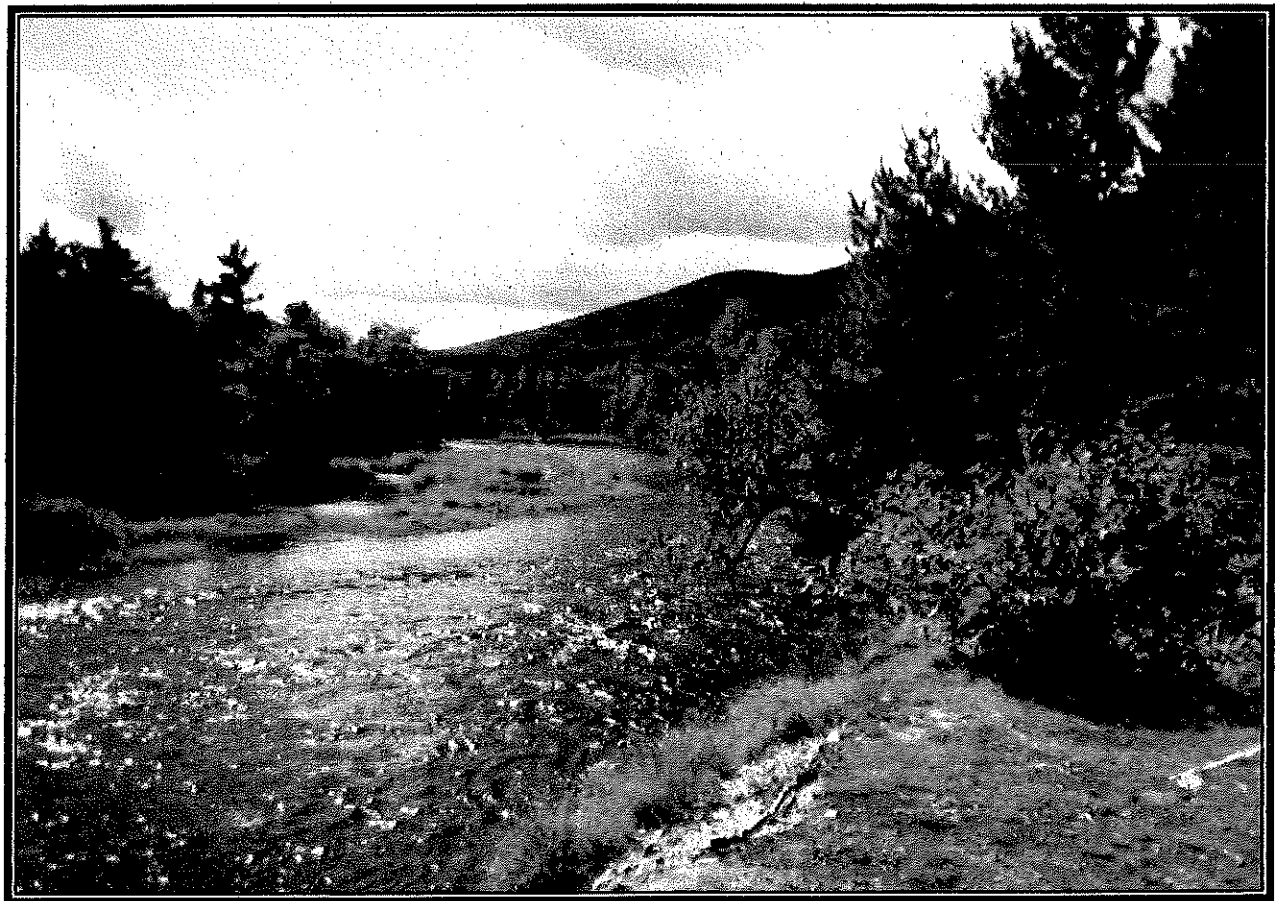


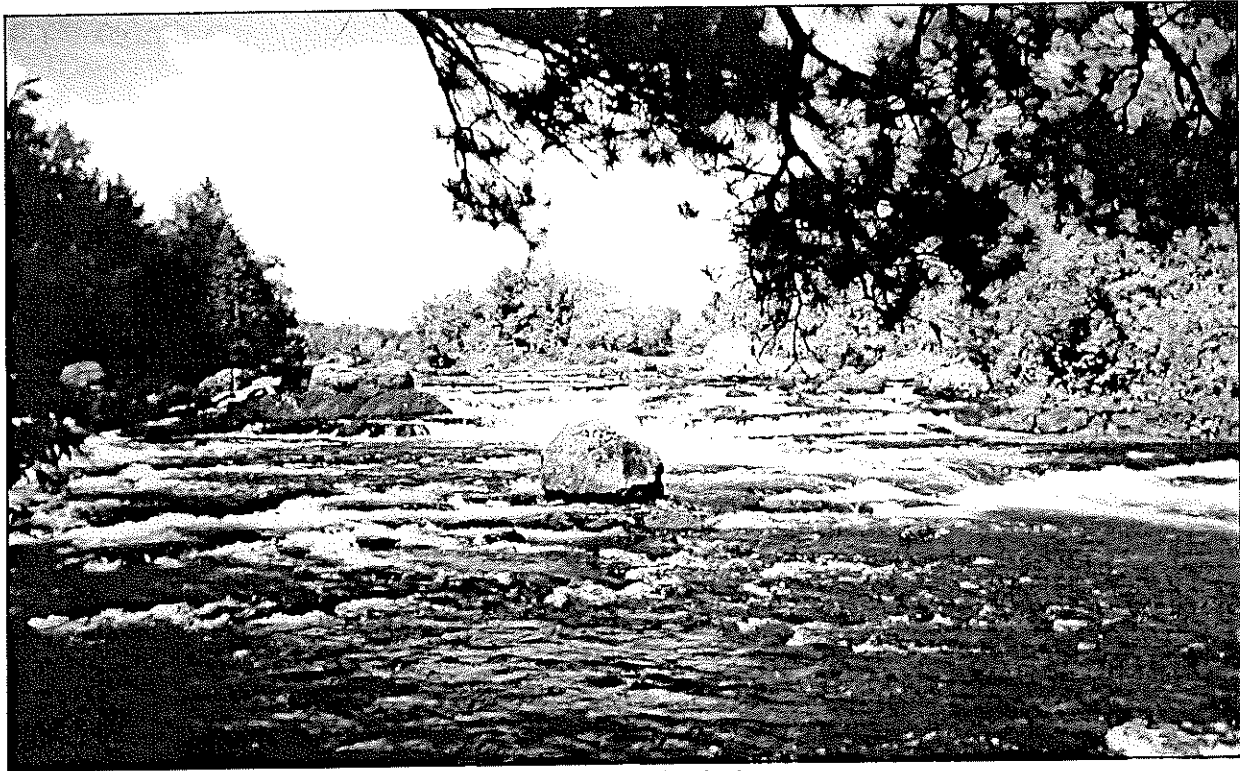
**RESOURCE PROTECTION PLAN**  
**AND**  
**RECREATION MANAGEMENT PLAN**  
**FOR THE**  
**EAST BRANCH OF THE PENOBSCOT RIVER**  
**IN**  
**TOWNSHIP 5 RANGE 8 WELS**



**Effective June 27, 2002**



**RESOURCE PROTECTION PLAN  
AND  
RECREATION MANAGEMENT PLAN  
FOR THE  
EAST BRANCH OF THE PENOBSCOT RIVER  
IN  
TOWNSHIP 5 RANGE 8 WELS**



Haskell Rock Pitch

Originally adopted in 1981;  
2002 renewal submitted by Irving Woodlands LLC;  
Adopted June 12, 2002 by the Maine Land Use Regulation Commission

Effective June 27, 2002

All photos courtesy of John Titus, Bureau of Parks and Lands, Department of Conservation



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**APPLICATION AND RESOURCE PROTECTION PLAN FOR  
RETAINING THE DISTRICTING OF CERTAIN LANDS ON THE  
EAST BRANCH OF THE PENOBSCOT RIVER  
IN TOWNSHIP 5 RANGE 8 WELS**

**APPLICATION**

Irving Woodlands LLC hereby proposes a Resource Protection Plan (sometimes called the "Plan" or "P-RP") and petitions the Maine Land Use Regulation Commission (sometimes called "LURC" or "Commission") to retain the current P-RP, Resource Plan Protection Subdistrict, pursuant to the Land Use Districts and Standards of the Commission. The management practices and usage of the lands proposed for coverage by the Resource Protection Plan and P-RP Subdistrict ("the Resource Protection Plan Lands") will be managed and the resources utilized according to the provisions set forth in a Resource Protection Plan and Conservation Easement (the "Easement") attached hereto. The standards contained with the attached plan, when taken as a whole, are at least as protective of the natural environment as standards for the present protection, development and management subdistricts that would apply in the absence of the proposed plan. By setting forth land use restrictions and allowable activities in the Plan, the need for permit applications to the Commission is reduced. The primary, and indeed, the sole purpose of the Resource Protection Plan is to protect and utilize the resources of the area, including, but not limited to the land and water resources.

Pursuant to the requirements of Section 10.16, F, 5, Resource Plan Protection Subdistrict, of the Commission's Land Use Districts and Standards, the following information is submitted:

- a. The proposed Plan conforms to the purposes of the P-RP subdistrict by providing for efficient management of what would otherwise be multiple adjoining or overlapping management, protection and development subdistricts. The Plan sets forth land use activities that may be carried out in a 500-foot corridor on each side of the East Branch of the Penobscot River in Township 5 Range 8 WELS and provides a mechanism for the State of Maine to administer recreational activities on the Resource Protection Plan lands. Without the legal authority to use the landowner's lands, as has been conveyed by the Easement, the level of protection and recreation administration desired by the State would not be possible, nor could it be provided by zoning which would otherwise apply. The Conservation Easement, which is part of the Plan, prohibits residential and most commercial development in a 500-foot corridor along each side of the river. Alternative LURC zoning can only provide equivalent protection in a zone up to 250 feet wide. Also, timber harvesting and road standards are extended from the required 250 feet to 500 feet. These three factors combine to provide a higher level of protection than can be achieved by alternative LURC zoning.

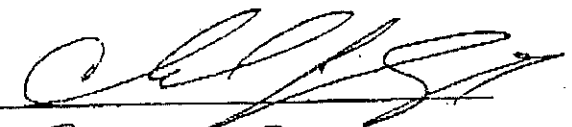
- b. The area of the proposed P-RP Protection Subdistrict is shown on the maps attached as Appendix A.
- c. Management procedures, the Conservation Easement, and other formalized procedures which will replace regulations that would otherwise apply are all set forth in the attached Plan. The Resource Protection Plan achieves equal or better protection of resources in the area than alternative zoning because Irving Woodlands has covenanted to limit land uses as specified in the Plan and Easement.
- d. Irving Woodlands LLC certifies that it is the owner of the land that will be included in the P-RP Subdistrict.
- e. Irving Woodlands proposes that the Resource Protection Plan be applicable for a period of ten (10) years from the date of Commission approval. Since the Conservation Easement is perpetual, a long term Resource Protection Plan is feasible. At the end of the ten-year period, the landowner may seek to renew the Plan.
- f. With certain limited exceptions, the Resource Protection Plan does not allow structural development by Irving Woodlands, although the State of Maine can erect certain administrative structures if it obtains leases for Administrative Areas as defined in the Deed of Conservation Easement. In addition, structures on existing leases may be erected subject to LURC approval.
- g. Subdivision of the Resource Protection Plan area is not permitted.

Respectfully submitted,

IRVING WOODLANDS LLC

DATE: March 4, 2002

BY:

  
Charles Gadeik  
Irving Woodlands LLC  
Portland, Maine.

## **SUMMARY OF PLAN ELEMENTS**

A summary of the basic elements of Irving Woodlands' resource protection plan for the East Branch of the Penobscot River in Township 5 Range 8 (T5R8) WELS follows.

### **Conservation Easement**

The conservation easement donated by Great Northern Nekoosa Corporation to the State of Maine in 1981 permanently gave up rights to develop the land within 500 feet of the East Branch of the Penobscot River for commercial or residential structures, except those related to timber harvesting, mineral extraction, and the development, in accordance with LURC requirements, of camps and campgrounds on existing lease lots within the easement areas. New roads within the corridor are limited by the conservation easement to those that provide access to roads existing within the corridor, and realignments and reconstructions of roads and bridges. Consequently, the conservation easement itself constituted a transfer to the State in perpetuity of substantial development rights. Rights reserved by the company or not otherwise given up remain subject to all regulatory requirements of State and Federal agencies (including LURC).

Finally, the conservation easement transferred to the State the right to regulate and manage recreational activities within the Penobscot corridor through T5R8 WELS. The State may exercise these rights primarily through leases of various recreational access and use areas. Under this concept, the State's Bureau of Parks and Lands, in cooperation with other State agencies and Irving Woodlands LLC can implement a plan for recreational uses within the East Branch corridor in T5R8.

### **Resource Protection Plan**

The landowner's resource protection plan, which incorporates the conservation easement as an appendix, provides standards for all major land uses reserved by the company under the easement. These standards are substantially similar to those provided under the LURC standards for the zones that would be applicable within the corridor were the plan not in effect (P-SL, P-WL, P-RR, P-FP and D-GN). The resource protection plan, however, provides that LURC protection district standards apply to lands within 500 feet of the river, whereas the requirements for the protection subdistricts (covering timber harvesting and road construction, for example) would apply only to lands within 250 feet on either side of the East Branch in T5R8.

Under the resource protection plan, developments within lots already leased by the landowner for camps or campgrounds remain subject to all the usual LURC requirements and restrictions. The proposed resource protection plan prohibits any new land subdivision within the corridor.

While the terms of the conservation easement apply only to a 500-foot corridor along the river, the resource protection plan applies to the 500-foot corridor and the riverbed itself. The duration of this revised plan is 10 years, at the end of which Irving Woodlands LLC may seek to renew it.

**Memorandum of Agreement**

A memorandum of agreement covered Great Northern Nekoosa Corporation's original proposal. The agreement, which is among the exhibits to the plan, provided for the timely and orderly donation by the Company of the conservation easement. It also provided for submission of the proposed resource protection plan and recreation management plan to the Commission for its approval. The agreement was executed on behalf of Great Northern and by the Governor on behalf of the State. However, the final donation of the easement and creation of the resource protection plan district were subject to the review and approval of the Land Use Regulation Commission.

**Recreation Management Plan**

As indicated above, the conservation easement provided for the transfer to the State of the right to manage and regulate recreational uses within the Penobscot corridor. In coordinating this management effort, the State's Bureau of Parks and Lands, in cooperation with the Department of Inland Fisheries and Wildlife and Great Northern, developed a recreation management plan for future recreational uses within the corridors of both the East and West Branches of the Penobscot River. That plan was approved by the Commission as a component of the original P-RP resource protection plan. Because use levels on the East Branch in T5R8 over the past twenty years did not warrant active recreational management, the revised recreation management plan, developed by the State and Irving Woodlands as part of this revised P-RP, no longer includes administrative areas for the East Branch.

**RESOURCE PROTECTION PLAN  
FOR THE PORTION OF THE  
EAST BRANCH OF THE PENOBSCOT RIVER  
IN TOWNSHIP 5 RANGE 8 WELS**

**Section I**

**INTRODUCTION**

**Background**

The Land Use Regulation Commission's *Land Use Districts and Standards* provide for a unique alternative to the Commission's customary zones, whereby landowners may propose a resource protection plan for areas covered by multiple protection subdistricts. If the Commission finds the terms of such a plan acceptable, it may apply a P-RP (resource plan protection) district designation instead of the protection or management districts which would otherwise apply. Thereafter, the landowner becomes obligated, for the duration of the plan, to comply with the terms and standards of the approved plan. Terms of the plan can be amended only with both the landowner's and the Commission's consent. The purpose of this technique is to allow for greater flexibility in zoning requirements by enabling landowners to develop their land, while still insuring adequate land use zoning protection in the public interest. The fundamental requirement of this zoning designation is that the resource protection plan incorporate land use standards which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable under the Commission's conventional zoning.

The Penobscot waterway, including portions of the East and West Branches of the Penobscot River and associated lakes, has long been identified as having exceptional recreational value. In the 1970's, various management schemes were considered to maintain the special character of these areas while allowing continued commercial forestry activities. Federal and State studies undertaken in the late 1970's concluded that the Penobscot was worthy of special protection. Following proposals by Commission staff in 1979 to develop special recreation protection zoning for the corridors of the East and West Branches, Great Northern Nekoosa Corporation voluntarily developed a resource protection plan for the area.

In 1981 an agreement was reached which provided for a donation by Great Northern to the State of Maine of conservation easements pertaining to lands wholly owned along the East and West Branches of the Penobscot River and Lobster Lake and Stream (approximately 12 miles of lake frontage and 67 miles of river). The easements were the foundation of the resource protection plan for the waterway. While Great Northern Paper Company was the only landowner for the areas included in the plan as approved in 1981, Irving Woodlands LLC is now the sole landowner for the portion of the East Branch of the Penobscot flowing through Township 5 Range 8 WELS. This document represents a proposed renewal and revision of the original 1981 plan for the East Branch of the Penobscot River in T5R8 WELS.

## **Natural Resources**

The Penobscot River basin, draining an area of approximately 8,750 square miles, is the largest river basin lying wholly within the State of Maine. It covers roughly one quarter of the state and encompasses Mt. Katahdin, the highest mountain in the state, as well as Baxter State Park, the state's largest public recreation area. Forests cover roughly 95 percent of the Penobscot River basin, with much of the forestland managed for pulp, paper or saw timber production.

A study of the East Branch of the Penobscot in the mid-1970s, authorized by Congress under the National Wild and Scenic Rivers Act, determined that the East Branch was eligible for inclusion in the National System. The study classified the 12-mile segment of the East Branch flowing from First Lake Matagamon in T6R8 WELS through T5R8 WELS as scenic and also identified the East Branch-Seboeis River system as one of the least developed watersheds in the northeast U.S. The East Branch of the Penobscot River from Grand Lake Matagamon to Medway, which includes the portion in T5R8 covered by this resource protection plan, was among the rivers identified as meriting special protection by executive order of Governor Brennan following the completion of the Maine Rivers Study in 1982.

The 107 miles of the East Branch of the Penobscot drain about 1,000 square miles of land. The main stem of the river from Grand Lake Matagamon to Medway is 42 miles long; the segment flowing through T5R8 WELS is approximately 9½ miles in length.

Scenic values along and from the river include numerous views of mountains in the northern part of Baxter State Park, as well as abundant whitewater rapids and waterfalls on the river itself. Of the eight waterfalls located on the East Branch, six lie within T5R8 WELS. Four of them, Pond Pitch, Grand Pitch, the Hulling Machine, and Bowlin Falls, occur within a 3¼-mile stretch of the river in the southern half of T5R8. North of those four falls about two miles, are Stair Falls, a rough scenic drop, and Haskell Rock Pitch, a rocky cataract one mile south of Stair Falls. State evaluations of critical areas in the late 1970's and early 1980's recognized Grand Pitch as a significant waterfall and Haskell Rock Pitch, Stair Falls and the Hulling Machine as significant whitewater rapids. The evaluations also cited significant geological, scenic and/or historical resources at each of these locations and described the hydrologic resources on this segment of the Penobscot as an unusually compact waterfall/gorge/whitewater rapid complex with the widest variety of hydrologic features found within a relatively small area in the state.

The Penobscot basin is rich with biological resources, supporting large animals such as black bear, deer and moose and high quality coldwater fisheries such as brook trout and landlocked salmon. The East Branch of the Penobscot above Wassataquoik Stream, including the portion of the river in T5R8, is noted for both significant and high quality native brook trout and landlocked salmon fisheries. In the mid-70s, the East Branch of the Penobscot River contained spawning and nursery habitat for Atlantic salmon. Current restoration activities for Atlantic salmon include the East Branch in T5R8 up to the dam at Grand Lake Matagamon.

## **Recreational Resources**

People engage in a wide range of recreational activities throughout the year in, on and near the East Branch of the Penobscot in T5R8. Those activities include canoeing, kayaking, tubing, camping, fishing, hunting, hiking, snowmobiling, and riding ATVs.

The Telos Dam on Telos Lake enables water releases from the Allagash watershed into Webster Lake and Webster Brook, which flows into Grand Lake Matagamon, thus significantly affecting the water flows in the East Branch of the river. Those water flows are important for recreation on the East Branch. The Grand Lake Matagamon Lake Association took ownership of the dam on the south end of the lake in 2001. The lake association worked with Inland Fisheries and Wildlife staff to develop a water management plan for the dam. The plan manages water flows primarily for the benefit of the river's fisheries and flood control. The fall drawdown is timed to support spawning, followed by another drawdown in March to prepare for spring thaw and flooding. The recently developed plan maintained higher average flows in the summer of 2001 than in the past, but is subject to change as the lake association monitors water levels and responds to any problems that may arise in coming years.

While recreational use on the West Branch of the Penobscot can be determined in part from data collected at checkpoints operated by the Maine North Woods and Great Northern, activities on the East Branch of the river, which can be reached via Routes 11 or 159, are harder to track. The owners of Matagamon Wilderness Camps just north of T5R8 report that canoeing, kayaking and tubing use levels were higher in the late 1980's and early 1990's, and the owners of Bowlin Camps in the south of T5R8 concur that use levels have not increased in recent years. The Maine Forest Service oversees fire permits for various campsites along the East Branch, but the permits often do not specify which site within a township will be used. Furthermore, permits for guides can allow unlimited use at sites along a stretch of river for an entire year, so the MFS permits do not accurately portray use levels and trends.

The 1981 Resource Protection Plan (P-RP) and Recreation Management Plan for the Penobscot Waterway identified four campsites on the East Branch in T5R8 WELS that were proposed for consideration as administrative areas for recreational use. To facilitate recreational management under the plan, Great Northern would have granted leases to the State for those areas. Use levels on the East Branch during the 20-year term of the P-RP, however, didn't warrant that level of management, so the leases were not requested nor granted. The Maine Forest Service has issued fire permits and overseen use of the campsites on a more informal basis over the past 20 years.

A road runs along the western side of nearly the entire length of the river through T5R8, providing easy access to people who wish to camp on the river, whether or not they're canoeing or kayaking. The Recreation Management Plan groups individual camp cells within campsites, so that a campsite may contain multiple cells, some of which can accommodate more than one tent, vehicle or user. Overall, the condition of the cells and campsites on the western side of the river indicate moderate levels of use, probably enabled in large part by relatively easy access by road rather than from river access, as confirmed by forest rangers from their work checking fire permits over the years. In contrast, access to the eastern side of the river is more difficult, over

trails which in some cases are only accessible by foot and/or ATVs. For that reason, canoists, kayakers, and tubers are the primary users of campsites and cells on the eastern side of the river. Portages around the various falls and rapids lie on the western side of the East Branch. Brief descriptions of the campsites follow:

- North End: Three camping cells exist in a campsite that was not shown on the map in the 1981 Recreation Management Plan. The campsite lies on a side road off the Eagle Lake Tote Road, roughly 2-2½ miles from Matagamon Dam. All of the cells are very close to the river and are fairly well-worn from use.
- Stair Falls: The 1981 Recreation Management Plan showed the first of four proposed Administrative Areas (EB1) at Stair Falls. A lease/home sits on the western side of the river at Stair Falls. One camping cell exists in a campsite across the river, at the head of the falls.
- Haskell  
Rock Pitch: One camping cell sits on the western shore of the river at Haskell Rock. The rock itself rises fairly dramatically from the middle of a stretch of rapids at a bend in the river, creating quite a distinctive sight as paddlers approach from upriver.
- Pond Pitch: Three camping cells exist in the campsite along Pond Pitch, one on the east and two on the west side of the river. Pond Pitch was the site of the second proposed Administrative Area (EB2) in the 1981 plan.
- Grand Pitch: The campsite at Grand Pitch contains four cells, with two located on each side of the river. The pitch is actually a waterfall that drops more than seven meters with a gorge below the falls that is more than seven meters deep. One cell on the western shore sits up above the falls. This site was the third proposed Administrative Area (EB3) in the 1981 P-RP.
- Hulling  
Machine: The campsite at the Hulling Machine is located on the eastern side of the river in an area that is not accessible by road. This was the fourth proposed Administrative Area (EB4) in the original Plan.

## **Section II**

### **PURPOSE AND OBJECTIVES**

The purpose of this Resource Protection Plan is to provide for the continued effective management of the renewable forest and water resources while recognizing and protecting the recreational and other natural values of the East Branch of the Penobscot River in T5R8 WELS.

The objective of the Plan is to ensure a continuous yield of forest products to support manufacturing facilities, to protect water quality and quantity for present and potential uses, to provide for continued recreational uses associated with the river, and to provide for the continued protection of the natural character of the areas consistent with the land use activities proposed in this plan.

The State of Maine has been responsible for developing and implementing a Recreation Management Plan for public recreational uses within the river corridor. That Plan, as incorporated in Section VIII after approval by Irving Woodlands and LURC, will govern recreational uses of the lands described herein.



Haskell Rock

### Section III

#### DESCRIPTION OF AREA TO BE INCLUDED IN THE RESOURCE PROTECTION PLAN

The following lands shall be included in the Plan:

- A. Those lands which are delineated on the maps (Appendix A) attached as part of this Plan and which are within 500 feet of the normal high water mark measured as a horizontal distance landward of such high water mark of those shoreland areas which on the effective date of this plan are wholly owned by Irving Woodlands LLC and not owned in common with others, and being more particularly described as follows:

Beginning at the point on the East Branch of the Penobscot River where said river intersects the north township line of T5 R8 WELS, and terminating at the point where said river intersects the south township line of said township.

- B. The area enclosed by the normal high water mark of the Penobscot River, beginning and ending as described in paragraph A, will be included in the P-RP Subdistrict.
- C. Islands lying within those sections of the Penobscot River beginning and ending as described in paragraph A.
- D. The area enclosed by the normal high water mark of any stream or brook running into those portions of the Penobscot River as described in paragraph A will be included in the P-RP subdistrict only up to the 500 foot outer boundary of the P-RP Subdistrict.

## **Section IV**

### **LAND USE ACTIVITIES**

The following land use activities will be allowed in the P-RP Subdistrict upon the terms and with the limitations specified. Definitions of terms used herein are contained in Appendix G. Nothing herein shall be construed as limiting Irving Woodlands' right to prohibit any land uses described in this Section.

A. The following uses shall be allowed without a permit from the Land Use Regulation Commission:

1. Primitive recreational uses including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing;
2. Level A road projects;
3. Motorized vehicular traffic and snowmobiling on roads and trails;
4. Wildlife and fishery management practices;
5. Service drops;
6. Mineral exploration to determine the nature or extent of mineral resources provided such exploration is accomplished by hand sampling, test boring, or other methods which create minimal disturbance and reasonable measures are taken to restore the land to its original condition;
7. Surveying and other resource analysis;
8. Forest management activities, except for timber harvesting;
9. Non-permanent docking or mooring structures;
10. Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
11. Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
12. Normal maintenance and repair activities;
13. Boating; and
14. Use of ski and seaplanes and helicopters.

- B. Subject to the provisions of paragraph E, the following uses shall be allowed without a permit when in conformance with the standards hereinafter set forth:
1. Timber harvesting when in conformance with the standards in Appendix C;
  2. Land management roads and water crossings of minor flowing waters which are in conformance with the standards in Appendix D and are permitted under the terms of the Easement;
  3. Mineral extraction affecting an area of less than three acres in size for road purposes when in conformance with the standards in Appendix E;
  4. Level B and C road projects when in conformance with the standards in Appendix D provided that no new Level C road projects shall be allowed except as expressly provided for in the Conservation Easement; and
  5. Those signs which are in conformity with the standards of Appendix F.
- C. The uses set forth in the preceding paragraph B which exceed the standards therein set forth shall be allowed when in conformance with the following procedures:
1. A notification in writing will be made to the LURC staff whenever a proposed activity will exceed the standards of paragraph B. All notifications shall be made at least 60 days prior to the commencement of the activity. The notification should be on the appropriate Department of Conservation form for the proposed activity. The activity will be allowed as provided in the notification after the 60 day period provided that:
    - a) No comments have been received from the LURC staff regarding the proposed activity; or,
    - b) An agreement has been reached between Irving Woodlands LLC and LURC resolving concerns expressed by LURC about the proposed activity and the activity is carried out in the manner specified in such agreement.
  2. In the event that there are questions raised by LURC which are not resolved to the satisfaction of LURC during the 60 day period, no action shall be taken by Irving Woodlands to implement the proposed activity for an additional 60 days or until a satisfactory agreement is reached between the LURC staff and the landowner.
  3. In the event that a satisfactory agreement cannot be reached by the end of the additional 60 day period, Irving Woodlands shall make formal application for a permit issued by the Commission and the appeals procedures then in effect under the LURC regulations shall be followed in order to resolve the issue provided that until such resolution the landowner shall not implement the proposed activity.

- D. Subject to the provisions of paragraph E, the following uses shall be allowed only upon the issuance of a permit from the Land Use Regulation Commission:
1. Campsites and campgrounds owned or operated by public or private entities except as these may be allowed without a permit under the Recreation Management Plan;
  2. Permanent docking or mooring structures;
  3. Administrative structures or areas as provided for in the Conservation Easement;
  4. Filling, grading, draining, dredging or alteration of water table or water level for other than mineral extraction;
  5. Mineral extraction affecting an area of three acres or more in size, for road purposes; and
  6. Other structures, uses, or services that are essential for the exercise of the uses allowed by this Resource Protection Plan which the Commission determines are consistent with the purposes of this subdistrict, the Comprehensive Land Use Plan and the Commission statutes and are not detrimental to the resources or uses which they protect.
- E. The uses set forth in paragraphs B and D shall be subject to the following further requirements:
1. Mineral extraction is prohibited in those areas which were zoned P-WL and P-RR prior to the Commission's approval of the original Plan;
  2. Filling, grading, draining, dredging or alteration of water table or level is prohibited in areas zoned P-RR prior to the Commission's approval of the original Plan; and
  3. In those areas zoned D-GN or P-SL where a lease was executed prior to the Commission's approval of the original 1981 Plan, the lessee or occupant of land other than Irving Woodlands shall be governed by the provisions of the *Land Use Districts and Standards* which are in effect in such subdistricts at the time of application.
- F. Prohibited Uses
1. All uses not expressly allowed, with or without a permit, under this Plan shall be prohibited.
  2. All land subdivisions shall be prohibited. Leases to the State for administrative structures and areas shall not constitute a subdivision for the purposes of this Plan.

## **Section V**

### **MANAGEMENT AGENCIES**

Irving Woodlands LLC is the principal administrator and the agency responsible for this Resource Protection Plan. The landowner shall insure that those land use activities described in this plan are carried out in conformance with the standards and procedures described herein.

It shall be the responsibility of the State of Maine to insure that public recreational uses are consistent with the requirements of the Resource Protection Plan Subdistrict.

## **Section VI**

### **DURATION OF PLAN**

The Resource Protection Plan will be in force for a period of ten (10) years from the date of Commission approval so long as the LURC law, or any amended or replacement version thereof, remains in effect. Since the Conservation Easement is perpetual, a long term Resource Protection Plan is feasible. At the end of the 10-year period, the landowner may seek to renew the Plan.

## Section VII

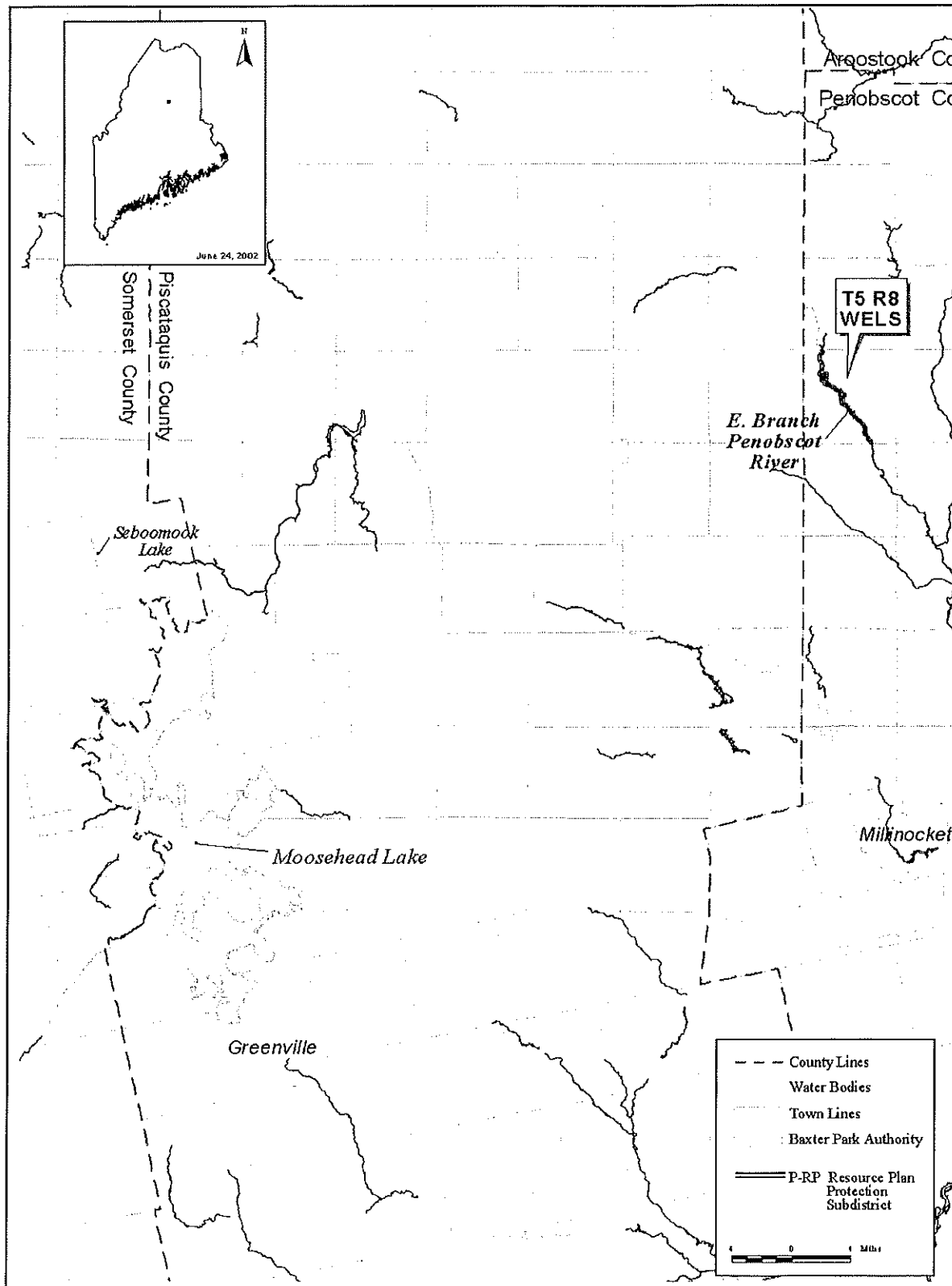
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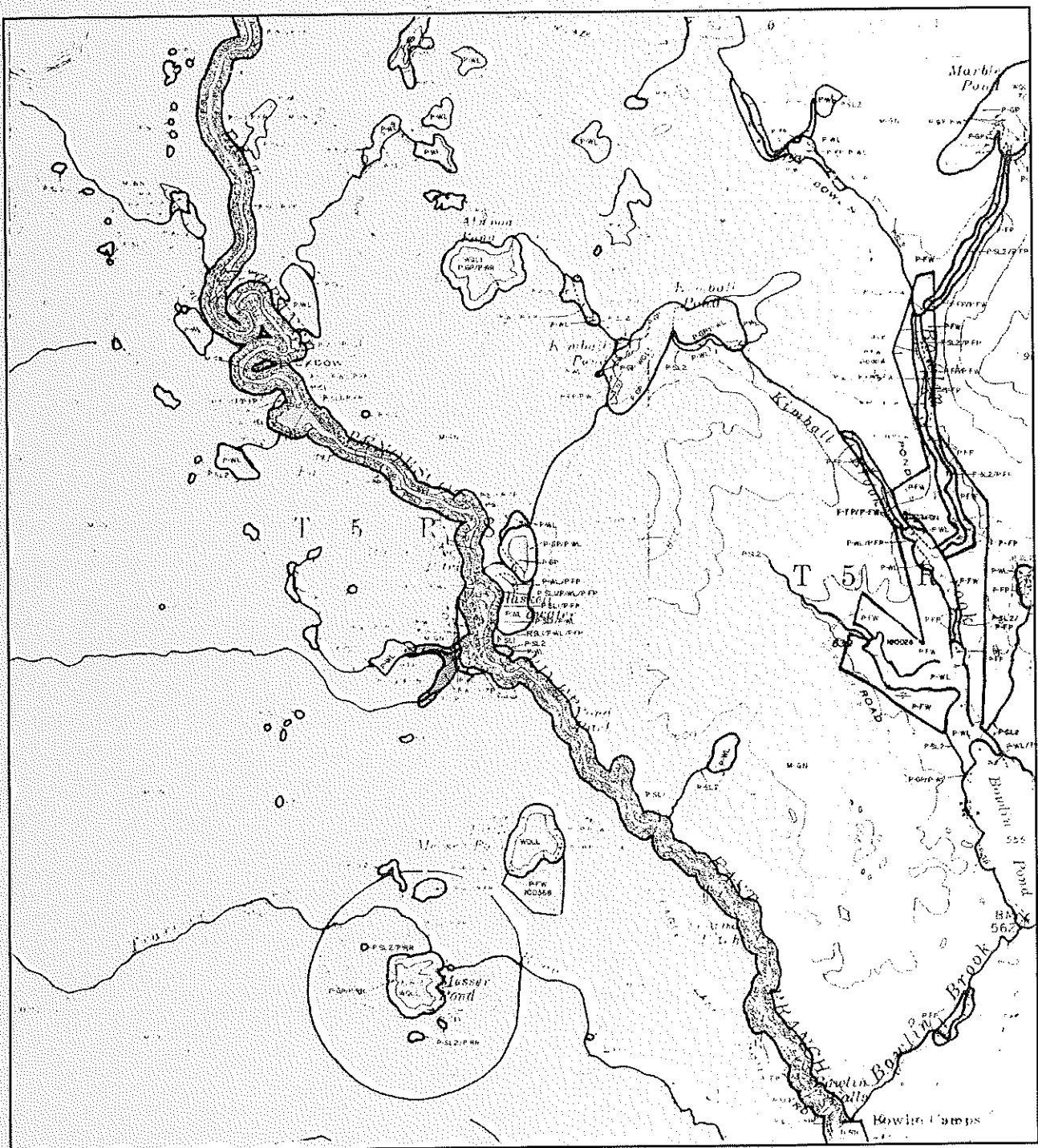
\* Maps and exhibits accompanying these documents are reproductions. Official copies of these maps are available for inspection at the Augusta office of the Maine Land Use Regulation Commission or at the Penobscot County Registry of Deeds.

Appendix A

A1. Location Map for East Branch Penobscot P-RP in T5R8



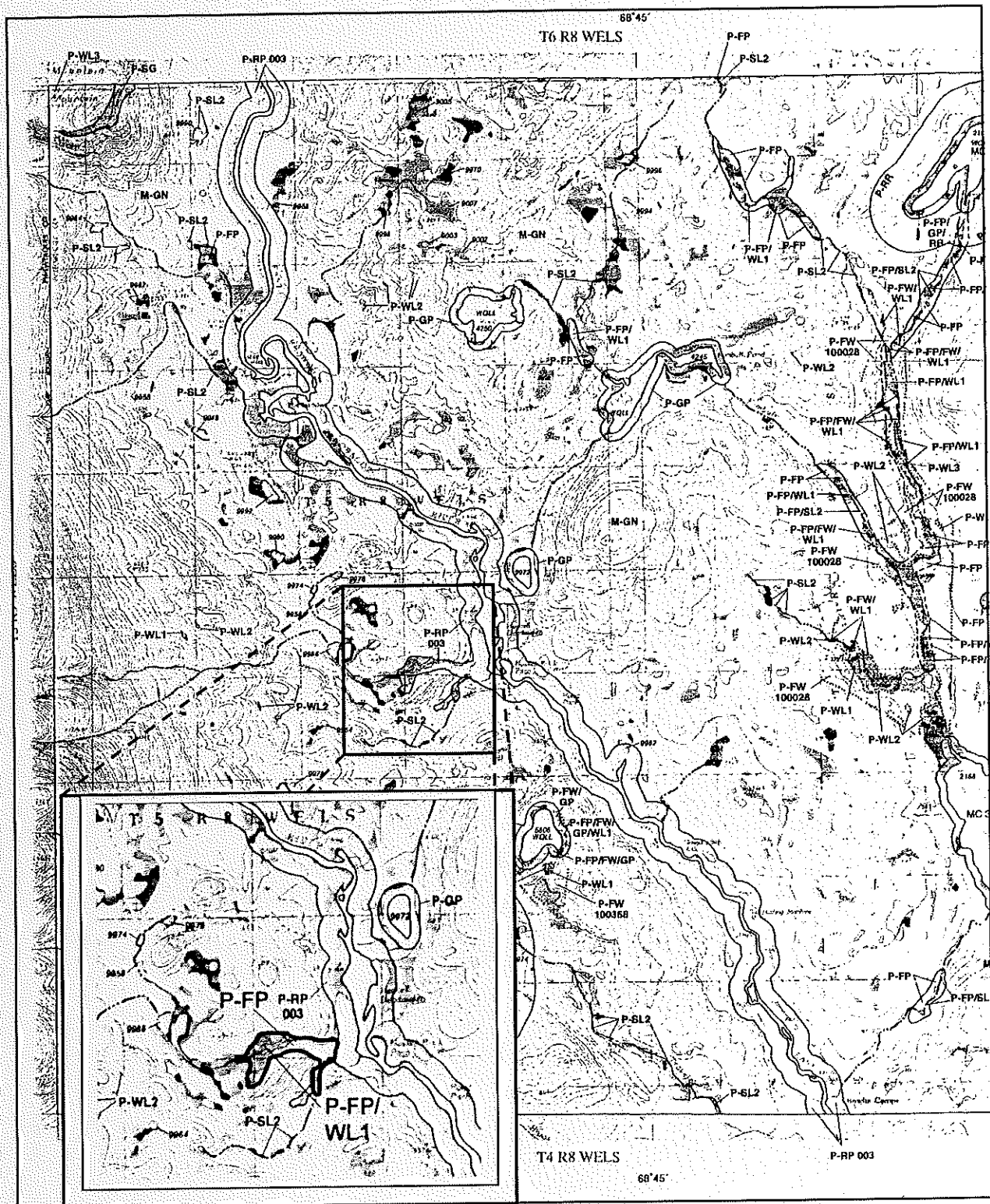
**A2. Copy of LURC Land Use Guidance Map prior to 1981 P-RP  
for Portions of T5R8 WELS  
along the East Branch of the Penobscot River**



Note: 250' P-SL1 along East Branch and P-FP extending beyond 250' are shaded to highlight the river.

[illegible]

**A4. Proposed LURC Land Use Guidance Map for Portions of T5R8 WELS  
along the East Branch of the Penobscot River**



Note: Detail shows proposed zoning change.

Appendix B

MEMORANDUM OF AGREEMENT

AGREEMENT DATED February 6, 1981 between the STATE OF MAINE (the "State") acting through its Commissioner of Conservation and GREAT NORTHERN NEKOOSA CORPORATION, a Maine Corporation acting by and through Great Northern Paper, an unincorporated division thereof, having an office in Millinocket, Maine ("Great Northern").

The State and Great Northern acknowledge the existence of valuable resources on and adjacent to the Penobscot River, Lobster Lake and Lobster Stream and that the protection of these resources can best be achieved by carrying out the provisions of this Agreement.

The purpose of this Agreement is to assist in protecting those resources within a framework of continued use of the river, lake and stream corridors for timber harvesting, other traditional uses of the region's forest lands, and hydroelectric power generation and transmission.

1. Great Northern agrees, subject to fulfillment of the terms of this Memorandum of Agreement hereof, to contribute to the State a perpetual Conservation Easement, as described in Section 170 of the Internal Revenue Code, on the real estate described in the Deed of Conservation Easement attached hereto and on maps attached to the Deed as Exhibits I and II, and comprising approximately 4800 acres, more or less (all hereinafter sometimes called the "Conservation Easement" or "Easement Lands").

2. The State will develop and administer a Penobscot River Recreation Management Plan for the Easement Lands. The State recognizes that because Great Northern is the owner in fee of the Easement Lands, as well as lands adjacent thereto, the cooperation of Great Northern is essential to the successful operation of the aforementioned Recreation Plan. In order to facilitate recreation management Great Northern will grant property leases to the State, upon terms satisfactory to Great Northern and the State within the Easement Lands in order that administrative structures and areas as defined in the Deed of Conservation Easement, may be erected, maintained and utilized.

3. The State recognizes that the access roads to the West Branch of the Penobscot River are built and maintained by Great Northern for the purpose of carrying out forest and water management activities. The State agrees not to undertake promotion of the area which will compromise safe use of the roads for these management activities.

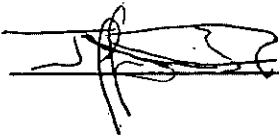
4. Both parties recognize that all rights reserved or retained by Great Northern in connection with the donation of this Conservation Easement are and shall remain subject to applicable requirements, regulations, and laws of state, federal, and local governmental bodies having jurisdiction, and that nothing in this Agreement or in the Deed of Conservation Easement will affect or supercede such legal requirements.

5. Great Northern will propose to the Maine Land Use Regulation Commission ("LURC") a resource management plan for the corridor for designation as a Resource Plan Protection subdistrict. To the extent allowed by law, notwithstanding anything in paragraph 4, the provisions of the Resource Protection Plan shall supercede land use districts and standards adopted by LURC after said plan has been approved by LURC.

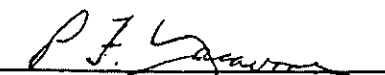
6. Either party may cancel this Agreement at any time prior to the grant and acceptance of the Conservation Easement.

IN WITNESS THEREOF, the parties hereto have duly caused this Agreement to be executed, under seal, as of the day and year first above written.

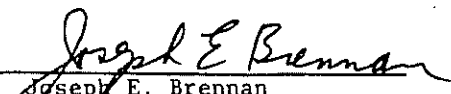
SIGNED, SEALED AND DELIVERED  
In the presence of:

  
\_\_\_\_\_

GREAT NORTHERN NEKOOSA  
CORPORATION

By   
Peter Yacavone  
Executive Vice President

STATE OF MAINE

By   
Joseph E. Brennan  
Governor

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DEED OF CONSERVATION EASEMENT

The purpose of this Conservation Easement is to assist in managing the land, timber, water and recreational resources of certain portions of the Penobscot River, Lobster Lake and Lobster Stream described herein, to insure the continued use and benefit of these resources for Great Northern Nekoosa Corporation and for the people of the State of Maine.

NOW THEREFORE:

KNOW ALL MEN BY THESE PRESENTS, that GREAT NORTHERN NEKOOSA CORPORATION, a Maine Corporation, having a place of business at Millinocket, in the County of Penobscot and State of Maine, (hereinafter referred to as the "Grantor"), does hereby grant and convey to the STATE OF MAINE (hereinafter referred to as the "Grantee"), a perpetual Conservation Easement (the "Conservation Easement") as described herein for the purpose of conserving and utilizing the resources of certain portions of the Penobscot River, Lobster Lake and Lobster Stream for the Grantor and the people of Maine. Except as otherwise provided, the lands to which the Conservation Easement applies are those which, on the effective date of this Conservation Easement are wholly owned by the Grantor and not owned in common with others, and are within 500 feet of the normal high water mark of each side of the East and West Branches of the Penobscot River, Lobster Lake and Lobster Stream, measured as horizontal distance landward of such high water mark, including islands lying within the East and West Branches of the Penobscot River and Lobster Lake and Stream, and described as follows:

Parcel #1

Beginning at a point 400 feet downstream of the foot of Seboomook Dam, as it exists on January 1, 1981, on the West Branch of the Penobscot River, and from such point downstream along said river in the townships of Seboomook (Range 4 NBKP), Burbank (Township 3 Range 15 WELS), Lobster (Township 3 Range 14 WELS), Township 4 Range 14 WELS, and Township 5 Range 14 WELS, to the intersection of said river and the east township line of Township 5 Range 14 WELS. Excepting and reserving from said Easement Lands, the southeast quarter of Township 4 Range 14 WELS.

Parcel #2

Beginning at the point in Burbank (Township 3 Range 15 WELS) where Lobster Stream intersects the West Branch of the Penobscot River and extending upstream to that point where said stream intersects Lobster Lake.

Parcel #3

That shoreline of Lobster Lake in Burbank (Township 3 Range 15 WELS), Lobster (Township 3 Range 14 WELS) and East Middlesex Canal Grant.

Parcel #4

Beginning at the point on the East Branch of the Penobscot River where said river intersects the north township line of Township 5 Range 8 WELS; and terminating at the point where said river intersects the south township line of said township.

Parcel #5

Beginning at the point on the East Branch of the Penobscot River where said river intersects the north boundary line of the Umbagog Lot (Township 1 Range 7 WELS), and terminating at the intersection of said river with the south boundary line of said lot.

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The boundaries of the above described lands are shown in full on maps captioned "Penobscot River Conservation Easement" dated 3/10/81 attached hereto as Exhibits I and II to be recorded herewith (said lands sometimes hereinafter called the "Easement Lands").

Excepting and reserving from said Easement all those lands that fall within the boundaries established now or in the future by the Federal Energy Regulatory Commission in its licenses for hydroelectric plants owned and operated by the Grantor. Licenses now in effect include Ripogenus Project License #2572 and Great Northern Storage Project License #2634.

Also excepting and reserving from said Easement the right to construct and maintain transmission lines, roads, and such development as may be necessary for the transmission of electricity.

Also excepting and reserving from said Easement those areas within 50 feet of the centerline of those road rights-of-ways (including road river crossings) and 100 feet of the centerlines of those transmission line rights-of-way (including transmission line river crossings) as shown on Exhibits I and II.

Also excepting and reserving from said Easement the right to realign or reconstruct existing roads and transmission lines (including river crossings) as shown on Exhibits I and II using Easement Lands provided that such realignment or reconstruction does not involve more than 2,640 continuous feet between the intersection points of the old road or transmission line and the realigned or reconstructed road or transmission line. No realignment or reconstruction in excess of 2,640 continuous feet may be undertaken without the approval of the Grantee. Land areas utilized for road or transmission line realignment or reconstruction including areas within 50 feet of the centerline of such realigned or reconstructed roads and 100 feet of the centerline of such realigned or reconstructed transmission lines shall be excepted from said Easement.

Any portion of any road or transmission line (including river crossings) which has been realigned or reconstructed shall be discontinued and shall become part of the Easement Lands.

Also excepting and reserving from said Easement the right to construct and maintain roads (including the extraction from the Easement Lands of gravel to be used in such construction and maintenance) as necessary for ingress and egress between those lands within 50 feet of the centerline of road rights-of-way in the corridor as excepted hereinbefore and lands of the Grantor adjacent to the Easement Lands.

The Conservation Easement conveyed herein consists of the following covenants and restrictions, which shall apply to the above described parcels of land subject to the Conservation Easement:

- (1) No residential or commercial structures shall or may be erected, other than in connection with the generation or transmission of electricity as mentioned above, the mining or extraction of sand and gravel, the harvesting of timber, any recreational management activity conducted or approved by the Grantee, or on existing leases which will be subject to state regulations then in effect.

Commercial structures shall be construed as those structures or facilities unrelated to recreational management activities as contemplated by this Conservation Easement; such commercial structures to include by way of example but not limited to those erected, installed, designed, or used in connection with a private business or enterprise, such as a gas station, store, or boat rental facility.

- (2) The Grantee shall have the following rights within the Easement Lands:

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- a) The right to erect, maintain and use administrative structures and to set aside administrative areas for the purpose of managing public use, provided that no such structures may be erected nor any such areas set aside unless the Grantor and Grantee have executed a Lease, upon mutually satisfactory terms, for the land involved. The parties agree to exercise good faith in negotiating and entering into leases for such administrative structures and areas, and from time to time, in modifying such leases, and the administrative structures and areas covered by them, as circumstances and needs change in the future. For the purpose of this paragraph "Administrative Structures and Areas" shall include, but not be limited to: caretaker quarters, service or storage buildings, service or access roads, power or communication lines, sanitary stations or privies, gates, entry contact stations, water taps, parking lots, directional signs, waste disposal areas, campsites, access sites and picnic areas;
- b) The right to collect recreational user fees for uses in areas leased pursuant to subparagraph (a) above;
- c) The right to regulate and manage boat access, parking, camping and recreation activities within the Easement Lands, except within the boundaries of existing leases to private parties. Due consideration shall be given to the recreation needs of the people of the State of Maine; and
- d) The right through available legal means to enforce the terms of the Easement against the Grantor or any other person.
- (3) No new roads or bridges will be constructed on the Easement Lands except as otherwise provided in the Conservation Easement.

The Grantor reserves all its rights in and to and uses of Easement Lands not inconsistent with the rights, covenants and restrictions set forth herein including the right to harvest timber and extract minerals.

Notwithstanding the covenants and restrictions contained herein, the Grantor reserves all rights to use the Easement Lands in any way necessary or appropriate as required by law for the safe and proper operation and maintenance of Grantor's hydroelectric plants which are or may be licensed by the Federal Energy Regulatory Commission or any successor agencies thereto.

This Conservation Easement and all rights of the Grantee are subject to the agreements, leases, encumbrances, licenses, restrictions and easements now of record or in effect, with respect to, or affecting the above described real property, all of which are listed in Exhibit III attached hereto. Grantor may renew, assign or transfer any such agreements, leases, encumbrances, licenses, restrictions or easements; provided that any such renewal, assignment or transfer is limited to the same terms and conditions as presently exist. Grantor shall notify Grantee in writing of any such assignments or transfers and of any termination of any such agreement, lease, encumbrance, license, restriction or easement.

Both parties recognize that all rights reserved or retained by Grantor in connection with the donation of this Conservation Easement are and shall remain subject to applicable requirements, regulations, and laws of state, federal, and local governmental bodies having jurisdiction, and that nothing in this Deed of Conservation Easement will affect or supercede such legal requirements.

Wherever used herein, the term "Grantor" shall include the successors and assigns of the Grantor hereof.

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TO HAVE AND TO HOLD, the said rights, privileges and easements to said State of Maine forever.

IN WITNESS WHEREOF, the said Great Northern Nekoosa Corporation has caused this instrument to be executed and its corporate seal to be affixed hereto by its duly authorized representative this 14<sup>th</sup> day of Aug, 1981.

SIGNED, SEALED AND DELIVERED  
In the Presence of:  
*Joseph D. Handley*

GREAT NORTHERN NEKOOSA  
CORPORATION

By *P. F. Yacavone*  
EXECUTIVE VICE PRESIDENT  
Its

STATE OF MAINE CONVENT  
COUNTY OF FAIRFIELDSS.

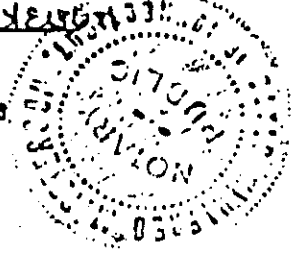
AUG. 14 , 1981

Personally appeared the above named PETER F. YACAVONE, EXECUTIVE VICE PRESIDENT of Great Northern Nekoosa Corporation and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Great Northern Nekoosa Corporation.

Before me,

*Wingard M. Pex*  
Justice of the Peace  
Notary Public

MY COMMISSION EXPIRES MARCH 31, 1988



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LEASES AND ENCUMBRANCES  
ON UPPER SECTION  
WEST BRANCH PENOBSCOT RIVER  
Burbank Township

EXHIBIT III  
REV. 6/12/81

| LEASE # | LESSEE                                                       | APPROX. LOCATION                                                           |
|---------|--------------------------------------------------------------|----------------------------------------------------------------------------|
| 208     | I. Carl Mayhew, DMC<br>5 Brunswick, Ave., Gardiner, ME 04345 | Surveyed Fall - 1980                                                       |
| 1455    | Floyd H. Smith, et.al.,<br>Star Rte., Newport, NH 03773      | 775' down river from<br>point of jct. of Carry<br>Rd. & W.B. Surveyed 1980 |
| 621     | Norton H. Lamb<br>Harris Road, Cumberland, ME 04021          | So. bank of W.B. in lot<br>9 surveyed fall 1980                            |

LOBSTER LAKE - T3 R14

|      |                                                                      |           |
|------|----------------------------------------------------------------------|-----------|
| 2685 | John C. Phillips, Jr.<br>148 Argilla Rd., Ipswich, MA 01938          | On lot 86 |
| 2688 | Charles K. Leadbetter, Esq.<br>10 Westview Dr., Waterville, ME 04901 |           |
| 2689 | Lois A.B. Leadbetter<br>41 Forest Ave., Millinocket, ME 04462        |           |

EAST BRANCH PENOBSCOT RIVER  
TOWNSHIP 1 RANGE 7 WELS

|      |                                                                     |                                     |
|------|---------------------------------------------------------------------|-------------------------------------|
| 4473 | State High Commission<br>Augusta, ME 04330                          | Westerly side of<br>Maine Route #11 |
| 4820 | William R. Palmer, et al<br>232 Winnacummet Road, Hampton, NH 03842 | Surveyed Fall 1980<br>Umbagog Lot   |
| 4821 | Richard Hering<br>7 Wehner Place, Allendale, NJ 07401               | Surveyed Fall 1980<br>Umbagog Lot   |

ENCUMBRANCES

Reservation by Umbagog Paper Company relating to dams, power houses and transmission lines by deed dated March 14, 1927.

Recorded in the Penobscot Country Registry of deeds November 15, 1927, Vol. 1015, page 346.

TOWNSHIP 5 RANGE 8

|      |                                               |                |
|------|-----------------------------------------------|----------------|
| 1192 | Lloyd O. Ward<br>Houlton, ME 04730            | On McGee Brook |
| 1435 | Kerry J. McNally<br>Box 218, Patten, ME 04765 | Haskell Rock   |

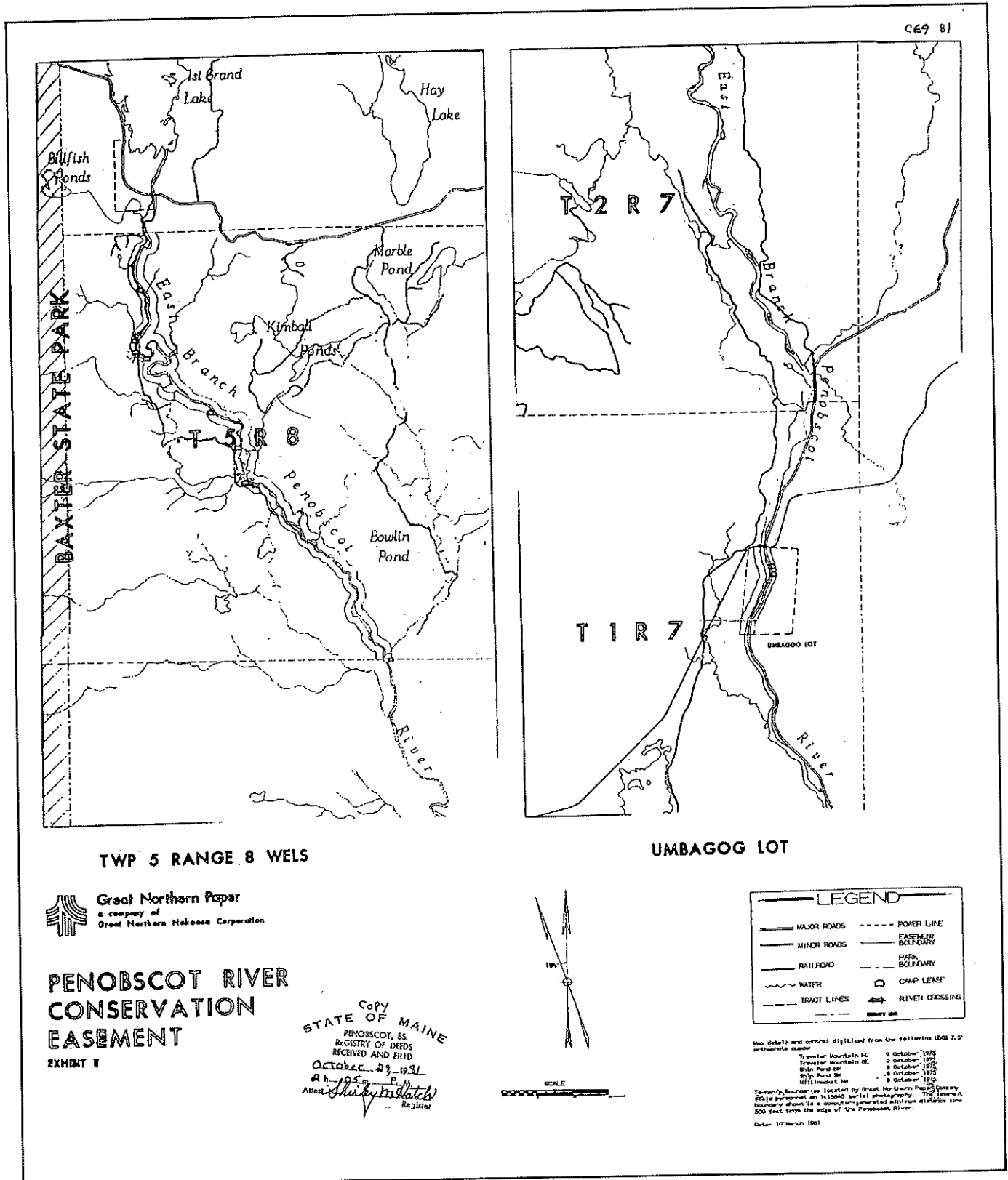
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| <u>LEASE #</u> | <u>LESSEE</u>                                                | <u>APPROX. LOCATION</u>   |
|----------------|--------------------------------------------------------------|---------------------------|
| 4561           | Robert Heath, Jr.<br>Patten, ME 04765                        | So. of McGee Brook        |
| 4687           | George McPhail<br>Box 495, No. Windham, ME 04062             |                           |
| 4776           | Frank B. Fortier<br>Box 315, Patten, ME 04765                |                           |
| 4840           | Durwood & Elizabeth Ann Humphrey<br>Box 134, Lincoln, ME     |                           |
| 2196           | Capt. Newall J. Weston<br>2013 Catalina, Santa Ana, CA 92701 | Haskell Deadwater         |
| 2680           | Jon Smallwood<br>Patten, ME 04765                            | Commercial - Bowlin Camps |

RECEIVED PENOB, SS. OCT 29 1981 2 15 m P.M.

Exhibit II

Map of Conservation Easement Lands on the East Branch



Appendix C

**TIMBER HARVESTING STANDARDS**

The following requirements apply to timber harvesting within the Resource Plan Protection Subdistrict.

- a. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by areas which were zoned P-SL1 prior to the acceptance of the original plan by LURC except to cross such channels with a culvert or bridge according to the water crossing requirements of Appendix D, Sections b, c and d.
- b. Timber harvesting operations shall be conducted in the following manner:
  - (1) 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.
  - (2) 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.
  - (3) 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 4 1/2 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.
  - (4) No accumulation of slash shall be left within 50 feet of the normal high water mark of surface waters. 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.
- c. Except as provided in subsection g of this section, 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<br>Exposed Mineral Soil and Normal<br>High Water Mark (Percent) | Width of Strip between Exposed<br>Mineral Soil and Normal High Water Mark<br>(Feet along Surface of the Ground) |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 0                                                                                             | 25                                                                                                              |
| 10                                                                                            | 45                                                                                                              |
| 20                                                                                            | 65                                                                                                              |
| 30                                                                                            | 85                                                                                                              |
| 40                                                                                            | 105                                                                                                             |
| 50                                                                                            | 125                                                                                                             |
| 60                                                                                            | 145                                                                                                             |
| 70                                                                                            | 165                                                                                                             |

The provisions of this subsection c 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 this subsection c do not apply where skid roads cross such waters.

- d. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of standing waters or, below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more.
- e. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels of minor flowing waters except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Appendix D, 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 this subsection e may be modified according to the provisions of subsection g of this section.
- f. Except as provided in subsection g of this section, skid trail and skid road approaches to stream channels 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.
- g. Timber harvesting operations within 75 feet of stream channels upstream from the point where they drain 300 acres or less, may be conducted in a manner not in conformity with the requirements of the foregoing subsections c, e, and f 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 stream channel drains one 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.
- h. Harvesting operations along stream channels downstream from the point where they drain 300 acres or more and along standing bodies of water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters.

- i. In addition to the foregoing minimum requirements, except as provided for in subsection g, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.
- j. Within 200 feet of any administrative structure or area, timber harvesting shall be prohibited except as may be approved by the Director of the Bureau of Parks and Lands from time to time for the proper maintenance of the administrative structure or area.
- k. Written notice of all timber harvesting activities shall be given to the Commission prior to the commencement of any such activities within the P-RP subdistrict. Such notice shall be provided on the Department of Conservation notification forms used for such purposes.

## Appendix D

**ROAD AND WATER CROSSING STANDARDS**

The following road and water crossing requirements shall apply to the Resource Plan Protection Subdistrict:

- a. The following requirements shall apply to construction and maintenance of roads:
- (1) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing, or standing body of water or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
  - (2) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
  - (3) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
  - (4) In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland. This requirement shall not apply to road approaches to water crossings or wetlands.

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

- (5) Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in paragraph (4) above, between the outflow point of the ditch and the normal high water mark of the water or upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump

holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland.

- (6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
  - (a) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
  - (b) On roads having slopes greater than 10% ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
  - (c) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in paragraphs (4) and (5) above;
  - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
  - (e) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

| Road Grade<br>(Percent) | Spacing<br>(Feet) |
|-------------------------|-------------------|
| 0-2                     | 500-300           |
| 3-5                     | 250-180           |
| 6-10                    | 167-140           |
| 11-15                   | 136-127           |
| 16-20                   | 125-120           |
| 20+                     | 100               |

- b. The following requirements shall apply to water crossings when surface waters are unfrozen:

- (1) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to  $2 \frac{1}{2}$  times the cross-sectional area of the stream channel.
- (2) Culvert and bridge sizes may be smaller than provided in paragraph (1) if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the

water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:

- (a) removing culverts prior to the onset of frozen ground conditions;
- (b) using water bars in conjunction with culverts; or
- (c) using road dips in conjunction with culverts.

(3) Culverts utilized in water crossings shall:

- (a) be installed at or below stream bed elevation;
- (b) be seated on firm ground;
- (c) have soil compacted at least halfway up the side of the culvert;
- (d) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
- (e) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

- c. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- (1) Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
  - (a) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
    - (i) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each

end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet;

- (ii) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
  - (iii) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
  - (b) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- (2) Road construction on soils with organic layers in excess of 4 feet in thickness:
- (a) Such construction shall only take place under frozen ground conditions.
  - (b) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
  - (c) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
    - (i) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
    - (ii) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

- d. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
- e. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

(1) Water bars shall

- (a) be constructed and maintained across the road at intervals established below:

| Road<br>Grade<br><u>Percent</u> | Distance Between<br>Water Bars<br><u>Feet</u> |
|---------------------------------|-----------------------------------------------|
| 0- 2                            | 250                                           |
| 3- 5                            | 200-135                                       |
| 6-10                            | 100-80                                        |
| 11-15                           | 80-60                                         |
| 16-20                           | 60-45                                         |
| 21+                             | 40                                            |

- (b) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
  - (c) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
  - (d) extend sufficient distance beyond the traveled way so that water does not re-enter the road surface.
- (2) Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:
- (a) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
  - (b) it shall be designed to provide an opening with a cross-sectional area at least 3 ½ times the cross-sectional area of the stream channel; or
  - (c) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
- f. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of these standards, will be done only after the requirements of Section IV have been satisfied.

- g. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- h. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
- i. Written notice of all road and water crossing activities shall be given to the Commission prior to the commencement of any such activities within the P-RP subdistrict. Such notice shall be provided on the Department of Conservation notification forms used for such purposes.

## Appendix E

**MINERAL EXTRACTION STANDARDS**

The following requirements shall apply to mineral extraction activities in the Resource Plan Protection Subdistrict:

- a. No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing or standing body of water or wetland identified as P-WL1 Subdistrict than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than 50 feet:

| Average Slope of Land between<br>Exposed Mineral Soil and<br>Normal High Water Mark<br>or Upland Edge<br>(Percent) | Width of Strip between<br>Exposed Mineral Soil and<br>Normal High Water Mark<br>or Upland Edge<br>(Feet along Surface of the Ground) |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 0                                                                                                                  | 50                                                                                                                                   |
| 10                                                                                                                 | 90                                                                                                                                   |
| 20                                                                                                                 | 130                                                                                                                                  |
| 30                                                                                                                 | 170                                                                                                                                  |
| 40                                                                                                                 | 210                                                                                                                                  |
| 50                                                                                                                 | 250                                                                                                                                  |
| 60                                                                                                                 | 290                                                                                                                                  |
| 70                                                                                                                 | 330                                                                                                                                  |

- b. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body. Any such control device shall be deemed part of the extraction area for the purpose of Subsection a, above;
- c. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property;
- d. A natural vegetative screen of not less than 50 feet in width shall be retained from administrative structures or areas as defined in the Conservation Easement; and
- e. If any mineral extraction operation located within 250 feet of any administrative structure or area as defined in the Conservation Easement or a facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

## Appendix F

## SIGN STANDARDS

## a. On-Premise Signs

Subject to the provisions of this Plan, Irving Woodlands LLC and its lessees may erect and maintain on-premise signs advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the regulations set forth below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

| Maximum Size for<br>Each Individual Sign<br>(sq. ft.) | Maximum Aggregate Area of All<br>Signs for Facility Being Advertised<br>(sq. ft.) |
|-------------------------------------------------------|-----------------------------------------------------------------------------------|
| 6                                                     | 12                                                                                |

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet; and
- (4) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs, including all roof signs, which are not in conformance with the preceding requirements may be allowed only under the provisions of a permit from the Commission.

## b. Exempt Signs

The following signs are exempt from the requirements of this Plan, except as indicated in Section c below.

- (1) Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments). Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- (2) Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- (3) Traffic control signs or devices;
- (4) Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, posted areas, property boundaries,

trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet;

- (5) Memorial signs or tablets;
- (6) Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- (7) Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- (8) Official business directional signs as defined and authorized by 23 M.R.S.A., Chapter 21.

The preceding dimensional and/or time limitations may be exceeded only under the provisions of a permit from the Commission.

c. Regulations Applying to All Signs

Notwithstanding any other provisions of this Plan, no sign may be erected or maintained visible from a roadway which:

- (1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- (3) Contains, includes or is illuminated by any flashing, intermittent or moving lights, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- (4) Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- (5) Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- (6) Is in violation of, or at variance with, any other applicable State law or regulation;

- (7) Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- (8) Is not clean or in good repair; or,
- (9) Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

## Appendix G

### DEFINITIONS

The following definitions apply to the terms of this plan:

1. **Administrative Structures and Areas:**

Administrative structures and areas shall be those structures and areas which may be operated, managed or leased by the State under the Conservation Easement. They shall include, but not be limited to: caretaker quarters, service or storage buildings, service and access roads, power and communication lines, sanitary stations or privies, gates, entry contact stations, water taps, parking lots, directional signs, waste disposal areas, campsites, access sites and picnic areas.

2. **Body of Standing Water:**

A body of surface water that has no perceptible flow and is substantially permanent in nature. Such bodies of water are commonly referred to as man-made or natural lakes or ponds.

3. **Building:**

"Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed." 12 M.R.S.A., Section 682. The Commission finds that temporary camping tents constructed of fabric or similar materials do not comprise buildings as so defined.

4. **Campground:**

Any area, other than a camp site, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

5. **Camp Site:**

A camping location without access to a pressurized water system that contains a maximum of 4 camping sites for transient occupancy by 8 or fewer people per site on which may be located a tent, a tent trailer, a pickup camper, a recreational vehicle, a registered trailer that is 28 feet or less in length or other similar device used for camping. A camping location that contains permanent structures other than outhouses, fireplaces, picnic tables, lean-tos or hand-operated water pumps is not a campsite. For the purposes of the application of the Commission's rules, the limits of "8 or fewer people per site" and of a "trailer that is 28 feet or less in length" are interpreted as design standards rather than incidental use standards; and a "campsite" may include tent platforms and picnic tables with shelters.

6. **Commission:**

The Land Use Regulation Commission.

7. **Compatible Use:**

A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

8. **Cross-Sectional Area:**

The cross-sectional area of a stream channel shall be determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water mark of one side of the channel to such mark on the opposite side of the channel. The average stream channel depth shall be the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

9. **Deer Wintering Areas:**

Areas used by deer during winter for protection from deep snows, cold winds and low temperatures.

10. **Development:**

Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this Plan do not require a permit.

11. **Docking Structure:**

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boat houses and float plane hangars. When associated with this phrase, the term "permanent" shall mean a structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline.

12. **Dwelling Unit:**

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home that qualifies as a home occupation.

13. **Fishery Management Practices:**

Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of

one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.

14. **Flowing Water:**

A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.

15. **Forest:**

A plant community predominately of trees and other woody vegetation growing more or less closely together.

16. **Forest Management Activities:**

Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads nor the land application of septage, sludge and other residuals and related storage and composting activities.

17. **Forest Product:**

Any raw material yielded by a forest.

18. **Freshwater Wetland:**

Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.

19. **Land Management Road:**

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for forest management or hydroelectric facility management activities including associated log yards but not including skid trails, skid roads, and winter haul roads.

20. **Land Use Subdistrict:**

The area located within the boundaries of air, land and water delineated vertically or horizontally by the Commission to provide for distinct categories of uses or resources.

21. **Lean-to:**  
A three-sided, roofed structure used for transient occupancy and commonly constructed for campsites.
22. **Level A Road Projects:**  
Reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.
23. **Level B Road Projects:**  
Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads. "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.
24. **Level C Road Projects:**  
Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.
25. **Major Flowing Water:**  
A flowing water downstream from the point where such water drains 50 square miles or more.
26. **Mineral Extraction:**  
Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or Level A, B, or C, exploration activities.
27. **Mineral Extraction for Road Purposes:**  
Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.
28. **Mineral Soil:**  
Soil material in which inorganic (mineral) constituents predominate.
29. **Minor Flowing Water:**  
A flowing water upstream from the point where such water drains less than 50 square miles.

30. **Mooring:**

A structure for securing a vessel or aircraft that consists of a line and buoy attached to a weight which rests on the bottom of a waterbody.

31. **Non-Permanent Docking Structure:**

Docking structures which are in place for less than seven months during any calendar year upon or over submerged lands and which are of such a size or design that they can be removed on an annual basis without requiring alteration of the shoreline.

32. **Non-Tidal Waters:**

All waters or portions thereof which do not customarily ebb and flow as the result of tidal action.

33. **Normal High Water Mark of Non-Tidal Waters:**

That line on the shores and banks of non-tidal waters which is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominately aquatic to predominately terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups – water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups – upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches and maples). In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rockslides, ledges rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

34. **Normal Maintenance and Repair:**

Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building is replaced. In-kind and in-place replacement of decking or exterior stairs is considered as normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, change in size or capacity.

35. **On-Premise Sign:**

A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.

36. **Person:**

"An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity." 12 M.R.S.A., Section 682.

37. **Pesticide:**  
A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.
38. **Primitive Recreation:**  
Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross-country skiing, and snowshoeing.
39. **Principal Building:**  
A building which provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.
40. **Projecting Sign:**  
A sign which is attached to a wall of a building and extends more than 15 inches from any part of the wall.
41. **Property Line:**  
Any boundary between parcels of land owned or leased by different persons or groups of persons.
42. **Public Road or Roadway:**  
Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.
43. **Recreation Management Plan:**  
That plan to be developed and implemented by the State of Maine with the agreement of the landowner which provides for the management of recreation within the areas subject to this P-RP subdistrict and which is approved by LURC.
44. **Residential:**  
Pertaining to a dwelling unit.
45. **Residential Directional Sign:**  
An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.
46. **Roadway:**  
A public or private road including any land management road.

**47. Roof Sign:**

A sign which is attached flat to, painted on, or pinned away from the roof of a building.

**48. Service Drop:**

Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:

a. in the case of electric service

1. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way, and
2. the total length of the extension within any 5 year period is less than 2,000 feet.

b. in the case of telephone service

1. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
2. the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet in length.

**49. Sign:**

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display devise containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**50. Stream Channel:**

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

**51. Structure:**

"Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats." 12 M.R.S.A., Section 682.

**52. Subdivision:**

"A division of an existing parcel of land into 3 or more parcels or lots, within any 5 year period, whether this division is accomplished by plotting of the land for immediate or future sales, or by a sale of the land by metes and bounds or by leasing. The term also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period." 12 M.R.S.A., Section 682.

This term is further defined to:

- a. Include as a "lot or parcel," a lot retained by the subdivider;
- b. Exclude divisions of land accomplished by inheritance, by court order, or by gift to a relative, unless the intent of such transaction is to avoid the objectives of Title 12, Chapter 206; and,
- c. Exclude, as a "lot or parcel," a transfer of an interest in land to an abutting landowner, unless the intent of such transfer is to avoid the objectives of Title 12, Chapter 206. Where land is transferred to an abutting owner, the contiguous parcels shall be deemed merged.

**53. Timber Harvesting:**

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills, and of cutting, delimbing and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

**54. Traffic Control Sign or Device:**

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

**55. Trail:**

A route or path other than a roadway, and related facilities used primarily for recreational activities, which passes through or occurs in a natural environment and involves the disturbance of the land's surface in its construction or use. Related facilities may include but not be limited to subsidiary paths, springs, campsites, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

56. **Wall Sign:**  
A sign which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.
57. **Water Bar:**  
An obstruction placed across a roadway which effectively diverts surface water from and off the road.
58. **Water Crossing:**  
A roadway crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.
59. **Water Impoundment:**  
Any body of water created, or elevation of which is raised, by man through the construction of a dam.
60. **Wildlife:**  
All vertebrate species, except fish.
61. **Wildlife Management Practices**  
Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designated for the purpose of managing such species. This term does not include impounding water.

**Section VIII**

**RECREATION MANAGEMENT PLAN  
FOR PORTIONS OF THE  
EAST BRANCH  
OF THE  
PENOBSCOT RIVER**

June 27, 2002

**MAINE DEPARTMENT OF CONSERVATION  
BUREAU OF PARKS AND LANDS**

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## I. Introduction and Background

In August of 1981, the Great Northern Paper Company, an unincorporated division of the Great Northern Nekoosa Corporation, granted to the State of Maine two perpetual Conservation Easements (Easements) along portions of the East Branch and the West Branch of the Penobscot River and the shores of Lobster Lake and Lobster Stream (Easement Lands), to ensure the continued use and benefit of these areas for Great Northern and the people of the State of Maine. The Easements transferred in perpetuity to the State of Maine Great Northern's development rights and the right to manage recreation on the Easement Lands.

Where once Great Northern was the sole landowner of the lands covered by the easement, there are now six different owners: Yankee Forest and Great Northwoods (both managed by Wagner Forest Management); Great Northern Paper; Baxter State Park; Irving Woodlands; and Prentiss & Carlisle. The current landowners, with the exception of Prentiss & Carlisle, which owns a portion of the East Branch corridor in Grindstone Township, have submitted to the Land Use Regulation Commission (LURC) a revision of the original Resource Protection Plan developed by Great Northern in July of 1981. Since certain activities contemplated by the Plan involve land uses that are allowed only by permit from LURC, the Plan establishes standards that will allow these activities to be carried out with a minimum number of permits. This plan has been approved by the Commission, thus retaining the Resource Plan Protection (P-RP) Subdistrict zoning for these lands. The Resource Protection Plan will *"provide for the continued, effective management of the renewable forest and water resources while recognizing and protecting the recreational and natural values of the East and West Branches of the Penobscot River and Lobster Lake and Stream."*

Since Prentiss & Carlisle decided not to continue the Resource Protection designation for its portion of the East Branch corridor in Grindstone Township (as covered in the original plan), the Land Use Regulation Commission has rezoned this section to a Recreation Protection Subdistrict (P-RR) thus providing for its continued protection. As a result, this section of the river will no longer be covered in the revised Recreation Management Plan.

This Recreation Management Plan (the Plan) sets forth policies and procedures to govern and protect resources and recreational uses on the Easement Lands. In order to facilitate recreational management under the Plan, the landowners have agreed to grant leases to the State for certain administrative areas where the level of recreational use warrants such oversight. Appendix B contains a list of these administrative areas. During the time the Plan is in effect, some of these areas may be dropped and others added upon mutual agreement between the landowners and the State. Management authority for the Plan will reside with the Maine Department of Conservation, Bureau of Parks and Lands. Other State agencies such as the Maine Forest Service and the Department of Inland Fisheries and Wildlife, as well as private organizations (e.g. North Maine Woods) as appropriate, will participate in the recreational management of the area. The landowners have also reviewed and approved this recreation management plan.

For definitions of terms used in this Plan, refer to the definitions set forth in the Resource Protection Plan covering the Plan Area.

## **II. Goal and Objectives**

The following goal shall guide recreational management activities in the area covered by this Plan:

*To maintain and enhance the present types of recreational opportunities available, consistent with the maintenance of the present natural character of the Penobscot River Corridor and the overall management objectives of the owners of these and adjacent lands.*

The following objectives will govern all recreational management activities:

- 1) Significant increases in public use will not be encouraged. However, BP&L may publish material that identifies the area as managed by the state and provide informational materials when requested by the public.
- 2) Emphasis will be placed on the traditional recreational uses of the area that were recognized when the original plan was established in 1981 (see section on Recreational Resources).
- 3) Mechanisms for controlling conflicting recreational land uses, and standards that will control development associated with recreation, will be instituted.
- 4) Policies and Procedures to ensure the proper care and maintenance of administrative structures and areas, where they occur, will be established (note – Administrative areas in the East Branch have not been assigned to BP&L at this time).

## **III. Description of Area**

The lands to which this Plan applies are those that are included in the Conservation Easement and are wholly owned by the landowner within 500 feet of the normal high water mark of each side of the East Branch Penobscot River where it flows through T5 R8 WELS. A more detailed description is found in Appendix B of the Resource Protection Plan.

The land in this segment is, for the most part, undeveloped forestland with the landowner's primary use being timber management. Landowner development within the East Branch corridor segment is limited to seasonal residential structures and access roads. All areas subject to private leases within the lands covered by this Plan are exempt from the terms of this Plan.

Vehicle access to the Plan area is provided entirely over roads built and maintained by the landowners for the purposes of forest management and transporting forest products. The landowners reserve the right to close these roads as necessary to carry out forest management, forest production, and road maintenance activities, or as may be necessary for the protection of persons, property, and real estate.

#### **IV. Recreational Resources**

Within the Plan area, there are numerous recreational resources. Primary recreational activity is concentrated on the river or along the immediate shoreline, and includes camping, canoeing, sightseeing, and fishing. Other activities of secondary importance in the Plan area are hunting, snowmobiling, cross-country skiing, picnicking, hiking, swimming, and trapping. The Easement provides for the more popular recreational activities within the Corridor.

There are 13 campsites along the East Branch segment that are not managed by BP&L, and require Maine Forest Service fire permits for open fires. The six portage trails around falls and rapids on the river will be managed by BP&L.

#### **V. Management Authority**

The Maine Department of Conservation, Bureau of Parks and Lands (BP&L)) shall be the public agency primarily responsible for managing the recreational use in the Plan area, except where delegated elsewhere. BP&L will develop procedures to guide the management of the recreational resources of the area. These procedures shall be consistent with the terms of the Easements, the Resource Protection Plan, and the Recreation Management Plan that govern the overall land use for the Plan area.

BP&L will coordinate matters relating to recreational use for the various State agencies, private organizations, and landowners that have interest in, or who are affected by, the recreational use of the Plan area.

The Penobscot River Corridor Recreation Management Advisory Committee (Advisory Committee) will assist BP&L on matters relating to the recreational use of the Plan area. The Advisory Committee shall represent various State agencies, the public, and the private sectors. Its membership shall be appointed by the Director of the Bureau and shall include a representative from each of the following: the Maine Forest Service; the Department of Inland Fisheries and Wildlife; the Bureau of Parks and Lands; a representative from each landowner; a representative from the Maine rafting industry; and two public members, one of whom shall be a resident of a community adjacent to the Plan area, the other of whom shall be a Maine resident with no direct economic interest in the Plan area and shall represent the public at large. The Director of the Bureau of Parks and Lands will call meetings of the Committee at least once each year to review and advise on proposed management actions and recreational uses that will be published each year in the Advisory Committee's Annual Meeting Minutes.

Within the Plan area, the management of recreational activities will be delegated as follows:

- 1) the Bureau of Parks and Lands will coordinate all recreational management activities,
- 2) the Department of Inland Fisheries and Wildlife will be responsible for fish and wildlife resources, watercraft safety, search and rescue operations, surface water uses, and rules governing commercial white water rafting, and
- 3) the Bureau of Parks and Lands will promulgate rules as appropriate to address management needs.

## **VI. Management Policies**

The following policies will guide the management of recreational facilities and uses within the Plan area:

### **A. Maintenance and Improvements**

1. Portage trails will be visited periodically for maintenance purposes to ensure that blowdowns and litter are removed, and erosion and soil compaction are being prevented.
2. Signs will be erected and maintained to designate portage points along the river.

### **B. Waste and Litter Control**

A carry in-carry out policy for solid waste will be enforced at all sites through the use of signs, Penobscot River Corridor rules, and enforcement of the State's litter law.

### **C. Camping**

Camping will be allowed on Maine Forest Service Permit sites only.

### **D. Fires**

1. Open fires will be limited to fireplaces in fire-safe areas, in accordance with standards determined by the Maine Forest Service.
2. Cutting of living trees for fuel will be prohibited.

### **E. Signs**

1. Modest, rustic signs may be used to indicate areas of designated use, to warn of hazards, or to provide essential information.
2. All new signs will conform to the sign standards approved by the Land Use Regulation Commission as part of the Resource Protection Plan for the Plan area (P-RP, Appendix F).

### **F. Trails**

Portage trails will be maintained on the East Branch around rapids at Stairs Falls, Haskell Rock, Pond Pitch, Grand Pitch, Hulling Machine, and Bowlin Falls, with locations indicated.

### **G. Fishing**

Fisheries will be managed by the Department of Inland Fisheries and Wildlife with goals of maintaining water quality and the quality of aquatic habitat, maintaining fish populations at high levels of abundance, and providing anglers with traditional, high

quality fishing experiences. On the East Branch, the major emphasis will be placed on maintaining the fishery for wild brook trout.

1. Fishery management will not encourage any greater use of the corridor.
2. Fisheries within the corridor will be monitored periodically to ensure that optimum harvests are not exceeded and to determine the effectiveness and the desirability of current fishing regulations. The need for further regulatory changes to maintain fishing quality and traditional fishing opportunities will also be assessed periodically.

#### **H. Hunting and Trapping**

Wildlife populations and their uses will be managed by the Department of Inland Fisheries and Wildlife consistent with goals and objectives established for each species in the Department's Strategic Plan. No special management strategies for wildlife within the corridor are contemplated, except for those already in effect.

#### **I. Conflicting Recreational Activities**

1. In cases where the management agencies find that recreational uses or conditions are causing conflicts or adverse impacts on the management objectives of the Plan area, the Advisory Committee for the Penobscot River Corridor and affected landowners will be consulted.
2. Conflicting activities may be controlled or prohibited by rules promulgated by BP&L or other managing agencies. Such rules will require landowner approval.

### **VII. Implementation**

- 1) The implementation of the Plan is the responsibility of the Bureau of Parks and Lands. Effective multiple use of the Plan area will necessitate close communication and cooperation among the landowners, land managers, State agencies, and the general public.
- 2) All members of the Penobscot River Corridor Recreation Management Advisory Committee will be provided annually a copy of the Annual Meeting Minutes that will contain information relative to the ongoing management activities within the Plan area.

### **VIII. Amendments**

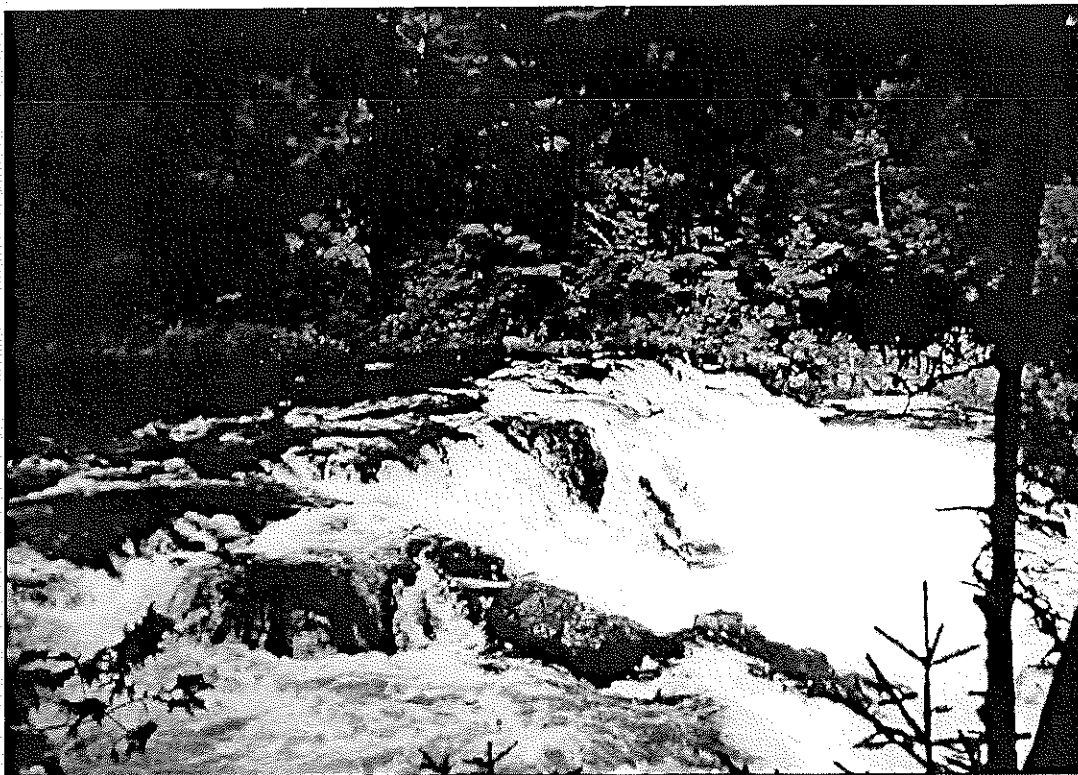
This Plan and procedures implemented pursuant to it may be amended from time to time as needs change. BP&L will be responsible for preparing amendments to the plan, which will be reviewed by the Advisory Committee. Prior to implementation, the amendments will be reviewed and approved by the landowner and the Land Use Regulation Commission.



## **IX. Appendices**

A. Map of Plan Area

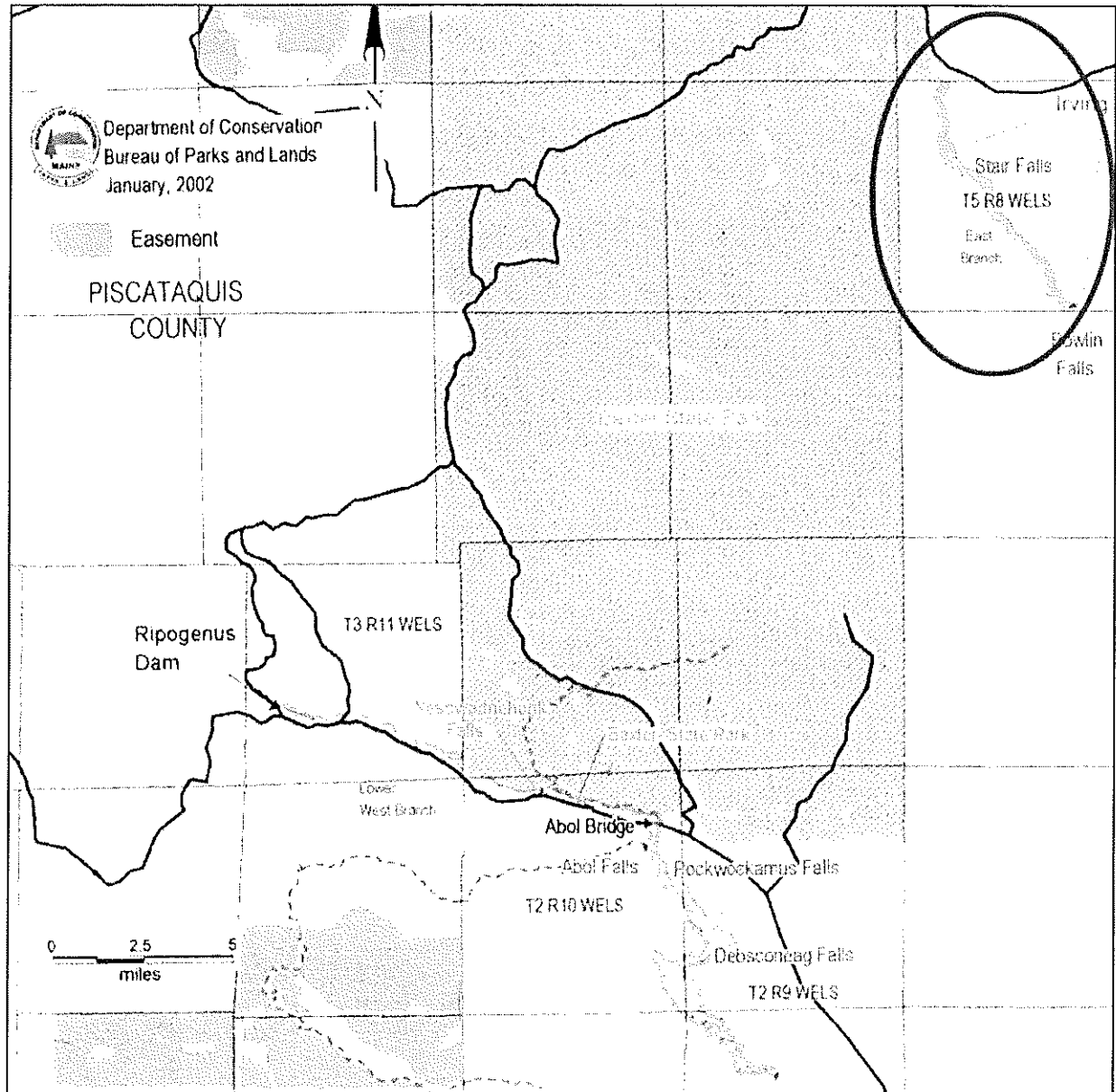
B. Administrative Areas



Top of Grand Pitch, East Branch of the Penobscot River

## Appendix A

### MAP OF EAST BRANCH PENOBSCOT RIVER PLAN AREA



## **Appendix B**

### **ADMINISTRATIVE AREAS**

#### **EAST BRANCH PENOBSCOT**

No leases have been issued for the East Branch administrative areas. The Maine Forest Service issues fire permits for the 13 unmanaged campsites within the Plan area





