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GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

AFTER THE FACT PERMIT

AFTER THE FACT LAND MANAGEMENT ROAD CONSTRUCTION PERMIT – RP 14002

The staff of the Maine Forest Service, after reviewing the application and supporting documents submitted by OLFC Inc.. c/o Rodney Folsom, for Road Construction Permit RP 14002, finds the following facts:

1. Applicant: OLFC Inc.
c/o Rodney Folsom
PO Box 512
Greenville, Maine 04441
2. Date of Completed Application: August 5, 2014
3. Location of Proposal: Big Moose Township, Piscataquis County
4. Zoning: (P-FW) Fish and Wildlife Protection Subdistrict
P-(WL1) Wetland Protection Subdistrict
5. Nearest water body: Moosehead Lake
6. Approximate Time Period of Project: September 01, 2014 – September 30, 2014

Proposal:

7. The applicant is filing an after-the fact permit application ~~to construct for~~ a road through the above Protection Subdistricts ~~which has already been constructed~~ as a requirement of Administrative Settlement Agreement Ch27 Case # 14-130-001. The road has already been constructed.
8. The road project and specifications are attached to application RP 14002.
9. Forestry Operations Notification # 319173 dated was submitted and is on file.

OLFC Inc RP 14002

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Review comments:

10. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the project area and has determined that there is insufficient winter deer use in the zoned P-FW. The area ~~does currently~~ retains the P-FW zoning at this time.

Findings

11. The MFS has determined that the road construction ~~is~~was not conducted in conformance with the Standards for Chapter 27, Section 5, Land Management Roads and Water Crossings of the Maine Forest Service Rules for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State.
12. The MFS inspected the site and determined that two additional culverts require installation and that one existing culvert needs to be reinstalled to bring the road into conformance with the standards.
13. The findings are based on the representations contained in the Forestry Operations Permit Application RP 14002, supporting documents and review of the constructed road. (See Exhibit 1).

Based upon the above Findings, 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. § ~~Section~~ 685-A(1) of the Commission's Statutes, and Chapter 27, Maine Forest Service Rules.

Therefore, the MFS staff approves the application of OLFC Inc. with the following conditions:

1. The land management road used primarily for agricultural and forest management activities may remain in place. ~~and~~The only work which the permit authorizes is the installation of two culverts in the P-WL1 and the re-installation of a third culvert. The two new culverts must be a minimum of 18" in diameter and buried to a depth such that the inlet of the culvert is half way below the depth of the organic material in the wetland. There shall be no excavation outside of the existing road bed. **No additional work on the road is permitted with the exception of routine maintenance such as grading and spot graveling necessary to maintain the road surface.**
2. All construction 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 that led to such occurrences. The applicant will apply Best Management Practices and erosion control measures to prevent unreasonable sedimentation and protect water resources within the project area.
3. The new culvert installations and the resetting of the existing culvert must be completed within thirty (30) days of the issuance of this permit.

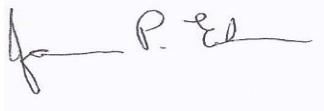
4. The Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State, Chapter 27, MFS Rules is attached (see Exhibit 2).
5. The period of operations shall be from September 01, 2014 to September 30, 2014.
6. **The permit is for a LAND MANAGEMENT ROAD only and does not permit the road to be upgraded to a Level C Road.**

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.

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.

DONE AND DATED AT OLD TOWN, MAINE THIS 12th DAY OF August, 2014.

Prepared by:

A handwritten signature in black ink, appearing to read "James P. Ecker", is written over a light blue rectangular background.

James Ecker LF #612
Regional Enforcement Coordinator
Maine Forest Service
Box 415
Old Town, Maine 04468