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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

PERMIT

FORESTRY OPERATIONS PERMIT FOP 15001

The staff of the Maine Forest Service, after reviewing the application and supporting documents submitted by Wagner Forest Management, Inc. for Bayroot, LLC for Forestry Operations Permit FOP 15001, finds the following facts:

1. Applicant: Bayroot, LLC
PO Box 121
Errol, NH 03579
2. Agent: Samuel Mathes
Wagner Forest Management, Inc.
PO Box 121
Errol, NH 03579
3. Date of Completed Application: August 17, 2015
4. Location of Proposal: Tim Pond , Franklin County
5. Zoning: (P-MA) Mountain Area Protection Subdistrict
6. Approximate Time Period of Operations: September, 2015 through December, 2018

Proposal

7. The applicant proposes to conduct timber harvest operations on approximately 232 acres of P-MA zone on East Kennebago and Tim Mountain.
8. The harvest will consist of three different blocks. Block A is 140 acres; block B is 22 acres and block C is 70 acres.
9. The applicant proposes to conduct a harvest varying from overstory removal to commercial clearcut. There will be no biomass harvesting and all harvesting will be done using a tracked Cut-To-Length Harvester and forwarder.
10. The applicant proposes to create one Category 3 clearcut and two Category 2 clearcuts in the P-MA zone.
11. There will be no roads constructed in the P-MA.

DOUGLAS P. DENICO
DIRECTOR

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12. Block A is located in a topographic bowl that will obscure the majority of the harvest from view from major bodies of water, public roads and populated areas. Where block A crests Tim Mountain it may be faintly visible from sections of Route 27. Blocks B and C are located on the north face of Kennebago Mountain and are visible from Tim Pond and distantly from Route 27. The retention of biomass sized stems, wildlife trees, snags, intermittent stream buffers and the protection of advanced regeneration will help to reduce the visual impact of the harvest.

Review Comments

13. State Soil Scientist: The only concern I have with harvesting in the PMA zones during the summer is on grounds with somewhat poorly to poorly drained soils. If the summer is relatively dry, these soils with seasonal groundwater tables are fairly stable but can change quickly after a rain event. Therefore, harvesting should be restricted to when the soils are not saturated (unless the soil surface is covered with stones so little soil disturbance will result).
14. MDIFW Fisheries, Region E: Big Sag Brook contains a population of wild self-sustaining brook trout. The lower reaches of the stream below the confluence of Black Brook are utilized by rainbow smelts for spawning. The applicant has indicated that Big Sag Brook will be avoided, however tributaries to it may be crossed. The applicant has also indicated that intermittent streams will be marked with 75' vegetated buffers. Winter operations are preferred, but may not be completely possible given the location of the areas to be harvested. The applicant should monitor operations on steep slopes to insure that slash will be sufficient to prevent erosion. In areas where augmentation is needed to prevent erosion, BMPs in the form of mulched and seeded waterbars as suggested by the applicant are appropriate.
15. MDIFW Assistant Regional Biologist, Region E: There is a strong potential for several species/habitats of special conservation needs to occur within the proposed harvest area: Bicknell's thrush, a state listed species of special concern, is restricted to spruce-balsam fir dominated stands that have a long-term history of disturbance resulting in a stunted dense spruce/fir in the understory. Northern Bog lemming, a state listed threatened species, which occupy higher elevation sphagnum wetlands. Roaring Brook Mayflies, a state listed threatened species, and/or spring salamanders, a state species of special concern, which are found in higher elevation cold, streams with moderate to fast flow that remain watered year round.

I have attached recommended guidelines to apply to perennial streams associated with the harvest areas, particularly streams that flow into Cherry Run, Big Sag Run, and Green bush inlet. Harvest recommendations would be similar for any sphagnum bogs that have a scattered spruce and sedge component, with the 250 ft. upland buffer applied beyond the wetland edge.

Findings

16. A field visit was conducted August 26, 2015. The field visit showed the permit application was complete and accurate.
17. The mixedwood stands contain poor quality, low vigor stems that will not increase in value if retained. Many of the stems show evidence of repeated ice damage. The softwood and hardwood stands are generally mature and due to site conditions would be highly susceptible to windthrow if partially harvested.
18. The species and height of the regeneration is highly variable depending on site condition and the existing condition of the overstory.
19. There will be no road or yard construction in the P-MA.
20. The harvest activity will be completed using a Cut-To-Length system which places slash in the trails for the equipment to travel on. This method of harvesting is relatively low impact because a mat of brush is distributed ahead of the machinery in the skid trails to minimize soil disturbance, compaction and erosion.
21. From field observations the soils in the harvest area appear to be moderately well drained and not poorly drained as the soils maps indicate.

The information provided in the application, along with an MFS inspection of the site conditions in the area to be harvested, 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. §Section 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 Bayroot, LLC submitted by Wagner Forest Management, Inc. with the following conditions:

1. The harvesting operation will be suspended during extended periods of wet weather to prevent excessive site disturbance.
2. The harvesting operation shall be monitored when operating on steep slopes to ensure that the use of slash in trails is sufficient to prevent erosion. In areas when slash is insufficient, mulched and seeded waterbars shall be utilized to control water runoff.
3. The harvesting authorized in this permit can commence on the effective date of this permit and should be completed within the time outlined in Section 6 above. If such activities are not started and completed within this time period, this permit lapses and no activities may then occur unless and until a new permit or extension to the existing permit has been granted by the MFS.
4. All harvesting activities must be done according to the standards in Chapter 27 Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State, Section 4 as applicable.

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 2nd DAY OF SEPTEMBER 14, 2015.

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

James P. Ecker - LPF 612
Regional Enforcement Coordinator
Maine Forest Service
Box 415
Old Town, Maine 04468