STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
LAND USE PLANNING COMMISSION
45 RADAR ROAD
ASHLAND, MAINE
04732

PAUL RICHARD LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

STREAM ALTERATION PERMIT SA 1082

The staff of the Maine Land Use Planning Commission (the Commission), after reviewing the application and supporting documents submitted by Maine Bureau of Parks and Lands, Allagash Wilderness Waterway for Stream Alteration Permit SA 1082, finds the following facts:

1. Applicant: Bureau of Parks and Lands, AWW
   Attn: Kevin Brown
   45 Radar Road
   Ashland, ME 04732

2. Date of Completed Application: December 17, 2014

3. Location of Proposal: Township 10 Range 13 WELS, Piscataquis County
   Taxation Plan 01, Lot 2

4. Zoning: (P-RR) Recreation Protection Subdistrict
   (P-SL1) Shoreland Protection Subdistrict
   (P-UA) Unusual Areas Protection Subdistrict

5. Lot Size: 1,327 Acres (Owned)

6. Proposal: Proposed Rip-Rap (3 ft. by 40 ft.) w/Stone Steps (3 ft. by 10 ft.) at Chisholm Brook Campsite

7. Sewage Disposal: Pit Privy

8. Affected Waterbody: Allagash River (This section of river is designated as a Class AA flowing water)

Background

9. The applicant lot in T10 R13 WELS is developed with Chisholm Campsite located along the Allagash Wilderness Waterway, a water-access only campsite.

Proposal

10. The applicant proposes to construct a set of stone steps at Chisholm Brook Campsite. The steps would be approximately 2-3 feet wide and 10 feet long starting at or slightly above the normal high water mark of Allagash River and extending up to the top of the bank to the campsite. The applicant also proposes to install rip-rap along either side of the proposed steps. The rip-rap would extend about 20 feet to either side and be about 3 feet wide. The applicant states that the river bank is currently eroding along river in front of the campsite and installing stone steps and rip-rap over geotextile filter fabric will stabilize the site and prevent further erosion and sedimentation of the waterbody. The applicant proposes to plant a variety of native plants in amongst the riprap and shore area to further stabilize the riverbank.

NICHOLAS D. LIVESAY, EXECUTIVE DIRECTOR

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11. Chisholm Brook Campsite is located within the (P-RR) Recreation Protection Subdistrict, (P-SL) Shoreland Protection Subdistrict and (P-UA) Unusual Areas Protection Subdistrict. The applicant does not propose to alter any wetlands or fill below the normal high water mark of the Allagash River.

Review Criteria

12. Under provisions of Sections 10.23,I,3,c(1) and 10.23,L,3,c(2) of the Commission's Land Use Districts and Standards, Campsites are allowed uses with a permit within a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict.

13. Under provisions of Section 10.23,M,3,c(2) of the Commission's Land Use Districts and Standards, Campsites owned or operated by Federal or State agencies are allowed uses without a permit within a (P-UA) Unusual Areas Protection Subdistrict.

14. Under provisions of Section 10.06,C of the Commission's Land Use Districts and Standards, where two or more protection subdistricts apply to a single land area, the combination of the more protective standards for each subdistrict shall apply.

15. Under provisions of Sections 10.23,I,3,c(6), 10.23,L,3,c(16), and 10.23,M,3,c(10) of the Commission's Land Use Districts and Standards, shoreland alterations are an allowed use in a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict, and (P-UA) Unusual Areas Protection Subdistrict, respectively, upon issuance of a permit.

16. Under provisions of Section 10.26,D,4 of the Commission's Land Use Districts and Standards, a campsite, including cleared or graded areas, must be set back a minimum of 75 feet from the normal high water mark of a flowing body of water draining 50 square miles or more, at least 50 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.

17. Under provisions of Section 10.27,G,5 of the Commission's Land Use Districts and Standards, an exception may be made to the shoreline, road, and or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use.

Review Comments

18. The Army Corps of Engineers has reviewed the proposal and has determined that a Department of the Army permit is not required since the work involves construction of stairs and rip-rap above the ordinary high water line of the Allagash River.

19. The United States National Park Service (NPS) has reviewed the proposal and made the following comments specific to their review of the High Bank Campsite in T 9 R12 [Reference: Great Ponds Permit GP 3411), which requires a permit from the Army Corps of Engineers. NPS states that these comments apply more generally to the sites that have been determined to not require a permit from the Department of the Army such as Chisholm Brook.

    A. The goal of the restoration projects should, as confirmed by the Department at the December Advisory Council meeting, be to restore natural streambank conditions. To achieve this, any rock that is to be left exposed should match in size, color, and shape the natural stone found along the Allagash shoreline. The importation of traditional, angular rip-rap not matching natural stone should be avoided or such stone should be incorporated into re-vegetation plans such that it will not be visible upon project completion.

B. Native plantings should be used, and should be incorporated into any stabilization activities occurring above the ordinary high water line. The High Bank plans indicate only that "appropriate plantings" will be used. For these sites to be successful restoration projects in the long-term, these plantings will need to include a range of native tree and shrub/understory species. The larger tree species are important for bank stability, as well as natural shoreline appearances. It is possible (and perhaps likely) that such trees have previously, over the history of the Waterway, been removed from these campsite areas to open up views of the water.

C. The Department will likely need to develop a plan for educating campsite users (as well as Waterway staff) as to the purposes of the restoration program and the desirability of a natural streambank with filtered water views (as opposed to wide open water views from campsites). Given that all of these sites are associated with human use impacts (removal of vegetation for views, scrambling up/down streambanks, etc.), this component of the restoration plan for the campsites is critical for long-term success.

D. For badly damaged sites, such as High Bank, the Department may wish to consider temporary campsite closure for one or two growing seasons while vegetation becomes established. In the event that current restoration efforts fail again (High Bank and other sites having been previously worked on), it may be necessary to consider permanent closure of some sites.

20. The Maine Natural Areas Program has reviewed the proposal and finds that according to their current information, there are no rare botanical features that will be disturbed within the project site.

21. The Maine Historic Preservation Commission has reviewed the proposal and concludes that there will be no historic properties affected by the proposal, as defined by Section 106 of the National Historic Preservation Act.

22. The applicant has stated that they intent to follow the recommendations made from the National Park Service as they apply to these sites.

23. The facts are otherwise as represented in the application Stream Alteration Permit SA 1082 and supporting documents.

Based upon the above Findings, the Commission, through its staff, concludes:

1. Under provisions of Sections 10.23,I,3,c(1) and 10.23,L,3,c(2) of the Commission's Land Use Districts and Standards, the proposed stone steps at the Chisholm Brook campsite requires a permit within a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict.

2. Under provisions of Sections 10.23,I,3,c(6) and 10.23,L,3,c(16), and 10.23,M,3,c(10) of the Commission's Land Use Districts and Standards, the proposed riprap at Chisholm Brook Campsite requires a permit within a (P-RR) Recreation Protection Subdistrict and (P-SL) Shoreland Protection Subdistrict, and (P-UA) Unusual Areas Protection Subdistrict, respectively, upon issuance of a permit.

3. The proposed stone steps at Chisholm Brook Campsite would not be in compliance with the Section 10.26,D,4 of the Commission's Land Use Districts and Standards, in that they would not be set back at least 75 feet from the normal high water mark of the Allagash River.

4. The proposed stone steps at Chisholm Brook Campsite would meet the criteria for an exception under Section 10.27,G,5 of the Commission's Land Use Districts and Standards, in that the steps are necessary to prevent erosion of the shoreline and provide access over the steep bank from the river to the campsites.

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 Commission, through its staff, approves the application of Bureau of Parks and Lands, Allagash Wilderness Waterway 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 Standards for Installation of Riprap (ver. 4/91), a copy of which is attached.

3. The permitted rock steps must be set back a minimum of 0 feet from the normal high water mark of Allagash River at Chisholm Brook Campsite.

4. Any excavation or construction must be done when the 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.

5. 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.

6. 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.

7. 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.

8. 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.

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 ASHLAND, MAINE, THIS 10th DAY OF FEBRUARY, 2015.

for Billie J. MacLean

Nicholas D. Livesay, Executive Director

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

STANDARDS FOR THE INSTALLATION OF RIPRAP

Riprap shall be installed in accordance with the following standards:

1. Riprap shall be placed in such a manner as to form a slope not steeper than 2 feet horizontal for every 1 foot vertical. Flatter slopes are more stable, and, therefore, slopes of 3:1 or 4:1 are preferable.

2. Riprap shall be irregularly shaped rocks (not round rocks) of 10 inches to 12 inches in diameter (about the size of a basketball), and shall be placed in a manner that the rocks fit together and interlock. Riprap should consist of more than one layer of rocks to be stable.

3. Riprap shall be placed on top of and embedded into coarse gravel, or a sediment barrier such as filter fabric, if the original soils are clay, light sand, or other highly erodible soils.

4. Riprap shall be secured into the toe of the slope of the embankment, meaning the first layer should start approximately 6 inches below the original grade at the base of the embankment. As indicated in 5 below, this does not mean that you may encroach into the water body or wetland.

5. Riprap placed at the normal high water line shall begin at the existing shoreline and shall not extend toward the water body or wetland. The top of the shoreline shall be cut back as necessary to obtain the required 2:1 or flatter slope.

6. Rocks used for riprap shall not be obtained from the bottom of the water body or wetland, the immediate shoreline area or from areas where their removal will cause soil erosion into the water body or wetland.

7. Surface water drainage shall be diverted around the area being riprapped.

8. The riprap may not be covered with gravel, clay, loam, or any other materials.

4/91

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