



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

PAUL R. LEPAGE
GOVERNOR

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

SHORELAND ALTERATION PERMIT SA 1091 WATER QUALITY CERTIFICATION

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Colin A. Shankland (Applicant) for Shoreland Alteration Permit SA 1091, finds the following facts:

1. Applicant: Colin A. Shankland
36 Lievens Lane
Machias, Maine 04654
2. Landowner: Lyle C. and Deborah J. Guptill
c/o Guptill's Logging
PO Box 226
East Machias, Maine 04630
3. Date of Completed Application: October 05, 2015
4. Location of Proposal: Machias River, Centerville Township, Washington County, Maine
(Take Out Location in Whitneyville)
Maine Revenue Service Map WA035, Plan 01, Lot 1
5. Zoning: (P-WL1) Wetland Protection Subdistrict
6. Proposed Activity: Submerged Log Salvage
7. Affected Water body: Machias River
8. The Applicant proposes to salvage up to 10 submerged logs from the Machias River in Centerville Township. The proposed salvage area is shown on the sheet entitled "Colin Shankland Log Salvage" and attached to this permit, and is incorporated herein by reference. The salvage will include attaching two mooring balls, one on each end of the log, and floating them to the take out location in Whitneyville where they will be placed onto a specially designed trailer that is backed down a boat ramp. The logs will not be dragged across or damage the river bottom.

9. The proposed salvage operation would only temporarily disturb the stream bottom, or (P-WL1) Wetland Protection Subdistrict of the Machias River. The disturbances are very temporary in nature and the disturbed areas are expected to quickly revert back to a natural state upon completion of salvage operations.
10. The landowners on both sides of the Machias River, Lyle C. and Deborah J. Guptill, have indicated approval for the Applicant to remove logs from the Machais River.
11. The Maine Department of Marine Resources, Division of Sea Run Fisheries and Habitat's, Marine Resource Scientist II reviewed the proposal to harvest old log drive "dead heads" from the lower Machias River and indicated that there is no specific language in the Machias River Easement Language prohibiting the removal of logs from the river bed in the manner proposed. The Scientist further indicated that there is no biological reason why the logs cannot be removed and gave the Applicant permission to take these remnant logs for personal use.
12. The Maine Department Inland Fisheries & Wildlife's, Regional Fisheries Biologist reviewed the proposal and indicated that the Colin Shankland log salvage operation above the Whineyville boat launch will have no adverse effects on the inland fish population in that section of the river or immediately below the area of salvage.
13. The U.S. Army Corps of Engineers (Corps) reviewed the proposal and indicated that the Corps regulatory jurisdiction in this area is over the discharge of dredged or fill material into all waters of the United States including adjacent and isolated wetlands under Section 404 of the Clean Water Act. Since no work in or affecting navigable waters will occur; and/or no fill will be placed in waters or wetlands, no further action is required for this work. The Corps states that the applicant should be reminded that no filling of waters of the United States (wetlands or waterways) is authorized without written approval from the Corps.
14. The Maine Department of Conservation, Bureau of Parks and Lands (BPL) reviewed the proposal and indicated that the BPL has no comments on the application.
15. The Maine Historic Preservation Commission (MHPC) reviewed the proposal and indicated that they have no concerns regarding the project and that no further review is required with their office.
16. The Maine Department of Environmental Protection reviewed the proposal and indicated that the use of the boat launch as a take out for the log salvage operation will not require any permits from the Department under the Natural Resource Protection Act.
17. The U.S. Fish & Wildlife Service and the Town of Whitneyville also received a copy of the proposal but did not comment on the application.
18. According to Section 10.23,N,3,c,(4) of the Commission's *Land Use Districts and Standards* (Standards), dredging may be allowed within a Wetland Protection Subdistrict (P-WL) upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III.

19. The facts are otherwise as represented in the application for Shoreline Alteration Permit SA 1091 and supporting documents.

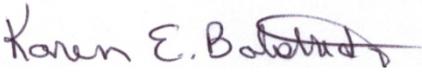
Based upon the above Findings, the staff Concludes that if carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Sub-Chapter III of the Commission's Standards and the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff Approves the request of Colin A. Shankland with the following Conditions:

1. Activities authorized in this permit must be completed in the timeframe proposed. Notwithstanding Condition #3 of *Standard Conditions of Approval for all Shoreland Alteration Permits* (ver. 4/04), attached, this permit will remain valid only until December 31, 2015.
2. During retrieval, transport, and removal, the salvaged logs must not be dragged on the river bottom or across the shoreline.
3. The log salvage and storage activities must not interfere with public use of the river or create a navigation hazard. If logs are transported at night, all boats and equipment must be illuminated and meet all USCG and State of Maine navigational lighting requirements.
4. All salvaged logs must be removed from the river at the specified haul out site; the Applicant must obtain approval of the boat launch site owner to use it as a haul out location.
5. With the exception of the log salvage operations specifically described within this permit and the accompanying application documents, this permit does not authorize any shoreland alterations at or above the normal high water line within the Machias River.
6. The activities involved with the log salvage operation must not in any way disturb archeological or heritage sites, including native American artifacts, shipwrecks and their cargo, artifacts, cribs, wharves, and weirs. Any possible historic artifacts encountered must be reported to the MHPC or the Maine State Museum. Any recovered logs bearing an ownership mark must be preserved, and provided to the MHPC. Logs that have been worked with tools are artifacts and are property of the Maine State Museum. These artifacts may include, but are not limited to, boom logs, cribbing, and any logs or timbers that have been worked with tools.

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 BANGOR, MAINE, THIS 22ND DAY OF OCTOBER, 2015.

By: 
_____ *for* Nicholas D. Livesay, Executive Director

Colin Shankland Log Salvage

Centerville

Whitneyville

Take out point

Area of river where salvage will occur

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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LUPC - DOWNEAST



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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 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. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (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.
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 04/04