

TOWN OF CHINA  
TIMBER HARVEST NOTICE OF INTENT

O. Timber Harvesting

- I. No person shall engage in timber harvesting within the Town of China, as defined hereinafter, unless the owner of the property from which the timber is to be harvested obtains a permit or files a Notice of Intent to Harvest Timber, as specified in section 4. subsection 4. Timber harvesting shall mean the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery. Timber harvesting does not include the cutting or removal of less than 10 cords of wood during a period of one year from a lot of record, provided said lot is not within the Resource Protection, Stream Protection or Shoreland District zone or within 250 feet of a river, stream, or intermittent waterway. For purposes of this section, the following terms shall have the meaning set forth herein:
  - a. River - any free-flowing body of water from that point at which it provides drainage for a watershed of two square miles to its mouth.
  - b. Stream - any free-flowing body of water appearing on the most recent United States Geological Survey Topographical Map (7 1/2 minute series) of the Town of China.
  - c. Intermittent waterway - flowing water, resulting from surface water runoff or the position of the ground water table, which occurs for a period of more than three consecutive months during the year, or appearing as a solid-dashed (blue) line on the most recent United States Geological Survey Map (7 ½ minute series) of the Town of China.

The Notice of Intent to Harvest Timber shall contain the name, address, and telephone number of the owner of the property where the timber harvesting is to be conducted. In addition, the Notice of Intent shall include the name, address, and telephone number of any agent or contractor engaged by the owner of the property to harvest the timber. The applicant shall identify the area to be harvested on the United States Geological Survey Topographical Map (7 1/2 minute) of the Town of China or a tracing or copy of an aerial photograph property map of the Town of China.

Upon approval of the Notice of intent the Code Enforcement Officer shall co-sign the Notice of Intent. The co-signature of the Notice of intent by the Code Enforcement Officer, shall serve as certification that local regulations regarding Timber Harvesting can be met and shall also indicate that the applicant has received a copy of the Town of China Land Use Ordinance and that the Applicant has been advised of the requirements, of this Ordinance, regarding Timber Harvesting. The Applicant shall complete and sign a Timber Harvesting Checklist.

The crossing of any river, stream, intermittent waterway or other body of water with cutting or skidding machinery is permitted pursuant to a permit or Notice of Intent, (a) over a lawfully constructed road, culvert or bridge; (b) on frozen surface conditions

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during the months of December, January, February and March. Prior to approving any permit, or Notice of Intent the Code Enforcement Officer shall inspect any proposed crossings of rivers, streams, intermittent waterways or other water bodies and ascertain the commencement date of the Timber Harvesting operation.

II. All timber harvesting conducted in the Town of China shall be performed in accordance with the GUIDELINES FOR TIMBER HARVESTING IN CHINA dated May 30, 1992, which guidelines are incorporated herein in their entirety and made a part hereof.

III. TIMBER HARVESTING IN THE RESOURCE PROTECTION, STREAM PROTECTION AND SHORELAND DISTRICTS

a. Within the strip of land extending Seventy-five (75') feet inland from the normal high-water mark in a Resource Protection district abutting a great pond, there shall be no Timber harvesting except to remove safety hazards. Timber harvesting performed in any Resource Protection District shall be conducted under the direct supervision of a licensed professional forester.

b. Except in areas as described in paragraph III.A. above, timber harvesting shall conform to the following provisions:

1. Selective cutting of no more than Forty (40) percent of the total volume of trees Four (4) inches or more in diameter measured at 4½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:

i. Within One Hundred (100) feet, horizontal distance of the normal high-water mark of a great pond classified GPA, and within seventy-five (75) feet horizontal distance, of the normal high-water mark of other water bodies, tributary streams or upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation including existing ground cover shall be maintained.

ii. At distances greater than one-hundred (100) feet horizontal distance of a great pond classified GPA, or a river leading into and greater than seventy-five (75) feet, horizontal distance, of the normal high-water mark of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet, they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculations of total volume removal. For the purpose of these standards volumes may be considered to be equivalents to basal area.

iii. Timber harvesting operations exceeding the 40% limitation in paragraph 1. above, may be allowed by the Planning Board upon clear showing, including a

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forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of the Ordinance. The property owner shall notify the Commissioner of the Department of Environmental Protection by certified mail return receipt of each exception allowed, within fourteen (14) days of the Planning Board's decision, and written verification of such notice through a copy of the return receipt shall forthwith be provided to the Planning Board.

2. No accumulation of slash shall be left within fifty (50) feet of the normal high water mark of a water body. In all other areas slash must either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water mark of a water body shall be removed.
3. Timber harvesting equipment shall not use stream channels as travel routes except when:
  - i. Surface waters are frozen; and
  - ii. The activity will not result in any ground disturbances.
4. All crossings of water bodies shall require a bridge or culvert except when surface conditions are frozen.
5. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body of a tributary stream. Upon completion of the Timber Harvesting, temporary bridges and culverts shall be removed and areas of exposed soils revegetated.
6. Except for water crossings, 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 strip of vegetation of at least seventy-five (75) feet in width shall be retained for slopes up to ten (10) percent between the exposed mineral soil and the normal high water mark of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided however that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high water mark of a water body or upland edge of a wetland.
7. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age, classes and conditions to be

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identifiable as a homogeneous and distinguishable unit.

IV. Timber Harvesting in the Rural District.

- a. All Timber Harvesting, and related activities such as road building, shall comply with the Erosion Control & Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices, June 1991 published by the Maine Forest Service.

In addition to the remedies provided for in Chapter 10, ENFORCEMENT, upon written notice from the Code Enforcement Officer, the Selectmen shall immediately notify the Department of Environmental Protection and the owner of the violation. The owner shall immediately cease the timber harvesting activities and secure the scene to prevent further discharge of silts into any water body. Any person charged with a violation of this section may, in writing, request a hearing before the Planning Board within five days after the receipt of the notice of violation from the Selectmen. The hearing shall be held before the Planning Board, after proper notice, at the next available meeting of the Planning Board and it shall be the owner's burden to establish by clear and convincing evidence that the timber harvesting activity will not result in the water quality degradation to any river, stream intermittent waterway, pond or lake within the Town of China.

SECTION 7. GUIDELINES FOR TIMBER HARVESTING IN CHINA

Certain logging practices that are known to cause unacceptable water pollution, are prohibited now, and will likely always be prohibited in the State of Maine. These practices are being considered for incorporation into the Best Management Practices section of Maine's Nonpoint Source Pollution Management Program. The following practices will be guidelines for forest activities in the Town of China:

A. Planning a logging job:

1. Keep stream crossings to a minimum. This will reduce potential erosion and stream sedimentation.
2. Cross streams by the most direct route, at right angles to the stream and where approaches are reasonably level for a minimum of 50 feet on both sides.
3. Steep areas and fragile areas near water shall be harvested only when the ground is frozen.
4. Areas with well drained soils and/or flatter slopes shall be reserved for wet weather harvesting if operations are anticipated to continue into the spring or fall.

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B. Road building:

1. Put truck roads on high ground with easy grades (3-10% grades are desirable). Avoid long level sections of road because they are difficult to drain.
2. Avoid long, steep grades and sharp bends.
3. Keep roads out of wet spots and off the tops and toes of banks and slopes.
4. Install drainage dips on truck roads.
5. Install cross-drainage culverts under truck roads and protect the inlets with rocks or other durable material to prevent damage to the culvert and minimize erosion around it.
6. Ditch the sides of roads to divert water away from the road surface.
7. Construct ditch turnouts where the road approaches a waterway to divert water from the ditch into vegetated areas.
8. Design and construct roadbeds with a 50% grade (2:1) slope on the sides within 75 feet of stream crossings and stabilize road sides near crossings by seeding, mulching and establishing vegetative cover.
9. Keep all roadbeds including ditches and any cuts or fills at least 25 feet from streams except when bridged.

C. Landings:

1. Locate landings on flat or gently sloping ground with good drainage.
2. Set landings back at least 250 feet from streams, ponds, lakes and wetlands.
3. If it's necessary to use a low, poorly drained landing, construct water turnouts on skid roads and trails which enter the landing to prevent water from entering it.

D. Skid Trails:

1. Keep stream crossings to a minimum.
2. Cross streams by the most direct route, at right angles to the stream and where approaches are reasonably level for a minimum of 50 feet on both sides.
3. Do not locate skid trails in or near stream channels.

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4. Cross small stream channels over culverts or skidder bridges.
5. Where skid trails approach waterways, install water bars or drainage dips to direct water off skidder trails and into vegetated areas.

E. Cutting:

1. Keep all slash out of waterways.
2. Maintain a filter strip 25 feet or greater along waterways.
3. No clear-cutting shall be done within 50 feet of a waterway.
4. No cutting shall be done in resource protection zones lying within 75 feet of Great Ponds.
5. Remove no more than 40% of the harvestable trees, within a ten (10) year period, within 250 feet of waterways included in shoreland protection zones. This requirement also applies to areas between 75 and 250 feet from a Great Pond.

F. Finishing a job:

1. Remove road culverts.
2. Install water bars or drainage dips in the roadway to slow the flow of water.
3. Revegetate landings when finished using them.

G. Equipment maintenance:

1. Refueling and engine or transmission oil changes shall be done in locations where a spill will not run off into surface waters.
2. Engine and transmission oil that has been drained from machinery shall not be disposed of on the ground.

H. Pesticides:

1. All forestry-related pesticide use shall be performed in accordance with the rules and regulations of the Maine Board of Pesticides Control.