

Petition # 15003

**Maine Forest Service
Findings of Fact and Recommendations to the Director**

**Ursa Major LLC Petition for Variance from Performance Standards
for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in
Shoreland Areas**

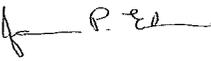
- I. Petitioner and responsible parties:
Ursa Major LLC, P.O. Box 978, Farmington, Maine 04938
Designated Agent: American Forest Management, P.O. Box 978, Farmington, Maine 04938
- II. The parcel is located adjacent to the South Branch of the Dead River and Nash Stream in the town of Eustis, Franklin County, Maine. It comprises approximately 8,755 +/- acres.
- III. American Forest Management has submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition # 15003 to depart from standards of MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 7 (B)(1)(a)-(c), shade and tree retention standards. The variance request is for a salvage harvest of over-mature and dying balsam fir, aspen and white birch within the 250 foot shoreland area of the South Branch of the Dead River and Nash Stream.
- IV. Documents in the record include:
 - A. The Petition for variance # 15003 submitted by American Forest Management on March 02, 2015 that requests a variance to exceed the 40% volume removal limitation standards for cleared openings (size and spacing) within the 250 foot shoreland area. The petitioner states that the balsam fir in the zone is in a state of decline due to over-maturity. The aspen and white birch are exhibiting signs of die back due to over-maturity. The spruce on the site has a high height to dbh ratio which puts it at a risk of wind throw if retained. The northern hardwood and white pine in the area appear healthy and stable. The total harvest area in the shoreland zone is twenty two acres.
 - B. A map showing the location of the areas along the South Branch of the Dead River and Nash Stream where the proposed timber harvest will be conducted was provided by the petitioner.
 - C. The Maine Forest Service examined the parcel on February 26, 2015 to evaluate pre-harvest site conditions within the shoreland area.
- V. MFS findings and recommendations:
 - A. The property was acquired by Ursa Major LLC in 2011. There has been no timber harvesting activity in the area since acquisition, and there is no evidence of activity in the last fifteen years.
 - B. The record shows that the applicant has demonstrated that greater than 40% of the timber volume consists of mature and dying balsam fir, aspen and white birch that occupies a large portion of the stand in the shoreland area. Timber harvesting that would remove all of these at-risk trees would exceed the standards allowed for volume removal and for cleared opening size and spacing. The applicant has

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- further demonstrated that lower levels of harvest of these at-risk trees would result in a residual stand after harvesting of dead and dying trees. 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).
- C. Based upon its examination of the parcel, the MFS concurs that the complete removal of the balsam fir, aspen, white birch and high risk spruce is silviculturally justified and will have minimal impact on the protected resource. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been created 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).
- VI. Variance # 15003 is granted for 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. Harvesting machinery will not be allowed to operate within the 75-foot protection zone of the brook to minimize any potential movement of soil.
 - 2. All harvesting will take place at a time when there are winter conditions in the harvest area.
 - 3. All landings will be located outside of the shoreland zone.
 - 4. Main skid trails will be stabilized with logging debris consisting of tops and limbs.
 - B. In areas where Chapter 21, Section 7 (B)(1)(a)-(c) standards will be exceeded, balsam fir, aspen and white birch can be harvested. Residual stems of other species that are not wind firm or are high risk and that are identified by the forester responsible for the harvest can also be removed.
 - C. The petitioners and all responsible parties must comply with all other standards in Chapter 21.

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The MFS recommends that the Director of Maine Forest Service approve the variance petition.

Prepared by: 
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Regional Enforcement Coordinator
Maine Forest Service

Date: 03/20/2015

Approved by: 
Douglas Denico
Director
Maine Forest Service

Date: 3-24-15

