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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 7
BANGOR, MAINE 04401

PERMIT

AMENDMENT C TO DEVELOPMENT PERMIT DP 4529

The staff of the Maine Land Use Planning Commission (Commission), after reviewing the application and supporting documents submitted by Jasper Wyman & Son, Incorporated (Applicant) for Amendment C to Development Permit DP 4529, finds the following facts:

1. Applicant: Jasper Wyman & Son, Incorporated
PO Box 100
Milbridge, Maine 04658
2. Date of Completed Application: August 12, 2015
3. Project Location: T22 MD BPP, Hancock County, Maine
Maine Revenue Service Map HA008, Plan 01, Lot 1
4. Zoning Specific to this Amendment:
(M-GN) General Management Subdistrict
(P-WL) Wetland Protection Subdistrict
(P-SL2) Shoreland Protection Subdistrict
5. Acreage: 1,194.3 Acres (Owned)
6. Affected Waterbody: Pork Brook (which is in the Narraguagus River watershed) is subject to State of Maine and Federal Atlantic Salmon Conservations Plans and is a Class AA flowing water.¹

Background and Administrative History

7. The administrative history of Development Permit DP 4529 is attached as Appendix A to this permit amendment, and is incorporated herein by reference.
8. The "Pork Brook Blueberry Barrens" are located within the Narraguagus River watershed. Pork Brook is a tributary to the West Branch of the Narraguagus River, and provides important habitat for brook trout and Atlantic salmon. Therefore, activities impacting Pork Brook warrant special consideration.

¹ Reference 38 M.R.S. § 464 and § 465.

Proposal

9. The Applicant seeks amendment approval to pump water from one (1) groundwater irrigation well (the Pork Brook Well), and to install a 20 foot by 24 foot pumphouse on a slab foundation. The purpose of the groundwater well is to provide irrigation of blueberry crops.
 - A. *Pork Brook Well.* The proposed 24-inch irrigation groundwater well will be located in T22 MD BPP, approximately 650 feet west of Pork Brook, at a location approximately 20 feet higher in elevation than the brook. There are two mapped wetland types adjacent to the brook in the vicinity of the well: P-WL1 wetland of special significance along two stretches of the brook, separated by a stretch of P-WL-2 scrub shrub wetland. An isolated kettlehole bog (peatland) zoned as a P-WL-1/P-WL3 wetland is located southeast of the proposed well location.
 - B. *Proposed pumping rates and dates of use.* The proposed groundwater well would be pumped periodically during a 121 day irrigation season from May 1 to August 30, at a pumping rate of approximately 2,000 gallons per minute (gpm). The Applicant stated that based on the results of the pumping test, the amount proposed to be withdrawn from the well will be up to 2.63 million gallons per day (gpd) or 18.41 million gallons per week (gpw).
 - C. *Exploration and pump testing.*
 - (1) *Exploration.* The initial report entitled “*Pork Brook Water Supply Project, December 6, 2012*” details the site exploration in September of 2012. Based on the limited information available at the time, a steady state withdrawal rate was calculated where the rate would be sustainable if the well were pumped 7 days a week, 24 hours per day. The typical irrigation schedule would be for shorter periods of pumping, for example 12 hours per day, and the potential withdrawal rate could be increased to 3,650 gpm if the transmissivity of the aquifer were found to be favorable. The assessment of the site determined that the irrigation well potentially could sustainably withdraw on the order of 2.63 million gpd. A pumping test would be required to make a final determination.
 - (2) *Pumping test.* A pumping test was done to support the proposed withdrawal rate of approximately 2000 gpm, and to determine safe yield and potential impacts to sensitive receptors (wetlands, streams). An 8-inch Test Production Well (TPW) was constructed in May 2013, two feet southwest of an existing test well (TW12-04). To monitor the six-day pumping test, an observation network was installed, consisting of nine (9) observation wells, two (2) piezometers, and two (2) staff gauges. The TPW was drilled to a depth of 76 feet below the ground surface; the saturated thickness in the area of the production well is 46 feet. The hydrologic system where the well is located is semi-confined; as such, recharge comes from precipitation, leakage from the upper unconfined aquifer, and leakage from the bedrock below.
 - (a) To create a hydrograph, water level measurements were taken for a period of 21 days prior to the pumping test using an electronic water level meter (pressure transducer) in six of the observation wells, and at the piezometers and staff gauges periodically.
 - (b) A six-day constant rate pumping test was conducted on the TPW at a pumping rate of 510 gpm from May 29 to June 4, 2013. An electronic water level meter was used to take the water level measurements. For seven days after the test, water level measurements were taken in the nine observation wells, two piezometers, two staff gauges, and the

production well. Surface water-shallow aquifer interactions were monitored with the staff gauges and piezometers which were placed in Pork Brook and a wetland system to the south.

- (c) *Results.* The results of the pumping test indicated that a larger diameter well in this location is theoretically capable of steady state pumping at approximately 1,883 gpm (2.71 million gpd), or up to 18.98 million gpm.
 - (i) No direct influence on Pork Brook was observed as a result of pumping. The impact to Pork Brook was estimated based on calculations of vertical hydraulic gradient and observed gradient changes throughout the six-day pumping test.
 - (ii) The August median streamflow (aquatic base flow or ABF) for Pork Brook at the location east of the proposed well is 0.935 cubic feet per second (cfs). The calculated leakage rate at the proposed pumping rate of 2.63 million gpd is 0.025 cfs (approximately 11.35 gpm), which is 2.67% of the ABF.
 - (iii) The Pork Brook wetland observation point (SG-1) showed no change as a result a result of pumping. The observation point under the kettlehole peatland to the south (PZ-2) showed both an increase in the negative gradient (downward) in the groundwater under the wetland during the pumping test and a rebound after pumping had ceased, indicating an impact due to pumping. The perched, and isolated, water table of the peatland itself was not affected by the pumping.
- (d) *Transient pumping condition.* A safe yield for a transient pumping condition was determined because a typical irrigation pumping schedule would start on May 1 and end on August 30 (121 days), during which time the well may be cycled on and off approximately every 12 hours, at a pumping rate of 3,650 gpm (5.26 million gpd). A pumping rate of 3,650 gpm was simulated for a period of 120 days without recharge. The total withdrawal rate per week was determined to be 18.4 million gpm.

D. *Monitoring.* After receiving review comments, and subsequent discussions, on August 12, 2015, the Applicant proposed the following monitoring plan:

- (1) *Time period.* The Applicant proposes to monitor for one year, from April to October, during both pumping and non-pumping periods, and then evaluate the data to determine if any stream or wetland losses due to the use of the Pork Brook Well are detectable, and whether any mitigation is needed.
- (2) *Stream stage.* The Applicant proposes to monitor three pairs of staff gauges and piezometers at points upstream and downstream in Pork Brook, including a reach of the stream most expected to experience any leakage from the well withdrawal. The proposed staff gauges are SG-1, SG-3 and SG-4; and the proposed shallow piezometers would be placed adjacent to the staff gauges (PZ-1, PZ-3 and PZ-4). In accordance with a suggestion by MGS, pressure transducers set to take measurements at 15 minute intervals would be used. In addition, the gauges and piezometers would be checked monthly by Wyman's staff.
- (3) *Groundwater.* The Applicant proposes to monitor groundwater levels at the 24-inch pumping well, a 2-foot observation well, and at observation wells OB-1, OB-2, and OB-3. In accordance with a suggestion by MGS, pressure transducers set to take measurements at 15 minute intervals would be used. In addition, Wyman's staff would take water level readings once per month.
- (4) *Wetlands.* The Applicant proposes to monitor the wetland adjacent to Pork Brook at a point opposite the pumping well (PZ/SG-1), and the wetland southeast of the irrigation well

(PZ/SG-2). In accordance with a suggestion by MGS, pressure transducers set to take measurements at 15 minute intervals would be used. The piezometers would also be checked by Wyman's staff once per month.

(5) See the Applicant's revised proposed monitoring plan, dated August 12, 2015, for the details of the methodology to be used to evaluate the data.

E. *Pumphouse*. The Applicant proposes to construct a 20 foot by 24 foot pumphouse on a slab foundation, that would be set back 650 feet from Pork Brook and 325 feet from the nearest mapped wetland. The pumphouse would contain the pumping system (generator, irrigation pump, fuel tank, and related equipment) and a 500 gallon above-ground double-walled fuel storage tank with a 110% concrete secondary containment (600 gallons). The pump house will be completely enclosed in tertiary containment inside the building and be compliant with Wyman's existing Spill Prevention Containment and Control Plan (SPCC plan) to ensure that any released fuel cannot seep or leak out of the pump house. The pumphouse will be located in a depression such that water would drain toward, not away from the pumphouse. The Applicant's existing Spill Prevention Containment and Control Plan (SPCC plan) has been modified to incorporate this proposal. All non-essential lighting at the pumphouse would be turned off at all times when not in use.

10. *Estimated cost*. The estimated total cost of the proposed new production well, pump house, and associated equipment is \$250,000.

Resource Agency Review Comments

11. *Maine Department of Inland Fisheries and Wildlife (MDIFW)*. The MDIFW reviewed the permit application, and voiced concern about the potential for impact to the water level of Pork Brook and the adjacent wetland due to use of the well. MDIFW offered the following comments:

- A. If pumping the well would impact water levels in the adjacent wetlands, then the use of the well should be minimized during waterfowl nesting season, which is from April 15 to July 15.
- B. If pumping the well will impact the stream flow, then use of the well should be limited from July to September to minimize impacts on brook trout.

12. *The Maine Geological Survey (MGS)*. The MGS reviewed the permit application, the Applicant's proposed original and revised monitoring plans, and the Maine Department of Environmental Protection's review comments, and on August 26, 2015 offered the following comments:

- A. "Overall, the monitoring plan looks appropriate provided a standard 15 minute data collection frequency is selected. We see this as reasonable and certainly not outside the capability of the instruments used. We also see this increased and standard data collection frequency as essential in the examination of possible impacts due to water withdrawals. There is no increased cost to the applicant in using this shorter data collection frequency and if the applicant desires to examine data collected at a less frequent acquisition rate, they certainly would be able to."

- B. The recommended measurement frequency for the pressure transducers of every 15 minutes is consistent with the standard methodology used by the U.S. Geologic Survey. This measurement frequency will allow for a better interpretation of the data to determine if an actual change in the stream flow is occurring when the well is in use, and to eliminate “noise” from the data.
 - C. MGS also commented on the proposed monitoring in October of 2014 and March of 2015, offering a variety of options for monitoring and mitigation if needed, in particular stream augmentation.
13. *Maine Department of Environmental Protection (MDEP)*. The MDEP reviewed the permit application, MGS’ comments, and the Applicant’s proposed monitoring plan, noting that the Applicant has agreed to do the monitoring suggested by MGS, which should serve to satisfy Chapter 587. MDEP also offered the following comments:
- A. “If the proposed well would affect the flow of Pork Brook, which is a Class AA flowing water, the MDEP’s Chapter 587 rules state that the well could only be used:
 - (1) When actual stream flow is greater than the defined spring aquatic base flow, which usually only persists during the spring season (3/16 to 5/15).
 - (2) When natural flow during the early winter season (11/16 to 12/31) exceeds the December median flow.
 - (3) When actual stream flow exceeds 1.5 times the defined seasonal flow, which is only expected to occur less than 50% of the time.”
 - B. “The ‘indirect’ augmentation suggested by MGS would not qualify as a non-consumptive use. There could also be concerns with toxics and or dissolved oxygen with direct augmentation.”
 - C. “Regarding the distance of the proposed well from a waterbody, Chapter 587 does not specify any particular setback. If the groundwater withdrawal has a significant influence on stream base flows it would fall under Chapter 587.”

Review Criteria

- 14. According to 12 M.R.S. § 681 of the Commission’s statute, “it is the purpose and scope of the Commission, among other things, to prevent the despoliation, pollution and detrimental uses of the water in unorganized and deorganized townships of the State.”
- 15. According to 12 M.R.S. § 685-B(4)(C), paragraph 1 of the Commission’s statute, which is incorporated into Section 10.24,C of the Commission’s Standards, “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. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the

commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.”

16. According to Section 10.22,A,3,c,(26) of the Commission's Standards, other structures, uses, or services that are essential to the uses listed in Section 10.22,A,3,(a through c) may be allowed within an (M-GN) General Management Subdistrict upon issuance of a permit from the Commission according to 12 M.R.S. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III.
17. According to Section 10.22,A,3,b,(2) of the Commission's Standards, an agricultural management activity is a use allowed without a permit from the Commission within an (M-GN) General Management Subdistrict, subject to the applicable requirements set forth in Sub-Chapter III.
18. Section 10.02(5) of the Commission's Standards defines agricultural management activities as “land clearing if the land topography is not altered, tilling, fertilizing, including spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage and maintenance of drainage, and other similar or related activities, but not the construction, creation or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities” [Piping for agricultural irrigation is treated by the LUPC as an agricultural management activity.]
19. *38 M.R.S. § 470-A. Definitions.*
 - A. “*Water source.* "Water source" means any river, stream or brook as defined in section 480-B, any lake or pond classified GPA pursuant to section 465-A or groundwater located anywhere in the State.”
 - B. “*Water withdrawal; withdrawal of water.* "Water withdrawal" or "withdrawal of water" means the removal, diversion or taking of water from a water source. All withdrawals of water from a particular water source that are made or controlled by a single person are considered to be a single withdrawal of water.”
20. *The Department of Environmental Protection’s 06-096, Chapter 587: In-stream Flows and Lake and Pond Water Levels, August 24, 2007 (applies statewide):*
 - A. *06-096, Chapter 587, paragraph 1. Applicability.* “The requirements established herein apply to withdrawals or other direct or indirect removal, diversion, activities, or use of these waters that causes the natural flow or water level to be altered for all non-tidal fresh surface waters of the State.”
 - B. *06-096, Chapter 587, Section 2.B. Natural variation of flow.* “Natural variation of flow” in rivers and streams is the expected dynamic fluctuation in flow that naturally occurs daily, seasonally and inter-annually that provides for physical characteristics of depth, volume, and velocity necessary to (1) provide habitat conditions for all life stages of indigenous aquatic organisms, (2) provide water exchange and aeration including the interstitial water, substrate scouring and sorting, temperature moderation, wetland replenishment, sediment erosion and deposition, and channel formation, and (3) maintain biological processes of ingress and egress to habitats,

migration, drift, insect emergence, organic matter and nutrient cycling, and wetlands maintenance. In establishing site-specific water flows as set forth in sections 7 and 8 of this chapter, flow variation of a magnitude, rate of change, seasonal timing, and annual occurrence, including provision for infrequent passage or release of flood flows, must be sufficient to adequately provide for the conditions and processes identified above.”

C. *06-096, Chapter 587, Sections 4.A and 4.B.*

(1) *4.A. Flow requirements for Class AA waters. Narrative requirement for Class AA waters.*

“Except as provided for in this section, flows in Class AA waters shall be maintained as they naturally occur. Withdrawal or other direct or indirect removal, diversion, activity, or use of these waters that causes the natural flow to be altered may occur as provided in paragraph 4-B below.”

(2) *4.B. Flow established by standard allowable alteration for Class AA waters.* “Flow in Class AA waters may not be less than the amounts defined in subparagraphs (1), (2) and (3) below, except when natural conditions alone cause those flows to be less, or as provided by an Alternative Water Flow or regulatory permit as established in sections 7 or 8 of this chapter.

(1) When natural flow exceeds the spring aquatic base flow, 90% of the total natural flow shall be maintained.

(2) When natural flow during the early winter season exceeds the early winter aquatic base flow, 90% of the total natural flow shall be maintained.

(3) When natural flow in any other season, except as described in (1) and (2) above exceeds 1.1 times the seasonal aquatic base flow and exceeds 1.5 times seasonal aquatic base flow if aquatic base flow was calculated from methods in paragraph 3-B, 90% of the total natural flow shall be maintained.”

D. *06-096, Chapter 587, Section 8.A. Flows or water levels established by regulatory permit or water level order.*

“A. *Flows and water levels not related to hydropower projects.* Flows or water levels may be established as part of any regulatory permit or water level order issued by the Department, the Land Use Regulation Commission, or as authorized by the Cobbossee Watershed District. Flows or water levels established by regulatory permit shall be based on the results of a site-specific flow or water level study, taking into account the need for natural variation of flow and natural variation of water level. Where an existing regulatory permit issued by the Department or the Land Use Regulation Commission establishes flows or water levels prior to the effective date of this chapter, those flows or levels shall continue for the effective period of the permit. In-stream flow and water level requirements in this chapter apply to any subsequent reissuance of a regulatory permit by the Department or the Land Use Regulation Commission. Amendments or modifications to an existing permit which do not alter the manner of use or the amount of the water withdrawal, as stated in the permit, shall not require review under this chapter. A schedule may be assigned in any reissuance of a regulatory permit that will provide a reasonable period of time for compliance with a new flow or water level requirement. In a watershed where flows or water levels have been established by a regulatory permit of the Department or the Land Use Regulation Commission, those flows or levels must be taken into account when calculating downstream flows or levels in accordance with section 7 above, during the effective term of the permit.”

E. *06-096, Chapter 587, Section 12. New activities in state waters.* “Any activity altering the flow or water level of classified state waters that requires a new or reissued regulatory permit from the Department or the Land Use Regulation Commission, as of the effective date of this chapter, will be regulated according to the flow and water level requirements in this chapter. An Alternative Water Flow or Alternative Water Level may be incorporated in any new or reissued regulatory permit.”

21. The facts are otherwise as represented in the application for Amendment C to Development Permit DP 4529, all other applicable amendments and applications, and all other supporting documents.

Based upon the above Findings, the staff concludes that:

1. Based on the review of the application conducted by the MDEP, the proposed use of the Pork Brook Well and monitoring will satisfy the requirements of the MDEP’s Chapter 587 rules for the purpose of the LUPC permit.
2. In order to determine if the use of the Pork Brook Well has any actual detrimental effect on the flow of Pork Brook or adjacent wetlands, the Applicant must monitor the well and surrounding area for during the first year of use, from April to October, including both the periods when the well is in use and not in use, and evaluate the data collected. The Applicant must submit a report to the LUPC staff for review prior to continued use of the well. If the data show that no measurable effect to the stream or wetlands occurs when the pump is in use, then the well may be used during subsequent irrigation seasons provided the well is used in accordance with the provisions of the MDEP’s Chapter 587 rules, and such continued use has been approved by the LUPC. If the data show that there is a measurable and undue adverse effect on the stream or wetlands when the pump is in use, then adjustments to the pumping rate, periods of use, total withdrawal and possible mitigation options must be evaluated prior to the well being used during the subsequent irrigation season(s).
3. The use of the Pork Brook Well must not be found to impact the stream flow of Pork Brook or wetlands to the extent that the withdrawal may have a detrimental effect on Atlantic salmon, brook trout or nesting waterfowl.
4. If carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Sub-Chapter III of the Commission's Standards and the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff approves the amendment application of Jasper Wyman & Sons with the following Conditions:

1. The Standard Conditions of Approval for all Development Permits (ver. 04/04), a copy of which is attached. Notwithstanding Condition #3 of the Standard Conditions of Approval for all Development Permits, the Pork Brook Well is approved for use for irrigation of blueberry crops for one irrigation season, unless the well is found to not meet the provisions of MDEP’s Chapter 587 rules. In order to continue use the well after the first irrigation season the well is used, the Permittee

must submit evidence that the use of the well will not adversely impact Pork Brook or the adjacent wetlands.

2. The Pork Brook Well is approved for use for one irrigation season for a period of 121 days from May 1 to August 30, at a maximum pumping rate of 2000 gpm. The total amount of water withdrawn must not exceed 2.63 million gallons per day or 18.41 million gallons per week. The well must not be pumped for more than 12 hours per day for a total of 2.63 million gallons per day.
3. *Monitoring.* The Permittee shall conduct the proposed hydrologic monitoring, described in Finding #9,D of this permit, from April to October, both during periods of pumping and of non-pumping.
4. *Reporting.* After one irrigation season's use of the well and monitoring, the Permittee shall evaluate the data collected and submit a report to the LUPC staff to determine any effect of pumping the well on Pork Brook or the adjacent wetlands. The report must include the data analysis and conclusions, the data collected (may be submitted in electronic form), dates when the well was pumped, the pumping rate, and precipitation data for the area.
5. Continued use of the Pork Brook Well after the end of the first irrigation season the well is used is contingent upon the submittal and evaluation of a hydrologic monitoring report showing that no undue adverse impact to the monitored surface water bodies will occur due to use of the well, and that the provisions of the MDEP's Chapter 587 rules will be satisfied.
6. The Permittee shall notify LUPC staff in writing if permanent decreases are made to the period of operation or to the maximum pumping rate.
7. Should the Permittee wish to start augmentation of Pork Brook in the manner suggested by the Maine Geologic Survey, a plan to do so must be submitted to the LUPC staff for review and approval prior to starting the augmentation.
8. Should the Permittee wish to amend any condition of this permit, increase the maximum pumping rate, or decrease the hydrologic monitoring requirements, then a complete application, acceptable for processing, must be submitted. To be complete for processing, the permit application must include a map showing the locations of the Permittee's withdrawal site within the LUPC jurisdiction.
9. The pumphouse fuel tank must be placed in a 110% secondary containment.
10. If not motion-activated, then the outside lighting at the pumphouse must be full cut-off in accordance with the provisions of Section 10.25,F,2,a of the Commission's Land Use Standards.
11. All conditions of Development Permit DP 4529, and Amendments A and B to DP 4529, are no longer in effect and are superceded by the conditions of this permit. Only the Pork Brook Well is granted approval under this permit for the purposes of irrigation of blueberry crops.

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 AUGUSTA, MAINE, THIS 17th DAY OF September, 2015.

By: 
for Nicholas D. Livesay, Executive Director

APPENDIX A

Administrative History

1. Development Permit DP 4529 by Special Exception, issued by staff to Jasper Wyman & Son, Inc. on May 04, 2000, authorized a trial period for surface water withdrawal from Pork Brook solely for the purpose of providing frost protection from May 4, 2000 to June 15, 2000. The surface water withdrawal was to be done for 8 hour periods on up to six consecutive nights, at a rate of 3.88 cubic feet per second. The permit limited the pumping to no more than eight hours each night, for a total of eight nights, of which no more than six nights would be consecutive. The Permittee was required to monitor the stream flows of Pork Brook and the West Branch of the Narraguagus River.
2. Amendment A to Development Permit DP 4529 by Special Exception, issued by the Commission to Jasper Wyman & Son, Inc. on June 15, 2000, authorized surface water withdrawal from Pork Brook from June 16 to August 18, 2000 at a maximum rate of 1,740 gpm for summer irrigation. The surface water withdrawal was subject to minimum stream flow requirements, a stream flow monitoring plan, and withdrawal monitoring and reporting requirements. The amendment also authorized modifications to the Applicant's Spill Prevention, Control and Countermeasures (SPCC) plan.
3. Amendment B to Development Permit DP 4529 by Special Exception, issued by the Commission to Jasper Wyman & Son, Inc. on April 26, 2001, authorized surface water withdrawal from Pork Brook for the 2001 to 2005 seasons (May 1 to June 15 for frost protection and June 16 to August 18 for summer irrigation). The surface water withdrawal was subject to minimum stream flow requirements, a stream flow monitoring plan, and withdrawal monitoring and reporting requirements.
4. According the Applicant's agent for Amendment C to Development Permit DP 4529, the surface water withdrawal site at Pork Brook has not been in use for several years.