

CAROLYN AHLSTRAND

v.

BOARD OF ENVIRONMENTAL PROTECTION

Submitted on Briefs January 27, 2011
Decided February 1, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Carolyn Ahlstrand appeals from a judgment of the Superior Court (Knox County, *Hjelm, J.*), which affirmed the decision of the Maine Board of Environmental Protection (BEP) to deny Ahlstrand's permit for the construction of a pier, float, and dock on her shoreland property on Maple Juice Cove in Cushing. Contrary to Ahlstrand's contentions, the BEP based its decision on substantial and competent evidence in the record in determining that Ahlstrand had failed to demonstrate that the proposed structure would not negatively impact a "significant wildlife habitat," pursuant to 38 M.R.S. § 480-D(3) (2010). *See Hannum v. Bd. of Env'tl. Prot.*, 2006 ME 51, ¶¶ 16-26, 898 A.2d 392, 398-402. After a review of the entire record, we have determined, "on the basis of all the testimony and exhibits before it, the agency could fairly and reasonably find the facts as it did." *Int'l Paper Co. v. Bd. of Env'tl. Prot.*, 1999 ME 135, ¶ 29, 737 A.2d 1047, 1054.

The entry is:

Judgment affirmed.

Attorney for Carolyn Ahlstrand:

Robert B. Patterson, Esq.
75 Mechanic Street
Rockland, Maine 04841

Attorneys for the Board of Environmental Protection:

Janet T. Mills, Attorney General
Margaret A. Bensigner, Asst. Atty. Gen.
Gerald D. Reid, Asst. Atty. Gen.
6 State House Station
Augusta, Maine 04333-0006

Knox County Superior Court docket number AP-08-14
FOR CLERK REFERENCE ONLY