STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE
04732

PAUL RICHARD LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

DEVELOPMENT PERMIT DP 4992

The staff of the Maine Land Use Planning Commission (the Commission), after reviewing the application and supporting documents submitted by Maine Bureau of Parks and Lands, Allagash Wilderness Waterway for Development Permit DP 4992, finds the following facts:

1. Applicant: Bureau of Parks and Lands, AWW
   Attn: Kevin Brown
   45 Radar Road
   Ashland, ME 04732

2. Date of Completed Application: December 3, 2015

3. Location of Proposal: Eagle Lake Twp., Piscataquis County
   Taxation Plan 01, Lot 3

4. Zoning: (P-FW) Fish and Wildlife Protection Subdistrict
   (P-RR) Recreation Protection Subdistrict
   (P-SL1) Shoreland Protection Subdistrict
   (P-UA) Unusual Areas Protection Subdistrict

5. Lot Size: 7,119 Acres (Owned)

6. Proposed Development: Trail Stabilization at Little Allagash Falls Campsite

7. Sewage Disposal: One Pit Privy

8. Affected Waterbody: Allagash River (This river is designated as a Class AA flowing water at Little Allagash Falls Campsite.)

Background

9. The applicant's lot in Eagle Lake Twp. is developed with a pre-Commission Ranger Station, a bridge over Allagash Stream [Reference: Bridge Construction permit BCP 3118], a Tramway, Historic Trains [Reference: Development Permit DP 3013], and six camping locations located along the Allagash Wilderness Waterway.

Proposal

10. The two existing foot trails at the Little Allagash Falls campsite are eroding down by the river and the applicant proposes to stabilize them. The upstream trail would be stabilized by removing exposed dead roots, laying filter fabric and stone "steps" in the trail and then planting suitable vegetation to help prevent erosion. The downstream trail would be stabilized by removing the existing cedar steps, installing a rock water bar, laying filter fabric and stone "steps" in the trail and then planting suitable vegetation to help prevent erosion.

An area approximately 3 feet wide by 35 feet long would be altered on the upstream trail, and an area approximately 3 feet wide by 18 feet long would be altered on the downstream trail.

11. The Little Allagash Falls Campsite is located within the (P-FW) Fish and Wildlife Protection Subdistrict, (P-RR) Recreation Protection Subdistrict, (P-SL) Shoreland Protection Subdistrict and (P-UA) Unusual Areas Protection Subdistrict.

12. None of the proposed trail work would extend below the normal high water mark of the river. The project is needed because the shoreline has deteriorated to the extent that it is causing serious erosion and sedimentation of Allagash River. Installation of rock will prevent any more deterioration and improve the water quality of the River.

Review Criteria

13. Under provision of Sections 10.23,D,3,a(6) and 10.23,M,3,a(7) of the Commission's Land Use Districts and Standards, trails are allowed uses without a permit within a (P-FW) Fish and Wildlife Protection Subdistrict and (P-UA) Unusual Area Protection Subdistrict provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies.

14. Under provisions of Sections 10.23,I,3,c(8) and 10.23,L,3,c(20) of the Commission's Land Use Districts and Standards, trails which are not in conformance with the standards of Section 10.27,B,1,b and c,2 and 4 and 10.27,F are allowed uses with a permit within a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict.

15. Under provisions of Section 10.06,C of the Commission's Land Use Districts and Standards, where two or more protection subdistricts apply to a single land area, the combination of the more protective standards for each subdistrict shall apply.

16. Under provisions of Section 10.27,F of the Commission's Land Use Districts and Standards, filling and grading activities within 100 feet of the Allagash River require a permit from the Commission. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

Review Comments

17. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the proposal and comments that they expect minimal impacts from this project to fisheries and wildlife.

18. The Maine Natural Areas Program (MNAP) has reviewed the proposal and finds that according to their current information, there are no rare botanical features that will be disturbed within the project site.

19. The Maine Historic Preservation Commission (MHPC) has reviewed the proposal and concludes that there will be no historic properties affected by the proposal, as defined by Section 106 of the National Historic Preservation Act.

Public Comments

20. The Natural Resources Council of Maine (NRCM) has submitted the following comments on this application: "it is unclear from the application and accompanying photo whether the exposed roots that are proposed to be removed on the upstream section are still serving any function for the trees from which they come. If the roots are still alive or if they continue to provide structural support for the trees from which they come, we urge that they not be removed. We would not like to see their removal lead to decline, death, or blow down of the trees

involved. We urge that alternatives (fill around the roots, minor relocation of the trail, or other options) be explored."

21. In response to NRCM's comments, the applicant has confirmed in writing that the existing roots to be removed are not from live trees and that they will attempt to make the rock as natural looking as possible. They state that it "may look a little manufactured the first year, but quickly blends into the natural environment".

22. The facts are otherwise as represented in the application Development Permit DP 4992 and supporting documents.

Based upon the above Findings, the Commission, through its staff, concludes:

1. The proposed trail projects would not meet the standards of Section 10.27,F of the Commission's Land Use Districts and Standards in that filling and grading is proposed within 100 feet of the river.

2. Under provisions of Sections 10.23,I,3,c(8) and 10.23,L,3,c(20)of the Commission's Land Use Districts and Standards, the proposed trail project requires a permit within a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict. Based on review comments received, the applicant has demonstrated that the proposed activity would produce no undue adverse impact upon the resources and uses in the area. The project would stabilize the shoreline and reduce erosion and sedimentation.

3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the Commission, through its staff, approves the application of Bureau of Parks and Lands, Allagash Wilderness Waterway with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

2. All work must take place above the normal high water mark of Allagash River and no equipment may be driven along the shoreline.

3. Any excavation or construction must be done when the water level is lower than the work area and staked hay bales or silt fence shall be placed between the project area and above or at the water line.

4. Any debris or fill material must be stored away from the waterbody and stockpiled above the normal high water mark. Tarps and silt fence must be used to prevent sedimentation from stockpiled materials, where necessary.

5. No roots from living trees shall be removed.

6. All areas of exposed mineral soil must be promptly reseeded and stabilized with mulch, and maintained in a vegetated state to prevent soil erosion. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation must be undertaken as often as necessary to be effective.

7. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

8. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT ASHLAND, MAINE, THIS 27th DAY OF JANUARY, 2016.

Billie J. MacLean

Nicholas D. Livesay, Executive Director