



PAUL R. LEPAGE  
GOVERNOR

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

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

## PERMIT

GREAT PONDS PERMIT 3388  
By Special Exception  
And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Allagash Gateway Campground and Cabins for Great Ponds Permit 3388 by Special Exception, finds the following facts:

1. Applicant: Allagash Gateway Campground and Cabins  
Attn: Steve Scanlin  
PO Box 396  
Millinocket, Maine 04462
2. Date of Completed Application: November 13, 2013
3. Location of Proposal: Township 3 Range 12, Piscataquis County  
Part of, Plan 02, Lot 01 (leased)
4. Zoning: (P-WL) Wetland Protection Subdistrict  
(D-GN) General Development Subdistrict
5. Affected Waterbody: Chesuncook Lake

The Commission has identified Chesuncook Lake as relatively accessible, relatively undeveloped, management class 7, resource class 1A lake with outstanding fisheries, wildlife, botanical, cultural, and physical resources. Chesuncook Lake is a flowed lake.

### Background

6. The applicants 48 acre leased lot on Chesuncook Lake is presently developed with a pre-LUPC (LURC) commercial campground to include cabins, camping area, lodge, outbuildings, a 256 foot long by 1 foot wide by 6 feet high wooden bulkhead on the shore, and a commercial/public gravel boat ramp. The bulkhead has deteriorated to the point that it is collapsing into Chesuncook Lake causing erosion and sedimentation into the waterbody. The boat ramp in the spring, because of existing site conditions, specifically, soil, slope, and water runoff, becomes extremely soft and creates sedimentation into the waterbody when used.

## **Proposal**

7. The applicant proposes to secure the currently collapsing and eroding bulkhead in the same location by placing rip rap along the 256 feet length and 6 feet height of the structure. The rip rap consisting of large shale rock would extend 10 feet out into the waterbody to achieve the 2 to 1 slope. The applicant also proposes to install a 10 foot by 12 foot pre-cast and cured concrete log boat ramp to secure the boat ramp from spring sedimentation. All work would be done at low water from above the waterline, except for toeing in the rip rap, using handtools, and an excavator from above the normal high water mark of Chesuncook Lake. Recognized sedimentation and erosion control devices would be used before, during, and after the project until the area is stabilized. The applicant states that this proposal is the best possible alternative in stabilizing the bulkhead and securing the boat ramp with the goal of minimizing soil disturbance and preventing erosion and sedimentation into Chesuncook Lake.

## **Review Criteria**

8. Under Section 10.23,N,3,c,(11) of the Commissions Land Use Districts and Standards shoreland alterations to include reconstruction of permanent docking structures may be allowed within a (P-WL) Wetland Protection Subdistrict upon the issuance of a permit.
9. Under Section 10.23,N,3,d,(8) of the Commissions Land Use Districts and Standards trailered ramps not in conformance with Section 10.27,L may be allowed by special exception within a (P-WL) Wetland Protection Subdistrict upon the issuance of a permit.
10. 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 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.
11. 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
12. 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.

The facts are otherwise as represented in Great Ponds Permit Application GP 3388 by Special Exception and supporting documents.

### **Review Comments**

12. Brookfield Power has reviewed the proposal and has granted the applicant permission to proceed with the project.
13. The Maine State Soil Scientist has reviewed the proposal, conducted a site visit, and has approved the project.

### **Based upon the above Findings, the staff concludes that:**

1. The proposed rip rap would be in conformance with the provisions of Sections 10.23,N,3,c(11) of the Commission's Land Use Districts and Standards.
2. The proposed concrete boat ramp would be in conformance with the provisions of 10.23,N,3,d,(8) by special exception of the Commission's Land Use Districts and Standards in that the applicant has shown by substantial evidence that there is no alternative site which is both suitable for the proposed project and is reasonably available to the applicant, the use will be buffered from the other uses or resources within the subdistrict with which it is incompatible, and agrees with conditions that the Commission is reasonably imposing in accordance with the policies of the Comprehensive Land Use Plan.
3. In accordance with the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, the proposed rip rap and concrete boat ramp meet the requirements for reduction from a Tier 3 to a Tier 2 wetland review.
4. The proposal would meet the provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards. Specifically, there exists no practicable alternative that would impact a smaller wetland area and the project would be completed when the water level is below the work area except for toeing in the rip rap and recognized erosion and sedimentation control devices would be used which will prevent sedimentation and erosion and minimize water quality impacts. The water quality classification of Chesuncook Lake is likely to be improved by the project.
5. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, nether a functional assessment nor compensation is required because the Commission already possesses the information necessary to determine the functions of the area proposed to be altered, and any impact to wetland functions and values from the activity will be improved because the shoreline will be permanently stabilized from the currently existing erosion and sedimentation.
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 Allagash Gateway Campground and Cabins with the following conditions:**

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

Notwithstanding Condition #3 of the Standard Conditions for Shoreland Alterations, activities authorized by this permit must be begun within two years of the date of issuance and completed within five years from the date of issuance of this permit

2. Any excavation or construction must be done when the lake 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.
3. 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.
4. All areas of disturbed 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.
5. No dredging may take place, except rocks and material that were part of the original structure may be moved and/or reused. New material shall be clean.
6. The boat ramp must be constructed using only pre-cast and cured concrete logs and not exceed 10 feet in width and 12 feet in length.
7. 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.
8. Should any erosion or sedimentation occur during construction, the permittee shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.
9. All wheeled or tracked equipment may be operated below the normal high water mark of Moosehead Lake or in the vegetated area above the normal high water mark but in no instance shall be operated in the open water or below the water line except as needed to toe in the rip rap to the lake bottom of Chesuncook Lake.

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 GREENVILLE, MAINE THIS 15th DAY OF NOVEMBER, 2013

  
\_\_\_\_\_  
For Nicholas Livesay, Director



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

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.



**US Army Corps  
of Engineers**®  
New England District

**U.S. Army Corps of Engineers  
Category 1 Notification Form**  
(for all LURC Expedited Shoreland Alteration Projects  
subject to Corps jurisdiction)

**Before** work commences, submit this to the following mailing address or complete the form at [www.nae.usace.army.mil/reg](http://www.nae.usace.army.mil/reg), “State General Permits,” “Maine.” Call (207) 623-8367 with any questions.

Maine Project Office  
U.S. Army Corps of Engineers  
New England District  
675 Western Avenue #3  
Manchester, Maine 04351

State Permit Number: \_\_\_\_\_  
Date of State Permit: \_\_\_\_\_  
State Project Manager: \_\_\_\_\_

Permittee: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Contractor: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Consultant/Engineer/Designer: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Wetland/Vernal Pool Consultant: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Phone(s) and Email: \_\_\_\_\_

Project Location/Description: \_\_\_\_\_  
Address, City, State & Zip: \_\_\_\_\_  
Tax Map-Plan & Lot #: \_\_\_\_\_  
Latitude/Longitude Coordinates: \_\_\_\_\_  
Waterway Name: \_\_\_\_\_  
Work Description: \_\_\_\_\_

Provide any prior Corps permit numbers: \_\_\_\_\_  
Proposed Work Dates: Start: \_\_\_\_\_ Finish: \_\_\_\_\_

Area of wetland impact: \_\_\_\_\_ SF  
Area of waterway impact: \_\_\_\_\_ SF

Your name/signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions of Category 1 of the Maine General Permit. For a copy of the Maine General Permit go to [http://www.nae.usace.army.mil/Regulatory/SGP/ME\\_GP.pdf](http://www.nae.usace.army.mil/Regulatory/SGP/ME_GP.pdf)

Permittee Printed Name: \_\_\_\_\_

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR CORPS USE:** Corps Permit Number: \_\_\_\_\_ Date Logged in: \_\_\_\_\_