



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**

**22 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0022**

**PAUL R. LEPAGE**  
GOVERNOR

**WALTER E. WHITCOMB**  
COMMISSIONER

**NICHOLAS LIVESAY**  
EXECUTIVE DIRECTOR

# **Review and Approval**

## **MFSRA 4**

### COMMISSION DETERMINATION IN THE MATTER OF

Maine Forest Service  
regarding:  
State of Maine Bureau of Parks and Lands  
Review and Approval for Forest Operations Permit  
In Rangeley Plantation, Franklin County

#### Findings of Fact and Determination

The Maine Land Use Planning Commission, after reviewing the forest operations permit application submitted by the State of Maine Bureau of Parks and Lands to the Maine Forest Service on January 30, 2014, pursuant to the Commission's Land Use Standards, finds the following facts:

1. Person Requesting Forest Operation Permit: State of Maine Bureau of Parks and Lands  
PO Box 327  
Farmington, ME 04938
2. Accepted as Complete for Processing: February 19, 2014
3. Location of Proposal: Rangeley Plantation, Franklin County  
Plan 06 Lot 3
4. Zoning: (P-FW) Fish and Wildlife Protection Subdistrict  
(P-UA) Unusual Area Protection Subdistrict
5. Project area(s): Approximately 20 acres total

## **INTRODUCTION**

6. Public Law 2011, Chapter 599 (enacting LD 1739) shifted the regulatory authority for timber harvesting activities in protection and management subdistricts located in the unorganized areas from the Maine Land Use Planning Commission (the Commission or the LUPC) to the Maine Forest Service (MFS), effective March 3, 2013. When the Maine Forest Service issues a permit for timber harvesting in a P-UA Subdistrict, the LUPC must review and approve that the project meets the Commission's Land Use Standards applicable to the Project as specified in 12 M.R.S.A. § 8867-E, standards to protect outstanding river segments, historic, scenic, scientific, recreational and aesthetic resources in districts classified by the commission for special protection and delineation on land use maps adopted under section 685-A, subsection 7-A.

The following Findings and Conclusions constitute the Commission's review and approval that the State of Maine Bureau of Parks and Land's Forest Operations project, as proposed, meets the Commission's applicable Land Use Standards.

## **PROPOSAL**

7. On January 30, 2014, the Bureau of Parks and Lands (Bureau) submitted to the Maine Forest Service (MFS) a forest operations permit application. On February 19, 2014, the MFS sent a copy to the Maine Land Use Planning Commission requesting review.
  - A. The proposed project is to conduct a timber harvest within the P-UA and P-FW Subdistricts along an existing utility line corridor in Rangeley Plantation in order to maintain the corridor for safety and reliability purposes. The existing uses in the area include the utility line within and serving the Rangeley Lakes State Park; the park access road and recreation trails, and the lake are not in the immediate vicinity of the project area.
  - B. The proposed project will be located within the following subdistricts: Fish and Wildlife Protection Subdistrict (P-FW) and Unusual Area Protection Subdistrict (P-UA).
  - C. The project has incorporated comments by, and an agreement with, the Maine Department of Inland Fisheries and Wildlife (MDIF&W) regarding harvesting within the deer wintering areas.

## **REVIEW AND APPROVAL BY THE COMMISSION**

8. On February 19, 2014, the MFS requested that the Commission review the Bureau's application materials and provide comments to the MFS. As specified in law, the Commission's review and approval is limited to an evaluation of Land Use Standards applicable to this Project, standards to protect outstanding river segments, historic, scenic, scientific, recreational and aesthetic resources in districts classified by the commission for special protection and delineated on land use maps adopted under 12 M.R.S.A. § 685-A, subsection 7-A (the P-UA Subdistrict in the case of this project). While the project is also located within the P-FW Subdistrict, timber harvesting within the P-FW does not require review and approval by the LUPC.
9. The Commission's Land Use Standards that are relevant to reviewing and approving the proposed Project are evaluated in Findings #10, #11, and #12.

10. *No undue adverse effect on existing uses.*
  - A. *Review Criteria.* Land Use Standard §10.24, C specifies that adequate provision must be made for fitting the proposal harmoniously into the existing natural environment in order to assure 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.
  - B. *Effect on existing uses.* The purpose of the P-UA Subdistrict (the subdistrict in which the project is proposed) is to protect those areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other subdistricts. The state park is used by recreationalists, and as a deer wintering area is an area of significant natural value. The MDIF&W and landowner have established a plan agreement regarding how the harvest will occur in order to not adversely affect the deer and/or the deer wintering area. The activities will include full clearing within the 60 foot corridor and "feathered clearing" in order to allow for gradual increase in tree height away from the utility line and to maximize tree cover for deer traveling through the area. The existing utility line is not located near, or visible from, the lake, or the park roads or trails.
  - C. *Conclusions.* Based on the location, extent, and type of the harvest, and plan agreement provided by the MDIF&W, the timber harvest operation will not have an undue adverse effect on existing uses in the P-UA Subdistrict.
11. *No undue adverse effect on scenic character.*
  - A. *Review Criteria.* Land Use Standard §10.24, C specifies that adequate provision must be made for fitting the proposal harmoniously into the existing natural environment in order to assure 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.
  - B. *Effect on scenic character.* The operation and/or utility line are not visible from public recreation vantage points, such as the lake or trails.
  - C. *Conclusions.* Based on the location and type of the harvest, the timber harvest operation will not have an undue adverse effect on the scenic character in the P-UA Subdistrict.
12. *No undue adverse effect on natural resources.*
  - A. *Review Criteria.* Land Use Standard §10.24, C specifies that adequate provision must be made for fitting the proposal harmoniously into the existing natural environment in order to assure 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.
  - B. *Effect on natural resources.* The proposal includes a plan agreement with the MDIF&W that the full clearing be limited to the 60 foot corridor and "feathered clearing" beyond in order to allow for gradual increase in tree height away from the utility line and to maximize tree cover for deer traveling through the area.
  - C. *Conclusions.* Based on the materials supplied by the Bureau, and comments provided by the MDIF&W, the timber harvest operation will not have an undue adverse effect on the natural resources in the P-UA Subdistrict.

## FINAL CONCLUSION

Based on the findings set forth above, and in addition to the conclusions set forth above, the Commission concludes that, with respect to the forest operations proposal, the Bureau has met its burden of demonstrating that the Project: conforms with the applicable regulatory and statutory requirements and plans adopted pursuant to 12 M.R.S.A., Chapter 206-A; meets the Commission's Land Use Standards applicable to the Project as specified in 12 M.R.S.A. §8867-E, subsection 2-B, standards to protect outstanding river segments, historic, scenic, scientific, recreational and aesthetic resources in districts classified by the commission for special protection and delineated on land use maps adopted under section 12 M.R.S.A. § 685-A, subsection 7-A; and meets the Commission's Land Use Standards applicable to the project as specified in Chapter 10, Sub-Chapter II of the Commission's rules.

Therefore, the Commission APPROVES that the project proposal submitted by the Bureau for the timber harvest in Rangeley Plantation, as proposed, complies with the relevant provisions of the Commission's Land Use Standards, subject to the findings of fact and conclusions contained herein.

This review and approval is based upon the proposal as set forth in the application and supporting documents and remains valid only if the project proceeds as proposed. Any material variation from the application is subject to prior Commission review and approval. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

This approval, issued to the Maine Forest Service, is not final agency action. Pursuant to 5 M.R.S.A. §§ 11001 et seq., a person aggrieved by a MFS permit decision containing this review and approval determination may appeal the MFS's final agency action to Superior Court. As part of such an appeal, a person aggrieved may seek judicial review of the components of the MFS's final agency action, including the Commission's review and approval determination that is incorporated into the MFS's permitting decision.

DONE AND DATED AT AUGUSTA, MAINE THIS 4<sup>th</sup> DAY OF MARCH, 2014.

By:   
Nicholas D. Livesay, Executive Director