



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

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COMMISSIONER

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GOVERNOR

# PERMIT

## AMENDMENT A TO WETLANDS ALTERATION PERMIT WL 0019

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by the Inhabitants of the Plantation of Monhegan (Applicant) for Amendment A to Wetlands Alteration Permit WL 0019, finds the following facts:

1. Applicant: Inhabitants of the Plantation of Monhegan  
Attn: Jessica Stevens  
PO Box 322  
Monhegan, Maine 04852
2. Date of Completed Application: June 08, 2015
3. Location of Proposal: Monhegan Island Plantation, Lincoln County, State of Maine
4. Zoning: Wetland Protection Subdistrict (P-WL1)
5. Shoreland Structure: Breakwater (50 ft. by 210 ft.)
6. According to Section 10.23,N,3,c,(11) of the Commission's *Land Use Districts and Standards*, shoreland alterations may be allowed within a P-WL subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III.
7. Prior to the Commission, a breakwater existed near Fish Beach in Monhegan Harbor. Currently, the breakwater protects the only year-round, all weather landing available to local commercial fishermen, the Penobscot Bay & River Pilots Association, and the Island Transporters barging service which is essential to the municipality for transporting solid waste, road gravel, fire engines and island vehicles. Further, the breakwater protects Fish Beach, Swim Beach and the Monhegan Wharf.
8. Wetland Alteration Permit WL 0019 by Special Exception, issued to Monhegan Plantation on September 05, 1991, authorized the reconstruction of the breakwater in the same location with the same dimensions.

9. The Applicant now proposes to reconstruct a damaged section of the 50 foot by 210 foot breakwater with recovered dislodged blocks and to armor the reconstructed section, and two adjoining sections of the breakwater, with new granite top blocks. The reconstructed section of breakwater and the additional armoring would be on top of and in the same footprint as the existing breakwater. (*See Exhibits E1 and E2 – Application Site Plans, stamped June 01, 2015 and June 08, 2015 for reconstruction detail*).
10. The proposal would impact approximately 750 square feet of P-WL1 wetland which has previously been disturbed by the breakwater. The Applicant has designed the project to the minimum size need to protect the cove and submitted evidence that there is no alternative to the project that would be less damaging to the environment.
11. The repair project would be funded through the Maine Emergency Management Agency with Federal Emergency Management Agency funds.
12. State of Maine Submerged Land Lease No. 1679-L-44 was issued by the State of Maine's Department of Agriculture, Conservation and Forestry's, Bureau of Parks and Lands on March 01, 2015; the lease expires December 31, 2044.
13. The State of Maine's, Natural Areas Program searched the Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the propose site and found no rare botanical features that will be disturbed within the project area.
14. The facts are otherwise as represented in the application for Wetlands Alteration Permit WL 0019, Wetlands Alteration Permit WL 0019 by Special Exception, and the application for Amendment A to Wetlands Alteration Permit WL 0019, and supporting documents.

**Based upon the above Findings, the staff Concludes that:**

1. The Commission can waive the requirement for a functional assessment and compensation because it already possesses the information necessary to determine the functions of the area propose to be altered. The Commission has determined that the impact to wetland functions and values from the proposal will be insignificant.
2. If carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Sub-Chapter III and Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

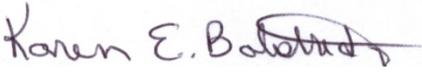
**Therefore, the staff approves the amendment request of Inhabitants of the Plantation of Monhegan with the following Conditions:**

1. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the U.S. Army Corps of Engineers, the Maine Department of Environmental Protection, and the United States Fish and Wildlife Service.

2. Reconstruction of the breakwater shall be undertaken during periods of low tide or from a barge.
3. All Conditions of Wetlands Alteration Permit WL 0019 by Special Exception shall remain in effect except as altered by this amendment.

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 26 TH DAY OF JUNE 2015.

By:   
\_\_\_\_\_ *for* Nicholas D. Livesay, Executive Director