

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PERMIT BY RULE NOTIFICATION FORM**  
(For use with DEP Regulation, Natural Resources Protection Act- Permit by Rule Standards, Chapter 305)  
PLEASE TYPE OR PRINT IN BLACK INK ONLY

APPLICANT INFORMATION (Owner)		AGENT INFORMATION (If Applying on Behalf of Owner)	
Name:	Fortland, LLC	Name:	Dale Knapp
Mailing Address:	418 Woodford St.	Mailing Address:	6 May Street #2
Town:	Portland	Town:	Portland
State and Zip Code:	Maine 04102	State and Zip Code:	Maine 04103
Daytime Phone #:	207-272-3898	Daytime Phone #:	207-631-9134
Email Address:	travis@with-partners.com	Email Address:	dalefknapp@gmail.com

PROJECT INFORMATION							
Part of a larger project? (check one):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	After the Fact? (check one):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Project involves work below mean low water? (check one):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name of waterbody:	Casco Bay
Project Town:	Portland	Project Location (Address):	House Island	Map & Lot Number:	Book: 31905 Lot: 115		
Brief Project Description:	Repurposing of Fort Scammel into a seasonal campground.						
Brief Directions to Site:	Charter Boat and depart east from Casco Lines Ferry Terminal. Island is adjacent to Fort Gorges.						

**PERMIT BY RULE (PBR) SECTIONS (Check at least one):** I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Sec. (2) Act. Adj. to Protected Natural Res. | <input type="checkbox"/> Sec. (10) Stream Crossing                                | <input type="checkbox"/> Sec. (17) Transfers/Permit Extension  |
| <input type="checkbox"/> Sec. (3) Intake Pipes                                   | <input type="checkbox"/> Sec. (11) State Transportation Facil.                    | <input type="checkbox"/> Sec. (18) Maintenance Dredging  |
| <input type="checkbox"/> Sec. (4) Replacement of Structures                      | <input type="checkbox"/> Sec. (12) Restoration of Natural Areas                   | <input type="checkbox"/> Sec. (19) Activities in/on/over significant vernal pool habitat   |
| <input type="checkbox"/> Sec. (5) REPEALED                                       | <input type="checkbox"/> Sec. (13) F&W Creation/Enhance/Water Quality Improvement | <input type="checkbox"/> Sec. (20) Activities located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird feeding & roosting areas |
| <input type="checkbox"/> Sec. (6) Movement of Rocks or Vegetation                | <input type="checkbox"/> Sec. (14) REPEALED                                       |  |
| <input type="checkbox"/> Sec. (7) Outfall Pipes                                  | <input type="checkbox"/> Sec. (15) Public Boat Ramps                              |  |
| <input type="checkbox"/> Sec. (8) Shoreline stabilization                        | <input type="checkbox"/> Sec. (16) Coastal Sand Dune Projects                     |  |
| <input type="checkbox"/> Sec. (9) Utility Crossing                               |   |  |

**NOTE: Municipal permits may also be required. Contact your local code enforcement office for more information. Federal permits may be required for stream crossings and for projects involving wetland fill. Contact the Army Corps of Engineers at the Maine Project Office for more information.**

**NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS**

- Attach** all required submissions for the PBR Section(s) checked above. The required submissions for each PBR Section are outlined in Chapter 305 and may differ depending on the Section you are submitting under.
- Attach** a check for the correct fee made payable to: "Treasurer, State of Maine". The current fee for NRPA PBR Notifications can be found at the Department's website: <http://www.maine.gov/dep/feesched.pdf>
- Attach** a location map that clearly identifies the site (U.S.G.S. topo map, Maine Atlas & Gazetteer, or similar).
- Attach Proof of Legal Name** if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>) Individuals and municipalities are not required to provide any proof of identity.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules.

I also understand that this PBR becomes effective 14 calendar days after receipt by the Department *unless the Department approves or denies the PBR prior to that date.*

**By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.**

Signature of Agent or Applicant:	<i>Dale F Knapp</i>	Date:	01/20/2020
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*Keep a copy as a record of permit.* Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

AUGUSTA DEP  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333-0017  
(207)287-7688

PORTLAND DEP  
312 CANCO ROAD  
PORTLAND, ME 04103  
(207)822-6300

BANGOR DEP  
106 HOGAN ROAD  
BANGOR, ME 04401  
(207)941-4570

PRESQUE ISLE DEP  
1235 CENTRAL DRIVE  
PRESQUE ISLE, ME 04769  
(207)764-0477

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	After Photos
PBR #	FP		Acc. Date	Def. Date	
69327	177 250.00	1/28/2020	22 1/30/2020		

FORTLAND LLC  
418 WOODFORD ST  
PORTLAND, ME 04102

177

52-7451/2112  
26

Jan. 20, 2020

Date

CHECK ARMOR  
FOR FASTER DEPOSIT

Pay to the Order of Treasurer, State of Maine \$ 250.00

Two hundred fifty

Dollars



Photo Safe  
Date on back



NORWAY, MAINE 04268

For Maine DEP PBR - Fee

Travis B Ballou

EF06

INTOUCH® CUSTOMER CREATIONS®



January, 20 2020

**Lucien Langlois**  
Environmental Specialist III  
Maine Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103



Dear Lucien,

On behalf of Fortland, LLC (Fortland) we are pleased to present this cover letter along with the attached permit by rule and its supplemental sections for your review and consideration. Fortland was originally issued a PBR # 65136 for these proposed activities on December 14, 2017. Due to seasonal construction constraints and unforeseen changes to the project timeline Fortland was unable to complete the work within the permitted window prior to winter. This cover letter and scope of work is identical to what was submitted in December of 2017. We have attached the original PBR issued along with a revised form and the required payment.

## **PROJECT DESCRIPTION**

Fortland, LLC is proposing a 21 site campground on the Southern half of House Island, located in Casco Bay within the city of Portland, ME. This unique project site includes Fort Scammell, which encompasses a large portion of the +/-12 acre project parcel. The mission of Fortland, LLC is to preserve, protect, and celebrate this amazing historical and environmental resource. Throughout Fortland's design process, great thought and planning has been dedicated to mitigating and reducing physical, environmental, and visual impacts. Our goal is to create an immersive and educational camping experience where guests can enjoy an exceptional piece of Maine's rich island history, environment and culture.

The project will consist of 21 Campsites and four accessory structures (bathroom shed, Utility/operation shed, well pump shed, and community building).

## **PERMIT BY RULE**

During conversations as well as a site visit with representatives from Maine Department of Environmental Protection (MDEP) we understand that a permit by rule will be required for the installation and use of two small ancillary structures that fall within 75 feet of a protected natural resource. These structures will not be located within 25 feet however, and only subject to a permit by rule. Appended to this letter is the permit by rule notification form representative photos and design plan showing the area where these structures would be placed.

The placement of these necessary ancillary structures is being proposed within an area that would qualify as "existing development area" based on Maine's statutory definitions. The majority of the site could be considered;



**Existing development area.** The area of property altered including, but not limited to, buildings, driveways, parking areas, wastewater disposal systems, lawns and other non-native vegetation, as of September 15, 1998. – Excerpt from Maine Chapter 335.

The activity is being proposed in a location where a building and stone yard once stood for the purpose of stone cutting set back from the shore behind existing walkways and piers that are exempt under Chapter 38 § 480-Q .

The hut and secondary composting toilet are both being sited within a level area previously created and currently maintained and managed by the property owner. The activities that are proposed within this area at the bottom of undeveloped ledge slope and will be necessary to meet the Americans with Disabilities Act requirements for bathroom access and the registration desk will be sited so visibility of the pier and its associated uses can be observed and monitored by a staff member.

Avoiding additional impacts to undisturbed ledge habitats and the remaining intact vegetation surrounding the Fort requires that these two structures be sited in their currently proposed locations.

The NE side of the island will not be developed and these structures are being sited within the footprint of the developed area to minimize disturbance to the remaining undisturbed 75 buffer that will remain intact during the development and operation of the facility.

These buildings will only require the excavation 12 inches of soil removal and will rest on piers. Soil disturbance will be minimal.

The total square footage of the proposed Utility/operation shed will be 475.5 Sq. Ft. The proposed dimensions are 32' x 16'.

The fully enclosed in self-contained bathroom shed is also very small in size and will occupy 160 sq. ft. and be 10' x 16'.

This minimal disturbance within the 75 foot protected buffer adjacent to the high water line falls within an area that has been and continues to be subject to use and management. The project as proposed seeks to limit all disturbance within 75 feet of the high watermark. We expect these two necessary structures will not result in any additional alteration of areas that occur within this regulated setback that have not been impacted in the past, nor are currently considered part of the existing development area.

## **LIGHTING PLAN**

Previous communications with DEP staff on PBR # 65136 identified interest in understanding lighting that would be employed around these structures and the pier itself. The lighting design for Fortland's accessory structures, walkways, and pier will endeavor to minimize the harmful effects of light pollution, indoor and outdoor lighting will:

- Only be on when needed - This can be accomplished with timers and motion sensors.
- Only light the area that needs it (for safety and security).
- Be no brighter than necessary.
- Minimize blue light emissions – Reasonable efforts will be made to ensure that night lighting will have a color temperature of no more than 3000 Kelvins unless required for public safety.
- Direct illumination toward the ground (not upward) or be fully shielded (pointing downward) – use fixtures that shield the light source to minimize glare and light trespass while facilitating better vision at night.

We understand that artificial lights can impact bird species. Birds that migrate or hunt at night navigate by moonlight and starlight. Artificial light can cause them to wander off course and toward the dangerous nighttime landscapes of cities. Every year millions of birds die colliding with needlessly illuminated buildings and towers. Migratory birds depend on cues from properly timed seasonal schedules. Artificial lights can cause them to migrate too early or too late and miss ideal climate conditions for nesting, foraging and other behaviors. With this mind, the lighting plan for the project will endeavor to:

- Be friendly to birds, insects, and animals – reduce wasted light at night to mitigate potential impacts to the environment that may disrupt the feeding, migration and reproductive habits of nature's creatures.
- Reduce Sky Glow – Sky glow is caused by light projected up into the night sky, either directly or by reflection, which lights up particulate matter in the air, thereby obscuring view of the stars.
- Reduce Glare – Glare is light that is so bright that it creates a hazard or inhibits our ability to see effectively
- Enhance Safety and Security

## COORDINATION WITH INLAND FISHERIES AND WILDLIFE

Fortland has been in consultation with Maine Inland Fisheries and Wildlife (MDIFW), and has coordinated with John Perry and a site visit was conducted with Brad Zitske and Lindsay Tudor. The project is prepared to continue and engage with the agency in developing a plan for the site that would integrate wildlife viewing and appreciation into the experience of campground use. This could involve the use of interpretive signs, camper participation in breeding Bird Atlas projects, or even learning weekends or events targeting birdwatchers. The project is preserving a significant intact buffer along the higher value habitats in the coastal portions of the island to the greatest extent practicable.

## PROJECT SCHEDULE

We recognize we will be going through additional permitting at a city level to address other development standards that would impact the project. We are currently working toward having these permits in place so construction can begin and the site would be ready for limited use during the 2020 calendar year. If you have additional questions please do not hesitate to reach out to request additional materials or need clarification on the proposed activities.

The Fortland Team looks forward to continuing work on the project and we appreciate your guidance and support in meeting permitting requirements for MDEP.

Respectfully Submitted,



Stefan Scarfs

Fortland LLC

418 Woodford Street  
Portland, ME 04103



Travis Bullard

Fortland LLC

418 Woodford Street  
Portland, ME 04103



Dale F. Knapp

HRDP, LLC

6 May St. #2  
Portland, ME 04102

# Site Location Map: Casco Bay, Portland, Maine





# State of Maine



## Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

*In testimony whereof*, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-eighth day of January 2020.



A handwritten signature in black ink, appearing to read 'Matthew Dunlap', written over a horizontal line.

Matthew Dunlap  
Secretary of State

### Additional Addresses

Legal Name	Title	Name	Charter #	Status
FORTLAND LLC	Registered Agent	PETER DEWEY MOTE, ESQ.	20180636DC	GOOD STANDING
Home Office Address (of foreign entity)		Other Mailing Address		
		358 MAIN ST. YARMOUTH, ME 04096		

MAINE  
LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF FORMATION

File No. 20180636DC Pages 2  
Fee Paid \$ 175  
DCN 2172227900023 DLLC  
FILED  
08/04/2017

  
Deputy Secretary of State

A True Copy When Attested By Signature  
  
Deputy Secretary of State

Pursuant to 31 MRSA §1531, the undersigned executes and delivers the following Certificate of Formation:

FIRST: The name of the limited liability company is:  
Fortland LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "L3c" - see 31 MRSA 1508.)

SECOND: Filing Date: (select one)

- Date of this filing; or  
 Later effective date (specified here): \_\_\_\_\_

THIRD: Designation as a low profit LLC (Check only if applicable):

- This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
- A. The company intends to qualify as a low-profit limited liability company;
  - B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
  - C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
  - D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

FOURTH: Designation as a professional LLC (Check only if applicable):

- This is a professional limited liability company\* formed pursuant to 13 MRSA Chapter 22-A to provide the following professional services:

\_\_\_\_\_  
(Type of professional services)



FIFTH: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: \_\_\_\_\_

\_\_\_\_\_  
(Name of commercial registered agent)

Noncommercial Registered Agent  
Peter Dewey Mote, Esq.

\_\_\_\_\_  
(Name of noncommercial registered agent)

358 Main St. Yarmouth, ME 04096

\_\_\_\_\_  
(physical location, not P.O. Box - street, city, state and zip code)

PO Box 1436 Yarmouth, ME 04096

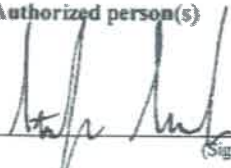
\_\_\_\_\_  
(mailing address if different from above)

SIXTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

SEVENTH: Other matters the members determine to include are set forth in the attached Exhibit \_\_\_\_\_, and made a part hereof.

\*\*Authorized person(s)

Dated 7/24/17

  
\_\_\_\_\_  
(Signature of authorized person)

Stefan Scarks  
\_\_\_\_\_  
(Type or print name of authorized person)

  
\_\_\_\_\_  
(Signature of authorized person)

Travis Bullard  
\_\_\_\_\_  
(Type or print name of authorized person)

\*Examples of professional service limited liability companies are accountants, attorneys, chiropractors, dentists, registered nurses and veterinarians. (This is not an inclusive list - see 13 MRSA §723.7)

\*\*Pursuant to 31 MRSA §1676.1.A, Certificate of Formation MUST be signed by at least one authorized person.

The execution of this certificate constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to: Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101  
Telephone Inquiries: (207) 624-7752 Email Inquiries: CEC.Corporations@Maine.gov



**FORTLAND**

**WITH** **///**  
LLC

418 Woodford St.  
Portland, ME 04103  
207-272-3898

**SITE PLAN - Campground**

**REVISIONS**

MM/DD/YY	REMARKS
1 1/28/20	DEP PBR
2	...
3	...
4	...
5	...













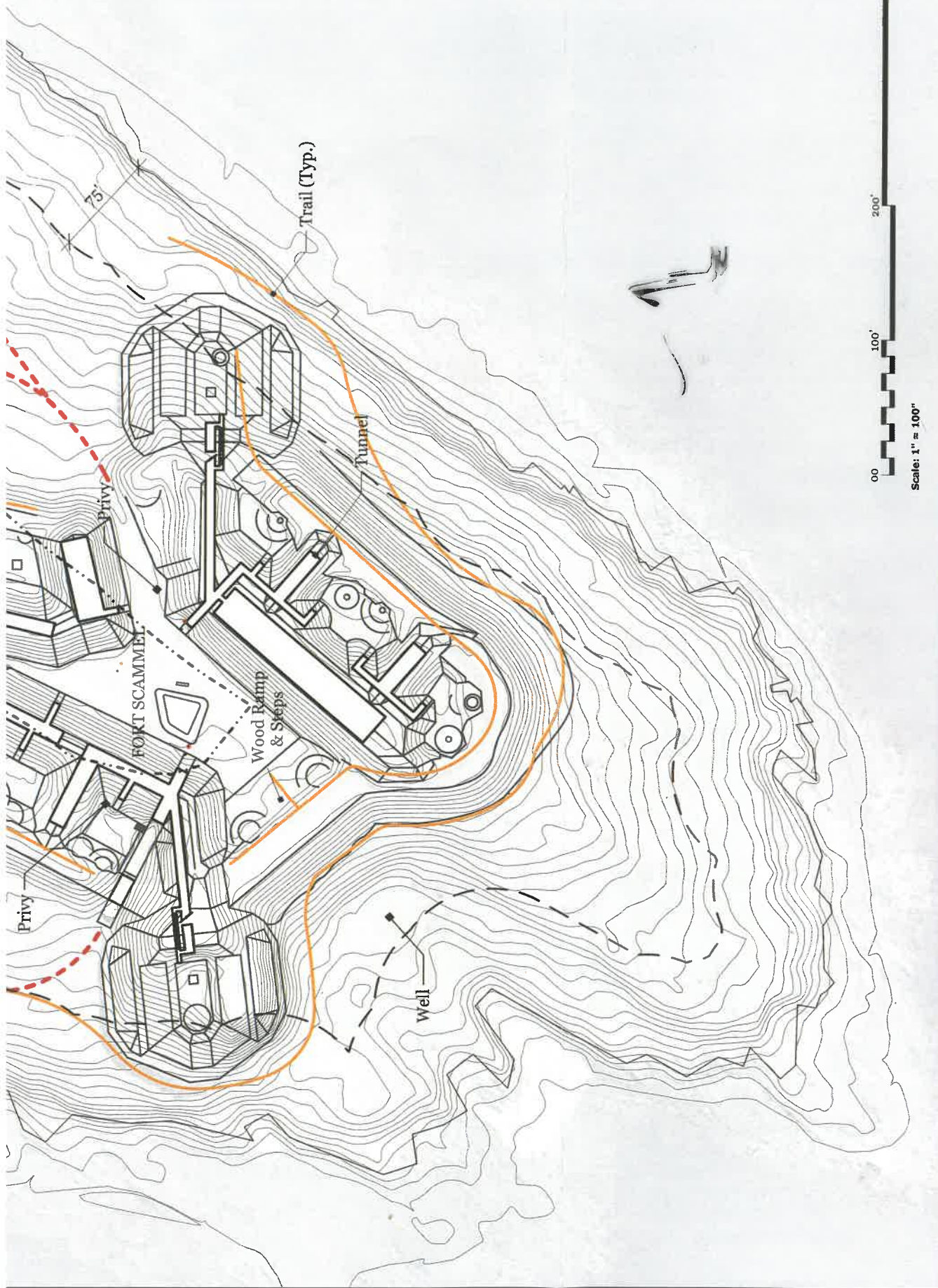












# FORTLAND

**WITH** *///*  
LLC

418 Woodford St.  
Portland, ME 04103  
207-272-3898

## SITE PLAN - Existing Conditions

### REVISIONS

MM/DD/YY	REMARKS
1 1/28/20	DEP PBR
2	...
3	...
4	...
5	...