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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

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EXECUTIVE DIRECTOR

## PERMIT

### SHORELAND ALTERATIONS PERMIT SA 1064 AND WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Megantic Fish and Game Corporation for Amendment A to Shoreland Alterations Permit SA 1064 finds the following facts:

1. Applicant: Megantic Fish and Game Corporation  
Attn: Peter Sewall  
259 Federal Row  
Industry, ME 04938
2. Date of Completed Application: January 17, 2014
3. Location of Proposal: Seven Ponds Township, Franklin County  
MRS Tax Map FR012, Plan 01, Lot #2
4. Zoning: (D-GN) General Development Subdistrict  
(P-WL1) Wetland Protection Subdistrict  
(P-GP) Great Pond Protection Subdistrict
5. Affected Water Body: Big Island Pond

The Commission has identified Big Island Pond as a resource class 2, accessible, undeveloped lake with the following resource ratings: significant fisheries and scenic resources.

#### Background

6. The applicant's 69 acre lot has 5,000 feet of frontage on Big Island Pond. The lot is developed with a pre-Commission non-profit sporting camp complex with several camps, a log crib breakwater, and several permanent and seasonal docking structures located around Big Island Pond. All of the camps and docks and the breakwater were originally constructed prior to the inception of the Commission in 1971.
7. Great Ponds permit GP 502, issued to the applicant in November of 1991, authorized the reconstruction of the top section of the log crib breakwater.

8. Amendment A to Great Ponds Permit GP 502, issued to the applicant in July of 2000, authorized the reconstruction of a 16 foot by 40 foot floating dock.
9. All structures authorized in Great Ponds Permit GP 502 and subsequent amendments were for access to the main camp complex only.
10. Shoreland Alterations Permit SA 1064, issued to the applicant in May of 2013, authorized the reconstruction of three separate permanent docks, at Sites A, B, and C at the shoreline of Big Island Pond on the applicant's lot. The permitted reconstructed docks serve individual camps.

### Proposal

11. The applicant now proposes to reconstruct a permanent 8 foot by 37 foot log float at Site E at the shoreline of Big Island Pond on the applicant's lot. The float was constructed in the early 1900's and serves an individual camp. Access to the camp is by water only as there is no road access. The area above the normal high water mark of Big Island Pond at Site E is zoned (P-GP) Great Pond Protection Subdistrict and the area below the normal high water mark is zoned (P-WL1) Wetland Protection Subdistrict. The landward end of the float is approximately 13 feet from the normal high water mark of the pond and thus the float extends to approximately 50 feet from the normal high water mark. The log float is accessed from the shore by a 2 ½ foot wide by 16 foot long seasonal ramp that would also be reconstructed. The float and ramp would be reconstructed to their original dimensions and in their original locations. The far end of the reconstructed float would be secured to a large boulder on the pond bottom, as is the existing float.
12. The log float would be constructed of eight 40-foot logs, hemlock timbers and hemlock decking. The reconstruction would be done by manual labor and using only hand tools, with no machinery to be used. No structures would be set into the bottom of the pond and no disturbance of the pond bottom is anticipated.

The existing log float and materials for the proposed reconstructed float would be transported by water across Big Island Pond to and from an existing landing area at the northwest end of the pond.

13. The applicant states that a temporary dock/float system would not be feasible at the project location due to extreme high winds.

### Review Comments

14. The Army Corps of Engineers has reviewed the application and has determined that a Corps' permit is not required for the proposal.
15. The Department of Inland Fisheries and Wildlife, Fisheries Division, has reviewed the proposal and states that it has no concerns regarding the proposal in relation to fisheries.
16. The Maine Natural Areas Program has reviewed the proposal and states that its database lists no rare botanical features within the project area.
17. The Maine Bureau of Parks and Lands, Submerged Lands Program, has issued Submerged Lands Lease (No. 1548-L-40) to the applicant for the state-owned submerged lands of Big Island Pond occupied by the applicant's docking and float structures, including the permanent log float at Site E. The lease was issued on May 1, 2013, and expires on December 31, 2040.

Review Criteria

18. Under provisions of Sections 10.23,E,3,c(14) and 10.23,N,3,c(11) of the Commission's Land Use Districts and Standards, shoreland alterations, including reconstruction of permanent docking structures are allowed in a (P-GP) Great Pond Protection Subdistrict and a (P-WL) Wetland Protection Subdistrict, respectively, upon issuance of a permit from the Commission.
19. Under the 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 are subject to a Tier 3 review. However, alterations of P-WL1 wetlands may be eligible for a Tier 1 or 2 review if the Commission determines 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 in and around the alteration site, elevation differences and hydrologic connection to surface water or other protected natural resources.
20. Under the provisions of Section 10.25, P, 2 of the Commission's Land Use Districts and Standards, projects involving wetland alterations that are subject to a Tier 2 review must address the following standards:
  - (a) *Avoidance* –The project must not cause a loss in wetland area, function and values if there is a practical alternative to the project that would be less damaging to the environment. The application must provide an analysis of alternatives in order to demonstrate that a practical alternative does not exist.
  - (b) *Minimal alteration* –The project must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.
  - (c) *Water quality* –The project must comply with applicable water quality standards; i.e. the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality certification standards contained in 38 M.R.S.A. Chapter 465.
  - (d) *Erosion control* –The project must use erosion control measures to prevent sedimentation of surface waters.
  - (e) *Compensation* – Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve a no net loss of wetland functions and values. The Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project. However, the Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirements for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to 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.

21. Reconstruction of permanent docking facilities must meet the applicable provisions of Section 10.27,O,1 of the Commission's Land Use Districts and Standards, as follows:

- a. A permit for reconstruction shall not be issued unless the permanent docking structure is legally existing. For docks larger than the size limitations for new or expanded docks in Section 10.27,O,2,b, the size of the reconstructed dock must be no more than 90 percent of the size of the original structure. The dock shall be reconstructed in the same location, except as provided for in Section 10.27,O,1,d. The reconstructed structure must not extend farther into the waterbody than the existing structure. Reconstruction of a permanent docking structure shall not include reconstruction of any other structure, such as a shed or boathouse, which is attached to the docking structure, except as provided for in a (D-MT) Maritime Development Subdistrict. Reconstructed docks must meet the construction standards in Section 10.27,O,4.
- b. An application to obtain a permit to reconstruct a permanent docking structure must be completed and filed within two years of the date of damage, destruction, or removal; and a permit shall not be issued unless the docking structure was functional within a two year period immediately preceding the damage, destruction, or removal.
- c. Reconstruction may not take place within significant wildlife habitat, as defined in Section 10.02 of the Commission's Land Use Districts and Standards, or impact rare plants and natural communities, as identified by the Maine Natural Areas Program. Reconstruction may not take place within 250 feet of essential wildlife habitat, as defined in 12 M.R.S.A., Chapter 713, Subchapter V, Sections 7754 and 7755-A unless the applicant has obtained approval from the Maine Department of Inland Fisheries and Wildlife.
- d. The reconstructed docking structure must be in the same location on the shoreline as the existing structure, except that when possible, reconstructed structures not meeting the minimum property line setback must be relocated to meet the property line setback.
- e. The reconstructed docking structure must not interfere with, or reduce the opportunity for, existing navigation and recreational uses of the site.
- f. The reconstructed docking structure and activities associated with reconstruction must not alter the hydrology of the waterbody, permanently interfere with natural flow, or cause impoundment of the waterbody in excess of the existing structure. Fish passage must not be blocked.

22. Section 10.27,O,4 of the Commission's Land Use Districts and Standards includes the following construction standards for the reconstruction, expansion and new construction of permanent docking structures:

- a. New or expanded docking structures must be constructed using methods, such as pilings, that allow for free flowing water and fish passage beneath the dock.
- b. When located over eel grass beds, or salt or emergent marsh vegetation that is ten feet or greater in width, the deck height above the substrate must be at least equal to the dock's width;

- c. The use of untreated lumber is preferred, although pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.
  - d. Uncured concrete must not be placed directly in the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed; and
  - e. Except within (D-MT) Maritime Development Subdistricts, new or expanded permanent docks must not include or accommodate non-water dependent structures, including but not limited to, gazebos, screen houses, or other enclosed or semi-enclosed structures.
23. The facts are otherwise as represented in Shoreland Alterations Permit SA 1064, Amendment Request A and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed reconstruction of the permanent log float will not cause an adverse impact to the local fisheries or protected natural resources provided the work is done manually, the log float is reconstructed at its original location, and the pond bottom is not disturbed, as proposed. Therefore, the project qualifies for a reduction from a Tier 3 to a Tier 2 wetland review.
2. The proposed reconstructed permanent float meets the criteria of a Tier 2 wetland review under Section 10.25, P of the Commission's Standards, as follows:
  - A. There is no practicable alternative to the proposed reconstruction of the log float that would be less damaging to the environment. Specifically, a temporary docking facility is not feasible due to high wind conditions at the project site.
  - B. The amount of wetland to be altered has been minimized to the amount necessary. Specifically, the proposed reconstructed float would be no larger than the original log float that is of a size necessary to provide sufficient access to the site historically.
  - C. The proposal would not violate any state water quality standards, and would not alter wetland hydrology.
  - D. Erosion control measures are not needed for the project since the project would not cause any disturbance of upland areas or the pond bottom.
  - E. Compensation will not be required because any impact to wetland functions would be insignificant. Specifically, the log float to be reconstructed has been in place for many years, and the proposed replacement would be in-kind and would not expand the footprint of the original structure. The proposed structures would be located in the same location and would not impact property line setbacks and would not alter the hydrology of the water body, interfere with the natural flow, impound the water body, or create a barrier for fish passage, as discussed under Conclusion #3 below.
3. The proposed reconstructed permanent float meets the criteria for reconstruction of a permanent docking structure under Section 10.27, O, 1 of the Commission's Standards. Specifically, the existing permanent float to be replaced is legally existing in that it was constructed prior to the Commission's inception in

1971. Furthermore, the proposed reconstructed float would be in the same location and footprint as the original float and would not extend any farther into the pond than the existing float. The proposed reconstructed float would meet the construction standards of Section 10.27,O,4, as discussed under Conclusion #4 below.

In addition, the application for the proposed reconstruction has been filed in a timely manner in accordance with Section 10.27,O,1,b. Furthermore, the proposed reconstructed float would not be located within or near any significant or essential wildlife habitats designated by the Maine Department of Inland Fisheries and Wildlife; or impact any rare plants or natural communities, as identified by the Maine Natural Areas Program. The proposed reconstructed float would not affect existing navigation and recreational uses of the project are in that it would be an in-kind replacement of an existing structure that has been in place for many years. Lastly, the proposed reconstructed float would not alter the hydrology of the pond, interfere with natural flow, cause impoundment of the pond or block fish passage since the area under the reconstructed float would remain open and not obstructed by any support structures.

4. The proposed reconstructed permanent float meets the construction standards under Section 10.27,O,4 of the Commission's Standards. Specifically, the reconstructed float would be constructed to allow for free flowing water and fish passage beneath the float as discussed under Conclusion #3 above, the reconstructed float would not be located over any emergent marsh vegetation, the float would be constructed of untreated lumber, no concrete would be utilized in the construction of the float, and the float would not incorporate any non-water dependent structures.
5. 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 Megantic Fish and Game for reconstruction of permanent docks with the following conditions:**

1. The Standard Conditions for Shoreland Alterations (ver. 4/04), a copy of which is attached.
2. No motorized equipment may be operated below the normal high water mark of Big Island Pond.
3. The permitted reconstructed float must be constructed in its original location and no larger than its original dimensions, and must not extend more than 50 feet from the normal high water mark of Big Island Pond.
4. 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 25th DAY OF MARCH, 2014.

By: *Sara Z. Bruns*  
for Nicholas Livesay, Director



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

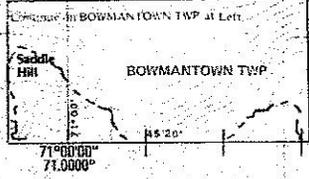
STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ALTERATION PERMITS

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.

Administrative Policy  
Revised 4/91

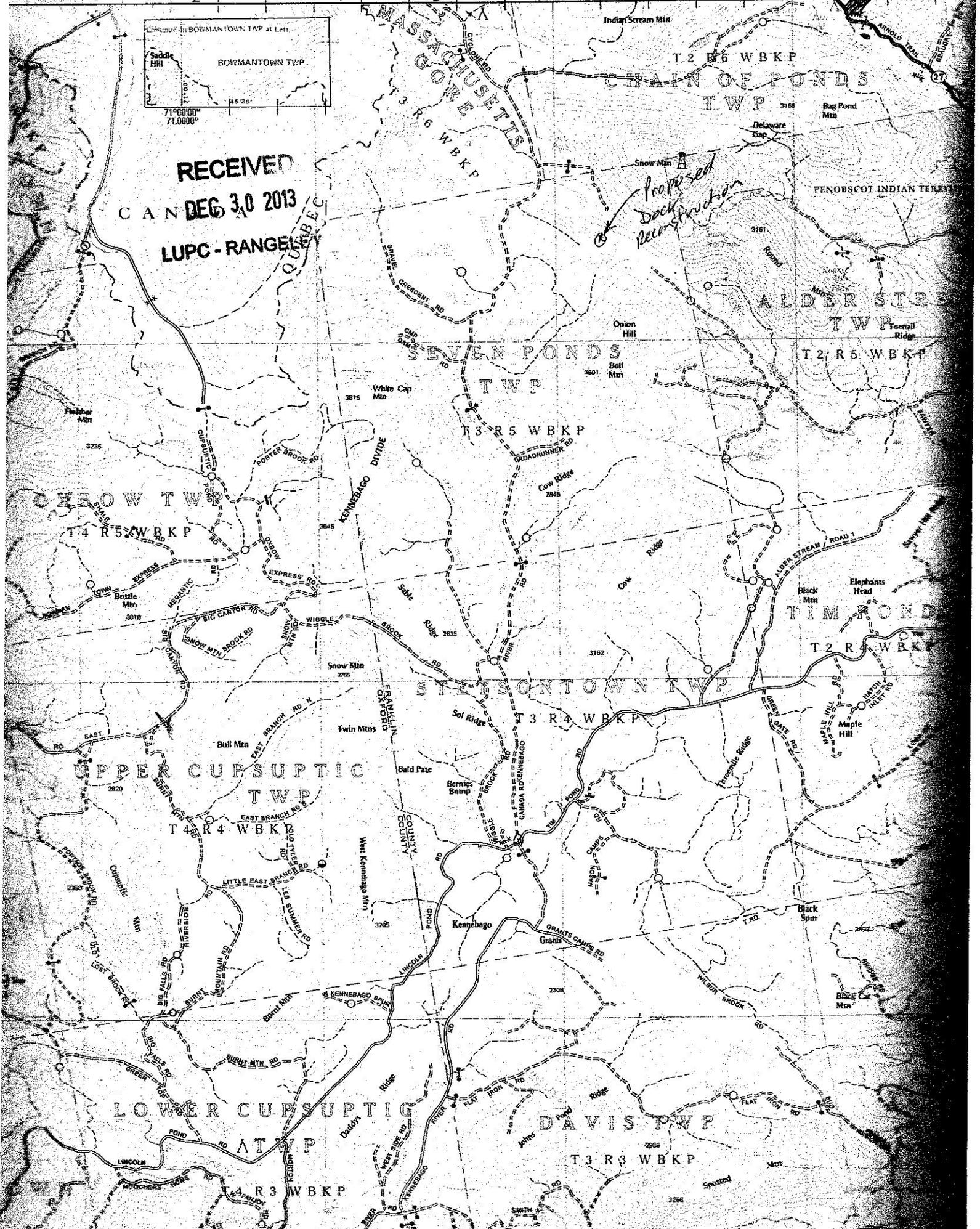
MAINE LAND USE REGULATION COMMISSION

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 Commission. (4/04)



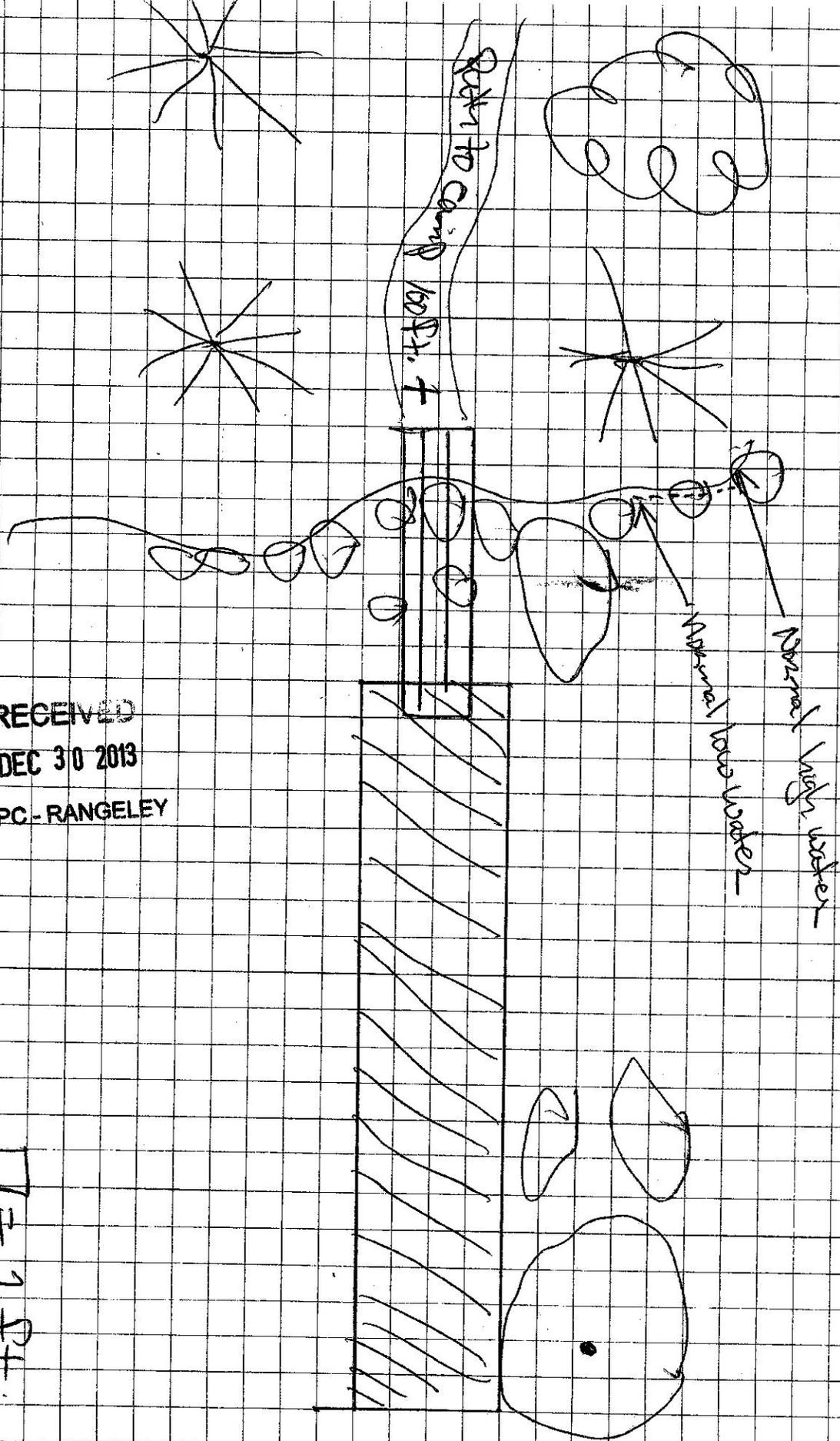
RECEIVED  
CAN DEC 30 2013  
LUPC - RANGELEY

*Proposed  
Dock  
Reconstruction*





Wegastic Fish Game 6066 the Arnold Trail, Colman, Ore, ME 04936  
Exhibit E



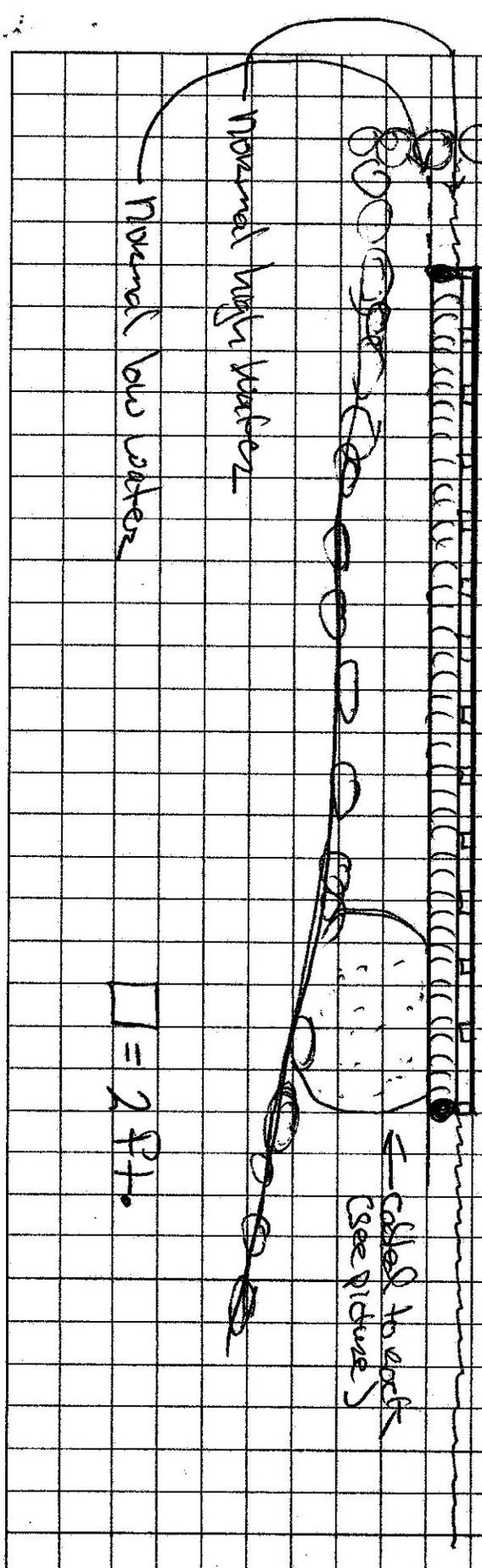
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□ = 2 ft.

SA 6069-A

Megawick Fish + Game 6066 The Arnold Trail, Casson Cove, ME 04936  
E-1  
SA 1064-AP

100 ft to camp by path



RECEIVED  
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