

01-669

MFS Rule – Chapter 29

Fee Schedule

June 15, 2013

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MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BUREAU OF FORESTRY

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**669 BUREAU OF FORESTRY****Chapter 29: FEE SCHEDULE**

Summary: This rule establishes fees for permits and permits by rule issued by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry as authorized by statute.

Section 1. Scope and Applicability

This rule applies to timber harvesting and related activities for which a permit or permit by rule is required by the Bureau.

Section 2. Definitions

For the purposes of this rule, the following terms have the following meanings unless the context otherwise requires.

- A. **Bureau** means the Bureau of Forestry in the Department of Agriculture, Conservation, and Forestry.
- B. **Development costs** means all costs of a proposed project including, without limitation, site preparation, building and road construction, installation of monitoring and erosion control devices, but shall not include the cost of acquiring the land.
- C. **Director** means the Director of the Bureau of Forestry.
- D. **Minor changes** means a revision or amendment to a permit previously issued by the Bureau where the revision or amendment is a result of:
 - 1. transfer of ownership or permit holder;
 - 2. typographical errors or other errors of transcription;
 - 3. changing the phrasing of the Bureau's written decision, where the phrasing is consistent with the intent of the Bureau's decision; or
 - 4. corrections of dimensions or minor variations, expansions or changes affecting less than ten (10) percent of a structure or project.
- E. **Permit** means any approval, license, certification or other authorization issued by the Bureau, including amendments thereto.

Section 3. Schedule of Fees

A. General Provisions

Square foot and linear foot calculations apply to new, reconstructed, replaced, expanded, additions, or changes of use to structures or disturbances. Legally existing or previously approved structures or disturbances, unless otherwise specified, are not counted in the fee calculation. For land management roads and gravel pits used for road purposes, only the portions of the project or the additional length or acreage that triggers permit review will be subject to these fees.

Amendments to permits shall be assessed using the same method as initial permit applications.

After-the-Fact fees, or fees for activities already begun prior to receiving permit approval, shall be three (3) times the listed fee.

No fee will be charged for processing notifications.

B. Permit Fees Established

The following fees will be assessed for processing applications. These fees are only for activities and/or projects, or portions of the activity and/or project that requires an application and permit decision.

1.	Forestry Operations Permit	\$100.00	
2.	Gravel Pits for Road Purposes	\$200.00 + \$100.00 \$700.00	Base fee per acre of disturbed area Maximum Fee (based on upper limit of 5 acres
3.	Land Management Road Permit Applications	\$200.00 + \$ 0.15 \$1,000.00	Base fee per linear foot Maximum Fee
4.	Water Crossing Permit Applications	\$250.00 + \$2.00	Base fee per linear foot of span length or culvert width
5.	All other permit and amendment applications	\$100.00	

C. Exceptions

- The Director, at the Director's discretion, may reduce or waive the fees for special services for an agency of state government and application fees when the applicant is a governmental agency.
- No fee shall be assessed for minor changes.

3. The Director, at the Director's discretion, may reduce or waive an application or special service fee when the applicant or person requesting the reduction or waiver demonstrates to the satisfaction of the Director that an extreme hardship or injustice would result from payment of the fee.
4. If the director determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors is likely to require a disproportionate share of state resources, the director may designate that application as subject to special fees, and may assess a fee of up to 0.25% of the estimated development costs.

D. Fee Payment

1. No application for a permit, special exception, or variance shall be processed until the fees have been paid in full in accordance with this rule.
2. All fees are non-refundable.

Section 3. Severability

If any section of this rule is declared invalid by the courts, such decision shall not invalidate any other section or provision of this rule.

Section 4. Effective Date

The effective date of this rule is June 15, 2013.

STATUTORY AUTHORITY: 12 M.R.S. §8867-F

EFFECTIVE DATE:

June 15, 2013 – filing 2013-128

CORRECTIONS:

February, 2014 – agency names, formatting