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Administration of Timber Harvesting
in the Allagash Wilderness Waterway 1985-1986

A

Report to the Legislature

by the

Bureau of Parks and Recreation

Maine Department of Conservation

January 1987

ADMINISTRATION OF TIMBER HARVESTING
in the
ALLAGASH WILDERNESS WATERWAY

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- A. Guidelines and application forms for
harvesting in the Allagash Wilderness Waterway
- B. Short-form Notification for Use in
Non-Visible Areas
- C. Map of Visible Areas
- D. Allagash Timber Harvesting Legislation



I. OVERVIEW

This report is required by 12 MRSA, §670, §§3:

3. Report to Legislature. The bureau shall report, in January 1987, to the First Regular Session of the 113th Legislature, on its experience in controlling timber-harvesting operations under subsection 2. The report shall indicate and describe any inadequacies the bureau has found in subsection 2, or in any other provision of this chapter, that have hindered its ability to control timber-harvesting operations within the waterway, so as to carry out the policy established in section 661. The report shall also include a proposal for transferring authority to regulate timber-harvesting operations within the Allagash Wilderness Waterway from the Bureau of Parks and Recreation to the Maine Land Use Regulation Commission.

Following enactment of new legislation pertaining to the regulation of timber harvesting by the Bureau of Parks and Recreation, in the Allagash Wilderness Waterway in 1985 (12 MRSA §662; §670; §674; §680), definitions guidelines, application forms, and a map of the visible areas in the Allagash Waterway, north of Churchill Dam, were formally adopted by the Bureau of Parks and Recreation on February 3, 1986. The development of these definitions, guidelines, maps and forms, included frequent consultations with both landowners affected by the proposed rules and natural resource/conservation organizations, as well as a three-day field trip on the river, with representatives of the above parties, from Churchill Dam north to below Allagash Falls, to identify by consensus all visible areas that would fall under the guidelines. Rules and regulations were adopted after a

public hearing, pursuant to 5 MRSA, §§8001-1108. A copy of the application form and guidelines is included in the attachments to this report.

A concern expressed by the landowners during the hearings on the legislation was that they would still have to seek two permits for harvesting in the Allagash visible areas: one from the Bureau of Parks and Recreation and a second from the Land Use Regulation Commission, if the visible area was also zoned as a protection subdistrict. For this reason the legislature has asked that this report contain a proposal for the transfer to LURC of harvesting regulations now administered by the Bureau of Parks and Recreation.



II. EXPERIENCE IN CONTROLLING TIMBER HARVESTING
OPERATIONS IN THE VISIBLE AREAS
OF THE ALLAGASH

Since adoption of the rules and regulations in 1986, there have been no applications for harvesting in the visible area of the Allagash and just four "notifications" for harvesting outside of the visible area.

One application to harvest in a visible area was approved in the fall of 1985, prior to adoption of rules. The applicant followed draft guidelines being developed at the time. The Bureau determined that the site met the "dead or dying" specifications and thus clear-cutting was approved. However, a buffer strip parallel to the slope contour was left in order to reduce the visible impact of the harvesting.

III. SUBSECTION 2 /INADEQUACIES AND RECOMMENDATIONS

One recent concern of landowners with the regulations developed by the Bureau for §§2 of the new law is that the items which must be addressed in a management plan submitted by the applicant apply to harvests outside of identified visible areas, as well as to harvests within visible areas. The need for a simpler form for these areas can be met by adoption of a new, short-form "notification" application permitting easier completion by the landowner, while still incorporating the information required by statute. The Bureau of Parks and Recreation (or the Land Use Regulation Commission if transfer occurs) will pursue the amendment of the existing Allagash harvesting regulations to implement this improvement. A draft of the short-form notification is attached.

A potential inadequacy associated with the present Allagash harvesting law is that the visible area definition only includes the area north of Churchill Dam, excluding Allagash Stream and Allagash Lake, which are the only areas truly managed as wilderness (no motors allowed) in the Waterway.

Beyond these, the essential question of whether or not the application procedure and harvesting guidelines adopted by the Bureau pursuant to 12 MRSA, §662; §670; §674; §680 are adequate is still unanswered. It is impossible to make a qualitative statement about the procedures and guidelines until several

applications have been processed and the impact of the harvesting methods used for each cut and the accuracy of the guidelines have been assessed.

All parties to this effort have recognized that the process and guidelines are still in an early and experimental stage.

Although all provisions of the legislation remain to be tested, those pertaining to §670.2.D and E may be the most consequential in the long run. Under §670.2.D the Bureau must approve a visible area application when it finds that the management plan provides for the silvicultural alternative which (1) produces the least adverse impact upon the natural character of the area, and (2) is economically feasible, except that an applicant may waive the requirement of finding of economic feasibility.

Recommendation:

1. A "short form" notification should be adopted by the Bureau of Parks and Recreation to handle harvesting outside the visible area.

The Bureau has developed this form and will adopt it in 1987.

2. The visible area around Allagash Lake and Stream should be mapped by the Bureau of Parks and Recreation to determine the extent of the potential impact of harvesting were it to go unregulated because of not being included in the legislative definition of the visible area. The Bureau plans to do this in the summer of 1987.

IV. TRANSFER TO LURC

When the legislation was being considered, some landowners expressed the desire to have LURC administer timber harvesting in the Allagash Wilderness Waterway, in order to avoid the possible duplication of applications referred to in the Overview section.

With this concern in mind, the 41 visible areas (see attached map) were reviewed against LURC zoning maps to identify any overlapping protection subdistricts. The only subdistrict found was the P-SL2, areas within 75 feet of the normal high water mark of small stream channels, which occurred in 15 of the 41 visible areas. In a P-SL2, forest management activities are allowed without a permit, if in conformance with standard LURC "Roads and Water Crossing" guidelines and "Timber Harvesting" guidelines. Only operations which exceed either set of these guidelines require a LURC permit. Thus, in most instances, a harvest operation in an Allagash visible area will only require a permit from the Bureau of Parks and Recreation.

Recently, landowners have told the Bureau of Parks and Recreation that they would prefer to have the Bureau continue to administer regulation of timber harvesting in the Allagash Wilderness Waterway, especially regarding visible areas.

First, overlapping visible areas and protection districts, requiring permits from different agencies, does not seem to be the problem originally anticipated.

Second, landowners now feel the Bureau of Parks and Recreation is knowledgeable, sensitive, and responsive in a way the Land Use Regulation Commission may not be able to be in the immediate future. Timber harvesting in the Allagash is a direct concern of the Bureau; the response to harvest applications is immediate and on-site review possible without delay.

If, however, the Legislature desires to transfer timber harvesting management to LURC from BPR, LURC already has the statutory authority, through rule-making, to adopt a new zone which incorporates BPR's guidelines and procedures as adopted on February 3, 1986. The Legislature should direct LURC to adopt a new zone where standards, guidelines and procedures are similar to those adopted by BPR, include BPR as a review agency and provide for the repeal of BPR's timber harvesting regulatory authority, once the new LURC zone is in place.

FORESTRY OPERATIONS AND NEW CONSTRUCTION
PERMIT APPLICATION

for the

ALLAGASH WILDERNESS WATERWAY

This is an Allagash Waterway Permit Application packet for Forestry Operations¹ and New Construction². It contains:

1. Instructions for obtaining a Forestry Operations or New Construction Permit;
2. Timber Harvesting Guidelines for the Visible Area of the Allagash Waterway;
3. A Description of Required Exhibits;
4. Definitions of Relevant Terms;
5. Instructions and Explanations for Part II, Question 6;
and
6. The Permit Application.

Mail Applications To

Summer Address
(May to November)

Supervisor
Allagash Wilderness Waterway
P.O. Box 626
Clayton Lake, ME 04737

Winter Address
(December to May)

Supervisor
Allagash Wilderness
Waterway
P.O. Box 939
Millinocket, ME 04462

¹ Forestry Operations in the One-Mile Zone of the rivers, lakes and streams included in the Allagash Wilderness Waterway.

² New Construction within 1/4 mile of the Restricted Zone of the Allagash Wilderness Waterway.

INSTRUCTIONS FOR OBTAINING A FORESTRY OPERATIONS

OR NEW CONSTRUCTION PERMIT

1. Approval of forestry operations, including road construction, by the Bureau of Parks and Recreation is required for areas "visible from the watercourse", in the Allagash Wilderness Waterway (MRSA 12, sub-section 670.2.B).

Approval is not required for areas outside the "visible area of the watercourse", but notification to the Bureau in the form of an application must be made (MRSA 12, sub-section 670.2).

2. Applications must be submitted to the Allagash Supervisor's office. They will be assigned a number by the Supervisor when received and applicants will be notified immediately of the number. Please refer to the application number in any correspondence.

3. Please BE SURE to complete or include ALL applicable parts of the application, both Questions, and Exhibits. Please make sure that your name is on ALL documents and diagrams that you submit.

Note: This is not a joint application with the Land Use Regulation Commission; a permit from LURC is still needed where otherwise required .

4. Please prepare the application carefully. Incomplete applications may be returned. The 30-day review period is not initiated until a complete application has been received. The applicant will be notified immediately if an application is incomplete.
5. The application is in three parts:

Part I consists of general information pertaining to all forestry operations within the One-Mile Zone and new construction within 1/4 mile of the Restricted Zone of the Waterway. All applicants must complete Part I.

Part II consists of questions which pertain to all forestry operations and related road construction in the One-Mile Zone of the Waterway. Exhibit 1 (Location Map) is required for all operations in the One-Mile Zone. Exhibits 2 and/or 3 are required if harvesting guidelines for the visible area of the Waterway are to be exceeded because of dead or dying stand conditions or economic infeasibility.

Part III must be completed for new construction within 1/4 mile of the Restricted Zone of the Waterway. Exhibit 1 (Location Map) is required with Part III.
6. Refer to a copy of the Bureau's map "Visible Areas from the Watercourse" for the Allagash Waterway in order to determine if the proposed forestry operation is within a designated visible area.

EXHIBITS

(It is not necessary to return these pages describing exhibits with your application.)

Submit all exhibits larger than 8 1/2" x 14", in triplicate.

Exhibit 1 is a Location Map that is required with all applications.

Exhibit 2 is required for harvesting operations in areas that meet the guidelines for dead or dying stand conditions presented in the attached "Definitions" section.

Exhibit 3 is required for harvesting operations that exceed the attached "Timber Harvesting Guidelines for the Visible Area of Allagash Waterway."

1. Submit as Exhibit 1 a Location Map.

A base map is supplied by the Bureau of Parks and Recreation. On this map clearly mark:

- A. The bounds of the total harvest area within the Waterway, including the bounds of the harvest area within any visible areas;
- B. The bounds of all sub-harvest areas within each visible area, including buffer strips to be left;
- C. Existing and proposed structures, roads, bridges, yarding areas, and other man-made features, excluding skid roads and trails; and

D. All surface waters, as shown on the most recent United States Geological Survey Map, in the vicinity of the harvest area.

The map must have a key which clearly identifies all symbols used and differentiates between existing and proposed features. Please do not submit color-coded maps.

2. Submit as Exhibit 2 evidence to support reasons for exceeding the harvesting guidelines because stands are dead or dying as defined in "Definitions."

All sub-harvest areas identified must be delineated on a map of sufficient scale as to be easily interpretable. To the extent that such delineation may clearly be made on Exhibit 1, the Location Map, a separate map submission is not necessary.

3. Submit as Exhibit 3 evidence to support need to exceed the harvesting guidelines because of economic/silvicultural reasons. Sufficient detail must be presented to allow the Bureau to determine the desirability of approving the application.

DEFINITIONS

1. Allagash Waterway: The area of the waterway means the bodies of water consisting of lakes, rivers and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash River, a distance of approxiamtely 85 miles, and bodies of water consisting of lakes and streams extending from where Allagash Stream crosses the West Boundary of T8, R14 easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles. The waterway includes Telos Lake, Round Pond (T6, R11), Chamberlain Lake, Eagle Lake, Churchill Lake, The Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T13, R12), the Allagash Stream, Allagash Lake and all intervening and connecting bodies of water. It shall include all land area and all waters within one mile of the high water mark of the shore lines of the aforementioned lakes and pond, intervening and connecting bodies of water, and the high water marks of either bank of the aforementioned streams and rivers.
2. Restricted Zone: The land area owned by the Bureau of Parks and Recreation averaging 500 feet deep from the bounds of the watercourse. Also includes all additional areas that may be added by mutual agreement between the Bureau and a private property owner.

3. One-Mile Zone: All land area and all waters within one mile of the high water mark of the shorelines of the Allagash watercourse.
4. Visible Area: Those land areas that can be seen at any point on the watercourse from Churchill Dam north, without the aid of any magnifying devices.
5. Watercourse: "The watercourse" means the bodies of water consisting of lakes, river and streams extending from Telos Lake Dam northerly to the confluence of West Twin Brook and Allagash River, a distance of approximately 85 miles, and bodies of water consisting of lakes and streams extending from where Allagash Stream crosses the west boundary of T8, R14 easterly to the inlet of Allagash Stream with Chamberlain Lake, a distance of approximately 10 miles. The watercourse includes Telos Lake, Round Pond (T6, R11), Chamberlain Lake, Eagle Lake, Churchill Lake, the Allagash River, Umsaskis Lake, Long Lake, Harvey Pond, Round Pond (T13, R12), the Allagash Stream, Allagash Lake and all intervening and connecting bodies of water.
6. Dead: Trees that exhibit a near total loss of foliage and have a cambial layer that is discolored.

7. Dying: Reasonably expected to be dead due to natural causes within five years; (e.g., spruce or fir severely defoliated in 3 successive years, trees with broken tops, blowdowns and windthrown trees, fire damaged, or diseased).
8. Dead or Dying Area: A harvest or sub-harvest area will be considered dead or dying if 70% or more of its trees 6 inches in diameter and larger measured at 4-1/2 feet above ground level, are expected to be dead within five years. Includes merchantible trees that have been uprooted or fallen because of natural causes.
9. Entry: The period of operation in each harvesting application received by the Bureau of Parks and Recreation.
10. Harvesting Area: Total contiguous area within the One-Mile Zone of the Waterway proposed for commercial operation or pre-commercial operation, at one entry.
11. Merchantible: Trees that are useable for a wood product, whether the market exists or not.
12. New Construction: Includes any new buildings, roads, and other development. Does not include maintenance or repair work such as grading, re-ditching, replacement of culverts, or replacement of bridge decks and stringers.

13. Pre-Commercial Thinning: Timber cutting operation that does not include removal of trees six inches in diameter or greater (at breast height) from the stand.
14. Sub-Harvest Area: Units within the harvest area that will be cut using different harvesting techniques, usually because of steepness of slope, species composition, soils, and/or condition of trees.

TIMBER HARVESTING GUIDELINES FOR THE
VISIBLE AREA OF ALLAGASH WATERWAY

1. General Policy

The Bureau of Parks and Recreation will review plans for timber harvesting in the visible area of the Waterway, using guidelines representing the least impact on the natural character of the forest resource.

Guidelines for timber harvesting in the visible area of the Waterway and associated road construction are presented on the following pages. (Timber harvesting approval for the remainder of the Waterway within the One-Mile Zone is not required, but the Bureau must receive prior notification of plans to harvest.)

Applications for harvesting in the visible area of the Waterway consistent with these guidelines will be approved.

Harvesting applications for the visible area which exceed these guidelines, to remove trees which are dead or dying or damaged by natural causes, or which are based on the only economically feasible silvicultural alternative, must be reviewed in the field by Bureau staff with landowner representatives in order to

determine the impact on the natural character of the visible area as well as the ramifications of disapproval. In such cases, additional information may be requested of the applicant to justify exceeding the guidelines.

For harvesting in the Waterway outside of the visible area, completion of Parts I and II of the application and submission of Exhibit 1 (Location Map), will serve as notification by the landowner of plans to harvest. For the Bureau to have adequate time to consider the impact of such plans on the management of the Waterway and initiate mitigating actions if necessary, the notification of cutting outside of the visible area must be submitted 30 days in advance of operations. Consultation with the Waterway Supervisor is also advised.

2. Principles of Allagash Forest Management

- A. Restricted Area: Create little or no disturbance to the natural environment.
- B. Visible Areas of the Waterway: Maintain the appearance of a largely undisturbed forest cover.
- C. Other Areas of the Waterway: Reduce the impact of forest management on access to the Waterway and on the river user to the extent possible within the limits of commercial silvicultural practice. For

example, the Bureau encourages the following: harvests in the fall, winter, and spring rather than summer; roads located as far from the Restricted Zone as possible; harvesting near campsites during the summer to occur in late morning or afternoon rather than early morning; and other actions as feasible to reduce visual, audible and environmental impact.

3. Guidelines

The following guidelines will apply to timber management and associated activities.

Activity

Restricted Area

Visible Area of Waterway

Other Areas of Waterway

Timber
Harvesting

Not permitted except for reasons of public safety. Visual enhancement cuts not allowed. Partial clearing for administrative purposes allowed (campsites, ranger cabins, etc.)

Harvesting shall not remove in any 10 year period more than 40% of the volume of trees 6 inches or greater in diameter in the area to be cut. However, all remaining merchantable trees in an area may be harvested in the removal harvest stage of a shelterwood system providing that sufficient natural regeneration is present on the site. Evidence of adequate, well distributed natural regeneration must be included with the application for the removal harvest of a shelterwood.

Prior notification of harvest plans made to Bureau on an application provided by the Bureau.

Strip or patch cuts should be oriented perpendicular to the line of sight from the river. Maximum harvest openings for strip or patch cuts based on slope as follows:

<u>River</u>			<u>Unsaskis Lake</u>		
Slope	Max.Width	Max.Size	Slope	Max.Width	Max.Size
0-5%	2000'	50 acres	0-5%	1800'	50 acres
6-10%	2000'	50 acres	6-10%	650'	20 acres
11-15%	2000'	50 acres	11-15%	350'	20 acres
16-20%	1800'	20 acres	16-20%	250'	10 acres
21-25%	900'	20 acres	21-25%	180'	10 acres
26-30%	600'	10 acres	26-30%	140'	5 acres
31-35%	450'	10 acres	31-35%	100'	5 acres
36-40%	350'	5 acres	36-40%	80'	5 acres

<u>Long Lake</u>			<u>Round Pond</u>		
Slope	Max.Width	Max. Size	Slope	Max. Width	Max.Size
0-5%	2000'	50 acres	0-5%	1800'	50 acres
6-10%	750'	20 acres	6-10%	650'	20 acres
11-15%	400'	20 acres	11-15%	350'	20 acres
16-20%	250'	10 acres	16-20%	250'	10 acres
21-25%	200'	10 acres	21-25%	180	10 acres
26-30%	150'	5 acres	26-30%	140	5 acres
31-35%	100'	5 acres	31-35%	100	5 acres
36-40%	100'	5 acres	36-40%	80'	5 acres

Road Con-
struction
for Timber
Harvesting

Not permitted, although winter roads may cross the watercourse at right angles with permission of the Director.

Roads will generally be designed to follow the contours of the land, avoiding straight lines and taking advantage of foreground vegetation for screening.

Instructions and Explanations for Part II, Question 6

- a. A separate page must be submitted for each sub-harvest area;
- b. Average slope can be determined from the most recent U.S.G.S. map (Visible Area Map supplied by BPR) or determined on the site from two or more readings with a suitable instrument (indicate method used).
- d. Please complete table in cords per acre. See Definition section for Dead/Dying. Volume, Size Class, Health and Species required by law.
- e. Required by law (Date of Re-entry).
- f. Required by law (Silvicultural cut proposed).
- g. Required by law (Plan for Reforestation).
- h. Required by law (Pesticide or other Chemical Treatment Planned).
- i. Plans to mitigate evidence of harvesting required by law. (Not required for harvests outside of visible area.)

Slash

- it is common practice in the unorganized area to remove all slash from boundary lines;
- disposal practices must adhere to LURC regulations for P-SL1 and P-GP Protection Subdistricts;
- where visible areas have been clearcut because of dead/dying or silvicultural/economic reasons, slash piles should be located so as to not be visible from the watercourse.

Haul Roads and Log Landings

- where visible areas have been clearcut because of dead/dying or silvicultural/economic reasons, haul roads and log landings should be located so as not to be visible from the watercourse and/or reseeded.



FOREST HARVESTING/NEW CONSTRUCTION APPLICATION

Bureau of Parks and Recreation

DEPARTMENT OF CONSERVATION
State House Station 22
Augusta, Maine 04333

Tel. (207) 289-3821

Application No: _____

Date Received by Allagash Supv. _____

Application for Bureau approval of timber harvesting visible from the watercourse within guidelines

Application for Bureau approval of timber harvesting visible from the watercourse exceeding guidelines

Notification of timber harvesting activity within the Waterway but outside visible area

Notification of timber stand improvement (e.g., pre-commercial thinning or application of pesticides/herbicides) within one mile of the watercourse.

Application for Bureau approval of new construction within 1/4 mile of the Restricted (State owned) Zone.

Pre-Application Conference (required if harvesting proposal is to exceed guidelines)

held on _____
date

between _____ and _____

PART I
GENERAL INFORMATION
(all applicants must complete this part)

1. Applicant: _____

Mailing Address: _____

Telephone: Home _____ Business _____

2. Landowner(s): _____

3. Land Manager: _____

Telephone: Home _____ Business _____

4. Timber Harvesting Operator or Project Engineer: _____

Telephone: Home _____ Business _____

5. Location of Operation or Project:

Township _____

County _____

6. Signature and Title of Person Submitting Application:

Name: _____

Title: _____

Date: _____

PART II
TIMBER HARVESTING/ROADS

1. Period of Operation:

_____, 19__ to _____, 19__

2. Season(s) of Operation:

Winter ____ (frozen ground conditions, only) Summer ____

Spring ____ Fall ____

Year Round ____

3. Activities proposed include:

() Timber Harvesting

() Pre-commercial Thinning

() Application of Pesticides

() Land Management Road Construction

() Land Management Water Crossings

() Other, explain _____

4. Total harvest area in the Waterway. (Do not include portions more than one mile from the watercourse.) _____

5. Harvest area within visible areas of the Waterway (as designated by BPR);

<u>Area Number</u>	<u>Acres to be Harvested</u>
--------------------	------------------------------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

6. Harvest Area Information

This page must be completed for the Harvest Area or each Sub-Harvest area (reproduce extra copies as needed). Each numbered area must correspond to an area identified on Exhibit 1, Location Map.

a. Harvest Area or Sub-Harvest Area # _____

b. Average slope of area _____

Method of slope determination _____

c. Original Stand (Cords per Acre)

<u>Species Group</u>	<u>Size Class</u>			<u>Health</u>	
	<6"	6-12"	>12"	Dead	Dying
<u>Spruce/Fir</u>					
<u>Other Softwood</u>					
<u>Hardwoods</u>					
<u>Totals</u>					

d. Residual Stand (Cords per Acre)

<u>Species Group</u>	<u>Size Class</u>			<u>Health</u>	
	<6"	6-12"	>12"	Dead	Dying
<u>Spruce/Fir</u>					
<u>Other Softwood</u>					
<u>Hardwoods</u>					
<u>Totals</u>					

e. Expected Date of Re-entry (cutting cycle) _____

f. Type of Silvicultural Cutting Proposed _____

g. Plan for Reforestation: Natural _____, Planting _____, Artificial Seeding _____.

h. Pesticide or Other Chemical Treatment Planned:

Yes _____, No _____, Unknown _____. If yes, period of treatment _____, 19__ to _____, 19__.

i. Proposed Plans to Mitigate Evidence of Harvesting:

Slash Disposal _____

Haul Roads _____

Log Landings _____

PART III
NEW CONSTRUCTION

(For new construction within 1/4 mile of the Restricted Zone
of the Allagash Waterway)

1. Category of construction:

Year Round Building _____

Seasonal Building _____

Radio Relay Tower _____

Bridge _____

Road _____

Other _____

2. If LURC Permit Granted, number _____

3. Square Feet of Construction _____

4. Period of Construction _____, 19__ to _____, 19__

5. Period of Use _____

6. Type of Use (check applicable)

Forest Mgmt. _____

Fish/Wildlife Mgmt. _____

Access To Area _____

Recreation Outside Waterway _____

Recreation In Waterway _____

Other (list) _____



PART II
NOTIFICATION

(for use in Non-Visible Areas only)

1. Period of Operation:

-----, 19__ to -----, 19__
(not to exceed two years)

2. Season(s) of Operation:

Winter ----- Summer -----
Spring ----- Fall -----
Year Round -----

3. Type of Activity Proposed (check all that apply):

Clearcut -----
Single Tree Selection -----
Group Selection -----
Strip Selection -----
Patch Clearcut -----
Shelterwood -----
Other -----
Pre-Commercial Thinning -----
Pesticides Application -----

4. Total Harvest Area in Waterway (do not include portions more than one mile from the watercourse) -----

5. Amount of Timber to be Removed:

acres ----- board feet -----

6. Plan for Reforestation -----

7. Expected Date of Re-entry -----

8. Proposed Plans to Mitigate Evidence of Harvesting

Slash Disposal -----

Haul Roads -----

Log Landings -----

Submit Exhibit 1, Location Map, clearly marking the location of the principal haul road and crossings in the waterway to be used in connection with the proposed harvesting operation.

Ch. 754

111th LEGISLATURE

ALLAGASH WILDERNESS WATERWAY—
TIMBER-HARVESTING

CHAPTER 754

H.P. 1793 - L.D. 2368

AN ACT to Clarify the Timber-harvesting
Provisions of the Allagash Wilderness Waterway
Statutes.

Be it enacted by the People of the State of Maine as
follows:

Sec. 1. 12 MRSA §662, sub-§§9-A and 9-B are en-
acted to read:

9-A. Timber-harvesting operation. "Timber-har-
vesting operation" means the cutting and removal of
trees from their growing site and the attendant oper-
ation of mobile or portable chipping mills, and of
cutting and skidding machinery, including the cre-
ation and use of skid trails, skid roads and winter
haul roads, and the construction or creation of land
management roads.

9-B. Visible from the watercourse. "Visible from
the watercourse" means what a person at any point on
the watercourse from Churchill Dam north can see
without the aid of any magnifying devices.

Sec. 2. 12 MRSA §666, sub-§3, as amended by PL
1973, c. 460, §17, is further amended to read:

3. Camps. Other than structures permitted under
subsection 1, camps shall be prohibited within the
restricted zone. Existing commercial sporting camps
shall be acquired and may be leased back to present
owners or others on terms and conditions determined
by the bureau; except that as of the effective date
of this subsection, as amended, the bureau may not
change the existing type of use of Jalbert's Sporting
Camps on Round Pond and Nugents Sporting Camps on
Chamberlain Lake, nor destroy nor abandon these camps
without legislative approval.

Sec. 3. 12 MRSA §670, as amended by PL 1973, c.
460, §17, is repealed and the following enacted in
its place.

Changes or additions in text are indicated by underline; deletions by ~~strikeouts~~

§670. Control of timber-harvesting operations

1. Restricted zone. Timber-harvesting operations shall not be permitted within the restricted zone, except:

A. By direction of the bureau for the purpose of maintaining healthy forest conditions; or

B. By direction of the bureau for the purpose of correcting situations arising from natural disasters.

2. Waterway outside restricted zone. No person may commence a timber-harvesting operations in the waterway outside of the restricted zone without consultation with or, when required under paragraph B, approval from the bureau.

A. Before a timber-harvesting operation is commenced in the waterway outside the restricted zone, a management plan shall be submitted to the bureau. The plan shall contain:

(1) A plan of the proposed timber-harvesting operation, setting forth the type of cutting proposed;

(2) The amount of timber proposed to be removed;

(3) The time of year of cutting and removal;

(4) The location of principal haul road and crossings in the waterway to be used in connection with the proposed timber-harvesting operation;

(5) The plan for reforestation;

(6) A stand table indicating species composition, size class and health of the original and residual stands;

(7) Expected date of reentry;

(8) Pesticide or other chemical treatment planned; and

(9) Proposed plans to mitigate evidence of harvesting.

Changes or additions in text are indicated by underlining; deletions by ~~strikeouts~~

When an application for approval is not required under paragraph B, the bureau shall seek cooperation from those submitting the management plan in addressing any concerns of the bureau.

B. When the bureau determines that the timber-harvesting operation is proposed for an area in the waterway outside of the restricted zone and visible from the watercourse, the timber-harvesting operation may commence only with approval from the bureau. Application forms for approval, provided by the bureau, shall be completed and signed by the applicant. This paragraph shall not be construed to excuse the applicant from requirements for other permits required by law.

C. The bureau shall, within 30 days of receipt of an application for approval, either approve the proposed timber-harvesting operation, upon such terms and conditions as are appropriate and reasonable, or disapprove the proposed timber-harvesting operation setting forth in writing the reasons therefor. If a decision is not made within the 30 days, the timber-harvesting operation shall be considered approved under the provisions of the management plan submitted.

D. The bureau shall approve an application for a timber-harvesting operation when it finds that the management plan provides for the silvicultural alternative which:

(1) Produces the least adverse impact upon the natural character of the area in the waterway outside the restricted zone and visible from the watercourse for which the timber-harvesting operation is proposed; and

(2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility.

E. Notwithstanding the provisions of paragraph D, the bureau shall not deny an application for the removal of trees that are dead, dying or damaged by natural causes.

F. Before disapproving an application or imposing terms and conditions under paragraph C, the bureau shall have the application and management

plan reviewed by an experienced professional forester.

3. Report to Legislature. The bureau shall report, in January 1987, to the First Regular Session of the 113th Legislature, on its experience in controlling timber-harvesting operations under subsection 2. The report shall indicate and describe any inadequacies the bureau has found in subsection 2, or in any other provision of this chapter, that have hindered its ability to control timber-harvesting operations within the waterway, so as to carry out the policy established in section 661. The report shall also include a proposal for transferring authority to regulate timber-harvesting operations within the Allagash Wilderness Waterway from the Bureau of Parks and Recreation to the Maine Land Use Regulation Commission.

Sec. 4. 12 MRSA §674, as amended by PL 1973, c. 460, §17, is repealed and the following enacted in its place.

§674. Enforcement, inspection and penalties for violations

Rules, regulations and permits issued by the bureau under this chapter shall have the force and effect of law. No timber-harvesting operation may be undertaken, except in conformance with this chapter.

For the purposes of inspection and to assure compliance with permits issued or adopted by the bureau, authorized bureau staff or consultant personnel may conduct investigations, examinations, tests and site evaluations deemed necessary to verify information presented to the bureau, and may obtain access to any lands and structures regulated under this chapter.

Any person who violates any provision of this chapter, other than section 670, rules promulgated or permits issued under it commits a civil violation for which a forfeiture of up to, but not more than, \$50 for each day of the violation may be adjudged.

A person who violates any provision of section 670, except as otherwise provided in this paragraph, rules promulgated or permits issued under it commits a civil violation for which a forfeiture of up to, but not more than, \$1,000 for each day of the violation may be adjudged. A person who willfully or knowingly falsifies any statement contained in a management plan or application under section 670 commits a

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civil violation for which a forfeiture of up to, but not more than \$1,000 may be adjudged.

In addition, the bureau may, in the name of the State, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this chapter or of the rules or permits issued under it. This action may include, but is not limited to, proceedings to revoke or suspend any bureau permit or approval taken before the Administrative Court, in accordance with Title 4, section 1151, subsection 2, and sections 1152 to 1157 or, notwithstanding the provisions of Title 5, section 10051, before the Superior Court, as part of an enforcement action brought by the bureau.

Sec. 5. 12 MRSA §680, as amended by PL 1973, c. 460, §17, is repealed and the following enacted in its place.

§680. Appeals

Any applicant for a timber-harvesting permit aggrieved by a decision of the bureau relating to timber-harvesting operations may appeal therefrom in accordance with Title 5, chapter 375, subchapter VII.

* Section 11008 et seq. of title 5.

Approved April 13, 1984.

**OUTDOOR STADIUMS—SALE OF
BEER AND WINE**

CHAPTER 755

S.P. 878 - L.D. 2379

**AN ACT To Amend the Liquor Laws to Permit
the Sale of Beer and Wine at Outdoor Stadiums.**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28 MRSA §2, sub-§8, 1P is enacted to read:

Changes or additions in text are indicated by underline; deletions by ~~strikeouts~~