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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
106 HOGAN ROAD, SUITE 8
BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

FORESTRY OPERATIONS PERMIT FOP 943

The staff of the Maine Land Use Planning Commission (LUPC or Commission), after reviewing the application and supporting documents submitted by Prout Enterprises (Applicant or Permittee) for Forestry Operations Permit FOP 943, finds the following facts:

1. Applicant: Prout Enterprises
PO Box 160
Jonesboro, Maine 04648
2. Agent: Wagner Forest Management
c/o Wade Shorey
PO Box 933
Bangor, Maine 04402
3. Date of Completed Application: March 25, 2015
4. Location of Proposal: Baring Plantation, Washington County, Maine
Maine Revenue Service Map WAP01; Plan 02; Lots 60 and 61
5. Zoning: General Development Subdistrict (D-GN)
6. Lot Size: 39.37 Acres (Owned)
7. Size of Harvest in D-GN Subdistrict: 16 Acres
8. Approximate Time Period of Proposed Operation: March 2015 to May 2016
9. The Applicant is the current landowner of Lots 60 and 61 located on the north side of State Route 1 in Baring Plantation. The Applicant proposes to biomass harvest 16 acres in the D-GN subdistrict; a portion of the D-GN subdistrict falls within 250 feet of the St. Croix River (a major flowing water). The intent of the harvest is to improve the stand by removing unacceptable species and undesirables and poor quality stems of the stock species. This is a pre-commercial thinning. The Applicant states that the timber harvest would be completed in compliance with Section 10.27,E of the Commission's Standards.
10. The Maine Forest Service reviewed the proposal and stated that the proposal complied with the Forest Service's regulations and recommended approval.

11. According to Section 10.21,C,3,c,(22) of the Commission's *Land Use Districts and Standards* (Standards), timber harvesting may be allowed within (D-GN) General 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.
12. The Commission may not approve an application, unless: "Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods" (*12 M.R.S. § 685-B(4)(B), which is incorporated into Ch. 10.24,B*). The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected (*12 M.R.S. § 685-B(4), which is incorporate into Ch. 10.24*). In addition, the applicant must demonstrate "evidence of sufficient right, title or interest in all of the property that is proposed for development or use" (*12 M.R.S. §685-B(2)(D), which is incorporate into Ch. 10.24*).
13. The facts are otherwise as represented in Forestry Operations Permit application FOP 943 and supporting documents.

Based upon the above FINDINGS OF FACT, the staff CONCLUDES that:

1. The proposal complies with the applicable requirements of Sub-Chapter III of the Commission's Standards.
2. 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.

Therefore, the staff APPROVES the application request of Prout Enterprises with the following CONDITIONS:

1. Prior to timber harvesting, the permittee shall file a Forestry Operations Notification with the Maine Forest Service.
2. The period of timber harvesting operations covered under this permit shall be from March 2015 to May 2016.
3. To buffer the Timber Harvesting from development in the immediate vicinity and to protect the public's health and safety, Timber Harvesting shall only be conducted between the hours of 7 am and 7 pm on weekdays.
4. The permittee shall comply with the Standards for Timber Harvesting, Section 10.27,E of the Commission's Standards, revised September 01, 2013, a copy of which is attached.
5. All operations shall be halted where the continuation of such operations will cause or contribute to the occurrence of erosion or sedimentation to surface waters, whether such occurrence is precipitated by exceptionally wet weather, the failure of water control devices, or other factors. Adequate steps

must be taken immediately to stop any erosion or sedimentation to surface waters and to correct the situation which led to such occurrences. For the purposes of this action erosion is defined as evidence of rill or gully erosion.

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 BANGOR, MAINE, THIS 26TH DAY OF MARCH, 2015.

By: Karen E. Bolotny
for Nicholas D. Livesay, Executive Director