



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

FORESTRY OPERATIONS PERMIT FOP 942

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Keith Lane for Forestry Operations Permit FOP 942, finds the following facts:

1. Applicant: Keith Lane
P.O. Box 217
Patten, ME 04765
2. Land Owner: East of Katahdin Inc.
c/o Jim Freeman
224 West Side Drive
Verona Island, ME 04416
3. Date of Completed Application: February 25, 2015
4. Location of Proposal: Benedicta, Aroostook County
Tax Plan 03, Lot 45.1
5. Zoning: (D-RS) Residential Development Subdistrict
6. Time Period of Operations: Date of Permit Approval through April 1, 2015
7. The applicant proposes to harvest timber from a combined 7.6 acre portion of a (D-RS) Residential Development Subdistrict adjacent to Plunkett Pond. The proposed harvest is part of a larger harvest operation on a 90 acre parcel of land, the majority of which is located in the (M-GN) General Management Subdistrict. The proposed harvest does not include construction of a land management road.
8. The proposed two harvest areas are located along the northerly and easterly side of Plunkett Pond, southerly of the Pond Road and easterly of the East Shore Road. The East Shore Road is a year-round road that provides access to residential lots along the shore of Plunkett Pond. The proposed harvest will consist of two separate silvicultural treatments, described as follows.
 - a. AREA 1: This harvest area is located between the eastern edge of the lake and the Silver Ridge Township line. The (D-RS) Residential Development subdistrict is limited to that area within 250 feet of the normal high water mark of Plunkett Pond. The overstory composition is primarily hemlock, fir, spruce, yellow birch, and red maple. The stocking ranges from well stocked to overstocked. The applicant proposes to harvest up to 40% of the volume, concentrating on removal of the the larger hemlock and fir. The proposed harvest will be conducted under frozen conditions in the winter months up to April 1, 2015.

18 ELKINS LANE, HARLOW BUILDING
www.maine.gov/acf

PHONE: 207-287-2631

FAX: 207-287-7439

- b. AREA 2: This section of the proposed harvest area is located between the north edge of the lake and the Pond Road, is greater than 250 feet from the normal high water mark of Plunkett Pond, and extends on both sides of the East Shore Road. The area of (D-RS) Residential Development Subdistrict proposed to be harvested is approximately 4.1 acres and contains a significant amount of decadent fir and aspen. In addition, there appears to be varying numbers of hardwood and softwood seedlings/saplings in the understory. Some of the aspen and fir near the camp road have already blown down or snapped off. The remaining mature trees adjacent to the East Shore Road represent a potential safety hazard to those who use the road to access residential properties. The applicant proposes to remove the entire mature overstory to release the regenerating hardwood and softwood saplings in the understory. No harvesting would occur within 250 feet of the normal high water mark of Plunkett Pond. The proposed harvest will be conducted under frozen conditions in the winter months up to April 1, 2015.
9. The applicant states that visual impact will be minimal due to the location of the harvest areas. Specifically, the applicant states that:
 - a. The proposed harvest of Area 2 will be greater than 250 feet from the normal high water mark of Plunkett Pond and will be buffered from the lake by existing residential development and associated forested lots.
 - b. The proposed harvest of Area 1 will be greater than 50 feet from the normal high water mark of Plunkett Pond and will therefore be buffered from view from the lake. Moreover, the selective harvest of 40% or less volume will not result in clearcut openings.
10. The Applicant had previously consulted with a Forester from the Maine Forest Service to assist in prescribing an appropriate harvest plan. The Maine Forest Service has reviewed the proposed harvest operation and has no objections to the proposal.
11. No "Essential Habitat" as identified by the Maine Department of Inland Fisheries and Wildlife is present in the vicinity of the proposed harvest operation
12. The harvest operations will comply with the Standards for Timber Harvesting, Section 10.27,E of the Commission's Land Use Districts and Standards.
13. Pursuant to Section 10.21,H,3,c,(16) of the Commission's Land Use Districts and Standards, timber harvesting may be allowed within (D-RS) Residential Development Subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.
14. The facts are otherwise as represented in Forestry Operations Permit Application FOP 932 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 Keith Lane with the following conditions:

1. The permittee shall comply with the Standards for Timber Harvesting, Section 10.27,E of the Commission's Land Use Districts and Standards, revised July 23, 2007, a copy of which is attached.

2. All practicable steps shall be taken to prevent damage to advanced regeneration in order to minimize the adverse aesthetic impacts of the operation.
3. 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.
4. Skid roads shall be constructed using the following specifications for water control measures, including culverts, dips, water turnouts, and water bars:

<u>Slope</u>	<u>Spacing</u>
0 - 2%	500 - 300 feet
3 - 5%	250 - 180 feet
6 - 10%	167 - 140 feet
11 - 15%	136 - 127 feet
16 - 20%	125 - 120 feet
21%+	100 feet

5. Twitch trails or skid trails shall be located and designed to maximize use of the water control and erosion and sedimentation prevention measures described for skid roads in all cases where it may reasonably be anticipated that use of the trail will result in the creation of a skid trail. Slash and debris shall be placed in all twitch trails and skid trails to retard runoff and improve erosion control.
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. Upon completion of use of skid roads, water bars shall be properly installed according to the following slope requirements:

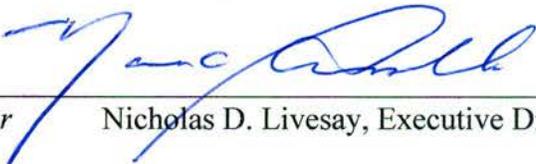
<u>Skid Trail Slope</u>	<u>Spacing</u>
0 - 2%	250 feet
3 - 5%	200 - 135 feet
6 - 10%	100 - 80 feet
11 - 15%	80 - 60 feet
16 - 20%	60 - 45 feet
21%+	40 feet

8. Additional water bars shall be located approximately 50 feet above, and at the bottom of sections of such trails which exceed 25 percent in slope for a distance of 100 feet or more.

9. 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.
10. Upon completion of construction and use, all skid trails having exposed mineral soils on slopes greater than 5 percent within the D-RS zone shall be seeded.
11. The period of operations shall be from date of permit approval through April 1, 2015.

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 EAST MILLINOCKET, MAINE, THIS 5th DAY OF MARCH, 2015.

By: 
for Nicholas D. Livesay, Executive Director



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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 Planning 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.

Administrative Policy Revised 09/84

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.