

Petition 2014-2

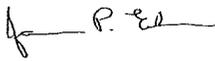
Maine Forest Service Findings of Fact and Recommendations to the Commissioner

Glen Jackson Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

- I. Petitioner and responsible parties:
Glen Jackson, PO Box 101 Searsmont, Maine 04973
Designated Agent: Blaine Miller , PO Box 481, North Anson, Maine 04958 (207) 399-2834
- II. The parcel is located off the Choate Road in the town of Searsmont, Waldo County, Maine. Consisting of 100 +/- acres
- III. Miller submitted petition #2014-2 to depart from standards of Maine Forest Service Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 7 (B) (1)(c) shade and tree retention standards, in order to salvage all merchantable balsam fir within the 250 foot shoreland area.
- IV. Documents in the record include:
 - A. The Petition for Variance #2014-2 submitted by Miller on December 13, 2013 that requests a variance to exceed the 40% volume removal limitations and standards for cleared openings within the 250 foot shoreland area. The petitioner stated that the balsam fir in the zone is situated in pockets and is over-mature and dying. The majority of the area contains a mix of white pine, balsam fir and red maple where little to no stem removal is anticipated. Lower levels of harvest would not leave a windfirm stand and be virtually impossible to salvage at a later date should it blow down.
 - B. A map showing the location of the stream and wetland where the proposed timber harvest would be conducted was provided by the petitioner.
- V. The Maine Forest Service (MFS) examined the parcel on February 5, 2014 to evaluate pre-harvest site conditions and the condition of the balsam fir in question.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant demonstrated that over 40% of the timber volume in certain areas consists of mature and dying balsam fir. The balsam fir is not evenly distributed throughout the area, and its complete removal may also exceed the standards for the size of a cleared opening. The applicant further demonstrated that lower levels of harvest would result in a stand that will not be windfirm and should it blow down, may cause unnecessary environmental damage. In this situation "strict compliance with the regulations and standards would, because of unique conditions of topography, access, location, shape, size, or other physical features of the site or forest condition, cause unusual hardship or extraordinary difficulties." MFS Rule Ch. 20 §6(B)(1).

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- B. Based upon its examination of the parcel, the MFS concurs that the removal of the balsam fir is silviculturally justified and will have minimal impact on the protected resource.
 - C. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been claimed by the owner or a predecessor in title. Ch. 20 §6(B)(2).
 - D. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Ch. 20 §6(B)(3), and,
 - E. The public interest is otherwise served. Ch. 20 §6(B)(4).
- VII. Variance 2014-2 is granted for the duration of the filed Forest Operation Notification or in no event longer than two full calendar years, subject to the following conditions:
- A. In order to avoid sedimentation of the protected resources, the petitioner must consult and follow the MFS publication, Best Management Practices for Forestry: Protecting Maine's Water Quality." These practices include, but are not limited to, the following:
 - 1. Keep yarding machinery out of the first 75 feet of the protection zone to minimize any potential movement of soil.
 - 2. Yarding will be temporarily halted during extreme weather events that could result in runoff due to the movement of soil from outside the protection zone into the protected resource.
 - B. In areas where standards will be exceeded, only balsam fir will be permitted to be removed unless trees of other species require removal to access the balsam fir.
 - C. The petitioners and all responsible parties must comply with all other standards in Chapter 21.
- VIII. The MFS recommends that the Commissioner of Agriculture, Conservation, and Forestry approve the variance petition.

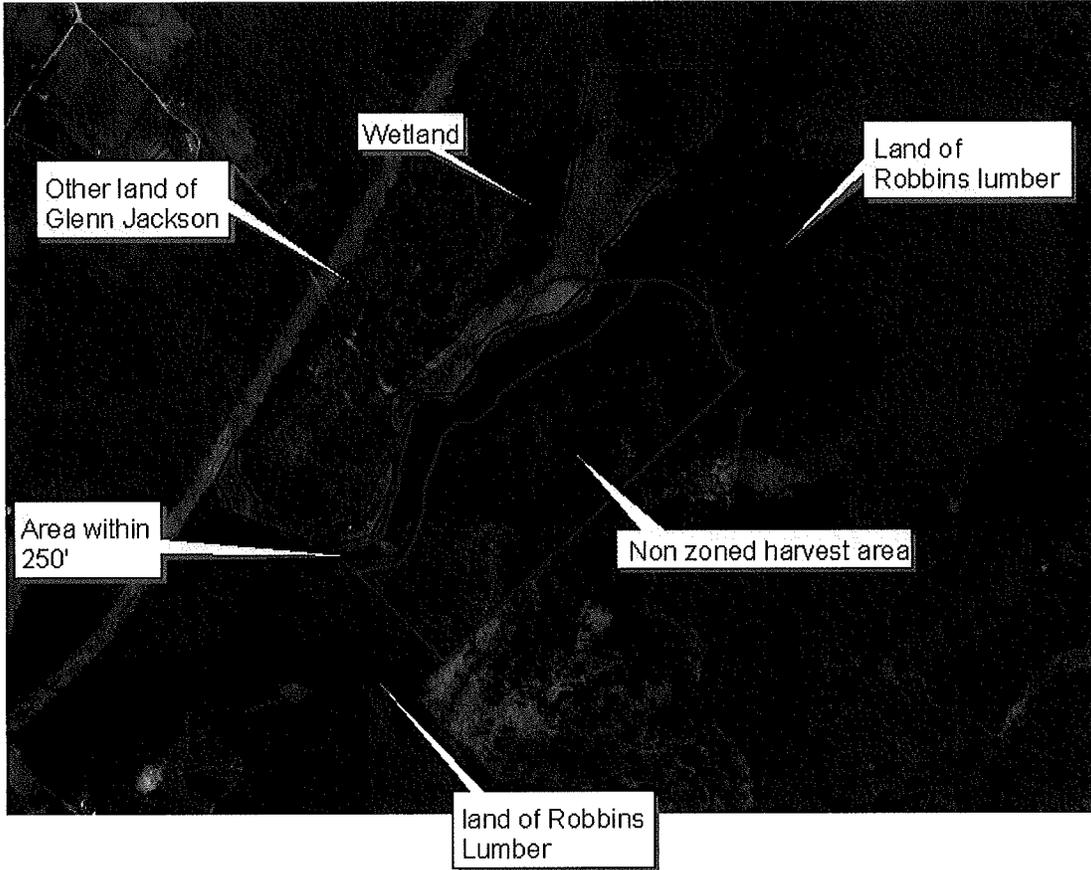
Prepared by: 
James P. Ecker, LF #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 02/12/2014

Approved by: 
Walter E. Whitcomb
Commissioner
Department of Agriculture, Conservation, and Forestry

Date: 02/13/2014

Land of Glenn Jackson Searsmont



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