Fleet has, for now, withdrawn. We are writing again to object to making the existing four moorings permanent. Installed as a "trial run" in 2021, the moorings became a kind of stalking horse for 30 more proposed for 2022. Because none of this was communicated to the cove residents, we were taken by surprise.

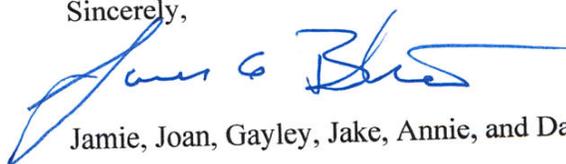
Our goal is to protect the cove for its beauty and wildlife, its important habitat, and its role in the lobster community. The residents have given up our rights to docks and moorings because we believe they threaten the things about the cove we are trying to protect.

- For decades there have been very few moorings and no docks in the cove. Consequently, wildlife abounds here, both above and below the surface.
- A recent survey of the cove's bottom identified two significant eelgrass beds with a fragile cobble and boulder substrate between them. That makes the cove a good place for fish habitat and a bad place for moorings, a poor place for an anchorage but a great place for lobsters and fish to flourish.
- The cove has been fished for generations. Our goal is to keep it open and unencumbered for generations to come.

We understand the pressures on the fleet. Most of us don't like being limited, but a lot of limits are already in place on MDI: the park has had to limit visitors; there are limits on the size of lobsters we can keep; large campers can't go on Sargeant Drive. We accept such limits because we believe they will help protect what's important to us here. It's our understanding that part of the reason for the Fleet's proposal was because it had limited neither the expansion of its moorings nor the expectations of its members. Maybe it's time for the Fleet – and its for-profit subsidiary, Clifton Dock Corp. – to also think about limits, instead of expanding in whatever direction they think fit.

Thanks very much for your consideration.

Sincerely,



Jamie, Joan, Gayley, Jake, Annie, and Daniel Blaine

## Jennifer Rankin

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**From:** Stephen <sbgarrett@earthlink.net>  
**Sent:** Wednesday, September 7, 2022 3:35 AM  
**To:** harbormaster@mtdesert.org; Jennifer Rankin  
**Cc:** Stephen W. Wagner; Lynn E. Brochu  
**Subject:** LETTER TO SUPPORT APPEAL OF DECISION TO GRANT 4 FLEET MOORINGS

\*\*\*\* This message was sent from an external sender \*\*\*\*

September 7, 2022

Town of Mount Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

RE: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

Dear Town of Mount Desert Harbor Committee:

We support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.

Safety is our main issue: the cove does not guarantee the same natural protections from the open sea as the Fleet's marina in Gilpatrick Cove and the area around Clifton Dock. Our family built the house on 3 Southwind Lane in the mid-1950s, and my family cannot remember a time when there were any docks or moorings in South Shore Cove. Only a few years ago, my mother Sylvia Garrett (now 89), who started her annual trips to Northeast Harbor when she was a child, attended a town meeting to successfully protest a proposal to build a dock in the cove.

We know firsthand how strong the storms can be when they make landfall. Over the past year alone we have lost 10 trees right near our shoreline due to heavy winds. Climate change has made weather more violent and unpredictable, so it seems reckless at best to grant new moorings in an area so open to the elements.

Also, how will the Northeast Harbor Fleet keep an eye on these moorings? There is no direct sightline to these moorings either from the Fleet's marina or from Clifton Dock. Considering that the Fleet not only wants to keep these 4 still-new moorings but also put an additional 30 moorings in the cove, the lack of mooring oversight seems alarming. And how would people get to these boats? They would of course have to travel indirectly either from Clifton Dock or from the Fleet, increasing the amount of boat traffic due to the somewhat longer distances.

In addition, the Fleet's plans would most certainly impact if not completely displace the lobstermen who have set their traps in the cove for decades. And the additional moorings will certainly affect the cove's natural ecosystem. This past summer, my family and our houseguests routinely watched seals and porpoises swimming in the waters off our shoreline, proving that the cove hosts an abundance of marine life. Hard to imagine that so much new boat traffic wouldn't impact these aspects of life in South Shore Cove.

One chronic issue on South Shore Road is parking, particularly since, at busy times, so many cars line the road at the entrances to the Fleet and to Clifton Dock, overflowing out of the modest parking areas designed to hold a much smaller amount of cars. We imagine those parking problems would only get worse if so many more boats are allowed to be moored in our cove. South Shore Drive was not intended to be a parking lot stretching from the Fleet to Clifton Dock.

We love Northeast Harbor, and we appreciate the Fleet's role in the lives of so many residents. But we also feel that the areas already designated as marinas should remain the only valid and safe places for boats to be moored. We hope the Harbor Committee takes in to account our concerns about the detrimental impact these moorings will have. Thank you for your time and consideration.

Best regards,

Stephen Garrett  
Rachel Garrett  
Amelia Garrett  
3 Southwind Lane  
P.O. Box 565  
Northeast Harbor, ME 04662

## Jennifer Rankin

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**From:** Billy Peelle <bpeelle@hotmail.com>  
**Sent:** Friday, August 26, 2022 7:11 PM  
**To:** Jennifer Rankin; harbormaster@mtdesert.org; wagner@rudmanwinchell.com;  
lbrochu@rudmanwinchell.com  
**Subject:** Removal of Moorings in South Shore Cove

\*\*\*\* This message was sent from an external sender \*\*\*\*

Town of Mount Desert Harbor Committee.  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

Dear Mount Desert Harbor Committee,

I support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.

Like many people who live and visit Northeast Harbor, I have been coming here my whole life and fell in love with the community and its surrounding beauty from a very early age. We all know there are few places like it up and down the eastern seaboard. Its remoteness adds to the allure, but its natural beauty and ruggedness are what draw us back- and the lack of infrastructure as the community has been steadfast in the preservation of the environment.

Living on the Cove I was drawn to the natural beauty- and was surprised to see 4 moorings dropped in two summers ago. The ironic part is that one of the boats that is moored there is actually mine. We will get to that in a bit.

The Cove is frequented by seals, gulls and loons, has vast amounts of eel grass beds which are instrumental to tidal protection and animal habitats. It is still a vital place for lobsterman to fish. This would all go away with the addition of more moorings and the 4 moorings today already hinder the wildlife and local fisherman. There are few coves on the whole island that have not been affected by moorings and being made into harbors- so to preserve one of the last open coves would seem to be essential to preserving what we all love and want to protect. The Cove has been free of docks and moorings for over 70 years....and one of the biggest reasons is that its not a protected cove from the currents and waves from the Western Way (case in point the piers with no dock at Sargent Head- that dock was wiped out by waves and currents decades ago.

Most obvious though is that the moorings are not protected whatsoever. They are surrounded by dangerous ledges, take on direct contact from storms and storm surges, and have no protection from larger waves and wakes. The South Shore coast has whole trees on its shore which would only run into boats. The moorings are not visible from the Fleet launch and not only that, it takes quite some time to even get to one's boat out there.

To access the Fleet, there is a tiny parking lot that is already at capacity- so the addition of more moorings would create more traffic to which there is no room, and that turn is already incredibly dangerous for passerbys, young children and families on bikes, and oncoming cars. To create more traffic would be a liability and one we should be avoiding at all costs.

As more people discover the beauty of MDI there will be an increased demand to have more boats and usage- but that should tell us that the exact reason people love it here is that its beauty has been unspoiled for so long. All of us on the Cove have pledged to not drop a mooring going forward and I would happily forgive my boat being out there as quite frankly its both dangerous and not protected.

Furthermore, the Fleet's mission "is to sustain a venue that provides easy access to the water and inspires a lifelong love of sailing and boating, while respecting the rugged beauty of Maine and supporting the community." Its Green Initiative mission is "to inspire all Fleet members, young and old, to promote and embrace a culture of environmental awareness. The waters of Mount Desert Island and Gilpatrick Cove need our protection." I believe the Fleet proposal for South Shore Cove contradicts its own stated missions.

I sincerely hope you do consider removing the existing moorings as it hinders the local fisherman economy, would forever damage protected wildlife and its habitats, poses a degree of risk and safety for anyone who has a boat in the Cove, the boats there are not protected, and would create an increased risk of safety for the town and community with more cars, and parking where the Fleet is already insufficient in its capacity.

Sincerely,  
Billy Peelle III

36 South Shore Road  
Northeast Harbor, ME



Town Of Mount Desert Harbor Committee

21 Sea Street

P.O. Box 248

Northeast Harbor, ME 04662

Greetings:

We, the undersigned, support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove. Our family has owned property at 30 South Shore Rd for over 70 years. Multiple generations of our family have invested time, energy and resources over decades of both visiting and living in the Bar Harbor area. As such, we care deeply what impacts the community and our neighbors.

We are concerned that rental moorings, and the increased boating activity associated with those moorings, will harm this native habitat and negatively impact the wildlife that lives and feeds in it. In whether these or other moorings should be allowed in the Cove, the Town should consider how their use will adversely impact all stakeholders, not just the Fleet and its members.

Over the decades, the cove has been nearly undeveloped apart from docks (including our property's) that have been subsequently removed. The wild nature of the cove is a shared asset by all people who enjoy the untrammelled beauty of the waters around Northeast Harbor. Over the course of a day, we observe Lobstermen pulling and setting their traps, kayakers and paddle boarders exploring the cove. We greatly enjoy seeing the animals that share this habitat e.g., osprey, great blue herons, and the occasional bald eagle, who all use the cove for its abundance of food, which we are confident exists in no small part because of the relatively large population of eel grass in this cove. In addition to the birds, we often see seals swimming and hunting for food. All of the above has already been compromised by the new boat traffic that the cove has been experiencing since the four moorings went in not to mentioned the impact of those that are proposed.

In addition to the concerns above of how the new moorings will negatively impact the wildlife and biodiversity of the cove, we are deeply concerned about the safety implication of the placement of these four moorings. We believe the four moorings now in South Shore Cove detract from the order in the tidal waters of South Shore Cove, and jeopardize the safety and use of South Shore Cove by the general public. Specifically, creating more boat traffic around Gilpatrick Ledge, which is subject to great tidal fluctuations, will make for very dangerous navigation, at mid-tides especially. Furthermore, these four moorings are not in line of sight from Fleet or Clifton Dock corporation and this poses risk from the lack of oversight of the boats on the moorings and the traffic they engender, especially at night or during storms and their waves that arrive unimpeded from Western Way. Our neighbors have already experienced concerns around boat alarms what went unattended.

We ask that the Committee recognize the public interest in preserving this habitat by removing the four moorings permitted earlier this summer and support the South Shore Cove Association in its efforts to forever protect the Cove from future moorings, docks, piers, and other permanent development.

We are of the strong opinion that it is in the best interest of the Town to change the location of the four moorings now located in South Shore Cove to some location outside of South Shore Cove.

Sincerely,

*Nancy Milliken*  
*Weston Milliken*  
*Ilya Smirnoff*

## Jennifer Rankin

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**From:** Margot Bass <margotbass@ymail.com>  
**Sent:** Monday, August 22, 2022 8:19 PM  
**To:** Jennifer Rankin; John Lemoine  
**Cc:** Stephen W. Wagner; Lynn E. Brochu  
**Subject:** To Town of Mount Desert Harbor Committee: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

\*\*\*\* This message was sent from an external sender \*\*\*\*

August 22, 2022

Town of Mount Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

Margot Bass  
6 Barnacles Way  
Northeast Harbor, ME 04662

RE: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

I support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove. I believe that the Fleet mooring permits are not appropriate in this cove because: A) They represent an unlawful new marina in the cove; B) The four Fleet moorings overturn the order and existing uses of the cove; C) The four Fleet moorings lack safety, lack visual and auditory oversight, and pose navigation risks; D) The Fleet mooring plan ought to have been considered low priority in view of other existing uses; E) The additional traffic engendered presents road safety risks; and F) The scale of the Fleet plan for this cove ought to have sent it to Town residents for approval.

### A. THE FLEET USE OF SOUTH SHORE COVE REPRESENTS CREATION OF A NEW "MARINA" WHICH IS NOT ALLOWED IN THIS LAND USE DISTRICT

The facts indicate that the Fleet's Clifton Dock Corporation is seeking to create a new "marina" in South Shore Cove, under the definition of "marina" in the Town of Mount Desert Land Use Ordinance. The Ordinance states in Section 8. Definitions, that a "Marina" is "a business establishment having frontage on navigable water and providing for hire docking facilities or moorings at its location, unless such uses are incidental to the principle use of the property. In addition it may also provide other services such as: boat storage and repair; boat sales; boat hauling and launching; bait and tackle sales; sale of marine supplies and marine fuel." The Fleet, which owns the Clifton Dock Corporation, stated to the Harbor Committee at its Feb 8/March 8, 2022 meetings that the four moorings it received permits for in South Shore Cove were simply a test case to put in 34 total moorings into the cove. Furthermore, it stated that these moorings would be owned and operated by the for-profit Clifton Dock Association. The Fleet also stated that these moorings would be serviced by a launch owned and operated by the Clifton Dock Corporation. The Fleet stated that these moorings would be for rent. These moorings are geographically separate from both the Fleet marina, which is in Gilpatrick Cove, and from the Clifton Dock operation, which is in Northeast Harbor. The land frontage on navigable

water is at the Clifton Dock Corporation dock, but the new area for its commercial moorings is in South Shore Cove. These 4 moorings and the 34 planned Fleet moorings clearly meet the definition of being a new marina.

The Fleet was never given Conditional Use Approval for its 4 moorings and 34 mooring plan in South Shore Cove. The Town of Mount Desert's Land Use Zoning Ordinance, in Section 6C.7. Marine and Freshwater Structure Performance Standards, states in Requirement 9 that "...marinas...shall require Conditional Use Approval of the Planning Board." (page 6-39, [https://link.edgepilot.com/s/059fbe28/8f\\_HKinEsEul-JUAZW6xCw?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/luzo\\_amended\\_may\\_8\\_2018\\_0.pdf](https://link.edgepilot.com/s/059fbe28/8f_HKinEsEul-JUAZW6xCw?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/luzo_amended_may_8_2018_0.pdf)). The Harbormaster, at the very least, ought to have sought permission of the Town of Mount Desert Planning Board prior to authorizing the Fleet mooring permits.

Even if the Harbor Master had sought Planning Board authorization, it is already clear in the Land Use Zoning Ordinance that a marina should not be permitted in this land use area. The land area around South Shore Cove is zoned Residential Two (SR2). The Town of Mount Desert's Land Use Zoning Ordinance states in its Section 3.4. Permitted, Conditional, and Excluded Uses by District, under "Commercial" uses, that Marina use is prohibited in Land Use Zones SR2 (page 3-8, [https://link.edgepilot.com/s/059fbe28/8f\\_HKinEsEul-JUAZW6xCw?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/luzo\\_amended\\_may\\_8\\_2018\\_0.pdf](https://link.edgepilot.com/s/059fbe28/8f_HKinEsEul-JUAZW6xCw?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/luzo_amended_may_8_2018_0.pdf)). Thus, the Harbor Master ought to have denied the permit for these moorings, or at least have referred the Fleet proposal to the Planning Board before making any decision about these.

#### B. THE FLEET USE OF SOUTH SHORE COVE IS NOT AN APPROPRIATE PLACE FOR A MARINA DUE TO UNDERMINING THE CURRENT ORDER AND USE OF THE COVE

The Harbor Ordinance states in its Section 7.4 that "The Harbor Master may deny any application the approval of which he or she determines would detract from the order in the tidal waters or harbors, or which would jeopardize...use of the tidal waters and harbors of the general public" (page 11, [https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmIA?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/town\\_of\\_mount\\_desert\\_harbor\\_ordinance\\_-\\_may\\_2\\_2017\\_2.pdf](https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmIA?u=https://www.mtdesert.org/sites/g/files/vyhli931/f/uploads/town_of_mount_desert_harbor_ordinance_-_may_2_2017_2.pdf)). The four Fleet moorings now located in South Shore Cove detract from the order in the tidal waters of South Shore Cove, and jeopardize the use of South Shore Cove by the general public.

##### B.1. The Fleet moorings disrupt the order and public use of the cove by lobstermen and women

First, the Fleet moorings detract from the current "order" and "use" in the tidal waters of South Shore Cove, because there is a long-term prior "public" use of this cove by lobstermen. Lobstermen and women have extensively used this cove for fishing grounds at least since I was a little girl spending summers on the cove, for at least 45 years. The four existing Clifton Dock Corporation commercial moorings have taken over that area from the use of the lobstermen, because it is too difficult for commercial lobster boats to navigate around the Fleet boats without damaging them. The Fleet's plan for 34 moorings in this cove, of which the first four are a test, will prohibit all use of this cove for lobstering. The Fleet stated in the Harbor Committee's Feb 8, 2022/March 8, 2022 meetings that it will place 34 "large" "pretty" "boats" in this Cove, and that the first four moorings are a "test" for this "plan." Each boat needs a swing radius that is considerably larger than the length of each boat, because of the dramatic tide changes in this cove and the extra length of mooring line that is freed to swing around at low tides. Thus, the moored boats will need so much free water that they will eliminate all lobstering in the cove. Lobster fishing is a major local income generator, and it is not an orderly approach of the Harbor Master to allow the Clifton Dock Association, a for-profit entity under the Fleet's management, to take over a local long-term public economic resource for a private for-profit use.

##### B.2. The Fleet moorings disrupt the order and public use of the cove by kayakers and swimmers

Second, the Fleet moorings detract from the current "order" and "use" in the tidal waters of South Shore Cove, because there is a long-term prior "public" use of this cove by kayakers and swimmers. Kayakers enjoy boating around this cove, and swimmers enjoy swimming through and across the cove also, because it is free of boats and so can be navigated

safely by these users. My mother has reported that she started swimming daily in this cove in the 1960s. The Fleet boats disrupts these uses by creating dangerous obstacles to these users.

### B.3. The Fleet moorings disrupt the order and public use of the cove as a conservation resource

Third, the Fleet moorings detract from the “order” and “use” of the cove by the general public as a conservation resource, that has already been valued as such by the year-round and summer residents of the Town of Mount Desert. Conservation is a legitimate use of land and coves, and it has been prioritized for this cove for over half a century. South Shore Cove is a rugged shore with differing geological features, and is host to native plants, marine birds, diverse marine life including seals daily—and porpoises occasionally— and intertidal wetland pools. Based on aerial image research, the cove has been free of any permanent waterfront infrastructure such as docks or moorings for at least 50 years. Aerial image research also documented that there are very few coves in all of the Town of Mount Desert that are similarly wild and undeveloped. In 2011, a large group of year-round and summer residents of the Town of Mount Desert successfully opposed a permanent dock proposed for the cove because they wanted to conserve the area as a natural resource. To strengthen that goal, the landowners around the cove have agreed to give up their rights to moorings and docks.

Divers with Stantec have also just documented that the Cove contains two major, ecologically robust eelgrass meadows. According to Stantec scientists, eelgrass meadows of *Zostera marina* are important for four main reasons:

- i. They form an important habitat for shellfish, wildlife and other vertebrate and invertebrate species.
- ii. They are critical nurseries for commercially and recreationally important shellfish and fish species, including lobsters.
- iii. They prevent erosion of the beaches.
- iv. They passively filter the water, maintaining good water quality for all marine life.

Recent scientific research from 2017 by Dr. Richard Unsworth and others found “conclusive evidence from multiple sites” that mooring fields destroy eelgrass meadows.\* The four Fleet moorings were unfortunately permitted to be placed in the center of the larger, western eelgrass meadow. Each Fleet ball and chain mooring will cause 4–6 foot scars in the meadow that are likely to be permanent, according to Stantec researchers. Eel grass is protected under Maine state law. Regionally speaking, this type of eelgrass is in decline. Worldwide, seagrasses are in decline. The Harbor Master and Harbor Committee should consider its conservation role seriously when deciding where to place moorings such as those of the Fleet. It should even go a step further, and in the Harbor Ordinance ban the placement of new moorings in eelgrass meadows so as to support both the native ecology and sustainable recreational and commercial fishery operations.

In addition to the moorings themselves damaging the eelgrass meadows, there are damaging impacts from the motor launch servicing the moored boats, and from the moored boats entering and leaving the cove:

- i. Depending on the depth, boat propellers can cause scars in the eelgrass meadows.
- ii. Boat centerboards, keels, and rudders can cause scars in the eelgrass meadows.
- iii. Leaking fuel from the launch service and moored boats could also damage the biodiverse marine life and the currently clear waters.

The cove also has in its center an extensive cobble, boulder, and ledge habitat that extends out into the surrounding navigable waters. Under NOAA National Marine Fisheries Service guidelines, this type of ledge represents "complex habitat" that is key for nurturing juvenile fish species that are commercially and recreationally important. The Fleet plan calls for the placement of 34 moorings throughout this area. Thus, the Fleet mooring plan will impact another major biodiversity resource, in addition to damaging the eelgrass.

### B.4. The Fleet moorings disrupt the order and public use of the cove as a historic resource

The existing and planned moorings will destroy an historic resource, namely the unfettered view of South Shore Cove that has for over a century delighted boaters entering and leaving the Northeast Harbor marina and the Fleet. Like Bear

Island, its open panorama, including houses by renowned local architect Fred Savage, is an important historic resource of the Town of Mount Desert. The Fleet's moored boats obscure this view.

### C. THE FLEET USE OF SOUTH SHORE COVE IS NOT AN APPROPRIATE PLACE FOR A MARINA DUE TO LACK OF SAFETY

The Harbor Ordinance states in its Section 7.4 that "The Harbor Master may deny any application the approval of which he or she determines...would jeopardize the safety ,,of the general public" (page 11, [https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmIA?u=https://www.mtdesert.org/sites/g/files/vyhlf931/f/uploads/town\\_of\\_mount\\_desert\\_harbor\\_ordinance\\_-\\_may\\_2\\_2017\\_2.pdf](https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmIA?u=https://www.mtdesert.org/sites/g/files/vyhlf931/f/uploads/town_of_mount_desert_harbor_ordinance_-_may_2_2017_2.pdf)). The four Fleet moorings "jeopardize the safety...of the general public" in four ways. The existing and proposed moorings are not a safe place for moored boats, young and old boaters lack safe visual and auditory oversight, and the young people who operate the Clifton Dock launches face serious navigational risks.

#### C.1. South Shore Cove is not a safe place for boats

First, South Shore Cove is not safe for moored boats because it is not protected from ocean waves. There is a straight-line shot from the Atlantic Ocean through the Western Way to the cove. After storms, I have seen large logs and other objects that have been cast high onto the beach as a result of the strength of waves that run straight into it. Hurricane season can result in hurricane-force winds and associated waves hitting this cove. Therefore, there is the ongoing potential for moored boats to be dragged onto Gilpatrick Ledge or onto the shore. It is clear that the cove is not considered generally safe by boaters, because I have never myself seen transient boaters anchor overnight in this cove. This contrasts sharply with a place like Echo Cove, where I have seen regular use by transient boaters to anchor, and which has up to four boats at a time anchored overnight.

The Fleet plan, of which these four permitted moorings are the test case, calls for moorings throughout South Shore Cove. This is not a safe plan. The ledge in between the cove's two eelgrass meadows is actually not an appropriate place for moorings at all, because the mooring blocks will not have anything to grip into like gravel or thick silt. The boats will drag the moorings across the ledge and potentially into boaters navigating in or out of Northeast Harbor, or into swimmers or kayakers. The keels and centerboards of the boats themselves could also get damaged at low tide from hitting this ledge.

#### C.2. Boaters in South Shore Cove lack sightline monitoring and thus safe oversight

Neither the Fleet nor Clifton Dock have sight lines from their buildings to South Shore Cove, which lies on the opposite side of Gilpatrick Ledge from the Fleet and the opposite side of Sargent Head from Clifton Dock. Because neither institution's staff would have direct views of the many boats planned to be moored there, child and adult boat users would be unsupervised. This does not represent a safe situation for the monitoring and servicing of boaters, or their boats.

#### C.3. Boaters in South Shore Cove lack auditory monitoring and thus safe oversight

In the summer of 2021, the four new Fleet moorings brought a significant increase in noise disruptions. On two occasions, landowners left messages at the Fleet about a high-pitched boat alarm that had been sounding off for days. When the Fleet did not respond, a homeowner phoned the police and was told to call the Harbormaster about the ongoing alarms from the water. Clearly, if boat alarms do not engender any Fleet response, a boater including a child screaming for help from South Shore Cove would not be heard by Clifton Dock Corporation or Fleet staff and so there would be no response. This further indicates that the permitted moorings do not represent a safe situation for the monitoring and servicing of boaters, or their boats.

#### C.4. Navigation in and out of this cove, and between it and the Fleet, is perilous

Finally, there are perilous navigation risks around South Shore Cove. Tidal fluctuations are dramatic around Gilpatrick Ledge, which transitions from an exposed to a submerged rocky ledge twice a day. There are also large submerged boulders in the cove. According to the Fleet at the Feb8/March 8 Harbor Committee meetings, a Clifton Dock launch will come from the Fleet to service these four moored boats. Neighbors around South Shore Cove have already seen Fleet launch operators short-cut navigating between Gilpatrick Ledge and the shore to service the four Fleet moorings in South Shore Cove, doable for experienced operators only at higher tides but dangerous at all other times. To have boat traffic operating constantly around and between Gilpatrick Ledge, and around this cove, is unsafe and could result in a navigation disaster.

#### D. CLIFTON DOCK APPLICATION FOR FOUR MOORINGS REPRESENT A NEAR-LOWEST PRIORITY USER

The Harbor Code in Section 7.7. lists the priority by which the Harbor Master will allocate moorings outside of harbors. The second to lowest of all priorities is given to "Application for more than one mooring" (page 13-14, [https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmlA?u=https://www.mtdesert.org/sites/g/files/vyhlf931/f/uploads/town\\_of\\_mount\\_desert\\_harbor\\_ordinance\\_-\\_may\\_2\\_2017\\_2.pdf](https://link.edgepilot.com/s/077c884b/HvX2bf41cUS8Ohz7FpnmlA?u=https://www.mtdesert.org/sites/g/files/vyhlf931/f/uploads/town_of_mount_desert_harbor_ordinance_-_may_2_2017_2.pdf)). The Fleet applied for four moorings, with a plan to add 34 total and take over all of South Shore Cove. The Harbor Master should not have permitted these, because doing so prioritizes mooring use for a very low priority user and takes away any and all other uses, including any homeowner moorings and floating docks, and the use and usufruct by the general public of the cove for commercial and recreational fishing, for recreational sports such as kayaking and swimming, and for conservation and historic protection.

#### E. THE FLEET MOORINGS RISK ROAD SAFETY

Parking is already tight in the Fleet parking lot in the summer and often spills over onto Maple and South Shore roads. South Shore Road has a long blind curve next to the Fleet parking lot, and it has a blind corner at its intersection with Maple Lane due to a row of dense evergreens. By creating even heavier Fleet user traffic, the additional moorings would put more pressure on safe parking. Keeping the curved road and blind intersection clear of extra cars helps maintain the safety of the many children who walk and bike these roads. The Harbor Master ought to have referred the Fleet proposal to the Traffic Committee before making any decision about it, to assess road safety risks.

#### F. UPDATING THE HARBOR ORDINANCE & PUTTING THIS PERMIT PLAN TO TOWN RESIDENTS

The Harbor Ordinance needs to be updated with additional specific protections for eelgrass meadows and complex ledge habitat, and for other biodiverse habitats that are protected under state law. Furthermore, the Harbor Committee should recognize in the Ordinance its important role in protecting buffer zones around neighboring Acadia National Park. Also, the Harbor Committee should consider the voice of its residents when it embarks on permitting a major new marina. According to Harbor Committee members in its Feb 8/March 8 2022 meetings, the scale of the Fleet plan for South Shore Cove is like nothing they have ever been presented with before. The Harbor Committee ought to put large-scale plans like this before the residents of the Town, as such a plan endangers the many uses that benefit all Town residents.

Sincerely,

Margot S. Bass

\* Unsworth, R.K.F., B. Williams, B.L. Jones, and L.C. Cullen-Unsworth. 2017. Rocking the boat: Damage to eelgrass by swinging boat moorings. *Frontiers in Plant Science*. Vol 8, Article 1309.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

## Jennifer Rankin

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**From:** Anne Stroud <annestroud21@gmail.com>  
**Sent:** Monday, September 5, 2022 10:23 AM  
**To:** Jennifer Rankin; John Lemoine; Stephen W. Wagner; Lynn Brochu  
**Subject:** Town of Mount Desert Harbor Committe

\*\*\*\* This message was sent from an external sender \*\*\*\*

I support the SSC formal appeal of the Town of Mount Desert Harbormaster's decision on 06/08/22 to grant the 4 moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.

The Cove is valued by many: lobstermen and women, kayakers, paddle boarders and swimmers. It's also an important income source for lobstermen and women. The 4 moorings, plus 30 more, will jeopardize all users.

The environmental impact would be huge. The existence of two eel grass nurseries for lobsters large and small, crabs, starfish, and fish is important. Destroying the eel grass would be a tragedy. Local wild life: osprey, eagles, loons, herons and fish live and nest in the cove. The birds are daily inhabitants. Keeping the Cove wild is important.

From a safety point of view, neither the Fleet nor Clifton Dock Corp have sight lines to the cove and moorings. The cove is unprotected from Atlantic storms as there is a straight shot from the Western Way.

Thank you,  
Anne Stroud

## Jennifer Rankin

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**From:** Stephen Stroud <stephenstroud@mac.com>  
**Sent:** Monday, September 5, 2022 5:53 PM  
**To:** harbormaster@mtdesert.org  
**Cc:** Jennifer Rankin; Stephen W. Wagner; Lynn E. Brochu  
**Subject:** Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove  
**Attachments:** SMS\_LettertoHarborCommittee\_Aug\_2022\_v2.pdf

\*\*\*\* This message was sent from an external sender \*\*\*\*

September 5, 2022

Town of Mount Desert Harbor Committee

21 Sea Street

P.O. Box 248

Northeast Harbor, ME 04662

Stephen Stroud

Michael Stroud

Mayra Bonilla

8 Bear Island Way

Northeast Harbor, ME 04662

RE: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

**We support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.** While we greatly admire the role that the Northeast Harbor Fleet plays in the community, we consider that the existing Fleet moorings detract from the current “order” and “use” in the tidal waters of South Shore Cove and jeopardize the safety and use of South Shore Cove by the general public.

South Shore Cove is a conservation resource that has already been valued as such by the year-round and summer residents of the Town of Mount Desert. Conservation is a legitimate use of land and coves, and it has been prioritized for this cove for over half a century. There is a long-term prior “public” use of this cove by kayakers, paddleboarders and swimmers. This cove is very appealing for these activities given that it has a healthy marine ecosystem, is mostly free of moorings and boats and can be navigated safely by these types of users.

South Shore Cove is not in direct line of sight nor in auditory range with the NEH Fleet which poses a bunch of other issues relevant to the safety of the cove as without the direct views of the many boats planned to be moored there, child and adult boat users would be unsupervised. This does not represent a safe situation for the monitoring and servicing of boaters, or their boats. Proof of this occurred in the summer of 2021 when on two occasions, landowners left messages at the Fleet about a high-pitched boat alarm that had been sounding off for days and the Fleet did not respond. Clearly, if boat alarms do not engender any Fleet response, a boater including a child screaming for help from South Shore Cove would not be heard by Clifton Dock Corporation or Fleet staff.

The existing moorings are in an eel grass meadow (*Zostera marina*) which provide habitat for shellfish, wildlife and other vertebrate and invertebrate species. Eel grass provides shelter for young lobster, crab and mackerel which are of economic importance to our coastal communities. An ecologically healthy South Shore Cove is directly related to future income of our area’s fishermen and women. Furthermore, eel grass is in decline in Maine which means its other ecological services such as sequestering carbon, filtering water and preventing

erosion on the beaches is also threatened. Eel grass is protected under Maine state law and there are two important eel grass meadows in South Shore Cove which are quite visible at low tide from a paddle board. The Fleet was never given Conditional Use Approval for its 4 moorings and 34 mooring plan in South Shore Cove. The Town of Mount Desert's Land Use Zoning Ordinance, in Section 6C.7. Marine and Freshwater Structure Performance Standards, states in Requirement 9 that "...marinas...shall require Conditional Use Approval of the Planning Board." The Harbormaster, at the very least, ought to have sought permission of the Town of Mount Desert Planning Board prior to authorizing the Fleet mooring permits. Even if the Harbor Master had sought Planning Board authorization, it is clear in the Land Use Zoning Ordinance that a marina should not be permitted in this land use area.

**We also support South Shore Cove Association's efforts to block the proposed expansion of the number of moorings in the cove.** The Fleet use of South Shore Cove represents the creation of a new "marina" which is not allowed in this land use district. The Fleet stated that these moorings would be for rent. These moorings are geographically separate from both the Fleet marina, which is in Gilpatrick Cove, and from the Clifton Dock operation, which is in Northeast Harbor. The land frontage on navigable water is at the Clifton Dock Corporation dock, but the new area for its commercial moorings is in South Shore Cove.

The Harbor Committee should consider the voice of its residents when it embarks on permitting a major new marina. According to Harbor Committee members in its Feb 8/March 8, 2022, meetings, the scale of the Fleet plan for South Shore Cove is like nothing they have ever been presented with before. The Harbor Committee ought to put large-scale plans like this before the residents of the Town, as such a plan endangers the many uses that benefit all Town residents.

The Fleet's plan for 34 moorings in this cove, of which the first four are a test, will prohibit all use of this cove for lobstering. The Fleet stated in the Harbor Committee's Feb 8, 2022/March 8, 2022 meetings that it will place 34 "large" "pretty" "boats" in this Cove, and that the first four moorings are a "test" for this "plan." Each boat needs a swing radius that is considerably larger than the length of each boat, because of the dramatic tide changes in this cove and the extra length of mooring line that is freed to swing around at low tides. Thus, the moored boats will need so much free water that they will eliminate all lobstering in the cove. Lobster fishing is a major local income generator, and it is not an orderly approach of the Harbor Master to allow the Clifton Dock Association, a for-profit entity under the Fleet's management, to take over a local long-term public economic resource for a private for-profit use.

South Shore Cove is a rugged shore with differing geological features, and is host to native plants, marine birds, diverse marine life including seals daily—and porpoises occasionally—and intertidal wetland pools. Based on aerial image research, the cove has been free of any permanent waterfront infrastructure such as docks or moorings for at least 50 years. South Shore Cove is not a safe or appropriate place for the existing moorings and even less so for additional moorings given its exposure to storms from the east and southeast. There is the constant potential for moored boats to be dragged onto the ledges or onto the shore. Sargent Head's dock was removed (and not replaced) at least 70 years ago for this very reason.

Aerial image research also documented that there are very few coves in the Town of Mount Desert that are similarly wild and undeveloped. In 2011, a large group of year-round and summer residents of the Town of Mount Desert successfully opposed a permanent dock proposed for the cove because they wanted to conserve the area as a natural resource. To strengthen that goal, the landowners around the cove have agreed to give up their rights to moorings and docks.

Recent scientific research from 2017 by Dr. Richard Unsworth and others found "conclusive evidence from multiple sites" that mooring fields destroy eelgrass meadows. Each Fleet ball and chain mooring will cause 4-to-6-foot diameter scars in the meadows that are likely to be permanent, according to Stantec researchers. The Harbor Master and Harbor Committee should consider its conservation role seriously when deciding where to place moorings such as those of the Fleet. It should even go a step further, and in the Harbor Ordinance ban the placement of new moorings in eelgrass meadows so as to support both the native ecology and sustainable recreational and commercial fishery operations.

In addition to the moorings themselves damaging the eelgrass meadows, there are damaging impacts from the motor launch servicing the moored boats, and from the moored boats entering and leaving the cove:

i. Depending on the depth, boat propellers can cause scars in the eelgrass meadows.

- ii. Boat centerboards, keels, and rudders can cause scars in the eelgrass meadows.
- iii. Leaking fuel from the launch service and moored boats could also damage the biodiverse marine life and the currently clear waters.

The cove also has in its center an extensive cobble, boulder, and ledge habitat that extends out into the surrounding navigable waters. Under NOAA National Marine Fisheries Service guidelines, this type of ledge represents "complex habitat" that is key for nurturing juvenile fish species that are commercially and recreationally important. The Fleet plan calls for the placement of 34 moorings throughout this area. Thus, the Fleet mooring plan will impact another major biodiversity resource, in addition to damaging the eelgrass. Clifton Dock application for four moorings represents a near-lowest priority user. The Harbor Code in Section 7.7. lists the priority by which the Harbor Master will allocate moorings outside of harbors. The second to lowest of all priorities is given to "Application for more than one mooring" The Fleet applied for four moorings, with a plan to add 34 total and take over all of South Shore Cove. The Harbor Master should not allow any more moorings as doing so prioritizes mooring use for a very low priority user and takes away any and all other uses, including any homeowner moorings and floating docks, and the use and usufruct by the general public of the cove for commercial and recreational fishing, for recreational sports such as kayaking and swimming, and for conservation and historic protection.

The land area around South Shore Cove is zoned Residential Two (SR2). The Town of Mount Desert's Land Use Zoning Ordinance states that Marina use is prohibited in Land Use Zones SR2. Thus, the Harbor Master ought to deny the permit for new moorings, or at least refer the Fleet proposal to the Planning Board before making any decision.

The Harbor Ordinance needs to be updated with additional specific protections for eelgrass meadows and complex ledge habitat, and for other biodiverse habitats that are protected under state law. Furthermore, the Harbor Committee should recognize in the Ordinance its important role in protecting buffer zones around neighboring Acadia National Park. Also, the Harbor Committee should consider the voice of its residents when it embarks on permitting a major new marina. According to Harbor Committee members in its Feb 8/March 8, 2022 meetings, the scale of the Fleet plan for South Shore Cove is like nothing they have ever been presented with before. The Harbor Committee ought to put large-scale plans like this before the residents of the Town, as such a plan endangers the many uses that benefit all Town residents.

For all these reasons, we support South Shore Cove's efforts to have the existing mooring permits removed and prevent any new moorings permits in South Shore Cove.

Sincerely yours,

Stephen Stroud  
Mayra Bonilla  
Michael Stroud

<jrankin@eatonpeabody.com>  
John Lemoine <harbormaster@mtdesert.org>,  
Stephen W. Wagner <swagner@rudmanwinchell.com>,  
Lynn E. Brochu<lbrochu@rudmanwinchell.com>

September 6, 2022

Town of Mount Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

Stephen Stroud  
Michael Stroud  
Mayra Bonilla  
8 Bear Island Way  
Northeast Harbor, ME 04662

RE: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

**We support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.**

While we greatly admire the role that the Northeast Harbor Fleet plays in the community, we consider that the existing Fleet moorings detract from the current "order" and "use" in the tidal waters of South Shore Cove and jeopardize the safety and use of South Shore Cove by the general public.

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**WE also support South Shore Cove Association's efforts to block the proposed expansion of the number of moorings in the cove.** The Fleet use of South Shore Cove represents the creation of a new "marina" which is not allowed in this land use district. The Fleet stated that these moorings would be for rent. These moorings are geographically separate from both the Fleet marina, which is in Gilpatrick Cove, and from the Clifton Dock operation, which is in Northeast Harbor. The land frontage on navigable water is at the Clifton Dock Corporation dock, but the new area for its commercial moorings is in South Shore Cove.

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In addition to the moorings themselves damaging the eelgrass meadows, there are damaging impacts from the motor launch servicing the moored boats, and from the moored boats entering and leaving the cove:

- i. Depending on the depth, boat propellers can cause scars in the eelgrass meadows.
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Clifton Dock application for four moorings represents a near-lowest priority user. The Harbor Code in Section 7.7. lists the priority by which the Harbor Master will allocate moorings outside of harbors. The second to lowest of all priorities is given to "Application for more than one mooring" The Fleet applied for four moorings, with a plan to add 34 total and take over all of South Shore Cove. The Harbor Master should not allow any more moorings as doing so prioritizes mooring use for a very low priority user and takes away any and all other uses, including any homeowner moorings and floating docks, and the use and usufruct by the general public of the cove for commercial and recreational fishing, for recreational sports such as kayaking and swimming, and for conservation and historic protection.

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For all these reasons, we support South Shore Cove's efforts to have the existing mooring permits removed and prevent any new moorings permits in South Shore Cove.

Sincerely,

Stephen Stroud  
Mayra Bonilla  
Michael Stroud

**Jennifer Rankin**

---

**From:** Agnes S. Peelle <apeelle@comcast.net>  
**Sent:** Wednesday, September 7, 2022 12:58 PM  
**To:** harbormaster@mtdesert.org  
**Cc:** Jennifer Rankin; swagner@rudmanwinchall.com; 'Lynn E. Brochu'; 'Agnes S. Peelle'  
**Subject:** Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

\*\*\*\* This message was sent from an external sender \*\*\*\*

September 7, 2022

Town of Mt Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662

From: Agnes Peelle- 36 South Shore road, Northeast Harbor, ME 04662

**I support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove.**

I am a member of the Northeast Harbor Fleet, South Shore Cove Association and the person referenced in Mia Thompson's letter of September 6, 2022 to Fleet members as the 'member of the SSCA who leased a mooring from the Fleet in the area East of Gilpatrick Ledge'. As stated above, I support the relocation of these four moorings recognizing that the new location may not be as convenient for me. Additionally, I am opposed to the Fleet's efforts to add thirty (30) additional moorings in South Shore Cove for all the reasons stated in our appeal and the letters written by Margot Bass, Steve Stroud, myself and others.

South Shore Cove is not an extension of Gilpatrick Cove as some might like to believe. Adding moorings, especially an additional 30 is essentially creating a new 'marina', is not permitted in this land use district. It would also restrict usage of the cove by others for kayaking, swimming, lobstering and interfere and damage the naturally occurring native flora and fauna.

I made it known to the Harbor Committee early on that I leased a mooring from the Fleet in this cove so it would not come as a surprise to anyone. Again, I support the relocation of these four moorings and have agreed with other South Shore Cove Association members that as a shore front owner with more than 100' of shore frontage, I would give up my right to request from the Harbormaster a mooring in this cove in order to preserve its wilderness state and to

protect it from environmental degradation. I hope we can keep this cove wild and undeveloped as there are not many remaining as such in the Town of Mount Desert.

Thank you for your consideration of this matter.

Sincerely yours,  
Agnes Peelle

## Jennifer Rankin

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**From:** Sam Peelle <speelle@gmail.com>  
**Sent:** Tuesday, September 6, 2022 7:45 PM  
**To:** harbormaster@mtdesert.org  
**Cc:** Jennifer Rankin; swagner@rudmanwinchell.com; lbrochu@rudmanwinchell.com  
**Subject:** Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

\*\*\*\* This message was sent from an external sender \*\*\*\*

September 6, 2022  
Town of Mount Desert Harbor Committee  
21 Sea Street  
P.O. Box 248  
Northeast Harbor, ME 04662  
Sam Peelle  
36 South Shore Road  
Northeast Harbor, ME 04662  
RE: Support for appealing the Harbormaster's permit for four Fleet moorings in South Shore Cove

I support the South Shore Cove Association's formal appeal of the Town of Mount Desert Harbormaster's decision of June 8, 2022, to grant four (4) moorings to the Northeast Harbor Fleet and Clifton Dock Association in South Shore Cove. I also support South Shore Cove Association's efforts to block the proposed expansion of new moorings in the cove. I write this as an admiring member of the Northeast Harbor Fleet, however I believe the existing and proposed Fleet moorings detract from the order in the tidal water of South Shore Cove, and jeopardize the use and safety of the Cove by the general public. Specifically, I've identified reasons below that are the root of my concern and objection to the moorings.

**1. Safety:** The existing and proposed moorings are not an appropriate use of the cove because South Shore Cove is not a safe haven. The cove is not protected from ocean waves as there is a direct line from the Atlantic Ocean through the Western Way to the cove. As a resident along this cove, I know that large debris (i.e. logs) can be tossed through the cove and onto the beach as a result of these storms and tides.

Further, without sight lines to South Shore Cove, the Northeast Harbor Fleet nor Clifton Dock Association are able to monitor the moorings. This poses a safety risk as the boats are unable to be monitored and supervised by the staff of either entity.

**2. Local Economic Impacts:** The existing moorings, and especially the new moorings, inhibit the economic use of the cove. Lobstermen and women have been using South Shore Cove for over 50 years, and given the importance of lobstering on the economy, the moorings would have a negative impact on income generation. The proposed plan in particular would put an end to all lobstering within the cove. Further, Northeast Harbor is a vibrant economic and recreational community that leverages the recreational and economic uses of its surrounding waters. I do not think it's appropriate for Clifton Dock

Association, a for-profit entity, to take over a public resource for its profit generating purposes.

**3. Environmental Conservation:** The existing and proposed moorings in South Shore Cove are in an important eel grass meadow. Eel grass provides vital habitat for shellfish and other species. In particular, the eel grass provides shelter for young lobsters and crabs, which as stated previously, are of great economic importance to the local economy. Further, eel grass is currently in decline in Maine, and as a protected plant under the Maine State law, should be conserved. As 2017 research from Dr. Richard Unsworth found with "conclusive evidence", moorings destroy these eel grass meadows as the mooring "anchors" would land on, and be dragged around, the eel grass.

Furthermore, I have explored and swam South Shore Cove's beaches and tidal waters enough times to know of the great diversity of wildlife. It's a great environmental treasure that the moorings will forever take away from recreational users and South Shore Cove residents.

**4. Historic Preservation:** The existing and planned moorings will destroy a local historic resource, primarily the unobstructed view of South Shore Cove. For over a century South Shore Cove has delighted boaters, recreational users and its residents. Similar to Bear Island, its open panorama and use is a historic resource for the Town of Mount Desert.

**5. Road Safety and Parking:** The proposed moorings in particular would overload the already full Fleet lot, and the amount of cars parked on the road would increase. Currently on busy days (even without the proposed moorings) cars park on the side of the road on the dangerous blind turn in front of the Fleet. Given the number of kids and adults biking and walking near there, plus cars coming around the blind turn, more parking on the road (which would definitely happen) should be a non-starter.

For these reasons, I believe it is in the best interest of the Town to remove the 4 existing moorings and move them to a new location outside of South Shore Cove. In addition, I believe the Fleet should abolish its plans for further moorings to be placed in South Shore Cove.

Sincerely,

Sam Peelle