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## Conservation Newsletter, May 1976

Maine Department of Conservation

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# conservation newsletter

#3 MAY  
1976



## MAY DAY

A delicate fabric of bird song  
Floats in the air,  
The smell of wet wild earth  
Is everywhere.

Red small leaves of the maple  
Are clenched like a hand,  
Like girls at their first communion  
The pear trees stand.

Oh I must pass nothing by  
Without loving it much,  
The raindrop try with my lips,  
The grass with my touch;

For how can I be sure  
I shall see again  
The world on the first of May  
Shining after the rain?

Sara Teasdale  
(1884-1933)



# Clup '76 Team Effort

The Land Use Regulation Commission's 1976 Comprehensive Land Use Plan is a priority item these days. A concentrated effort that extends beyond the Commission's staff is being made within the Department to produce a definitive Plan by month's end.

CLUP '76 will be a comprehensive plan designed to guide man's activities in the unorganized areas of Maine and to preserve ecological and natural values. It will provide the basis for permanent zoning in the so-called "wildlands" and, in the words of the Statute: "shall guide the Commission in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter."

The Comprehensive Land Use Plan will contain explicit policy statements that will produce specific land use standards. It will help establish district boundaries, guide development, and ensure that the purpose and scope of the law will be furthered. Maps, data and statements inventorying existing resource uses and delineating how these are to be used in the future will also be included.

The Commission's effort is being

headed by Brian Kent under guidance from Kenneth G. Stratton, Director. Brian joined the LURC staff as a planning Associate in March for the purpose of re-drafting the Comprehensive Land Use Plan. Planning Department chief, Fred Todd, is working alongside Brian while focusing his efforts on the next stage of the zoning process, the formulation of specific performance standards. The standards will be the "teeth" of the Plan as they translate the Comprehensive Land Use Plan policies into definitive regulations.

LURC's schedule for CLUP '76 is requiring a strong team effort from all of the staff.

"Brain-storm" sessions have helped speed the drafting of the Plan and have ensured that a broad range of staff ideas and concerns are reflected.

While Brian is doing much of the Plan organization and writing, Dave Elliott and Alan Cox of the LURC Planning staff, are assisting with research, drafting and editing, and Bob Clunie of Geology is undertaking a formidable map drafting task under the direction of Jim Connors of the LURC Resource Analysis and Mapping staff.

Many have asked what the purpose of the Plan is. First, the Commis-

sion was established for the express purpose of protecting the natural resources of the unorganized areas, ensuring the continued use of the area primarily for timber management and outdoor recreation activities, and guiding new development sensibly so as to ensure a balance between man and nature. Second, the Plan is a requirement of the Land Use Regulation Commission Statute.

To make sure that these basic wishes of the people of Maine are fulfilled, CLUP '76 will establish ends and determine means to achieve them. The ends will be in the form of policies stating the general intentions of the Commission and recommendations for new land use controls. As such, the Plan will serve as a guide for future day-to-day decision making on the part of the public officials, administrators and citizens. Furthermore, it will state how the policies can be implemented through zoning by setting up a program and timetable to achieve them.

The seven member Commission meets regularly to review the Plan as various sections are re-drafted and offer comments and ideas on these sections. At the same time, Richard Barringer, Commissioner of the Department of Conservation, is personally involving himself with the planning process and schedules frequent informal reviews to assure the aims of the Plan are on the right track.

Others playing an important role in the formulation of CLUP '76, and assisting with specialized review are Sarah Redfield, Assistant Attorney General; Lee Shepps, Director of the Bureau of Public Lands; Tom Cieslinski, Environmental Resource Planner, Bureau of Parks and Recreation; Kenneth Hendren, Planning Forester, Bureau of Forestry; Nancy Ross, Director of Policy Planning, Department of Conservation; and members of the State Planning Office staff

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## The Editor's Pen



Webster defines a secretary as "a person whose work is keeping records, taking care of correspondence and other writing tasks, etc. as for an individual in a business office."

People within the Department of Conservation are well aware of the important and varied role of the secretary in the continuing flow of business, and to show their appreciation to this large, hard working corps, Bureaus within the Department expressed their appreciation in several different ways during National Secretaries Week.

Flowers, especially red roses, were found in abundance throughout the Department on secretarial desks and in the form of corsages for some secretaries. Boxes of candy were also numerous throughout the week, and as a gesture of appreciation, many "bosses" or Bureaus treated their secretarial staffs to luncheons or dinners.

Even with all the fancy trimmings, National Secretaries Week was designed with the thought that most secretaries are very busy people who quite often perform tasks far beyond those required under Webster's definition of a secretary. This week in April was set aside to honor and show appreciation to all of these helpful co-workers who we so often take for granted.

Those of you with secretaries, stop and think for a few moments about all of the things that person does for you to help make your work a little easier. Isn't it a good idea that your secretary knows she is needed and appreciated?

— GML

# New Budworm Policy Passed

The Department's proposed amendment to the Spruce Budworm Control Bill was enacted into law during the waning days of the Special Session of the Legislature. Commissioner Barringer, Assistant Attorney General Dave Flannagan and Policy Coordinator Nancy Ross, in cooperation with representatives of the private sector, worked long and hard hours to see the proposal through.

This is the first new approach to Spruce Budworm control on the part of the state since the advent of chemical spraying. This six-year plan adds incentives for budworm control by forest management to the insecticide spraying which has been used by the Maine Forest Service in past years.

It also offers landowners the opportunity to choose the budworm control methods best suited to their needs.

The new law levies a per acre excise tax on all owners of more than 500 acres of forest land within the "Spruce-Fir Protection District" which covers northern and eastern Maine, and includes all areas which are susceptible to budworm attack. Softwood lands will be taxed 56 cents per acre for 1976; mixed wood parcels, 28 cents per acre; and hardwood acres will not be taxed at all.

Any owner within the Spruce-Fir Protection District may apply to the Forest Service for designation of 500 or more acres as a "silvicultural treatment area." This designation will mean that the landowner plans to carry out a forest management program to reduce future losses to budworms. If the Forest Service approves the designation, the parcel will not be sprayed with insecticides for the duration of the six-year law, and the owner will be

exempt from the budworm excise tax on the parcel.

Small landowners of 500-1,000 acres may apply for an "automatic withdrawal" from the Protection District. The granting of this application will be automatic for one parcel per owner. The Forest Service will also withdraw these parcels from spraying for the remainder of the six-year period and grant their owners an excise tax exemption.

The legislation authorizing the six-year budworm program, however, allows the Director of the Forest Service to require spraying of any parcel when he judges it necessary because of the intensity of the budworm epidemic or because the property would be logistically difficult not to spray.

The law also allows individuals whose lands have not been marked for aerial budworm spraying by the Forest Service to apply for inclusion in the spray program. These lands will be sprayed if the Forest Service finds that the level of budworm danger merits insecticide treatment, and that spraying is logistically practical.

Because the deadline for the 1976 spray project was late May, the law required that all applications for inclusion in the spray project, for silvicultural treatment designation, or for automatic withdrawal be mailed to the Maine Forest Service in Augusta before midnight on Sunday, April 25, 1976.

Applications for the withdrawal of approximately 212,000 acres from the spray area have been received. Applications for the inclusion of about 4,400 acres into the spray program have also come in. These are currently being processed.

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## Albers Leaves

Martin L. Albers, who has served as a Project Analyst on the staff of the Land Use Regulation Commission since May of 1975, has accepted a position with the Federal Aviation Authority and is now attending specialized schooling prior to his assuming his duties as an air traffic controller.

Marty serves as a helicopter pilot with the U.S. Navy Reserves, and although he will be missed by his many friends at LURC, all of them wish him the very best in his new endeavor, as they all knew that flying was his "real love."

The LURC staff honored Marty at the Caucus Club. He was presented gifts and a cake, with an airplane motif, decorated especially for Marty by another talented LURC staff member, Cheryl Kelley, who has become well-known throughout the Department of Conservation for her artistically decorated cakes.

## Hydrogeologic Investigation Completed

Results of ground water and surficial geology investigations completed for the Southern Kennebec Valley Regional Planning Commission were presented at the Commission's May 12 meeting in Augusta. Brad Caswell, supervisor of the project, and Woody Thompson spoke on the relationships of their findings to ground water use and protection, and land-use planning.

The study was conducted over a 10-month period and was funded by SKVRPC. A contract for similar work in Cumberland County was recently signed with the Greater Portland Council of Governments. The investigation is to be completed September 29, 1976.

## Doyle Thompson At GSA Meeting

Rober G. Doyle, Director of the Bureau of Geology, and Woodrow B. Thompson, surficial geologist, presented papers at the recent Geological Society of America meeting in Arlington, Va.

Bob related his latest hypothesis concerning the formation of mineral deposits at the margins of clashing continental plates, in what are called subduction zones. Bureau field geologists have made detailed maps of such a zone in Maine during the last five years.

Woody described the surficial geology of Kennebec County and environs, focusing on the forms and origins of the many glacial end moraines that he and others have mapped in Maine's coastal zone. Moraines have proved important to land-use planning, especially for septic systems, sanitary landfills, crop lands, home sites, and sources of sand and gravel.

This meeting represented the Northeast Section of the GSA, which meets yearly. Over 1,000 geologists attended.

## Library Shows Noon Movies

Beginning in March, the DEP-DOC Library sponsored a Monday lunchtime series of films. Subjects have included cross-country skiing, mountain climbing, air pollution, Maine tourmaline, and marshlands. Attendance has been quite good, averaging about thirty-five people. One of the most interesting programs was a slide presentation by Walter Anderson of The Bureau of Geology on his recent field expedition to the Antarctic. The series will continue through the month of May, with a break for the summer. It will resume in September.



## Popham Erosion Still Problem

Severe erosion continued at Popham Beach this past winter destroying one summer cottage and threatening the washing away of sixteen other seasonal dwellings. Continuing studies by the Bureau's Division of Marine Geology indicate a strong likelihood that the beach erosion is probably caused by dredging in the Kennebec River estuary. The Bureau is negotiating with the Army Corps of Engineers to study and mitigate erosional losses due to the continuous and historical dredging activity.

Several cottage owners applied to the Board of Environmental Protection to erect seawalls along the beach adjacent to Popham Beach State Park to prevent further erosion and destruction of their dwellings. The Bureau testified before the Board indicating that such structures would accelerate the beach erosion in front of the walls as well as threaten the State beach with erosion. The Bureau of Parks and Recreation testified in opposition to the construction of the seawall on the basis of the Bureau of Geology's testimony.

The Board voted six to three to allow the seawall construction, but a Popham property owner has appealed the Board's decision in an attempt to maintain Popham Beach as a natural environment.



## LURC Explained

Land Use Regulation Commission Director Ken Stratton, Mike Barrett, Fred Todd and Frank Phillips recently met with plantation assessors of Piscataquis and Somerset Counties to discuss LURC programs, and questions and problems with LURC regulations. The meeting was held in Dover-Foxcroft.

Following a presentation of LURC's programs, most of the discussion centered on problems with applications for building permits. This discussion revealed many misunderstandings about LURC regulations, and the limits of jurisdiction. Some individuals thought LURC would enforce the speed limits on plantation roads, and that we generally enforce any and all state laws. This session certainly proves the need and value of informational meetings with the public.

This meeting was just one of a continuing program of informational meetings. The public does appreciate the availability of Augusta bureaucrats to answer their questions and concerns. From LURC's standpoint, this makes them more aware of land use problems within the unorganized towns.

As a result of this meeting, LURC now feels the need to request three (3) police cruisers as part of their next appropriation.



# TUCK Subdivision Blocked By LURC

## Landowners Shown Hope

Landowners who have purchased parcels of recreational land within the Spring Lake Corporation Subdivision in T3R4, Somerset County, located just north of Bigelow Mountain, may now have a "ray of hope" to legally develop that land in accordance with the regulations of the State of Maine.

For four years, the Maine Land Use Regulation Commission (LURC) has attempted to have Thomas T. Tuck of North New Portland, Me., and Chuluota, Fla., president of the Spring Lake corporation, comply with the regulations and statutes of LURC.

After numerous unsuccessful attempts, the State of Maine, acting through its Attorney General, has obtained an injunction against Mr. Tuck and the Spring Lake Corporation, to halt the illegal subdivision and sale of land at Spring Lake.

The court has executed a consent decree enjoining Mr. Tuck from selling, or offering to sell, from constructing any roads or structures, and from otherwise developing his land at Spring Lake without prior approval of the Land Use Regulation Commission. The decree was signed on April 16, 1976 by Lewis I. Naiman, Justice of the Superior Court. Although Mr. Tuck has 45 days to file a completed application, as yet, he has made no effort to comply with the decree.

The Commission normally seeks voluntary cooperation from applicants in reaching a suitable agreement to both parties. When all lines of communications fail, the

Commission has no alternative but to refer the case to the Attorney General's office for suitable action. Even at this point, the Commission has usually been successful in reaching a settlement with the applicant without having to take the case into the courts.

By entering into the consent decree, Mr. Tuck further agreed to seek a permit for his previous sale of lots which have no previous LURC permit. The sale of these lots have caused problems for some of the landowners wishing to develop their land, as their permit applications cannot be approved until the subdivision itself has LURC approval. Therefore, those who have purchased lots have been left holding parcels of land which they are not legally able to develop. Should Mr. Tuck seek, and obtain approval for his subdivision at Spring Lake, it would then clear the way for the lot owners to build or develop their respective properties.

Mr. Tuck did submit an application for preliminary approval of his subdivision in August of 1973, and after a review of the application and supporting documents, the application was disapproved by the Commission in November of 1973 because Mr. Tuck had not provided adequate information to indicate compliance with the LURC Statutes and regulations. Since the disapproval of his application, Mr. Tuck has remained reluctant to provide LURC with any further information in regards to his plans for development of the area, and has been uncooperative in answering questions submitted to him by the Land Use Regulation Commission and its Staff.

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## Budworm (continued)

According to Project Director John Chadwick, everything but the aircraft will be in place and ready to go by May 17. The aircraft will arrive about a week later. S-Day is set for around June 6th. This, however, is dependant on the development of the budworm larvae.

The larvae grow in six stages called instars. The budworms overwinter in the second instar. As they emerge in the spring, they mine into the needles and grow into the third instar. During the fourth instar they emerge and begin feeding on the new buds. Spraying is most effective during the fifth instar.

## CONSERVATION NEWSLETTER

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## TUCK Subdivision Blocked....(continued)

In his original proposal, Mr. Tuck requested the subdivision of approximately 15 acres of his 377 acre parcel. That proposal was the first phase of an overall plan to develop the entire parcel which would also include ski and snow-mobile trails and an airstrip. The proposal called for the 15 acres to be subdivided into 26 lots, each with shore frontage. Several of these undeveloped lots are in LURC zoned Interim Management and Protection Districts. Since this type of development is not a permitted use in these districts, a petition requesting a change in zoning to an Interim development District would also be necessary in addition to the subdivision permit application.

The original complaint, issued by the State of Maine, also points out that the Spring Lake Corporation does not hold a valid corporate franchise from the Secretary of State to hold property and otherwise do business in the State of Maine. The complaint further asked that the corporation, and its agents, be enjoined from doing any business in the State of Maine until such time as the charter has been received by the Secretary of State.

## CLUP '76 (continued)

The land use controls this Plan recommends are based on two fundamental premises. First, that the unorganized areas represent a unique area in the northeastern United States because of their relative wildness, their value as a continuous source of timber and fiber, and because of the primitive recreational experiences they afford, and should therefore be conserved for these purposes irrespective of existing or future pressures for change.

Second, that most new development should occur in those areas where other development exists. Also, that all major developments should be required to have a net public benefit in terms of economic, environmental and quality of life values. The capability of the resources of the jurisdiction to absorb this growth without detriment to the ecology of the area shall be the prime determinant of their suitability for development.

In summary, the land use controls in this Plan are designed to protect a unique area forever, and to permit development provided it neither compromises this larger objective, nor jeopardizes any resource so that it cannot be enjoyed by present and future generations of Maine people.

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c/o Editor  
Jack Gardner

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