

**RESOURCE PLAN**  
**FOR THE NORTHERN PORTION OF**  
**METINIC ISLAND,**  
**KNOX COUNTY, MAINE**



**Effective September 4, 2013**



**RESOURCE PLAN**

**FOR THE NORTHERN PORTION OF**

**METINIC ISLAND, KNOX COUNTY, MAINE**

**Adopted Pursuant to 10.23,H of the  
Maine Land Use Planning Commission's *Land Use Districts and Standards***



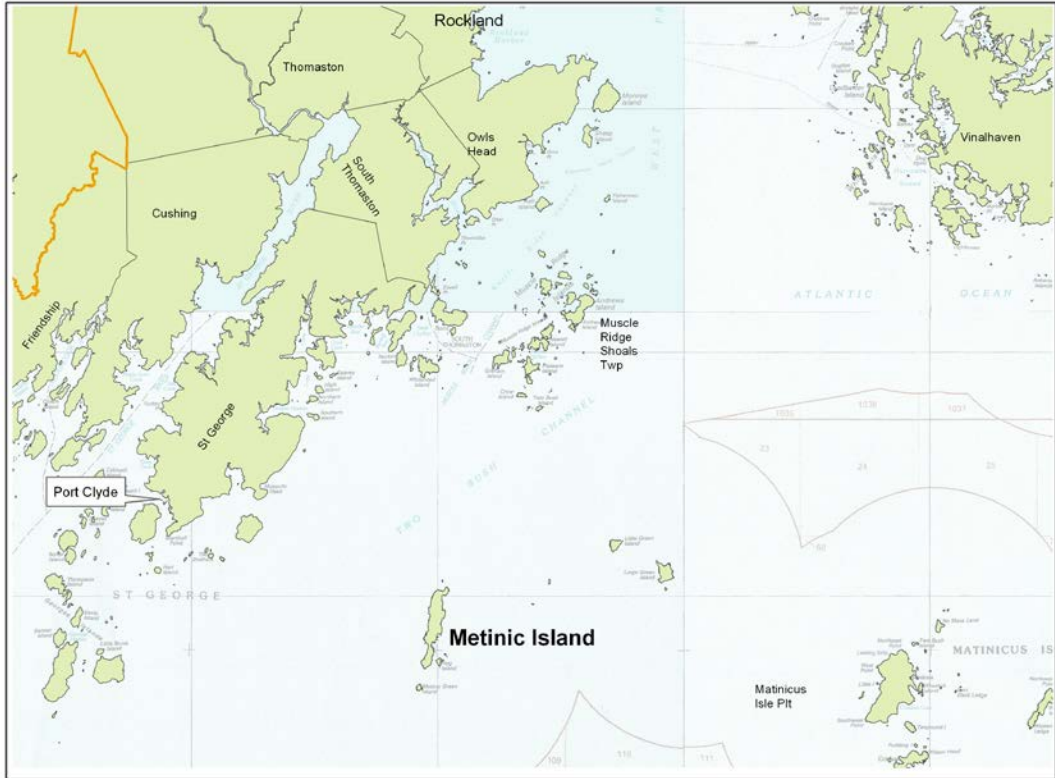
**Originally adopted in 1992**

**Renewal adopted August 14, 2013 by the Maine Land Use Planning Commission**

**Effective September 4, 2013**



**U.S. Fish and Wildlife Service Research Station**



Map 1

**Location Map for Metinic Island, Knox County, Maine**

## TABLE OF CONTENTS

<b>Section</b>	<b>Page</b>
<b>Location Map</b>	<b>ii</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. Jurisdiction</b>	<b>2</b>
<b>3. Purpose of Plan</b>	<b>2</b>
<b>4. Petitioners and Area of Plan</b>	<b>3</b>
<b>5. Description of Metinic Island’s Seabird Resources</b>	<b>3</b>
<b>6. Seabird Nesting Behavior and Management Considerations</b>	<b>6</b>
<b>7. Land Use Activities</b>	<b>7</b>
<b>8. General Standards for Permitted Uses</b>	<b>9</b>
<b>9. Duration of Plan</b>	<b>14</b>
<b>10. Effective Date of Plan</b>	<b>14</b>
<b>11. Amendment of Plan</b>	<b>14</b>
<b>12. Limitations</b>	<b>15</b>
<b>13. Definitions</b>	<b>15</b>
<b>Appendices</b>	<b>21</b>
<b>A</b> – Map of 2013 Northern Metinic Island property owners	
<b>B</b> – Map of 1991 Northern Metinic Island property ownership	
<b>C</b> – Historical information for colonial nesting seabirds on Metinic Island	
<b>D</b> – Map of 1991 MDIFW Metinic Island Seabird Census	
<b>E</b> – Metinic Island Seabird Census 2012	
<b>F</b> – Excerpts for Metinic Island from <i>Maine Atlas of Breeding Seabird and Coastal Wading Bird Colonies 1960 to 2011</i>	
<b>G</b> – Excerpts for Metinic Island from <i>Biological Summary of Islands within Maine Coastal Islands National Wildlife Refuge</i> , Feb. 2013	
<b>H</b> – Notification form for activities by notification to LUPC	
<b>I</b> – Map of Approximate Route of Existing Informal Trail	
<b>J</b> – LUPC Land Use Guidance Map, Metinic Island, P-RP 006, effective September 4, 1992 for the northern portion of the island	



# RESOURCE PLAN FOR THE NORTHERN PORTION OF METINIC ISLAND

## 1. INTRODUCTION

Metinic Island, just over 300 acres in size, is one of over 3,000 islands along the coast of Maine. Located approximately 7 miles offshore from the mainland town of St. George in Knox County, the island has a 200-year history of human habitation, with variation in the nature and extent of this use. Records suggest that Metinic was inhabited year-round and farmed throughout most of the 19th century. Then, concurrent with the deterioration of island-based economies in Maine, the population and use of Metinic declined in the 20<sup>th</sup> century to the current seasonal use of a portion of the southern and northern ends of the island and wildlife management for nesting seabirds on a large portion of the north end by the U.S. Fish and Wildlife Service.

Today, Metinic Island supports a large population of nesting seabirds, and is one of only 381 of the 3,000 coastal islands in Maine that have recent records of five or more species of nesting seabirds. The island has a history of use as a seabird nesting island; records of seabird use date back to the 1920s and 1930s (*see* Appendix C). Metinic Island is large compared to most seabird nesting islands, which average 21.5 acres. Much of the island is cropped meadow due to intensive grazing by the island sheep population. Approximately 75 acres, most on the central portion of the island, are densely forested with spruce and fir, with some areas of heavy undergrowth.

Until the late 1980s, ownership of the island remained in the hands of two families and the island sustained relatively little development. Today, the southern portion of the island is still owned by one family and supports a number of dwellings and associated structures located in the Residential Development Subdistrict (D-RS). The northern portion was undeveloped except for two unused, deteriorating buildings on the north end of the island in the 1980s. In 1985, a court ordered the division of the northern portion of Metinic Island into eight parcels held by a total of nine individuals. Some parcels were owned jointly. After the partition, the lots were further divided or transferred such that 12 lots existed on the northern end of the island, owned by nine individuals, when the original 1992 resource plan for the island was developed. Since 1992, the United States Fish and Wildlife Service (hereafter referred to as “USFWS”) has acquired seven of those 12 lots and three others have been transferred to two new private owners. There are now five landowners – four private owners and the United States. Appendix A shows current property ownership on the island; Appendix B shows the 1991 ownership.

The federal land has been incorporated into the USFWS Maine Coastal Islands National Wildlife Refuge. Metinic Island supports one of the Refuge’s seven seabird restoration projects. The Refuge portion of northern Metinic is closed to public use during the seabird nesting season from April 1<sup>st</sup> through August 31<sup>st</sup>. Outside of the nesting season, the federally-owned part of northern Metinic is open to the public for day use for wildlife observation.

Limited development on the most northerly end of the island occurred under the terms of the plan during the 1990s. Eugene and Nathalie Witham constructed a seasonal residence on their lot, and the USFWS undertook maintenance of an existing building on the land it had acquired, establishing a research station with residential accommodations for use by researchers in support of the USFWS mission.



## 2. JURISDICTION

Metinic Island lies within the jurisdiction of the Maine Land Use Planning Commission (hereafter referred to as “the Commission” or “LUPC”) pursuant to 12 M.R.S.A. § 682(1). The Commission administers land use planning and zoning responsibilities for areas without local government or without local authority to administer these responsibilities, and thus has regulatory authority over land use planning, zoning, and development activities on the Island. In 1978, the Commission designated three land use subdistricts, the Residential Development Subdistrict (D-RS), General Management Subdistrict (M-GN), and Shoreland Protection Subdistrict (P-SL1), for Metinic Island. Those subdistricts, except for the D-RS zone on the southern end, were replaced in the early 1990s by Resource Plan Protection (P-RP) Subdistricts through Commission adoption of two landowner-initiated resource plans, one for each end of the island.

The Commission, in its *Comprehensive Land Use Plan* and Section 10.23,D, Fish and Wildlife Protection Subdistrict (P-FW), of its Chapter 10 *Land Use Districts and Standards*, gives special consideration to coastal nesting islands (islands used for nesting by seabirds during their breeding period) considered essential to the maintenance of seabird populations. “Essential” areas are defined as the following: (1) areas providing habitat for one percent or more of Maine's total island breeding population of a particular species; or (2) areas providing habitat for several breeding species, such that the sum of the individual species’ percentages of their respective state breeding populations is one percent or more; or (3) areas which, in the Commission's judgment, are essential to the distribution and abundance of a specific species of seabird.

The Commission, under Section 10.23,H of its *Land Use Districts and Standards*, may designate an area as a Resource Plan Protection Subdistrict (P-RP) to provide for the more efficient and effective management of single or multiple Protection Subdistricts than can be realized through the use of other Protection Subdistricts and their related standards. To approve a Resource Plan, the Commission must find that all of the following criteria are satisfied:

- (i) The plan conforms with redistricting criteria;
- (ii) The plan conforms, where applicable, with the Commission's *Land Use Districts and Standards*;
- (iii) The plan conforms with the Commission's *Comprehensive Land Use Plan*;
- (iv) The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces; and
- (v) The plan has as its primary purpose the protection of those resources in need of protection.

## 3. PURPOSE OF PLAN

The goal of this Resource Plan for Metinic Island is to create a comprehensive land use management program for the northern end of the island that provides a flexible alternative to applying the Fish and Wildlife Protection Subdistrict (P-FW) while providing for the protection of seabird resources. This program will provide for carefully planned, limited development and will incorporate measures to mitigate the deterioration of seabird nesting habitat and adverse impacts on nesting colonies.

This Resource Plan enables the landowners and the Maine Land Use Planning Commission to comprehensively plan for the future of the island in a manner that provides limited development opportunities to landowners, while protecting important natural resources on the island. The Plan defines the nature and extent of future land use on the island, thereby increasing predictability to landowners regarding reasonable uses of the land and enabling the Commission to ensure that the cumulative impact of such uses will not unduly affect natural resources.



Under this Plan, the use of the island for seasonal residential purposes continues. The Plan allows the construction and use of a small number of dwellings with seasonal limitations and ensures that new dwellings and associated infrastructure will be located and constructed in a manner designed to have the least impact on the seabird resource. It also incorporates management strategies needed to mitigate impacts on nesting seabirds and their habitat.

#### **4. PETITIONERS AND AREA OF PLAN**

This Resource Plan applies to all of northern Metinic Island. It is proposed by the following owners having a legal title, right, or interest in the subject real estate on the island: Peter E. Butler; James P. Miller; Eugene C. and Nathalie B. Witham; Elmer R. and Sheila D. Witham; and the United States of America (hereafter referred to as "Landowners"). This Plan is binding upon the Landowners, their successors, heirs, and assigns, for the duration of the Plan.

#### **5. DESCRIPTION OF NORTHERN METINIC ISLAND'S SEABIRD RESOURCES**

##### **Status of the Resource, 1991 and 2012**

Metinic Island is one of fewer than 500 coastal seabird nesting islands in Maine. Seabird islands provide nesting habitat for 20 species of colonial seabirds (those birds that nest in groups at locations called colony sites). Seven of these species currently nest on Metinic Island: common eiders, Arctic and common terns, herring and great black-backed gulls, black guillemots and Leach's storm-petrels. Historical accounts attest to the presence of these species, as well as laughing gulls, which nested on the island in decades past (*see* Appendix C).

In the spring and summer of 1991, the Maine Department of Inland Fisheries and Wildlife (hereafter referred to as "MDIFW") conducted a nest census of common eiders, terns, and gulls and a visual estimate of black guillemots. The entire island was censused and individual nests counted. Appendix D shows nest locations as mapped in the 1991 census, and the results are described below.

During this census, a large field crew of agency biologists counted and identified the approximate location of 290 gull nests, which included both great black-backed and herring gulls. The majority of the gull nesting activity occurred on the southern half of the island, predominately concentrated on the southern tip. The 1991 census takers tallied 401 common eider nests island-wide, a result that indicated that Metinic Island provided nesting space for more than 1% (1.4% in 1991) of the statewide nesting population of common eiders. At that time, the majority of eider nests were located in the densely vegetated and forested portions of the island, a bit unusual since eiders generally nest in dense cover in open areas. The remainder of the nesting eiders were scattered throughout the open areas, usually associated with vegetative clumps or other sources of vertical cover (*see* Appendix D).

At the time, the biologists believed that the island sheep population and the presence of gulls had an influence on the distribution of nesting eiders. Eiders on Metinic Island, and elsewhere, demonstrate a strong preference for vertical cover in selecting nest sites. The island sheep population, at the time, kept vegetation cropped close to the ground, excepting unpalatable shrubs such as bayberry. Further, the biologists believed that the short grass and unrestricted movement of sheep combined to limit nesting habitat for eiders on Metinic Island.

One Arctic tern colony, located on the northern end of the island, comprised 23 nests, according to the June 1991 survey by MDIFW. Two additional tern nests were found on the island, one at the extreme southern tip, and another along the southwest shore (*see* Appendix D). Based on the results of the 1991 survey, Metinic Island, at the time, supported over 1% (approximately 1.1% in 1991) of the statewide Arctic tern population. The presence of sheep may also have limited nesting opportunity for Arctic terns on Metinic Island. Since terns nest on open ground, nests occur only in areas that are not trodden by sheep, such as cobble beaches.

During the 1991 ground count, black guillemot habitat and thus their nests, were not surveyed. Guillemots nest in rock crevices above the normal high water mark and can be difficult to locate. For this reason, a boat count of adult guillemots in close proximity to the island was conducted. This survey revealed the presence of 161 adult black guillemots observed flushing off of the island or located in the immediate island perimeter. No determination was made as to whether the guillemots sighted were nesting, but agency biologists believed that nesting was probable.

### **Results of the 2012 Seabird Census – Northern Portion of Metinic Island Only**

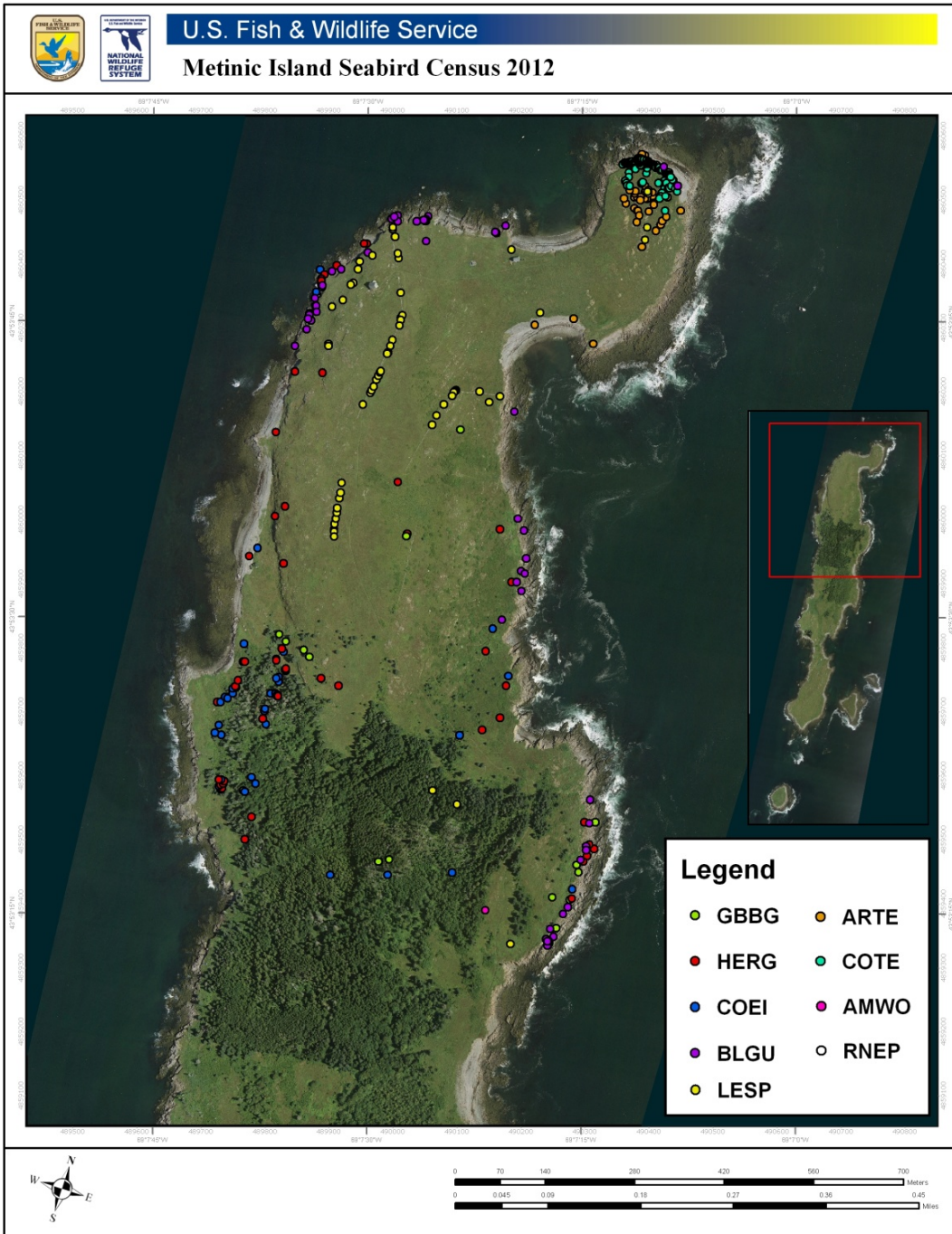
USFWS and MDIFW biologists conducted a comprehensive seabird census of the northern portion of Metinic Island in 2012. For common eiders and gulls, survey methodologies were nearly identical to those utilized in 1991. However, improvements in GPS technology resulted in more accurate nest mapping. In addition, because USFWS has established a tern restoration program on the northern end of the island and has staff at the site during the entire nesting season, additional efforts were employed to census some of the more difficult and more time consuming seabird species. In 2012, precise census estimates for two species of terns, Leach's storm-petrels and black guillemots were also obtained.

In 2012, a total of 95 common eider nests, 202 herring gulls nests and 34 great black-backed gull nests were recorded and mapped (*see* map 2 on the following page and Appendix E). Locations of gull nests in the more open areas of the island were expected. However, unlike the results of the 1991 census for eiders, most eider nesting was not in the forest proper but concentrated along the bayberry shrubs along the eastern shore and most notably in a single large, dense raspberry patch, interspersed with fallen spruce and fir trees, on the western shore.

Tern, petrel and black guillemot counts were timed and conducted in accordance with standards and methods articulated by the Gulf of Maine Seabird Working Group. Results of these census counts are as follows: common terns (91 nests), Arctic terns (51 nests), black guillemots (52 nests) and Leach's storm-petrels (55 nests). Precise mapping of these nest locations can also be found on map 2.

### **Future Status of the Resource**

Seabird islands are dynamic places. Based on the history of use of Metinic Island by nesting seabirds, the island is expected to continue to support healthy populations of nesting seabirds in the future as long as the habitat remains suitable. Nevertheless, it is impossible to anticipate future influences on seabird populations without regular monitoring of the resource. This Plan may be amended in the future to reflect changes in the status of the seabird resource, as provided in Section 11, provided that any changes in the status of the resource used to justify any such amendment are confirmed by MDIFW based on regular monitoring of the resource over an extended period of time.



Map 2

### 2012 Northern Metinic Island Seabird Census

Key: GBBG – Great black-backed gull; HERG – Herring gull; COEI – Common eider; BLGU – Black guillemot; LESP – Leach’s storm-petrel; ARTE – Arctic tern; COTE – Common tern; AMWO – American woodcock; RNEP – Ring-necked pheasant

## 6. SEABIRD NESTING BEHAVIOR AND MANAGEMENT CONSIDERATIONS

### Nesting Behavior

Gulls, eiders, and terns usually nest in colonies ranging from a few breeding pairs to thousands of a single species nesting on certain islands. The relative seclusion and absence of mammalian predators offered by coastal islands are important features and are the major reasons Maine's seabird colonies have persisted. Each spring, these birds return to the islands for nesting and raising of their young. The nesting and chick-rearing period generally runs from late April through August, depending on the species.

Herring gulls and black-backed gulls remain abundant in Maine, although black-backed gulls can be considered relative newcomers, first known to breed in the state in 1928.

Despite near extirpation in the early 1900s, common eiders are also relatively abundant in Maine today. The common eider is the only colonial nester among Maine waterfowl. It is also the only species of waterfowl that nests exclusively on Maine's coastal islands. Eiders generally initiate nesting during late April or early May. Nest sites may occur in unconcealed spots in grassy areas, but dense areas screened by raspberry or bayberry bushes are preferred. This strategy is a predator avoidance strategy. In Maine, nesting on wooded islands is relatively uncommon. But, on wooded islands, eiders often choose sites under blowdowns or under spruce trees with low branches. On Metinic Island, it is possible that eiders historically preferred to nest in wooded areas because the non-forested areas were heavily grazed and trampled by sheep.

Once incubation begins, female eiders rarely leave their nests. During incubation, females do not feed, and only occasionally leave the nest to drink water. When eiders are off their nests, their large and somewhat conspicuous eggs are vulnerable to predation by gulls. Eider ducklings hatch after 26 days. Within 24 hours, the ducklings are led to the water. The journey from the nest to the water can be hazardous because the ducklings are vulnerable to predation by gulls. Eider nesting is generally complete by mid-June.

Because of their intense commitment to incubation, eiders can nest successfully in the midst of a gull colony if they are not flushed off their nests. However, human and other forms of disturbance may cause loss of eggs and ducklings. When disturbed, both gulls and eiders leave their nests, but gulls generally return sooner and predate unprotected eider eggs and ducklings.

Maine's tern population, unlike that of many other island-nesting seabirds, is currently below the population goals established for the species. Historic populations of common and Arctic terns declined dramatically from highpoints in the 1930s to about 4,800 pairs in 1991 in response to increased predation, competition for nest sites by a burgeoning gull population, and other factors. Terns once nested on 175 islands in Maine, but they now nest on fewer than 20. Metinic Island is one of the few historical nesting islands still occupied by nesting terns.

Arctic terns, the species currently nesting on Metinic Island, were listed as state threatened in 2007. Common terns are considered a "Species of Special Concern" by MDIFW. Roseate terns, federally and state listed as endangered, nested on Metinic in small numbers in 2003—2006. Nesting terns, both Arctic and common, have been recorded on Metinic Island as far back as the 1930s (*see* Appendix C). The State currently (2012) supports 2,467 nesting pairs of Arctic terns. Intensive management efforts to restore terns to historic levels have resulted in the re-establishment of large tern colonies on six Maine islands where 90% of the state tern population is now nesting. The remaining terns appear to "bounce around" from island to island, nearly annually failing to produce any young. Traditional nesting sites,

such as Metinic Island, are most likely to provide suitable nesting habitat into the future provided other factors do not become limiting.

Terns traditionally nest on the edge of cobble beaches and adjacent grassy areas. Their breeding period extends from May through July. If a nesting tern colony is disturbed, the entire colony may rise into the air, creating opportunities for predation of eggs and young by predatory gulls. Loss of eggs and chicks can also occur if adults are disturbed during adverse weather conditions, such as rain, fog, or low temperatures. Moreover, tern eggs are well-camouflaged, making them vulnerable to crushing.

It is estimated that approximately 3,000 black guillemot pairs currently breed and nest in Maine. Black guillemots lay their eggs in rock crevices, where they are safe from predatory gulls and protected from human disturbance to some degree. Their breeding period extends from May through mid-August.

### **Wildlife Management Considerations**

Wildlife management considerations in this Plan focus on minimizing permanent loss of nesting habitat, limiting opportunities for disturbance of birds during the nesting season, and enhancing habitat to mitigate impacts of development.

Loss of nesting habitat may be minimized by limiting the amount of development and by preserving habitat in undeveloped areas. The impact of development can be minimized in part by siting structures away from nesting areas, and limiting the amount of landscape alteration associated with structures, roads, trails, and infrastructure. It is important to guide and control opportunities for human disturbance during the nesting season, so activities are limited during the nesting season, in combination with other measures designed to minimize disturbance to colonies.

Several of these strategies are utilized in this Plan. The Plan provides for a low density of development on the island to minimize loss of habitat and disturbance. It employs building setbacks from the water to minimize visual impacts on nesting seabirds and to preserve the area most commonly used by terns, eiders, and guillemots for nesting. The Plan limits activities during the eider nesting period to minimize disturbance during this critical time. It minimizes disturbance to tern nesting habitat through building setbacks and by locating the northern access road away from the tern colony in that area.

## **7. LAND USE ACTIVITIES**

This section specifies land use activities which are allowed without a permit, with written notification to LUPC, and with a permit from LUPC. Uses not specifically mentioned in this section are prohibited, except as specifically provided for in this Plan. All uses, whether allowed without a permit, by notification, or with a permit, must be undertaken in accordance with the General Standards listed in Section 8 of this Plan, except as specifically excepted in the Plan. Terms not defined in Section 13 of this Plan shall have the meaning given them in Chapter 10 of the Commission's *Land Use Districts and Standards*.

### **A. Uses Allowed without a Permit**

The following uses are allowed without a permit from the Maine Land Use Planning Commission, provided that they are not undertaken from April 1st through June 15th in any year without prior approval of the Commission, except that primitive recreation, emergency operations, storage of boats and equipment, and wildlife and fishery research, surveys, and management practices are allowed without seasonal limitation:

- (1) Emergency operations conducted for the public health, safety, and welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails;
- (3) Normal maintenance and repair activities;
- (4) Primitive campsites;
- (5) Primitive recreation;
- (6) Road projects: Level A;
- (7) Storage of boats, moorings, and navigation equipment;
- (8) Surveying and other resource analysis; and
- (9) Wildlife and fishery research and surveys, and wildlife management practices approved by state or federal agencies.

#### **B. Uses Allowed by Written Notification**

The following uses are allowed following written notification to LUPC in accordance with the procedures described below and provided they are not undertaken between April 1st and June 15th in any year without prior approval of the Commission:

- (1) Docking and mooring structures: Temporary;
- (2) Fence construction;
- (3) Forest management and timber harvesting in accordance with General Standards; and
- (4) Trail construction, provided that no associated vegetative clearing or filling and grading occurs within 250 feet of the normal high water mark.

At least 21 days prior to undertaking any of the above-listed activities, the landowner shall submit to LUPC written notification of the proposed activity. The notification shall be submitted on the form provided in Appendix H or other appropriate form specified by the Commission. Upon receipt of the notification, the Commission will review the notification and:

- (1) If the Commission identifies concerns regarding the proposed activity, it will contact the landowner within 21 days of its receipt of the notification. If the Commission's concerns are not subsequently addressed by the landowner through modifications of the proposed activity, then the landowner must apply for and obtain a permit from the Commission prior to undertaking the activity;
- (2) If the Commission does not notify the landowner of concerns within the 21-day period following its receipt of the notification, the landowner may proceed with the activity.

#### **C. Uses Allowed with a Permit**

The following uses are allowed upon issuance of a permit by the Commission:

- (1) Accessory structures;
- (2) Agricultural management activities;
- (3) Campsites: Permanent non-commercial, except as provided for in Section 8,A,(2),(i) of this Plan;
- (4) Docking and mooring structures: Permanent, including boat ramps and water access ways, and on-shore structures used to secure docks and moorings;
- (5) Filling and grading;
- (6) Forest management and timber harvesting in excess of standards listed in Section 8 of this Plan;
- (7) Helicopter landing sites;

- (8) Home occupations;
- (9) Land management roads;
- (10) Research and residential facilities: Non-commercial structures used by federal or state agencies for educational, research, scientific or nature observation purposes and associated residential staff accommodations, which are not of a size or nature that would unduly adversely affect the resources protected by the Plan;
- (11) Residential dwellings: Single-family;
- (12) Road projects: Level B and C, including temporary access ways for permitted construction that do not involve filling and grading;
- (13) Trail construction which involves associated vegetative clearing or filling and grading within 250 feet of the normal high water mark; and
- (14) Other structures and uses which the Commission determines are consistent with the purposes of this Resource Plan and of the *Comprehensive Land Use Plan* and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

**D. Prohibited Uses**

Any use not expressly allowed, with or without a permit, is prohibited, except that allowed uses may be permitted by the Commission pursuant to Section 7,C,(14) of this Plan.

**8. GENERAL STANDARDS FOR PERMITTED USES**

The following standards apply to all land use activities on Metinic Island, whether allowed without a permit, by written notification to LUPC, or by permit.

**A. Development Standards**

(1) Lots

No further division of a lot of record in existence as of July 1, 1991 is allowed. Reconfiguration of existing lots, by transfer to an abutter is allowed, provided no additional lots are created.

(2) Structures

- (a) A maximum of five (5) single family dwellings and one (1) combined research and residential facility, and associated accessory structures, shall be allowed on the northern portion of the island (lots 1–11 and lot 13, as shown in Appendix B), provided the provisions of paragraphs (b)–(h) following are met for each structure. Residential dwellings shall be allocated as follows: one (1) is allocated to the lot presently owned by Eugene C. and Nathalie B. Witham; one (1) is allocated to the lot presently owned by Elmer R. and Sheila D. Witham, provided that the Commission and MDIFW, after consultation with Elmer R. and Sheila D. Witham, locate and approve a suitable building site on the lot that minimizes disturbance to the seabird nesting habitat and resources; one (1) is allocated to each of the two lots presently owned by Peter E. Butler; and one (1) is allocated to the lot presently owned by James P. Miller.



One (1) research and residential facility on the northern portion of the island, and associated accessory structures, is allocated to the property acquired by the United States of America.

- (b) A building permit from the Maine Land Use Planning Commission is required for all structures, in accordance with the requirements of the *Land Use Districts and Standards*. However, because this Resource Plan is designed to provide for the protection of nesting seabirds, in reviewing an application for development proposed in accordance with this Plan the Commission will not deny a building permit application that meets the requirements of this Plan based on undue adverse impacts on nesting seabirds protected under this Plan.
- (c) All structures, principal and accessory, and permanent campsites shall be located a minimum of 250 feet from the normal high water mark of tidal waters, excepting those structures allowed under this Plan and determined by the Commission to be necessary to a water-dependent use. It is the goal of this Plan to minimize clearing of existing vegetation and loss of habitat; therefore, this Plan establishes a preference for siting structures allowed under this Plan in existing clearings. Based on available information, it appears that all landowners can locate authorized structures in existing clearings and meet the 250-foot setback requirement. However, if the characteristics of a site make it impossible to locate a structure that is both 250 feet back from the normal high water mark and within an existing clearing, then the landowner may apply for a waiver of the standards for clearing for development. In such cases, LUPC may increase the amount of area cleared to the minimum extent necessary to meet the 250-foot setback requirement.

In addition, all structures and campsites shall be located a minimum of 660 feet from the outermost edge of the tern colony that is located on the northern end of the island. Where development of a lot is demonstrated to be substantially adversely affected by this tern colony setback requirement when combined with the 250-foot setback requirement from the normal high water mark, the landowner may apply for a waiver of the setback from the tern colony. In such cases, the Commission may waive the setback from the tern colony to the minimum extent necessary provided, however, the setback from the tern colony is no less than 500 feet and the 250-foot setback from the normal high water mark is maintained.

- (d) The footprint of each dwelling shall not exceed 2,000 square feet. An additional 1,000 square feet of footprint per dwelling is allowed for exterior, unenclosed decks. Decks larger than 1,000 square feet are allowed provided the combined footprint of the dwelling and exterior decking does not exceed 3,000 square feet, but in no case shall the footprint of enclosed living space exceed 2,000 square feet. In addition, the combined footprint of all accessory structures associated with a dwelling shall not exceed 2,000 square feet.
- (e) Dimensional requirements for lots and structures shall be in accordance with Section 10.26, Dimensional Requirements, of the Commission's *Land Use Districts and Standards*, except that building height shall not exceed 35 feet.
- (f) Subsurface sewage disposal requirements shall be in accordance with Section 10.25,I, Subsurface Waste Water Disposal, of the Commission's *Land Use Districts and Standards* and the Maine State Plumbing Code.

- (g) In any given year, construction and related activities may be undertaken only during the period between August 15 and March 1 (of the following year).
- (h) Dwellings and campsites may not be occupied between April 1 and June 15.
- (i) Upon application for a building permit by a landowner and subsequent approval of the permit by the Commission, one permanent campsite is allowed without further permit approval at the building site until such time as the building is completed in accordance with the permit, provided the landowner specifies the location of the campsite in the building permit application.

(3) Clearing for Development

- (a) Clearing of an area associated with a dwelling and associated accessory structures, lawns, gardens, and clearings shall not exceed 20,000 square feet. For dwellings located in existing clearings, cleared areas and viewsheds may be maintained provided the total area maintained as a clearing does not exceed 20,000 square feet. For dwellings located in areas vegetated with trees and/or shrubs, a clearing of no more than 20,000 square feet may be created and maintained.
- (b) No clearing or vegetative disturbance is allowed within 250 feet of the normal high water mark of tidal waters, except for dwellings as provided in 8,A,(3)(a) above, for trail construction, or where a waiver has been granted to the structural setback requirement.
  - (i) Clearing for trail development shall retain a vegetative buffer strip within 100 feet of the normal high water mark of tidal waters. Within the buffer, a footpath is permitted, provided it does not exceed six (6) feet in width.
  - (ii) Where a structural setback waiver has been granted, clearing is allowed as provided in 8,A,(3)(a) above provided that no clearing is allowed within 100 feet of the normal high water mark of tidal waters.

(4) Docks and Boat Landings

- (a) The island currently has one existing boat landing and dock on the southern portion of the island. One additional boat landing and one dock is allowed on the northern end of the island to serve landowners owning land on the northern portion of the island. A single, permanent dock may be allowed by permit from the Commission if the applicant demonstrates that use associated with the dock can be buffered from the seabird resource through creation of visual or vegetative buffers and other measures to ensure minimal disturbance. All land traffic from the boat landing shall utilize the west side of the landing area to minimize disturbance to any nearby tern colony or nesting areas.
- (b) One or more moorings may be allowed and a second boat landing may be established in the general area of the beach shoreline on lot 9 in the event a right-of-way as described in Section 8,A(5)(ii) is legally established and if the applicant demonstrates title, right, and interest for the boat landing and the right-of-way in the notification or permit application for the mooring and demonstrates that use associated with the mooring and boat landing can be buffered from the seabird resource through creation of visual or vegetative buffers or other measures to ensure

minimal disturbance. All land traffic from the boat landing shall utilize the legally-deeded right-of-way as described in Section 8,A(5)(ii) below, to minimize disturbance to any nearby tern colony or nesting areas.

(5) Roads and Motorized Vehicles

- (a) There are currently no roads on the northern portion of the island.
  - (i) One road may be permitted, in accordance with the standards set forth in this Resource Plan, on the northern portion of the island but must follow the route described below to minimize disturbance to the tern colony: it shall begin at the west side of the beach that serves as the northern landing area and shall run southwest, generally following the centerline of the island, following the swale between the rise of land to the east and the stone wall to the west, in accordance with the legally deeded right-of-way common to all owners on the northern portion of the island (*see* Appendix B). The common owners of this right-of-way may through a private legal process alter the route of this legally-deeded right-of-way, provided any such alteration continues to follow the general route described above (*see* Appendix B) and/or the existing informal trail on the northern portion of the island (*see* Appendix I).
  - (ii) A second road may be permitted, in accordance with the standards set forth in this Resource Plan, on the northern portion of the island, but in accordance with a legally deeded right-of-way established through a private legal process involving all affected common owners, and as described below: it shall begin on lot 9 from its beach shoreline and connect with the existing informal trail (*see* Appendix I) and follow that trail to and/or through only lot 8 (*see* Appendices A & B).
  - (iii) The permitting of roads in accordance with paragraphs (i) and (ii) above is allowed under this Resource Plan and shall not constitute an amendment of this Plan within the meaning of Section 11 of this Plan, and may be made notwithstanding any conditions for the amendment of this Plan set forth in Section 11 of this Plan. Any other alteration or relocation of proposed roads must be handled through an amendment of this Resource Plan. If the route of the current legally-deeded right-of-way described in paragraph (i) is legally altered or a new legally-deeded right-of-way is established in accordance with paragraph (ii) above, the parties shall (a) record a copy of any documents establishing the altered or new route in the Knox County Registry of Deeds and (b) file a copy of those documents with the Commission.
  - (iv) The travel portion of any road shall in any event be no more than 12 feet wide, notwithstanding that the current width of the legally-deeded right-of-way is 20 feet.
- (b) The design and construction of land management and other roads through wetlands must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

- (c) Operation of motorized vehicles within 660 feet of the tern colony is prohibited between April 1 and July 15, and operation of motorized vehicles on the remainder of the island is prohibited between April 1 and June 15.

## **B. Other Standards**

### (1) Pets & Other Domestic Animals

- (a) Free-roaming pets are prohibited on the island.
- (b) Introduction of wild animals to the island is prohibited. [NOTE: Raccoons, mink, weasels, skunk, and other animals are efficient predators. White-tailed deer and others will severely damage seabird nesting habitat.]

### (2) Agricultural Management Activities

Domestic livestock shall generally be limited to the southern half of the island (lot 12 in Appendix B) as a pre-existing use. Livestock may be allowed on portions of the northern half of the island only if approved by state or federal agencies as a wildlife management practice under Section 7,A of this Plan. In all cases, it is the responsibility of the owners of livestock to control the movement of their livestock as directed by the Plan or as specified in any conditions associated with wildlife management practices permitted under this Plan.

### (3) Forest Management and Timber Harvesting

- (a) No clearcutting shall be allowed within 100 feet of the normal high water mark of tidal waters and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees and other vegetation is retained;
- (b) Selective cutting of no more than 20% of the total volume of trees four inches or more in diameter, measured at 4 ½ feet above ground level, on any acre in any ten-year period is permitted, provided that a well-distributed stand of trees and other vegetation is maintained at all times;
- (c) Timber harvesting operations shall not create openings in the forest canopy greater than five thousand (5,000) square feet, and such openings shall be at least one hundred feet apart;
- (d) Forest management and timber harvesting shall not be undertaken between April 1 and June 15 of any year.

(4) Helicopter Access

Helicopter access is an allowed use only at a single landing site permitted under Section 7,C(7) in accordance with the terms and conditions of the permit. Terms and conditions may vary depending on the location of that landing site.

(5) Miscellaneous

Introduction of pioneering noxious plants such as purple loosestrife is prohibited.  
[NOTE: These plants can choke out indigenous vegetation that is valuable to wildlife.]

## **9. DURATION OF PLAN**

This Resource Plan shall remain in effect for a period of twenty (20) years from the effective date of this Plan. Prior to its expiration, the Plan may be renewed and extended in accordance with Section 10.23,H of the Commission's *Land Use Districts and Standards* upon approval of the Commission and the Landowners. The Landowners must provide the Commission with written notice of whether they intend to extend or renew the Plan one (1) year prior to the expiration of this Plan. If the Plan is proposed for renewal, the proposal must be substantially complete and submitted to the Commission six (6) months prior to the expiration date of the existing Plan. If the Landowners or the Commission do not wish to renew the Plan, or cannot agree upon the terms of a renewal, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning concurrent with expiration of the existing Plan.

This Plan shall be binding on Landowners entering into this Plan, and their heirs and assigns, for the duration of the Plan.

## **10. EFFECTIVE DATE OF PLAN**

This Plan shall take effect September 4, 2013, following approval by the Maine Land Use Planning Commission. Within thirty (30) days of the effective date of this Plan, a copy of the approved Plan will be filed by the Commission in the Knox County Registry of Deeds. Upon the lease or conveyance of a lot that is included within this Plan, the landowner shall reference the existence of this Plan and any amendments thereto in the lease or deed conveying the lot.

## **11. AMENDMENT OF PLAN**

Upon mutual agreement of the landowners and the Commission, this Resource Plan may be amended from time to time due to unanticipated changes in the seabird resource including those conditions described below or for other necessary reasons:

If, during the term of this Plan, the Commission or MDIFW concludes, based upon regular monitoring and assessment, that unanticipated changes in the presence or viability of the seabird resource have arisen and are persistent, the Plan may be amended to most appropriately respond to those changes if such amendments are in keeping with the purposes and intent of this Plan. If after consultation with MDIFW, this monitoring and assessment demonstrates to the satisfaction of the Commission that the terns have abandoned the northern end of the island and no longer use the area as habitat due to conditions unrelated to or arising from human disturbance, habitation, or presence,

and such change is not transient but is permanent, the Commission may, upon petition by the landowners, review and amend this Plan to reflect this change. However, review and amendment of the Plan relating to the terms may not occur within the five (5) year period following the effective date of this Plan.

Amendments must meet the criteria of approval listed in Section 10.23,H,6 of the Commission's *Land Use Districts and Standards* and shall be in keeping with the purposes and intent of this Plan.

Amendments to this Plan must be promptly filed in the Knox County Registry of Deeds.

## **12. LIMITATIONS**

Nothing in this Plan shall be construed to limit or prohibit the Maine Land Use Planning Commission from administering and enforcing statutory provisions enacted subsequent to the effective date of this Plan.

## **13. DEFINITIONS**

Definitions of certain terms used in this Plan are contained in this Section. Terms not defined in this Section shall have the meaning given them in Chapter 10 of the Commission's *Land Use Districts and Standards*.

### **Accessory Use or Accessory Structure:**

“A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure.” 12 M.R.S.A., Section 682. A deck or similar extension of the principal structure is considered part of the principal structure.

### **Agricultural Management Activities:**

Land clearing, tilling, fertilizing, including spreading and disposal of manure, liming, planting, harvesting or cultivating crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.

### **Coastal Nesting Island:**

An island used for nesting by sea birds during their breeding period.

### **Commission:**

The Maine Land Use Planning Commission.

### **Docking or Mooring Structure:**

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boat houses and float plane hangars. When associated with this phrase, the term “permanent” shall mean facilities in place for longer than 7 months in any calendar year, and the term “temporary” shall mean facilities in place for up to 7 months in any calendar year. For purposes of this Plan, the term “docking facilities” shall have the same meaning as “docking or mooring structure”.

**Dwelling Unit:**

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. The term shall not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home operated as a home occupation.

**Home Occupation:**

Any business, occupation, profession, or trade which is carried on in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing in the dwelling unit. The conduct of such business, occupation or profession must be clearly incidental and secondary to the use of the dwelling unit for residential purposes, compatible with the allowed uses, and must occupy no more than 25 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure in which the occupation is carried out.

**Land Management Road:**

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

**Level A Road Projects:**

Reconstruction within existing rights-of-way of public or private roads other than land management roads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair.

**Level B Road Projects:**

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads.

**Level C Road Projects:**

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in Level A or Level B road projects, such roads shall include both public and private roadways excluding land management roads.

**Normal High Water Mark of Tidal Waters:**

That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap, commonly referred to as the mean high water level. This line may be identified where appropriate by discerning the debris line left by tidal action.

**Normal Maintenance and Repair:**

Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, or change in size or capacity.



**Permanent Non-Commercial Campsite:**

An outdoor area designed for overnight occupancy, where limited clearing of vegetation or structural development, including but not limited to, tent platforms, lean-tos, privies, and picnic tables, occurs on the site.

**Primitive Campsite:**

An outdoor area used for transient, overnight occupancy in tents, provided there is no clearing of vegetation or structural development, including but not limited to, tent platforms, lean-tos, privies, and picnic tables on the site.

**Primitive Recreation:**

Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, canoe portaging, cross country skiing, and snowshoeing.

**Principal Building:**

A building which provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.

**Reconstruction:**

Unless otherwise provided, the addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof or foundation, has been destroyed, damaged demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair.

**Structure:**

“Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats.” 12 M.R.S.A., Section 682

**Temporary Docking or Mooring Structure:**

Docking or mooring structures which are in place for less than seven months during any calendar year upon or over submerged lands.

**Tidal Waters:**

All waters or portions thereof which customarily ebb and flow as the result of tidal action.

**Trail:**


A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

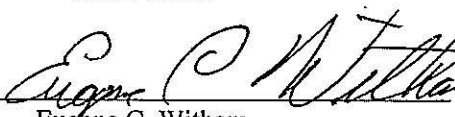
**Water-Dependent Uses:**

Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water-borne transportation that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

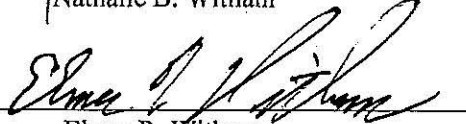
**Wildlife Management Practices:**

Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, controlled grazing of domesticated animals, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

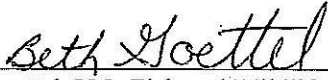
BY:   
Peter Butler

James Miller  
  
Eugene C. Witham

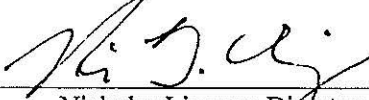
Nathalie B. Witham  
Nathalie B. Witham

  
Elmer R. Witham

  
Sheila D. Witham


  
Beth Goettel, U.S. Fish and Wildlife Service,  
United States of America

APPROVED BY THE MAINE LAND USE PLANNING COMMISSION AT  
FARMINGTON, MAINE, THIS 14<sup>th</sup> DAY OF AUGUST, 2013.

By:   
Nicholas Livesay, Director  
Maine Land Use Planning Commission

BY:

\_\_\_\_\_  
Peter Butler

  
\_\_\_\_\_  
James Miller

\_\_\_\_\_  
Eugene C. Witham

\_\_\_\_\_  
Nathalie B. Witham

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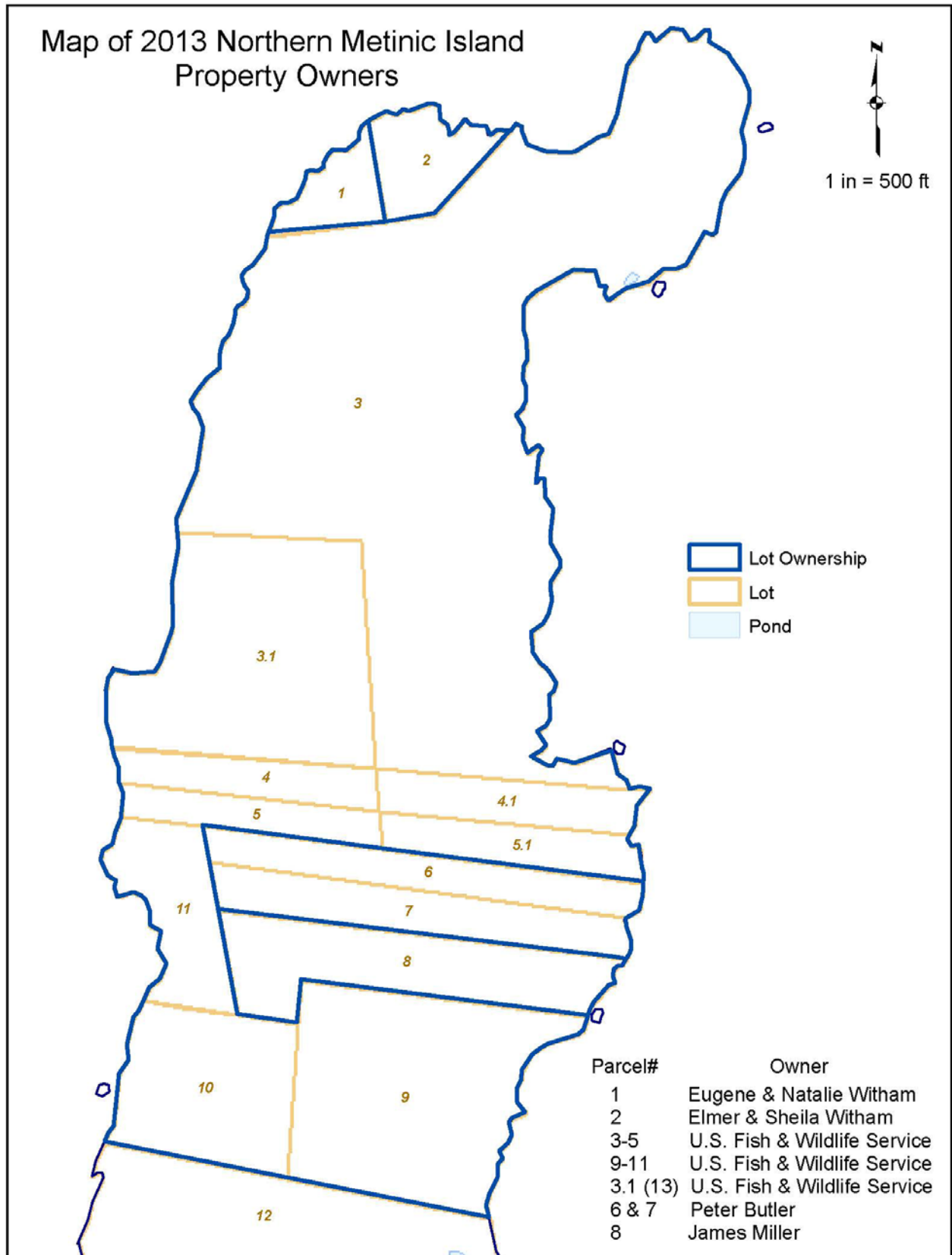
By:

\_\_\_\_\_  
Nicholas Livesay, Director  
Maine Land Use Planning Commission

## APPENDICES

- Appendix A** – Map of 2013 Northern Metinic Island property owners
- Appendix B** – Map of 1991 Northern Metinic Island property ownership
- Appendix C** – Historical information for colonial nesting seabirds on Metinic Island, from Korschgen, Carl. 1976. Historical Review of Seabirds Nesting in Maine (Appendix I). U.S. Fish and Wildlife Service. Unpublished Report
- Appendix D** – Map of 1991 MDIFW Metinic Island Seabird Census
- Appendix E** – Metinic Island Seabird Census 2012. U.S. Fish and Wildlife Service
- Appendix F** – Excerpts for Metinic Island from *Maine Atlas of Breeding Seabird and Coastal Wading Bird Colonies 1960 to 2011*
- Appendix G** – Excerpts for Metinic Island from *Biological Summary of Islands within Maine Coastal Islands National Wildlife Refuge*. Feb. 2013
- Appendix H** – Notification form for activities allowed by notification to LUPC
- Appendix I** – Map of Approximate Route of Existing Informal Trail
- Appendix J** – LUPC Land Use Guidance Map, Metinic Island, P-RP 006, effective September 4, 1992 for the northern portion of the island and renewed effective September 4, 2013

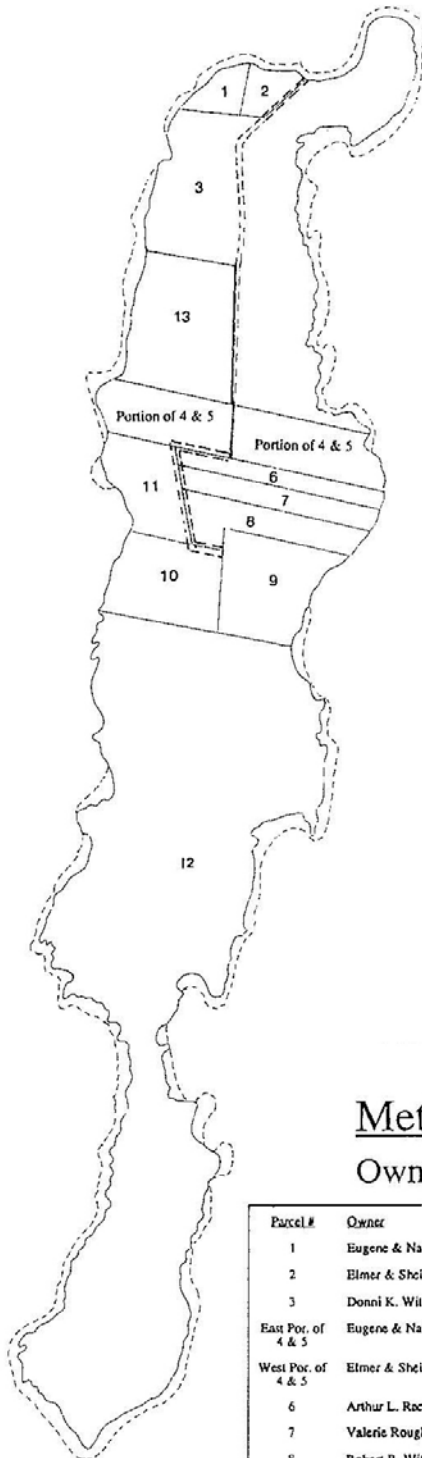
APPENDIX A



APPENDIX B

MAP OF 1991 METINIC ISLAND PROPERTY OWNERSHIP

BK1652 PG075



Metinic Island  
Ownership Map

Parcel #	Owner	Area	Book/Page
1	Eugene & Nathalie Witham	3.42 AC	1581/294
2	Elmer & Sheila D. Witham	3.42 AC	1581/298
3	Donni K. Witham	64.0 AC	
East Por. of 4 & 5	Eugene & Nathalie Witham	10.4 AC	1581/294
West Por. of 4 & 5	Elmer & Sheila D. Witham	10.0 AC	1581/298
6	Arthur L. Rockliff, Jr.	5.11 AC	673/131
7	Valerie Rough	6.07 AC	673/131
8	Robert B. Witham	8.13 AC	535/302
9	Gregory Farris	13.59 AC	477/160
10	Gregory Farris	12.69 AC	477/160
11	Peter B. Smyth	9.11 AC	1123/246
12	Metinic Island Inc. (N/F Post)	100.0 AC	
13	Bert E. Witham	20 AC	



APPENDIX C

HISTORICAL INFORMATION FOR COLONIAL NESTING SEABIRDS ON METINIC ISLAND

05/06/76\*\*\*\*\* SEA-BIRD INVENTORY\*\*\*\*\*

HISTORICAL INFORMATION-COLONIAL NESTING SEA-BIRDS ON MAINE ISLANDS

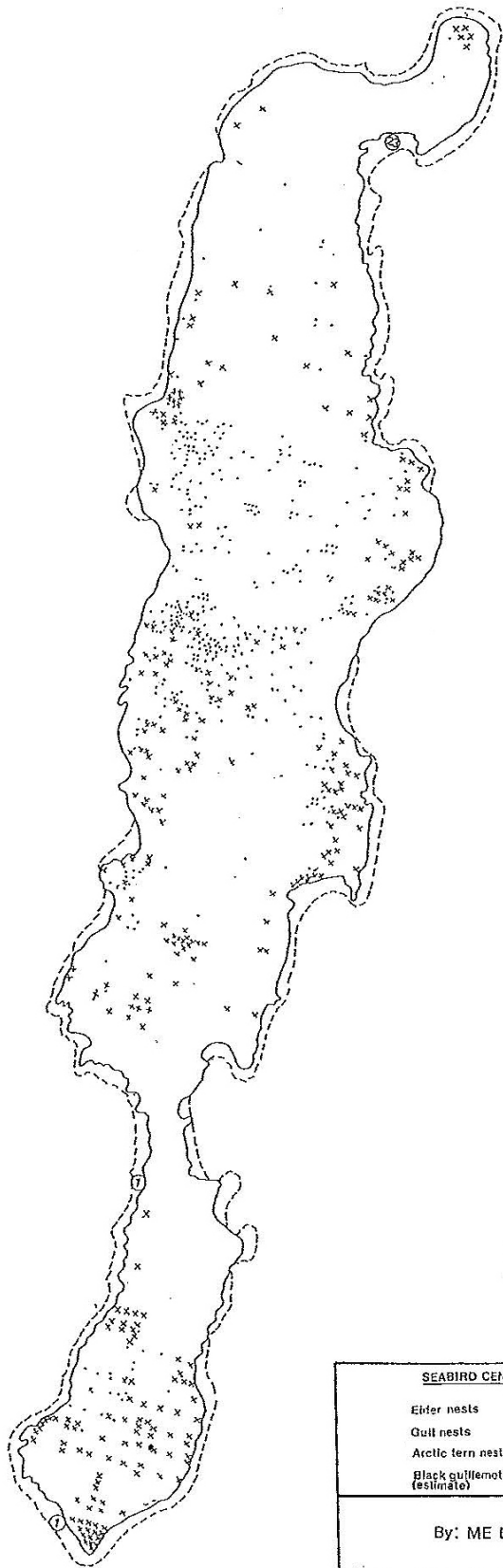
ISLAND	ISLAND NAME	COUNTY	LATITUDE	LONGITUDE	MAP NO.	CHART NO.	SIZE (HA)
63-584	METINIC I	KNOX	4353	69 7	080	12000	0300

DATE OF OBSERVATION	SPECIES OBSERVED	OBSERVATION	OBSERVER	SOURCE
RANGE	GUILLEMOT	50 PAIRS	(1965-1973) DRURY	DRURY 1974
RANGE	GREAT BLACK_BACKED GULL	200 PAIRS	(1965-1973) DRURY	DRURY 1974
65	GREAT BLACK_BACKED GULL	40-50 NESTS IN 1965	DRURY	DRURY 1966
68	GREAT BLACK_BACKED GULL	ACTIVE COLONY IN 1968	ME. UNIT	ME. UNIT
RANGE	HERRING GULL	300 PAIRS	(1965-1973) DRURY	DRURY 1974
68	HERRING GULL	ACTIVE COLONY IN 1968	ME. UNIT	ME. UNIT
RANGE	LAUGHING GULL	30 PAIRS	(1965-1973) DRURY	DRURY 1974
RANGE	COMMON TERN	6 PAIRS	(1965-1973) DRURY	DRURY 1974
21	COMMON TERN	ACTIVE COLONY IN 1921		NORTON UNPUB
31	COMMON TERN	ACTIVE COLONY IN 1931		NORTON UNPUB
71	COMMON TERN	2 PAIRS IN 1971	MASS AUD	MASS AUD SOC
RANGE	ARCTIC TERN	350 PAIRS	(1965-1973) DRURY	DRURY 1974
69	ARCTIC TERN	100 PAIRS IN 1969	DRURY	DRURY 1969
71	ARCTIC TERN	250 PAIRS IN 1971	MASS AUD	MASS AUD SOC
RANGE	PETREL	FEW	(1965-1973) DRURY	DRURY 1974
00	PETREL	SMALL COLONY IN 1900	DUTCHER	DRURY 1973
73	PETREL	FEWER THAN 20 PAIRS IN 1973	DRURY	DRURY 1973
RANGE	EIDER	PRESENT (1200 PAIRS)	(1965-1973) DRURY	DRURY 1974
65	EIDER	PRESENT IN 1965	DRURY	DRURY 1966
060868	EIDER	28 NESTS (EST 100-125 BIRDS) IN 1968	MAINE UNIT	H.L.MENDALL
31	TERNS	300 ARTIC COMMON NESTING IN 1931	NORTON-ALLN	NORTON-ALLEN
31	TERNS	ACTIVE COLONY IN 1931		NORTON UNPUB
37	TERNS	ACTIVE COLONY IN 1937	PALMER	PALMER 1938
69	TERNS	100 PAIRS IN 1969	MASS AUD.	MASS. AUDUBON

From Carl Korschgen. 1976. Appendix I.  
 Historical Review of Seabirds Nesting in  
 Maine. U. S. Fish and Wildlife Service.  
 Unpublished Report

APPENDIX D

MAP OF 1991 MDIFW METINIC ISLAND SEABIRD CENSUS



Metinic Island  
Seabird Census

SEABIRD CENSUS		LEGEND	
Eider nests	401	● - Eider nests	
Gull nests	290	x - Gull nests	
Arctic tern nests	25	⊕ - No. of tern nests	
Black gull/ternot (estimate)	160		

By: ME Dept. of Inland Fisheries & Wildlife (Spring 1991)

**APPENDIX E**

**METINIC ISLAND SEABIRD CENSUS 2012**

Metinic Island Seabird Census 2012

Alpha Codes	Common Name	GPS Units					Metinic's	Total
		Brain's	Michael's	Kelsey's	Sara's 5	Sara's 3+		
GBBG	Great Black-backed Gull	2	4	4	1	8	15	34
HERG	Herring Gull	40	34	16	27	15	70	202
COEI	Common Eider	14	12	17	12	20	20	95
COTE	Common Tern						91	91
ARTE	Arctic Tern						51	51
BLGU	Black Guillemot						52	52
LESP	Leach's Storm-Petrel						55	55
AMWO	American Woodcock			1				1
RNEP	Ring-necked Pheasant					1		1

APPENDIX F

EXCERPTS FOR METINIC ISLAND FROM

MAINE ATLAS OF BREEDING SEABIRD AND  
COASTAL WADING BIRD COLONIES  
1960 TO 2011

By

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2012

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## TABLE OF CONTENTS

	Pages
Acknowledgments	4
Introduction	5
Population trends from coast-wide surveys	5
Survey methods	9
Species-specific field methods	10
How to use this atlas	12
Ethical guidelines for use of data	14
Literature cited	15
Index map	16
Map 1 - Isles of Shoals	17
Map 2 - Wells Harbor	18
Map 3 - Saco Bay	19
Map 4 - Old Orchard Beach	20
Map 5 - Casco Bay	21
Map 6 - Upper Casco Bay	22
Map 7 - Kennebec River	23
Map 8 - Upper Kennebec	24
Map 9 - Damariscotta River	25
Map 10 - Upper Damariscotta	26
Map 11 - Metinic Island	27
Map 12 - Muscongus Bay	28
Map 13 - Matinucus Island	29
Map 14 - Vinalhaven	30

Map: 11  
Hay Ledge

(island continued from previous page)

CIR: 63-582 Acres/Hectares 5.03 / 2.04 COUNTY: Knox TOWN: Saint George

Species	Date	Observer	Quality codes	Survey type	Estimate type	Units counted	Field count		Final Nest Estimate
							# Individuals	# Nests or pairs	
BLGU	99/99/1972	Drury, W.H.	0 / 1	Boat	Estimate	Individuals		17	
BLGU	7/16/1971	Drury, W.H.	0 / 1	Boat	Estimate	Individuals		50	
COEI	6/ 9/1983	Hutchinson, A.	0 / 2	Ground	Flush Count	Individuals			150
COEI	6/13/1977	Fefer, S.	0 / 3	Ground	Estimate	Nests			35
COEI	6/ 3/1976	Fefer, S.	0 / 1	Boat	Estimate	Individuals		35	35
COEI	99/99/1972	Drury, W.H.	0 / 1	Boat	Estimate	Individuals		80	40
COEI	7/16/1971	Drury, W.H.	0 / 1	Boat	Estimate	Pairs		150	75
DCCO	5/30/2008	Schauffler, R.	0 / 3	Photo	Actual Count	Nests			19
DCCO	6/23/1995	Johnson, C.	0 / 4	Photo	Actual Count	Nests			145
DCCO	5/31/1994	Corr, P.	3 / 3	Photo	Actual Count	Nests			101
DCCO	6/10/1984	Woodward, S.	0 / 4	Photo	Actual Count	Nests			367
DCCO	6/ 9/1983	Hutchinson, A.	0 / 4	Unknown	Actual Count	Nests			220
DCCO	6/ 2/1981	Hutchinson, A.	0 / 4	Unknown	Actual Count	Nests			404
DCCO	6/13/1977	Fefer, S.	0 / 4	Ground	Actual Count	Nests			196
DCCO	6/ 3/1976	Fefer, S.	0 / 2	Boat	Estimate	Nests	400		200
DCCO	6/99/1972	Drury, W.H.	0 / 1	Aerial	Estimate	Nests		150	150
DCCO	6/16/1971	Drury, W.H.	0 / 2	Boat	Estimate	Nests		75	75
DCCO	5/20/1965	Drury, W.H.	0 / 2	Boat	Estimate	Nests		125	125
GBBG	5/30/2010	Bryant, R.	0 / 3	Photo	Estimate	Nests			50
GBBG	5/23/1995	Schauffler, R.	3 / 3	Photo	Actual Count	Nests			75
GBBG	6/ 9/1983	Hutchinson, A.	0 / 1	Unknown	Estimate	Unknown			40
GBBG	6/13/1977	Fefer, S.	0 / 1	Ground	Estimate	Individuals			34
GBBG	6/ 3/1976	Fefer, S.	0 / 1	Boat	Estimate	Unknown	125		55
GBBG	6/99/1972	Drury, W.H.	0 / 2	Aerial	Estimate	Pairs		25	25
GBBG	6/16/1971	Drury, W.H.	0 / 2	Boat	Estimate	Pairs		27	27
GBBG	6/15/1965	Drury, W.H.	0 / 2	Aerial	Estimate	Pairs		20	20
HEGU	5/30/2008	Schauffler, R.	0 / 3	Photo	Actual Count	Nests			84
HEGU	5/23/1995	Schauffler, R.	3 / 3	Photo	Actual Count	Nests			15
HEGU	6/13/1977	Fefer, S.	0 / 1	Ground	Estimate	Individuals			6
HEGU	6/ 3/1976	Fefer, S.	0 / 1	Boat	Estimate	Unknown	45		20
HEGU	6/99/1972	Drury, W.H.	0 / 2	Aerial	Estimate	Pairs		100	100
HEGU	6/15/1965	Drury, W.H.	0 / 2	Aerial	Estimate	Pairs		80	80
UNGU	6/10/1984	Woodward, S.	0 / 2	Photo	Incomplete	Individuals		present	
UNGU	6/30/1964	Drury, W.H.	0 / 2	Aerial	Estimate	Pairs		150	150
UNGU	7/99/1963	Drury, W.H.	0 / 1	Aerial	Estimate	Pairs		100	100

Map: 11

Metinic Island

CIR: 63-584 Acres/Hectares 346 / 140 COUNTY: Knox TOWN: Matinicus Isle Plt

Species	Date	Observer	Quality codes	Survey type	Estimate type	Units counted	Field count		Final Nest Estimate
							# Individuals	# Nests or pairs	
ARTE	6/17/2011	Walsh, C.	4 / 4	Ground	Actual Count	Nests		186	198
ARTE	6/16/2010	Benedict, B.	4 / 4	Ground	Actual Count	Nests			352
ARTE	6/17/2009	Benedict, B.	4 / 4	Ground	Actual Count	Nests			394
ARTE	6/19/2008	Williams, K.	3 / 4	Ground	Actual Count	Nests			283
ARTE	6/99/2007	Benedict, B.	0 / 1	Ground	Actual Count	Nests			338
ARTE	6/16/2006	Benedict, B.	0 / 4	Ground	Actual Count	Nests			138
ARTE	6/22/2005	Benedict, B.	4 / 4	Ground	Actual Count	Nests			126
ARTE	6/16/2004	Benedict, B.	0 / 4	Ground	Actual Count	Nests			426
ARTE	6/20/2003	Benedict, B.	0 / 4	Ground	Actual Count	Nests			244
ARTE	6/20/2002	Benedict, B.	0 / 4	Ground	Actual Count	Nests			104
ARTE	6/99/2001	Page	4 / 1	Ground	Incomplete	Nests			79
ARTE	6/15/2000	Warzybok	3 / 2	Ground	Estimate	Nests			64
ARTE	6/17/1999	Chipman, E.	4 / 2	Ground	Estimate	Nests			72
ARTE	6/21/1998	Drury, J.	0 / 4	Ground	Actual Count	Nests			87
ARTE	6/21/1997	Benedict, B.	0 / 4	Ground	Actual Count	Nests			79
ARTE	6/16/1996	USF&WS	4 / 4	Ground	Actual Count	Nests			29

(island continued on next page)

Map: 11

Metinic Island

(island continued from previous page)

CIR: 63-584

Acres/Hectares 346 / 140

COUNTY: Knox

TOWN: Matinicus Isle Pt

Species	Date	Observer	Quality codes	Survey type	Estimate type	Units counted	Field count		Final Nest Estimate
							# Individuals	# Nests or pairs	
ARTE	6/18/1995	Drury, J.	4/4	Ground	Actual Count	Nests			42
ARTE	6/15/1994	Drury, J.	4/4	Ground	Actual Count	Nests			39
ARTE	6/18/1993	Drury, J.	0/2	Boat	Estimate	Unknown			48
ARTE	6/18/1992	Drury, J.	0/1	Unknown	Actual Count	Nests			14
ARTE	6/19/1991	Allen, B.	0/1	Unknown	Actual Count	Nests	59		25
ARTE	5/21/1989	Hutchinson, A.	0/1	Unknown	Estimate	Unknown	140		
ARTE	6/25/1986	Schauffler, R.	4/2	Ground	Estimate	Nests		113	113
ARTE	6/16/1984	Folger, D.	0/1	Unknown	Estimate	Unknown			220
ARTE	6/9/1983	Hutchinson, A.	0/1	Unknown	Unknown	Unknown	210		
ARTE	6/13/1977	Fefer, S.	0/1	Ground	Estimate	Individuals	120		10
ARTE	7/16/1971	Drury, W.H.	0/1	Boat	Estimate	Individuals	250		250
ARTE	6/11/1969	Drury, W.H.	0/1	Boat	Estimate	Individuals	50		50
ARTE	7/20/1968	Drury, W.H.	0/1	Boat	Estimate	Individuals	75		75
BLGU	6/17/2011	Walsh, C.	4/1	Ground	Incomplete	Nests		>32	
BLGU	99/99/2008	Williams, K.	3/1	Ground	Actual Count	Nests			43
BLGU	5/31/2001	Benedict, B.	3/1	Ground	Incomplete	Nests			31
BLGU	99/99/1999	Chipman, E.	3/1	Ground	Actual Count	Nests			34
BLGU	6/21/1998	Drury, J.	0/1	Ground	Incomplete	Nests			16
BLGU	6/16/1996	USF&WS	4/1	Ground	Incomplete	Nests		>4	4
BLGU	5/9/1995	Drury, J.	4/2	Boat	Actual Count	Individuals	363		
BLGU	6/19/1991	Allen, B.	0/1	Boat	Estimate	Unknown	161		
BLGU	5/21/1989	Hutchinson, A.	0/1	Unknown	Estimate	Unknown			200
BLGU	6/9/1983	Hutchinson, A.	0/1	Unknown	Unknown	Unknown	300		
BLGU	6/13/1977	Fefer, S.	0/1	Ground	Estimate	Individuals			20
BLGU	99/99/1972	Drury, W.H.	0/1	Boat	Estimate	Individuals	28		
BLGU	7/16/1971	Drury, W.H.	0/1	Boat	Estimate	Individuals	40		
COEI	99/99/2007	Allen, B.	0/1	Ground	Estimate	Nests			75
COEI	5/31/2001	Benedict, B.	3/1	Ground	Incomplete	Nests			246
COEI	99/99/1999	Chipman, E.	3/1	Ground	Actual Count	Nests			62
COEI	5/20/1991	MDIF&W	0/1	Unknown	Unknown	Unknown			401
COEI	5/21/1989	Hutchinson, A.	0/1	Unknown	Unknown	Unknown			1000
COEI	6/9/1983	Hutchinson, A.	0/1	Unknown	Unknown	Unknown			300
COEI	6/13/1977	Fefer, S.	0/2	Ground	Estimate	Individuals			400
COEI	99/99/1972	Drury, W.H.	0/1	Boat	Estimate	Individuals	300		150
COTE	6/17/2011	Walsh, C.	4/4	Ground	Actual Count	Nests		292	300
COTE	6/16/2010	Benedict, B.	4/4	Ground	Actual Count	Nests			406
COTE	6/23/2009	Benedict, B.	4/4	Ground	Actual Count	Nests			387
COTE	6/19/2008	Williams, K.	3/4	Ground	Actual Count	Nests			394
COTE	6/99/2007	Benedict, B.	4/1	Ground	Actual Count	Nests			321
COTE	6/16/2006	Benedict, B.	0/4	Ground	Actual Count	Nests			322
COTE	6/22/2005	Benedict, B.	4/4	Ground	Actual Count	Nests			144
COTE	6/16/2004	Benedict, B.	4/4	Ground	Actual Count	Nests			342
COTE	6/20/2003	Benedict, B.	0/4	Ground	Actual Count	Nests			321
COTE	6/20/2002	Benedict, B.	0/4	Ground	Actual Count	Nests			126
COTE	6/99/2001	Page	4/1	Ground	Incomplete	Nests			32
COTE	6/15/2000	Warzybok	3/2	Ground	Estimate	Nests			58
COTE	6/17/1999	Chipman, E.	4/2	Ground	Estimate	Nests			39
COTE	6/21/1998	Drury, J.	0/4	Ground	Actual Count	Nests			30
COTE	6/21/1997	Benedict, B.	0/4	Ground	Actual Count	Nests			20
COTE	6/16/1996	USF&WS	4/4	Ground	Actual Count	Nests			3
COTE	6/18/1995	Drury, J.	4/4	Ground	Actual Count	Nests			0
COTE	6/15/1994	Drury, J.	4/3	Ground	Actual Count	Individuals	0		
COTE	5/21/1989	Hutchinson, A.	0/1	Unknown	Estimate	Unknown	60		
COTE	6/25/1986	Schauffler, R.	4/2	Ground	Estimate	Nests		638	638
COTE	6/16/1984	Folger, D.	0/1	Unknown	Estimate	Unknown			180
COTE	6/9/1983	Hutchinson, A.	0/1	Unknown	Flush Count	Individuals			1
COTE	7/16/1971	Drury, W.H.	0/1	Boat	Estimate	Individuals	2		2
GBBG	6/2/2010	Benedict, B.	0/1	Ground	Incomplete	Nests			0

(island continued on next page)



Species	Date	Observer	codes	type	type	counted	Field count		Estimate
							# Individuals	# Nests or pairs	
GBBG	5/30/2008	Schauffler, R.	0/3	Photo	Actual Count	Nests			181
GBBG	5/31/2001	Benedict, B.	4/1	Ground	Incomplete	Nests			59
GBBG	5/23/1995	Schauffler, R.	3/2	Aerial	Estimate	Nests			117
GBBG	5/20/1991	MDIF&W	0/1	Unknown	Unknown	Unknown		present	
GBBG	5/21/1989	Hutchinson, A.	0/1	Unknown	Unknown	Unknown		present	
GBBG	6/9/1983	Hutchinson, A.	0/1	Unknown	Unknown	Unknown			100
GBBG	6/13/1977	Fefer, S.	0/1	Ground	Estimate	Individuals			90
GBBG	6/99/1972	Drury, W.H.	0/2	Aerial	Estimate	Pairs		200	200
GBBG	7/16/1971	Drury, W.H.	0/1	Boat	Estimate	Pairs		140	140
GBBG	6/11/1969	Drury, W.H.	0/2	Boat	Estimate	Pairs		32	32
GBBG	8/18/1968	Drury, W.H.	0/1	Boat	Estimate	Pairs		8	8
GBBG	6/15/1965	Drury, W.H.	0/2	Aerial	Estimate	Pairs		50	50
HEGU	6/2/2010	Benedict, B.	0/1	Ground	Incomplete	Nests			129
HEGU	5/30/2008	Schauffler, R.	0/3	Photo	Actual Count	Nests			602
HEGU	5/31/2001	Benedict, B.	4/1	Ground	Incomplete	Nests			220
HEGU	5/23/1995	Schauffler, R.	3/2	Aerial	Estimate	Nests			322
HEGU	5/20/1991	MDIF&W	0/1	Unknown	Unknown	Unknown		present	
HEGU	5/21/1989	Hutchinson, A.	0/1	Unknown	Unknown	Unknown		present	
HEGU	6/9/1983	Hutchinson, A.	0/1	Unknown	Unknown	Unknown			250
HEGU	6/13/1977	Fefer, S.	0/1	Ground	Estimate	Individuals			90
HEGU	6/99/1972	Drury, W.H.	0/2	Aerial	Estimate	Pairs		300	300
HEGU	7/16/1971	Drury, W.H.	0/1	Boat	Estimate	Pairs		150	150
HEGU	6/11/1969	Drury, W.H.	0/2	Boat	Estimate	Nests		80	80
HEGU	8/18/1968	Drury, W.H.	0/1	Boat	Estimate	Pairs		80	80
HEGU	6/15/1965	Drury, W.H.	0/2	Aerial	Estimate	Pairs		50	50
LAGU	6/16/2010	Benedict, B.	4/9	Ground	Actual Count	Nests			1
LAGU	6/19/2008	Williams, K.	3/9	Ground	Actual Count	Nests			0
LAGU	7/16/1971	Drury, W.H.	0/9	Boat	Estimate	Individuals	8		8
LSPE	6/17/2011	Walsh, C.	1/3	Ground	Actual Count	Nests		53	7
LSPE	99/99/2008	Williams, K.	3/1	Ground	Actual Count	Nests			37
LSPE	7/7/1994	Drury, J.	3/2	Ground	Estimate	Nests		50-300	50
ROST	6/17/2011	Walsh, C.	4/4	Ground	Actual Count	Nests		1	1
ROST	6/19/2008	Williams, K.	3/4	Ground	Actual Count	Nests			0
ROST	6/99/2007	Benedict, B.	4/1	Ground	Actual Count	Nests			0
ROST	6/16/2006	Benedict, B.	0/4	Ground	Actual Count	Nests			2
ROST	6/16/2004	Benedict, B.	0/4	Ground	Actual Count	Nests			1
ROST	6/20/2003	Benedict, B.	0/4	Ground	Actual Count	Nests			3
ROST	6/21/1997	Benedict, B.	0/4	Ground	Actual Count	Nests			0
ROST	6/18/1995	Drury, J.	4/4	Ground	Actual Count	Nests			0
ROST	6/15/1994	Drury, J.	4/3	Ground	Actual Count	Individuals	0		0
ROST	6/18/1993	Drury, J.	0/2	Boat	Estimate	Unknown			0
ROST	6/18/1992	Drury, J.	0/1	Unknown	Actual Count	Nests			0
ROST	5/21/1989	Unknown	0/1	Unknown	Unknown	Unknown	2		
ROST	6/25/1986	Schauffler, R.	4/2	Ground	Estimate	Nests		3-10	3
ROST	6/99/1985	McCullough, M.	0/1	Unknown	Unknown	Unknown			4
UNGU	5/20/1991	MDIF&W	0/1	Unknown	Unknown	Unknown			290
UNTR	6/10/1984	Woodward, S.	0/1	Aerial	Estimate	Unknown	500		

Map: 11

Metinic Green Island      CIR: 63-585      Acres/Hectares 8.66 / 3.50      COUNTY: Knox      TOWN: Matinicus Isle Pt

Species	Date	Observer	Quality codes	Survey type	Estimate type	Units counted	Field count		Final Nest Estimate
							# Individuals	# Nests or pairs	
BLGU	5/9/1995	Drury, J.	4/2	Boat	Actual Count	Individuals	62		
BLGU	6/13/1977	Fefer, S.	0/1	Ground	Estimate	Individuals			10
BLGU	6/23/1976	Fefer, S.	0/1	Unknown	Actual Count	Nests	20		10
BLGU	99/99/1972	Drury, W.H.	0/1	Boat	Estimate	Individuals	27		

APPENDIX G

EXCERPTS FOR METINIC ISLAND FROM  
BIOLOGICAL SUMMARY OF ISLANDS WITHIN MAINE COASTAL ISLANDS NATIONAL WILDLIFE REFUGE  
FEBRUARY 2013

METINIC ISLAND

Maine Coastal Islands NWR

Most recent data:

Year	COTE	ARTE	ROST	COEI	GBBG	HERG
2007	321	338	0	No Count	16	143
2008	409	303	0		4	60
2009	387	393	0		11	59
2010	406	352	0			
2011	292	192	0			
2012*	0	0	0	95	34	202

\* Complete survey of USFWS owned portion of island - also found 52 Black Guillemot and 55 Leach's storm-petrel burrows

Invasive Species:

- Oriental bittersweet, rugosa rose, bittersweet nightshade, Canada thistle, bull thistle, and gypsum weed
- Control efforts initiated in 2008 for nightshade, thistle, bittersweet and gypsum weed

Management Concerns:

- Garter snake predation on tern eggs and chicks
- LURC developed a Resource Plan for the northern portion of Metinic Island - 1992
- The island has been grazed by sheep for generations and approximately 120 sheep remain on the island. At this point in time, the Service is using the sheep to manage the vegetation for the nesting terns. In 2007, the Refuge began excluding the sheep from the entire USFWS owned portion of the island during the seabird nesting season.
- Metinic is listed by MDIFW as essential habitat for Roseate Terns
- Island is closed to public use during the eagle and seabird nesting seasons: February 15 - August 31

USFWS Owned Structures:

- Cabin on north end of island

Hunting- Island is not open to waterfowl hunting

Feb. 2013, Excerpts from "Biological Summary of Islands within  
Maine Coastal Islands National Wildlife Refuge"

# NOTIFICATION FORM

## for Specified Activities Pursuant to the Northern Metinic Island Resource Plan

### WHO MAY USE THIS NOTIFICATION FORM?

Landowners on northern Metinic Island may use this notification form for the following activities when proposed on portions of Metinic Island covered by the *Resource Plan for the Northern Portion of Metinic Island, Knox County, Maine*:


- Docking and mooring structures, temporary
- Fence construction
- Forest management and timber harvesting
- Trail construction



**A Notification must be filed with the Land Use Planning Commission at least 21 days PRIOR to the date activities or operations are scheduled to commence** in accordance with provisions of the Resource Plan. Commencement of such activities without adhering to the procedures outlined in the Plan is a violation of Land Use Planning Commission rules and is subject to enforcement action.

### WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the DownEast regional office and ask to speak to the LUPC regional representative for Maine's coastal islands. Also, go to the LUPC web site at [www.maine.gov/doc/lupc](http://www.maine.gov/doc/lupc) to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, an electronic version of the Northern Metinic Resource Plan, and other information.

 *Your notification may be returned if it is incomplete! Contact the DownEast office if you need any help with this form.*

### MAILING YOUR NOTIFICATION

Make a copy for your records and submit your completed and signed notification, including the site plan exhibit, to LUPC's DownEast office serving Knox County:

Maine Land Use Planning Commission  
106 Hogan Road, Suite 7 • BMHI Complex • Bangor, ME 04401  
Tel: 207-941-4052 • FAX: 207-941-4222

## CONDITIONS FOR NOTIFICATIONS WITHIN THE NORTHERN METINIC RESOURCE PLAN

1. The General Standards for Permitted Uses of Section 8 of the Northern Metinic Resource Plan (September 4, 2013), as applicable.
2. Construction or land use activities authorized under this notification must be started and substantially completed within 2 years of the effective date of this notification. If such construction activities are not started and completed within this time limitation, this notification shall lapse and no activities shall then occur unless and until a new notification has been granted by the Commission.
3. All conditions of previously issued Commission permits shall remain in effect.

## WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

LUPC staff will contact you prior to the 21 day deadline if it is determined that the proposed activity is not allowed by the notification process or if it does not meet the requirements of the Resource Plan. LUPC staff will then work with you to determine your options and to recommend modifications to your proposal in order to make your project approvable. If you choose to make modifications to obtain approval, your notification will be placed on-hold until an updated and complete application is submitted. If you choose to have your notification denied by the Staff, you will have an opportunity to appeal that decision to the Commission at one of its regular monthly meetings; or to Superior Court, if the decision is made by the Commission.

## ACCESSING THE PROJECT SITE FOR SITE EVALATION AND INSPECTION

Under 12 M.R.S.A, Section 685-C,8: "For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff...may conduct investigations, examinations, tests, and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter".

For some development projects, an application cannot be deemed complete until a site visit has been conducted by staff to verify information about a project. Further, in some cases staff will need the applicant or the designated agent to be present on site to provide information. As a general policy, when reasonably practicable, staff will notify property owners or the agent prior to visiting the property. Section 7 of the notification, however, provides an opportunity to authorize staff, at the time you file your notification, to fully access a project site. Due to our limited resources, this may increase the efficiency of the review of your application.

For office use:

	<b>MNF</b>	
Tracking No.		Metinic Notification No.

# Notification Form

for specified activities within the Northern Metinic Resource Plan

## 1. APPLICANT INFORMATION

Applicant Name(s)	Daytime Phone	FAX (if applicable)	
Mailing Address		Email (if applicable)	
Town	State	Zip Code	

## 2. PROJECT LOCATION AND PROPERTY DETAILS – NORTHERN METINIC ISLAND

Tax Plan and Lot numbers (check tax bill)	Book/Page numbers (check deed)
Lot size (in acres, or in square feet if less than 1 acre)	Lot coverage (in square feet)

## 3. EXISTING STRUCTURES

Are there any structures on your property?  YES  NO **If YES, fill in a line on the table below for each existing structure:**

Type of structure (dwelling, deck, porch, shed, etc.)	Year built	Exterior dimensions (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Distance (in feet) of structure from nearest:				
				Right-of-way or road	Property line	Atlantic Ocean	Wetland	

## 4. PROPOSED ACTIVITIES

Please provide a detailed description of the proposed activity, including the following information:

Type of activity or structure	Distance (in feet) of activity from nearest:			
	Right-of-way or road	Property line	Atlantic Ocean	Wetland
<input type="checkbox"/> Docking and mooring structure, temporary				
<input type="checkbox"/> Fence construction				
<input type="checkbox"/> Forest management and timber harvesting				
<input type="checkbox"/> Trail construction				
a. A description of the activity:				
b. A description of the area(s) that will be affected:				

4. **Proposed Activities**, continued

c. A description of the manner in which the activity will be undertaken, including measures that will be taken to minimize impacts on nesting seabirds and their habitat:

5. **VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE** (If applicable, fill in this table)

	Proposed New Area (in sq. ft.) of cleared/filled/disturbed soil:	Distance (in feet) between edge of cleared/filled area and the nearest:			
		Road or right- of-way	Property line	Normal high water mark	Upland edge of wetland
Cleared area					
Filled/disturbed area					
What is the average slope of land between the area to be filled/disturbed and the nhwm or the wetland? .....% <input type="checkbox"/> NA					

6. **PERIOD OF OPERATIONS – NOTIFICATION MAY BE FOR A MAXIMUM TWO-YEAR PERIOD ONLY**

Date: From \_\_\_\_\_ To \_\_\_\_\_

Season(s): Spring  Summer  Fall  Winter  Year-round

7. **APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)**

Agent Name	Daytime Phone	FAX (If applicable)
Mailing Address		Email (If applicable)
Town	State	Zip Code

I have personally examined and am familiar with the information submitted in this notification, including the accompanying site plan exhibit and supplements, if any, and to the best of my knowledge and belief, this notification is complete. I understand that if the notification is incomplete or without any required exhibit that it will result in delays in processing my notification. The information in this notification is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this notification and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of this LUPC notification. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this notification. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, LUPC's review is limited only to land use issues and LUPC does not make any findings related to the MUBEC nor do LUPC staff inspect buildings or enforce any provisions of that Code.

Please check **one** of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the notification form)

- I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the notification materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my notification.
- I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed or sales contract must sign below.

Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

See Conditions for Notifications

**NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO 21 DAYS FROM THE DATE OF YOUR SUBMISSION.**  
**LUPC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS NOTIFICATION.**

## EXHIBIT: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for the site plan exhibit in the instructions on page i. Do not use colors. Refer to the instructions on page ii for a sample site plan.

A large grid for drawing a site plan. The grid is composed of 20 columns and 20 rows of squares, providing a space for a bird's-eye view site plan.

Notes/Legend:

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## CONDITIONS FOR NOTIFICATIONS (within the Northern Metinic Resource Plan)

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1. The General Standards for Permitted Uses of Section 8 of the Northern Metinic Resource Plan (September 4, 2013), as applicable.
2. Construction or land use activities authorized under this notification must be started and substantially completed within 2 years of the effective date of this notification. If such construction activities are not started and completed within this time limitation, this notification shall lapse and no activities shall then occur unless and until a new notification has been granted by the Commission.
3. All conditions of previously issued Commission permits shall remain in effect.



## 1. APPLICANT INFORMATION

Print the legal names and mailing addresses of all persons or companies with title, right, or interest (TRI) in the property associated with this notification. Persons with "right, title or interest" are those listed on any deed, lease or sales contract for the property. **Attach a copy of your deed or other proof of TRI to this notification.**

## 2. PROJECT LOCATION AND PROPERTY DETAILS

**Tax Plan and Lot Numbers.** The tax plan and lot numbers are listed on your property tax bill.

**Book/Page Numbers.** The book and page numbers are listed on your deed.

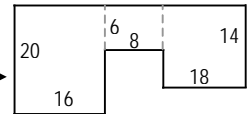
**Lot Coverage.** Calculate the area of your property that will be covered by structures, driveways, sidewalks, and other impervious surfaces after your proposed activities are completed. Include all existing and proposed structures and features on your lot.

## 3. EXISTING STRUCTURES

**Structure:** Types of structures and features include a house, camp, garage, bunkhouse, porch, shed, walkway, driveway, sign, etc.

**Types of structures** include a house, camp, garage, bunkhouse, porch, shed, etc. For each structure that exists on your property, fill out the appropriate information in the table.


**Exterior Dimensions.** Calculate the dimensions (length, width and height) of each structure along its exterior surfaces. Measure the height of the structure from the peak of the roof (excluding chimneys or antennae) to the lowest point of the structure at grade along the downhill side (such as the floor of a daylight basement). If the structure is irregularly shaped, write in its detailed dimensions. For example, a structure that is 24 feet high and is shaped like this ...



... would have these dimensions: *16x20x24; 6x8x24; 14x18x24.*

**Type of Foundation.** Describe the type of foundation that supports the structure. Types of foundations include full foundations, basements, frost walls, slabs, posts, sono tubes, etc.

**Setback Distances.** All setback distances should be measured horizontally. Road setbacks should be measured as the distance from the edge of the traveled way to the nearest portion of the structure. Property line setbacks should be measured as the distance from the property boundary line to the nearest portion of the structure. Setbacks from ponds, wetlands, and the ocean should be measured as the distance from the normal high water mark (upland edge for wetlands) to the nearest portion of the structure.

 *The normal high water mark is that line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap, commonly referred to as the mean high water level. This line may be identified by discerning the debris line left by tidal action. Call LUPC if you need help identifying this mark.*

## 4. PROPOSED ACTIVITIES

Check the appropriate box or boxes to describe your proposal. For each structure that you are proposing to build or alter, fill out the appropriate information in the table. Instructions for calculating exterior dimensions and setback distances are listed in the instructions for Question 3 above.

## 5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE

If you will be clearing any vegetation, filling or grading, or disturbing soil as part of your proposal, identify the total size of the proposed cleared or filled/graded or disturbed area and the distances between the edge of the area and the nearest right-of-way, road, property line, wetland and normal high water mark of the ocean.

## 6. CERTIFICATION AND APPLICANT SIGNATURES

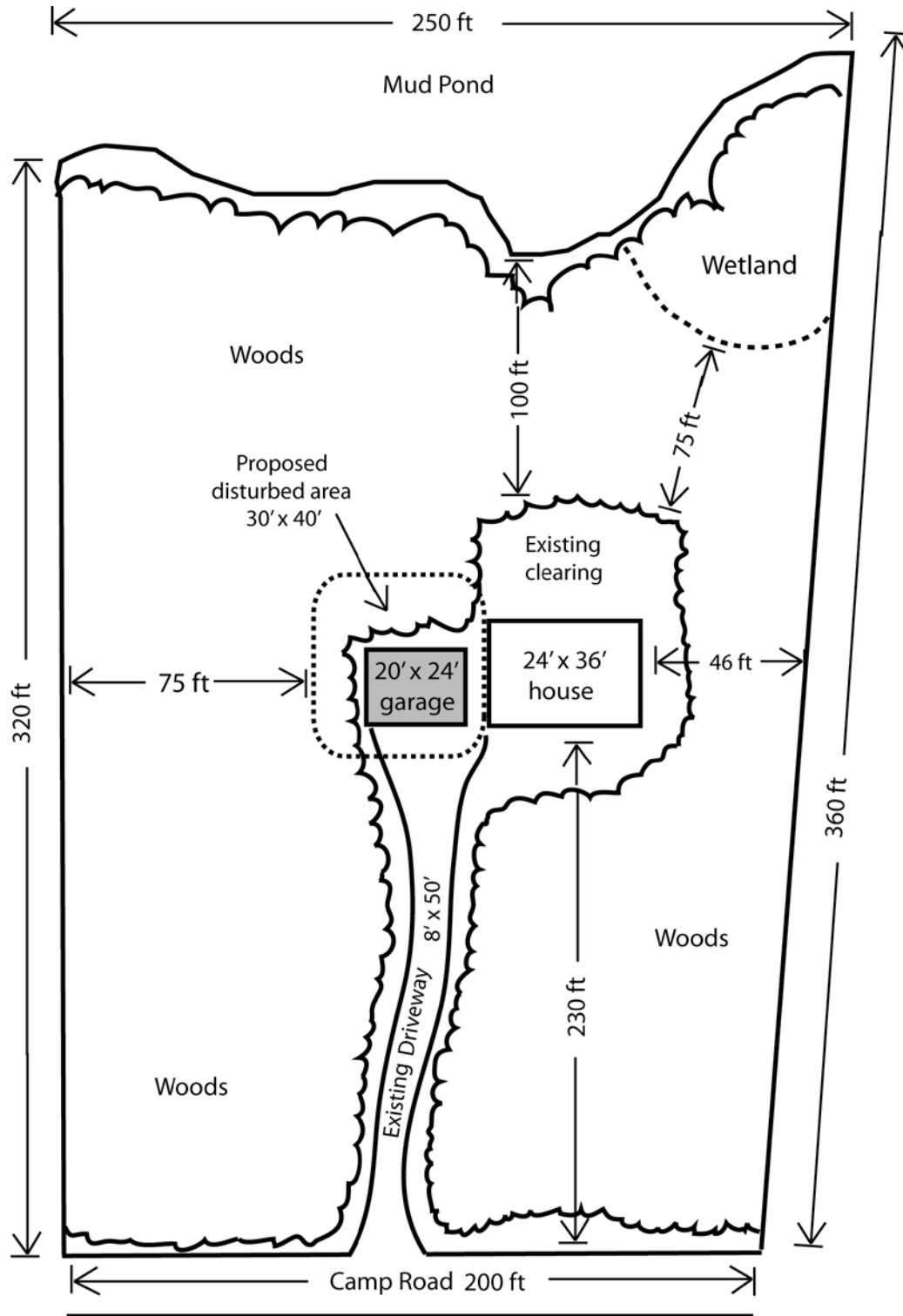
All persons listed on the deed, lease or sales contract as owners or lessees of the property must read the statement and sign the form.

**SITE PLAN EXHIBIT.** Prepare a bird's-eye view site plan that shows your entire property. Draw the plan on an 8½ x 11" sheet of paper or on the attached grid paper. Do not use colors as they do not photocopy. Refer to the site plan on the next page as an example. Include the following features:

- Property boundary lines and dimensions (including right-of-way and water frontage).
- Wooded areas, open fields, ponds, wetlands, ocean and other natural features.
- Existing and proposed structures and features (including dwellings, decks, walkways, right-of-way, road, parking areas, signs, etc.):
  - Identify the distances of each structure from the nearest property line, right-of-way, road, pond, wetland and ocean.
  - Mark all existing structures that will be expanded, reconstructed, removed, relocated or otherwise altered.
- Areas that are or will be stripped, graded, grubbed, filled, or otherwise result in exposed soil, and their dimensions.
- Areas that are or will be cleared of vegetation, and their dimensions.
- Proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, level spreaders, culverts, water bars, etc.).

**If you are proposing many changes to your property, submit two site plans** – one showing the existing lot layout and one showing the proposed layout.

# SAMPLE SITE PLAN

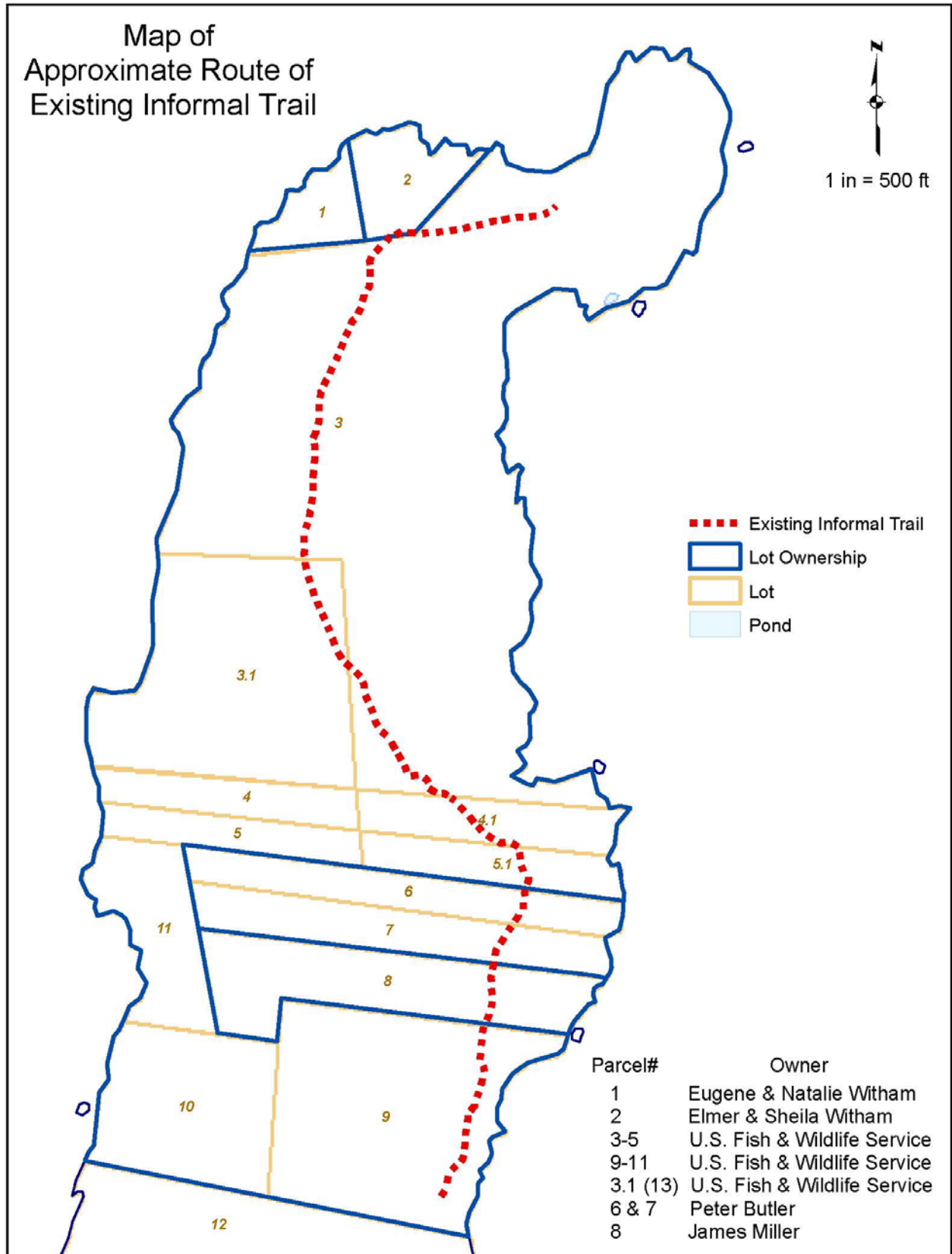


- Existing Structures
- Proposed Structures
- Proposed Cleared Area

Total proposed disturbed area:  
30' x 40' clearing and filling/grading,  
including 20' x 24' garage

APPENDIX I

MAP OF APPROXIMATE ROUTE OF EXISTING INFORMAL TRAIL



# APPENDIX J

## LUPC LAND USE GUIDANCE MAP FOR METINIC ISLAND

