

Maine Forest Service Interpretations of the Standards for Timber Harvesting and Timber Harvesting Related Activities Within the Unorganized and Deorganized Areas of the State (12 M.R.S. §685-A (12), §8867-D and §8867-E, and MFS Chapter 27 Rule)

These interpretations consider the full context, meaning, and intent of the Standards for Timber Harvesting and Timber Harvesting Related Activities Within the Unorganized and Deorganized Areas of the State, the associated Maine Forest Service (MFS) Rules, and the interpretations themselves, and must be used within that context.

Section 2: Definitions, Normal High Water Line

1. To determine the normal high water line, what are the criteria for identifying a forested wetland?

Answer: Forested wetland means a freshwater wetland dominated by woody vegetation that is at least 20 feet tall. Woody vegetation present on the site must consist of either:

- a. acceptable growing stock trees over 4.5 inches DBH comprising more than 30 square feet per acre basal area; or,
- b. at least 300 acceptable growing stock trees per acre at least 20 feet tall.

Trees must be windfirm (Height/diameter ratio ≤ 80) and well distributed across the site.

2. Where is the regulated zone when a non-forested wetland abuts a water body zoned as P-SL or P-GP?

Answer:

- a. Where a non-forested wetland is adjacent to a P-SL1, P-SL2, or P-GP, the regulated zone is measured from the normal high-water line, aka the upland edge of the wetland as defined in Chapter 27 Rule, section 2(W).
- b. Where a mapped P-SL2 enters or exits a P-SL1 or P-GP within a non-forested wetland, the width of the regulated zone at any point along the upland edge of the wetland is determined by the waterbody that is closer (straight-line distance) to that point.

Section 4: Timber Harvesting Standards

3. Do the timber harvesting standards in section 4(C)(4) apply to the entire P-RR surrounding a standing body of water?

Answer: No. The intent of the enabling legislation was to transfer authority to administer and enforce existing rules from Land Use Planning Commission to Maine Forest Service, which essentially involved recodification of existing Commission standards. The reference to P-RR in Chapter 27 section 4(C)(4) is inconsistent with

previous Commission rule. In circumstances where a P-RR is established to protect a standing body of water, follow the timber harvesting standards of the underlying protection zone surrounding the standing body of water. No other timber harvesting standards apply to the remainder of the P-RR.

Note: Permits are required in section 4(A) in a P-RR to protect a trail or flowing water.

Section 6: Gravel Extraction Less Than 5 Acres in Size

4. How is the actual size of a gravel pit determined? Are the areas reforested or reclaimed calculated in the area determination?

Answer: Each gravel pit will be evaluated as to the restoration of natural contours and tree stocking levels capable of producing commercial forest products in the future. The following conditions must be met:

- a. Natural contours in the gravel pit area must be re-established such that slopes do not exceed 2.5:1; and,
- b. tree regeneration in the gravel pit area must contain a minimum of 300 trees per acre of acceptable growing stock trees, well distributed on the area. Softwood trees must be at least 10 feet in height, and hardwood trees must be at least 20 feet in height.

Non-forested areas (e.g., water) will continue to count as part of the gravel pit area.