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 4993

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 4993, 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 8, 2015

3. Location of Proposal: T12 R13 WELS, Aroostook County
   Taxation Plan 01, Lots 1.2

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

5. Lot Size: 1,912 Acres (Owned)

6. Proposed Development: Trail Stabilization at Long Lake Dam Campsite and Portage

7. Sewage Disposal: One Pit Privy

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

Background

9. The applicant's lot in T12 R13 WELS is developed with a dam, an outpost cabin for another recreational lodging facility, so called "Jalbert Camps" [Reference: Development Permit DP 3839], and four camping locations located along the Allagash Wilderness Waterway.

Proposal

10. Three existing foot trails at the Long Lake Dam campsite and portage are eroding down by the river and the applicant proposes to stabilize them.

    The upstream trail (3 ft. by 43 ft.) would be stabilized by laying filter fabric, installing a 2 rock water bars, and gravel on the shallow upper section and stone "steps" on the steeper lower section. Red Osier Dogwood and conservation mix would then be planted along the sides of the trail to help prevent erosion.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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The steeper, shorter downstream trail would be discontinued. A rock barrier would be added to the top and bottom to discourage traffic and the entire trail would be planted with Red Osier Dogwood and conservation mix.

The longer downstream trail (3 ft. by 51 ft.) would be stabilized by laying filter fabric and gravel near to the top portion of the trail, and filter fabric stone "steps", and riprap on the lower portion of the trail.

Then conservation mix would be planted along the sides of the entire trail.

11. The Long Lake Dam campsite and portage is located within the (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 trails and shoreline have deteriorated to the extent that it is causing serious erosion and sedimentation of Allagash River. Installation of rock and vegetation will prevent any more deterioration and improve the water quality of the River.

Review Criteria

13. Under provision of Section 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-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: "We urge that any rip rap or rock work that is installed be required to maintain the "natural character" of the area as is required for similar work along lakes. While we are completely supportive of the need to stop and prevent future erosion and maintain the trails, industrial looking rip rap is not appropriate in a Wilderness Waterway"

21. In response to NRCM's comments, the applicant has confirmed in writing 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 4993 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. 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.

6. 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.

7. 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 28th DAY OF JANUARY, 2016.

for Billie J. Maclean

Nicholas D. Livesay, Executive Director