



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
93 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

WALTER E. WHITCOMB  
COMMISSIONER

February 20, 2018

Billie J. MacLean  
Permitting & Compliance Regional Supervisor  
Land Use Planning Commission, DACF  
45 Radar Road  
Ashland, ME 04732

RE: Proposed Fish River Chain of Lakes Concept Plan  
Submitted by Irving Woodlands, LLC, to the Land Use Planning Commission (LUPC)

Dear Billie,

Upon LUPC's request, the Maine Natural Areas Program (MNAP) within the Department of Agriculture, Conservation and Forestry has reviewed the Proposed Fish River Chain of Lakes Concept Plan and has the following comments and recommendations.

I. MNAP recognizes that Irving Woodlands, LLC is a responsible timberland manager in Maine. Furthermore, Irving Woodlands should be acknowledged for the significant open space and natural resource public values they provide through sustainable management of private forest lands. The comments and recommendations offered here are specifically provided with the goal of ensuring maximum compliance and consistency with the purported purpose of the Fish River Chain of Lakes Concept Plan as stated below:

*"To ensure that development pursuant to the Concept Plan will not have any undue adverse impact on the Plan area, the Concept Plan:*

- a. Preserves and improves public access to the Plan area's recreational resources and maintains and promotes traditional uses, such as forestry, that are intrinsic to the economy and character of the region;*
- b. Protects the forest values, aquatic resource and wetland values, wildlife, plant and natural community values, and scenic values that contribute to the unique character of the Plan area;*
- c. Ensures the sustainability of the working forest economy by protecting large areas of mostly unfragmented, diverse, and substantially natural forestland through sustainable forest management practices; and*
- d. Provides for conservation in perpetuity of a substantial and ecologically valuable area via a conservation easement."*

MOLLY DOCHERTY, DIRECTOR  
MAINE NATURAL AREAS PROGRAM



PHONE: (207) 287-8044  
FAX: (207) 287-8040  
WWW.MAINE.GOV/DACF/MNAP

**II.** Given that the Conservation Easement is intended “*to provide a significant public benefit by protecting in perpetuity the Conservation Values of the Protected Property*” we have concerns that the management of these lands via routine sustainable forestry operations will fall short of meeting this intent. We recommend that management of the Conservation Easement be guided by a Multi-Resource Management Plan which incorporates standards for the protection wildlife habitat, water quality, and rare and exemplary natural communities and rare species. To insure the management plan adequately addresses the protection of the easement area’s conservation values and the stewardship of those conservation values, it should be developed in conjunction with a Management Advisory Team similar to that which was set up for the management of the easement conferred by Plum Creek as part of the Moosehead Lake Concept Plan (see attached example of a Multi-Resource Management Plan). The Multi-Resource Management Plan and Management Advisory Team would be an efficient model to address numerous review and approval functions we have outlined here.

**III.** The draft concept plan lists a variety of land uses for the Conservation Easement area, some of which could be inconsistent with its purpose of permanent protection of the area’s conservation values, and others may be compatible but only if they are guided by a management plan or some other oversight principles, and are kept to a minimum. To insure the proposed land uses remain consistent with the Conservation Easement’s purpose, we recommend that they be evaluated for compatibility with the easement. The specific uses, as listed in the plan, are addressed in more detail below:

- New or expanded temporary or permanent roads, driveways and/or utility structures – including structures required for the administration and collection of fees and tolls. (§3.1b, §4.1, §6.2). *We recommend any new road construction be limited to that which is necessary to accommodate forestry activities and be guided by a Multi-Resource Management Plan that specifically addresses habitat integrity.*
- Construction materials removal activities – i.e., mining, gravel pits, quarrying, rock storage, associated structures, limited to 5 acres per extraction site and no more than 25 acres at one time (§3.2ai). *To minimize disturbances within the easement area, we recommend these activities be limited to only what is necessary for maintaining the roads that serve this area, such as 2 pits no larger than 3 acres. There appear to be no active quarry pits on the proposed easement lands currently. We recommend the applicant provide documentation of this need. All proposed mining and gravel extraction activity should be documented on a map for review.*
- Management of Non-Commercial Vegetation – cutting, pruning, and planting without the requirement of a management plan (§3.2bii). *We recommend that this use be part of an approved Multi-Resource Management Plan to ensure that the activities promote the desired habitats and conservation values*
- Water extraction activities – for forest management and to serve the needs of authorized development areas, but not for commercial, wholesale, consumer retail, or “bottled water

industry” purposes (§3.2ci). *We support this use if it can be accommodated without increasing habitat fragmentation, developing permanent infrastructure, or altering local hydrology. We also recommend the applicant provide a more explicit description of this usage – i.e., does it include pumping water out of streams or waterbodies, and does this option extend to third party users? We recommend that this use needs to be part of an approved Multi-Resource Management Plan to ensure that the activities promote the desired habitats and conservation values.*

- Permanent right of non-motorized public access to, on, and across, and use of the protected property for non-exclusive, low-intensity outdoor recreation, as well as for motorized recreation consistent with a Motorized Recreational Use Plan (§6.1). *This potential use should be divided into separate parts, one addressing non-motorized use and one addressing motorized use as these two types of use have very different degrees of impact on the environment. Whereas non-motorized use and the thoughtful construction of related trails is generally considered low impact in natural areas, motorized use and the trails and roads necessary to accommodate it can have significant impacts to wildlife, habitat, and water quality. As such, motorized use needs to be managed so it does not harm wildlife, habitat, or water quality, and should be developed via a plan that includes input from a state wildlife biologist and a motorized recreation expert. We recommend that this use needs to be part of an approved Multi-Resource Management Plan to ensure that the activities promote the desired habitats and conservation values and provides MNAP, MDIFW, and recreation trails expert an opportunity review.*

The following land uses and structures should be located outside of the easement area due to their potential impact to the conservation values, and in consideration of reducing long-term stewardship conflicts:

- Development of Recreational facilities – The consent of the easement holder is required for development, construction, or expansion of recreational facilities, but thereafter they may be operated, maintained, repaired, or reconstructed in kind and in place at any time and from time to time, without the consent of the easement holder (§3.2di). This section also allows septic, solar, wind, and hydro facilities “sized and used solely to serve the Recreational Facilities” (§3.2dii). Recreational facilities are defined as “up to 9 Remote Rental Cabins or Campsites” (§1). *The development of rental cabins with incumbent access is potentially contrary to the definition of Recreational Values in the Conservation Values section of the easement, which is intended to provide Non-exclusive access. We recommend that this use be limited to nine primitive campsites or that the applicant add nine more lots to its planned development areas and abandon putting rental cabins on the Conservation Easement area. If consideration for the nine rental cabins is retained, we recommend more specific language be added to include their location and description of how large can the cabins be, how large of a footprint of the associated disturbed area, by what method will the cabins be accessed, location and need for supporting utilities, can*

*new roads be built to reach them, can they be built in waterfront areas, will the rentals be open to the public, and can they ever be privately held without obligation for rental use?*

- Construction, maintenance, and operation of emergency structures – public fire, safety and emergency structures (§3.2e). *We strongly recommend that this use be accommodated by lands within the planned development zones. It runs directly contrary to the point of the easement. These kinds of facilities, for completely practical purposes, should be located near other development and paved roads which provide the quickest access to the population in need.*
- The ability to grant permanent or temporary easement rights, rights of way, and/or other interests related to the permitted activities (§4.2a). *Given the purpose of the Conservation Easement and the logistics of forest management, it is unclear why additional rights on the easement lands would need to be made. Extending additional rights to other parties could lead to legal conflicts that compromise the protection of the conservation values of the easement areas. We recommend that grants of easements and ROWs are reviewed by the Management Advisory Team.*

IV. Regarding the baseline documentation of the easement area, we believe there is a high probability that additional undocumented significant natural features, rare plant and animal species, and rare or exemplary natural communities, are present within the Concept Plan area including the Conservation Easement. At the preliminary planning meeting we pointed this out but were not subsequently contacted regarding where surveys should be conducted. Some priorities for surveys are therefore listed below:

- Barstow Brook Swamp (SW of south end of Square Lake)
- Goddard Cove Wetlands (south end of Square Lake)
- Little California Pond (SW corner Cross lake Twp)
- Long Lake Slopes – North & South (Irving Unique Areas)
- Long Lake Smelt Streams (Irving Unique Area)
- McLean Brook Fen (Long Lake near Sinclair)
- Mud Brook (southeast end of Long Lake)
- Wetlands at the south end of Cross Lake

Also, several known features within the proposed Conservation Easement area including Cross Lake Fen and California Bog (and their associated rare plants and animals) were last surveyed in 2002, and would benefit from update surveys to assess their condition and bring their mapping up to current standards. We recommend these areas and other older rare plant and animal records within the plan area be surveyed by MNAP, MDIFW, and/or a qualified botanist and wildlife biologist as part of completing the baseline documentation for the easement.

We recommend that the Conservation Easement description include a plan with a schedule for the completion of baseline documentation to be conducted by qualified biologists. This should be addressed in the Multi-Resource Management Plan.

V. We appreciate that extensive wetland areas will be conserved within the context of the Conservation Easement, some of which are mapped as rare or exemplary natural communities and ecosystems by MNAP. While these are undoubtedly valuable wildlife habitats, they are also regulated environments that generally preclude usage for development purposes, and they are also poorly stocked and have minimal timber value. That said, upland areas throughout the easement are operable and eligible to be managed within the easement terms and the specific habitat properties of mature forests are likely the ones that will be least represented on the Concept Plan landscape. Given that the purpose of the easement is to protect the land base's conservation values, we recommend that some accommodation be made to retain examples of mature forest within the Concept Plan area at a scale that is meaningful for wildlife habitat. It is possible this value could be accommodated by identifying mature upland forest on inoperable areas or along high value riparian corridors and specifically designating these areas as set asides. We lack detailed information on the Irving Unique Areas that are located in upland areas outside of the easement (Natural Resources Map 19), and would ask why these areas are not addressed as potential set asides within the plan, and what is the intent for their future management.

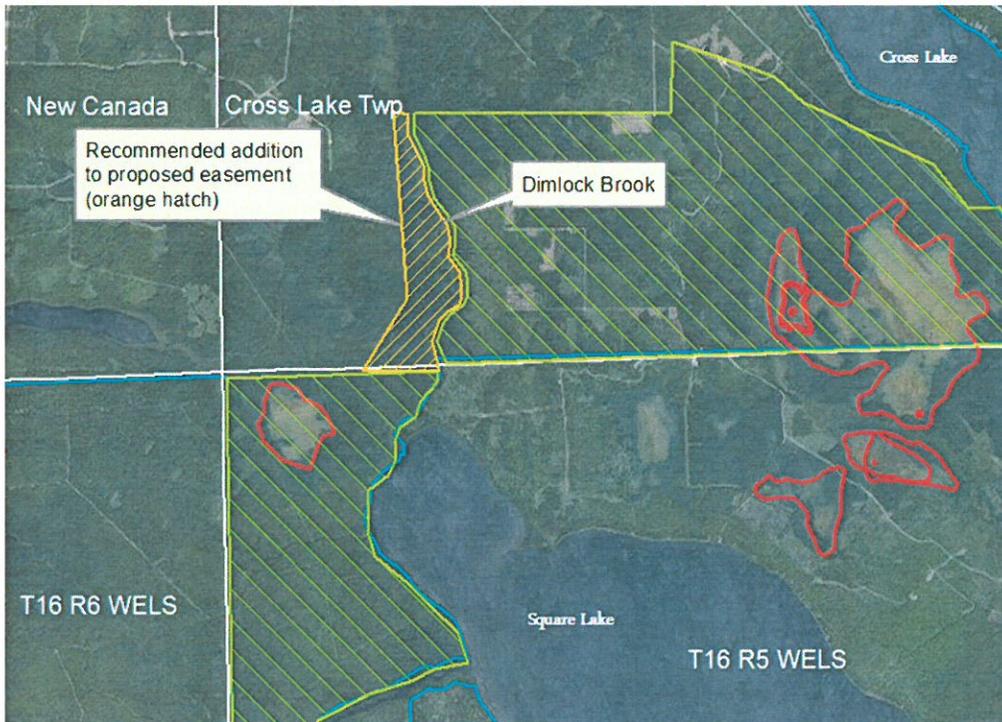
MNAP would like to work with the grantor to learn about its proposed use of Outcome Based Forestry within conservation areas, the related provisions of this method, and determine whether additional measures should be incorporated. This could be included as a component in the Multi-Resource Management Plan.

VI. Regarding the easement boundary, we recommend making several adjustments to improve the conservation value of the easement (see Figure 1 & 2 - following pages):

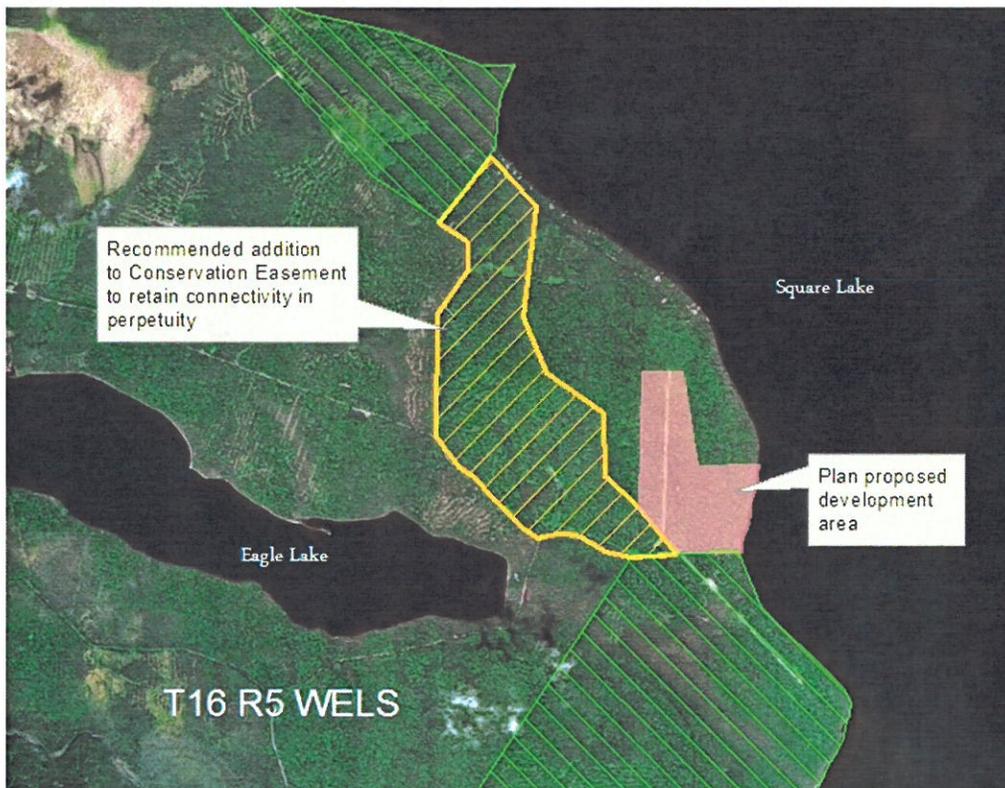
1 - Extend the boundary across Dimlock Brook (located north of the north end of Square Lake) at least 500' feet to the west to ensure the entire width of the drainage is within the easement. This is the only place where the easement uses a stream as a boundary, and by adjusting the boundary to capture both sides of the drainage, it would do a significantly better job of ensuring the protection of this stream's full riparian zone and conservation values (Figure 1).

2 - Create a connection between the easement block in Cross Lake Twp and the easement block in T16 R5 WELS. This proposed change would also be located north of the north end of Square Lake, and could be joined to any adjustment made to capture the full width of Dimlock Brook, though we suggest the habitat corridor that connects the two easement blocks be at least 1000' in width to ensure it retains the full potential for wildlife habitat and corridor use (Figure 1).

3 - Connect the easement blocks in the Square Lake - West area so that wildlife connectivity is maintained in perpetuity along the entire landscape on this side of the lake. At present a portion of this area, adjacent to the Square Lake - West development node, is part of the Concept Plan but not the Conservation Easement. After the 30-year sunset of the Concept Plan, additional development in this area could limit the connectivity of the ~5,000 acres isolated between Square Lake and Eagle Lake here. An example of how easement connectivity might be achieved is included on Figure 2 on the next page.



**Figure 1.** Possible option for increasing the Conservation Easement to capture the west side of Dimlock Brook, as well as to connect the two adjacent easement blocks.

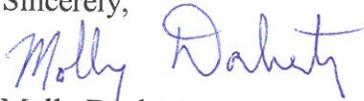


**Figure 2.** Possible option for creating connectivity between the Conservation Easement blocks on the west side of Square Lake.

With implementation of the recommendations above, MNAP is confident that the LUPC and applicant can more closely achieve the purported purpose of the Concept Plan, including specifically the public trust goals of the Conservation Easement: *“The purpose of this Conservation Easement is to provide a significant public benefit by protecting in perpetuity the Conservation Values of the Protected Property...”*.

MNAP appreciates the opportunity to provide LUPC with the requested review of the Fish River Chain of Lakes Concept Plan and welcomes any further questions or clarification.

Sincerely,



Molly Docherty

Director, Maine Natural Areas Program

Department of Agriculture, Conservation, and Forestry

Cc: Samantha Horn, Division Manager, LUPC  
Tim Beaucage, Senior Planner, LUPC  
Don Cameron, MNAP

**MULTI-RESOURCE MANAGEMENT PLAN**

**OF**

**THE MOOSEHEAD REGION  
CONSERVATION EASEMENT**

**MULTI-RESOURCE MANAGEMENT PLAN  
OF THE MOOSEHEAD REGION CONSERVATION EASEMENT**

This Multi-Resource Management Plan (as the same may be amended from time to time, as so amended, “Management Plan”), dated as of \_\_\_\_\_, 2009, is entered into by **PLUM CREEK MAINE TIMBERLANDS, L.L.C.**, a Delaware limited liability company, formerly known as SDW Timber II, L.L.C., with a place of business in Fairfield, Maine, (hereinafter referred to as “Grantor”, which is intended to include unless the context clearly indicates otherwise, the above-named Grantor and its successors and/or assigns, and/or any future owners or successors-in-interest to the Protected Property or any portion thereof), the **FOREST SOCIETY OF MAINE**, (“Holder”, which is intended to include its successors and/or assigns) and the **STATE OF MAINE** (hereinafter referred to as “Third Party”, which is intended to include its successors and/or assigns), acting by and through its Department of Conservation, Bureau of Parks and Lands (collectively “Parties” and individually “Party”).

This Management Plan is being entered into pursuant to Section 3.C.2. of that certain conservation easement known as the Moosehead Region Conservation Easement (as the same may be amended from time to time, as so amended, the “Conservation Easement”) granted by Plum Creek to Holder and Third Party on \_\_\_\_\_, 2009. This Plan applies to the Protected Property as that term is defined in the Conservation Easement.

**I. DEFINITIONS**

Unless defined herein, terms used in this Management Plan that are defined in the Conservation Easement shall have the defined meanings as set forth in the Conservation Easement.

**Exemplary Natural Communities and Ecosystems:** Plant communities identified and defined by MNAP as common types, with a State rarity rank of S4 and S5 (as defined in Appendix E, attached hereto and incorporated herein), that are exemplary because of their size, condition and landscape context (element occurrence ranks of A or B).

**LURC:** The state agency that is known as the Maine Land Use Regulation Commission, or any successor state department, agency or bureau thereto that performs similar public functions.

**MDEP:** The state agency that is known as the Maine Department of Environmental Protection, or any successor state department, agency, or bureau thereto that performs similar public functions.

**MDIFW:** The state agency that is known as the Maine Department of Inland Fisheries and Wildlife, or any successor state department, agency, or bureau thereto that performs similar public functions.

**MNAP:** The state program that is known as the Maine Natural Areas Program, and is a part of the Maine Department of Conservation, or any successor state program or bureau thereto that performs similar public functions.

**MNAP Mapped Feature:** A point or polygon feature in the MNAP Biotics database depicting a known Rare, Threatened, and Endangered Plant, Rare Natural Community and Ecosystem, or Exemplary Natural Community and Ecosystem that has been surveyed in the field or mapped at a sufficient scale to reasonably identify boundaries of the feature and does not include a buffer. Historic features are excluded from this definition.

**Rare, Threatened, and Endangered Plants:** Plant species that are listed as Endangered, Threatened, or Special Concern with a State rarity rank of S1, S2 or S3 (as defined in Appendix E).

**Rare Natural Communities and Ecosystems:** Plant communities identified and defined by MNAP as being rare, with a State rarity rank of S1, S2 or S3 (as defined in Appendix E).

**Reserve:** An area in which Forest Management Activities and road construction are prohibited, for the purpose of maintaining one or more natural community types or native ecosystem types in a natural condition and range of variation and contributing to the protection of Maine's biological diversity.

## **II. PURPOSE AND GENERAL REQUIREMENTS**

Pursuant to Section 3.C.2.(a) of the Conservation Easement, the purpose of the Management Plan is to guide Forest Management Activities so as to be in compliance with the terms and conditions of the Conservation Easement. The Management Plan shall both protect the Conservation Values of the Protected Property and allow its continued operation as a Commercial Working Forest in accordance with the terms and conditions of the Management Plan. All Forest Management Activities, except timber cruising and resource evaluation, shall be conducted in accordance with the Management Plan. This Management Plan shall remain in effect until amended or modified by the Parties, pursuant to Section V.C. of this Management Plan and Section 3.C.2.(a) of the Conservation Easement.

Grantor here chooses (1) the Sustainable Forestry Initiative 2005-2009 Standards (“SFIS”) and the standards, policies, programs, practices and agreements set forth therein, and (2) certain additional standards, policies, programs, practices and agreements as set forth in Section III.C. hereto, as the mechanisms by which the Conservation Values are protected. All Forest Management Activities shall be conducted in accordance with these standards, policies, programs, practices and agreements, as well as all other applicable terms and conditions contained in this Management Plan.

Unless otherwise specified herein, Grantor is hereby responsible and liable for the compliance of Grantor’s employees, agents, contractors, and designees with the standards, policies, programs, practices and agreements set forth in this Management Plan, when said parties are engaged in Forest Management Activities and other actions covered by the requirements of this Management Plan in the capacity of employees, agents, contractors and designees for Grantor.

### **III. STANDARDS, POLICIES, PROGRAMS, PRACTICES AND AGREEMENTS**

#### **A. Supervision of Forest Management Activities**

All Forest Management Activities occurring on the Protected Property shall be supervised by a licensed professional forester and conducted under written contracts with competent operators, which contracts shall specify relevant requirements for compliance with this Conservation Easement and the Management Plan.

#### **B. SFIS and Standards, Policies, Programs and Practices**

Grantor shall:

1. Conduct all its Forest Management Activities in a manner consistent with SFIS, and the standards, policies, programs, practices and agreements set forth therein;
2. Implement each of performance measures under each of the stated objectives set forth in the *Indicators and Evidence Manual* (“IEM”), attached hereto as Appendix A and incorporated herein, and as may be amended from time to time. Further, as part of its evaluation as to whether Grantor’s conduct of its Forest Management Activities is in compliance with SFIS and this Management Plan, Holder shall utilize all indicators of compliance indices and the corresponding evidence of compliance statements set forth in all tables contained in the IEM. The term “Program Participant” in the IEM document has the same meaning as “Grantor”, as used herein; and
3. Conduct all its Forest Management Activities in a manner consistent with and in compliance with the Grantor’s *Environmental Action Plan* (EAP), attached hereto as Appendix B and incorporated herein, and as may be amended from time to time.

#### **C. Additional Implementing Standards, Policies, Programs and Practices**

##### **1. Exotic Species and Genetically Altered Stock**

Grantor shall notify Holder prior to the planting of exotic species or use of genetically altered stock. Grantor’s planting of exotic species or use of genetically altered stock shall not be inconsistent with standards, policies, programs and practices of the Qualifying Forestry Certification Program. Grantor shall consider the Conservation Values in its decisions to plant exotic species or use genetically altered stock, provided that the ultimate decision on said planting or use shall be made in the sole discretion of the Grantor. Notwithstanding the foregoing, the planting of exotic species or use of genetically altered stock on the Protected Property shall be restricted to no more than 10% of the Protected Property in the aggregate at any one time, unless the planting of a greater percentage is approved by Holder, with such approval to be granted if the Holder finds that such planting in excess of 10% would not have an undue adverse impact on the Conservation Values.

## 2. Deer Wintering Areas

Grantor shall conduct all its Forest Management Activities in a manner consistent with the standards, policies, programs, practices and agreements set forth in the *Strategy for the Management of Deer Wintering Areas in Maine*, (“*Strategy*”) attached hereto as Appendix D and incorporated herein, and as may be amended from time to time upon written agreement of Grantor and MDIFW. In the event that (1) those deer wintering areas that are mapped in the *Strategy* in “Exhibit “A” ” and are located on the Protected Property (“mapped Protected Property DWUs”) or (2) different or revised deer wintering areas that may be mapped and contained in the *Strategy* pursuant to mutually-agreed written amendment of the *Strategy*, cease to be managed pursuant to the standards, policies, programs, practices and agreements set forth in the *Strategy* due to the expiration of the term of the *Strategy*, the sale to a third party of part or all of the Protected Property on which the mapped Protected Property DWUs are located, an unresolved dispute between Plum Creek and MDIFW, or for any other reason set forth in the sections of the *Strategy* titled “Terms of Agreement: Resolution of Disagreements” and “Land Sales”, then the mapped Protected Property DWU’s thereafter shall be managed according to the requirements of Section 10.23,D (“Fish and Wildlife Protection Subdistrict (P-FW)”) of LURC’s *Land Use Districts and Standards*, as these requirements existed on July 1, 2009.

## 3. Rare, Threatened and Endangered Plants; Rare Natural Communities and Ecosystems; Exemplary Natural Communities and Ecosystems

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

### (a) Management Objectives

- (1) To conserve the ecological values of Rare, Threatened, and Endangered Plants, Rare Natural Communities and Ecosystems, and Exemplary Natural Communities and Ecosystems;
- (2) To employ standards that are operationally feasible and practical to implement in a Commercial Working Forest; and
- (3) To allow for collaborative modifications based on science and site-specific needs.

### (b) Performance Standards, Policies, Programs and Practices, Generally

- (1) Regarding all known MNAP Mapped Features and those identified in the future:

(aa) Grantor shall maintain, and update at least annually, a database of MNAP Mapped Features in the Resource Information System. When modified or updated MNAP Mapped Features are provided by MNAP to the Grantor, these shall be incorporated into Grantor’s Resource Information System in a timely manner.

(bb) Grantor shall consult with MNAP prior to Grantor’s conduct of planned Forest Management Activities, and with sufficient advance notice to MNAP, to allow MNAP the reasonable opportunity, if it so chooses, to conduct field surveys to investigate or update whether MNAP Mapped Feature or associated buffers in existence at the time of execution of this Management Plan or those subsequently added to Grantor’s Resource Information System as the result of future survey efforts will be impacted by the planned Forest Management Activity. Prior to conducting any Forest Management Activities within the MNAP Mapped Features or

associated buffers, the Grantor shall hold a management consultation with MNAP, and allow for a site visit by MNAP, if MNAP deems said consultation or site visit necessary. MNAP will respond within two weeks of the Grantor's written request for consultation as to the need and timing of any field surveys. MNAP will have 45 days from receiving the written request to verify and accurately map the MNAP Mapped Feature, except for MNAP Mapped Features that require growing season conditions for field surveys, in which case the Grantor shall request consultations for MNAP Mapped Features prior to June 1 and MNAP will subsequently have 45 days to verify and accurately map the MNAP Mapped Feature during the growing season.

(cc) Upon MNAP notification and description of survey prior to access, Grantor shall allow MNAP access to the Protected Property for the purpose of biological surveys, mapping, and monitoring of Rare, Threatened, & Endangered Plant, Rare Natural Communities and Ecosystems, and Exemplary Natural Communities.

(dd) Grantor acknowledges that the current listing of known Rare, Threatened, & Endangered Plant, Rare Natural Communities and Ecosystems, and Exemplary Natural Communities and Ecosystem MNAP Mapped Features contained on the Protected Property [to be updated prior to CE recording] is set forth in Appendix G, attached hereto and incorporated herein.

(ee) Modifications to performance standards required at a specific MNAP Mapped Feature (e.g., to enhance or minimize a buffer zone or treatment) can occur through collaborative discussions and consensus between MNAP and the Grantor in order to implement the desired conservation outcome based on scientific considerations or site-specific conditions.

(ff) For both known MNAP Mapped Features and those documented in the future, Grantor acknowledges that the management goal is to conserve the ecological value of the MNAP Mapped Features by maintaining or improving the occurrence rank (A, B, C, etc.). The Parties acknowledge that in many cases (e.g., Big Moose Mountain Management Plan), timber harvesting can be accomplished in a manner that is compatible with this goal, as long as retained structures or patches effectively conserve and represent the conservation value originally identified. If MNAP determines that at a specific site this management goal can be met and MNAP Mapped Features conserved while changing or relaxing certain performance standards stated above and in the individual site management plans in Appendix F, attached hereto and incorporated herein, Grantor is authorized to utilize these alternative MNAP performance standards at specific sites.

- (2) In land areas designated as Reserves pursuant to this Management Plan, existing and new hiking and other non-motorized trails are allowed to continue so long as said trails are well designed and constructed, are situated in safe locations, and have or when constructed will have minimal adverse impact on the values for which the reserve was created. Existing snowmobile, all-terrain vehicles and other motorized trails are allowed to continue, so long as said trails are well designed and constructed, are situated in safe locations, have minimal adverse impact on the values for which the reserve was created, and cannot be reasonably relocated outside of the Reserve. New snowmobile, all-terrain vehicle and other motorized trails are allowed in Reserves only if all three of the following criteria are met: (1) no safe, cost-effective alternatives exist; (2) the impact on protected natural resource values is minimal; and (3) the trail will provide a crucial link in a significant trail system. No new trails may be allowed in any Reserve without approval by both Holder and MNAP, which shall not be unreasonably withheld.

(c) Performance Standards, Policies, Programs and Practices for Rare, Threatened, and Endangered Plants

- (1) 250 foot buffer zone around the perimeter of the MNAP Mapped Feature with the following treatment:
  - ▶ 0 to 75 feet: no harvest.
  - ▶ 75 to 250 feet: LURC riparian prescription: 40% volume removal restriction which equates to approximately a ~50% crown closure condition.
- (2) In wetlands: Ground disturbing Forest Management Activities within the MNAP Mapped Feature and buffer zone shall operate only on frozen or dry ground conditions that avoids or minimizes potential erosion and sedimentation of the aquatic feature.

(d) Performance Standards, Policies, Programs and Practices for Rare Natural Communities and Ecosystems

(1) Rare Wetland Natural Communities and Ecosystems:

- ▶ No harvest within the MNAP Mapped Feature.
- ▶ 250 foot buffer zone around the perimeter of the MNAP Mapped Feature with the following treatment:
  - 0 to 75 feet: no harvest.
  - 75 to 250 feet: LURC riparian prescription: 40% volume removal restriction which equates to approximately a ~50% crown closure condition.
- ▶ Ground disturbing Forest Management Activities within the MNAP Mapped Feature and buffer zone shall operate only on frozen or dry ground conditions that avoids or minimizes potential erosion and sedimentation of the aquatic feature.

(2) Rare Upland Natural Communities and Ecosystems:

- ▶ The site-specific management plans that shall apply for the three known sites on the Protected Property containing rare upland natural communities and ecosystems (Big Moose Mountain, Big Wilson Stream, and Baker / Lily Bay Mountains) are contained Appendix F hereto.
- ▶ For MNAP Mapped Features documented in the future, Grantor shall develop individual site specific management plans in consultation with MNAP and, at the discretion of the Grantor and in addition to MNAP, with an ecological consulting group approved by the Holder and MNAP, such consent not to be unreasonably withheld, for the purpose of developing appropriate science-based site specific management plans for these newly identified sites, recognizing both their ecological and economic values. These site-specific management plan shall include a map and description of the ecological resource, the allowed Forest Management Activities, and a description of how the ecological value will be conserved. Expectations for the prescribed outcomes for future MNAP Mapped Features will be informed by the prescribed outcomes achieved in completed site specific management plans.

(e) Performance Standards, Policies, Programs and Practices for Exemplary Natural Communities and Ecosystems:

(1) Non-forested Open Wetland Exemplary Natural Communities and Ecosystems:

- ▶ 250 foot buffer zone around the perimeter of the MNAP Mapped Feature with the following treatment:
  - 0 to 75 feet: no harvest.
  - 75 to 250 feet: LURC riparian prescription: 40% volume removal restriction which equates to approximately a ~50% crown closure condition.
- ▶ Ground disturbing Forest Management Activities within the MNAP Mapped Feature and buffer zone shall operate only on frozen or dry ground conditions that avoids or minimizes potential erosion and sedimentation of the aquatic feature.

(2) Forested Wetland Exemplary Natural Communities and Ecosystems:

- ▶ No buffer zone outside the MNAP Mapped Feature is required (except as required under LURC or other State law);
- ▶ Within the MNAP Mapped Feature: retain 50% of softwood acres in a 50% crown closure condition;
- ▶ Ground disturbing Forest Management Activities within the MNAP Mapped Feature shall operate only on frozen or dry ground conditions that avoids or minimizes potential erosion and sedimentation of the aquatic feature.
- ▶ For MNAP Mapped Features that overlap with Deer Wintering Units as defined and included in the agreement titled “Strategy for the Management of Deer Wintering Areas in Maine”, attached hereto as Appendix D, Grantor will consult with MNAP and MDIFW to collectively identify priorities for ecological values at the sites and implement management options that meet the collective recommendation.

(3) Upland Exemplary Natural Communities and Ecosystems:

- ▶ The site-specific management plans that shall apply for the three known sites on the Protected Property containing rare upland natural communities and ecosystems (Big Moose Mountain, Big Wilson Stream, and Baker / Lily Bay Mountains) are contained Appendix F, attached hereto.
- ▶ For MNAP Mapped Features documented in the future, Grantor shall develop individual site specific management plans in consultation with MNAP and, at the discretion of the Grantor and in addition to MNAP, with an ecological consulting group approved by the Holder, such consent not to be unreasonably withheld, for the purpose of developing appropriate science-based site specific management plans for these newly identified sites, recognizing both their ecological and economic values. These site-specific management plan shall include a map and description of the ecological resource, the allowed Forest Management Activities, and a description of how the ecological value will be conserved. Expectations for the prescribed outcomes for future MNAP Mapped Features will be informed by the prescribed outcomes achieved in completed site specific management plans.

#### 4. Rare, Threatened, and Endangered Fish and Wildlife Species

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

(a) Management Objectives

- (1) To conserve rare, threatened, and endangered fish and wildlife species;
- (2) To employ standards that are operationally feasible and practical to implement in a Commercial Working Forest; and
- (3) To allow for collaborative modifications based on science and site-specific needs.

(b) Performance Standards, Policies, Programs and Practices, Generally

- (1) In implementing this Management Plan Grantor shall consult with the Maine Department of MDIFW to collaboratively develop programmatic management practices for state rare, threatened, and endangered species that are documented and mapped on the Protected Property.
- (2) Grantor will request a management consultation with MDIFW prior to conducting timber harvest and road construction activities within one-quarter mile of MDIFW-mapped occurrence sites for those species identified in MDIFW's "Listing Status of Selected Species" as "Tracked" species, as may be amended from time to time (see Appendix C, attached hereto and incorporated herein, for a list of current mapped sites). MDIFW will respond within two weeks of the Grantor's written request for consultation as to the need for a site visit or if no site visit is needed, with management recommendations for the site. If a site visit is deemed necessary by MDIFW, MDIFW will have 30 days from receiving the written request to conduct a site visit and provide management recommendations.

(c) Performance Standards, Policies, Programs and Practices for Canada Lynx

- (1) Using landscape level planning Grantor shall create a shifting mosaic of "quality" and other types of snowshoe hare and lynx habitat, by employing a variety of silvicultural practices on the Protected Property;
- (2) Grantor shall employ a variety of biodiversity practices including but not limited to patch retention, wetland and shoreland protections, shifting mosaic guidelines, and deer wintering area protections to provide landscape and stand-level denning habitat; and
- (3) Grantor shall perform and update Canada lynx habitat assessments, including updated habitat mapping and lynx occupancy modeling criteria from Maine research, for purposes of informing future Forest Management Activities consistent with the Management Plan. Based on the best available science, Grantor shall map those areas of the Protected Property that Grantor contends constitutes quality habitat for lynx and snowshoe hare, for use in determining the location and components of such habitat, and the types or combinations of silvicultural practices that create such habitat across the landscape. In undertaking this mapping, Grantor shall collaborate with the University of Maine, the United States Fish and Wildlife Service, and the MDIFW, if such collaboration is offered by these parties.

## 5. Inland Waterfowl and Wading Bird Habitats (IWWH)

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

### (a) Management Objectives

- (1) To conserve the ecological values of Inland Waterfowl and Wading Bird Habitat;
- (2) To employ standards that are operationally feasible and practical to implement in a Commercial Working Forest; and
- (3) To allow for collaborative modifications based on science and site-specific needs.

### (b) Performance Standards, Policies, Programs and Practices

- (1) Grantor shall maintain a database of known and mapped Inland Waterfowl and Wading Bird Habitats (“IWWH”) in its Resource Information System, including (aa) known and field-confirmed IWWH sites, as defined by MDEP Natural Resource Protection Act Chapter 335 regulations as Significant Wildlife Habitat, and (bb) potential IWWH sites modeled by MDIFW.
- (2) For those IWWH sites identified in (1)(aa) above, and those IWWH sites identified in (1)(bb) above that are within the boundaries of any Great Pond Protection (P-GP) Subdistrict or Shoreland Protection (P-SL1) Subdistrict, as shown on the LURC Official Land Use Guidance Maps Grantor shall manage said sites according to LURC’s P-SL1 requirements applicable to timber harvesting, contained in Section 10.27,E,2 of LURC’s *Land Use Districts and Standards*, as these requirements existed on July 1, 2009.
- (3) For those IWWH sites identified in (1)(bb) above that are determined and located by MDIFW to exist on the Protected Property in the future, Grantor shall manage said sites according to LURC’s P-SL1 requirements applicable to timber harvesting, contained in Section 10.27,E,2 of LURC’s *Land Use Districts and Standards*, as these requirements existed on July 1, 2009, so long as the following procedure has been followed: (aa) MDIFW has supplied to Grantor a detailed map based on best available information locating all sites and boundaries thereof that MDIFW has determined to constitute IWWH sites, and (bb) MDIFW has provided to Grantor a reasonable opportunity to demonstrate, including by field confirmation, that any site so determined by MDIFW does not constitute an IWWH site.

## 6. Aquatic Habitats and Riparian Buffers

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

### (a) Management Objectives

- (1) To conserve the ecological values of aquatic habitats and riparian buffers;
- (2) To employ standards that are operationally feasible and practical to implement in a Commercial Working Forest;

- (3) To make aquatic habitat and water body management practices, in particular as they relate to maintaining headwater stream water quality and ecological value, a high priority issue to be reviewed by the MAT; and
- (4) For Grantor and federal and state resource agencies to work together in good faith to understand and address forest management practices and potential solutions for protecting aquatic systems on the Protected Property.

## 7. Vernal Pools

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

### (a) Management Objectives

- (1) To conserve the ecological values of vernal pools;
- (2) To employ standards that are operationally feasible and practical to implement in a Commercial Working Forest;
- (3) To allow for collaborative modifications based on science and site-specific needs;
- (4) To make vernal pool management practices a high priority issue to be reviewed by the MAT;

### (b) Performance Standards, Policies, Programs and Practices

#### (1) Identification and Training

► Unverified Significant Vernal Pool shall be presumed to exist where one or more of the following features are found:

- Small wetlands with a minimum size of 625 square feet, with no permanent flowing inlet or outlet, that hold at least 12 inches of water at spring maximum and containing water until July 31 based on typical annual precipitation; or
- Evidence of the presence of one or more of (a) Maine's vernal pool amphibian indicator species (eggs, larvae or adults), (b) fairy shrimp, and/or (c) rare, threatened, or endangered species (see NRPA Chapter 335); or
- Dry season physical characteristics that provide evidence of sustained temporary flooding include a topographic depression with the presence of compacted leaves darkened by water stains or a film of sediment, water stains, wetland plants, and/or the shells of fingernail clams, aquatic snails, and/or casts of aquatic insects.

► Foresters shall be trained and provided information, with the assistance of MDIFW, on identifying vernal pools, their functions, and conservation importance.

► Sites encountered by Grantor during field review of timber harvest sites that exhibit physical characteristics of a vernal pool shall be noted on Grantor's Harvest Instruction Form. Conservation instructions shall be noted and followed up through the Field Inspection Report. Due to the small

size of some vernal pools and the difficulties associated with dry season identification of vernal pools, it is recognized that vernal pools may be misidentified occasionally or not encountered during field timber harvest layout.

- ▶ Vernal pools shall be identified in the field so that activities can be appropriately guided to avoid or minimize adverse impacts.
- ▶ The Grantor shall provide MDIFW, in a timely manner, with the location and other relevant general information regarding vernal pools discovered on the Protected Property.

(2) Interim Habitat Management for Unverified Significant Vernal Pools

▶ These Interim guidelines shall be applied to vernal pools that have not been verified as Significant Vernal Pools, as defined under the State of Maine Natural Resources Protection Act (Chapter 335). If a vernal pool is determined to be non-Significant by a qualified individual with demonstrated expertise in such documentation in Maine, no vernal pool guidelines need be applied. Should vernal pools conserved with these Interim guidelines be verified as Significant Vernal Pools in the future, then the habitat management guidelines for Significant Vernal Pools shall be applied during future Forest Management Activities.

- ▶ Equipment shall be restricted from vernal pool depressions to maintain the bank
- ▶ Timber within 50 feet of the pool shall be extracted using either a boom or cable;
- ▶ Activities near the pool shall be designed to keep sedimentation from entering the pool;
- ▶ No clearcuts will be conducted within 75 feet of the vernal pool depression; and
- ▶ The integrity of coarse woody debris within 100 feet of vernal pools shall be maintained.

(3) Habitat Management for documented and field-confirmed<sup>1</sup> Significant Vernal Pools, as defined under the State of Maine Natural Resources Protection Act (Chapter 335, Section 9).

- ▶ Guidelines for Significant Vernal Pools shall be applied to all documented and field-confirmed Significant Vernal Pools, regardless of size.
- ▶ Habitat management shall be based on the *Forestry Habitat Management Guidelines for Vernal Pool Wildlife* (Calhoun and DeMaynadier 2004), and in particular the “Summary of Recommended Guidelines for conserving vernal pool wildlife during forest harvest operations,” found on p.22 therein.
- ▶ Significant Vernal Pool clusters, defined as three or more Significant Vernal Pools within 600 feet of each other, may receive modified habitat management guidelines upon consultation with MDIFW and review of the site-specific conditions with the purpose of tailoring appropriate conservation measures to the site while providing operationally feasible and practical commercial forest management.

---

<sup>1</sup> Documented and field confirmed significant vernal pools are established either by a documented determination by (1) MDIFW or (2) by an individual with demonstrated expertise in such documentation in Maine.

- (4) Ongoing verification of significance of vernal pool.

A significant vernal pool documented on a Geographic Information System data layer maintained by either MDIFW or MDEP is eligible for removal from that data layer following MDIFW verification of three consecutive years of data demonstrating that a vernal pool no longer meets the criteria in NRPA Section 9 (B)(1) or (2). A written request to remove a significant vernal pool from the data layer must be submitted to both MDIFW and MDEP and include documentation made during the identification period by a qualified individual. A written MDIFW determination that vernal pool is not significant remains valid regardless of timeframe.

## 8. Loon Nests

Grantor shall conduct all its Forest Management Activities in a manner consistent with the following standards, policies, programs, practices and agreements, as set forth below:

### (a) Management Objectives

To avoid and/or minimize forest management related disturbance to known active breeding common loon nest sites from Grantor's Forest Management Activities.

### (b) Performance Standards, Policies, Programs and Practices

- (1) Grantor shall obtain and maintain a database of geographic locations of known recently used (within the previous 5 years) common loon nest locations, and shall request on a periodic basis updated information from the Maine Audubon Society, MDIFW, and other sources as available.
- (2) Grantor shall integrate loon nest locations into Grantor's GIS Sensitive Areas Warning System ("GIS system") and Resource Information System.
- (3) A no activity warning notification for Forest Management Activities within a one-quarter mile radius of all loon nest sites listed in Grantor's GIS system or Resource Information System shall be provided by Grantor to its foresters and land managers.
- (4) If the loon nest site is active (i.e., breeding attempt by a loon pair in the current year), Grantor shall not conduct Forest Management Activities during the courtship, nest building, incubating, and nestling period (restriction period: May 1 to August 15) within a radius zone of one-quarter mile around the known nest site. Forest Management Activities can occur outside the one-quarter mile radius zone. Forest Management Activities can occur within the one-quarter mile radius zone outside this restriction period or during this time period under certain conditions, as specified below.
  - ▶ The breeding status of the nest site (i.e., active, inactive) can be determined from field observations of loon activity at the site (e.g., courtship behavior, incubation behavior, etc.).
  - ▶ The Forest Management Activities restriction period covers the early courtship/nest building phase up, to when the chicks leave the nest (and allows for re-nesting potential).

- ▶ Field observations of the breeding status can be used to modify the restriction period based on nesting failure (and no re-nest attempt), a changed nest location, or to determine when the chicks leave the nest.
  - ▶ Once the chicks leave the nest and move to the water body, the Forest Management Activity restriction period is no longer needed.
  - ▶ Vehicle travel on any existing roads located within the one-quarter mile radius zone is permissible during the restriction period.
- (5) Grantor shall follow LURC regulations and Maine’s Shoreland Zoning Act for harvesting within applicable pond and stream buffers.

#### **IV. MANAGEMENT ADVISORY TEAM (“MAT”)**

##### **A. Existence, Composition**

Consistent with Section 3.C.2.(g) of the Conservation Easement, an MAT is hereby established, on an ongoing basis. The MAT shall be comprised of five members, as follows: one person appointed by the regional director of the U.S. Fish and Wildlife Service; one person appointed by the state agency with fish and wildlife jurisdiction and expertise; one person appointed by the state agency with jurisdiction and expertise in rare, threatened and endangered flora, and natural communities; one person appointed by the Dean of the University of Maine School of Forestry who has applied commercial forestry expertise; and one person who possesses expertise in silvicultural practices in Maine, appointed by the unanimous consent of the other MAT members and the Holder and Grantor. Three members shall constitute a quorum for the purposes of conducting MAT business. The failure to appoint members to the MAT shall not affect the conduct of MAT business so long as a quorum is present.

##### **B. Purpose and Scope**

The MAT is solely an advisory and consultative body, whose advice and consultation shall be limited to matters dealing with the Forest Management Activities and the conduct thereof. The MAT will:

- (1) advise and consult with the Parties in implementing this Management Plan and in making changes to it, including an annual review of this Management Plan. Such review shall include advice as to how the Management Plan might better achieve the Conservation Values;
- (2) review the Grantor’s standards, policies, programs and practices regarding Forest Management Activities, as they affect the Conservation Values;
- (3) provide the Holder and Grantor with the most currently available information on resources on the Protected Property and potential alternative or additional standards, policies, programs and practices as a means to enhance the implementation of this Management Plan;
- (4) provide the MAT members an opportunity for education and understanding of Grantor’s Forest Management Activities and its implementation of the Qualifying Forestry Certification Program;

- (5) address research results, monitoring results, and opportunities for adaptive management, including auditor recommendations for improvement from any verification audit on the Protected Property; and
- (6) consult with the auditor of the Qualifying Forestry Certification Program and Holder with respect to all matters addressed by this Management Plan and Section 3.C.2. of the Conservation Easement.

The responsibility for enforcement of the Conservation Easement and this Management Plan rests with the Holder, Third Party and the Attorney General as specified in Sections 8, 9, and 10 of the Conservation Easement. Failure by the Grantor to agree with or otherwise utilize MAT advice or recommendations shall not, in and of itself, constitute a violation of or non-conformance with this Management Plan or the Conservation Easement.

### **C. Process**

The MAT will meet with Grantor, Holder and Third Party on at least an annual basis or more frequently as MAT, Grantor, Holder and Third Party agree. Holder shall organize and facilitate meetings of the MAT. MAT members shall establish procedures for the conduct of its work. Holder shall record and maintain minutes of all MAT meetings.

### **D. MAT Involvement with the Audit by Qualifying Forestry Certification Program**

Grantor shall require the auditor of the Qualifying Forestry Certification Program (or, in the absence of third-party certification of the Protected Property from a Qualifying Forestry Certification Program pursuant to Section 3.C.2.(f) of the Conservation Easement, then the persons or entity selected by Holder to audit compliance with the Conservation Easement and this Management Plan) to (1) contact the MAT or its individual members and solicit their input as a part of conducting its audit, and (2) respond in its audit report document to communications (written or oral) the auditor receives from MAT or its individual members, to the extent and in the same manner as the auditor responds to third party input from resource professionals generally.

## **V. INFORMATION, MONITORING, ENFORCEMENT, AMENDMENTS AND OTHER ADMINISTRATIVE PROVISIONS**

### **A. Additional Information to Holder**

To ensure efficient and effective communications and coordination between the Grantor and Holder in implementing the terms and conditions of the Conservation Easement and this Management Plan, the Grantor agrees to provide Holder the following additional information on an annual basis, on a date that is consistent on year-by-year basis and precedes the scheduled meeting(s) described in Section IV.C. hereto, all as agreed between Grantor and Holder:

- (1) Information on location, size, and harvest method for all harvest blocks planned for the coming year that include special sites and resources that may require special management, including but not limited to all such information as it relates to documenting the values contained in the Conservation Values;

- (2) Information on the location, size, and harvest method for all actual harvest blocks referenced in Section V.A.1. hereto that were harvested in the previous year.
- (3) A “Harvest Reporting Form” that contains the:
  - i. Acres of harvest units completed in the previous year;
  - ii. Number of clearcut harvest units completed in previous year;
  - iii. Average size (measured in acres) of clearcut harvest units completed in previous year;
  - iv. Acres planted during previous year;
  - v. Acres seeded during previous year;
  - vi. Acres naturally regenerated during previous year;
  - vii. The percent of harvest units successfully regenerated (adequate stocking attained) after 5 full growing seasons post-harvest.
- (4) A report demonstrating how Objectives 1 and 2 of the IEM regarding long-term sustainability and productivity have been addressed in the previous year, with said report including but not be limited to the following information:
  - i. Inventory status (e.g., timber cruising and photo-typing updates);
  - ii. Growth and yield status (e.g., updates on assumptions);
  - iii. Woodstock harvest modeling review of long-term projections.
- (5) A report describing in detail all permitted non-Forest Management uses, as set forth in Section 3.A. and 3.C. of the Conservation Easement, occurring on the Protected Property during the preceding year, and all permitted structures, as set forth in Sections 3.C. and 4 of the Conservation Easement, constructed or expanded on the Protected Property during the preceding year.
- (6) Notice of all pending pesticide applications;
- (7) A current and no less than annually updated list and/or database from the Resource Information System that includes special sites and resources that may require special management, including but not limited to all such information as it relates to documenting the values contained in the Conservation Values.
- (8) A report on all in-kind services provided and funds expended during the previous year to promote research related to the practice of forestry and natural resource management;
- (9) A report of any regulatory fines imposed and mitigation required by any administrative agencies or judicial bodies during the preceding year; and
- (10) A report on staff and contractor training that pertains to the conduct of all Forest Management Activities occurring during the preceding year.

In addition, Grantor shall ensure, as a required provision of any Qualifying Forestry Certification Program audit, that Holder is permitted and invited to attend any meetings held between Grantor and auditor in which auditor reviews the Grantor’s forest sustainability program, including inventory quality and controls, harvest sustainability, and growth and yield assumptions.

## **B. Monitoring and Enforcement**

Holder shall monitor the terms of the Easement and this Plan on at least an annual basis or on a more frequent basis as the Holder shall determine in its sole judgment. A liaison team representing Holder and Grantor will be established to address all relevant Conservation Easement management issues (including, *inter alia*, issues related to Forest Management Activities, public access including motorized access to the Protected Property and other issues) that may arise over time. As required by Section 8.E. of the Conservation Easement, the liaison team shall meet annually or at such other frequency as the Parties shall mutually agree, at which time the Holder shall report on its monitoring activities and findings of the past year and plans for the coming year. In addition, Grantor and Holder shall use the meeting to review and improve, as necessary, the various systems, procedures, and practices in place relative to administration of the Conservation Easement and this Management Plan. Enforcement of the Easement and this Plan shall be governed by the Conservation Easement.

## **C. Amendment, Notices**

The Parties expect that the standards, policies, programs, practices and agreements set forth herein and other actions required in this Plan may require amending from time to time, based upon the results of audits, input from the MAT, or other advances in knowledge and understandings. No such amendment may be any less protective of the Conservation Values than the standards, policies, programs, practices and agreements in effect prior to any such amendment. The Management Plan shall remain in effect until amended or modified by the Parties, at which time the amended or modified form of the Management Plan shall remain in effect. No amendment to this Management Plan may become effective until agreed to by Grantor, Holder, and Third Party. Holder and Third Party will keep an accurate copy of the current Management Plan in their respective files and will make the current Management Plan available to successors in interest to the Protected Property or any portion thereof. Notices hereunder shall be given as specified in the Conservation Easement.

## **D. Governing Law**

Interpretation and performance of this Management Plan shall be governed by the laws of the State of Maine. If there is any inconsistency between the terms of this Management Plan and the Easement, the terms of the Conservation Easement control.

## **E. Requirement to Comply with Laws and Regulations**

Nothing in this Management Plan is intended to supersede, eliminate or otherwise change any obligation of the Grantor under any applicable law, including but not limited to the obligation to obtain any and all required regulatory approvals for activities permitted under the terms of this Management Plan. Notwithstanding that Third Party has executed this Management Plan, nothing herein may be construed as approval of or as a substitute for approval or regulation of any activities under the regulatory jurisdiction of LURC or other State regulatory body. Nothing in this Management Plan may be construed to permit an activity otherwise prohibited or restricted by state, local, or federal laws or regulations, with which Grantor shall have a responsibility to comply.

GRANTOR:  
PLUM CREEK MAINE TIMBERLANDS, L.L.C.

By: \_\_\_\_\_

HOLDER:  
FOREST SOCIETY OF MAINE

By: \_\_\_\_\_

THIRD PARTY:  
STATE OF MAINE

Acting by and through its Department of Conservation, Bureau of Parks and Lands

By: \_\_\_\_\_