STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO
GREAT PONDS PERMIT GP 0089 AND
WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Karen McNaught for Amendment A to Great Ponds Permit GP 0089, finds the following facts:

1. Applicant: Karen McNaught
   624 Mallory Drive
   Panama City, FL 32405

2. Agent: Thomas Folsom
   PO Box 5450
   Oquossoc, ME 04964

2. Date of Completed Application: November 8, 2013

3. Location of Proposal: Rangeley Plt., Franklin County
   Lots #30 and #31 on Rangeley Plantation Tax Map 25

4. Zoning: (D-RS3) Residential Recreation Development Subdistrict
   (P-WL1) Wetland Protection Subdistrict

5. Affected Water Body: Mooselookmeguntic Lake

   The Commission has identified Mooselookmeguntic Lake as a resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries, wildlife, scenic, shore character, and cultural resources.

Background

6. The applicant's 3.33 acre lot has 302 feet of frontage on Mooselookmeguntic Lake. The lot is developed with a pre-Commission dwelling. In 1977, the Maine Department of Environmental Protection (MDEP) issued DEP-GP-3487 to Norman Roberts, a prior owner of the lot. DEP-GP 3487 authorized a 25 foot span of riprap along the shoreline of the subject lot. In 1978, the Commission issued Great Ponds Permit GP 0017 to Mr. Roberts for the installation of an additional approximately 39 feet of riprap along another section of the lot's shore frontage, near an existing boathouse. In 1980, the Commission issued Great Ponds Permit GP 0089 to Mr. Roberts for additional riprap to be placed in the same location as was previously permitted under DEP-GP-3487. The riprap was to be 30 feet in length, 4 feet in height, and extend 8 feet from the normal high water mark. The permitted riprap has been installed

7. The applicant subsequently acquired the subject lot in March of 1993.

Proposal

8. The applicant proposes to reconstruct the existing riprap perviously permitted by DEP-GP-3487 in 1977 and Great Ponds Permit GP 0089 in 1980. The applicant seeks to repair a 50 foot by 10 foot area by placing additional rocks within an area that falls roughly between a group of birch trees and a hand water pump. The existing riprap has slumped exposing the roots of several healthy trees and soils along the shoreline. Planting trees or shrubs in the area would not be possible due to riprap already being in place and needing to be reinforced. Clean stone would be used to add to the existing riprap. All work would be done during a period when the water level is lower than the work area. Riprap would be placed primarily by a small excavator and by hand. No equipment would be used below the normal high water mark.

9. The proposed riprap project would not create a loss of wetland area and functions and values in that the area was previously permitted for riprap projects in the past. The current proposal does not expand what is currently existing and would better protect the shoreline from further erosion. The proposal also does not involve excavating any materials, only the placement. The excavator would be used to place the larger rocks into the area rather than by hand. Other than removing or fully replacing the exising riprap, no practical alternative exists. The proposed project would be done when the entire project is above the low water mark and when the ground is frozen. Both of these percautions would reduce or eliminate the possibility of erosion or sedimentation entering the lake.

10. For administrative purposes, all prior permits are being incorporated into Amendment A of Great Ponds Permit GP 0089.

Review Criteria

11. Under provisions of Section 10.23, N, 3, c, (11), and Section 10.21, J, 3, c, (14), of the Commission's Land Use Districts and Standards, shoreland alterations are a use allowable with a permit in a (P-WL1) Wetland Protection Subdistrict, and in a (D-RS3) Residential Recreational Development Subdistrict, respectively.

12. Under provisions of Section 10.25,P,1,c,(3), of the Commission's Land Use Districts and Standards, Tier 3 reviews are for projects altering any area of P-WL1 wetlands. Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or the character of the area around the alteration site, elevation differences and hydrologic connection to surface water or other protected natural resources.

13. Under the provisions of the Commission's *Guidelines for Reducing the Level of Tier Review for Permits Involving Wetlands Alterations* (Jan. 1999), activities requiring riprap below the normal high water mark will only be allowed if: (1) there is evidence of erosion, and (2) the erosion cannot be controlled by planting vegetation above the normal high water mark. Riprap may be reduced to Tier 2 if:

    i. The riprap will be combined with tree and shrub plantings when possible;
    ii. The area above the riprap will be revegetated; and
    iii. The project will be done in accordance with Standard Conditions for the Installation of Riprap except that riprap may be anchored below the normal high water mark.

14. Under the provisisions of 10.25, P,2 of the Commission's Land Use Districts and Standards, projects requiring Tier 2 review must not cause a loss in wetland area, functions, and values if there is a practical alternative to the project that would be less damaging to the environment. Protects requiring a Tier 2 review must limit the amount to be altered to the minimum amount necessary to complete the project; must comply with applicable water quality standards; and use erosion control measures to prevent sedimentation of surface waters. Each Tier 2 application must provide an analysis of alternatives in order to demonstrate that a practical alternative does not exist.

15. Under the provisions of Section I,C,1,a of the Commission's Compensation Guidelines, neither a functional assessment nor compensation is required for alterations of less than 500 square feet in a freshwater wetland of special significance, provided the Commission determines there will be only a minimal effect on freshwater wetland functions and values, significant wildlife habitat, or imperiled or critically imperied communities due to the activity.

Review Comments

16. The Department of Inland Fisheries and Wildlife states that there are no know special wildlife or habitats known to occur on the subject property , therefore it does not anticipat any negative impacts to wildlife resources.

17. The applicant has obtained a letter of permission from Brookfield Renewables, the owner of the flowage rights to Mooselookmeguntic Lake.

18. The Maine Natural Areas Program states that it has no record of any rare or unique botanical features in the project area.

19. The facts are otherwise as represented in Amendment Request A to Great Ponds Permit GP 0089, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. Pursuant to Section 10.23, N, 3, c, (11), and Section 10.21, J, 3, c, (14), of the Commission's Land Use Districts and Standards, the proposed riprap project is allowed with a permit in the (P-WL1) Wetland Protection Subdistrict, and in a (D-RS3) Residential Recreational Development Subdistrict, respectively.

2. Pursuant to Section 10.25,P,1,c,(3), of the Commission's Land Use Districts and Standards, the Commission finds that the proposed riprap project will be waived to Tier 2 review. The reduction from Tier 3 to Tier 2 review is due to the riprap project having been previously permitted and no new excavation into the wetland will occur.

3. The proposed riprap project is eligible for reduction to Tier 2 review under the provisions of the Commission's *Guidelines for Reducing the Level of Tier Review for Permits Involving Wetlands Alterations.* Specifically, tree and shrub plantings are not possible in this case due to the small area and the existing riprap; the area above the riprap will be revegetated; and the project will be done in accordance with Standard Conditions for the Installation of Riprap except for the anchoring of riprap below the normal high water mark.

4. The proposed riprap meets the requirements in Section 10.25, P, 2, of the Commission's Land Use Districts and Standards. Specifically, there will be no loss of wetland area, functions and values; no practicable alternative to the project exists; the project would not violate any state water quality law; and erosion control measures would be used to prevent sedimentation of Mooselookmeguntic Lake.

5. In accordance with Section I,C,1 of the Commission's Compensation Guidelines, the Commission will not require a functional assessment or compensation as the project is to be less than 500 square feet and will have no impact on the freshwater wetland functions and values, significant wildlife habitat, or imperiled or critically imperied communities.

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.A.

Therefore, the staff Approves the application of Karen McNaught with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.

2. Riprap must be installed in accordance with the Standards for Installation of Riprap (ver. 4/91), a copy of which is attached.

3. Notwithstanding Condition #5 of the Standards for the Installation of Riprap, rocks may be placed below the normal high water mark of Mooselookmeguntic Lake only to the extent needed to key in the rocks and create stable riprap.

4. All work along the shoreline must be done when the lake water level is lower than the work area.

5. Staked hay bales or silt fencing anchored with rock or gravel must be placed between the work area and the water prior to undertaking construction activities, to prevent sedimentation to the lake. Once implemented or put in place, erosion control devices and measures must be maintained to ensure proper functioning. Should any erosion or sedimentation occur during construction, the permittee shall cease construction and contact the Commission immediately, notifying it of the problem and describing all proposed corrective measures.

6. No motorized equipment may be operated below the normal high water mark of Mooselookmeguntic Lake.

7. Rocks used for the riprap must not be taken from the water body or the existing shoreline of Mooselookmeguntic Lake.

8. All areas of exposed mineral soil above the normal high water mark of Mooselookmeguntic Lake disturbed by the authorized activity must be promptly seeded and mulched to avoid soil erosion and lake sedimentation.

9. Upon completion of the project within the terms of this permit, any debris or excavated materials remaining must be removed from the lot and all solid waste and other debris disposed of in a proper manner, in compliance with all applicable state and federal solid waste laws and rules.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 WEST FARMINGTON, MAINE THIS 18th DAY OF NOVEMBER, 2013

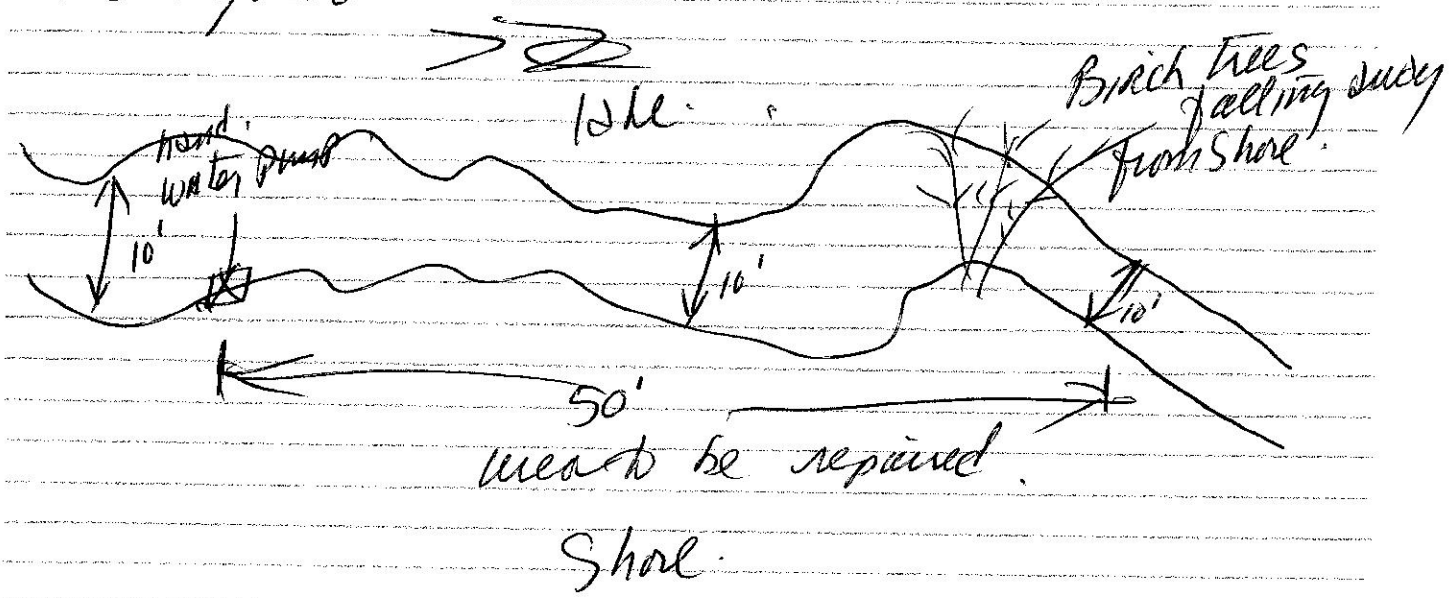
By: Sara L. Brisola

For Nicholas Livesay, Executive Director

GP 0089-A

Use this page to provide any explanations that will help describe your project. If you wrote "n/a" next to any of the questions or CONDITIONS OF APPROVAL in the Attachment or in the application form, if needed please explain why below, and include the number of the question or condition.

Repair Shoreline to protect existing lawn trees - for a distance of 50' X 10' by relocating existing shoreline stones above waterline and by bringing in and adding local 6" to 12" clean stone. Stones to be arranged to form a Rip Rap for the 50'x10' area; Some fill will be placed between existing shoreline & Repaired Rip Rap. Stone approx 2 cuyards; No machine work in or below the existing water level, Some handwork will be required.



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STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ALTERATION PERMITS

1. The permit certificate must be posted in a visible location on your property during performance of the activities approved by this permit.

2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Regulation Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Regulation Commission law.

3. **Activities permitted in this permit must be begun within two (2) years of date of issue and completed within three (3) years from date of issuance of this permit.** If such activities are not begun 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. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, permits required under the Natural Resources Protection Act administered by the Maine Department of Environmental Protection.

5. 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.

6. All areas of exposed mineral soil above the normal high water line or wetland boundary shall be promptly seeded and mulched so as to avoid soil erosion and lake sedimentation. Rocks and trees which are holding the shoreline and preventing erosion shall not be removed.

7. Unless otherwise specified in this permit, all work must be conducted at periods of low water when the water level is lower than the work area.

8. Unless otherwise specified in this permit, no mechanical equipment, machinery or vehicles shall be operated below the normal high water line or wetland boundary.

9. If pressure treated wood is to be used, such wood must be allowed to cure, away from the waterbody or wetland, for a minimum of three weeks prior to installation.

10. Once the activity is completed, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Notwithstanding Condition #3 of the Standard conditions (ver. 4/91), construction activities permitted in this permit must be substantially started within two years of date of issue and substantially completed within five years from date of issuance of this permit. If such construction activities are not begun 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 Commision. (4/04)

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STANDARDS FOR THE INSTALLATION OF RIPRAP

Riprap shall be installed in accordance with the following standards:

1. Riprap shall be placed in such a manner as to form a slope not steeper than 2 feet horizontal for every 1 foot vertical. Flatter slopes are more stable, and, therefore, slopes of 3:1 or 4:1 are preferable.

2. Riprap shall be irregularly shaped rocks (not round rocks) of 10 inches to 12 inches in diameter (about the size of a basketball), and shall be placed in a manner that the rocks fit together and interlock. Riprap should consist of more than one layer of rocks to be stable.

3. Riprap shall be placed on top of and embedded into coarse gravel, or a sediment barrier such as filter fabric, if the original soils are clay, light sand, or other highly erodible soils.

4. Riprap shall be secured into the toe of the slope of the embankment, meaning the first layer should start approximately 6 inches below the original grade at the base of the embankment. As indicated in 5 below, this does not mean that you may encroach into the water body or wetland.

5. Riprap placed at the normal high water line shall begin at the existing shoreline and shall not extend toward the water body or wetland. The top of the shoreline shall be cut back as necessary to obtain the required 2:1 or flatter slope.

6. Rocks used for riprap shall not be obtained from the bottom of the water body or wetland, the immediate shoreline area or from areas where their removal will cause soil erosion into the water body or wetland.

7. Surface water drainage shall be diverted around the area being riprapped.

8. The riprap may not be covered with gravel, clay, loam, or any other materials.

4/91