



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

MEMORANDUM

To: Commission Members

From: Patrick Emery, Environmental Technician, Ashland Regional Office
Billie J. MacLean, Regional Representative, Ashland Regional Office

Date: December 3, 2015

Re: Enforcement Cases EC 11-06; Quebec Inc., Big Twenty Twp., Aroostook County

Background Information and Administrative History

Quebec, Inc. currently owns five (5) contiguous parcels (Lots 14, 15, 19, 20.4, and 20.11 on Plan 02) having a combined area of 78.77 acres in Big Twenty Township, Aroostook County. The property is located within the (D-GN) General Development Subdistrict, (P-FP) Flood Prone Protection Subdistrict, (P-WL1) Wetland Protection Subdistrict, and (P-SL1&2) Shoreland Protection Subdistricts, along the St Francis River and one of its tributary, Wildcat Brook.

The subject property has been developed with a gravel pit since 1948. The gravel pit has expanded over time. On December 30th, 1993, Development Permit DP 4201 was issued to Construction F. Morin, Inc. granting after-the-fact approval for mineral extraction for road purposes on Lot 20.11. [Reference: Enforcement Case EC 90-300; Resolved]. The pit was authorized to be up to 25 acres in size with no more than 5 acres unclaimed at a time. The operation was to take place only on Lot 20.11 and only within the P-FP and P-SL1 subdistricts. At the time, mineral extraction up to 5 acres for road purposes was allowed with a permit within the (P-SL) Shoreland Protection Subdistrict. None of the property was zoned (P-WL) Wetland Protection Subdistrict in 1993.

As part of the application for Development Permit DP 4201, the applicant submitted an Erosion Control and Site Stabilization Plan, which proposed, among other things, the construction of a gravel berm with armored overflow provisions as high as the 10 year flood potential of the St. Francis River and to stockpile topsoil on the site for future reclamation of areas of the pit such that no more than 5 acres would be open or active at any time. In addition, the applicant proposed to comply with the Standards for Mineral Extraction regarding the regrading of soil to a slope of 2 horizontal to 1 vertical, or flatter within 250 feet of any property lines or public roadways.

As part of Development Permit DP 4201, the Maine Department of Inland Fisheries and Wildlife (MDIFW) recommended that the Erosion Control and Site Stabilization Plan should be strictly adhered to for protection of fisheries resources. Conditions of Development Permit DP 4201 required the following actions:

- Condition 7: A gravel berm must be constructed between the gravel pit and the river. This berm must contain one or more armored overflows. The berm and armored overflows must be

designed by a professional engineer, soil scientist or other knowledgeable professional. The berm must be constructed and maintained such that the berm is not damaged when overtopped by flood waters.

- Condition 8: Ground water monitoring wells must be installed and monitored in the pit floor. The floor of the pit must be at least five feet above the highest ground water level during any period of operation of the gravel pit.
- Condition 9: The permittee must follow the recommendations of the Maine Department of Inland Fisheries and Wildlife as outlined in Finding of Fact #11 above or equivalent measures approved by the Maine Department of Inland Fisheries and Wildlife.

On June 24th, 2015, staff conducted a site visit and observed an approximately 5 acre active gravel extraction pit on portions of Lots 19 and 14. Further, staff observed a substantially stabilized approximately 13 acre inactive gravel extraction pit on portions of Lot 20.11. However, portions of this reclaimed pit and access road stray onto Lot 20.12, owned by Alexis Cote. No gravel berm with overflow or monitoring wells had been installed, and the reclaimed areas along the river and property lines had not been revegetated and resloped as required.

The Respondent's extraction activities to date have affected a total of 17.8 acres with the following amounts within each Subdistrict:

- (P-FP) Flood Prone Area Protection Subdistrict = 17.1 acres.
- (P-SL1) Shoreland Protection Subdistrict = 2.5 acres.
- (D-GN) General Development Subdistrict = 0.7 acres
- (P-WL1) Wetland Protection Subdistrict = 0.4 acres (approximately 16,000 sq. ft.)

Note: The P-SL1 and P-WL1 sections are both within the P-FP. The D-GN is a stand-a-lone subdistrict.

Applicable Statutes and Chapter 10 Standards

12 M.R.S. Section 685-B(5)

Commission authorization pursuant to this section shall permit only the arrangement and construction set forth in the approval as issued. Change in use, arrangement or construction shall be considered a violation of this chapter and punishable as provided in this chapter.

Standards, Section 10.27,C,2,b

No portion of any ground area disturbed by extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.

Standards, Section 10.27,C,2,e

If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

Standards, Section 10.23,L,3

Mineral extraction is prohibited within the (P-SL1) Shoreland Protection Subdistrict.

Standards, Section 10.16,I,3,b(5) [ver. 8/15/1991]

Mineral extraction for road purposes affecting an area of greater than 2 acres in size and such activities affecting an area of less than 2 acres within a P-SL1 subdistrict which are not in conformance with the standards for Mineral Extraction require a permit issued by the Commission.

Standards, Section 10.16,B,3,b(4) [ver. 8/15/1991]

Mineral extraction operations for road purposes greater than 5 acres in size require a permit issued by the Commission within the (P-FP) Flood Prone Area Protection Subdistrict. Pursuant to Section 10.23,C,3,c,(11) of the Commission's current Land Use Districts and Standards, mineral extraction operations affecting an area between 5 and 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes, requires a permit within the (P-FP) Flood Prone Area Protection Subdistrict.

Violations

In summary, the following violations have been documented for this lot:

- The pit was expanded to approximately 17.8 acres without properly reclaiming such that no more than 5 acres of the pit was active.
- The pit was expanded onto Lots 14 and 19 without prior permit approval.
- The majority of the area within 250 feet of the neighboring property lines has not been resloped to the 2:1 standard.
- The mineral extraction activities have been expanded such that the open pit is less than 250 feet from the property lines of three abutting lots, without written permission from the abutting landowner, and in violation of the Commission's standards.
- A gravel berm with armored overflows has not been constructed as required under Condition 7 of DP 4201.
- Ground water monitoring wells have not been installed as required under Condition 8 of DP 4201.
- The recommendations of the Maine Department of Inland Fisheries and Wildlife have not been followed as required under Condition 9 of DP 4201.

Proposed Settlement

Staff have offered an Administrative Settlement Agreement (see attached) to Quebec Inc. requiring that it pay a civil penalty of \$15,000, submit an application for a permit for after-the-fact mineral extraction for Lots 14 and 19, discontinue all mineral extraction activities until a permit is issued, replant within 100 feet of the Saint Francis River, re-slope all accessible areas within 250 feet of property lines, and discontinue use of the access road which encroaches onto the abutting parcel.

To date, staff have been working with agents for Quebec Inc. to resolve this enforcement matter. Simon F. Morin, President of Quebec, Inc. currently is in Florida and has not yet agreed to or signed the Administrative Settlement Agreement. He resides in Canada. Because the agents for Quebec, Inc. reside in Aroostook County and the December Commission meeting is in Presque Isle, staff are presenting the Administrative Settlement Agreement to the Commission prior to being agreed to and signed by Mr. Morin.

Staff recommend approval of the Administrative Settlement Agreement with Quebec, In. in the Enforcement Case EC 11-06.

If approved, or approved with Commission modification, and not agreed to by Quebec, Inc., this matter would return to the Commission at a future meeting for the Commission to discuss and determine how to proceed.

Enclosures:



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

ADMINISTRATIVE SETTLEMENT AGREEMENT

In the Matter of

Quebec, Inc.)	STATE OF MAINE
1110 Rue Principale)	Land Use Planning Commission
Pohénégamook)	(Enforcement Case EC 2011-06)
Quebec, Canada G0L 1J0		

This Administrative Settlement Agreement (“Agreement”) by and among Quebec, Inc. and the Maine Land Use Planning Commission (hereinafter the "Commission") is entered into pursuant to 12 M.R.S. § 685-C(8) and the Commission's Compliance and Enforcement Response Policy.

Quebec, Inc. and the Commission agree as follows:

1. **Commission Authority:** Pursuant to 12 M.R.S., Chapter 206-A, the Commission has regulatory authority over the activities described herein.
2. **Respondent:** Quebec, Inc. is a foreign business corporation organized and existing under the laws of the Province of Quebec, Canada, since October 25, 2000. It has a principle place of business at 1110 Rue Principale, Pohénégamook, Quebec, Canada G0L 1J0. It has exported gravel products from its Maine property to the Province of Quebec, Canada, since approximately 1993. On November 9, 2011, it registered as a Foreign Business Corporation doing business in Maine. Quebec, Inc.’s business is not described in its corporate documents. Its clerk/registered agent is Robert G. Bellefleur, 324 Main Street, Madawaska, Maine 04756.
3. **Location:** Quebec, Inc. currently owns five (5) contiguous parcels having a combined area of 78.77 acres in Big Twenty Township, Aroostook County. The subject parcels are described in the Maine Bureau of Revenue Services’ records as:
 - A. Lots 15, 20.4, and 20.11 on Plan 02 and are described in the deed recorded in Book 1230, Page 33 in the Northern Aroostook County Registry of Deeds in Fort Kent. The three lots are a total of 29.9 acres in size.
 - B. Lots 14 and 19 on Plan 02 and are described in the deed recorded in Book 1714, Page 224 in the Northern Aroostook County Registry of Deeds. The lots are a total of 48.87 acres in size.
4. **Zoning:** (D-GN) General Development Subdistrict
(P-FP) Flood Prone Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
(P-SL1&2) Shoreland Protection Subdistricts

18 ELKINS LANE, HARLOW BUILDING

PHONE: 207-287-2631

www.maine.gov/acf

FAX: 207-287-7439

5. **Adjacent Waterbodies:**

St. Francis River- A tributary from Lake Pohénégamook in Canada to the St. John River in Allagash, Maine. The St. Francis River is a US/Canada boundary water.

Wildcat Brook- A tributary to the St. Francis River. Wildcat Brook initially crosses the US/Canada border approximately ½ mile south of the US Customs building and continues in a northeasterly direction before merging into the St. Francis River approximately ⅔^{rds} of a mile southeast of where Lake Pohénégamook empties into the St. Francis River.

6. **Background:**

- A. The subject property has been developed with a gravel pit since 1948. The gravel pit has expanded over time. It is unknown how large the pit was in 1971. It was reported as approximately 15 acres in size in 1990, however, recent assessments demonstrate that this was likely an overestimate.
- B. On December 30th, 1993, Development Permit DP 4201 was issued to Construction F. Morin, Inc. granting after-the-fact approval for mineral extraction for road purposes on Lot 20.11. The operation was to take place only on Lot 20.11 and was authorized to be up to 25 acres in size with no more than 5 acres unclaimed at a time. The permit was, in part, aimed at resolving some violations identified on the site associated with the operation of a gravel pit that did not comply with the Commission's standards for mineral extraction, reference Enforcement Case EC 90-300. EC 90-300 was resolved by the issuance of DP 4201.
- C. At the time that Development Permit DP 4201 was issued, the majority of the property was zoned as it is currently, almost entirely within a (P-FP) Flood Prone Protection Subdistrict. In addition to the P-FP, the area within 250 feet of the St. Francis River is also zoned P-SL1 Shoreland Protection Subdistrict and the area within 75 feet of Wildcat Brook is also zoned P-SL2 Shoreland Protection Subdistrict. Approximately 0.7 acres of Lot 20.11 is zoned (D-GN) General Development Subdistrict (erroneously noted as (M-GN) General Development Subdistrict in DP 4201). DP 4201 did not authorize any operations within the (D-GN) General Development Subdistrict, and, at the time, mineral extraction up to 5 acres for road purposes was allowed with a permit within the (P-SL) Shoreland Protection Subdistrict. None of the property was zoned (P-WL) Wetland Protection Subdistrict in 1993.
- D. As part of the application for Development Permit DP 4201, the applicant submitted an Erosion Control and Site Stabilization Plan, which proposed, among other things, the construction of a gravel berm with armored overflow provisions as high as the 10 year flood potential of the St. Francis River and to stockpile topsoil on the site for future reclamation of areas of the pit such that no more than 5 acres would be open or active at any time. In addition, the applicant proposed to comply with the Standards for Mineral Extraction regarding the regrading of soil to a slope of 2 horizontal to 1 vertical, or flatter within 250 feet of any property lines or public roadways.
- E. As part of their review comments for Development Permit DP 4201, the Maine Department of Inland Fisheries and Wildlife (MDIFW) recommended that the Erosion Control and Site Stabilization Plan should be strictly adhered to for protection of fisheries resources. They further recommended that the applicant plant a mixture of creeping red fescue, annual ryegrass, Dutch white clover, birdsfoot trefoil and hairy vetch. Also, shelterbelts and clump plantings of wildlife conifer/shrub plantings were to be planted throughout the impacted area. For the shelterbelts, MDIFW recommended that conifer trees be planted with an 8 foot by 8 foot spacing and that wildlife shrubs be planted with a 4 foot by 6 foot spacing. MDIFW also recommended that monitoring and maintenance of the plantings be continued until 80% of each reclaimed area was established.

F. Conditions of Development Permit DP 4201 required the following actions:

- i. Condition 7: A gravel berm must be constructed between the gravel pit and the river. This berm must contain one or more armored overflows. The berm and armored overflows must be designed by a professional engineer, soil scientist or other knowledgeable professional. The berm must be constructed and maintained such that the berm is not damaged when overtopped by flood waters.
- ii. Condition 8: Ground water monitoring wells must be installed and monitored in the pit floor. The floor of the pit must be at least five feet above the highest ground water level during any period of operation of the gravel pit.
- iii. Condition 9: The permittee must follow the recommendations of the Maine Department of Inland Fisheries and Wildlife as outlined in Finding of Fact #11 above or equivalent measures approved by the Maine Department of Inland Fisheries and Wildlife.

- G. Construction F. Morin, Inc., permittee of DP 4201 (a.k.a. F. Morin Construction, Inc.), owned Lots 15, 20.4 and 20.11 until October 2000 when it transferred the lots to Quebec, Inc. The transfer deed was recorded in Book 1230, Page 33 at the Northern Aroostook County Registry of Deeds in Fort Kent, Maine. Simon F. Morin was/is the president and sole officer of both companies.
- H. Lots 14 and 19 were owned by Canada Inc. until March of 2011, when they were transferred to Quebec, Inc. This transfer deed was recorded in Book 1714, Page 224 at the Northern Aroostook County Registry of Deeds in Fort Kent, Maine. Simon F. Morin was/is the president and sole officer of both companies.
- I. Pursuant to Section 10.16,I,3,b(5) of the Commission's Land Use Districts and Standards [ver. 8/15/1991], mineral extraction for road purposes affecting an area of greater than 2 acres in size and such activities affecting an area of less than 2 acres within a P-SL1 subdistrict which are not in conformance with the standards for Mineral Extraction require a permit issued by the Commission. Pursuant to Section 10.23,L,3,f of the Commission's current Land Use Districts and Standards, mineral extraction is prohibited within the (P-SL1) Shoreland Protection Subdistrict.
- J. Pursuant to Section 10.16,B,3,b(4) of the Commission's Land Use Districts and Standards [ver. 8/15/1991], mineral extraction operations for road purposes greater than 5 acres in size require a permit issued by the Commission within the (P-FP) Flood Prone Area Protection Subdistrict. Pursuant to Section 10.23,C,3,c,(11) of the Commission's current Land Use Districts and Standards, mineral extraction operations affecting an area between 5 and 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes, requires a permit within the (P-FP) Flood Prone Area Protection Subdistrict.
- K. In 2001, additional (P-WL) Wetland Protection Subdistricts were adopted based mainly on the National Wetland Inventory Maps. These revisions resulted in an approximately 16,000 square foot (P-WL1) Wetland of Special Significance being added to Lot 20.11 in the area of the previously mined gravel pit that has been reclaimed. Pursuant to Section 10.23,N,3,f of the Commission's current Land Use Districts and Standards, mineral extraction is prohibited within the (P-WL1) Wetland Protection Subdistrict.
- L. On June 24th, 2015, staff conducted a site visit and observed an approximately 5 acre active gravel extraction pit on portions of Lots 19 and 14. Further, staff observed a substantially stabilized approximately 13 acre inactive gravel extraction pit on portions of Lot 20.11. However, portions of this reclaimed pit and access road stray onto Lot 20.12, owned by Alexis Cote. No gravel berm with overflow or monitoring wells had been installed, and the reclaimed areas along the river and property lines had not been revegetated and resloped as required.

7. **Description of Activities:**

A. The Respondent's extraction activities to date have affected a total of 17.8 acres with the following amounts within each Subdistrict:

(P-FP) Flood Prone Area Protection Subdistrict = 17.1 acres.

(P-SL1) Shoreland Protection Subdistrict = 2.5 acres.

(D-GN) General Development Subdistrict = 0.7 acres

(P-WL1) Wetland Protection Subdistrict = 0.4 acres (approximately 16,000 sq. ft.)

Note: The P-SL1 and P-WL1 sections are both within the P-FP. The D-GN is a stand-alone subdistrict.

B. The Respondent conducted mineral extraction activities on the subject lots in a manner not in compliance with the terms and conditions of DP 4201, as follows:

- i. The Respondent increased the total size of the pit to approximately 17.8 acres without properly reclaiming such that no more than 5 acres of the pit was active. According to the Survey by Michael Cyr of Northern Maine Surveyors, dated October 14, 2014, the pit is comprised of three sections: a 3.6 acre section, a 9.5 acre section, and a 4.7 acre section.
 - a. The 3.6 acre and 9.5 acre sections are both located on Lot 20.11 and are both no longer being actively mined. The 3.6 acre area has been reseeded, with the exception of the access road. The majority of this area has not been resloped to the 2:1 standard within 250 feet of the neighboring property lines. The majority of the 9.5 acre section has been resloped and reseeded, but has not been revegetated with trees and shrubs as required in DP 4201. A portion of the 9.5 acre section is also located on an abutting lot not currently owned by the Respondent.
 - b. The 4.7 acre section was an expansion onto Lots 14 and 19 in 2007 without prior permit approval. Approximately 1 acre has been reclaimed and 3.7 acres remains as an active gravel pit.
- ii. The Respondent did not install the required gravel berm with armored overflow provisions along the Saint Francis River, as required by Condition 7 of DP 4201.
- iii. The Respondent did not install groundwater monitoring wells, as required by Condition 8 of DP 4201.
- iv. The Respondent did not follow all of the recommendations of the Maine Department of Inland Fisheries and Wildlife (MDIFW) regarding plantings to reclaim the area for wildlife, as required by Condition #9 of DP 4201. Specifically, the Respondent re-vegetated the majority of the inactive areas of the gravel pit with a soil conservation mix, and sparsely transplanted some larger bushes and tree species from elsewhere on the property instead of as described 6,E above. The number of trees and shrubs was significantly less than what was recommended by MDIFW and they were not spaced as recommended to create a shelterbelt.

C. The Respondent has expanded its extraction activities such that the open pit is less than 250 feet from the property lines of three abutting lots, in violation of Section 10.17,A,3,b,2 of the Commission's Land Use Districts and Standards [ver. 8/15/1991], and Section 10.27,C.2,b of the Commission's current Land Use Districts and Standards. The abutting landowners have not given written permission to the Respondent to operate closer than 250 from their property lines.

D. The Respondent has extracted within 50 to 70 feet of the southerly shore of the St. Francis River for a distance of approximately 600 feet along the river, complying with the Commission's Standards at the time

Development Permit DP 4201 was issued. As of July 1, 2002, the Commission requires that a minimum 100 foot wide vegetated buffer strip be maintained along P-SL1 waterbodies such as the St. Francis River. [Reference: Section 10.27,C,2,a(2) of the Commission's Standards].

8. **Violations:** The actions described in Paragraph 7 above resulted in violation of the following sections of 12 M.R.S. Chapter 206-A, the Commission's current Land Use Districts and Standards (the "Standards"), and Development Permit DP 4201, issued on December 30, 1993:

12 M.R.S. Section 685-B(5)

Commission authorization pursuant to this section shall permit only the arrangement and construction set forth in the approval as issued. Change in use, arrangement or construction shall be considered a violation of this chapter and punishable as provided in this chapter.

Standards, Section 10.27,C,2,b

No portion of any ground area disturbed by extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such property.

Standards, Section 10.27,C,2,e

If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

Special Condition #7, DP 4201

A gravel berm must be constructed between the gravel pit and the river. This berm must contain one or more armored overflows. The berm and armored overflows must be designed by a professional engineer, soil scientist, or other knowledgeable professional. The berm must be constructed and maintained such that the berm is not damaged when overtopped by flood waters.

Special Condition #8, DP 4201

Ground water monitoring wells must be installed and monitored in the pit floor. The floor of the pit must be at least 5 feet above the highest ground water level during any period of operation of the gravel pit.

Special Condition #9, DP 4201

The Permittee must follow the recommendations of the Maine Department of Inland Fisheries and Wildlife as outlined in Finding of Fact 11 of DP 4201 or equivalent measures approved by the Maine Department of Inland Fisheries and Wildlife.

9. **Remedial Measures Undertaken:** Quebec, Inc. has regraded some steep slopes in a portion of the gravel pit pursuant to a plan agreed upon during a meeting attended by Simon Morin, Robert Bellefleur and Commission staff on May 23, 2011. Additionally, Quebec, Inc. seeded the closed areas of the pit with a soil conservation mixture and transplanted some larger vegetation such as bushes and small trees from elsewhere on the property.
10. **Official Record:** This Agreement shall not be effective nor become part of the official record unless and until it is ratified by the Commission.
11. **Conditions:** To resolve the violations described in Paragraph 7 and 8 above, Quebec, Inc. agrees to:
- A. Within 10 days of the effective date of this Agreement, pay a civil penalty in the amount of fifteen thousand dollars (\$15,000 US). The payment shall be by check or money order made payable to the

"Treasurer, State of Maine" c/o Maine Land Use Planning Commission, State House Station 22, Augusta, Maine 04333;

- B. Promptly discontinue all mineral extraction activities at the site, including but not limited to, mineral extraction, the hauling of stockpiled fill, and the clearing and preparation of land for future extraction activity, until such time as a permit for such activities is issued by the Commission.
- C. By March 1, 2016, submit to the Commission a properly completed development permit application seeking after-the-fact approval for excavation undertaken on Lots 14 and 19 without prior permit approval. The application must include a site plan showing areas to be reclaimed, any areas proposed for future extraction and an Erosion and Sedimentation Control Plan. The site plan, drawn to scale, must show the abutting lots and their proximity to any existing and proposed excavation, all waterbodies, and, if required, the location of proposed ground water monitoring wells.
- D. By July 15, 2016, all areas of past mineral extraction located within the striped portion of the 3.6 acre area, as shown on the attached plan, must be sloped at 2 horizontal to 1 vertical or flatter, and the existing access road must be discontinued, loamed, seeded with conservation mix and mulched.
- E. By July 15, 2016, in order to restore the 100 foot vegetative buffer strip between the extracted areas and the normal high water mark of the Saint Francis River, plant and maintain a well-distributed stand of trees extending 100 feet inland along the river. The trees must be at least 18 inches tall when planted, of mixed hardwood and softwood species native to the area (i.e. Spruce, Birch), and planted in an evenly dispersed pattern no more than 10 feet apart on center.
- F. By August 1, 2016, submit photographic evidence to the Commission demonstrating that the property is in compliance with Conditions 11,D & E.
- G. The Respondent and subsequent owners or lessees of the subject parcel shall ensure the survival of the planted vegetation described in Condition 11,E above by frequent monitoring and prompt replacement of damaged, diseased, and dead or dying vegetation with the same or similar species and size. No cutting of trees or other vegetation for 25 years shall occur within the area thus planted and then only to Commission standards.
- H. The following conditions governing the conveyance of the subject property: Quebec, Inc. shall not sell, lease, transfer, or otherwise convey the subject property unless full disclosure of the terms of this Agreement is made to the buyer, lessee or recipient. This Agreement shall be binding upon Quebec, Inc., its successors and assigns in the subject property or any portion of it. Any person acquiring all or any portion of the subject property shall be subject to this Agreement and bound to comply with the terms hereof as if that person were Quebec, Inc.
- I. The following actions to be taken by Quebec, Inc. and the Commission to record this Agreement in the Northern Aroostook County Registry of Deeds: Within 10 days of the effective date of this Agreement, Quebec, Inc. shall submit to the Commission the recording fee in the amount of \$36.00 to be paid to the Northern Aroostook County Registry of Deeds for the recording of this Agreement. Payment must be by check or money order, made payable to the "Northern Aroostook County Registry of Deeds". Upon receipt of payment, staff will record the Agreement in the Northern Aroostook County Registry of Deeds in a manner that causes it to be properly indexed to the subject property. In the event that Quebec, Inc. fails to submit the appropriate recording fee, the Commission may record the Agreement in the Northern Aroostook County Registry of Deeds without waiver of the violation caused by Quebec, Inc.'s failure to do so.

12. **Release:** In consideration for, but only upon completion of, the actions called for in Paragraph 11 above in accordance with the terms and conditions of this Agreement, the Commission and the Attorney General shall release their causes of action against Quebec, Inc. arising from the violations described in Paragraph 7 and 8 above.

Respondent

By: _____ Date: _____
Simon F. Morin, President, Quebec, Inc.

STATE OF MAINE
County of Aroostook, ss.

Date: _____, 2015

Personally appeared the above named Simon F. Morin and acknowledged the foregoing to be his free act and deed.

Before me,

Notary Public

(Type or Print Name as Signed)

My Commission Expires: _____

Maine Land Use Planning Commission

By: _____ Date: _____
Nicholas D. Livesay, Director

STATE OF MAINE
County of Kennebec, ss.

Date: _____, 2015

Personally appeared the above named Nicholas D. Livesay, in his capacity as Director of the Maine Land Use Planning Commission, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of the Maine Land Use Planning Commission.

Before me,

Notary Public

(Type or Print Name as Signed)

My Commission Expires: _____

Office of Attorney General

By: _____ Date: _____
Lauren E. Parker, AAG

This Survey was altered by Commission staff for the EC 11-06 Settlement Agreement

Parcel Reference List

- SR1: Now or Formerly Rolande Trudel et al.
Tax Map AR-78 Plan 2 of 2 Tax Lot 11
- SR2: Now or Formerly Alcide Gagnon
See Book 131 Page 446, Book 322 Page 278, Tax Lot 15, 16 & 18
- SR3: Now or Formerly Rogan Monagan
See Book 114 Page 342, Tax Lot 20.2 & 20.4, Subject to Rights of Way
- SR4: Now or Formerly The State of Maine
Book 381 Page 758 & Book 214 Page 169, Tax Lot 21 & 24, with Right of Way
- SR5: Now or Formerly Alexis F. Cole
Book 168 Page 198, Tax Lot 25, with Right of Way
- SR6: Now or Formerly Acadian-Son, L.L.C.
Book 1528 Page 273, Tax Lot 21, with Right of Way

Notes

- 1) Refer to "Plan Maritime 1" over sheet 1 on 6 in progress as "Région Maritime - The Province & Labels Agreement" (Government Decree November 21, 1992)
- 2) None will be placed from top to bottom with common walling if B.D. line is 10' - 10" and appropriate 400' area

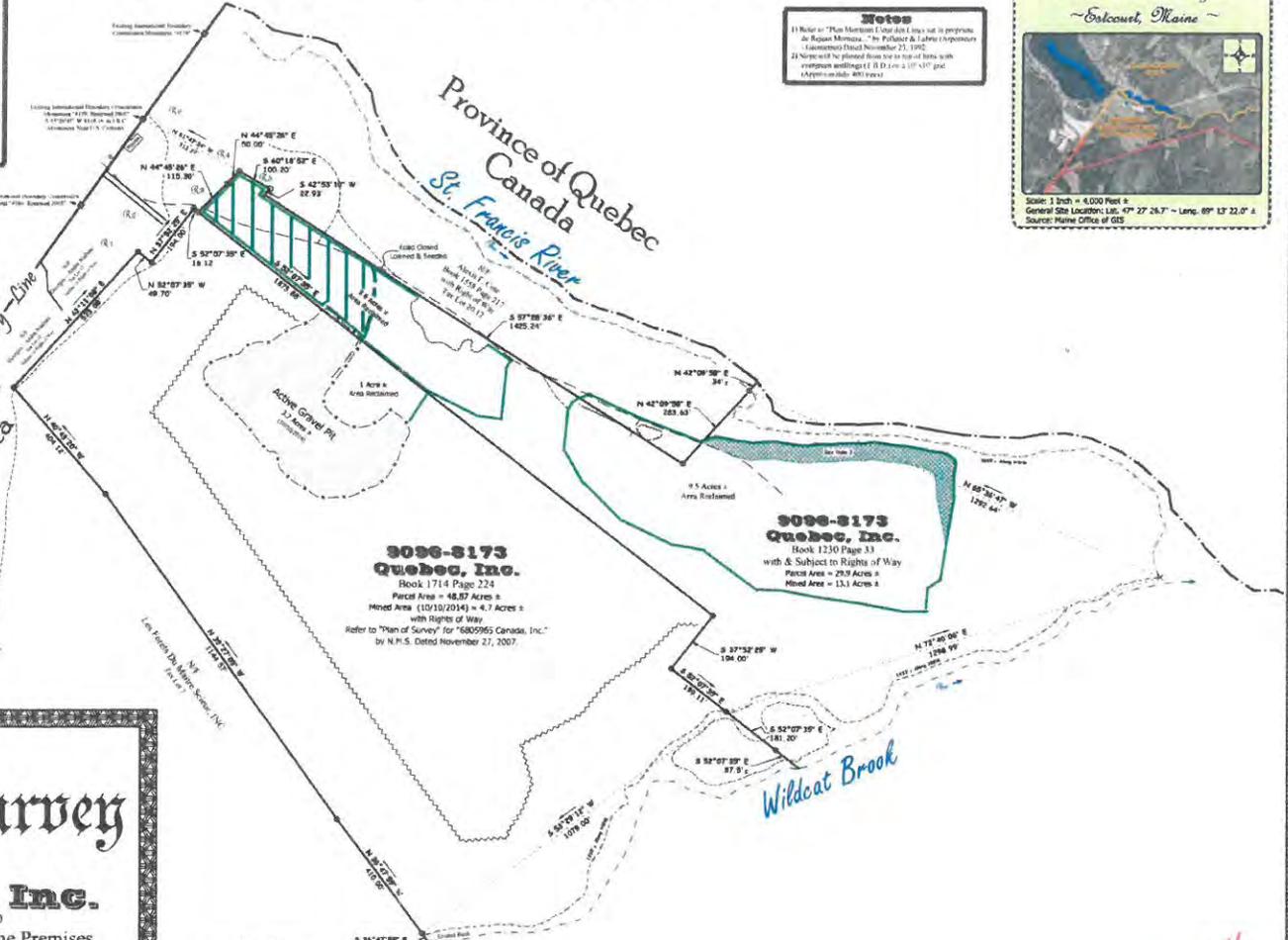


Map Legend

- 1/2" Iron Pipe & Cap Set by N.M.S.
- 1" Iron Pipe & Cap Set by N.M.S. (2007)
- Iron Pipe found by M.M.S.
- Existing Concrete Capped Dr. Road
- Centerline Trail
- Contribution to Francis River
- Contribution to Walker Brook
- Normal High Water Mark
- Survey To Line
- Water Woods / Pines
- 200 South Line
- Active/Gravel Pit Perimeter
- Reclaimed Area Perimeter

Refer to Tax Map AR-78 Plan 2 of 2 Tax Lots 14, 19 & 20.11 For General Reference

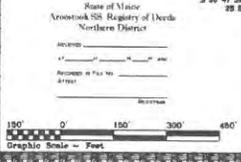
Province of Quebec
Canada
State of Maine
United States of America



Boundary Survey

PREPARED FOR
9096-8173 Quebec, Inc.
Mailing Address: 1110 Principale, Pohenegamook, Quebec, Canada G0L 1J0

Showing Location, Definition and Monumentation of the Premises
Decided in Book 1230 Page 33 & Book 1714 Page 224 of the
Northern Aroostook Registry of Deeds.
Being Part of Big Twenty Township in T-20 R-11 & R-12, W.E.L.S., Now:
Estcourt, Aroostook County, Maine
Scale: 1 Inch = 150 Feet Date: October 14, 2014

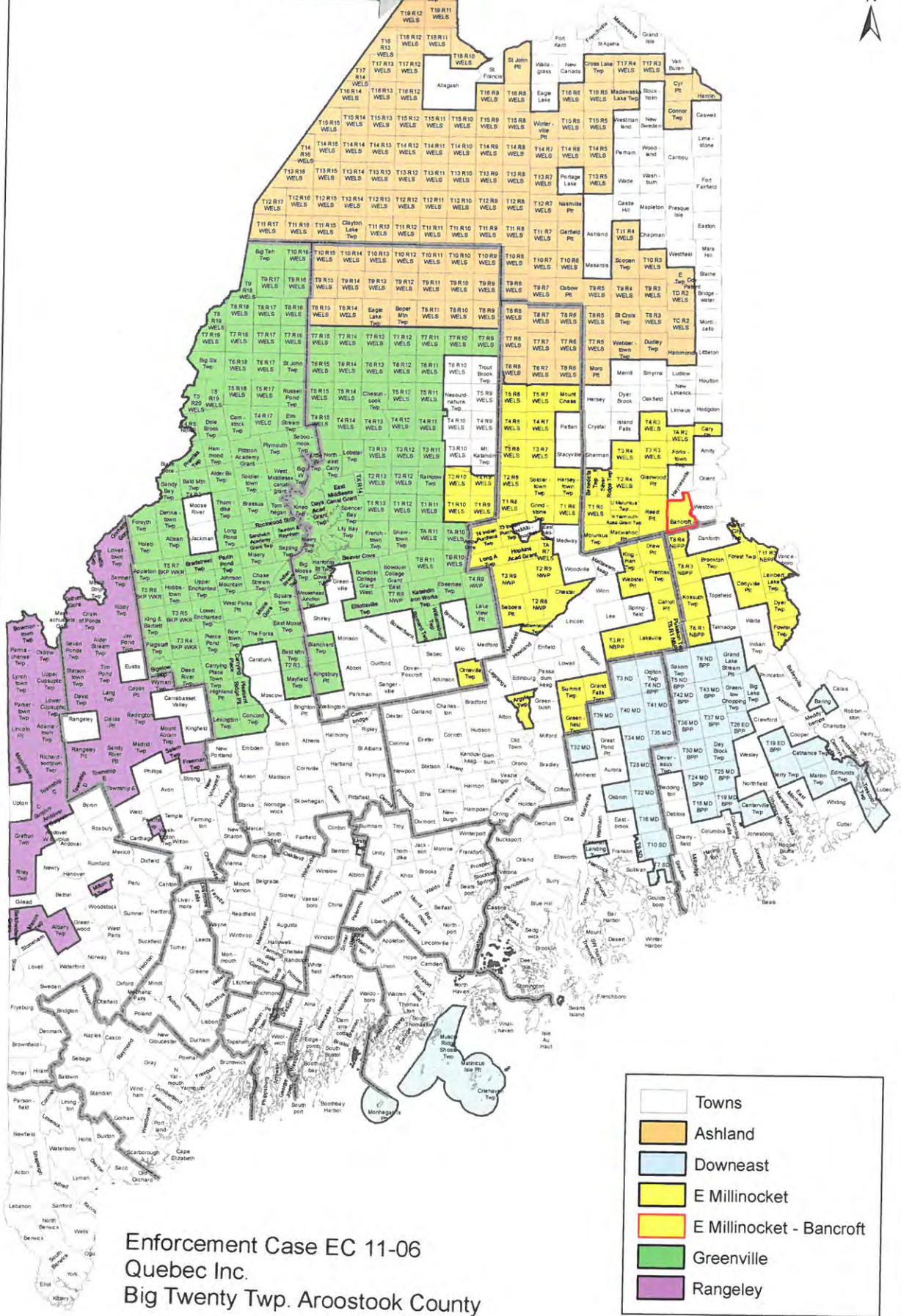


From The Office Of Northern Maine Surveyors
Michael P. Cyr - State of Maine - Professional Land Surveyor - No. 1255
155 Gagnon Road, Madawaska, Maine 04756 - Tel. & Fax: (207) 728-6028 - Email: MikeCyrMNS@gmail.com

Preliminary

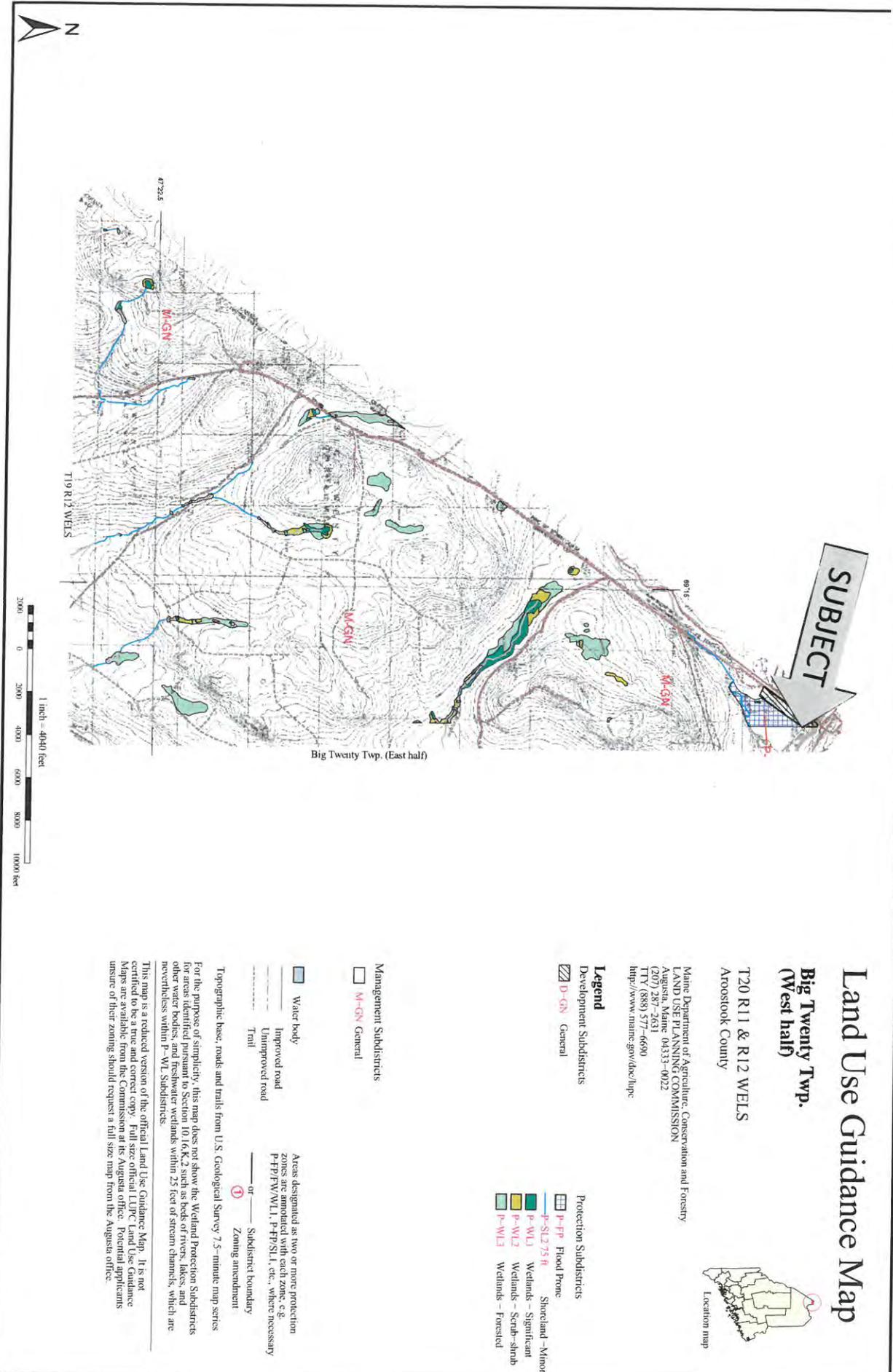
Michael P. Cyr
S.L.S. #1255

SUBJECT



Enforcement Case EC 11-06
 Quebec Inc.
 Big Twenty Twp. Aroostook County

- Towns
- Ashland
- Downeast
- E Millinocket
- E Millinocket - Bancroft
- Greenville
- Rangeley



Land Use Guidance Map

Big Twenty Twp. (West half)

T20 R11 & R12 WELS
 Aroostook County



Maine Department of Agriculture, Conservation and Forestry
 LAND USE PLANNING COMMISSION
 Augusta, Maine 04333-0022
 (207) 287-2631
 TTY (888) 577-6690
<http://www.maine.gov/dac/lupc>

- Legend**
- Development Subdistricts**
- D-GN General
- Protection Subdistricts**
- P-FP Flood Prone
 - P-SL275 R Shoreland - Minor
 - P-WL1 Wetlands - Significant
 - P-WL2 Wetlands - Scrub-shrub
 - P-WL3 Wetlands - Forested

- Management Subdistricts**
- M-GN General

- Water body**
- Water body
 - Improved road
 - Unimproved road
 - Trail
- Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SIL1, etc., where necessary
- Subdistrict boundary or Zooming amendment

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16(K.2) such as beds of rocks, bays, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

This map is a reduced version of the official Land Use Guidance Map. It is not certified to be a true and correct copy. Full size official LUPC Land Use Guidance Maps are available from the Commission at its Augusta office. Potential applicants unsure of their zoning should request a full size map from the Augusta office.

