

Petition 2014-4

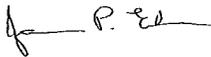
Maine Forest Service Findings of Fact and Recommendations to the Commissioner

MSAD #54 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:
MSAD #54, 196 West Front Street, Skowhegan, Maine 04976
Designated Agent: Amanda Farrar, 165 North Avenue Suite 1, Skowhegan, Maine 04976
(207) 858-5669
- II. The parcel is located off West Front Street in the town of Skowhegan, Somerset County, Maine. Consisting of 50 +/- acres
- III. Farrar submitted petition #2014-4 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 mature and dying balsam fir and aspen within the 250 foot shoreland area.
- IV. Documents in the record include:
 - A. The Petition for Variance #2014-4 submitted by Farrar on January 29, 2014 that requests a variance to exceed the 40% volume removal limitations, the 60 square foot basal area retention requirements and standards for cleared openings within the 250 foot shoreland area. The petitioner stated that the balsam fir and aspen in the zone is stagnant, over-mature and dying. There are scattered oak, white pine, and red maple which will be retained. These species are not in sufficient numbers to meet the 60 square feet of basal area standard. Lower levels of harvest where balsam fir and aspen are the predominant species would not leave a windfirm stand and would be impossible to salvage at a later date should it blow down.
 - B. A map showing the location of the wetland and the stream where the proposed timber harvest would be conducted was provided by the petitioner.
- V. The Maine Forest Service (MFS) examined the parcel on February 10, 2014 to evaluate pre-harvest site conditions and the condition of the balsam fir and aspen in question.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant demonstrated that over 40% of the timber volume consists of mature and dying balsam fir and aspen. The balsam fir and aspen is fairly evenly distributed throughout the area, and its complete removal will exceed the standards allowed for volume removal and for cleared openings. 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 Chapter 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 and aspen 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. Chapter 20 §6(B)(2).
 - D. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Chapter 20 §6(B)(3), and,
 - E. The public interest is otherwise served. Chapter 20 §6(B)(4).
- VII. Variance 2014-4 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 all harvesting 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 and aspen will be permitted to be removed.
 - 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.

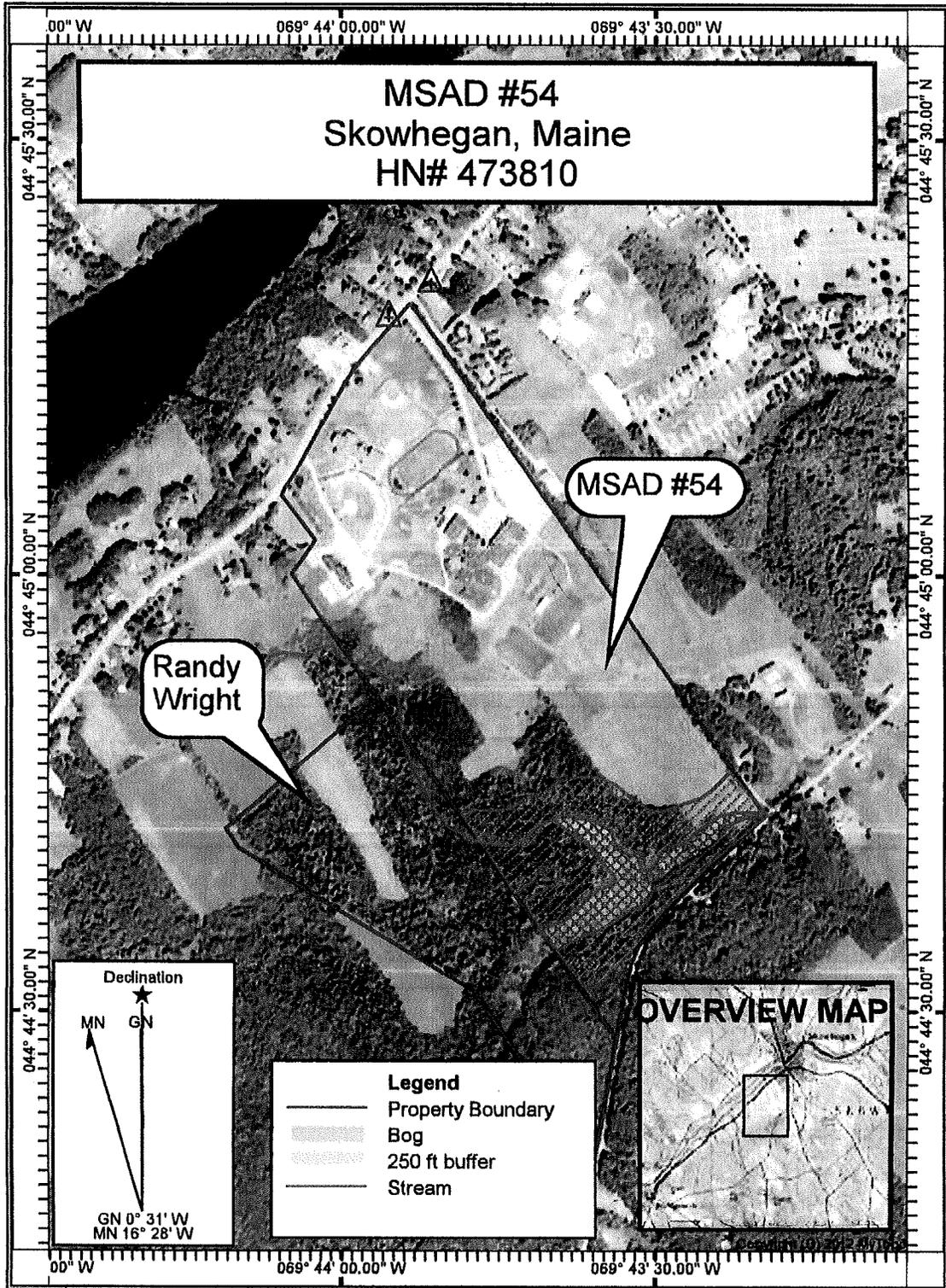
Prepared by: 
James P. Ecker, LF #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 03/04/2014

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

Date: 3/4/14

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SCALE 1:12000

Map by Mandy Farrar
LPF# 3667



Not a legal survey, for forest management uses only.