



PENOBSCOT BAY & RIVER PILOTS ASSOCIATION

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An Act to Protect the Cultural Resources and Historical Heritage of Sears Island in Searsport by Extending Conservation Easement Protections

Dear Senator Tepler, Representative Doudera, and distinguished members of the Committee on Environment and Natural Resources, I appreciate the opportunity to submit testimony in opposition to LD 226.

My name is David Gelinas. I am a resident of Camden, and I am the president of the Penobscot Bay and River Pilots Association. Our state-licensed members are responsible for safely navigating ocean going vessels to and from the port of Searsport.

Perhaps due to my unfamiliarity regarding the workings of our State Legislature, I have to admit to being a bit perplexed as to why this bill is before your committee, rather than being before the Joint Standing Committee on Transportation. After all, the record clearly indicates that Sears Island is owned not simply by the State of Maine, but specifically by her Department of Transportation. Indeed, Sears Island was acquired by the Department of Transportation over several years, principally with bonds voted for by taxpayers in 1981 & 1983. No funding to purchase the island came from the Land for Maine's Future fund, the Department of Agriculture, Conservation & Forestry, the Department of Environmental Protection, or from Inland Fish and Wildlife. No funding to purchase any portion of the island has ever come from any local or national conservation groups, several of which have long-advocated for an illegitimate "taking" of this transportation-funded property. This bill would bring that vision to reality, and would represent one of the largest "bait and switch" abuses perpetrated upon taxpayers in State history.

The bill is misguided in that its real intent isn't so much to preserve cultural and historic resources as it to drive a stake through the heart of the Mills Administrations' efforts to develop a floating offshore wind industry in Maine. There has clearly been a "reset" in the offshore wind industry, both economically and politically. But that in itself is no justification for permanently removing a strategic component of Maine's maritime infrastructure from any future use. While not visible from shore, a crucial feature of the 330-acre Transportation Parcel on Sears Island is its proximity to a 40-foot-deep dredged berth directly adjacent to the island, as well as this berth's proximity to the Searsport Navigation Channel. In short, for the majority of potential marine transportation uses of this site in the future, **there would be little to no dredging required.**

This important point should be of particular concern to your committee. In 2019, this committee heard testimony regarding LD 1287, *An Act To Protect the Penobscot River and Penobscot Bay from*

Mercury Contamination. This proposed legislation was in response to ongoing efforts to dredge Searsport's navigation channel for greater depths, and was raised out of concern for the effects of legacy mercury contamination from the defunct Holtrachem manufacturing facility. The proposed legislation received the support of the Maine Lobstering Union, The Maine Chapter of the Sierra Club, the Islesboro Islands Land Trust, and the Town of Islesboro. While that legislation did not pass, it highlighted the ongoing concerns about the potential effects of dredging on the environment, and on Penobscot Bay's historic lobster fishery. The bill before you, LD 226, would all but guarantee future conflicts over dredging by eliminating the State's ability to access the 40' deep dredged basin at Sears Island, and would instead limit future port development to Mack Point- a location which would likely require considerable dredging to replicate what has already been built and paid for with taxpayer funding alongside the Transportation Parcel on Sears Island.

Supporters of the proposed bill cite an often-repeated but ill-informed narrative that Mack Point can meet the State's future maritime transportation needs indefinitely. Recent history provides evidence to the contrary. In 2012, a midstream energy company proposed the construction of an LPG import & storage terminal at Mack Point. Local objections raised about the proposed location included that the storage tank would be too tall, too close to Route One, too close to an established eatery, too close to residences, too close to hotels and other commercial establishments, and too close to an existing oil tank storage facility. Mack Point lacked the space to site the entire 24-acre footprint inside of land that was zoned "industrial", and impinged upon land zoned "commercial". Simply put, there was not enough suitable land available to build such a facility on Mack Point.

Whether or not floating offshore wind has a future in Maine, it would be short-sighted to assume that no marine transportation need will arise in the next 10, 50, or 100 years that would require anything more than the handful of acres available for development remaining on Mack Point. The State acted in good faith when they placed two-thirds of Sears Island under permanent conservation protection in exchange for the ability to develop the remaining 330 acres for future marine transportation needs. Indeed, the Sears Island Consensus Agreement that was reached with the support of a cadre of conservation interests referred specifically to the "joint use" of Sears Island, those uses being conservation and marine transportation. Passage of the proposed legislation would make a mockery of that agreement, and would be an affront to taxpayers throughout Maine who have repeatedly voted to support the State's ability to expand future marine transportation opportunities through port development on Sears Island. I urge you to vote in opposition to LD 226.

Respectfully,
Captain David Gelinas