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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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BANGOR, MAINE 04401

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

FORESTRY OPERATIONS PERMIT FOP 947

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Harry W. Brown, Trustee (Applicant or Permittee) for Forestry Operations Permit FOP 947, finds the following facts:

1. Applicant: Harry W. Brown, Trustee
1220 Paradise Way
Venice, Florida 34285
2. Date of Complete Application: April 22, 2016
3. Location of Proposal: Albany Township, Oxford County, Maine
Maine Revenue Service Map OX016, Plan 02, Lot 88
Oxford County Registry of Deeds (Eastern District) Bk. 2957, Pg. 213
4. Zoning: Commercial Industrial Development Subdistrict (D-CI)
5. Operation Dates: May 01, 2016 to May 01, 2018

Summary

6. The Applicant proposes to timber harvest mature saw-timber and thin pulp wood trees on three tracts within a Commercial Industrial Development Subdistrict.

Standards

7. According to Section 10.21,A,3,c,(19) of the Commission's *Land Use Districts and Standards* (Standards or *Ch.10*), timber harvesting may be allowed within a D-CI subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirement set forth in Sub-Chapter III.
8. The applicable *Standards Timber Harvesting*, Section 10.27,E of the Commission's Standards.

Proposal

9. Tract #1 consists of 12 acres of mixed growth adjacent to State Route 5. This tract would be heavily harvested, up to 70% by volume, single tree and group selection harvested. A 75-foot buffer would be maintained from roads and a 15-foot buffer would be maintained from the property lines.
10. Tract #2 consists of 9 acres of mixed growth along the Crooked River, a P-SL2 subdistrict. This tract would be light to moderately thinned, up to 40 % by volume, between 50 feet from and 250 feet from the Crooked River and lightly thinned within the white pine plantation north of the Albany Basin Road. The remainder of the tract would be single tree selection harvested, up to 50% by volume.
11. Tract #3 is 8 acres of mixed growth which abuts the west side of the Albany Basin Road. This tract would be heavily harvested, up to 70% by volume, single tree and group selection harvested. A 75-foot buffer would be maintained from the wetland area and a 15-foot buffer would be maintained from the property lines
12. The Applicant stated that the timber harvest would be conducted in compliance with Section 10.27,E of the Commission's Standards.

Agency Review

13. The Maine Department of Inland Fisheries and Wildlife (Department) reviewed the proposal and stated that the harvest would not be within an Inland Waterfowl / Wading bird Habitat (IWWH); therefore the Department did not have any comments on the proposal.
14. The Maine Forest Service reviewed the proposal and stated that there were no concerns with the timber harvest as outline in the application.

Based upon the above FINDINGS, the Commission, though its staff, CONCLUDES that AS LONG AS the Applicant implements the proposal with the CONDITIONS outlined below, the proposal will meet the Criteria for Approval, § 685-B(4) of the Commission's Statute, 12 M.R.S and the applicable sections of the Commission's Standard.

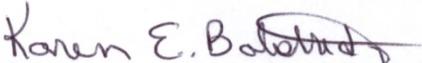
Therefore, the Commission, through its staff, APPROVES Forestry Operations Permit FOP 947 submitted by Harry W. Brown, Trustee for a timber harvest as proposed and with the following CONDITIONS OF APPROVAL:

1. This permit is limited to the proposal as set forth in the application and as modified by these 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 Land Use Planning Commission law.
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. The Permittee must secure and comply with all applicable licenses, permit and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulation of the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries & Wildlife and the Maine Forest Service.
4. 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 occurrences 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 purpose of this action erosion is defined as evidence of rill or gully erosion.
5. The Permittee shall abide by all standards as specified in the Forest Practices Act.

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 AUGUSTA, MAINE, THIS 11th DAY OF AUGUST, 2016.

By: 
_____ *for* Nicholas D. Livesay, Executive Director

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 flowing waters 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 coastal wetlands, or below the normal high water mark of flowing waters 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 flowing waters 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 flowing waters 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 flowing waters 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 flowing water 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 flowing waters 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.