



PAUL RICHARD LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
MAINE LAND USE PLANNING COMMISSION  
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P.O. BOX 307  
WEST FARMINGTON, MAINE  
04992-0307

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## ROAD CONSTRUCTION PERMIT RP 3280

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by the Maine Appalachian Trail Club for Road Construction Permit RP 3280, finds the following facts:

1. Applicant: Maine Appalachian Trail Club  
c/o David B. Field  
191 Emerson Mill Road  
Hampden, ME 04444
2. Date of Completed Application: August 6, 2015
3. Location of Proposal: Madrid Township, Franklin County  
Tax Plan 04, Lots #2.2, #3, #3.1 & #5.1
4. Zoning: (P-MA) Mountain Area Protection Subdistrict

### Proposal

5. The applicant proposes to establish a hiking trail from the Fly Rod Crosby Multi-Use Trail to the Appalachian National Scenic Trail on Saddleback Mountain. The proposed trail would be approximately 1.7 miles long overall, with approximately 1.15 miles of the trail to be located above 2700 feet elevation. Portions of the proposed trail would be located over National Park Service land, and also over private lands owned by Linkletter Timberlands, LLC and the Appalachian Trail Conservancy. The applicant has obtained written permission from all affected landowners to construct and maintain the proposed trail.

Approximately 0.8 miles of the proposed route in the (P-MA) Mountain Area Protection Subdistrict would be over an existing local trail known as the "Berry Pickers' Trail." Work on the existing trail in the (P-MA) Mountain Area Protection Subdistrict would be limited to blazing the trail and pruning back vegetation encroaching into the trail. Approximately 0.35 miles of the

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proposed trail in the (P-MA) Mountain Area Protection Subdistrict would be a new trail. New trail construction would involve clearing an approximately 6-foot wide pathway, and placing stepping stones across any wet areas. New trail construction would not involve any soil disturbance.

The proposed trail would be constructed and maintained by the applicant in accordance with the general standards set forth by the Appalachian Trail Conservancy in its manual, Trail Design, Construction, and Maintenance; and in accordance with the policies of the applicant's Local Plan for the Management of the Appalachian Trail in Maine. The portion of the trail located over National Park Service land would also be constructed and maintained in accordance with the National Environmental Policy Act.

#### Site Conditions:

6. Soils within almost the entire trail corridor within the (P-MA) Mountain Area Protection Subdistrict have been identified by the Natural Resources Conservation Service as Ricker-Rock outcrop complex, very steep; with a very minor component of Ricker Saddleback association, very steep near the 2700 foot elevation line.
7. Most of the existing Berry Pickers Trail in the (P-MA) Mountain Area Protection Subdistrict is located over open granite ledge interspersed with short sections of vegetation growing on thin soil over ledge. The proposed new section of trail within the (P-MA) Mountain Area Protection Subdistrict would over relatively gentle terrain. The nearest surface water body is Winship Stream, located approximately 1500 feet away from the portion of the trail corridor within the (P-MA) Mountain Area Protection Subdistrict.
8. The area surrounding and within the trail corridor within the (P-MA) Mountain Area Protection Subdistrict is currently used for forest management, primitive recreational and conservation purposes.

#### Review Criteria

9. Under the provisions of Section 10.23,G,3,c(9) of the Commission's Land Use Districts and Standards, areas above 2,700 feet in elevation are to be zoned as (P-MA) Mountain Area Protection Subdistrict, except where the Commission determines from substantial evidence presented to it that designation otherwise would not jeopardize significant natural, recreational or historic resources and where such other designation would be consistent with the purpose, intent and provisions of the Comprehensive Land Use Plan and 12 M.R.S.A. §206-A.
10. Under the provisions of Section 10.23,G,3,c(9) of the Commission's Land Use Districts and Standards, trails are an allowed use within the (P-MA) Mountain Area Protection Subdistrict upon issuance of a permit from the Commission.
11. Under the provisions of Section 10.02(89) of the Commission's Land Use Districts and Standards, "high mountain areas" are defined as all mountain areas included in Mountain Area Protection Subdistricts (P-MA), as described in Section 10.23,G and shown on the Commission's Land Use Guidance Maps.

12. Under the provisions of Section 10.02(167) of the Commission's Land Use Districts and Standards, the term "protected natural resources" includes high mountain areas.
13. Section 10.25,P,3 of the Commission's Land Use Districts and Standards regarding protected natural resources stipulates that uses requiring a permit under Section 10.23,G,3,c of the Commission's standards meet the review criteria of Section 10.25,P,1 for determination of no unreasonable impacts. The relevant review criteria of Section 10.25,P,1 are as follows:
  - a. *Existing Uses*. The activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
  - b. *Soil Erosion*. The activity will not cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
  - c. *Harm to Habitats; Fisheries*. The activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life. In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity. For purposes of Section 10.25,P,1,c, "mitigation" means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse impact on the significant wildlife habitat. Under Section 10.25,P,1,c(2), mitigation may include minimizing an impact by limiting the magnitude, duration or location of an activity or by controlling the timing of an activity.

#### Review Agency Comments

14. The Maine Natural Areas Program (MNAP) initially commented that it had concerns regarding the section of the proposed trail where it would connect with the Appalachian Trail since that area is known to support rare alpine plants. The MNAP identified nine S1, S2 and S3 plant communities that have been identified in this area. Don Cameron of the MNAP subsequently visited the project site with Claire Polfus of the Appalachian Trail Conservancy on October 20, 2015, and the MNAP summarized its recommendations based on that site visit in an October 21, 2015 memorandum from Mr. Cameron to Commission staff.

During the site visit Mr. Cameron found that the portion of the proposed trail from the 2,700-foot elevation line to approximately 3,450 foot elevation is within a moderately steep woodland-heath community. Two rare plant species were identified in this area: alpine sandwort and alpine blueberry. The alpine sandwort was limited to a single small patch that can be avoided by locating the trail around this location. The alpine blueberry was found occasionally in open areas, mixed in with patches of other low growing shrubs and lichens. The MNAP recommends keeping the trail on bare rock and away from open, low growing vegetated pockets to prevent any significant damage to the alpine blueberry. The MNAP recommends laying out the trail so that

overall damage to the woodland-heath community, particularly to the fragile, open heathy turf, is kept to a minimum.

MNAP staff found that the project area from about 3,450 feet elevation to about 3,700 feet elevation, is dominated by a closed canopy sub-alpine fir forest. MNAP staff further state that the area previously of concern, where the proposed trail would intersect the Appalachian Trail, is also forested and well away from any open alpine habitat capable of supporting any rare plants. Therefore, this area is no longer a concern to the MNAP

15. The Maine Department of Inland Fisheries & Wildlife comments that the project area is within habitat for Bicknell's thrush which is designated by the Department as a Species of Special Concern. Accordingly, it recommends that any trail work occur outside the May – July 15<sup>th</sup> nesting season for the species. The Department states that it has no concerns regarding potential impacts to fisheries resources from the proposal.
16. The Maine State Soil Scientist states that he has no objections to the proposal since no soil would be disturbed, and any wet areas or soft ground would be protected by the use of stepping stones in the trail.
17. The Maine Historic Preservation Commission states that the proposal will not adversely affect historical properties.

#### Applicant's Response to Review Criteria

18. The applicant states the following in regards to the review criteria of Section 10.25,P,1 of the Commission's Land Use Districts and Standards:
  - a. *Existing Uses*. The applicant states that the proposed trail would not be visible to any public roads, or to any existing trails other than the Appalachian Trail where the new trail would intersect it. Accordingly, it anticipates that the proposed trail will not adversely affect scenic resources in the area.
  - b. *Soil Erosion*. The applicant states that the proposed trail construction would not involve any soil disturbance and that there are very few wet areas along the proposed route. The applicant states that stepping stones would be placed across wet areas as needed to protect the ground from erosion due to hiker traffic.
  - c. *Harm to Habitats*: The applicant agrees to implement the recommendations of the MNAP to minimize impacts to rare, threatened or endangered plant species, as discussed under Finding of Fact #14, above. It also agrees to limit trail work to the time period recommended by the MDIFW to minimize impacts to Bicknell's thrush, as discussed under Finding of Fact #15 above.
19. The facts are otherwise as represented in Road Construction Permit Application RP 3280 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal would not have an unreasonable impact on the existing uses or resources of the affected high mountain area under the provisions of Section 10.25,P,3 of the Commission's Land Use Districts and Standards. Specifically, the proposed recreational trail is consistent with the existing forest management, conservation purposes, and recreational uses within and in the vicinity of the project area. Furthermore, the proposal would have minimal impact on the scenic resources of the high mountain area since it would generally not be visible from existing trails and roads in the area. The proposal would not result in any significant soil erosion since the proposed trail construction would not involve any soil disturbance, and stepping stones would be used to protect any wet areas in the trail corridor from erosion due to hiker traffic.

Potential impacts to significant animal habitats and to threatened or endangered plant habitat in the project area would be adequately mitigated pursuant to Section 10.25,P,1,c(2) of the Commission's standards. Specifically, mitigation of impacts to significant animal habitats would be achieved by timing of trail construction activities as recommended by the MDIFW to protect the Bicknell's thrush habitat. Similarly, impacts to rare, threatened or endangered plant species in the project area would be adequately mitigated by adjusting the location of the trail as recommended by the MNAP.

2. 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 Appalachian Trail Club 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. 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 is subject to prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. No trail construction activities may occur from May 1 through July 15 of the calendar year.
4. The permittee shall comply with the guidelines of the Maine Natural Areas Program (MNAP) regarding the location of the permitted trail as discussed in the memorandum dated October 21, 2015 from Don Cameron of the MNAP, and attached as Appendix A to this permit.
5. The permitted trail must be constructed and maintained so that it does not erode, and in accordance with the standards and policies described under Finding of Fact #5 of this permit.

6. 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.
7. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies.
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.

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 30th DAY OF DECEMBER, 2015.

By:   
for Nicholas Livesay, Director

**Road Construction Permit RP 3280  
APPENDIX A**

**MEMORANDUM**

**Maine Natural Areas Program**

17 Elkins Lane  
State House Station #93  
Augusta, Maine 04333

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**Date:** October 21, 2015  
**To:** Sara Brusila, LUPC  
**CC:** Claire Polfus, Dave Field  
**From:** Don Cameron, Ecologist  
**Re:** Site Visit For Proposed "Berry Pickers Trail", Madrid, ME.

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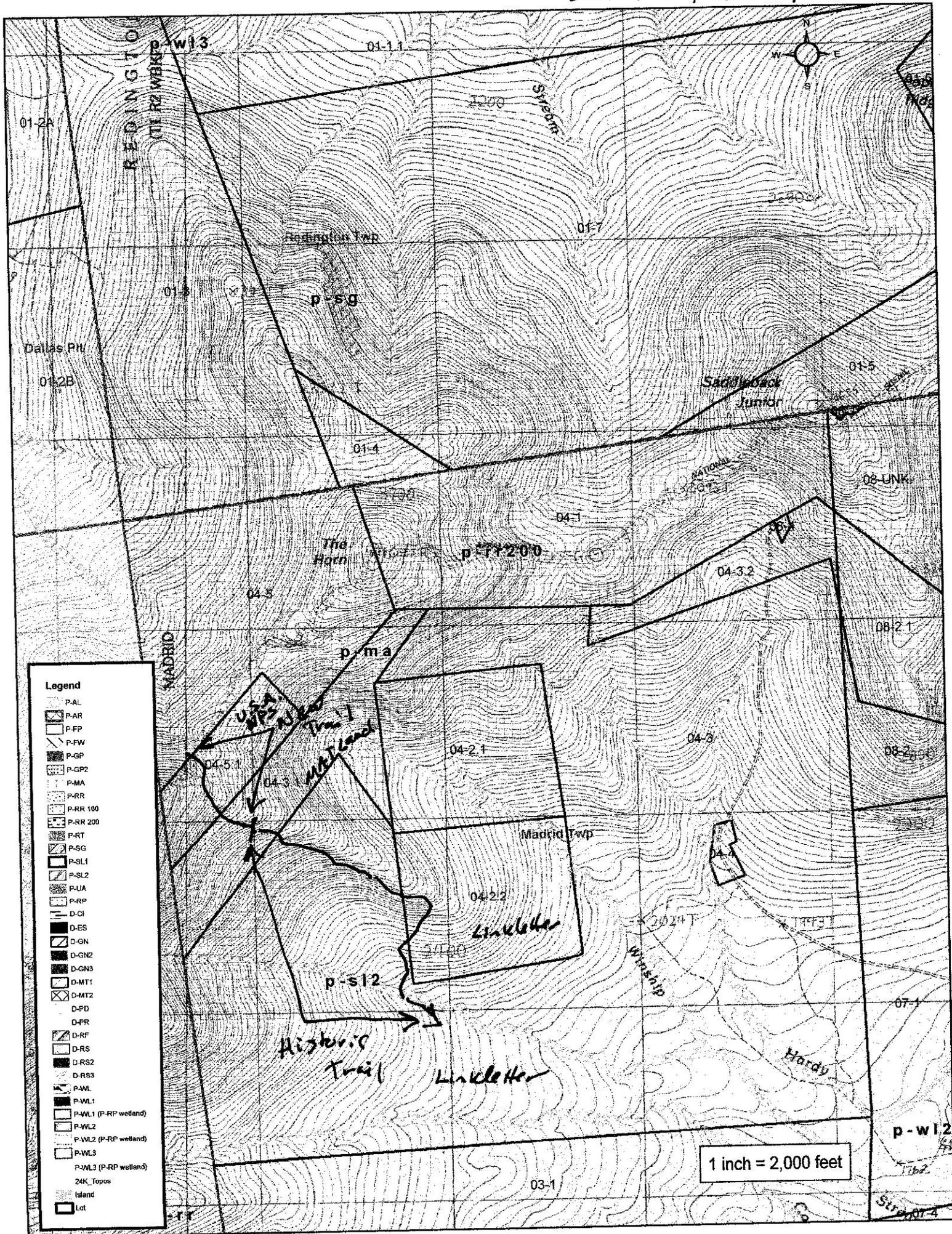
On Tuesday, October 20, 2015, Don Cameron (Maine Natural Areas Program) did a site visit with Claire Polfus (Appalachian Trail Conservancy) of the proposed Berry Pickers Trail which will provide access from the east to the main ridge of Saddleback Mountain in Madrid, Maine. Of primary interest was ensuring the proposed trail would not inadvertently harm occurrences of rare alpine plant species.

The lower section of the trail, below 2700' in elevation, traverses common forest types which did not support any rare plant species. Above 2700' the trail emerges into a moderately steep woodland - heath community. In this area patches of bare rock are common and low growing patches of black crowberry, sheep laurel, and rhodora occur scattered on thin turf along the edges of open areas and elsewhere mixed amongst stunted spruce and fir. This habitat extends up the sub-ridge until approximately 3,450' where the forest closes and is dominated primarily by stunted fir. Two rare plant species were observed within the woodland - heath community in the vicinity of the proposed trail, alpine sandwort (*Minuartia groenlandica*) and alpine blueberry (*Vaccinium boreale*). Both of these species are tracked by MNAP as Special Concern species. The alpine sandwort was limited to a single small patch and can be avoided if the trail passes behind a rock to the west of the plants. Alpine blueberry was occasional in open areas, generally mixed in with patches of other low growing shrubs and lichens. Keeping the trail on bare rock and away from open, low growing vegetated pockets should prevent any significant damage to this species. Along with locating the rare plants, we also discussed the importance of laying the trail out so that overall damage to the woodland - heath community, particularly the fragile, open heathy turf, is kept to a minimum.

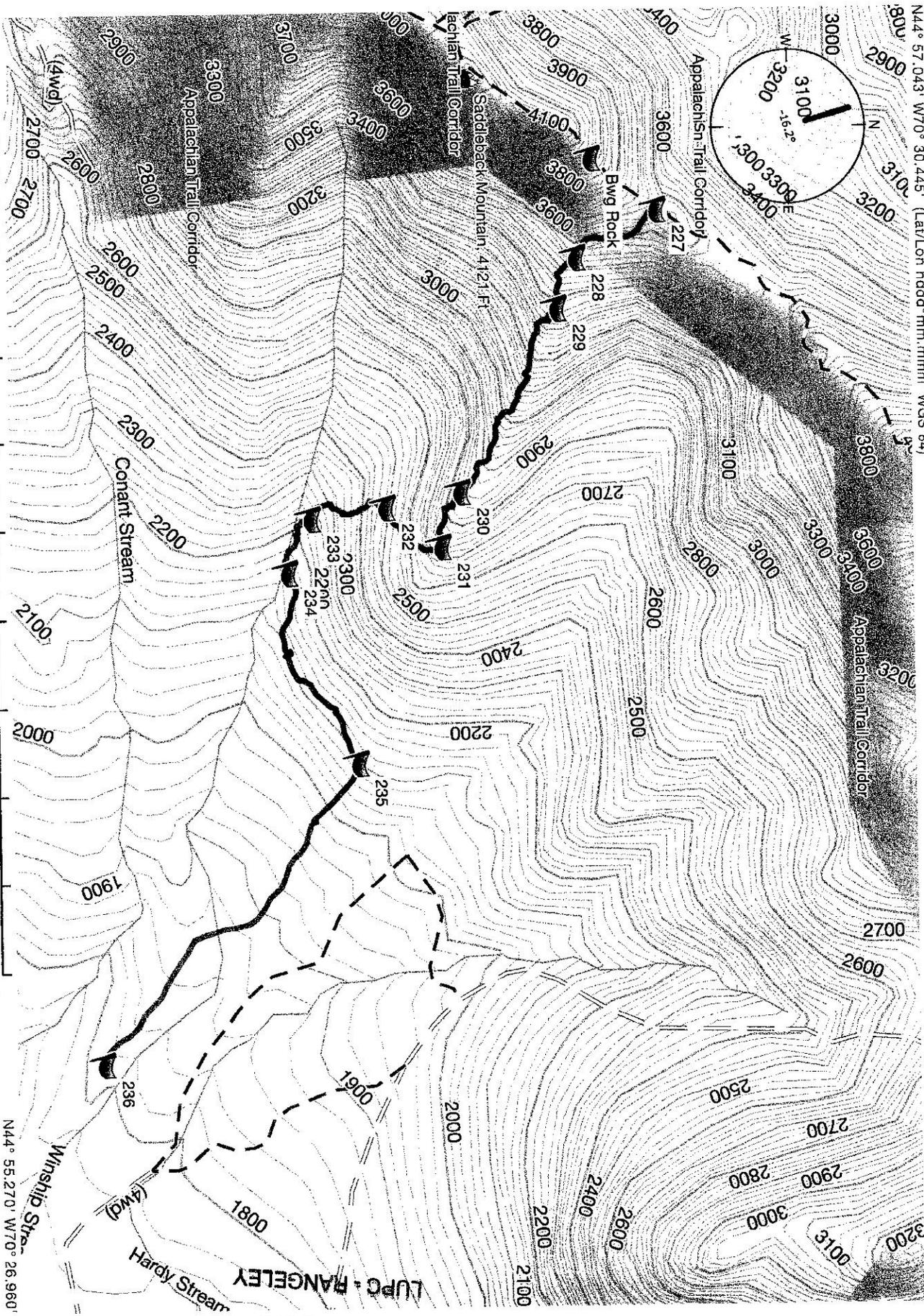
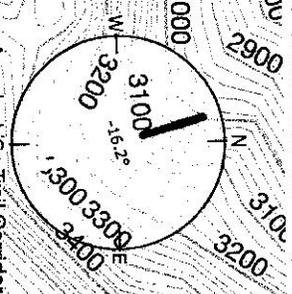
Starting at about 3,450' and continuing up to the mountain's main ridge to about 3,700', the trail traverses an area dominated by a closed canopy sub-alpine fir forest. The proposed trail joins the existing Appalachian Trail at a low point which is also forested. This upper-most section of the proposed trail is well away from any open alpine habitat capable of supporting rare plants and is therefore not a concern.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact our office if you have further questions about the Natural Areas Program or about rare or unique botanical features at this site.

EX. A - Tax Map



N44° 57.043' W70° 30.445' (Lat/Lon hddd° mm.mmm) WGS 84



TOPO U.S. 24K - Northeast

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2009. © Navteq All Rights Reserved.  
2008.

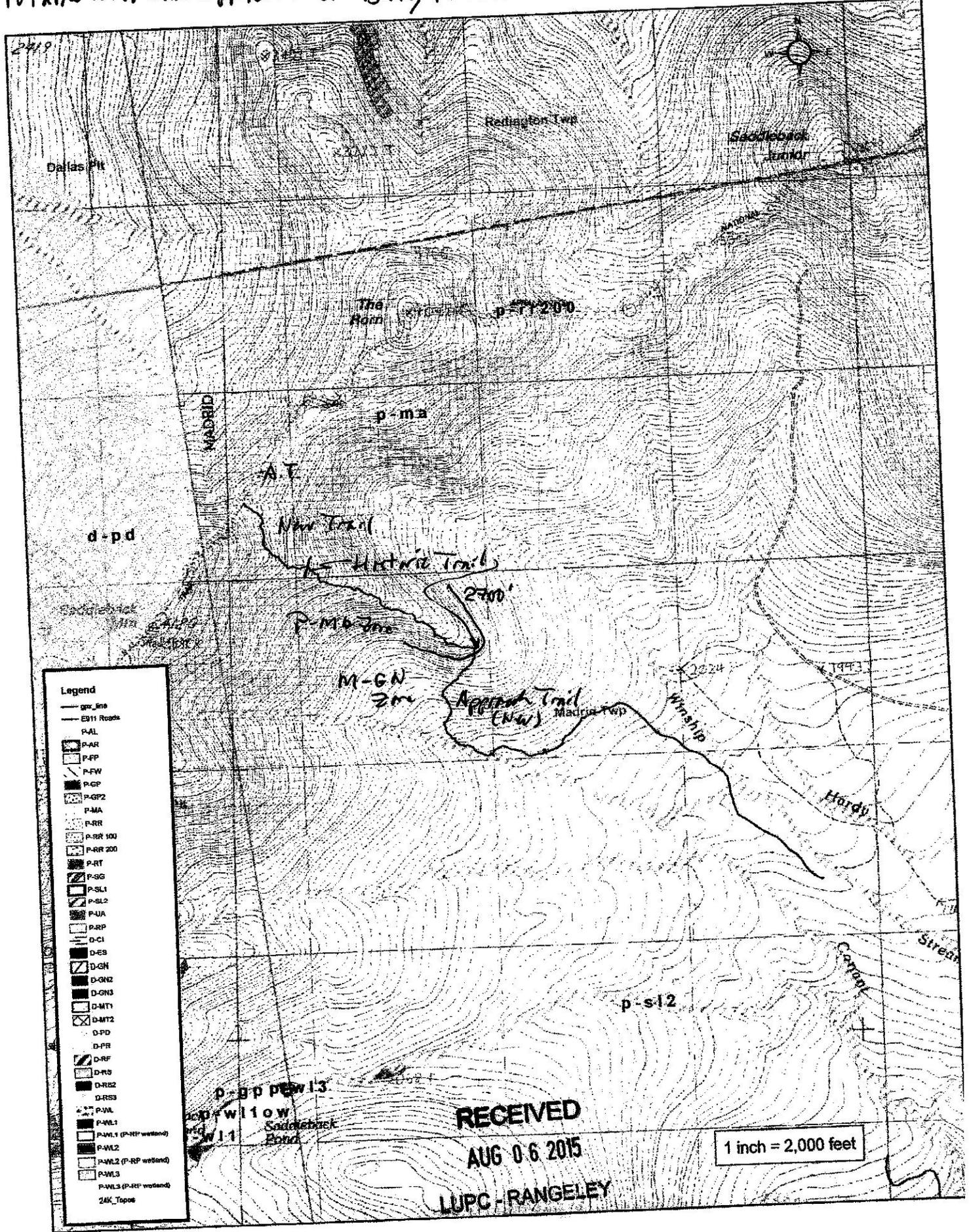


*Map of T. Claw Application for Berry Pickers Trail  
Exhibit A2. Location map*

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Maine A.T. Club Application for Berry Pickers' Trail, Exhibit E-1. Site Plan



**Legend**

- geo\_line
- E811 Roads
- P-RAL
- P-RR
- P-PP
- P-FW
- P-GP
- P-GP2
- P-MA
- P-RR
- P-RR 100
- P-RR 200
- P-RT
- P-SG
- P-SL1
- P-SL2
- P-UA
- P-RP
- D-C1
- D-ES
- D-GN
- D-GN2
- D-GN3
- D-MT1
- D-MT2
- D-PD
- D-PR
- D-RF
- D-RS
- D-RS2
- D-RS3
- P-WL
- P-WL1
- P-WL1 (P-RP wetland)
- P-WL2
- P-WL2 (P-RP wetland)
- P-WL3
- P-WL3 (P-RP wetland)
- 2AK\_Topos

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 AUG 06 2015  
 LUPC - RANGELEY

1 inch = 2,000 feet