



**MAINE DEPARTMENT OF
INLAND FISHERIES AND WILDLIFE**

ADDENDUM NO. 5

26-AUG-24

TO THE SPECIFICATIONS, PROPOSAL, CONTRACT AND BOND

FOR THE CONSTRUCTION OF

**IMPROVEMENTS AT GRAND LAKE STREAM STATE FISH HATCHERY
GRAND LAKE STREAM, MAINE**

WASHINGTON COUNTY

BGS PROJECT NO.: 3289-14



SUBJECT:	ADDENDUM NO. 5
PROJECT:	Improvements at Grand Lake Stream State Fish Hatchery
TO:	Richard Parker - DIFW
FROM:	Andrew Gurski – HDR

This Addendum is issued to known individuals, firms or corporations holding Bidding Documents and Contract Documents for above listed project.

In addition to Part 1, Part 2, and Part 3 below the following Permits are attached to the end of this addendum:

State of Maine Land Use Planning Commission: Permit Number: DP-4852-C

State of Maine Land Use Planning Commission: Amendment C to DP-4852-C

This Addendum is hereby made a portion of Bidding Documents and Contract Documents.

PART 1 - QUESTIONS AND ANSWERS

- 1. QUESTION:** After review of GLS addendum#4, Part 3-5: LHO’s sheet 00D-603: does the written specs from section 40 20 50, paragraph 2.2-A.1 for LHO0201 & LHO0202 still apply?
ANSWER: Specifications still apply.
SOURCE: Constance Beaulaton constance.beaulaton@innovasea.com Fri 8/16/2024 09:52
- 2. QUESTION:** We are not clear with stop logs quantity as mentioned in schedule and plan no. 05D-101, we believe there is a discrepancy between plan and schedule. Could you please confirm what we will refer?
ANSWER: Stoplogs in schedule are for the weir box seen in 02D-401. Those seen in 05D-101 shall be provided as described on sheet 05D-101.
SOURCE: shawn@wescor1.net Fri 8/23/2024 11:27
- 3. QUESTION:** Gate schedule mentions different logs height 6”, 4” & 3”, could you please confirm if we can provide 6” high extruded AL stop logs or a combination of all three is needed ?
ANSWER: Alternate stop log heights allow for water level control, that is not possible with only 6” high. Provide all three sizes.
SOURCE: shawn@wescor1.net Fri 8/23/2024 11:27
- 4. QUESTION:** We see another stop logs on drawing no. 02D-401, could you please confirm if we must include that in our quote ?
ANSWER: Stoplogs seen in 02D-401 are the Stop logs referred to in Stoplog Schedule. Include in quote.
SOURCE: shawn@wescor1.net Fri 8/23/2024 11:27

PART 2 - PROJECT MANUAL UPDATES (NOT APPLICABLE)



PART 3 - DRAWING UPDATES

5. Sheet 00S-103

- a. **UPDATE:** Stoplog Schedule - Change "WEIR BOX" To "PRIORITIZATION WEIR STRUCTURE"

END OF ADDENDUM 5

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

MAINE LAND USE PLANNING COMMISSION

106 Hogan Rd, Suite 8
Bangor, ME 04401

THIS CERTIFICATE MUST BE POSTED IN A VISIBLE LOCATION AT THE DEVELOPMENT SITE

A Land Use Planning Commission permit has been issued for certain development or construction activities at this location. Copies of the actual permit have been provided to the permittee and are available for inspection at the Commission's offices or on the web at https://www.maine.gov/dacf/lupc/reports/permit_report.html.

Permit Number: DP-4852-C

Tracking Number: 55780

Location: Grand Lake Stream Plt. - Washington

Applicant/Permittee(s) : Inland Fisheries & Wildlife, Dept of

Authorized Activity: Reconstruct 35x35' storage building, a 26x45' storage building, a 22' diameter sludge tank, (2) 32x125' pavilions, a 32x14'x16' LOX tank, a 21' diameter x 5' clarifier tank, and a 26'x45'x15' effluent treatment building.

Permit Approval Date: February 20, 2024

Required Start Date: February 19, 2026

Required Completion Date: February 20, 2029

*Stacie R. Beyer, Executive Director
Maine Land Use Planning Commission*

THIS CERTIFICATE IS NOT A PERMIT



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

AMANDA E. BEAL
COMMISSIONER
STACIE R. BEYER
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT C TO DEVELOPMENT PERMIT DP 4852

The staff of the Maine Land Use Planning Commission (Commission), after reviewing the application and supporting documents submitted by the Maine Department of Inland Fisheries and Wildlife (Applicant) for Amendment C to Development Permit DP 4852, and other related materials on file, makes the following findings of fact and conclusions:

- Applicant(s):** Maine Department of Inland Fisheries and Wildlife
Attn: Todd Langevin
41 State House Station
284 State Street
Augusta, ME 04333-0041
- Agent:** John Perry
Maine Department of Inland Fisheries and Wildlife
41 State House Station
284 State Street
Augusta, ME 04333-0041
- Date of Completed Application:** January 25, 2024
- Location of Proposal:** Maine Revenue Service Map WAP03, Plan 03, Lots 7, 7.1 and 8
(Subject Parcel)
Grand Lake Stream Plt., Washington County, Maine
Washington County Registry of Deeds: Book 420 Page 212; Book 425
Page 486; Book 586 Page 338; Book 589 Page 167; Book 589 Page 286;
Book 589 Page 534; Book 1156, Page 42

Associated Parcels: Maine Revenue Service Map WAP03, Plan 03, Lot 27 and
Part of Plan 03, Lot 24-A
Grand Lake Stream Plt., Washington County, Maine
Book 2570, Page 171; Woodland Pulp, LLC Lease WI-18-01
- Zoning:** General Development (D-GN) Subdistrict
- Lot Size:** 4.43 Acres owned (Subject Parcel)

Principal Buildings: Existing Hatchery Residence 1 (1930s) (48 ft. by 27 ft.)
Existing Hatchery Residence 2 (1930s) (48 ft. by 27 ft.)
Existing Office (1962) (48 ft. by 28 ft.)
Existing Hatchery Building (1962) (75 ft. by 30 ft.)
Existing Covered Raceways (1962) (726 ft. by 18 ft.)
Existing Modular House (2000) (42 ft. by 28 ft.)

7. **Accessory Structures:** Existing Garage/Cold Storage Building (1938) (44 ft. by 18 ft.)
Existing UV and Filter Building (1972) (38 ft. by 26 ft.)
Existing Generator Building (1980s) (16 ft. by 10 ft.)
Existing Well House and Addition (unknown)
Existing Pole Barn (1980's) (46 ft. by 24 ft.)(to be removed)
Existing Clarifier Tank (20 ft. by 50 ft.)(to be removed)
Existing Parking Area/Access (Approximately 220 ft. by 40 ft.)
Existing 24-inch Shallow Water Supply Pipeline (700 ft.)
Existing 24-inch Deep Water Supply Pipeline (10,718 ft.)
Proposed Storage Building (35 ft. by 35 ft.)
Proposed Sludge Storage Tank (22 ft. diameter)
Proposed LOX Tank (32 ft. x 14 ft.)
Proposed Clarifier Tank (21 ft. diameter)
Proposed Effluent Treatment Building (26 ft. x 45 ft.)
Proposed Upper Pavilion 32 ft. by 125 ft.
Proposed Lower Pavilion 32 ft. by 125 ft.

8. **Affected Waterbody:** Grand Lake Stream (This section of river is designated as a Class A flowing waters.)

ADMINISTRATIVE HISTORY, PROPOSAL SUMMARY, AND PUBLIC PROCESS

9. **Administrative History:** The administrative history of Development Permit DP 4852 is as follows:

- A. The Grand Lake Stream State Fish Hatchery and Rearing Facility (Hatchery) has operated since 1875. The present Hatchery was constructed in 1936 and has been modified by various upgrading projects throughout the years. Since 1961, the Hatchery has been withdrawing 2.9 million gallons of water daily from the West Grand Lake impoundment utilizing a shallow-water 2,200-foot long by 24-inch diameter intake pipe extending 800 feet into West Grand Lake. The intake pipe is located at a depth of approximately 18 feet below the lake's surface and runs from the lake through the West Grand Dam (east side) and its cement core wall before entering a canal owned by MDIFW and then the Hatchery.
- B. Development Permit DP 4852, issued to the Applicant on November 12, 2009, authorized the renovation of the Hatchery effluent management system by intercepting, combining, and capping discharge pipelines; enhancing the quiescent zones and drains of seven paired concrete raceways; and constructing a 20-foot by 50-foot clarifier tank and associated appurtenances.

- C. Amendment A to Development Permit DP 4852, issued to the Applicant on July 18, 2018, authorized an upgrade to the existing water supply system by installing a submerged and weighted 24-inch diameter high-density polyethylene (HDPE) deep-water intake pipe 10,718 feet into West Grand Lake to withdraw colder, oxygen-rich water from 52 feet below the normal water surface. According to the Applicant, the new deep-water intake pipe, used in conjunction with the existing shallow-water intake pipe, would alleviate high water temperature events which have been increasing in severity and duration, resulting in catastrophic loss of fish at the Hatchery, and subsequently, significant loss to the statewide fish stocking program and impacts to the inland sport fishery. The proposed connection of the new deep-water intake pipe to the existing cast iron shallow-water intake pipe includes installing a wye and valves in the upland riprapped area in front of the West Grand Dam. The Applicant additionally proposed to undertake improvements to the influent water treatment system at the Hatchery.
 - D. On August 16, 2018, during initial construction activities, the existing cast iron shallow-water intake pipe in West Grand Lake was damaged and then determined to be in such a deteriorated condition that it was considered inoperable for future use. (Under Amendment A to Development Permit DP 4852, the Applicant proposed that this existing intake pipe remain in place and operational for manipulation of water temperatures over the course of the year for optimal growth of the fish at the Hatchery).
 - E. Amendment B to Development Permit DP 4852 was issued on August 27, 2018, authorizing the replacement of the inoperable portion of the shallow-water intake pipe within West Grand Lake and the shoreland area. Amendment B authorized the installation of a 24-inch diameter HDPE intake pipe that would extend 700 feet into West Grand Lake to a depth of 18 feet below the normal water mark. The intake pipe was to be installed alongside the deep-water intake pipe to minimize disturbance of the lake bottom and to allow for the installation of a shorter intake pipe than was currently in place.
- 10. **Proposal Summary:** The Applicant now seeks amendment approval to remove the existing 46-foot by 26-foot pole barn and construct a new 35-foot by 35-foot storage building. The Applicant also proposes to remove the existing 20-foot by 50-foot clarifier tank and install new waste treatment facilities. The treatment facilities would include a 26-foot by 45-foot effluent treatment building, a 21-foot diameter clarifier tank, and a 22-foot diameter sludge storage tank. Finally, the Applicant proposes to construct two 32-foot by 125-foot pavilions, which would each house four circular tanks for rearing fish, and a supplemental 14-foot by 32-foot liquid oxygen tank.
 - 11. **Notice of Filing:** Notice of Filing of the development application was properly made on November 3, 2023, to appropriate parties and the public as required under *Rules of Practice* 01-672 C.M.R. ch. 4 (Chapter 4), revised August 11, 2023.
 - 12. **Public Comment and Public Hearing:** No requests for a public hearing or written public comments were received on the application.

CRITERIA FOR APPROVAL AND LAND USE STANDARDS, ANALYSIS, AND FINDINGS

The Commission has three zoning districts: development, management, and protection, which are divided into thirty-two subdistricts, to protect important resources and prevent conflicts between incompatible uses. For each subdistrict, the Commission has designated uses that are allowed without a permit, uses that are allowed without a permit subject to standards, uses that are allowed with a permit, and uses that are allowed with a permit by special exception. The Commission's subdistricts are codified in *Land Use Districts and Standards* 01-672 C.M.R. ch. 10 (Chapter 10), revised August 11, 2023. The Commission's land use standards are codified in Chapter 10, subchapter III in §§ 10.25 - 10.27, and are grouped into three categories: development standards, dimensional requirements, and activity-specific standards. The Commission's terminology and their applicable definitions are codified in *Definitions*, 01-672 C.M.R. ch. 2 (Chapter 2), effective August 11, 2023. The Commission's general criteria for approval of permit applications are provided in 12 M.R.S. § 685-B(4) and further codified in Chapter 10, § 10.24(A). The proposal must otherwise be in conformance with 12 M.R.S. §§ 681 - 689 and the regulations, standards, and plans adopted pursuant thereto. 12 M.R.S. § 685-B(4)(E) and Chapter 10, § 10.24(A)(1)(E).

The Applicant must satisfy all applicable land use standards. The following summary of approval criteria and land use standards, analyses, and findings are most relevant to the proposed Project.

13. **Allowed Uses Determination:**

A. Criteria and standards:

- 1) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; are an allowed use upon issuance of a permit in the General Development (D-GN) subdistrict subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.21(C)(3)(c)(29).
- 2) Wildlife and fisheries management practices are allowed uses without a permit in the General Development (D-GN) subdistrict. Chapter 10, § 10.21(C)(3)(a)(8).

- #### B. Analysis: The Applicant's proposed development would involve the construction of structures and infrastructure that would be associated with upgrading the pre-existing Grand Lake Stream Fish Hatchery. The hatchery rears landlocked salmon and brook trout and then stocks the waterbodies in the region, including Grand Lake Stream and the canal adjacent to the hatchery. According to the Applicant, these improvements will safeguard one of the last remaining landlocked Atlantic salmon populations while supplying the hatchery system with disease-free salmon. The installation of eight (20-foot diameter) circular tanks will isolate feral brood progeny from production stocks of brook trout and a line of genetically represented back-up broodstock. Feral brood salmon eggs are collected each year from West Grand Lake where this endemic population is maintained by stocking due to loss of natural spawning habitat. This isolated system will allow for additional fish health testing opportunities in response to a recent pathogen detection in feral fish without compromising the rest of the facility. A new bulk oxygen system will be installed to improve water quality along with an additional storage building. Increased fish production will result in an

opportunity to raise more brook trout at this facility. The planned effluent treatment will address wastewater discharge requirements.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project is an allowed use within the General Development (D-GN) subdistrict pursuant to Chapter 10, § 10.21(C)(3)(c)(29).

14. Right, Title and Interest, and Subdivision and Lot Creation:

A. Criteria and standards:

- 1) The applicant must demonstrate evidence of sufficient right, title, or interest in all of the property that is proposed for development or use. 12 M.R.S. § 685-B(2)(D) and Chapter 10, § 10.24(A)(1).
- 2) The Commission may not approve an application unless, in the case of an application for a structure upon any lot in a subdivision, that subdivision has received the approval of the Commission. 12 M.R.S. § 685-B(4)(F) and Chapter 10, § 10.24(A)(1)(F). In considering the land use standards, the Commission evaluates, among other items, whether the proposal to place a structure upon any lot is in a subdivision and whether any divisions of land comply with the Commission's laws and rules governing subdivisions. Chapter 10, § 10.25(Q).

- B. Analysis: The Applicant provided a copy of their deeds recorded in the Washington County Registry of Deeds in Book 420 Page 212; Book 425 Page 486; Book 586 Page 338; Book 589 Page 167; Book 589 Page 286; Book 589 Page 534; Book 1156 Page 42. The last deed was dated September 3, 1981, and an analysis of the 20-year deed history of the Parcel concluded that the lot has not been divided in the past 20 years.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Applicant has demonstrated legally enforceable right, title, or interest to all the property proposed for development in accordance with Chapter 10, § 10.24(A)(1), and structures will not be located on a lot in an unpermitted subdivision in accordance with Commission's laws and rules governing subdivisions including Chapter 10, §§ 10.24(A)(1)(F) and 10.25(Q).

15. Technical and Financial Capacity:

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate technical and financial provisions have been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, Title 12, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 489-E, and the natural resource protection laws, Title 38, sections 480-A to 480-Z. 12 M.R.S. § 685-B(4)(A) and Chapter 10, § 10.24(A)(1)(A).

- 2) The applicant must retain qualified consultants, contractors, and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. In determining the applicant's technical ability, the Commission must consider the size and scope of the proposed development, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations or previous approvals granted to the applicant. Chapter 10, § 10.25(C)(1).
- 3) The applicant must have adequate financial resources to construct the proposed improvements, structure, and facilities and meet the criteria of all state and federal laws and the standards of these rules. In determining the applicant's financial capacity, the Commission must consider the cost of the proposed subdivision or development, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resource available directly from the applicant to finance the subdivision or development. Chapter 10, §10.25(C)(2).

B. Analysis:

- 1) The Applicant has retained Jeff Chandler, Professional Engineer #17167, for the development design. The development construction is currently out to bid for a construction contractor.
- 2) The Applicant provided financial capacity to construct circular tank farms with covered pavilions, installation of a supplemental oxygen facility, and installation of waste treatment facilities, which included a total estimated construction cost of \$7,000,000. The Applicant provided a copy of Chapter 483 Public Law S.P. – L.D. 1733, dated July 19, 2021, demonstrating that the Applicant has been awarded sufficient funds through the American Rescue Plan Act to complete the project.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project meets the requirements of 12 M.R.S. § 685-B(4)(A); Chapter 10 § 10.24(A)(1)(A); Chapter 10, § 10.25(C)(1); and Chapter 10, § 10.25(C)(2). The Applicant has hired qualified consultants and contractors to design and construct the Project and has demonstrated adequate financial capacity to complete the proposal.

16. **Public Health, Safety, and General Welfare:**

- A. Criteria and standards: The burden is on the applicant to demonstrate by substantial evidence that the public's health, safety, and general welfare will be adequately protected. 12 M.R.S. § 685-B(4) and Chapter 10, § 10.24(A)(1). Also, the applicant must show that the proposed use will not burden local public facilities and services such as solid waste disposal, fire and ambulance services, and police. Comprehensive Land Use Plan, Section 4.3,E, p.65.

B. Analysis:

- 1) The applicant has stated that services for the Project would continue to be provided as follows:
 - a. Solid Waste Disposal: Grand Lake Stream transfer station;
 - b. Fire Protection: Grand Lake Stream Volunteer Fire Department;
 - c. Ambulance Services: Downeast Emergency Medical Services;
 - d. Police Services: Washington County Sherriff's Office; and
 - e. Electricity: Eastern Maine Electric Cooperative.
- 2) The Project would not be connected to a public water supply or public wastewater disposal system.

C. Finding: Based upon the record and the above analysis, the Commission finds that normal operation of the proposed Project will not place an undue burden on local public facilities and services, and the applicant has demonstrated that the public's health, safety, and general welfare will be adequately protected.

17. **Vehicular Circulation, Access, and Parking:**

- A. Criteria and standards: The Commission may not approve an application unless adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods. 12 M.R.S. § 685-B(4)(B) and Chapter 10, § 10.24(A)(1)(B). In considering the land use standards, the Commission evaluates, among other items, the proposal's general circulation, access management, parking layout and design. Chapter 10, § 10.25(D).
- B. Analysis: The Parcel would be accessed from the Milford Road that turns onto the pre-existing Hatchery Lane that accesses the parcel. A pre-existing 220-foot by 40-foot gravel parking area would allow space for vehicles to turn around without having to back onto the Milford Road. The Applicant has stated that the improvements are not expected to impact public vehicle access, circulation, or parking. During construction, needed materials and equipment delivery will be on an as-needed basis and coordinated with the owner.
- C. Finding: Based upon the record and the above analysis, the Commission finds that the Applicant has made adequate provision for loading, parking, and circulation on and from the site such that the Project would not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods in accordance with Chapter 10, §§ 10.24(B) and 10.25(D).

18. **Natural Character and Cultural Resources:**

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C).
- 2) The design of the proposed development must take into account the scenic character of the surrounding area. Structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, with attention to designated scenic byways; major water bodies; coastal wetlands; permanent trails; or public property. Chapter 10, § 10.25(E)(1)(a). To the extent practicable, proposed structures and other visually intrusive development must be placed in locations least likely to block or interrupt scenic views as seen from existing roadways, with attention to designated scenic byways, major water bodies, coastal wetlands, permanent trails, or public property. Chapter 10, § 10.25(E)(1)(b).
- 3) If any portion of a subdivision or commercial, industrial or other nonresidential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant must conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant must demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation. Chapter 10, § 10.25(E)(3).

B. Analysis:

- 1) *Existing Uses:* The Applicant states that the existing uses in the area consist of year-round dwellings and light commercial activities. The present Hatchery was constructed in 1936 and has been modified by various upgrading projects throughout the years. The proposed improvements would generally be “in fill” development within the existing development and would be screened from view from the waterbody and public roads.
- 2) *Historic resources:* The Maine Historic Preservation Commission (MHPC) reviewed the proposal and concluded that there would be no historic properties (architectural or archaeological) affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act of 1966, as amended, reference MHPC# 1760-23, dated November 29, 2023.
- 3) *Tribal Historic Preservation Office.* The Passamaquoddy’s Tribal Historic Preservation offices reviewed the proposal with regard to the project’s effects on historic property on

tribal lands as well as significant religious and cultural historic properties and indicated no concerns with the proposal.

- C. Finding: Based upon the record and the above analysis, the Commission finds that the Project would fit into the existing natural environment of the surrounding area and there would be no undue adverse effect on existing uses, scenic and natural character, or cultural or historic resources in the area likely to be affected by the Project in accordance with M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C), and Chapter 10, §§ 10.25(E)(1)(a) and (b), 10.25(E)(3).

19. **Natural Resources:**

A. Criteria and standards:

- 1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C).
- 2) If any portion of a subdivision or commercial, industrial or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant must demonstrate that there will be no undue adverse impact on the community and species the site supports, and indicate appropriate measures for the preservation of the values that qualify the community or species for such designation. Chapter 10, § 10.25(P)(4).

B. Analysis:

- 1) *Wildlife and fisheries*: The Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the proposal specifically for information of known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns in the vicinity of the Project. In a letter dated July 17, 2023, MDIFW stated that several species of bats may occur within the Project area during spring/fall migration, the summer breeding season, and for overwintering. However, significant impacts to any of the bat species as a result of the Project are not anticipated. Significant Wildlife Habitat (SWH) maps indicate no known presence of Significant Vernal Pools (SVPs) in the Project area. Further documentation from MDIFW on August 15, 2023, stated that the location of the Project has already been cleared, and there are no concerns with vernal pools.

An Information for Planning and Consultation (IPaC) was conducted for the Project on October 4, 2023. The IPaC listed the Canada Lynx (*Lynx canadensis*)(listed as threatened) and the Northern Long-eared Bat (*Myotis septentrionalis*)(listed as endangered) as potentially occurring within the Project area. The IPaC listed the Monarch Butterfly (*Danaus plexippus*)(listed as a candidate species) as potentially

occurring within the Project area. No critical habitats are within the Project area. This consultation is attached as Attachment 8 of the application. Additionally, IPaC produced a “no effect” determination for the Northern Long-eared Bat and Canada Lynx.

- 2) *Plant species and communities:* The Applicant would disturb approximately 60,000 square feet of soil within the Parcel. Most of this area is currently cleared of vegetation and developed with pre-existing structures. In a letter dated June 2, 2023, the Maine Natural Areas Program stated there are no rare or unique botanical features in the vicinity of the Project.
 - 3) *Flowing water and wetlands:* Grand Lake Stream, part of the St. Croix River basin, has been classified as a Class A flowing water under the Maine Department of Environmental Protections, Water Classification Program, 38 M.R.S § 467. The Applicant has submitted a Sediment and Erosion Control Plan and will require construction contractors to develop a Spill Prevention, Control and Countermeasure (SPCC) Plan and follow all Best Management Practices to ensure that the water quality is not impacted. Project. The Project would not impact mapped wetlands.
 - 4) The Applicant holds a Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0001082 and Maine Waste Discharge License (WDL) #W002037-6F-F-R from the Maine Department of Environmental (MDEP) for treatment and discharge of wastewater from the facility. The Applicant has stated that the facility and existing clarifier currently lack the necessary effluent treatment for water leaving the site needed for renewal of these licenses. The proposed improvements will add formal solids management capabilities to the facility, including installing new drum filtration for solids removal, replacing the existing clarifier for solids management, and installing new sludge storage to collect and house and sludge until proper disposal can occur.
- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project will fit into the existing natural environment of the surrounding area and that there will be no undue adverse effect on protected natural resources in the area likely to be affected by the proposal in accordance with 12 M.R.S. § 685-B(4)(C) and Chapter 10, § 10.24(A)(1)(C), and Chapter 10, § 10.25(P)(4).

20. **Noise and Lighting:**

- A. Criteria and standards: In considering the land use standards, the Commission imposes noise limitations measured at property lines and requires compliance with standards for exterior light levels, glare reduction, and energy conservation for any proposed lighting. Chapter 10, § 10.25(F).
- B. Analysis:
 - 1) *Noise:* The Applicant stated that except for day-time construction activities, operation of the Project would not generate any continuous, regular, or frequent source of noise

and that the Project is not expected to generate any discernible noise levels at the property boundary lines.

- 2) *Lighting*: The Applicant has stated that the exterior lighting for the Project would be designed and installed in compliance with the Commission's standards for lighting in Chapter 10, § 10.25(F).
- C. Finding: Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M. are exempt from the Commission's noise standards.¹ Based upon the record and the above analysis, the Commission finds that the Project meets the Commission's noise and lighting standards.

21. **Soil Suitability and Erosion and Sedimentation Control:**

- A. Criteria and standards: The Commission may not approve an application unless the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site. 12 M.R.S. § 685-B(4)(D) and Chapter 10, § 10.24(D). In considering the land use standards, among other items, the Commission requires that the applicant demonstrate that soils suitable to the proposed use of the land are present. Chapter 10, § 10.25(G). The Commission also requires the effective control of soil erosion and sedimentation during and following completion of construction activities. Chapter 10, § 10.25(M).
- B. Analysis:
 - 1) *Soil suitability*: A geotechnical survey was conducted in January 2023 in support of the Project improvements. Soils observed in the test boring explorations were interpreted as glacial stream deposits, commonly consisting of sand, silt, and gravel, which can include reworked glacial till. Specifically, topsoil is present at the ground surface with a thickness of 2 to 4 inches and was visually described as SM in accordance with the Unified Soil Classification System (USCS). Fill is present beneath the topsoil, extending to a depth of 2.5 to 5.5 feet below the ground surface. The fill consists of brown sand with some to little gravel and silt and is classified as SW-SM and SM in accordance with USCS. According to the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) Soils Survey Geographical data, soils in the Project area are Hermon-Skerry association Loamy Sand to Fine Sandy-loams association with 0 to 15 percent slopes and classified as very bouldery and are moderately well drained.
 - 2) *Erosion and sedimentation control*. The Commission requires the effective control of soil erosion and sedimentation during and following completion of construction activities. The Applicant submitted engineered plans with environmental and civil details (Sheet 01C-103), stamped by a State of Maine Professional Engineer, which

¹ Chapter 10, § 10.25(F)(1)(b)(1).

describe the proposed construction and post-construction erosion and sedimentation control measures. The Applicant also submitted an erosion and sedimentation control plan outlining installation, maintenance, and inspection aspects of the Project's erosion control devices.

- C. Finding: Based on the record and the above analysis, the Commission finds that the Project will comply with the Commission's soil suitability standards in Chapter 10, § 10.25(G). The Commission also finds that the Project will comply with Chapter 10, § 10.24(D) provided the Applicant follows the proposed erosion control plan and all the applicable erosion control standards set forth in Chapter 10, § 10.25(M), a copy of which is attached to this permit amendment and is incorporated herein by reference.

22. Solid Waste Disposal:

- A. Criteria and standards: Provisions must be made for the regular collection and disposal of site-generated solid wastes at a state-approved landfill or transfer station and for the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt and pavement products. Chapter 10, § 10.25(H).
- B. Analysis: The Applicant will continue to use the Grand Lake Stream Transfer Station to collect and dispose of solid waste. The solid waste is then transferred by CMC trucking and disposed of at the Baileyville Transfer and Recycling Center.
- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project meets the Commission standards for solid waste disposal pursuant to Chapter 10, § 10.25(H).

23. Subsurface Wastewater Disposal and Water Supply:

- A. Criteria and standards:
- 1) No permit may be issued for a project with subsurface wastewater disposal unless an acceptable plan to construct the absorption area is prepared. Where wastewater is to be disposed on-site by a subsurface wastewater system, the system must be designed by a licensed site evaluator or a Maine Licensed Professional Engineer, in accordance with the Subsurface Wastewater Disposal Rules. Chapter 10, § 10.25(I).
 - 2) The Applicant must demonstrate that there is sufficient healthful water supply to serve the needs of the project for subdivisions and commercial, industrial, and other non-residential development. Chapter 10, § 10.25(J)(4).
- B. Analysis:
- 1) The Project does not include any subsurface wastewater disposal. Water will be supplied to the proposed hatchery facility components from Grand Lake as authorized under DP 4852, Amendments A and B. No changes to the water supply are proposed.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project meets the Commission standards for subsurface wastewater disposal and water supply pursuant to Chapter 10, § 10.25(I), and Chapter 10 § 10.25(J)(4).

24. Dimensional Requirements:

A. Criteria and standards:

- 1) The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. Chapter 10, § 10.26(A).
- 2) For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage must be 300 feet per for commercial, industrial, and other non-residential uses involving one or more buildings. Chapter 10, § 10.26(B)(2)(b).
- 3) The minimum road frontage must be 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings. Chapter 10, § 10.26(C)(1)(b). In the case of a lot which borders more than one road, the minimum road frontage requirement must be met on at least one road. Chapter 10, § 10.26(C)(1)(d).
- 4) For commercial, industrial, and other non-residential principal and accessory structures, the minimum setbacks for structures are 150 feet from each flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size; 100 feet from each flowing water draining less than 50 square miles, body of standing water less than 10 acres in size except for constructed ponds, coastal wetlands, and non-forested wetlands located in P-WL1 subdistricts; 30 feet from the travelled portion of all roadways in the D-RS/D-GN subdistrict; and 25 feet from side and rear property lines. Chapter 10, § 10.26(D)(3).
- 5) Except as provided in Sections 10.26,E,3, 10.26,E,4 and 10.26,E,5, the maximum lot coverage shall be 30% for all uses involving one or more buildings Chapter 10, § 10.26(E)(1).
- 6) Criteria for Approval. Permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in Section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S § 685-B(4) and demonstrate that: the project will not adversely affect surrounding uses and resources; and there is no increase in the extent of nonconformance, except as provided in Section 10.11,B,9 or in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a water body setback. Chapter 10, § 10.11,(B)(1).

- 7) Expansion. A permit is required for the expansion of a nonconforming structure, except as provided in Section 10.27,P. In addition to meeting permit requirements, expansions must also comply with the following limitations. These limitations do not apply to water dependent uses. Chapter 10, § 10.11(C)(1).
- 8) New, Detached Accessory Structures. The construction of new, detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the water body setback requirement. In this case, the new accessory structure shall meet the setbacks to the maximum extent possible, shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, shall not be located closer than 20 feet to the road in conformance with the provisions of Section 10.11,B,6, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of Section 10.11,C,1,b. Chapter 10, § 10.11(C)(5).

B. Analysis:

- 1) The Subject Parcel is 4.43 acres with 1,300 feet of shore frontage on Grand Lake Stream, approximately 250 feet of road frontage on Bridge Street, and approximately 150 feet of road frontage on Water Street.
- 2) The proposed storage building would be set back approximately 100 feet from Grand Lake Stream, at least 120 feet from Bridge Street, at least 120 feet from Water Street, and approximately 27 feet from the nearest property boundary line. The storage building would be set back greater than the principal raceway structure and cannot be located further from the stream due to the shallow depth of the lot and property line setback requirement.
- 3) The proposed liquid oxygen tank would be set back approximately 104 feet from the waterbody, while the two proposed Pavilions, sludge storage tank, clarifier tank, and effluent treatment buildings would all be located within 100 feet of Grand Lake Stream as necessary to facilitate the use of the water being supplied from Grand Lake and to improve the water quality.
- 4) The Applicant has stated that the proposed expansion of the existing hatchery will safeguard one of the last remaining landlocked Atlantic salmon populations by supplying the hatchery with disease-free salmon. The new bulk oxygen system will be installed to improve water quality with the additional treatment facilities, will result in increased fish production and an opportunity to raise more brook trout at this facility. The planned effluent treatment will address MDEP wastewater discharge requirements. The Project should not cause an undue adverse impact and in turn should reduce any impacts to water quality.
- 5) Currently, approximately 2.5 acres of the 4.43-acre parcel (56%) are covered with impervious surfaces. However, the proposed new structures would be located within

existing impervious areas formally developed with structures or used for parking. No increase in the lot coverage is proposed.

- C. Findings: Based upon the record and the above analysis, the Commission finds that the Project will conform with the applicable Commission's dimensional and setback requirements pursuant Chapter 10, § 10.26. Based upon the record and the above analysis, the Commission finds that the Project would be in accordance with the expansion of nonconforming structures as defined in 12 M.R.S. § 682(9) and Chapter 10, § 10.11.

25. The facts are otherwise as represented in Development Permit Application DP 4852, subsequent amendments, Amendment Request C, and supporting documents.

FINAL CONCLUSIONS

Based upon the above analysis and findings of fact, the Commission concludes that, as long as the proposal is carried out in compliance with the Conditions of Approval below, the proposed development meets the *Criteria for Approval* set forth in 12 M.R.S. § 685-B(4), specifically:

1. The Commission concludes that based on information provided by the applicant as discussed in Findings 15, 16, and 22 adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto; and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors, and for the securing and maintenance of sufficient healthful water supplies in accordance with 12 § 685-B(4)(A).
2. The Commission concludes that there is substantial evidence in the record as discussed in Finding 17, adequate provision has been made for loading, parking and circulation of land, air and water traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods in accordance with 12 § 685-B(4)(B).
3. The Commission concludes that there is substantial evidence in the record as discussed in Findings 18 and 19, adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal in accordance with 12 § 685-B(4)(C).
4. The Commission concludes that there is substantial evidence in the record as discussed in Finding 21, the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site in accordance with 12 § 685-B(4)(D).
5. The Commission concludes that the proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto in accordance with 12 § 685-B(4)(E).


6. The Commission concludes that based on information provided by the applicant as discussed in Findings #14, the application does not propose construction of a structure upon a lot in a subdivision that has not received approval of the Commission in accordance with 12 § 685-B(4)(F).

Therefore, the Commission, through its staff, approves the application for Amendment C to Development Permit DP 4852, submitted by Maine Inland Fisheries and Wildlife for the construction of circular tank farms with covered pavilions, installation of a supplemental oxygen facility, and installation of waste treatment facilities - including a effluent treatment building, clarifier tank, and sludge storage tank, and construction of an equipment storage building as proposed, with the following conditions of approval:

1. The Standard Conditions of Approval mandatory for All Development Permits, a copy of which is attached.
2. The authorized storage building and liquid oxygen tank must be set back at least 100 feet from the normal high water mark of Grand Lake Stream, a minimum of 30 feet from the traveled portion (edge) of the nearest roadway and at least 25 feet from the nearest property boundary lines.
3. The authorized pavilions, effluent treatment building, clarifier tank and sludge storage tank must be set back a minimum of 30 feet from the traveled portion (edge) of the nearest roadway and at least 25 feet from the nearest property boundary lines, and must not be closer to the normal high water mark of Grand Lake Stream than the existing principal building for rearing fish.
4. The applicant must incorporate the erosion control measures detailed by State of Maine Professional Engineer No. 13751 in the submitted Improvements at Grand Lake Stream State Fish Hatchery, along with Good Engineering Practices and Best Management Practices.
5. Upon completion of the permitted structure(s) within the terms of this permit, all solid waste and other debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
6. All conditions of Development Permit DP 4852 and subsequent amendments 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 EAST MILLINOCKET, MAINE, THIS 20th DAY OF FEBRUARY, 2024.

By: 

for Stacie R. Beyer, Executive Director



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

AMANDA E. BEAL
COMMISSIONER
STACIE R. BEYER
EXECUTIVE DIRECTOR

STANDARD CONDITIONS OF APPROVAL MANDATORY FOR ALL DEVELOPMENT PERMITS (Version date: 5/19/2022)

1. *At least one week prior to commencing construction of the permitted activities*, the permittee or the designated agent must contact the Commission staff and notify them of the estimated date construction work will start. Notice may be provided in writing, in person, by email, or by calling. If the permittee or agent leaves or sends a message, please include the contact's full name, telephone number, permit number, and the date the work will start.
2. *Prior to commencing construction of the permitted activities*, the permittee, or the designated agent acting on behalf of the permittee, must provide a copy of the permit, including its attached conditions, to contractors that will be performing work or will be responsible for work at the site.
3. The enclosed permit certificate must be posted in a visible location at the project site immediately after receipt of this permit and during development of the site, and construction of the structures and associated activities and infrastructure approved by this permit.
4. 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 can then occur unless and until a new permit has been granted by the Commission.
5. Unless otherwise proposed and by the submittal of an **Erosion and Sedimentation Control Plan**, approved by this permit, soil disturbance must not occur when the ground is frozen or saturated.
6. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, must not begin until all temporary erosion and sedimentation control devices (including sediment traps, settling basins, hay bales, silt fences, etc.) have been installed appropriately. Once in place, such devices must be maintained to ensure proper functioning.
7. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices must be removed after construction activity has ceased and a cover of healthy vegetation has established itself or

other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization must be completed within one week of inactivity or completion of construction.

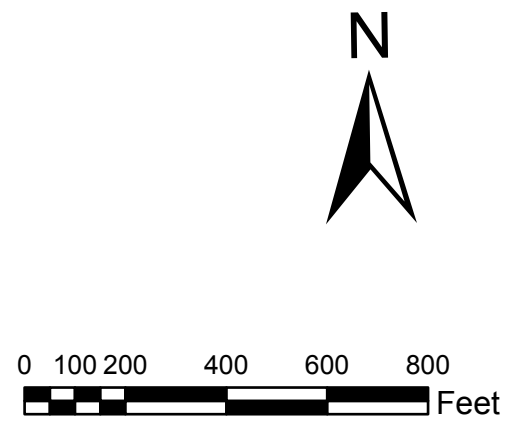
8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
9. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
10. The permittee must secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including, but not limited to: air and water pollution control regulations; subsurface wastewater disposal system approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, and a physical E-911 address from your County Commissioner's Office.
11. Once construction is complete, the permittee(s) must submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee must submit all information requested by the Commission demonstrating compliance with the terms of this permit. The permittee must not advertise Land Use Planning Commission approval unless any such advertising refers to this permit only and notes that the permit is subject to conditions of approval.
12. In the event the permittee should sell or lease this property, the buyer or lessee must be provided a copy of the approved permit and conditions of approval. Any change in use where different or additional standards apply must be reviewed by the LUPC.
13. 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.



IF&W Property, Grand Lake Stream PLT, Washington County Plan 03 Lot 7

- Towns_Maine_polys**
- LUPC Service Area
 - Parcels - Unorganized Territory
- Zones**
- D-GN: General Development
 - D-RS: Residential Development
 - M-GN: General Management
 - P-SL1: Shoreland - 250' Protection

- P-SL2: Shoreland - 75' Protection
 - P-WL3: Forested Wetlands Protection
 - E911 Roads
- NAIP 2018 1m Color**
- RGB**
- Red: Red
 - Green: Green
 - Blue: Blue



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