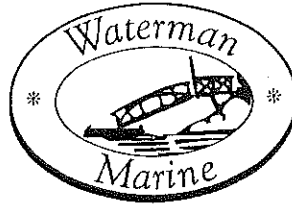


083P A290



Custom Docks, Ramps & Float Systems

7/5/01
Diamonds Edge LLC
Harbor Master
DEP
Submerged Lands

16 March, 2001
Linda Kokemuller
SMRO Licensing Supervisor
Department of Environmental Protection
312 Canco Road
Portland, ME 04103

COPY

**Diamond Cove Marina, McKinley Partners
Diamond's Edge, LLC**

Dear Linda,

I refer you to our several conversations with respect to the above referenced marina and the proposed additions thereto. A short historical summary of this project as it relates to the marina only is as follows:

7. By Site Location Order dated 10 December, 1986, Diamond Cove Associates received initial approval inter alia, to reconstruct the pier at Diamond Cove to support access to the proposed development. See para #21 of the Order. (DEP Permit # L-013160-87/03-A-N).
8. By Modification to the Site Location Order dated 28 March, 1994, McKinley Partners Limited Partnership, successor to Diamond Cove Associates, secured permission to construct a marina with access from the existing pier providing boat slips for the use of home owners, visitors and others. (DEP Permit # L-13160-L3-I-M).
9. By Modification to the Site Location Order dated 4 June, 1997, McKinley Partners Limited Partnership secured permission to modify and extend the marina by installing inter alia, 24 new boat slips. (DEP Permit # L-13160-L3-K-M).
10. By Memorandum of Lease dated 15 June, 1997, McKinley Partners Limited Partnership leased from the Bureau of Parks and Lands the submerged lands under which the marina is situate, the said Lease to expire on 31 December, 2024. (Submerged Lands Lease #02-24A-L)
11. By Bill of Sale dated 17 December, 1999, McKinley Partners Limited Partnership sold all of its interest in the marina to Diamond's Edge, LLC.
12. By Sublease Agreement dated 17 December, 1999, McKinley Partners Limited Partnership as Sublessor leased to Diamond's Edge, LLC as

- Sublessee, that portion of the submerged lands it leases from the Bureau of Parks and Lands necessary for the operation of the Marina only including an Easement to the Sublessee providing access to and from the pier to the marina.
13. By correspondence dated 17 February, 2000, Lambert, Coffin, Rudman & Hochman, by Jonathan T. Harris, attorney for McKinley Partners Limited Partnership requested the Director of the Bureau of Parks and Lands approve the Sublease of certain submerged lands located under the marina to Diamond's Edge, LLC (Submerged Lands Lease #02-24A-L).
 14. By correspondence dated 7 March, 2000, the Director, Bureau of Parks and Lands consented to the Sublease of the submerged lands to Diamond's Edge, LLC as provided for in Submerged Lands Lease #02-24A-L.

Diamond's Edge, LLC now wish to extend the existing marina by adding 8 new boat slips as shown on the enclosed sketch and in addition to replace two existing pile located on the north side of the pier which secure floats located there.

In order for your department to consider this proposal we understand that you will require a Transfer Application from McKinley Partners Limited Partnership transferring the existing DEP permits relating to the marina only to Diamond's Edge, LLC and an Application for Project Modification outlining the proposed modifications from the new permit holder, Diamond's Edge, LLC. This is an application for a partial transfer of existing permits. The Applicant seeks to transfer only so much of the Orders as relate to the Marina at Diamond Cove. Those aspects of the Orders that relate to matters other than the Marina are not being transferred. In particular, the existing permit holder is not transferring any part of the Orders related to the pier.

To permit these Applications to be processed I am pleased to enclose;

7. A Transfer Application signed by the appropriate parties transferring the interest of McKinley Partners Limited Partnership to Diamond's Edge, LLC in those DEP Permits relating to the marina, with attachments.
8. An Application for Project Modification requesting a modification to the existing Permits (Orders) to allow the addition of 8 new boat slips to the marina and to allow 2 existing pile to be replaced securing floats on the north face of the pier.
9. Our check in the amount of \$160.00 to cover the balance of the processing fee for both Applications. You will recall that you are holding \$50.00 being the original PBR fee as outlined in your correspondence of 5 December, 2000.

To assist you in the processing of these Applications I am pleased to enclose copies of the following documentation:

1. Site Location Order of 10 December, 1986—DEP Permit # L-013160-87/03-



A-N.

2. NRPA Modification of 28 March, 1994—DEP Permit # L-13160-L3-I-M.
3. NPRA Modification of 4 June, 1997—DEP Permit # L-13160-L3/4C-K-M.
4. Submerged Lands Lease dated 15 June, 1997, lease # 02-24A-L.
5. Bill of Sale dated 17 December, 1999 between McKinley Partners Limited Partnership and Diamond's Edge, LLC.
- 6(a) Sublease Agreement dated 17 December, 1999 between McKinley Partners Limited Partnership and Diamond's Edge, LLC.
- 6(b) Memorandum of Lease dated 2 February, 2000 between McKinley Partners Limited Partnership and Diamond's Edge, LLC, subleasing the submerged Lands with pier easement access.
7. Correspondence dated 17 February, 2000 from Lambert, Coffin, Rudman & Hochman to the Director, Bureau Parks and Lands requesting approval of the Sublease to Diamond's Edge, LLC.
8. Correspondence dated 7 March, 2000 from the Director, Bureau Parks and Lands consenting to the Sublease to Diamond's Edge, LLC.
9. Sketch of proposed marina addition and location of replacement of 2 pile.
10. Letter of authorization from Diamond's Edge to the undersigned respecting securing of the required permits.
11. Photographs showing existing marina (October, 2000).

Your assistance in processing these Applications is appreciated. If there are any inquiries arising out of this material, or if further information is required, please do not hesitate to call. I may be most easily reached at 207-798-2600. I shall await to hear from you.

Yours truly,

Peter F. Spencer

Encls.



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality

FOR DEP USE

#L- _____
Fees Paid _____
Date Received _____



**TRANSFER APPLICATION
FOR**
Site Location (Title 38 M.R.S.A., Sections 481-488)

This form shall be used for the transfer of permit authorization. A fee of \$105 (check payable to Treasurer, State of Maine) must be submitted with this application.

(Please type or print)

Current Permittee: Existing DEP Permit Number: L-013160-87/03-A-N: Original Order
E-013160-L3-I-M: Modification
Name: McKinley Partners Limited Partnership L-013160-L3/4C-K-M: Modification
Address: 16 On the Common, P.O. Box 266, Lyme, NH 03766

Name of Contact or Agent: _____

Telephone: _____

*** This is an application for a partial transfer of existing permits. Applicant seeks transfer of only so much of the Orders as relates to the New Applicant: Marina at Diamond Cove. ***

Name: Diamond's Edge, LLC

Address: c/o Commercial Properties, Inc, 100 Silver St., Portland, ME 04101

Name of Contact or Agent: Edwrd V. Drinan

Telephone: 207-450-4830

Location of Activity

Name of Project: Marina Addition, Diamond Cove

Municipality or Township: Portland, Me County: Cumberland


NOTE: All supporting documents summarized below must be attached to this form and sent to the nearest appropriate DEP Office located as follows:

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-2111	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
--	---	--

REQUIRED INFORMATION

1. Provide a breakdown of costs for any unfinished construction and for project operation. These must include costs resulting from compliance with the Board or Department Order.
2. Provide evidence of the availability and commitment of funds sufficient to complete any unfinished project construction and to operate the project as approved. Submit one of the following three:
 - a. a letter of commitment from a financial institution or funding agency for a specified amount of funds and their use, or
 - b. the most recent corporate annual report and supporting documents indicating sufficient funds to finance the development, or
 - c. copies of bank statements or other evidence indicating availability of the unencumbered funds, when the developer will personally finance the project.
3. Provide a narrative describing new applicant's technical ability to complete or maintain this development.
4. Provide a complete copy of the deed, lease, purchase option or other documented evidence of the new applicant's title, right or interest in the development.

By signing this application, the current permittee certifies that he or she agrees to the transfer of his or her permit to the new applicant named on this form.


 _____
Signature of Current Permittee

_____ Date

Print or Type Name

Title

By signing this application, the new applicant certifies he, she or it is familiar with the DEP project file and will comply with the Board or Department Order being transferred, including all existing amendments to the order and all attached conditions.

 _____
Signature of Applicant

_____ Date

Print or Type Name

Title

#L- _____
Fees Paid _____
Date Received _____

APPLICATION FOR PROJECT MODIFICATION

This form shall be used to request approval of minor changes to: (a) project design or operation; or (b) the conditions of a permit as previously approved by the Board or Department of Environmental Protection.

A processing fee of \$105 (check payable to Treasurer, State of Maine) is required at the time of application submittal. Depending on the degree of review required, additional fees may be assessed. The Department will bill you if additional fees are needed.

If significant changes are proposed, then a complete new or amendment application may be required by the Department.

(Please type or print)

Name of Applicant: Diamond's Edge, LLC

Address: c/o Commercial Properties, Inc, 100 Silver St., Portland, ME 04101

Telephone Number: 207-774-1885

Name of Contact or Agent: Edward V. Drinan

Telephone: 207-450-4830

LOCATION OF ACTIVITY

Name of Project: Marina Addition, Diamond Cove,

Municipality or Township: Portland County: Cumberland

REQUIRED INFORMATION

- Existing DEP permit number: L-013160-87/03-A-N: L-013160-L3-I-M (modification)
L-013160-L3/4C-K-M(modification)
- DEP Project Manager for previous application (if known): Linda Kokemuller

3. Description of Proposed Change: Extend existing marina 30' south to create 8 new boat slips: install 2 x 30' floats; 3 x 35' floats; 1 x 20' float; Drive 6 pile to secure additional floats; pull 2 pile on north side of pier, drive 2 new pile to replace.

(Attach additional sheet(s), if necessary.)

4. Provide all documentation necessary to support the proposed change. This documentation shall include, as appropriate, revised site plans, construction drawings and technical data. (If you are unsure of what information to include, please contact the original DEP project manager, or the Division of Land Resource Regulation for assistance.)
5. Does your proposal involve a significant expansion of the project, change the nature of the project, or modify any Department findings with respect to any licensing criteria? No (If you are unsure how to answer this or if your answer is "yes", please contact the original DEP project manager, or the Division of Land Resource Regulation in either Portland, Augusta, or Bangor for assistance.)

If yes, you must provide public notice (request one from the nearest DEP office). By signing this application, you certify that the completed notice has been sent by certified mail to abutters and municipal officials; and has been published once in a newspaper circulated in the area where the project is located.

NOTE: All supporting documents summarized above must be attached to this form and sent to the nearest appropriate DEP Office located below:

Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-2111	Bureau of Land and Water Quality 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300	Bureau of Land and Water Quality 106 Hogan Road Bangor, ME 04401 (207) 941-4570
--	---	--

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

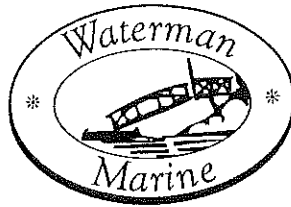
SIGNATURE OF APPLICANT

DATE: _____

PRINT OR TYPED NAME

TITLE

THE APPLICATION FEE IS DUE AT THE TIME OF APPLICATION SUBMITTAL. THE APPLICATION WILL NOT BE PROCESSED UNTIL THIS FEE IS PAID.



Custom Docks, Ramps & Float Systems

6/26/01

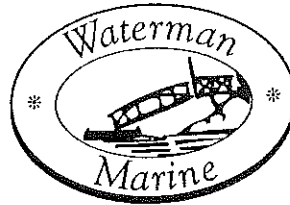
To: Richard Knowland
From: Peter Spencer
Subject: Diamonds Edge, LLC
Marina Expansion, Diamond Cove

Enclosed the following:

1. Application for Exemption from Set-Back Review
2. Correspondence to L. Kokenmuller with applications to^{a)} transfer the interest of McKinley Partners in the Marina only to Diamonds Edge, LLC & b) application for Project Modification to permit the proposed expansion.
3. Correspondence to Ed Orinian outlining matters respecting the submerged lands and various rights.
4. Copy of location map, sketch of proposed Marina extension & location of new floats relative to existing Marina.
5. Letter of authority respecting permits.
6. Copy of correspondence sent to interested parties respecting the proposed Marina expansion
7. Board of Harbor Commissioner's Permit for Marina expansion.
8. Army Corps Permit for Marina expansion
9. Letter from Submerged Lands re status of application
10. Copy of DEP order transferring ownership to Diamonds Edge, LLC in Marina
11. Copy of DEP order approving Marina expansion.

WATERMAN MARINE CORPORATION

195 Dingley Island Road, Harpswell, Maine 04079 • (207) 725-8123 / Fax: (207) 725-8136



Custom Docks, Ramps & Float Systems

COPY

16 March, 2001
Edward V. Drinan
143 Brook Road
Falmouth, ME 04105

Diamond's Edge, LLC/ McKinley Partners

Dear Ed,

Thank you for forwarding a copy of Jonathan Harris' correspondence of 12 March, 2001 respecting this matter. I have reviewed the comments and suggestions outlined therein and concur with his observations respecting clarity on the first page of his letter. The Transfer Application has been amended as requested and the enclosure correspondence to Linda Kokemuller has been changed to reflect his comments respecting the Sublease at paragraph three. A copy of the Sublease Agreement of 17 December, 1999 has been added to the list of items enclosed.

Comments of Mr. Harris respecting the matters raised at page two however present some difficulties. The 'boundary' of the existing Submerged Lands Lease as it relates to the Marina only, is the footprint or shadow which that structure makes on the sea floor. Jurisdiction over these lands lies solely with the Bureau of Parks and Lands as they are owned by the State and not by private or commercial interests. It will be the responsibility of Diamond's Edge, LLC to apply for and enter into a lease of the submerged lands over which the proposed Marina extension will lie with the Bureau of Parks and Lands. As a result no approval is required from either the Homeowners Association or McKinley Partners for any lease to Diamond's Edge by the Bureau of Parks and Lands for submerged lands beneath the proposed Marina extension.

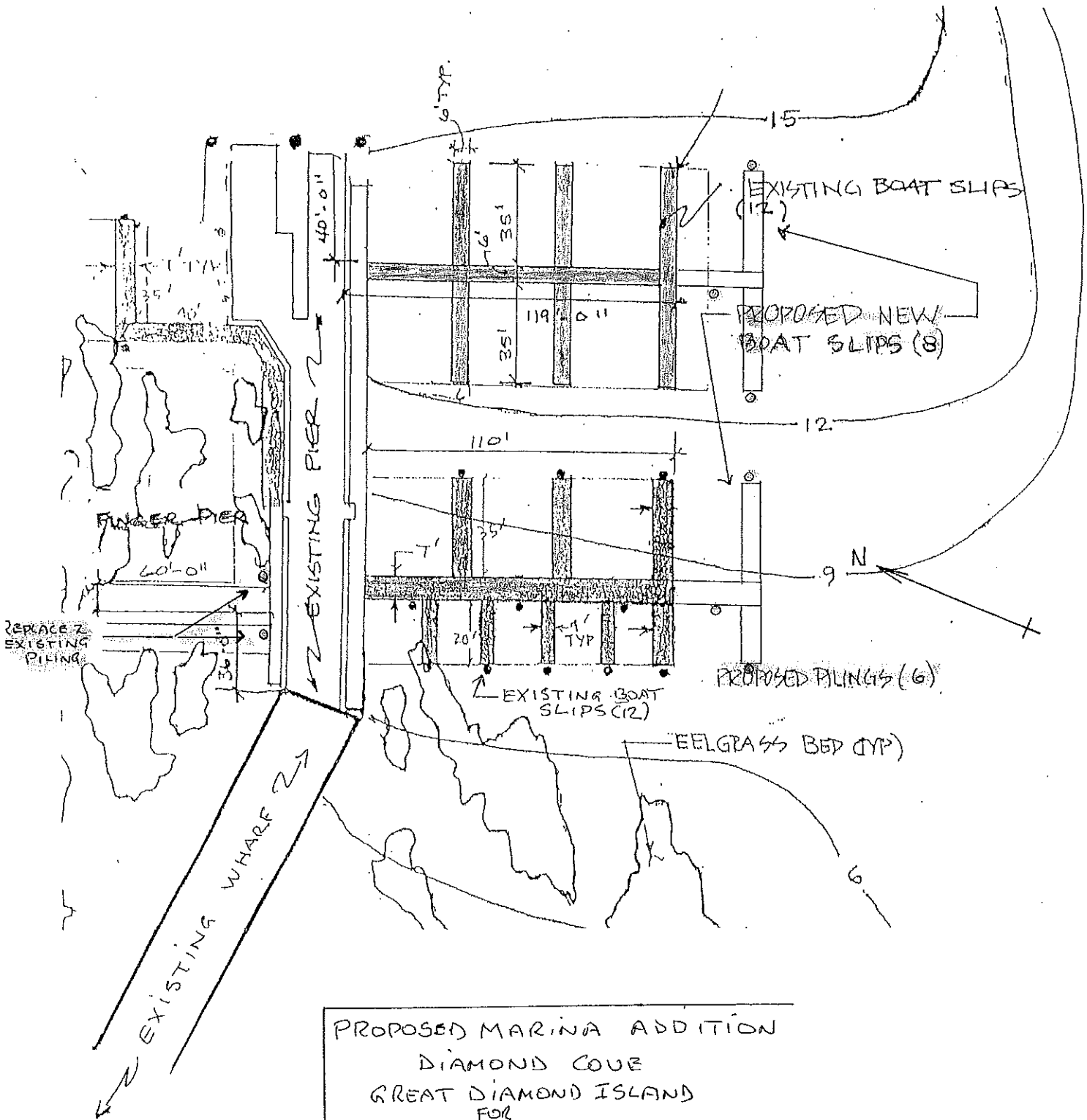
In due course with the transfer of responsibility to the Diamond Cove Homeowners Association, McKinley Partners will likely enter into a Sublease with the Homeowners Association, subleasing to them all of the remaining submerged lands not sublet to Diamond's Edge, LLC, viz. those submerged lands lying beneath the pier and other structures, excluding the lands previously sublet to Diamond's Edge lying under the Marina.

I trust this is helpful. If you have any questions please give me a call.

Yours truly,

Peter F. Spencer

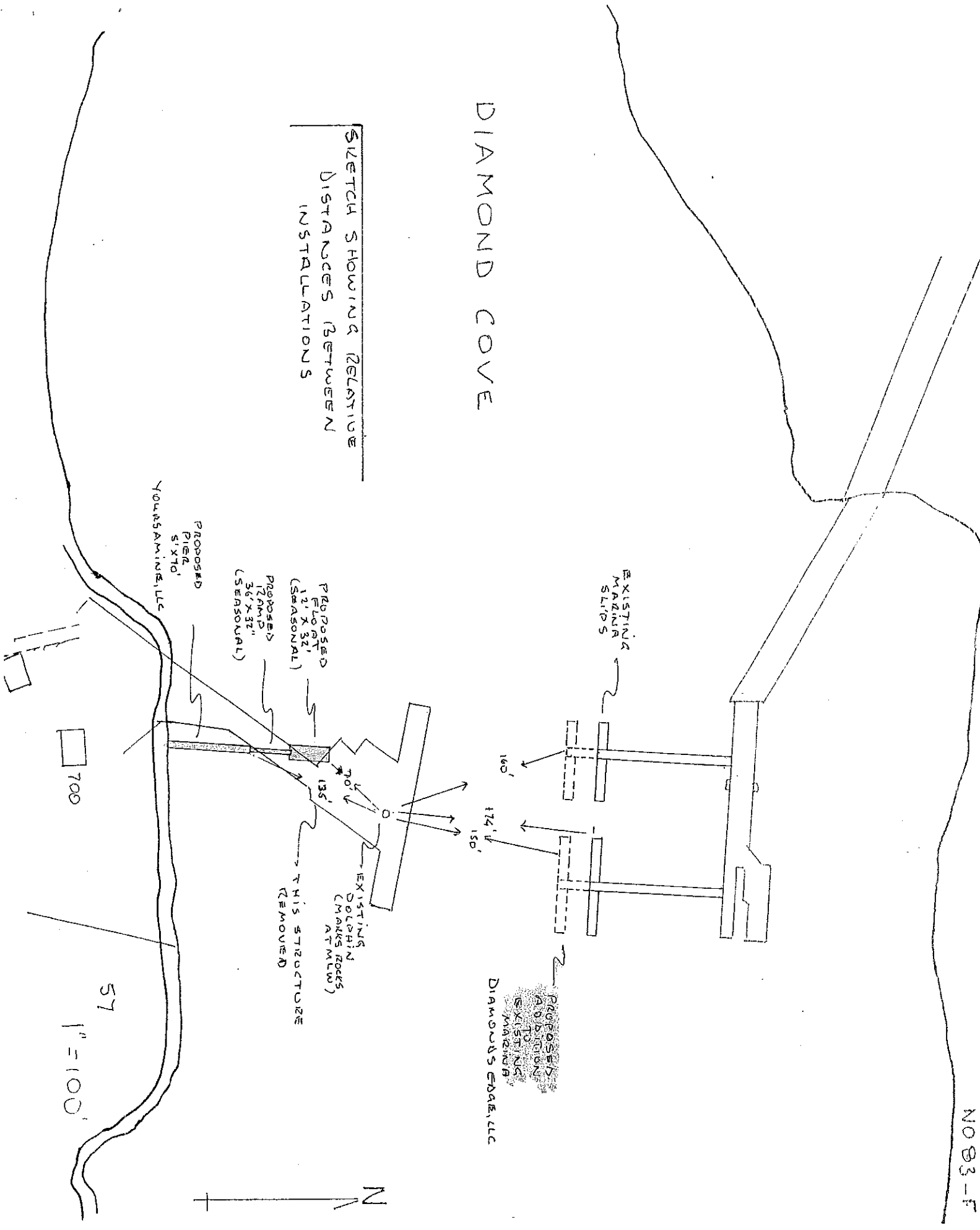
EXISTING TURNINGS WITHIN

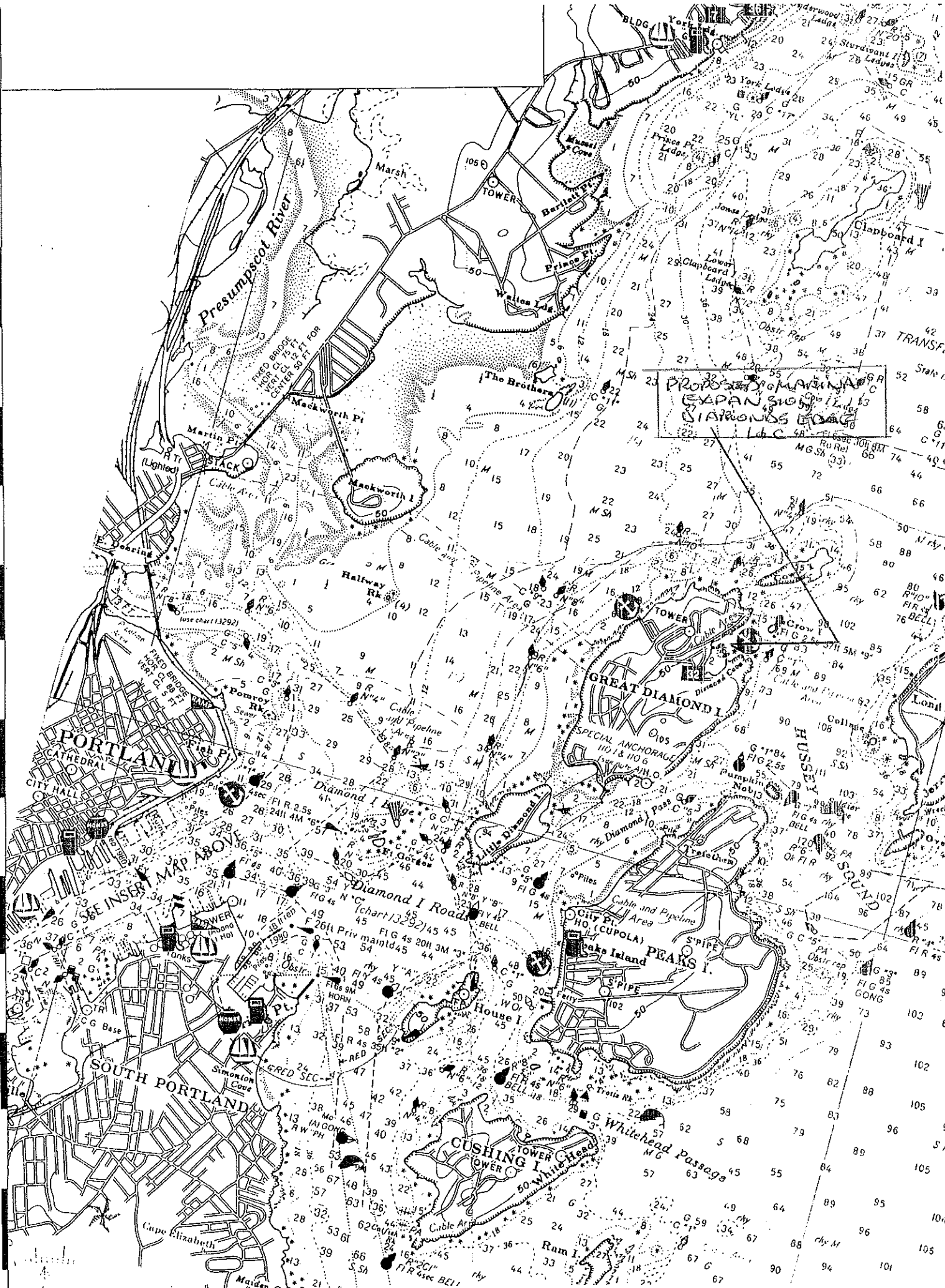


PROPOSED MARINA ADDITION
DIAMOND COVE
GREAT DIAMOND ISLAND
FOR
DIAMOND'S EDGE, LLC
10 NOVEMBER, 2000 SCALE 1" = 50'

DIAMOND COVE

SKETCH SHOWING RELATIVE
DISTANCES BETWEEN
INSTALLATIONS





PROPOSED MARINA
EXPANSION
DIAMOND ISLAND

PORTLAND
CATHEDRAL
CITY HALL

SOUTH PORTLAND
Simonon I Cove

CUSHING I
TOWER
50 Whitehead

GREAT DIAMOND I
SPECIAL ANCHORAGE
110 & 110.6

PEARS I
S PIPE
S PIPE

City Bldg Area
HO. (CUPOLA)

300' ABOVE
MAP

RED SEC

Whitehead Passage
57
58
59
60
61
62
63
64
65
66
67
68
69
70

PROPOSED MARINA
EXPANSION
DIAMOND ISLAND

PORTLAND
CATHEDRAL
CITY HALL

SOUTH PORTLAND
Simonon I Cove

CUSHING I
TOWER
50 Whitehead

GREAT DIAMOND I
SPECIAL ANCHORAGE
110 & 110.6

PEARS I
S PIPE
S PIPE

City Bldg Area
HO. (CUPOLA)

300' ABOVE
MAP

RED SEC

Whitehead Passage
57
58
59
60
61
62
63
64
65
66
67
68
69
70

DIAMONDS EDGE LLC
C/O EDWARD DRINAN
100 SILVER ST
POTLAND, ME 04101
(207) 774 1885

November 13, 2000

To Whom It May Concern:

On behalf of Diamonds Edge LLC, I authorize Peter F. Spencer, Waterman Marine, to proceed with all necessary applications to obtain permits for the construction of a marina expansion on property owned by Diamonds Edge LLC on Great Diamond Island, Portland, Maine.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Drinan", written in dark ink.

Edward Drinan
Managing Director
Diamonds Edge LLC

Diamond's Edge, LLC
100 Silver Street
Portland, Me 04101

April 13, 2001

Linda Kokemuller
Department of Environmental Protection
312 Canco Road
Portland, ME 04103

RE: Diamond Cove Marina

Dear Linda:

The attached notice to abutters for the Project Modification and a copy of the proposal for the additional slips has been sent to:

Lot 26 – Barbara Leiter
Lot 27 – Barbara Leiter
Lot 28 – Barbara Leiter
Lot 40 – E. Thomas & Irene Maas
Lot 41 – Martin & Patricia Nathan
Lot 42 – Gary Smith
Lot 57 – David Roby
Board of Directors & General Manager, Diamond Cove Homeowners
Association.

Sincerely,

Ed Drinan
Diamond's Edge, LLC

Enclosures

Linda Kokemuller
April 13, 2001
Page 2

cc:

Jonathan T. Harris
Lambert, Coffin, Rudman & Hochman
P. O. Box 15215
Portland, Me 04112-5215

Peter F Spencer
Waterman Marine Corp.
195 Dingley Island Road
Harpwell, Me. 04079

Diamond's Edge, LLC
100 Silver Street
Portland, Me 04101

April 13, 2001

Dear Homeowner of abutting property at Diamond Cove,

We are in the process of applying for our expansion of the Marina. The Department of Environmental Protection requires abutting property owners be notified of our intent.

Attached you will find a proposal for the additional slips.

Sincerely,

Ed Drinan
Diamond's Edge, LLC

Enclosure

BOARD OF HARBOR COMMISSIONERS HARBOR OF PORTLAND PERMIT

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To Diamonds Edge, LLC
c/o Edward Drinan, 100 Silver Street, Portland, Maine 04101
The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application, dated the 12th day of March 2001, for a permit authorizing
Extending existing marina by adding eight (8) boat slips;
replacing two piles on north side of pier securing floats.

Having given public notice of this pending application, as required by law, and therein designated the 12th day of April 2001, 5:00 o'clock in the afternoon prevailing time as the time when they would meet at South Portland City Council Chambers to examine this issue and here all interested parties, and having met at the time and place mentioned and examined the location of this proposed

and having heard all interested parties, the Board of Harbor Commissioners for the Harbor of Portland hereby issues this permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to maintain within the limits mentioned, namely

In addition, the construction project described above must be surrounded by a containment boom unless the Board of Harbor Commissioners for the Harbor of Portland has waved this requirement in writing, either as part of the above-listed conditions, or in a separate statement.

This permit is limited authorization which contains a stated set of conditions with which the permit holder must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that *the work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who will be performing the work has read and understands these conditions.*

Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your authorization. *Any change must be approved by the Harbor Commission before it is undertaken.*

Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others. Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the Harbor of Portland with its applicable statute. Attested copies will be submitted to the U. S. Army Corps of Engineers, the Department of Environmental protection, the City of Portland, and the City of South Portland.

In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland hereunto set their hands and affix their corporate seal on this 12th day of April 2001.

Richard L. Jewell
Christy L. Coon
Arthur J. O'Neil

The work authorized to this permit must be completed on or before the 12th day of April 2002.



DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
 696 VIRGINIA ROAD
 CONCORD, MASSACHUSETTS 01742-2751

REPLY TO ATTENTION **DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT**
STATE OF MAINE, SUMMARY OF SCREENING AND STATUS.

DIAMOND'S EDGE, LLC
 C/O WATERMAN MARINE CONSTRUCTION
 195 DINGLEY ISLAND ROAD
 HARPSWELL, MAINE 04079

CORPS PERMIT # 200100907
 CORPS PGP ID# 01-198
 STATE ID# 13160-4C

DESCRIPTION OF WORK AS ON ATTACHED STATE APPN:

Expand an existing private marina in Diamond Cove, off Great Diamond Island at Portland, Maine. The expansion will consist of two T shaped float complexes that will add 2 finger floats to each of the existing float systems. The eastern T will consist of a 35'x 6' float extending out to 2, 35'x 6' finger floats. The western T will consist of a 35'x 6' float extending out to a 35'x 6' and a 20'x 6' finger float.

UTM GRID COORDINATES N: 4837400 E: 403900 USGS QUAD: PORTLAND EAST, ME

I. STATE ACTIONS: PENDING [X], ISSUED [], DENIED [] DATE _____

LEVEL OF STATE REVIEW: PERMIT BY RULE: _____, TIER 1: _____, TIER 2: _____, TIER 3: X. (NRPA)

II. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 4/19/01 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY: SEC 10 X, 404 _____, 10/404 _____, 103 _____

EXCLUSIONS: The exclusionary criteria identified in the general permit do not apply to this project.

ESSENTIAL FISH HABITAT (EFH): EFH PRESENT (Y) / N (CIRCLE ONE)

IF YES: Based on the terms and conditions of the PGP, which are intended to ensure that authorized projects cause no more than minimal environmental impacts, the Corps of Engineers has preliminary determined that this project will not cause more than minimal adverse effects to EFH identified under the Magnuson-Stevens Fisheries Conservation and Management Act.

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USF&WS NO, NMFS NO

CORPS DETERMINATION: We authorize your project as proposed and as shown on the plans submitted to the Corps under the State of Maine PGP.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. Also, this permit requires you to notify us before beginning work and allow us to inspect the project. Hence, you must complete and return the attached Work Start Notification Form(s) to this office no later than two weeks before the anticipated starting date. **(FOR PROJECTS REQUIRING MITIGATION, BE SURE TO INCLUDE MITIGATION WORK START FORM)**

Additional Special conditions Attached: YES / NO (CIRCLE ONE)

The Corps of Engineers has implemented an administrative appeals process for jurisdictional determinations. If you are interested in appealing the jurisdictional determination for this project; or if you would like any additional information pertaining to the appeals process, please contact Shawn Mahaney or Rod Howe of my staff at 207-623-8367 at our Manchester, Maine Project Office.

Jay L. Clement
 JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

David H. Killoy 6/13/01
 DAVID H. KILLOY DATE
 CHIEF, PERMITS & ENFORCEMENT BRANCH
 REGULATORY DIVISION

**ADDITIONAL SPECIAL CONDITIONS FOR
DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
NO. 200100907**

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

ANGUS S. KING, JR.
GOVERNOR

RONALD B. LOVAGLIO
COMMISSIONER

June 7, 2001

ACKNOWLEDGEMENT OF
APPLICATION FROM
SUBMERGED LANDS ADMIN
& STATUS/TIME FOR
APPROVAL
6/7/01

Ed Drinan
Diamond's Edge, LLC
100 Silver St.
Portland ME 04104

RE: Submerged Lands Lease Application

Dear Mr. Drinan:

The Department of Conservation, Bureau of Parks and Lands (Bureau) has received your application for a revised submerged lands lease to expand the existing marina on submerged land adjacent to land owned by McKinley Properties, LLC on Great Diamond Island.

The Bureau has a 30-day review period to determine if the proposed use will not:

unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;

unreasonably interfere with fishing or other existing marine uses of the area;

unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and

unreasonably interfere with ingress and egress of riparian owners.

The review period ends on **July 7, 2001**. Your request for a revised lease may be granted, granted with conditions, or denied. If the Bureau receives comments in opposition or the Bureau denies the application, there will be a 30-day reconsideration period. If the application is approved, a revised lease will be sent to you for execution. The revised lease will replace Submerged Land Lease No. 02-24A-L.

Based on updated property value information obtained from the municipality and your application, the new rental fee for the *non-slip* portion of the lease would be \$437.43 per year for 10,079 square feet of submerged lands. The *slip* area would be calculated in the same way as before, using a percentage of the gross income from slip rentals. Although the non-slip rent has increased, the lease will still be capped at \$1,200 per year.



If you have any questions regarding the review process, please feel free to contact me at (207) 287-4922.

Sincerely,

Carol DiBello

Carol DiBello
Submerged Lands Coordinator

~~CC: Peter Sporn~~

225-8136



ANGUS B. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, MAINE
04333

DEPARTMENT ORDER

IN THE MATTER OF

ORDER TRANSFERRING
OWNERSHIP IN
MARINA ONLY TO
DIAMOND'S EDGE, LLC
FROM MCKINLEY PARTNERS,
LLC.
DATED 6/11/01

DIAMOND'S EDGE, L.L.C.)	NATURAL RESOURCES PROTECTION ACT
Portland, Cumberland County)	
DIAMOND COVE MARINA)	TRANSFER
L-13160-4C-S-T (approval))	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 401 et seq. and 06-096 CMR 2.17, Rules Concerning the Processing of Applications, (August 1, 1994), the Department of Environmental Protection has considered the application of DIAMOND'S EDGE, L.L.C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Board Order #L-13160-87/03-A-N, dated December 10, 1996, the Board approved Phase I of Diamond Cove, which consisted of renovating 36 military buildings into 134 residential units and renovating five military buildings for commercial uses. In Board Order #L-13160-L3-Q-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. The Department approved a number of minor modifications to the project, including Department Order #L-13160-L3-H-T, dated January 31, 1994, which approved the transfer of the permit to McKinley Partners Limited Partnership. In Department Order #L-13160-L3-I-M, dated March 28, 1994, the Department approved the addition of 12 boat slips to the main pier at Diamond Cove, and Department Order #L-13160-L3/4C-K-M, dated June 4, 1997, approved the replacement of fender dolphins and the addition of float sections to the marina. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.
2. The applicant has applied to transfer Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-13160-L3/4C-K-M as they pertain to the marina only, which are currently held by McKinley Partners Limited Partnership.
3. The applicant has submitted the following information in support of this transfer request:
 - A. Transfer application dated March 22, 2001 and signed by Stuart J. McCampbell, president of USDEPA North Corp., General Partner of McKinley Partners Limited Partnership; and dated March 20, 2001 and signed by Edward V. Drinan on behalf of Diamond's Edge, L.L.C.
 - B. There is no cost associated with unfinished construction for the marina at this time.



L-13160-4C-S-T

2 of 2

- C. Diamond's Edge, L.L.C. acquired the Marina at Diamond Cove in December of 1999, as evidenced by a Bill of Sale submitted with the application, and has owned and operated it since that time.

BASED on the above findings of fact, the Department CONCLUDES that Diamond's Edge, L.L.C. has provided adequate evidence of financial capacity and technical ability to comply with all conditions of Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-3160-L3/4C-K-M as they pertain to the marina only, and to satisfy all applicable statutory and regulatory criteria

THEREFORE, the Department APPROVES the above noted application of DIAMOND'S EDGE, L.L.C., for transfer of Board Order #L-13160-87/03-A-N, Department Order #L-13160-L3-I-M, and Department Order #L-3160-L3/4C-K-M as they pertain to the marina only, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

1. The Standard Conditions of Approval, a copy attached.
2. The original Board Order #L-13160-87/03-A-N, dated December 10, 1986, and all amendments and modifications thereto.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11 DAY OF June, 2001.

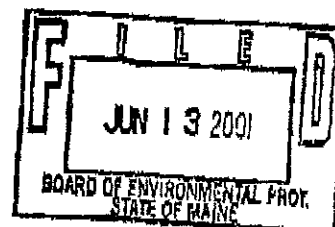
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
 MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application 3/27/01
 Date of application acceptance 4/3/01

Date filed with Board of Environmental Protection
 MR/L13160ST



STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependant upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.



STATE OF MAINE
 DEPARTMENT OF
 ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333

ORDER APPROVING
 MARINA EXPANSION
 6/16/01

ANGUS S. KING, JR.
 GOVERNOR

DEPARTMENT ORDER
 IN THE MATTER OF

DIAMOND'S EDGE, L.L.C.) SITE LOCATION OF DEVELOPMENT
Portland, Cumberland County) NATURAL RESOURCE PROTECTION
MARINA EXPANSION) WATER QUALITY CERTIFICATION
L-13160-87/4C-T-M (approval)) MODIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq., 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of DIAMOND'S EDGE, L.L.C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. In Board Order #L-13160-87/03-A-N, dated December 10, 1986, the Board approved Phase I of Diamond Cove, which consisted of renovating 36 military buildings into 134 residential units and renovating five military buildings for commercial uses. In Board Order #L-13160-L3-G-N, dated June 25, 1991, the Board approved the development of Phase II as a 39-lot residential subdivision. The Department approved a number of minor modifications to the project, including Department Order #L-13160-L3-H-T, dated January 31, 1994, which approved the transfer of the permit to McKinley Partners Limited Partnership. In Department Order #L-13160-L3-I-M, dated March 28, 1994, the Department approved the addition of 12 boat slips to the main pier at Diamond Cove, and Department Order #L-13160-L3/4C-K-M, dated June 4, 1997, approved the replacement of fender dolphins and the addition of float sections to the marina. In Department Order #L-13160-4C-S-T, dated June 11, 2001, the Department approved the transfer of the Diamond Cove Marina to Diamond's Edge, L.L.C. The development is located on the former site of Fort McKinley on Great Diamond Island in Casco Bay, in the City of Portland.
2. The applicant proposes to extend the existing marina 30 feet south to create eight new boat slips; and install two 30-foot floats, three 35-foot floats, and one 20-foot float. The applicant also proposes to drive six piles to secure the additional floats and replace two piles on the north side of the pier. The proposal is shown on a sketch entitled "Proposed Marina Addition - Diamond Cove, Great Diamond Island for Diamond's Edge, LLC," dated November 10, 2000.
3. This application has been reviewed by the Department of Marine Resources, which has commented that the proposed slips and floats do not appear to be any closer to the existing eel grass beds than the



existing marina. No other issues will be affected by this modification.

4. Based on its review of the application, the Department finds the requested modification to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 401 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.

- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.
- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for stormwater management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of DIAMOND'S EDGE, L.L.C. to expand the marina at Diamond Cove as described in Finding 2, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-13160-87/03-A-N, and subsequent orders, and are incorporated herein.

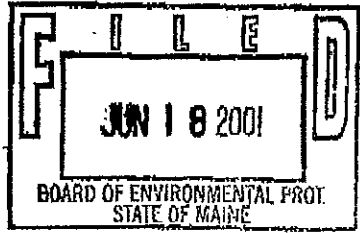
DONE AND DATED AT AUGUSTA, MAINE, THIS 15th DAY OF June, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
MARTHA G. KIRKPATRICK, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 3/27/01
Date of application acceptance 4/3/01
Date filed with Board of Environmental Protection
MR/L13160TM



STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.