

PATRICIA ALMQUIST

v.

BOARD OF ENVIRONMENTAL PROTECTION et al.

Argued on June 13, 2002
Decided July 3, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Patricia Almquist, in her capacity as Trustee of the Prospect Street Realty Trust, appeals from a judgment of the Superior Court (York County, *Fritzsche, J.*) affirming a decision by the Board of Environmental Protection that affirmed a decision of the Department of Environmental Protection denying Almquist's request for an after-the-fact permit for a shoreline retaining wall constructed on Great East Lake. Contrary to Almquist's contentions, there is substantial evidence in the record to support the Board's findings that (1) the retaining wall violates the avoidance standard of the Wetland Protection Rules in that Almquist failed to demonstrate that there were no practicable and less environmentally damaging alternatives to the retaining wall constructed, and

(2) that Almquist failed to demonstrate that the retaining wall does not unreasonably harm aquatic habitat. *See International Paper Co. v. Board of Env'tl. Prot.*, 1999 ME 135, ¶ 29, 737 A.2d 1047, 1054; *Hale-Rice v. Maine State Ret. Sys.*, 1997 ME 64, ¶ 17, 691 A.2d 1232, 1237; *Gulick v. Board of Env'tl. Prot.*, 452 A.2d 1202, 1208 (Me. 1982).

The entry is:

Judgment affirmed.

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