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STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
LAND USE PLANNING COMMISSION  
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GREENVILLE, MAINE  
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WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## ROAD PERMIT RP 3279 HIKING TRAIL

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Maine Bureau of Parks and Lands for Road Permit RP 3279, finds the following facts:

1. Applicant: Maine Bureau of Parks and Lands  
Attn: Rex Turner  
22 State House Station  
Augusta, Maine 04333-0022
2. Date of Completed Application: July 11, 2014
3. Location of Proposal: Frenchtown Township, Piscataquis County  
Taxation Plan 01, Lot 1 (part of);
4. Zoning: (P-MA) Mountain Area Protection Subdistrict
5. Lot Size: Easement 6.67 acres
6. Development: One (1) Mile of approximately 4'-6' wide hiking trail

### Proposal

7. On July 9, 2014, the Maine Bureau of Parks and Lands (BPL) submitted an application for a proposed approximately four (4) to six (6) foot wide hiking trail, which would extend approximately one (1) mile into the Mountain Area Protection Subdistrict (P-MA) to the summit of #4 Mountain in Frenchtown Township, Piscataquis County. A trail is a use that may be allowed within a P-MA Subdistrict upon issuance of a permit. The proposed trail extension into the P-MA Subdistrict was part of a longer hiking trail, which is a use allowed without a permit within the other subdistricts that were crossed. The applicant proposes very limited clearing and soil disturbance to extend the trail. No heavy equipment would be used for the trail construction; there would be no stumping and minimal pruning and cutting. The route would be located to minimize soil disturbance. All construction and maintenance work would be done by hand, with very minimal vegetative clearing and soil disturbance. The trail would be located within a segment of the "Moosehead Hiking Trails Easement" made between Plum Creek Maine Timberlands, L.L.C. and the State of Maine.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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8. The applicant proposes to maintain the trail for non-motorized, public recreational uses as a part of the Moosehead Trail System established under the Concept Plan for the Moosehead Lake Region approved pursuant to Zoning Petition ZP 707 for Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company.

### **Agency Review Comments**

9. After reviewing the proposal, the Maine Natural Areas Program commented that there were no rare botanical features that would be disturbed within the project site.
10. After reviewing the proposal, the Maine Historic Preservation Commission concluded that there would be no historic properties affected by the proposed undertaking.
11. After visiting the site with the applicant on June 4, 2014, the Maine State Soil Scientist recommended that the applicant utilize proper trail construction techniques. This included constructing the trail across the most suitable soils, minimizing vegetative clearing and following a route that avoids erosion problems. Based on the soils and site conditions he observed during his site visit, he had no objections to the trail construction project.

### **Commission Review Criteria**

12. Under the provisions of Zoning Petition ZP 707 for Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company, construction and maintenance of trails for non-motorized, public recreational uses is a use allowed as part of the Moosehead Trail System established under the Concept Plan for the Moosehead Lake Region.
13. Under the provisions of Section 10.23,G,3,c,(9) of the Commission's Land Use Districts and Standards, construction of trails is a use that may be allowed with a permit from the Commission within a (P-MA) Mountain Area Protection Subdistrict.
14. Pursuant to 12 M.R.S.A. §685-B,4,(C), the Commission may not approve an application, unless 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 on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal.
15. The facts are otherwise as represented in Road Permit application RP 3279, and supporting documents.

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

1. In accordance with Zoning Petition ZP 707 for Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company, construction and maintenance of a hiking trail for non-motorized, public recreational uses is a use allowed as part of the Moosehead Trail System established under the Concept Plan for the Moosehead Lake Region.
2. In accordance with Sections 10.23,G,3,c,(9) of the Commission's Land Use Districts and Standards, the proposed hiking trail is an allowed use in a (P-MA) Mountain Area Protection Subdistrict.

3. In accordance with 12 M.R.S.A. §685-B,4,(C), the proposed construction and maintenance of a hiking trail for non-motorized use would not be expected to have an undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal.
4. 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 the Maine Bureau of Parks and Lands 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. The scenic character of the area of the project covered by this permit must be maintained. The area must be kept free of litter, trash and any other obvious eyesores or unsanitary deposits.
3. 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.
4. Clearing shall be limited to only the very limited area required to construct the hiking trail. Extending and maintaining the hiking trail shall be limited to cutting limbs and very minimal vegetative clearing. The permittee shall not stump the project site and/or trail.
5. The permittee shall utilize proper trail construction techniques to extend and maintain the hiking trail, which provides access to the #4 Mountain site. This includes constructing the trail across the most suitable soils in a route that avoids erosion problems and avoids cutting down mature trees.

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 TWENTY EIGHTH DAY OF JULY, 2014.

for:  Roderick J. Falla  
Nicholas D. Livesay, Executive Director