



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

JOHN ELIAS BALDACCI

GOVERNOR

May 8, 2007

Governor John Elias Baldacci
Office of the Governor
State House Station 1
Augusta, ME 04333

Senator Dennis S. Damon, Chair
Representative Boyd P. Marley, Chair
Joint Standing Committee on Transportation
State House Room 126
Augusta, ME 04333

Aaron Fethke, Chairman
Board of Selectmen
Town of Searsport
Searsport, ME 04974

Greetings:

I am pleased to present to you the final work product of the Sears Island Planning Initiative. Governor Baldacci formed the Sears Island Planning Initiative in January of 2006. This 45-plus member Steering Committee, representing a wide variety of interests was charged with developing a set of recommendations for the use of Sears Island. These recommendations were to be forwarded to the Governor, the Transportation Committee of the Maine Legislature and the Town of Searsport for consideration.

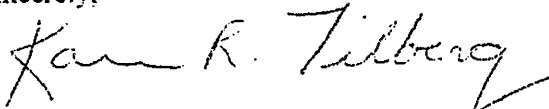
I attach an Agreement dated April 12th (as amended) along with a list of 38 signatories to it and supporting information. This is the product of nine meetings of the full Steering Committee (a number of which had video conferencing to other locations and all of which were noticed and open to the public), a public participation day, meetings of an Education sub-committee, presentations by individuals with expertise in specific areas of interest, a mailing list of nearly 200 interested individuals, comprehensive media coverage and an up-to-date web-page at the Department of Conservation web-site.

In a manner, this Agreement is the mid-way point of a two-phase process intended to guide the future land use activities on Sears Island. The Agreement is a framework that will now be further detailed by a "Joint Use Planning Committee". I turn your attention to Section 7 of the Agreement that lists specific tasks that the Committee needs to undertake over the course of the next year and incorporated into a draft easement and a Memorandum of Agreement. Prior to implementation, the Joint Use Planning Committee's work will be shared with each of you for review.



In closing, I offer my profound appreciation to all the Steering Committee members for their struggle to find a positive path forward. All members put forth an enormous personal effort to find common ground in a topic where there has been immense polarization. This Agreement represents a solid and broad compromise across all the categories of people and interests that have been present in the discussion and debate around the appropriate activities for Sears Island. As such, this represents a powerful framework and strong guidance to each of you and all who share an interest in the future of Sears Island.

Sincerely,



Karin R. Tilberg
Host to the Sears Island Planning Initiative

Attachments:

April 12th, 2007 Agreement (as amended by April 27, 2007 SC meeting)
List of Signatories
Letter from Bob Grindrod
Letter from Town of Searsport
Letter from Senator Damon

Cc:

Jonathan Reitman, Facilitator
Dianne Smith, Co-host of Sears Island Planning Initiative
Sue Inches, Co-host of Sears Island Planning Initiative
Sears Island Planning Initiative Steering Committee Members
Interested Parties

SEARS ISLAND PLANNING INITIATIVE

DRAFT STEERING COMMITTEE CONSENSUS AGREEMENT

April 12, 2007 version* (as amended at the April 27 SC meeting)

Introduction

In addressing its mission to develop a consensus report of recommended future land use activities for the 941-acre Sears Island, the Steering Committee has determined that appropriate uses for Mack Point and Sears Island are compatibly managed marine transportation, recreation, education and conservation.

Steering Committee members agree that the following elements and mechanisms are ways in which those uses should be implemented. All of these elements should be given equal weight and attention, and all should be vigorously pursued. They are numbered for identification purposes only, and the numbering implies no sequential ordering of timing or priority.

The undersigned Steering Committee stakeholders agree as follows:

1) Appropriate and Inappropriate Uses for Sears Island: The Steering Committee has determined that appropriate uses for Mack Point and Sears Island are compatibly managed marine transportation, recreation, education and conservation.

The Steering Committee acknowledges the position of Governor Baldacci that no LNG facility will be sited over the objection of local residents, and acknowledges that the majority of Searsport residents have clearly objected to siting such a facility within their community. The Steering Committee therefore agrees that no LNG facility of any kind would be an appropriate use for Sears Island.

The Steering Committee has also agreed that the following uses and activities are not appropriate for Sears Island:

- No demolition of the causeway.
- No unauthorized motor vehicle traffic.
- No residential development
- No nuclear power plants
- No coal-fired power or industrial plants
- No commercial retail or restaurants
- No casinos
- No chemical manufacturing
- No international airport, airstrip or helicopter landing area
- No overnight camping without a permit
- No gate fees for Maine residents.
- No permanent religious buildings
- No unauthorized cutting or harvesting of wood
- No marine transport of out-of-state or domestic garbage or construction waste to or from the island
- No incinerator
- No unlawful destruction of wetlands or habitat
- No soil harvesting

2) **Build out of Mack Point:** Mack Point shall be given preference as an alternative to port development on Sears Island. MaineDOT in conjunction with interested parties, shall investigate and share factual information (which is not confidential or proprietary) on the extent to which Mack Point can, in fact, accommodate future marine transportation needs, including investigating the possibilities for acquisition and/or development of additional acreage for such use. This investigation will include exploring the feasibility of building a marginal pier at Mack Point, including Long Cove, for use as part of an expanded marine cargo port.

MaineDOT will actively work, collaboratively and in good faith, with interested parties to evaluate a cargo/container port for Mack Point and/or Sears Island, as part of any planning process. As part of this agreement,

MaineDOT will actively market, solicit proposals and create partnerships for a cargo/container port on Mack Point and/or Sears Island.

3) Establish outdoor recreation, education, and conservation opportunities on Sears Island by creation of a buffer easement: The parties agree that the DOT, with the Town of Searsport and appropriate others will provide for light recreation, education and conservation facilities on a portion of the island by conveyance of an easement covering that area. The terms of that easement will be finalized by the Joint Use Planning Committee within twelve months of the date of its creation (see paragraph 7 below). MaineDOT, the Town of Searsport, the easement holder, the DOC and other interested parties will enter into a Management Agreement consistent with the terms of the buffer easement.

The buffer easement shall initially be applied to 600 acres of the Island, simultaneously reserving 341 acres on the westerly side of the Island for a potential port development. The Joint Use Planning Committee, working with MaineDOT, shall simultaneously delineate the precise boundaries of the two areas within twelve (12) months of the date of this Agreement's approval by the Governor and the Transportation Committee of the Legislature. Those boundaries will be based, in part, on a baseline natural resource analysis of the two areas. Along with the easement terms, the boundaries will be set forth in a Memorandum of Understanding to be drafted by the Joint Use Planning Committee.

The Joint Use Planning Committee will determine whether any portion of the 341-acre area reserved for port development is not required for such a port, in which case that portion will be added to the land subject to the buffer easement under the same terms as the buffer easement. The transportation and utility corridors on Sears Island necessary for any port development are to be included in the set-aside acreage for the potential port.

Uses currently occurring in the area reserved for the port development shall continue to be allowed in that area until such time as a port proposal completes the regulatory process.

The buffer easement will be held by a legally-designated third party with no conflict of interest between administering the easement and any potential port development.

Any prospective Education and Maintenance Center will be located on Sears Island east of the current paved access road. The Center will present several themes, including but not limited to the natural history of the island and upper Penobscot Bay and issues related to transportation and the environment. Such a center is intended to complement the offerings of the Penobscot Marine Museum, the Maine Maritime Academy, and other private and public educational programs. The Center and other public recreation improvements may be built as soon as the buffer easement is approved by the Joint Use Planning Committee and accepted by the easement holder.

The parties agree that nothing in the above plans for the island is intended to either raise or lower any bars to either development of a cargo/container port or conservation of the remainder of the island. Specifically, any buffer easement and associated educational and recreational facilities and activities are not intended to cause denial of federal funding for development of a potential cargo/container port.

4) Permitting for a Cargo Port: It is understood that none of the parties are endorsing in advance any proposal for a marine transportation facility. They will not, however, oppose such a facility for “non-substantive” reasons. If any cargo/container port proposal is determined to meet applicable environmental standards, including an alternatives analysis which documents that the need could not be met elsewhere, all parties agree they would not object to or oppose fulfillment of a cargo/container port on Sears Island once such development has satisfied all regulatory requirements. All stakeholders reserve the right to object to certain kinds of proposed facilities (e.g. LNG or oil terminal).

5) Jurisdiction: The jurisdiction over Sears Island will remain with the MaineDOT. MaineDOT is expected to collaborate with the Town of

Searsport and other interested parties in implementing the terms of this Consensus Agreement in ways which: 1) Meet the transportation needs of the State of Maine, 2) Enhance opportunities for nature-based Eco-Tourism, 3) Generate revenue for the Town of Searsport and the surrounding region, and 4) comply with the terms of the buffer easement.

6) Tax revenues for the Town of Searsport: The parties agree that the entirety of this Consensus Agreement, by preserving the potential for enhanced marine transportation, and by defining permissible uses for education, recreation and conservation is likely to provide the Town of Searsport tax revenues which will benefit its citizenry.

7) Implementation: The parties agree to publicly support this Consensus Agreement and to use their best faith efforts to persuade others to support it. The undersigned parties will jointly deliver this Agreement to the Governor, the Transportation Committee of the Legislature, and the Town of Searsport for their consideration.

The parties intend that this Agreement will supersede the previous Memorandum of Understanding between the Town of Searsport and DOT.

Within 15 days after presentation and acceptance of this Agreement to the Governor, the Transportation Committee of the Legislature, and the Town of Searsport, MaineDOT and the Town of Searsport will create a Joint Use Planning Committee, comprised of no more than 15 people, with balanced representation of port development and conservation perspectives, representation from the Town of Searsport, as well as relevant local, state and federal agencies. Only individuals and representatives who are committed to implementing the terms of this Agreement may serve on the Joint Use Planning Committee. Subject to Town plans and state and federal regulations, the Joint Use Planning Committee will: 1) draft mutually acceptable buffer easement language which references a baseline natural resource inventory, 2) fix the boundaries of the two areas in a way which reserves adequate acreage for a potential port while creating a functional

area for conservation, recreation and education, 3) help convey a deed with easement restrictions to the buffer easement holder, 4) determine appropriate access issues, 5) develop a plan for annual revenues to be paid to the Town of Searsport, 6) Identify options for mitigation for a potential port, and 7) consider any other issues necessary to effectuate this Consensus Agreement, and incorporate them into a Memorandum of Agreement.

The parties currently share a good faith belief that opportunities to pursue a possible container port and conservation, recreation and educational uses are herein provided.

If the terms of this Agreement are changed after the parties have signed it, it is understood that those parties are released from adherence to its terms.

Signed this day of April, 2007.

See Final Tally (attached).

Y=Yes to 4/12 version (as amended at 4/27/07 SC meeting)

N=No

U=Unknown

Official List: Sears Island Planning Initiative Steering Committee

Y Becky Bartovics - Penobscot Bay Alliance
Y* Sandy Blitz- EMDC - Executive Director, East-West Highway Association
U Brian Bouchard - H. O. Bouchard
Y Sara Bradford - First Selectman, Town of Stockton Springs
Y Lorraine Brown - Small Business Owner
Y Buck Bulkley - Village at Stockton Harbor Homeowners Association
Y David Cole - Commissioner, Department of Transportation
Y* David Colter - GAC Chemical Corporation
Y State Senator Dennis Damon
Y* Jonathan Daniels - Eastern Maine Development Corporation
Y Dick Desmarais --member of Sears Island Alternative Uses Committee
Y Scott Dickerson - Executive Director, Coastal Mountains Land Trust
Y McCormack Economy - Small Business Owners
Y Jan Flint - Representing daily users of Sears Island
Y Jim Freeman- President, Friends of Sears Island
N Maria Fuentes - Maine Better Transportation Association
N David Gelinas - Penobscot Bay River Pilots Association
Y James Gillway - Searsport Town Manager
U Don Grant --Searsport former Town Manager
Y*Robert Grindrod - Montreal, Maine & Atlantic Railway
Y James Grossman - The Squaw Point Association
Y (2) Lorin & Tara Hollander - Stockton Springs
Y John Hyk - Chair, Waldo County Commissioners
Y Sue Inches - State Planning Office
U Chip Laite - Knox County Budget Committee
Y Joelle Madiac - Squaw Point Association
N Harlan McLaughlin - Fair Play for Sears Island
N John Melrose - Maine Tomorrow
Y* Stan Moses - Represents the City of Bangor
Y Nancy-Linn Nellis - Chair of the Waldo County Marketing Association
Y Joe Perry, Vice-Chair Sears Island Alternative Use Committee
Y (2) Bob & Marietta Ramsdell - Protect Sears Island
Y Jane Sanford - Secretary of Friends of Sears Island
Y Joan Saxe - Sierra Club
Y Dianne Smith - Chair, Sears Island Alternative Use Committee (SIAUC)
Y Alan Stearns - Department of Conservation
Y Astrig Tanguay - Searsport Shores Campground
Y Jim Therriault - Sprague Energy
Y Karin Tilberg - Senior Policy Advisor, Office of the Governor
U John Wardwell -- The Lane Construction Corporation

Y (2) Ben & Anne Crimauo

Alternate Members

Y Bruce Probert

U Andrea DeFrancesco - Representing Marine Harvesters

Y Jay Economy - Small Business Owners

Barbara Haase - GAC, alternate to David Colter

Irvin Smith, alternate to Brian Bouchard

Stephen Whitcomb, alternate to Brian Bouchard

* See letter dated May 4, 2007 attached.

May 4, 2007

Governor John E. Baldacci
1 State House Station
Augusta, ME 04333

Re: Sears Island Agreement

Dear Governor Baldacci:

The undersigned members of the Sears Island Planning Initiative Steering Committee have signed the April 12 Consensus Agreement, as amended after our April 27 Steering Committee meeting and discussion in Searsport. We sign this based on the following understandings:

- Section 3 – Paragraph 2: We understand that the intent is that the drawing of these boundaries will include port design considerations.
- Section 3 – Paragraph 3: If the Joint Use Planning Committee is unable to determine if there is acreage available in the port zone which "is not required for such a port," the Memorandum of Understanding will address how that determination will be made.
- Section 3 – Paragraph 5: The intent is that the holder of the Easement will be a neutral third party with no conflict of interest, based on any interest in a particular outcome for Sears Island.
- Section 3 – Paragraph 6: Pursuant to L.D. 277, we understand the Joint Use Planning Committee's MOU (including a buffer easement) will be presented to the Governor, Transportation Committee of the Legislature, and the Town of Searsport, prior to implementation.
- Section 7 – Paragraph 3: Any candidate for service on the Joint Use Planning Committee must support, but need not be a signatory to, the April 12 Agreement, as amended.
- The Joint Use Planning Committee is to be appointed by the MDOT and the Town of Searsport, and is to have balanced representation between conservation and port development interests, and will also include representatives of local, State and federal government.
- The Joint Use Planning Committee will establish its own rules of conduct and procedure.
- Section 7

Point 1: The intent requires the Joint Use Planning Committee to draft mutually acceptable buffer easement language which references a baseline natural resource inventory and provides accommodations for port development requirements.

Point 6: This task requires the Joint Use Planning Committee to prepare a mitigation plan to provide for the needs of any development of a port.

- Finally, we understand that the early development of a Joint Use Plan for Sears Island, which allows for simultaneous planning for port development and conservation/ education/recreation use, will assist in meeting the FHWA "4F" requirements (if they are applicable under new regulations) and other federal agency permitting requirements. They will not "raise the bar" to either the development of a port or conservation of the balance of the island.

Thank you for the opportunity to express our understandings, which are the basis for our support of the April 12 Consensus Agreement, as amended.

Very Truly Yours,

Robert Grindrod

Stan Moses

Sandy Blitz

Jonathan Daniels (subject to the final approval of the EMDC Board)

David Coulter



367 11:16 AM

P. 00

Town of Searsport, Maine

P. O. Box 495

Searsport, Maine 04974

Phone 548-6372 • Fax 548-2305

May 1, 2007

Governor John E. Baldacci
1 State House Station
Augusta, Maine 04333-0001

Dear Governor:

With this letter the Town of Searsport, through its Board of Selectmen, wishes to express our support for the Sears Island Planning Initiative Draft Steering Consensus Agreement of April 12, 2007 (as amended on April 27, 2007). We feel that this document provides the opportunity for further port expansion here in Searsport as well as recreation and conservation activity sited on Sears Island.

We wish to express our gratitude to the efforts and countless hours of work members of your staff have dedicated to the process thus far. We understand much work remains to be done. It is our sincerest hope that this document will lay the groundwork for enhanced economic development for Searsport in both transportation infrastructure and recreational tourism.

Respectfully yours,

Aaron Fothke, Chairman

Carol Herson

Roland LeReau

Richard Desmarais, Vice Chair

Joseph Perry

123rd Legislature
Senate of
Maine
Senate District 28

Senator Dennis S. Damon
Transportation Committee Chair
Marine Resources Committee Chair
1 State House Station
Augusta, ME 04333-0102
(207) 287-1513

251 Oak Point Road
Trenton, ME 04605
(207) 687-9624

May 3, 2007

Governor John E. Baldacci
1 State House Station
Augusta, ME 04333

Dear Governor Baldacci:

I write to inform you of my decision to sign the so called "April 12th Document" regarding Sears Island and the agreements that have been reached. My decision is rooted in my belief that the process to date has produced the best result possible under the circumstances and that in order to move forward into the next phase of the process we must conclude the work that "April 12" describes.

In as much as "April 12" represents the culmination of enormous efforts by numerous people, work for which I am sure you are most grateful, I am still concerned by some areas I feel need to be strengthened.

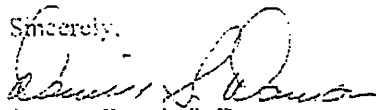
Sears Island is the absolute best and last opportunity to develop a port facility capable of accommodating worldwide shipping traffic in Maine and perhaps on the entire east coast of the United States and for that reason we should not unreasonably restrict ourselves from maximizing our opportunity there. A significant part of Maine's economic future is at stake here and we must never forget that.

The groups and interests who have been identified and welcomed as co-inhabitants of Sears Island need to acknowledge and demonstrate support for the transportation interests and uses of Sears Island. The transportation representation has demonstrated extraordinary reason in accommodating the concerns and desires of the conservation and environmental groups.

Moving forward the division of the island and the document describing it needs to be clear for both user groups yet flexible enough to provide future opportunities as yet undetermined.

With that Governor, I congratulate you for your leadership on this most important and delicate matter and I offer my assistance should you desire it as we move forward with our truly unique opportunity ... Sears Island.

Sincerely,


Senator Dennis S. Damon
Maine Senate - District #28

CC: Maria Fuentes, MBTA

Tel: (207) 287-1513 • Fax: (207) 287-1513 • Alternative Service: 1-877-423-6577 • Web Site: <http://www.senate.maine.gov>
email: damon@legis.maine.gov