



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

FORESTRY OPERATIONS PERMIT FOP 14001

The staff of the Maine Forest Service, after reviewing the application and supporting documents submitted by The State of Maine Bureau of Parks and Lands for Forestry Operations Permit FOP 14001, finds the following facts:

1. Applicant: State of Maine
Bureau of Parks and Lands
PO Box 327
Farmington, Maine 04918
2. Agent: Peter Smith
Bureau of Parks and Lands
PO Box 327
Farmington, Maine 04918
3. Date of Completed Application: February 13, 2014
4. Location of Proposal: Rangeley Plantation, Franklin County
5. Zoning: (P-UA) Unusual Area Protection Subdistrict
(P-FW) Fish and Wildlife Protection Subdistrict
6. Approximate Time Period of Operations: March 1, 2014 through June 1, 2014

Proposal

7. The applicant proposes to conduct harvesting operations on approximately 1.1 miles of existing power line R.O.W. which services Rangeley Lakes State Park. The applicant proposes to completely clear thirty feet either side of the existing transmission line and then harvest the remaining width of the transmission corridor in a manner that will create a gradual increase in tree height away from the centerline of the corridor. (See Exhibit 1)
8. Harvesting operations will be conducted in winter on frozen ground.
9. The power line maintenance will not change visibility of the power line from populated, developed areas or public roads.

DOUGLAS P. DENICO
DIRECTOR

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10. The applicant provided a copy of a plan agreement with Inland Fisheries and Wildlife for operating in the P-FW (Exhibit 2).

Review Comments

The Land Use Planning Commission reviewed the permit application and approved it on March 4, 2014. (Exhibit 3) All other comments received were supportive of the project.

The information provided in the application demonstrate that the petitioner has met its burden of proof and satisfied the requirements of Chapter 27, Section 4.

Based upon the above proposal, the MFS concludes that if carried out in compliance with the conditions below, the proposal will meet the Criteria for Approval, 12 M.R.S. § 685-A(1) of the Commission's Statutes, and Maine Forest Service Rules, Chapters 20 and 27.

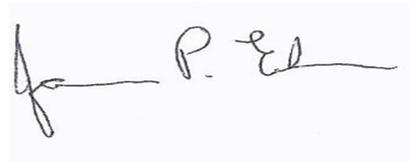
Therefore, the MFS staff approves the application of the Division of Parks and Lands with the following conditions:

1. All harvesting in the power line right-of-way will be conducted as the applicant described in the application. (Exhibit 1)
2. Harvesting within the P-FW will be conducted according to the plan agreement with the Department of Inland Fisheries and Wildlife. (Exhibit 2)

If no person requests that the Maine Forest Service review the decision of staff within 30 days of the date of this staff decision, this permit becomes final agency action subject to review of the Maine Administrative Procedure Act. Pursuant to 5 M.R.S. §§ 11001 *et seq.*, a person aggrieved by an MFS permit decision may appeal the MFS's final action to Superior Court. As part of such an appeal, a person aggrieved may seek judicial review of the components of MFS's final action and permitting decision.

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 Maine Forest Service review the decision.

DONE AND DATED AT OLD TOWN, MAINE, THIS 4th DAY OF MARCH, 2014.



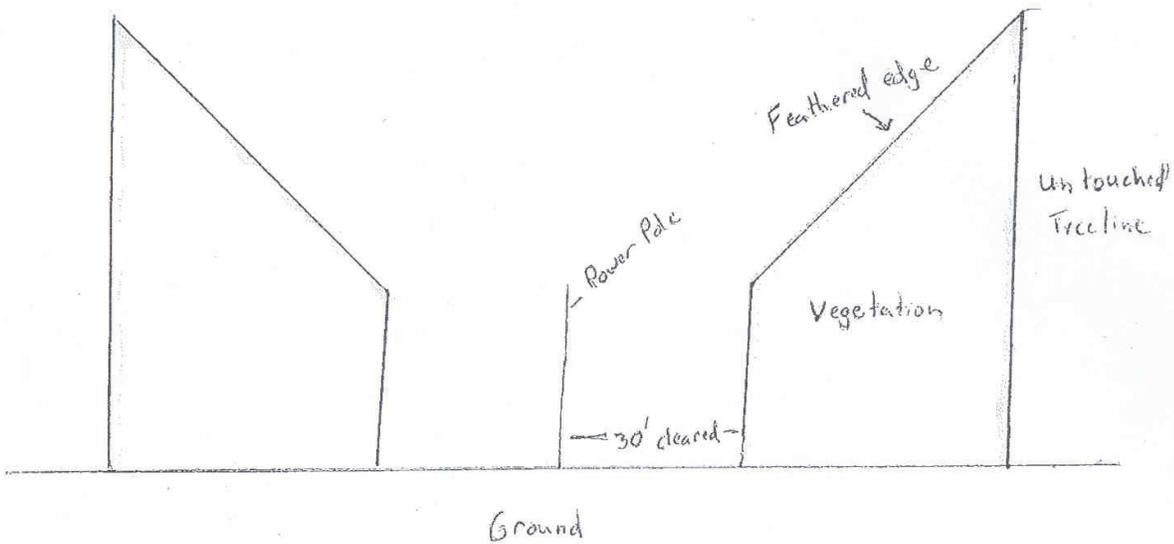
James P. Ecker - LPF 0612
Regional Enforcement Coordinator
Maine Forest Service
Box 415
Old Town, Maine 04468

Exhibit 1

- A. 3.70% or more
- B. 7. Other

Harvest will consist of maintaining an existing power line corridor.

Area under transmission line centerline out to 30 feet either side (total opening of 60ft width) will be reestablished as clearing. Harvesting beyond the 30ft either side will be conducted in a feathered clearing approach. Specifically trees shall be cut within the transmission corridor in a manner that allows for a gradual increase in tree height away from the centerline as long as it does not impinge on the safety and reliability of the transmission line. The overall length of power line corridor in Rangeley Plt. is approximately 1.1miles.



Section 5. P-FW Supplement for Deer Wintering Areas

This supplement is now part of the Department of Conservation's Forest Operations Notification form. To be judged complete, IT MUST BE SUBMITTED WITH THE FOREST OPERATIONS NOTIFICATION form.

Please complete the applicable questions in Sections 1-3 of the Forest Operations Notification in addition to this supplement. The Forest Operation Notification satisfies both Maine Forest Service and the Land Use Regulation Commission's notification requirements.

You may use the same current LURC Land Use Guidance Map or digital landowner maps if appropriate to satisfy location map requirements for all sections of the Forest Operations Notification.

Activities in P-FW, Deer Wintering Areas may begin 14 days after receipt of this form by LURC unless you are notified within that period that this P-FW Notification has not been accepted.

The Land Use Regulation Commission 1-800-452-8711
On specific deer wintering areas or their
Management, call Inland Fisheries & Wildlife 1-207-287-5252

14 FW. What is the number of the deer wintering area you are operating in? PFW # 060043

15 FW. Are any land management roads to be constructed through a P-WLI wetland within the deer wintering area? Yes No

If YES, you must include the square footage of impact in question 11b, Section 3 of the Forest Operations Notification

16 FW. Date of the meeting: 12/3/13, Subsequent phone and email conversations

17 FW. Who was present at the meeting?

<u>Name</u>	<u>Title</u>	<u>Representing</u>
<u>Robert Cordes</u>	<u>Asst. Wildlife Bio.</u>	<u>MIDFW</u>
<u>Peter Smith</u>	<u>Regional Land Manager</u>	<u>BPL</u>
<u>Ben Webb</u>	<u>Forest Technician</u>	<u>BPL</u>

18 FW. Was the plan agreement amended after the site meeting? Yes No

19 FW. Who initiated the amendments?

IF&W Approval of plan agreement: Wildlife Biologist

Robert C Cordes

DATE: 1/7/14

By my signature, I certify that all activities will be conducted as specified: Landowner

Peter D Sizer

DATE: 1/14/14

✓ HAVE YOU? Clearly shown all EXISTING and PROPOSED features (roads, yarding areas, bridges) on the location map? Digital maps from landowners are acceptable.

ACTIVITIES PLAN AGREEMENT

OPERATIONS WITHIN THE PFW WILL OCCUR UNDER THE FOLLOWING PROVISIONS:
Please key sub-areas to the location map & attach additional sheets as needed.

PFW #: 060043 Township/Plt: RangeleyPlt County: Oxford

Operation dates: From: Approval Date To: December 31, 2015

Season of operation: Winter – Frozen ground only

Total P-FW Acreage: 1, 017 acres

Total Harvest Acres in PFW: approx.. 1.5 acres Percent of P-FW: 0.2 %

Pre-harvest Stand Type and Condition with % conforming winter shelter:

A existing Utility line R.O.W. and winter road are grown in.

Objective of this harvest:

The maintain the safety and reliability of the Utility Line and clear grown in brush on existing winter road for access to Utility line.

Harvest Prescriptions:

Utility Line R.O.W.

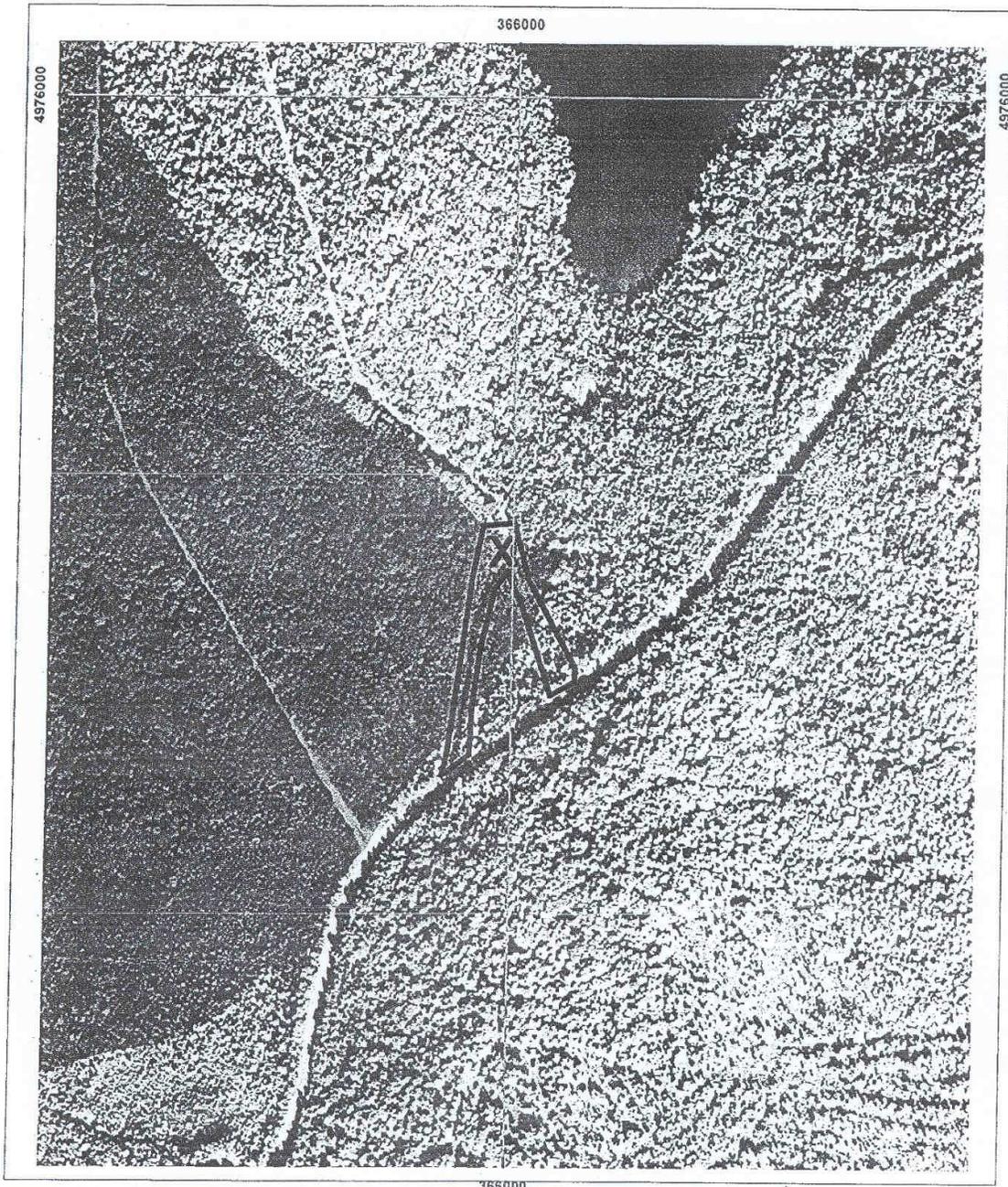
The landowner will implement a "feathered" clearing approach for about 300 feet of transmission line within the P-FW. Specifically, trees shall be cut within the transmission corridor in a manner that allows for a gradual increase in tree height away from the centerline, as long as it does not impinge on the safety and reliability of the transmission line. Areas under the transmission line centerline out to 30 feet either side (total opening 60ft width) will be cleared and maintained, but as the clearing approaches the edge of the R.O.W, an increasing amount of taller coniferous cover will be left to allow deer the ability to travel unimpeded from browse areas to quality cover during restrictive winter conditions.

Roadway brushing

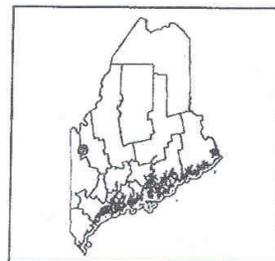
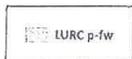
The operator will cut trees and brush along an existing roadway for a maximum R.O.W. width of 24 feet, for approximately 600 feet within the P-FW. When vehicle travel safety (i.e., vehicle sighting distance) is a concern the R.O.W. width can be expanded to 33 feet.

One log landing will occur in an existing opening (approx. ½ acre) on the edge of the P-FW, denoted by "X" on the map.

Post-Harvest Stand Condition with % conforming winter shelter:



Maine Department of
Inland Fisheries and Wildlife





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AUGUSTA, MAINE 04333-0022

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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

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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 4th DAY OF MARCH, 2014.

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