



PAUL RICHARD LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
133 FYFE ROAD
P.O. BOX 307
WEST FARMINGTON, MAINE
04992-0307

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

FORESTRY OPERATIONS PERMIT FOP 936

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Ralph Howard for Forestry Operations Permit FOP 936, finds the following facts:

1. Applicant: Ralph Howard
1871 Salem Road
Salem Township, ME 04983
2. Date of Completed Application: October 17, 2013
3. Location of Proposal: Salem Township, Franklin County
Part of Lot #8 on Tax Plan 01
4. Zoning: (D-RS) Residential Development Subdistrict
5. Waterbody: None
6. Approximate Time Period of Operations: Date of Permit Approval – November 1, 2018

Proposal & Site Conditions

7. The applicant proposes to harvest timber on his 25.6 acre lot which is located entirely within a (D-RS) Residential Development Subdistrict. Harvested timber would be yarded at two existing log yards on the lot. The applicant does not propose to construct any land management roads or water crossings.
8. The applicant's lot is Lot #2 of a residential subdivision approved under Amendment D to Subdivision Permit SP 3209, issued to Kelly Dexter in February of 2001. A Certificate of Compliance was issued for Amendment D in March of 2001. The applicant's lot is subject to certain deed restrictions, to the applicable conditions of Subdivision Permit SP 3209 and Amendments A, B, C and D, and to the Declaration of Protective Covenants Parts I and II, for the Salem One Subdivision recorded in the Franklin County Registry of Deeds in Book 1993, Pages 177 and 181, respectively. The deed restrictions and protective covenants include a

requirement that all areas within the approved subdivision that are within 50 feet of any roadway as shown on the approved subdivision plan be in compliance with the Commission's standards for clearing of vegetation.

9. The proposed harvest would be conducted in the summer, fall and winter under dry and/or frozen ground conditions. The harvest would be conducted with cable skidders and pulp loaders.
10. Licensed Professional Forester Michael Kankainen has identified the stand to be harvested as comprised primarily of beech, birch, maple and white ash and being pole sized timber. Mr. Kankainen estimates the stand volume at 132 square feet of basal area/acre.

Mr. Kankainen estimates slopes in the harvest area to average 10 percent, and has identified the soils as Dixfield-Marlow, moderately well drained and Naumburg-Searsport, poorly drained.

11. The applicant proposes to harvest 40 to 70 percent of the stand volume for firewood and pulpwood, as a single tree selection harvest.
12. The applicant states that the proposed harvest would be located at the end of a dead-end interior subdivision access road. He also states that there is only one existing seasonal camp located within the permitted subdivision. Accordingly, the applicant anticipates that there would be minimal scenic impacts to roads in the area, or any other impacts to existing residential uses in the vicinity.
13. The timber harvest activities would be conducted in conformance with the Commission's Standards for Timber Harvesting, Section 10.27, E of the Commission's Land Use Districts and Standards.

Review Criteria

14. Under the provisions of Section 10.21,J,3,c(19) of the Commission's Land Use Districts and Standards, timber harvesting is an allowed use within the (D-RS) Residential Development Subdistrict upon issuance of a permit from the Commission.

Review Comments

15. The Maine Department of Inland Fisheries and Wildlife states that it has no concerns regarding the proposed harvest.
16. The Maine Natural Areas Program states that it has no record of any rare or unique botanical features in the vicinity of the proposed harvest area.
17. The facts are otherwise represented in Forestry Operations Permit Application FOP 936 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Ralph Howard with the following conditions:

1. The Standard Conditions (ver. 9/84), a copy of which is attached.
2. The permittee shall comply with the Standards for Timber Harvesting, Section 10.27,E of the Commission's Land Use Districts and Standards, a copy of which is attached.
3. A vegetated buffer must be maintained within 50 feet of the subdivision road right-of-way. The vegetated buffer must be maintained in accordance with the Standards for Vegetation Clearing, Sections 10.27,B of the Commission's Land Use Districts and Standards , a copy of which is attached.
4. All practicable steps shall be taken to prevent damage to advanced regeneration in order to minimize the adverse aesthetic impacts of the operation.
5. All operations shall be stopped where the continuation of such operations will cause or contribute to the occurrence of erosion or the sedimentation of surface waters, whether such occurrence is precipitated by exceptionally wet weather, the failure of water control measures, or other factors. Adequate steps must be taken immediately to stop any erosion or sedimentation of surface waters and to correct the situation which led to such occurrence. For the purposes of this action erosion is defined as evidence of rill or gully erosion.
6. In all cases where twitch trails or skid trails become skid roads (where the trail is used enough to expose significant areas of mineral soil) all practicable water control measures shall be immediately implemented.
7. If water control measures beyond those specified herein prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.
8. All conditions of Subdivision Permit SP 3209 and amendments as they pertain to the permittee's parcel shall remain in effect.
9. The period of operation shall be from the date of issuance of this permit until November 1, 2018.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. 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 WEST FARMINGTON, MAINE, THIS 1ST DAY OF NOVEMBER, 2013.

By: 
For Nicholas Livesay, Director



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

ADMINISTRATIVE POLICY:

STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED TO ALL FORESTRY OPERATIONS PERMITS:

1. This permit is limited to the proposal as set forth in the application and as modified by the conditions of approval. All changes must be reviewed and approved by the Commission. Any variance from the application or the conditions of approval undertaken without review and approval of the Commission constitutes a violation of the Land Use Regulation Commission law.
2. The recipient of this permit must secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife and the Maine Forest Service.
3. The Commission or its authorized representatives may inspect the operation during and upon completion of activities to assure compliance with the provisions of this permit.
4. The recipient of this permit shall designate a person experienced in Forestry who is responsible for seeing that the operation is properly conducted according to these conditions of approval, and who may be contacted by the Commission with regard to inspection of the operation.
5. The area of the project covered by this permit must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.

Revised 9/84



E. TIMBER HARVESTING

Timber harvesting activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements apply to timber harvesting within all development subdistricts and, in the case of P-RP subdistricts, any protection subdistricts contained within a development area, except as otherwise hereinafter provided:

1. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.27,D,2 and 5;
2. Timber harvesting operations in P-SL1 and P-GP subdistricts shall be conducted in the following manner:
 - a. Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
 - b. At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
 - c. Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4½ feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
 - d. No accumulation of slash shall be left within 50 feet of the normal high water mark of surface water protected by the P-SL1 and P-GP subdistricts. In such subdistricts, at distances greater than 50 feet from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

3. Except as provided in Section 10.27,E,7, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,E-1. Unscarified filter strip width requirements for exposed mineral soil created by the operation of machinery used in timber harvesting.

The provisions of Section 10.27,E,3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,E,3 do not apply where skid roads cross such waters;

4. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of a body of standing water or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
5. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of Section 10.27,E,5 may be modified according to the provisions of Section 10.27,E,7;
6. Except as provided in Section 10.27,E,7, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
7. Timber harvesting operations in P-SL2 subdistricts along stream channels upstream from the point where they drain 300 acres or less, and in P-WL subdistricts adjacent to such P-SL2 subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing Sections 10.27,E,3, 5, and 6 provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
8. Harvesting operations in P-SL2 subdistricts along stream channels downstream from the point where they drain 300 acres or more and along bodies of standing water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;

9. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.16 and shall state whether or not such operations will be conducted according to the provisions of Section 10.27,E,7; and
10. In addition to the foregoing minimum requirements, except as provided for in Section 10.27,E,7, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.