



PAUL RICHARD LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

STREAM ALTERATION PERMIT SA 1083

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 1083, 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 23, 2014
3. Location of Proposal: Township 14 Range 11 WELS, Aroostook County
Taxation Plan 01, Lot 1.2
4. Zoning: (P-FW) Fish and Wildlife Protection Subdistrict
(P-RR) Recreation Protection Subdistrict
(P-SL1) Shoreland Protection Subdistrict
(P-UA) Unusual Areas Protection Subdistrict
5. Lot Size: 286 Acres (Owned)
6. Proposal: Proposed Rip-Rap (5 ft. by 12 ft.) at Cunliffe Depot 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 T14 R11 WELS is developed with 3 Campsites located along the Allagash Wilderness Waterway, including Cunliffe Depot Campsite, a water-access only campsite.

Proposal

10. The applicant proposes to install rip-rap at Cunliffe Depot Campsite to stabilize a 5 foot wide by 12 foot long steep area of the shoreline currently eroding from use as a foot path. A new foot path would be created along a more gradual slope. Filter fabric would be installed as underlayment and rock set at approximately a 2 to 1 ratio. The applicant proposes to plant a variety of native plants in amongst the riprap and throughout the shore area to further stabilize the riverbank.
11. Cunliffe Depot Campsite is located within the (P-FW) Fish and Wildlife Protection Subdistrict, (P-RR) Recreation Protection Subdistrict, (P-SL) Shoreland Protection Subdistrict and (P-UA) Unusual Areas

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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,D,3,c(10), 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-FW) Fish and Wildlife Protection Subdistrict, (P-RR) Recreation Protection Subdistrict, (P-SL) Shoreland Protection Subdistrict, and (P-UA) Unusual Areas Protection Subdistrict, respectively, upon issuance of a permit.

Review Comments

13. 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 installing rip-rap above the ordinary high water line of the Allagash River.
14. 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.
15. 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.
16. 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.

17. The applicant has stated that they intent to follow the recommendations made from the National Park Service as they apply to these sites.
18. The facts are otherwise as represented in the application Stream Alteration Permit SA 1083 and supporting documents.

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

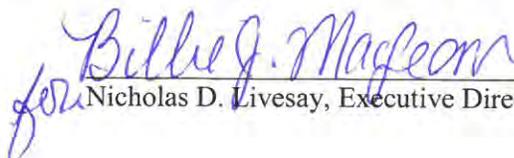
1. The proposed shoreland alteration would be in conformance with the provisions of Sections 10.23,D,3,c(10), 10.23,I,3,c(6), 10.23,L,3,c(16), and 10.23,M,3,c(10) of the Commission's Land Use Districts and Standards.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the 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. 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.
4. 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.
5. 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.
6. 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.
7. 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 11th DAY OF FEBRUARY, 2015.


for 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.