STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

FORESTRY OPERATIONS PERMIT FOP 951

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Lakeville Shores, Inc. for Forestry Operations Permit FOP 951, finds the following facts:

1. Landowner/Applicant: Lakeville Shores, Inc.
   Box 96
   Winn, Maine 04495

2. Agent: H.C. Haynes, Inc
   Attn: Mike McLaughlin
   Box 96
   Winn, Maine 04495

3. Date of Completed Application (Revised): September 25, 2017

4. Location of Proposal: Macwahoc Plt., Aroostook County, Maine
   Maine Revenue Service Map ARP08; Plan 03; Lot 24 (part of)

5. Zoning: (D-RS) Residential Development Subdistrict
   (P-SL1) Shoreland Protection Subdistrict
   (P-FP) Flood Prone Protection Subdistrict
   (P-WL) Wetland Protection Subdistrict

6. Lot Size: 80± Acres (owned)

7. Approximate Time Period of Application Proposed Operation: 12/01/2017 to 04/15/2018

8. The applicant's 80 acre lot has approximately 7,000 feet of shore frontage on Molunkus Stream, approximately 650 feet of road frontage on the Smith Road, and approximately 1,200 feet of road frontage on the Swimming Hole Road in Macwahoc Plantation and is located in a (D-RS) Residential Development Subdistrict. The parcel encompasses Lot 32 (5.8 acres), Lot 33 (a 4.1 acre area designated as Reserve For Common Use And Public Easement), Lot 34 (2.9 acres), Lot 35 (3.4 acres), and a 65 acre Reserve Area, as shown on a final Subdivision Plat of Molunkus Stream Subdivision,

Macwahoc Plantation, recorded in the Aroostook County Registry of Deeds in Book 31, Page 29 [Reference: Subdivision Permit SP 699]. The area surrounding the subject property is mainly undeveloped forested lots with three seasonal dwellings along the Swimming Hole Road and single-family residential dwellings along the Smith Road. Molunkus Stream borders most of the property except along the eastern boundary.

9. The applicant seeks permit approval to selective timber harvest approximately 60 acres using a conventional cable skidder and/or cut to length processor. Within the first 25 feet of the normal high water mark of Molunkus Stream (P-SL1), the area will be clearly flagged and marked as a no cut/no disturbance zone. Between 25-250 feet of Molunkus Stream, the applicant proposes removal of forty percent (40%) of the total volume in accordance with the Maine Forest Service Chapter 27 and the Land Use Planning Commission's Section 10.27 Timber Harvesting Standards. Beyond 250 feet from the stream within the (D-RS) Residential Development Subdistrict, the applicant proposes removing forty to sixty percent (40%-60%) of the total volume, with basal stocking not to be reduced below 30 square feet per acre as stated in the revised plan submitted on September 25, 2017. The area is described as a mature and over mature mixed woods and hardwood stand, with the age of the stand being approximately 50 years. The mixed woods stand is comprised mainly of fir and spruce and the hardwood stand is comprised mainly of soft maple. The objective of the selective harvest is to thin and remove mature and over-mature trees to allow growth of the remaining trees. Regeneration on the lot is in a very advanced stage. The applicant has further revised the application and now proposes to clearly flag and mark in the field the mapped Silver Maple Floodplain Forest as a no cut zone.

10. The applicant also proposes to construct three small log yards within the D-RS subdistrict, two yards off the Swimming Hole Road and one off the Smith Road in a previously existing log landing area. No land management road construction is proposed.

11. The applicant's agent states that the area proposed for timber harvesting is bottomland/forested wetland with a two (2) percent generally long, gently sloping ridge with no outcrops or ledges present and with poorly drained, mixed alluvial soils. No soil erosion or soil rutting is anticipated as a result of the proposed timber harvest in that operations will be performed during frozen ground conditions only. Trees to be removed will be manually cut with a chainsaw and a cable skidder will be used to assist with felling to minimize damage to residual trees.

12. The applicant's agent states that the visual impact from the access road and from Molunkus Stream will be minimal due to the proposed method of operation Specifically, the agent states that:

    a. The harvest is located on the Swimming Hole Road, which is a seasonal dead end dirt road;
    b. The log yards will be small and confined;
    c. The single tree selection method will be spaced in a manner to provide for regeneration without creating large openings in excess of 1,000 square feet;
    d. The stream protection zone will be limited to forty percent (40%) removal, eliminating visibility from the water and keeping canopy openings to a minimum. In addition, the applicant has revised the application and agreed to flag the first 25 feet from Molunkus Stream as a no-cut/no disturbance zone. In the remainder (25-250 feet), the applicant has agreed to flag the 250-foot Shoreland Protection Zone (P-SL1) boundary and harvest in accordance with MFS Chapter 27 and LUPC Section 10.27,E, Timber Harvesting Standards.

13. The applicant's agent states that the harvest operations will comply with the Commission's Standards of Section 10.27 and the operation will be conducted under the provisions of Section 10.27,E, Standards for Timber Harvesting of the Commission's Land Use Districts and Standards.

Review Criteria

14. Pursuant to Section 10.21,H,3,c,(16) of the Commission's Land Use Districts and Standards, timber harvesting may be allowed within a (D-RS) Residential Development Subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.

15. Chapter 10, Section 10.27, E specifies the Commission's standards for timber harvesting.

16. In accordance with Section 10.24 of the Commission's Land Use Districts and Standards, the Commission may not approve an application, unless "Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods" and "Adequate provision has been 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". The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected.

Review Comments

17. The Maine Forest Service has reviewed the proposed harvest operation and recommends the following:
    a. The P-SL1 boundary be clearly marked or identified;
    b. The amount of area to be harvested within the P-SL1 zone should be clarified and confirmed it will be harvested according to Chapter 27 standards;
    c. The stocking/basal area in the 30-acre hardwood stand should not be reduced below 30 square feet of basal area or that sufficient regeneration exists to meet the standard for overstory removal;
    d. The blow-down potential should be better addressed and explained due to the low residual stocking and poorly drained soils in the harvest area.

    The applicant has agreed to clearly flag the 250-foot P-SL1 shoreland protection boundary and the first 25 feet from the stream. The applicant revised the original proposal for the first 25 feet and now proposes to clearly flag this area as a no-cut/no disturbance zone. In the remainder of the P-SL1 (25-250 feet), no more than 40% of the volume will be removed and the harvest will be in accordance with MFS Chapter 27 and the Commission's Section 10.27,E, Timber Harvesting Standards. The applicant states the stocking/basal area will not be reduced below 30 square feet per acre.

18. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the application and recommends a 250-foot wide forested riparian management zone on either side of Molunkus Stream due to rare freshwater mussels having been documented in the stream and the proximity of the proposed harvest. MDIFW further recommends the first 25 feet from the stream be retained as a no-

cut and no-disturbance zone. The remainder of the riparian zone (25-250 feet) should maintain a minimum of 60-70% canopy cover in an evenly distributed stand and construction of roads, log landings, or any other permanent land use conversion be avoided or minimized within the 250-foot management zone. In addition, Maine Forest Service's Best Management Practices for Forestry should be used to prevent or minimize soil movement and to protect soil and water quality and careful consideration be given to the timing of the harvest (well frozen ground), the location of roads/trails and to minimize the number of roads/trails needed to conduct the timber harvest.

The applicant has revised the proposal for the first 25 feet from the stream as a no cut/no disturbance zone. In the remainder of the P-SL (25-250 ft.) no more than 40% of the volume will be removed in a manner that meets MFS Chapter 27 and the Commission's Section 10.27,E, Timber Harvesting Standards. No land management roads or log yards are proposed within 250 feet of Molunkus Stream and operations will be done in the winter during frozen ground conditions only.

19. The Maine Natural Areas Program has reviewed the application and found a portion of the proposed harvest area intersects with an occurrence of an uncommon wetland forest type, Silver Maple Floodplain Forest, and recommends that it is avoided during harvesting or if harvesting occurs within the type, that it takes place on frozen ground and that no more than 50% of the forest canopy be removed.

    The applicant has revised the proposal to remove this area from the harvest and states the Silver Maple Floodplain Forest will be clearly flagged in the field as a no cut/no disturbance zone.

20. The Maine Historic Preservation Commission has reviewed the application and has no concerns regarding archaeological or architectural resources for this project.

21. The facts are otherwise as represented in Forestry Operations Permit application FOP 951 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Lakeville Shores, Inc. with the following Conditions:

1. The Standard Conditions (ver. 9/84) for all Forestry Operations Permits, a copy of which is attached.

2. The Permittee shall abide by all standards as specified within the Forest Practices Act.

3. Prior to Timber Harvesting, the Permittee shall file a Forestry Operations Notification with the Maine Forest Service.

4. The permittee shall comply with the Standards for Timber Harvesting, Section 10.27,E of the Commission's Land Use Districts and Standards, revised August 9, 2016, a copy of which is attached.

5. All practicable steps shall be taken to prevent damage to regeneration in order to minimize the adverse aesthetic impacts of the operation.

6. No timber harvesting shall occur within 25 feet of the normal high water mark of Molunkus Stream or within the mapped Silver Maple Floodplain Forest. Both areas shall be clearly flagged and marked in the field as a no cut/no disturbance zone.

7. Within 50 feet of the normal high water mark of Molunkus Stream, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees that are wind-firm, and other vegetation including existing ground cover, shall be retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.

8. No timber harvesting shall result in a residual basal area of less than 30 square feet per acre.

9. To reduce soil disturbance, the operations shall occur only during frozen ground conditions. Any rutting or exposed mineral soils must be fixed (slash filled) to retard runoff and not allowed to connect directly to any stream or drainage way.

10. To protect water quality, BMP techniques described in the Maine Forest Service's Best Management Practices for Forestry: Protecting Maine's Water Quality (2010) should be implemented for wetland crossings and trails when working in filter areas bordering waterbodies.

11. All operations shall be halted 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 which led to such occurrence. For the purposes of this action erosion is defined as evidence of rill or gully erosion.

12. The period of operations shall be from December 1, 2017 to April 15, 2018.

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 all of 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 Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 5th DAY OF OCTOBER, 2018.

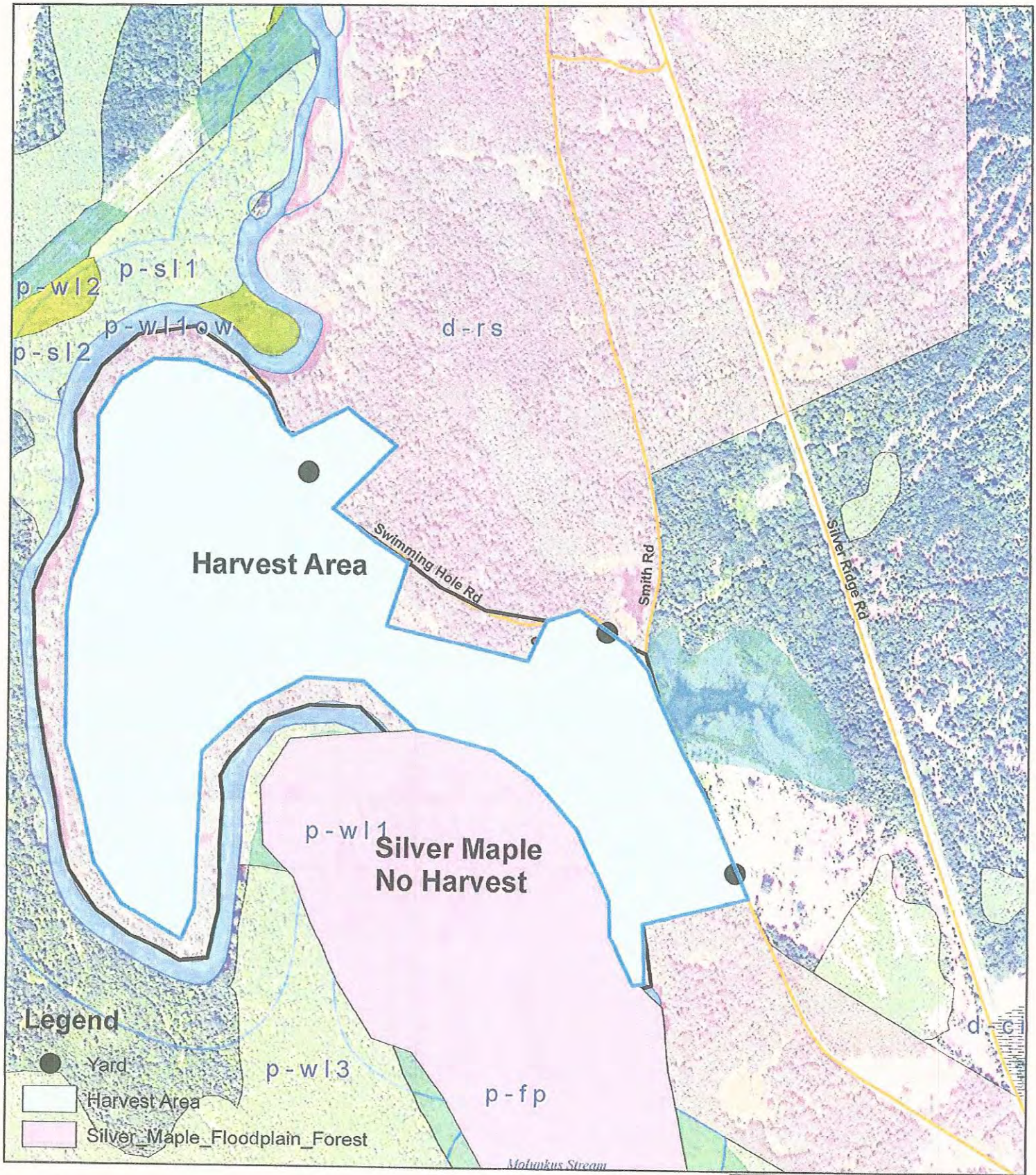
By: Debra A Kaczynski
for Nicholas D. Livesay, Executive Director

RECEIVED

SEP 25 2017

LUPC - MILLINOCKET

Exhibit 2



Macwahoc

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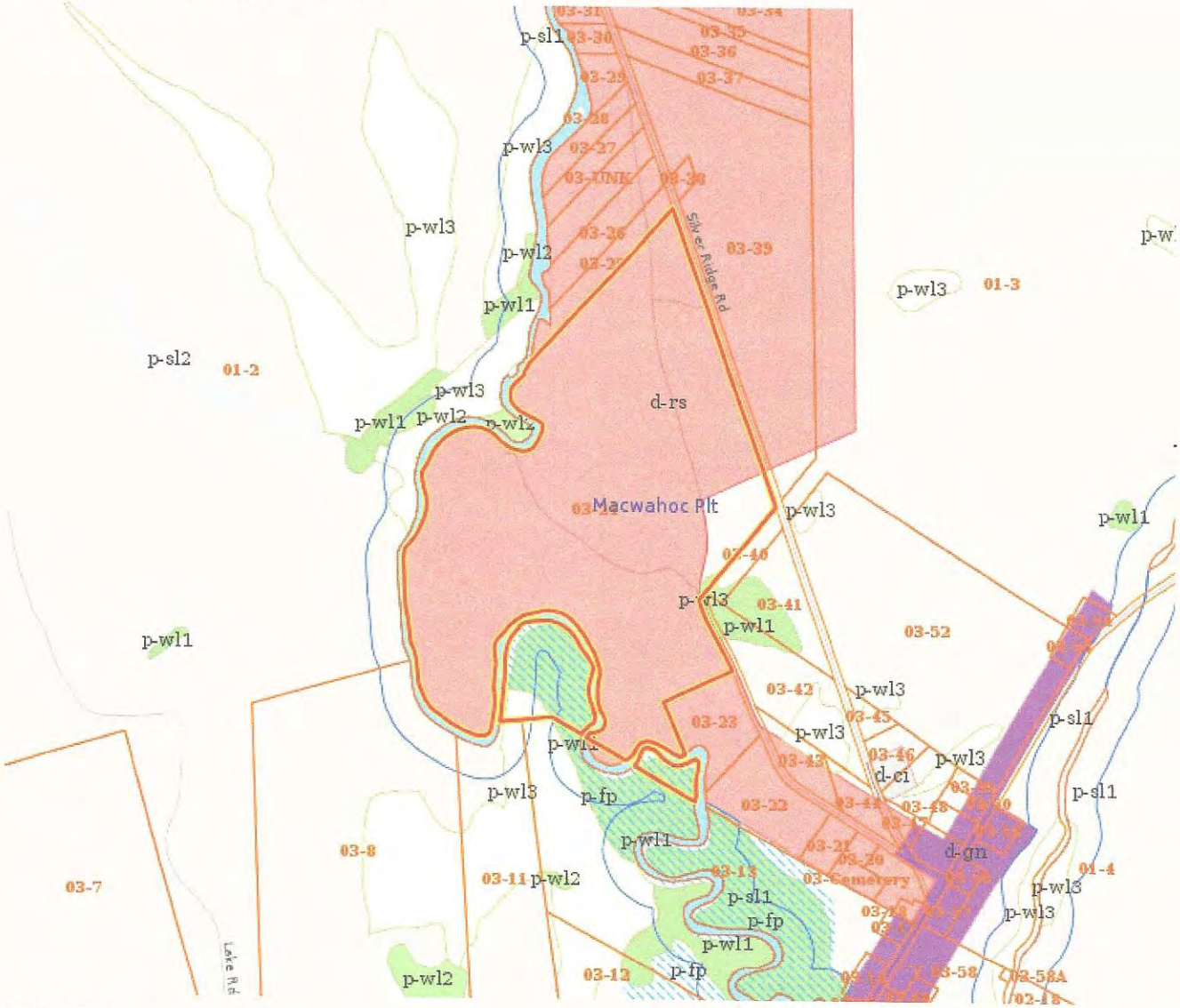
Drawn By: Bruce Stevens
September 21, 2017

Maine Department of Agriculture, Conservation and Forestry - Land Use Planning Commission

Zoning and Parcel Viewer

Map generated: Thursday, October 5, 2017



Parcel number	Town/Geocode	Town Code	Plan	Lot	Zones Intersected	LUPC Region	Contact number
1	Macwahoc Plt/03360	ARP08	03	24	d-rs, p-fp, p-sl1, p-wl1, p-wl3	E MILLINOCKET	(207) 746-2244

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

ADMINISTRATIVE POLICY:

STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED TO ALL FORESTRY OPERATIONS PERMITS:

1. This permit is limited to the proposal as set forth in the application and as modified by the conditions of approval. All changes must be reviewed and approved by the Commission. Any variance from the application or the conditions of approval undertaken without review and approval of the Commission constitutes a violation of the Land Use Planning Commission law.
2. The recipient of this permit must secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife and the Maine Forest Service.
3. The Commission or its authorized representatives may inspect the operation during and upon completion of activities to assure compliance with the provisions of this permit.
4. The recipient of this permit shall designate a person experienced in Forestry who is responsible for seeing that the operation is properly conducted according to these conditions of approval, and who may be contacted by the Commission with regard to inspection of the operation.
5. The area of the project covered by this permit must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.

Administrative Policy Revised 09/84

E. TIMBER HARVESTING

Timber harvesting activities not in conformance with the standards of Section 10.27,E may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of Section 10.27,E, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements apply to timber harvesting within all development subdistricts and, in the case of P-RP subdistricts, any protection subdistricts contained within a development area, except as otherwise hereinafter provided:

1. Except when surface waters are frozen, skid trails and skid roads shall not utilize flowing waters bordered by a P-SL1 subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.27,D,2 and 5;

2. Timber harvesting operations in P-SL1 and P-GP subdistricts shall be conducted in the following manner:

   a. Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.

   b. At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.

   c. Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4½ feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.

   d. No accumulation of slash shall be left within 50 feet of the normal high water mark of surface water protected by the P-SL1 and P-GP subdistricts. In such subdistricts, at distances greater than 50 feet from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

3. Except as provided in Section 10.27,E,7, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	**Width of Strip Between Exposed Mineral Soil and Normal High Water Mark** (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,E-1. Unscarified filter strip width requirements for exposed mineral soil created by the operation of machinery used in timber harvesting.

The provisions of Section 10.27,E,3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,E,3 do not apply where skid roads cross such waters;

4. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of a body of standing water or coastal wetlands, or below the normal high water mark of flowing waters downstream from the point where such channels drain 300 acres or more;

5. Except when surface waters are frozen, skid trails and skid roads shall not utilize flowing waters bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of Section 10.27,E,5 may be modified according to the provisions of Section 10.27,E,7;

6. Except as provided in Section 10.27,E,7, skid trail and skid road approaches to flowing waters shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;

7. Timber harvesting operations in P-SL2 subdistricts along flowing waters upstream from the point where they drain 300 acres or less, and in P-WL subdistricts adjacent to such P-SL2 subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing Sections 10.27,E,3, 5, and 6 provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such flowing water drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;

8. Harvesting operations in P-SL2 subdistricts along flowing waters downstream from the point where they drain 300 acres or more and along bodies of standing water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;

9. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.16 and shall state whether or not such operations will be conducted according to the provisions of Section 10.27,E,7; and

10. In addition to the foregoing minimum requirements, except as provided for in Section 10.27,E,7, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.