

To: Planning Board
From: Mark Eyerman
Subject: Timber Harvesting Standards
Date: January 3, 2019

Here is where I think we are in the discussion of how the Town should regulate timber harvesting:

1. If the Town wants to apply the Shoreland Zoning timber harvesting standards (or any water quality related timber harvesting standards) outside of the state mandated 250' strip adjacent to water resources that puts administration and enforcement of those standards under local responsibility. This is the so-called Option 3 under the Shoreland Zoning Model Ordinance.
2. At this point I think there is agreement that it makes sense to apply the shoreland timber harvesting standards from the state model ordinance to the entire Shoreland Overlay District. As currently discussed, that includes the entire WRP-27 and WRP Districts, the identified tributary streams in the WPO, as well as all of the other areas included under mandatory shoreland zoning such as the RP District, the R-C District and other areas within 250' of the designated water resources.
3. If the Town revises the shoreland timber harvesting standards under Option 3 – local regulation, it has to adopt the state model language at least for the area required to be covered by Shoreland Zoning – mostly within 250' of the designated water resources.
4. So adopting the current state model shoreland timber harvesting standards for the entire SPO District makes sense and I think everyone is in agreement on that.
5. So that leaves us with deciding what if any local timber harvesting standards should apply outside of the SPO including the remaining areas of the WPO District not covered by the SPO.
6. I think there is agreement that the Town should not regulate timber harvesting outside of the SPO and WPO Districts. In this part of the community, only the general state regulations of the Forest Practices Act and Liquidation Harvesting would apply.
7. So that brings us to the key remaining issue – how should timber harvesting be regulated in the portion of the watersheds (WPO District) that are not proposed to be covered by the SPO standards.

8. At this point we have two possible approaches under consideration:
- One is to adopt limited standards that would apply in this area – Sue has proposed some possible standards that would require the preparation and approval of a harvesting plan for cuts over two acres
 - The second is the concept of applying the shoreland timber harvesting standards to the entire WPO
9. The core difference between the two approaches is that the shoreland standards include limits on removal of the basal area to 40% within a ten year period and on the size of openings in the tree canopy. This eliminates the ability to clear cut even within a small portion of the lot anywhere within the watersheds. This might eliminate the potential for any commercial harvesting throughout the WPO. Limited standards for the WPO could allow for commercial harvesting subject to standards and oversight.
10. Each approach has pros and cons. Applying the Shoreland standards throughout the WPO would create one set of consistent standards that would apply to all regulated timber harvesting. But applying those standards throughout the watersheds could limit what property owners can do in terms of commercial harvesting. Adopting separate standards for the WPO would provide standards for harvesting but would allow property owners more opportunity to commercially harvest their property.
11. I have put together drafts for how the two approaches could be integrated into the draft of Section 7.

WPO PERFORMANCE STANDARD

Here is a first cut at a stand-alone standard. I took a draft that Sue put together and did some editing to make it fit into the ordinance. This requires approval of a Forest Harvesting Plan by the CEO for activities over two acres in size. We will also need to make sure that the definitions section includes all of the forestry and timber harvesting standards included in the state model ordinance and the Forest Practices Act.

7.5.18.4.6 Timber Harvesting: Timber harvesting within the WPO District is subject to regulation by the Town. If the harvesting is located within the portion of the WPO District that is overlain by the Shoreland Overlay (SO) District, the activity is subject to the requirements and standards for timber harvesting set forth in **7.5.17.4**. If the harvesting is located within the portion of the WPO District that is not overlain by the SO District, the following standards shall apply:

7.5.18.4.6.1 Any property owner proposing to undertake a timber harvesting operation of more than two (2) acres must submit a Forest Harvesting Plan prepared by a Maine licensed forester to the CEO for review and approval. The plan must clearly outline the

Best Management Practices (BMPs), from the current publication Best Management Practices for Forestry – Protecting Maine’s Water Quality, Maine Forest Service, 2017, that will be used to reduce the impacts of the timber harvest on Adams Pond and/or Knickerbocker Lakes.

7.5.18.4.6.2 The CEO will consult with the Boothbay Region Water District during the review of the harvesting plan prior to issuing a timber harvest permit.

7.5.18.4.6.3 The design, construction and maintenance of roads as part of the harvesting operation shall conform to the following standards:

7.5.18.4.6.3.1 Land management roads, including approaches to crossings of stream channels and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body. Surface water on or adjacent to crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of any watercourse.

7.5.18.4.6.3.2 Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning.

7.5.18.4.6.3.3 Maintenance of the water control installations required above must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

7.5.18.4.6.4 Timber harvest activities must adhere to the BMPs set forth in the approved timber harvesting plan.

LAND USE TABLE FOOTNOTE:

Timber Harvesting ¹⁸	
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18 Timber Harvesting within the SO District is subject to the standards of **7.5.17.4**. Timber Harvesting within the WPO District is subject to the standards of **7.5.18.4.6**. Timber Harvesting that is not located within either the SO District or WPO District is not subject to regulation by the Town but may be regulated by the Maine Forest Service.

SHORELAND STANDARDS

Under this approach we would add a timber harvesting standard in the WPO performance standards that would reference the timber harvesting standard in the SPO. We would also include all of the state definitions dealing with forestry and timber harvesting in the definitions section. In the revised draft of Section 7 we would add a

similar requirement for a Forest Harvesting Plan but with approval by the Planning Board. Here is a draft of possible language for the standard:

7.5.18.4.6 Timber Harvesting: Timber harvesting within the WPO District is subject to the requirements and standards for timber harvesting set forth in **7.5.17.4.** of the Shoreland Overlay District performance standards.