



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

PATRICK McGOWAN
COMMISSIONER

PERMIT

FORESTRY OPERATIONS PERMIT FOP 852

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Wagner Forest Management, Ltd. for Forestry Operations Permit FOP 852, finds the following facts:

1. Applicant: Bayroot LLC
c/o Wagner Forest Management, Ltd.
PO Box 121
Errol NH 03579
2. Authorized Agent: Wagner Forest Management, Ltd.
PO Box 121
Errol NH 03579
3. Date of Completed Application: October 25, 2007
4. Location of Proposal: Parkertown Township, Oxford County
Part of Lot #2 on Plan 01
5. Zoning: (P-MA) Mountain Area Protection Subdistrict
6. Waterbody: None
7. Approximate Time Period of Operations: January, 2008 – March, 2010
8. The applicant proposes to conduct timber harvesting activities on approximately 195 acres of its land in Parkertown Township. The proposed harvest area is within the (P-MA) Mountain Area Protection Subdistrict on Deer Mountain, and contains no development. The applicant states that the high volume of mature softwood present in the proposed harvest area, approximately 85%, combined with the thin soils and high degree of exposure in the P-MA, would result in an unstable residual stand if the operation did not remove the entire overstory. The applicant proposes to remove over 70% of the overstory, which will create some Category 1 or Category 2 clearcuts within the harvest area. The applicant proposes to adhere to all FPA regulations, and states that no Category 3 clearcutting is to take place. The only new roads constructed would be minor skid roads and associated water crossings. The harvest areas would only be accessed by one fellerbuncher, and grapple skidders. The applicant proposes to preserve den trees and snags as habitat within the harvest area.

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9. The applicant states that the basal area in the proposed harvest area ranges from 60 to 130 square feet, averaging around 100 square feet. The applicant further states that the trees in the proposed harvest area are comprised of 35% balsam fir, 50% red spruce, and 15% white birch, with some pockets of northern hardwood species. The applicant estimates the age of the stand at 60 to 80 years.
10. The applicant states that the soils in the harvest area vary from well drained to poorly drained, with some soils unclassified. The applicant indicates a minimal risk of sedimentation to a minor stream (P-SL2) to the southeast of the harvest area and proposes to protect the stream by constructing water bars on any skid trails exhibiting disturbed or exposed mineral soils. The applicant proposes to further protect the permanent streams in the harvest area with a 100 foot no-cut buffer on both sides. The applicant states that the harvest will be conducted on frozen ground to further minimize erosion potential, and proposes to follow all Maine Best Management Practices during and after the harvest.
11. The applicant states that some parts of the harvest area will be visible from Route 16, and quite visible from the applicant's private logging roads, and possibly from some populated areas near the Town of Rangeley as well as from Mooselookmeguntic Lake. The applicant states that harvesting in winter will reduce the number of people able to view the operation, since the primary recreational uses in the area are hunting and snowmobiling. The applicant indicates that no impact on hunting is likely, as there are no open hunting seasons in winter, and impact on snowmobiling will be mitigated through informational contact with local snowmobile clubs regarding road availability.
12. The applicant states that the timber harvest activities would be conducted in conformance with the Commission's Standards for Timber Harvesting, Section 10.27, E of the Commission's Land Use Districts and Standards.

Review Comments

13. The Maine State Soil Scientist has reviewed the proposal and has no objections. He suggests that slash be placed in skid trails to divert runoff during operations.
14. The Maine Department of Inland Fisheries and Wildlife has reviewed the proposal and has no objections.
15. The Maine Natural Areas Program has reviewed the proposal and requests an 18 acre portion of the proposed harvest area above 300 feet elevation be left uncut to preserve a subalpine forest type.
16. The Maine Forest Service has reviewed the proposal and has no objections.
17. The applicant has read and agrees to incorporate the recommendations of the Maine Natural Areas Program into the proposal.
18. The facts are otherwise represented in Forestry Operations Permit Application FOP 852 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 Bayroot, LLC, with the following conditions:

1. The Standard Conditions (ver. 9/84), a copy of which is attached.
2. The permanent streams in the harvest area shall be protected by a 100 foot uncut buffer along each side, as proposed by the applicant.
3. The permittee shall comply with the Road and Water Crossing and Timber Harvesting Standards, Sections 10.27, D, and 10.27, E of the Commission's Land Use Districts and Standards, copies of which are attached, unless more restrictive requirements apply, such as in Condition #2 above.
4. Snow on skid trails in wet areas of the harvest shall be packed down to provide a frozen surface for skidding. Any ruts formed by skidding shall be protected by placing coarse slash in them to prevent channel formation.
5. If such trees exist within the operating area, at least four hardwoods greater than or equal to 12 inches in diameter shall be left standing per acre so as to provide future cavity trees for wildlife. Trees need not be evenly distributed, but may be grouped together.
6. Skid trails shall be designed and constructed using the following specifications for water control measures, including culverts, dips, water turnouts, and water bars:

<u>Slope</u>	<u>Spacing</u>
0 - 2%	500 - 300 feet
3 - 5%	250 - 180 feet
6 - 10%	167 - 140 feet
11 - 15%	136 - 127 feet
16 - 20%	125 - 120 feet
21%+	100 feet

Water control measures shall be spaced at shorter intervals than specified above if necessary in order to avoid accelerated erosion or sedimentation of surface waters.

7. Upon completion of use of skid roads, water bars shall be properly installed according to the following slope requirements:

<u>Skid Trail Slope</u>	<u>Spacing</u>
0 - 2%	250 feet
3 - 5%	200 - 135 feet
6 - 10%	100 - 80 feet
11 - 15%	80 - 60 feet
16 - 20%	60 - 45 feet
21%+	40 feet

8. If water control measures beyond those specified herein prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.
9. All practicable steps shall be taken to prevent damage to advanced regeneration in order to minimize the adverse aesthetic impacts of the operation.
10. All 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. For the purposes of the action erosion is defined as evidence of rill or gully erosion.
11. All harvest activities shall be conducted exclusively under frozen ground conditions.
12. The period of operations shall be from January 1, 2008 to March 31, 2010.

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 Commission review the decision.

DONE AND DATED AT RANGELEY MAINE THIS TWELFTH DAY OF DECEMBER, 2007.

By:



for Catherine Carroll, Director