AMENDMENT Q TO
DEVELOPMENT PERMIT DP 4636

The staff of the Maine Land Use Planning Commission (the LUPC or Commission), after reviewing the application and supporting documents submitted by Cherryfield Foods, Inc. (the Applicant or CFI) for Amendment Q to Development Permit DP 4636, finds the following facts:

1. Applicant: Cherryfield Foods, Inc.
   (Cherryfield Properties, LLC)
   (Cherryfield Holdings, Inc.)
   PO Box 128
   Cherryfield, Maine 04622

2. Date of Completed Application: March 27, 2017

3. Property Locations:
   - Berry Township, Washington County, Maine
     Maine Revenue Service Map WA001, Plan 01, Lot 4.1
   - Cathance Township, Washington County, Maine
     Maine Revenue Service Map WA004, Plan 02, Lots 2 and 3
     Maine Revenue Service Map WA034, Plan 04, Lots 10 and 11
   - Centerville Township, Washington County, Maine
     Maine Revenue Service Map WA035, Plan 03, Lot 8
   - Marion Township, Washington County, Maine
     Maine Revenue Service Map WA031, Plan 03, Lot 13
   - T7 SD BPP, Hancock County, Maine
     Maine Revenue Service Map HA003, Plan 01, Lot 4
   - T16 MD BPP, Hancock County, Maine
     Maine Revenue Service Map HA007, Plan 01, Lots 6, 7, 8 and 9
   - T18 MD BPP, Washington County, Maine
     Maine Revenue Service Map WA005, Plan 01, Lots 1 and 8
   - T19 MD BPP, Washington County, Maine
     Maine Revenue Service Map WA006, Plan 01, Lots 2.1, 2.2, 4.1, 8.2, 10.1 and 16
   - T24 MD BPP, Washington County, Maine
     Maine Revenue Service Map WA007, Plan 01, Lots 1 and 11
   - T25 MD BPP, Washington County, Maine
     Maine Revenue Service Map WA008, Plan 01, Lot 1.1, 1.2, 5.1 and 6.1
4. Acreage: 40,674± Acres (Owned)

5. Projects: Surface and Groundwater Withdrawal Sites, Man-Made Storage Ponds

6. Affected Rivers and Streams: The Pleasant River (which is in the Pleasant River watershed) is subject to State of Maine and Federal Atlantic Salmon Conservation Plans and is a Class AA flowing water.\(^1\)
   Bog Stream (which is in the Pleasant River watershed) is a Class B flowing water.\(^2\)

7. Affected Great Ponds: Schoodic Lake (389 acres), Montegail Pond (170 acres), West Pike Brook Pond (32 acres), Rocky Lake (32 acres), Pretty Pond (27 acres), Goose Pond (16 acres), Long Pond (15 acres), Horseshoe Pond (12 acres), Otter Pond (12 acres), East Pike Brook Pond (12 acres), Barren Pond (11 acres) and Unnamed Pond (10 acres).

8. Other Affected Ponds Under 10 Acres: Duck Pond and Spring Hole Pond

9. Man-Made Storage Ponds: Pretty Barrens Reservoir, Campbell Park Reservoir, and the Frankie Dow Memorial Reservoir

Administrative History

10. Active Groundwater Well Withdrawal Sites, Active Surface Water Withdrawal Sites, Reserved Groundwater Withdrawal Sites, Reserved Surface Water Withdrawal Sites, and Man-Made Storage Ponds are listed in Appendix A, Tables 1 and 2, attached at the end of this permit and incorporated herein by reference.

11. The administrative history of Development Permit DP 4636 is attached as Appendix B to this permit amendment, and is incorporated herein by reference.

Proposal

12. The Applicant seeks amendment approval to modify or delete specific monitoring, analysis, and reporting protocols in relation to multiple agricultural irrigation surface and groundwater withdrawal sites.

   A. The Applicant seeks amendment approval to change the periodic recording and reporting of water pumped from surface and groundwater withdrawal sites from weekly to each pumping event. The data provided in the yearly report would include pumping event start date, total hours pumped, total gallons pumped, and pumping rate (gal/min). Surface water withdrawal sites that currently have a maximum permissible drawdown below the normal high water mark and a maximum permissible rate of drawdown, and reporting of those factors, would remain the same.

\(^1\) See 38 M.R.S. §§ 465(1) and 467(8)(A)(1).
\(^2\) See 38 M.R.S. §§ 465(3) and 467(8)(B)(2).
B. The Applicant seeks amendment approval to reduce the number of water level observation wells and stage monitoring locations for pumping wells that have been in operation a minimum of four blueberry-growing seasons. The Applicant would continue to monitor and report the water level in the irrigation pumping well and one selected observation well. Changes include:

1) Crossroads Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 03-13.

2) Crossroads Well II: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 03-11.

3) East Crebo Well II: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 99-93.

4) East Crebo Well III: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 07-07.

5) Long Pond Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 03-03.

6) Long Pond Well II: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 05-02.

7) Natures Bridge Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 03-17.

8) Oak Pond Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 03-10, and eliminate stage monitoring of Little Mopang Stream.

9) Oak Pond Well II: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 09-03, and eliminate stage monitoring of Hadley Lake (West) and Little Mopang Stream.

10) Oxbow Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 00-10.

11) Pike Brook Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 00-13.

12) Pleasant River Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 02-05, and eliminate stage monitoring of the Pleasant River.

13) Public Lot Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 99-68.
14) Public Lot Well II: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 10-02, and eliminate stage monitoring at Small Bog Pond, Big Bog Pond.

15) Rocky Lake Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 11-13, and eliminate stage monitoring of Rocky Lake.

16) Sam Hill Well I: Eliminate all water level monitoring wells except the irrigation pumping well and observation well 08-13, and eliminate stage monitoring of Sam Hill Brook.

C. The Applicant seeks amendment approval to remove East Crebo Well I from the “Reserved” status list. CFI has determined that the well does not yield enough water to justify installation of a pump and drive engine.

D. The Applicant seeks amendment approval to revise the water quality sampling and analysis requirements, and reporting protocols of Long Pond augmentation and its two augmentation sources wells, Oxbow Well I and Pleasant River Well I. The Worcester Lot Well I would no longer be used as a source of augmentation water.

With respects to augmentation, CFI proposes to sample, analyze and report findings on Long Pond water and well-water from one of the source wells for two consecutive augmentation events. Water quality sampling and analysis requirements, and related reporting protocols would then be discontinued for that one source well unless a third augmentation event is required in writing by the Maine Department of Environmental Protection (MDEP) after reviewing CFI’s Annual Hydrological Report. CFI would then sample, analyze and report findings on Long Pond water and well-water from the second source well following the same procedure.

One augmentation event would include adding approximately 3.5 to 4 million gallons of water to Long Pond from the chosen source well over a 24- to 48-hour period. Water samples would be drawn from Long Pond shortly before and shortly after augmentation and a water sample would be drawn from the chosen source well shortly before augmentation. Water samples collected from Long Pond would be core samples; the water sample collected from the chosen source well would be a grab sample. All samples would be analyzed for Ca, Mg, and TP (total Phosphorus). In addition, 1-meter temperature, dissolved Oxygen, and Secchi disk reading would be taken. Each augmentation event would be at least 2 to 3 weeks apart. The date(s) and volume of augmentation water would be recorded and reported in the annual hydrological report along with the water sample results. All other permitted requirements regarding augmentation and drawdown of Long Pond, such as period of operation, maximum annual augmentation, maximum drawdown, and maximum drawdown rate, would remain in effect.

Once augmentation water quality results are approved by the MDEP, with respects to augmentation, CFI would monitor temperature, dissolved Oxygen, Secchi Disk, and total Phosphorus at end of irrigation season if augmentation occurred in Long Pond and report the findings in the annual hydrological report.
E. The Applicant seeks amendment approval to revise the water quality sampling and analysis requirements, and reporting protocols of Pretty Pond augmentation and its sole augmentation source Oak Pond Well I. Pretty Pond would continue to be augmented during the existing period of use, as needed, with ground water pumped from Oak Pond Well I, but no water quality sampling and analysis would be conducted during augmentation. With respect to augmentation, CFI would monitor temperature, dissolved Oxygen, Secchi Disk, and total Phosphorus at end of irrigation season if augmentation occurred in Pretty Pond and report the findings in the annual hydrological report. All other permitted requirements regarding augmentation and drawdown of Pretty Pond, such as period of operation, maximum annual augmentation, maximum drawdown, and maximum drawdown rate, would remain in effect. The date(s) and volume of augmentation water would be recorded and reported in the annual hydrological report.

Resource Agency Review Comments (summarized)

13. The Maine Department of Inland Fisheries and Wildlife (MDIFW) received a copy of the Applicant’s 2016 Hydrologic Data for Irrigation Water Sources report and the pending agricultural water withdrawal permit application, and commented that they do not anticipate adverse impacts to wildlife or habitat due to the change in hydrologic monitoring protocol provided compliance is maintained with surface water flow and level conditions established by the MDEP. MDIFW further states that many of the wells are in close proximity to high and moderate value Inland Waterfowl and Wading Bird Habitats which are protected under the Natural Resource Protection Act as Significant Wildlife Habitat. This habitat is sensitive to extreme changes in water levels, so it is critical to maintain the conditions established with MDEP to protect against water level changes.

14. The Maine Department of Marine Resources (MDMR) received a copy of the Applicant’s 2016 Hydrologic Data for Irrigation Water Sources report and the pending agricultural water withdrawal permit application. The MDMR commented that as long as activities, such as Pleasant River site augmentation, remain the proposal seems reasonable to protect the resources under MDMR purview and MDMR is in agreement with the proposed reduction of data collection.

15. The Maine Geological Survey (MGS) received a copy of the Applicant’s 2016 Hydrologic Data for Irrigation Water Sources report and the pending agricultural water withdrawal permit application and comments: (MGS commented on all Active and select Reserve water withdrawal sites as part of a yearly review of the Applicant’s irrigation program and assessment of undue adverse impact, however, only those comments relevant to the request to modify or delete specific monitoring, analysis, and reporting protocols requested herein by the Applicant have been included in this document).

A. In reference to reducing the number of water level observation wells for pumping wells that have been in operation a minimum of four blueberry-growing seasons to monitoring and reporting the water level in the irrigation pumping well and one selected observation well, the MGS states that the selected observation wells proposed appear reasonable and well considered, and MGS generally concurs with the recommendation.

B. MGS indicates removing East Crebo Well I from the “Reserved” status list is acceptable.
C. In reference to ceasing stage monitoring of Pleasant River in conjunction with pumping Pleasant River Well I, Little Mopang Stream in conjunction with pumping Oak Pond Wells I and II, Hadley Lake in conjunction with pumping Oak Pond Well II, Sam Hill Brook in conjunction with pumping Sam Hill Well I, Rocky Lake in conjunction with pumping Rocky Lake Well I, and the two bogs ponds (a.k.a. Small Bog Pond and Big Bog Pond) in conjunction with pumping Public Lot Well II, MGS concurs that no measurable undue adverse impact has been noted in the varied years of analyzing these various sites and agrees that stage monitoring can cease on these waterbodies in conjunction with pumping the respective wells.

D. In reference to revising the water quality sampling and analysis requirements, and reporting protocols of Long Pond augmentation and its sole augmentation source Oxbow Well I and Pretty Pond augmentation and its sole augmentation source Oak Pond Well I, MGS states that MGS is not opposed to the cessation of water quality monitoring of these two ponds but acknowledges that the final decision would be under the scope of the MDEP.

16. The MDEP received a copy of the Applicant’s 2016 Hydrologic Data for Irrigation Water Sources report, multiple previous years Hydrologic Data for Irrigation Water Sources reports, and the pending agricultural water withdrawal permit application and with dialog with CFI, amended and approved the portions of the proposal subject to the MDEP’s rules and regulations.

Commission Review Standards and Approval Criteria

17. According to 12 M.R.S. § 681 of the Commission’s Statutes, it is the purpose and scope of the Commission, among other things, to prevent the despoliation, pollution and detrimental uses of the water in unorganized and deorganized areas of the State.

18. According to 12 M.R.S. § 685-B(4)(C) of the Commission’s Statutes, which is incorporated into Section 10.24,C of the Commission’s Standards, the Commission may not approve an application, unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure 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. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

19. According to Section 10.25,K,1 of the Commission’s Land Use Districts and Standards, a development, or reasonably foreseeable consequences of a development, shall not directly discharge any water pollutants to a surface water body which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause a surface water body to be unsuitable for the existing and designated uses of the water body; or which otherwise would result in a violation of state or federal water quality laws.
20. The Department of Environmental Protection’s 06-096, Chapter 587: In-stream Flows and Lake and Pond Water Levels, August 24, 2007 (applies statewide).

21. The facts are otherwise as represented in the application for Amendment Q to Development Permit DP 4636, all other applicable amendments and applications, and all other supporting documents.

**Based upon the above Findings, the staff concludes that:**

1. Table 1, attached at the end of this permit in Appendix A and incorporated herein by reference, details all approved Active and Reserved surface and ground water withdrawal sites; and the period of operation, pumping rate(s) or pond level limit(s), and water monitoring stations with the requirements for each. Table 2, also attached at the end of this permit in Appendix A and incorporated herein by reference, summarizes the monitoring and reporting requirements for specific water sources.

2. Cherryfield Foods, Inc. will comply with 06-096, Chapter 587: In-stream Flows and Lake and Pond Water Levels.

3. If carried out in compliance with the Conditions below, the proposal will meet the applicable requirements set forth in Sub-Chapter III of the Commission's Standards and the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.

**Therefore, the staff approves the amendment application of Cherryfield Foods, Inc. with the following Conditions:**

1. The *Standard Conditions of Approval for all Development Permits* (ver. 04/04), a copy of which is attached.

2. Notwithstanding Condition #3 of the *Standard Conditions of Approval for all Development Permits*, this permit shall remain in effect unless:

   A. The annual report or an on-demand report indicates that a specific surface water withdrawal site or groundwater well is causing an undue adverse impact;

   B. A certain surface water withdrawal site or groundwater well is not in compliance with the provisions of MDEP’s Chapter 587, 38 M.R.S. Section 470-B, or other provisions of the rules and regulations administered by the MDEP;

   C. Increases are proposed to be made to any approved period of operation, maximum pumping rate, or maximum seasonal drawdown;

   D. Decreases are proposed for any hydrologic monitoring requirement; or

   E. Additional augmentation of a surface water body is proposed.

3. The Permittee shall notify LUPC staff in writing if permanent decreases are made to the period of operation, the maximum pumping rate, or the maximum seasonal drawdown.
4. Should the Permittee wish to amend any permit condition, a complete application, acceptable for processing, must be submitted. To be complete for processing, the permit application must include a map showing the locations of all ‘Active’ and ‘Reserved’ withdrawal sites.

5. Continued use of any groundwater well, where a standing or flowing water is within 500 feet of the well, is contingent upon the annual hydrologic monitoring report showing that no undue adverse impacts to the monitored surface water body has occurred and that the provisions of Chapter 587 and 38 M.R.S. Section 470-B have been met.

6. The Permittee shall conduct all water quality sampling, analysis, and reporting required by the Maine Department of Environmental Protection for compliance with the rules and regulations administered by the Maine Department of Environmental Protection.

7. Tables 1 and 2 of all previous Amendments to Development Permit DP 4636 are superseded by Table 1 and 2 of this permit (attached), which list the approved maximum pumping rates, conditions and period of operation, augmentation, monitoring and reporting requirements for all Active and Reserved water withdrawal sites, subject to these conditions.

8. All conditions of Development Permit DP 4636, as amended, shall remain in effect except as altered by this amendment. All groundwater and surface water withdrawal sites granted approval under previous amendments and permit conditions specific to those activities shall remain in effect except as altered by this amendment.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.


By: ____________________________

for Nicholas D. Livesay, Executive Director
## APPENDIX A: Tables 1 and 2

<table>
<thead>
<tr>
<th>Withdrawal Source</th>
<th>Status</th>
<th>Geographic Coordinates</th>
<th>Operation</th>
<th>Pumping Rate or Pond Limits</th>
<th>Water Monitoring Stations and Measurements</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Latitude (N) Longitude (W) Period</td>
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<tr>
<td>Barren Pond R T24 MD BPP</td>
<td>44° 50' 23.59&quot; -67° 52' 21.19&quot;</td>
<td>5/1 to 9/30</td>
<td>-1 ft. thru 7/15; -2 ft. thru 9/30</td>
<td>Stage at pump site.</td>
<td></td>
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<tr>
<td>Bog Stream A T18 MD BPP</td>
<td>44º 44' 36.96&quot; -67º 54' 56.81&quot;</td>
<td>5/1 to 9/30</td>
<td>1800 gpm Stream flow augmentation, also see Table 2.</td>
<td>Water level at irrigation pumping well and observation well 99-18.</td>
<td></td>
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<tr>
<td>Crossroads Well A T25 MD BPP</td>
<td>44º 51' 31.03&quot; -67º 45' 14.28&quot;</td>
<td>5/1 to 9/30</td>
<td>2500 gpm Water level at irrigation pumping well and observation well 03-00.</td>
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<tr>
<td>Duck Pond R T24 MD BPP</td>
<td>44° 50' 02.68&quot; -67° 52' 27.05&quot;</td>
<td>5/1 to 9/30</td>
<td>-1 ft. thru 7/15; -2 ft. thru 9/30</td>
<td>Stage at pump site.</td>
<td></td>
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<tr>
<td>East Crebo Well III A T18 MD BPP</td>
<td>44° 46' 35.18&quot; -67° 53' 40.56&quot;</td>
<td>5/1 to 9/30</td>
<td>1500 gpm Water level at irrigation pumping well and observation well 07-07.</td>
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<tr>
<td>East Pike Brook Pond R T18 MD BPP</td>
<td>44° 42' 55.40&quot; -67° 54' 32.67&quot;</td>
<td>5/1 to 9/30</td>
<td>-1 ft. thru 7/15; -2 ft. thru 9/30</td>
<td>Stage at pump site.</td>
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<tr>
<td>Long Pond R T25 MD BPP</td>
<td>44° 50' 02.68&quot; -67° 52' 27.05&quot;</td>
<td>5/1 to 9/30</td>
<td>1400 gpm Water level at irrigation pumping well and observation well 99-93.</td>
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<tr>
<td>Montegail Pond North R T19 MD BPP</td>
<td>44° 45' 11.84&quot; -67° 46' 41.24&quot;</td>
<td>5/1 to 9/15</td>
<td>-1.6 ft. thru 9/15 (maximum -0.8 ft. per 7 days)</td>
<td>Stage at pump site.</td>
<td></td>
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<tr>
<td>Montegail Pond South R T19 MD BPP</td>
<td>44° 45' 40.73&quot; -67° 46' 01.30&quot;</td>
<td>5/1 to 9/15</td>
<td>-1.6 ft. thru 9/15 (maximum -0.8 ft. per 7 days)</td>
<td>Stage at pump site.</td>
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<tr>
<td>Montegail Pond West R T19 MD BPP</td>
<td>44° 45' 11.84&quot; -67° 46' 41.24&quot;</td>
<td>5/1 to 9/15</td>
<td>-1.6 ft. thru 9/15 (maximum -0.8 ft. per 7 days)</td>
<td>Stage at pump site.</td>
<td></td>
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<tr>
<td>Nature's Bridge Well I A T18 MD BPP</td>
<td>44° 44' 46.95&quot; -67° 46' 40.94&quot;</td>
<td>5/1 to 11/30</td>
<td>3000 gpm Water level at irrigation pumping well and observation well 03-17.</td>
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<tr>
<td>Oak Pond Well I A T24 MD BPP</td>
<td>44° 51' 14.80&quot; -67° 51' 08.33&quot;</td>
<td>5/1 to 9/30</td>
<td>2500 gpm Water level at irrigation pumping well and observation well 03-10.</td>
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<tr>
<td>Oak Pond Well II A T24 MD BPP</td>
<td>44° 51' 52.89&quot; -67° 51' 54.32&quot;</td>
<td>5/1 to 9/30</td>
<td>1800 gpm Water level at irrigation pumping well and observation well 09-03.</td>
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<tr>
<td>Otter Pond A T24 MD BPP</td>
<td>44° 49' 36.42&quot; -67° 55' 50.59&quot;</td>
<td>5/1 to 9/30</td>
<td>-1 ft. thru 9/30 (maximum -0.5 ft. per 7 days)</td>
<td>Stage at pump site.</td>
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<tr>
<td>Oxbow Well I A T18 MD BPP</td>
<td>44° 43' 32.49&quot; -67° 55' 12.98&quot;</td>
<td>5/1 to 9/30</td>
<td>2000 gpm Water level at irrigation pumping well and observation well 00-10, also see Table 2.</td>
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<tr>
<td>Pike Brook Well I A T18 MD BPP</td>
<td>44° 42' 35.86&quot; -67° 54' 24.14&quot;</td>
<td>5/1 to 9/30</td>
<td>2100 gpm Water level at irrigation pumping well and observation well 00-13.</td>
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<tr>
<td>Pike Brook Well II A T18 MD BPP</td>
<td>44° 42' 32.75&quot; -67° 54' 37.54&quot;</td>
<td>5/1 to 9/30</td>
<td>2500 gpm Water level at wells 12-13 and 02-01. Stage at West Pike Brook Pond.</td>
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<tr>
<td>Pleasant River Well I A T18 MD BPP</td>
<td>44° 46' 42.35&quot; -67° 55' 11.99&quot;</td>
<td>5/1 to 9/30</td>
<td>2000 gpm Water level at irrigation pumping well and observation well 02-05, also see Table 2.</td>
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<tr>
<td>Pretty Barrens Reservoir A T18 MD BPP</td>
<td>44° 47' 21.12&quot; -67° 49' 17.16&quot;</td>
<td>None, man-made storage pond.</td>
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<tr>
<td>Pretty Pond A T24 MD BPP</td>
<td>44° 49' 44.88&quot; -67° 54' 17.54&quot;</td>
<td>5/1 to 9/30</td>
<td>-3 ft. thru 9/30 (maximum -1.5 per 7 days)</td>
<td>Stage at pump site, also see Table 2.</td>
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<tr>
<td>Pretty Pond (Augmentation) T24 MD BPP</td>
<td>44° 46' 26.91&quot; -67° 44' 35.76&quot;</td>
<td>5/1 to 9/30</td>
<td>2000 gpm Water level at irrigation pumping well and observation well 99-68.</td>
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<tr>
<td>Public Lot Well II A T19 MD BPP</td>
<td>44° 45' 59.90&quot; -67° 46' 19.14&quot;</td>
<td>5/1 to 9/30</td>
<td>2500 gpm Water level at irrigation pumping well and observation well 10-02. Stage at Montegail Pond South.</td>
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<tr>
<td>Rocky Lake R T25 MD BPP</td>
<td>44° 50' 54.70&quot; -67° 45' 44.47&quot;</td>
<td>5/1 to 9/30</td>
<td>-0.85 ft. thru 7/15; -1.7 ft. thru 9/15</td>
<td>Stage at pump site.</td>
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<tr>
<td>Rockville Well I A T18 MD BPP</td>
<td>44° 44' 46.95&quot; -67° 46' 40.94&quot;</td>
<td>5/1 to 9/30</td>
<td>-0.98 ft. thru 7/15; -2 ft. thru 9/30</td>
<td>Stage at pump site.</td>
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<tr>
<td>Schoodic Lake R T18 MD BPP</td>
<td>44° 42' 06.26&quot; -67° 53' 08.76&quot;</td>
<td>5/1 to 9/15</td>
<td>-1 ft.</td>
<td>Stage at pump site.</td>
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<tr>
<td>Sippewissett Pond W T24 MD BPP</td>
<td>44° 45' 39.87&quot; -67° 55' 41.67&quot;</td>
<td>5/1 to 9/30</td>
<td>2000 gpm Water level at irrigation pumping well and observation well 05-02. Stage at Long Pond.</td>
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<tr>
<td>West Pike Brook Pond A T18 MD BPP</td>
<td>44° 42' 35.86&quot; -67° 54' 24.14&quot;</td>
<td>5/1 to 9/30</td>
<td>2100 gpm Water level at irrigation pumping well and observation well 00-13.</td>
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<tr>
<td>Westerly Well I A T18 MD BPP</td>
<td>44° 42' 35.86&quot; -67° 54' 24.14&quot;</td>
<td>5/1 to 9/30</td>
<td>2100 gpm Water level at irrigation pumping well and observation well 00-13.</td>
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</table>

- **Pumping rate** is measured in gpm (gallons per minute).
- **Stream flow** is measured in cfs (cubic feet per second).
- **Stage** is measured in feet above or below NHWM (normal high water mark).
- **R** = Reserved Site; **A** = Active Site.

### Table 1 - Surface and Ground Water Withdrawal Sites Summary Table
Table 2 - Summary of Monitoring and Reporting Requirements

**Monitoring Requirements** (Overall Period of Monitoring is May 1 to November 1, except Nature's Bridge Well I which is May 1 to November 30).

### Surface Water Sites
- **Active:** Monitor monthly pond/lake stage in feet above or below NHWM.
- Monitor weekly pond/lake stage during use in feet above or below NHWM.
- Measure or calculate volume of water pumped in gallons for each pumping event.
- Calculate average pumping rate in gpm for each pumping event.
- **Reserved:** Monitor only if used.

### Groundwater Sites
- **Active:** Monitor monthly water level at pumping and monitoring wells in feet below land surface.
- Monitor weekly during use water level at pumping and monitoring wells in feet below land surface.
- Monitor during use volume of water pumped in gallons for each pumping event.
- Calculate average pumping rate in gpm for pumping event.
- **Reserved:** Monitor only if used.

### Specific Sites
- **Bog Stream:** Monitor stream using automated stage gauge, augmentation flow, and withdrawal rates.
  - Assure the hatchery wells are operating when stream withdrawals occur.
- **Long Pond Well(s):** Monitor weekly stage of Long Pond during use of Long Pond Well(s).
- **Long Pond Augmentation:** Augmentation sources include Oxbow Well I and Pleasant River Well I.
  - Spray augmentation water over pond to aerate the water (avoid erosion and sedimentation to the pond).
  - Measure/Calculate volume and average pumping rate of augmentation water for each augmentation event.
  - Sample parameters of Long Pond and augmentation source wells (Oxbow Well I and Pleasant River Well I) as noted in permit.
  - Once approved by MDEP, monitor temperature, dissolved Oxygen, Secchi Disk, and total Phosphorus at end of irrigation season if augmentation occurred, as noted in permit.
- **Nature's Bridge Well I:** Monitor volume of well water pumped to Pretty Barrens Reservoir for each pumping event.
- **Pretty Pond Augmentation:** Augmentation source includes Oak Pond Well I.
  - Spray augmentation water over pond to aerate the water (avoid erosion and sedimentation to the pond).
  - Measure/Calculate volume and average pumping rate of augmentation water for each augmentation event.
- **Pleasant River Augmentation:** Divert flow from the Pleasant River Well I at 247 gpm (0.55 cfs) when pump is being operated.
  - Measure/Calculate diverted flow volume and average pumping rate for each pumping event.
- **Public Lot Well II:** Monitor weekly stage in feet at Montegail Pond.

### Reporting Requirements
- **On-demand reports**
  - Send to LUPC's Augusta office:
    1. Tables of pumping event start date, total hours pumped, total gallons pumped and pumping rate for any requested water withdrawal station.
    2. Tables of augmentation volume and average pumping rate for any pond/lake.
    3. Tables of pumping well and observation well water levels for any requested water withdrawal station.

- **Annual Hydrological Report** (due 12/31)
  - For each water withdrawal site:
    1. Tables of pumping event start date, total hours pumped, total gallons pumped and pumping rate for any used water withdrawal site.
    2. Table(s) and chart(s) of pond/lake stage, and pumping and observation well water levels.
    3. Evaluation of the affect of the pumping of wells on adjacent surface water bodies and wetlands, as applicable.
    4. Table(s) of volume pumped and average pumping rate of water transferred to any augmentation/storage for each pumping event.
    5. Results of pond/lake augmentation water quality sampling.
    6. Assessment of compliance with MDEP's Chapter 587 flow and lake level rules for all groundwater and surface water sites.
    7. Daily precipitation records for the region.
    8. Maps showing the locations of all extraction and monitoring sites.

Reports followed by an asterisk (*) may be submitted electronically; NHWM = normal high water mark; gpm = gallons per minute; cfs = cubic feet per second.
APPENDIX B

Administrative History³

1. Prior to May 8, 2003, Cherryfield Foods, Inc. was issued multiple permits for surface water withdrawal and/or groundwater well sites for the purpose of agricultural irrigation including Development Permits: DP 3624, as amended; DP 4513, as amended; DP 4579, as amended; DP 4580, as amended; DP 4581, as amended; DP 4582, as amended; and DP 4625.

2. Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 8, 2003, consolidated all surface water withdrawal and groundwater well sites for agricultural irrigation under one permit. In addition, the permit authorized the augmentation of Sam Hill Brook during the pumping of the Sam Hill Well and the transfer of groundwater pumped from the Worcester Lot Well to Long Pond for storage. Both activities included requirements for testing water quality to assure that groundwater transferred to a surface water site would not adversely affect the surface water.

3. Amendment A to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 7, 2007, authorized, among other items: the use of three (3) new groundwater wells: the Oxbow Well, the Crossroads I Well, and the Nature’s Bridge Well; placed ten (10) previously approved surface water withdrawal sites on “Reserved” status; and due to the well’s proximity to the Pleasant River, placed the Pleasant River Well on pending status. The permit expired December 31, 2004.


5. Amendment C to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on April 27, 2005, authorized for the 2005 irrigation season: an increase in the maximum pumping rate of three groundwater wells (the Oxbow Well, the Crossroads Well, and the Nature’s Bridge Well); the use of the Pleasant River groundwater well, with continued use contingent upon review and subject to groundwater, wetland and stage monitoring, and data analysis and reporting; the continuation of “Reserved” status, withdrawal limits, and hydrologic monitoring of seven surface water withdrawal sites (Bog Stream, East Pike Brook Pond, Horseshoe Pond, Rocky Lake, Spring Hole Pond, Unnamed Pond and West Pike Brook Pond); and a revised water quality monitoring plan and reporting requirements for Sam Hill Well and Sam Hill Brook. The permit also authorized: the deletion of three “Reserved” surface water withdrawal sites (Beech Hill Brook, Big Hill (West Branch of the Narraguagus River) and Moose Run (Mopang Stream)); the discontinuation of dissolved oxygen and temperature monitoring and reporting for transfers of water between the Worcester Lot groundwater well and the Long Pond surface water withdrawal site; and the elimination of portions of the wetland monitoring program. Finally, the permit authorized an assortment of changes to the monitoring program and reporting protocols. The permit expired December 31, 2005.

³ Information presented in the Administrative History is intended to be a summary only and may lack specific details of previously permitted activities. A copy of a permit action, containing a complete and detailed description of activities authorized under that action, may be obtained through requests in writing to: Maine Land Use Planning Commission; 22 State House Station; Augusta, Maine 04333
6. Amendment D to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 5, 2006, authorized, among other items, multiple “Active” and “Reserve” surface water withdrawal and groundwater well sites for the purpose of agricultural irrigation that included a detailed monitoring, analysis and reporting program. The permit also authorized multiple decreases in maximum pump rates of various groundwater wells, the deletion of various monitoring point, the status change of Schoodic Lake and Long Pond surface water withdrawal sites from “Active to “Reserved”, the deletion of Bog Stream surface water withdrawal site, the deletion of certain requirements related to Natures Bridge groundwater well and Montegail Pond, the addition of the Long Pond Well, and the continued use of the Pleasant River Well until September 2006 with monitoring, analysis and reporting requirements. Finally, the permit authorized an assortment of other changes to the monitoring, analysis and reporting protocols. Except as noted above, the permit expired December 31, 2010.

7. Amendment E to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on July 3, 2007, authorized, among other items, the use of the Pleasant River and Oak Pond groundwater wells, for the 2007 season only, and included a detailed monitoring, analysis and reporting program. Amendment E further granted approval for all other withdrawal sites until December 31, 2010.

8. Amendment F to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on November 28, 2007, authorized a structure to house the irrigation pump at Pretty Pond for security reason; the amendment did not otherwise amend Development Permit DP 4636.

9. Amendment G to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on July 11, 2008, authorized: the use of the Pleasant River groundwater well at a maximum rate of 2,000 gpm with augmentation of the flow of the Pleasant River at the same rate and procedures as previously permitted (the authorization include a detailed monitoring, analysis and reporting plan of the groundwater well and of the Pleasant River); the use of the Duck Pond Well at a maximum rate of 800 gpm; the use of East Crebo Well I at a maximum rate of 500 gpm; the use of East Crebo Well III at a maximum rate of 1,500 gpm; the continued use of Oak Pond Well and the use of Oak Pond Well to augment Pretty Pond; the resumption of use of the Bog Stream surface water withdrawal site, with augmentation from four hatchery wells in Deblois for the 2008 season only; and the extension of the operating period of the Natures Bridge Well to coincide with the Pretty Barrens Cranberry Bog operations. Finally, the permit authorized an assortment of changes to the monitoring program, analysis and reporting protocols.

10. Amendment H to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 12, 2009, authorized: continued use of the Pleasant River Well with augmentation of the Pleasant River, continued use of the Oak Pond Well with augmentation of Pretty Pond; continued use of Bog Stream surface water withdrawal with augmentation using the Deblois hatchery wells; use of the Cross Roads II Well; augmentation of the Pretty Barrens Reservoir using the Nature’s Bridge Well; the deletion of the Duck Pond I well as an irrigation source; and a multitude of other evaluated uses and an assortment of changes to the monitoring program, analysis and reporting protocols.

11. Amendment I to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 21, 2010, authorized: the continued use of the Pleasant River Well; continued use of the Bog Stream...
Amendment Q to Development Permit DP 4636; Cherryfield Foods, Inc.

surface water withdrawal site with augmentation using the Deblois fish hatchery wells; and the continued storage/augmentation of Pretty Pond with water from the Oak Pond Well.

12. Amendment J to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on May 09, 2011, authorized: amendment approval to pump water from thirty-two (32) previously permitted irrigation water sources and two (2) new groundwater irrigation wells; changes to various monitoring frequencies; the elimination of the requirement to submit a mid-season report; and refined hydrologic monitoring requirements for individual water sources. The permit also stated procedures and requirements for Montegail Pond and Otter Pond and Pretty Pond and Long Pond augmentation.

13. Amendment K to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on September 22, 2011, authorized the construction of Campbell Park Reservoir, a 3.0-acre man-made storage pond for spring frost protection, and a pump house to protect the associated irrigation pump, fuel tank and other related equipment.

14. Amendment L to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on April 05, 2012, authorized two (2) new groundwater irrigation wells (Long Pond II Well and Rocky Lake I Well) with specific periods of operation, maximum pumping rates and water level monitoring requirements.

15. Amendment M to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on July 16, 2012, authorized changes to the water quality monitoring and flow requirements for Montegail Pond and Otter Pond. Further, the permit authorized the adoption of specific procedures for augmentation, minimum water levels and water quality monitoring as recommended by the MDEP for Pretty Pond and Long Pond.

16. Amendment N to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on April 02, 2013, authorized augmentation of Long Pond, in addition to the current augmentation from the Worchester Lot Well, with water pumped from the Pleasant River Well and the Oxbow Well. The permit further modified the maximum seasonal drawdown for Montegail Pond South and Otter Pond and added Goose Pond as a surface water withdrawal site.

17. Amendment O to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on June 26, 2013, authorized a man-made storage pond (the Frankie Dow Memorial Reservoir) and a 20-foot by 20-foot pump house.

18. Amendment P to Development Permit DP 4636, issued to Cherryfield Foods, Inc. on March 11, 2014, authorized one (1) new 24-inch groundwater irrigation well (Pike Brook Well II) with a specific period of operation, maximum pumping rate, and water level and stage monitoring requirements.
STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.

2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.

3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.

5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.

6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.

7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.

9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

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