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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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COMMISSIONER

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PERMIT

AMENDMENT A TO
GREAT PONDS PERMIT GP 3290
And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Maine Department of Inland Fisheries and Wildlife for Great Ponds Permit GP 33290 Amendment A, finds the following facts:

1. Applicant: Maine Department Inland Fisheries and Wildlife
Attn: Leon Bucher
41 State House Station
Augusta, Maine 04333-0041
2. Agent: Pine Tree Engineering
Attn: Jonathan C. DeWick
54 Front Street
Bath, Maine 04530
3. Date of Completed Application: June 27, 2006
4. Location of Proposal: LakeView Plantation, Piscataquis County
Lot #'s 34 and 35 on Plan 03
5. Zoning: (D-RS) Development Residential Subdistrict
(P-GP) Great Ponds Protection Subdistrict
(P-WL) Wetland Protection Subdistrict
6. Lot size: 6 acres (owned)
7. Proposed Activity: Remove Existing Dock, Timber, and Rubble
Construct a 26 foot Concrete Approach and 20 foot Wood Frame
Walkway to a 14 foot by 20 foot Cribwork Dock Constructed on
Existing Remaining Cribwork.

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8. Affected Waterbody: Schoodic Lake

The Commission has identified Schoodic Lake as a resource class 1B, management class 3 and 5, relatively accessible, relatively developed lake with significant fisheries, scenic, cultural, and physical resources. Schoodic Lake is a flowed lake.

Background

9. The applicant's lot was formerly developed with a pre-Commission spool mill. The spool mill has since closed and for the most part been removed from the property. Only foundation remnants and a permanent dock remain from the old mill. Over a period of time after the mill was removed the location of where the permanent dock exists today developed into an unimproved boat launching facility with limited parking available.
10. In July of 2005 the applicant submitted a Notice of Intent to File a Notification for a Boat Launch on Schoodic Lake. The Notice of Intent to File a Notification for a Boat Launch was then later withdrawn in August because of local concern and requests for a public hearing. Commission Staff also suggested to the applicant that with the degree of interest with the project it would be in their best interest to propose the boat launch through the permitting process.
11. In September of 2005, Commission Staff went before the Commission with nine individual requests for a public hearing to be held for concerns over the proposed boat launch. Staff recommendation to the Commission was that it did not appear that any additional information would be gathered or otherwise obtained outside of a public hearing. The Commission upheld Staff's recommendation.
12. In April of 2008 Great Ponds Permit GP 3290 was issued to the applicant to reconstruct the existing public trailered ramp, permanent docking structure and associated parking area. In addition the applicant was approved to increase the number of parking spaces, the size of the permanent dock, perform minor filling and grading, and remove several hazards from the property.

Proposal

13. The applicants now propose to:
 - A. Dredge approximately 600 square feet (approx. 120 cubic yards) of old dilapidated dock and cribwork. Dredged material will either be reused or transported off site. A turbidity curtain will be used for containment of sedimentation and erosion control in the PW-L1.
 - B. Install two 7 foot by 13 foot by 4 foot precast concrete tanks (26 foot approach) below the normal high water mark to be filled with cleaned previously dredged rock capped with 6 inch cast in placed concrete tops. Concrete will not be poured in the water.

- C. Construct a wooden 8 foot by 20 foot walkway consisting of CCA treated timbers secured by galvanized threaded rod to reused replaced stone covered by Micronized Copper Azole treated decking attached with stainless steel fasteners.
- D. Construct a 14 foot by 20 foot cribwork dock that is connected to the walkway using the existing cribwork that was not removed and only adding new or reused rock and CCA treated timbers as needed and securing the proposed dock with galvanized threaded rod. Decking would be of Micronized Copper Azole treated decking attached with stainless steel fasteners.
- E. All work would be done by using clean heavy equipment and by pneumatic and hand tools during low water in the late summer or fall in the same location as the currently existing dilapidated dock
- F. Vegetative buffers would be maintained outside of the footprint of the proposed development and erosion control measures are proposed before, during and after construction.
- G. The applicant has submitted an alternatives analysis, as required for a Tier 2 review. The analysis states that the project is needed in order to improve public boat access and safe navigation on the public property and that the proposed location is the safest and most obvious location given lake conditions as compared to alternative locations and that the current boat ramp exists.

Review Comments

- 14. The Maine Historic Preservation Commission has reviewed the proposal and have concluded that there will be no historic properties (architectural or archaeological) affected by the proposed undertaking.
- 15. The U.S. Army Corps of Engineers has reviewed the proposal issued a Category 1 (General) Permit (NAE-2007-1733-M1) on April 25, 2016. Permit conditions provides one year for completion of work that has commenced or is under contract to commence prior to the expiration of this permit on October 13, 2020. After that the applicant will need to apply for reauthorization by the ACOE for any work within the Corps jurisdiction that is not completed by October 13, 2021.
- 16. The United States Department of the Interior Fish and Wildlife Service has reviewed the application and commented the critical habitat of Atlantic Salmon lies within the project area.
- 17. The Maine Department of Inland Fisheries and Wildlife has reviewed the application and stated that the project is needed for public safety.
- 18. The Passamaquoddy Tribe has reviewed the application and stated that regarding historic properties and significant and cultural properties that the proposal will not have any impact.

19. The Penobscot Nation has reviewed the application and stated that the project appears to have no impact on a structure or site of historic, architectural, or archaeological significance to the Penobscot Nation and defined by the National Historic Preservation Act of 1966, as amended.
20. The Aroostook Band of Micmacs were sent the application for review but offered no response.
21. The Houlton Band of Maliseets reviewed the application and stated that they do not have an immediate concern with the project or project site and do not currently have the resources to fully investigate same. Should any human remains, archaeological properties or other items of historical importance be unearthed while working on this project, we recommend that you stop your project and report your findings to the appropriate authorities including the Houlton Band of Maliseet Indians.

Review Criteria

22. Under provisions of Section 10.23,N,3,c(11), Section 10.21,K,3,c(16), and 10.23,E,3,c,(14) of the Commission's Land Use Districts and Standards, shoreland alterations including reconstruction of permanent docking structures are allowed within (P-WL) Wetland Protection Subdistricts, (D-RS) Residential Development Subdistricts, and (P-GP) Great Ponds Protection Subdistricts with a permit.
23. Under provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, projects altering any area of P-WL1 wetlands require a Tier 3 review. Alterations of P-WL1 wetlands may be eligible for a Tier 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected 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 character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected features.
24. Under provisions of Section 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 practicable alternative to the project that would be less damaging to the environment. Projects requiring a Tier 2 review must limit the amount of wetland 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 practicable alternative does not exist. Projects requiring a Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.
25. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, the Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional

assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

26. Under the provisions of Section 10.27,O,1 and 10.27,O,4 of the Commission's Land Use Districts and Standards reconstruction of permanent docking structures must comply with the rules and design and construction standards specified in those sections; including erosion prevention and control during construction, avoidance of water bodies, maintenance of vegetated buffers, and runoff diversion.
27. Under the provisions of Section 10.25, A of the Commission's Land Use Districts and standards, non-residential structures and uses proposed on land adjacent to lakes must not adversely impact or substantially alter; natural and cultural resource values, water quality, traditional uses, regional diversity, natural character, lake management goals, and landowner equity.
28. Under the provisions of Section 685-B (4) of the Commission's Statutes, 12 M.R.S.A, the Commission shall approve no application unless:
 - A. Adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, including minimum lot size laws, site location of development laws, and natural resource protection laws, and those standards and regulations adopted with respect thereto;
 - B. Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods;
 - C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal;
 - D. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on site;
 - E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto.
29. The facts are otherwise as represented in Amendment A to Great Ponds Permit Application GP 3290 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed reconstruction of the permanent docking structure is in conformance with Section 10.23,N,3,c,(11) of the Commission's Land Use Districts and Standards in that the reconstruction of permanent docking structures an allowed use within the (P-WL) Wetland Protection Subdistrict with a permit.
2. The proposed reconstruction of the permanent docking structure is in conformance with Section 10.21,K,3,c,(16) of the Commission's Land Use Districts and Standards in that the reconstruction of permanent docking structures are an allowed use within the (D-RS) Residential Development Subdistrict with a permit
3. The proposed reconstruction of the permanent docking structure is in conformance with Section 10.23,E,3,c,(14) of the Commission's Land Use Districts and Standards in that the reconstruction of permanent docking structures are an allowed use in a (P-GP) Great Ponds Protection Subdistrict with a permit.
4. The proposed reconstruction of the permanent docking structure is in conformance with Section 10.25, A of the Commission's Land Use Districts and Standards in that the proposal will not adversely affect; the significant fisheries resources, water quality, traditional uses, regional diversity, natural character, lake management goals, or landowner equity on Schoodic Lake.
5. The proposed reconstruction of the permanent docking structure is in conformance with Section 685-B (4) of the Commission's Statutes, 12 M.R.S.A in that:
 - A. The applicant has demonstrated adequate technical and financial capacity for complying with the state's air and water pollution control laws and other applicable environmental laws. Specifically, the applicant has demonstrated technical capacity by hiring an engineering firm with expertise and experience in site evaluation and design.
 - B. The applicant has made adequate provision for loading, parking, and traffic circulation in, on and from the site. Specifically, a licensed engineer has designed the dock layout for proper navigation circulation.
 - C. The applicant has made adequate provision for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area. Specifically, the applicant has designed the boat launch and permanent dock site with the minimal amount of development necessary to achieve proper public access. In addition, it is continuing an existing use.
 - D. The applicant has provided evidence that the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water through erosion and sedimentation control plans, direction of runoff to vegetative buffers, and turbidity curtains.

- E. The proposal is otherwise in conformance with the Commission's Statutes and regulations, standards and plans, including Subchapter III of the Commission's Land Use Districts and Standards.
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 Statute, 12 M.R.S.A.

Therefore, the staff approves the application of the Maine Department of Inland Fisheries and Wildlife with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.
2. The Standard Conditions for Filling and Grading (ver. 7/02), a copy of which is attached.
3. The Standard Conditions for Vegetative Stabilization (ver. 10/00) a copy of which is attached.
4. Activities permitted in this permit must be begun within (2) years of date of issue and completed within (5) years from the 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.
5. All areas of exposed mineral soil above the normal high water mark must be seeded and mulched so as to avoid soil erosion and lake sedimentation.
6. Silt fencing and or staked hay bales must be placed between the work area above the normal high water mark and the open water in order to prevent sedimentation to the lake. No soil shall be disturbed when frozen or saturated conditions exist, and silt fence installed near the edge of Schoodic Lake should not be trenched, but should be anchored by stone. 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.
7. All equipment used below the normal high water mark of Schoodic Lake must be washed thoroughly prior to entering into the water.
8. Turbidity curtain must be used between the work area and the open water to prevent erosion and sedimentation into Schoodic Lake and be installed prior to any activity below the normal high water mark.
9. All construction material must be Commission approved.
10. The reconstructed permanent docking structure must be constructed in accordance with the site plan dated November 2015 as designed by Pine Tree Engineering.

11. All activities below the normal high water mark of Schoodic Lake shall be conducted at a period of low water and will be conducted with the use of clean heavy equipment or by pneumatic or hand tools.
12. All activities associated with the removal of rock debris below the normal high water mark shall be minimized to prevent sedimentation and siltation of Schoodic Lake and shall be removed off site if not reused.
13. All debris removed from the remnants of the old crib shall not be stored within 100 feet of the normal high water mark and shall be promptly removed from the site at the end of the project.
14. Imported fill if used in the project shall not be stored within 100 feet of the normal high water mark of Schoodic Lake.
15. If the project site exhibits any signs of Atlantic Salmon spawning all construction will cease until such time as the spawn is over.

This permit is approved only upon the above stated conditions and remains valid only if the permittees comply 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 GREENVILLE, MAINE, THIS 29th DAY OF JUNE, 2016.

By  _____

For: Nicholas D. Livesay, Executive Director