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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE 04732-3600

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 5006

The staff of the Maine Land Use Planning Commission after reviewing the application and supporting documents submitted by the Allagash Wilderness Waterway for Development Permit DP 5006, finds the following facts:

1. Applicant: Allagash Wilderness Waterway
Attn: Kevin Brown
45 Radar Road
Ashland, Maine 04732
2. Date of Completed Application: August 5, 2016
3. Location of Proposal: T 7 R 12 WELS, Piscataquis County
Taxation Lot #5 on Plan 01
4. Zoning: (P-AL) Accessible Lake Protection Subdistrict
(P-UA) Unusual Area Protection Subdistrict
(P-GP) Great Ponds Protection Subdistrict
5. Lot Size: 6,732 acres (owned)
6. Development: Proposed Remote Campsite
7. Affected Waterbody: Big Eagle Lake

The Commission has identified Big Eagle Lake as a management class 2, resource class 1A, accessible, undeveloped lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, outstanding cultural resources, present physical resources.

Proposal

8. The applicant proposes to develop a remote water access campsite on Big Eagle Lake in a location where safety issues due to high wind can be an issue. The campsite would

consist of a picnic table, fireplace, and outhouse. Minimal clearing and filling and grading would be done. The campsite would be located at least 75 feet from the normal high water mark of Big Eagle Lake within the (P-GP) Great Ponds Protection Subdistrict, (P-UA) Unusual Area Protection Subdistrict and (P-AL) Accessible Lake Protection Subdistrict.

Review Criteria

9. Under the provisions of Section 10.02, 177 of the Commission's *Land Use Districts and Standards*, "Remote Campsite" is defined as: Campsites which are not part of a commercial campground and which are characterized by their remoteness, limited scale, dispersed nature, and limited usage. More specifically, remote campsites include sites which: a) are designed and generally are only accessible by water or on foot; b) are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers; c) have permanent structures limited to privies, fireplaces or fire rings, picnic tables and picnic table shelters not larger than 80 square feet in area consisting of a roof without walls; and d) require no other construction or grading and only minimal clearing of trees.
10. Under the provisions of Section 10.23,A,3,c(2) of the Commission's *Land Use Districts and Standards*, campsites may be allowed within (P-AL) Accessible Lake Protection subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.
11. Under the provisions of Section 10.23,E,3,c(2) of the Commission's *Land Use Districts and Standards*, campsites may be allowed within (P-GP) Great Pond Protection subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.
12. Under the provisions of Section 10.23,M,3,b(2) of the Commission's *Land Use Districts and Standards*, campsites owned or operated by Federal or state agencies may be allowed within (P-UA) Unusual Area Protection subdistricts without a permit subject to standards and the applicable requirements set forth in Sub-Chapter III.
13. Under the provisions of Section 10.06,C of the Commission's *Land Use Districts and Standards*, where two or more protection subdistricts apply to single land area, the combination of the more protective standards for each subdistrict shall apply.
14. Under the provisions of Section 10.26,D,4(b) of the Commission's *Land Use Districts and Standards*, remote campsites shall be setback at least 50 feet from roads, 25 feet from property lines and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.
15. Pursuant to 12 M.R.S. §685-B(4), the Commission may not approve an application, unless among other things, (a) adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect of existing uses, scenic character, and natural and historic resources

in the area likely to be affected by the proposal, (b) the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water, and (c) the proposal is otherwise in conformance with Chapter 206-A and the regulations, standards, and plans adopted pursuant thereto. The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected.

Review Comments

16. The United States National Park Service has reviewed the proposal and has no concerns.
17. The Maine Natural Areas Program has reviewed the proposal and states that, according to current information, there are no rare botanical features that will be disturbed within the project site.
18. The Maine Historic Preservation Commission has reviewed the proposal and states that they have no concerns regarding archaeological or architectural resources for this project.
19. The Maine Department of Inland Fisheries and Wildlife has reviewed the proposal and states they support the Allagash Wilderness Waterway's effort to provide additional camping facilities in an area where safety issues due to high winds are an issue.
20. The facts are otherwise as represented in Development Permit Application DP 5006 and supporting documents.

Based on the above Findings, the staff concludes that:

1. In accordance with Section 10.02,177 of the Commission's *Land Use Districts and Standards*, the proposed campsite is a remote campsite.
2. In accordance with Section 10.23,A,3,c(2) of the Commission's *Land Use Districts and Standards*, the proposed campsite is a use allowed within a (P-AL) Accessible Lake Protection subdistrict.
3. In accordance with Section 10.23,E,3,c(2) of the Commission's *Land Use Districts and Standards*, the proposed campsite is a use allowed within a (P-GP) Great Pond Protection subdistrict.
4. In accordance with Section 10.23,M,3,b(2) of the Commission's *Land Use Districts and Standards*, the proposed campsite is a use allowed within a (P-UA) Unusual Area Protection subdistrict.
5. In accordance with Section 10.26,D,4,b of the Commission's *Land Use Districts and Standards*, the location of the proposed campsite is greater than: 50 feet from the nearest road, 25 feet from property lines and 25 feet from shorelines.

6. 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.

Therefore, the staff approves the application of the Allagash Wilderness Waterway with the following conditions:

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff **of the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and requirements of the permit with the permittee. **(If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)
2. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during the development of the site and construction of the structures and activities approved by this permit.
3. 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.
4. All authorized development must be set back a minimum of 25 feet from the normal high water mark of Big Eagle Lake, 50 feet from any roads, and 25 feet from other property boundary lines.
5. The remote campsite shall: a) be designed and only accessible by water or on foot; b) by comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers; c) have permanent structures limited to privies, fireplaces or fire rings, picnic tables and picnic table shelters not larger than 80 square feet in area consisting of a roof without walls; and d) require no other construction or grading and only minimal clearing of trees.
6. The remote campsite shall not be part of a commercial campground, but may be managed from a central office located offsite.
7. Construction debris must be removed from the remote campsite upon completion of the construction activities and disposed of in accordance with Maine Solid Waste Disposal Rules.
8. 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.

9. The permittee shall secure and comply with all other applicable licenses, permits, authorizations and monitoring requirements of all federal, state, and local agencies including, but not limited to, the Maine Department of Health and Human Service's Division of Environmental Health's, Subsurface Wastewater Unit and Health Inspection Program.
10. 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 25TH DAY OF AUGUST, 2016.

By: Patrick Emery
s^oc Nicholas Livesay, Executive Director



Exhibit A. Location Map
 Allagash Wilderness Waterway
 Breezy Point Campsite