

Petition # VCH27-15001

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

**Pingree Associates, Inc. Petition for Variance from Performance Standards
for MFS Chapter 27 Rules - Standards for Timber Harvesting and Related
Activities within Unorganized Areas of the State**

- I. Petitioner and responsible parties:
Landowner: Pingree Associates Inc. P.O. Box 1168 Bangor, Maine 04402
Applicant/Designated Agent: Seven Islands Land Co. P.O. Box 1168 Bangor,
Maine 04402
Tel: 207-947-0541
- II. The parcel is located in T 13 R 15 WELS, County of Aroostook, Maine.
- III. Seven Islands Land Co. submitted to the Maine Forest Service (MFS) as the applicant/designated agent, a Chapter 27 variance petition VCH27-15001 to depart from standards of MFS Chapter 27 Rule, Standards for Timber Harvesting and Related Activities in Unorganized Areas of the State, Section 4 (C)(4)(a)-(d), in order to harvest trees within the P-SL1 of the shore land area of Depot Stream.
- IV. Documents in the record include:
 - A. The Petition for Variance VCH27-15001 submitted by Seven Islands Land Co. on January 21, 2015 that requests a variance to exceed the 40% removal limitation and cleared opening standards within the 250 foot shoreland area. The reason stated by the petitioner is that the trees are susceptible to wind throw and a substantial portion of the original stand has already been adversely affected by blowdown. Advanced regeneration will be protected and occupy the site where over story trees are removed. Harvesting slash will not be present within 250 feet of the high water mark of the stream. The timber harvest footprint for the variance is fourteen (14) acres.
 - B. A map showing the location of the proposed timber harvest area and the resource to be protected (Depot Stream).
 - C. No negative comments regarding the proposed timber harvest operation were received from the reviewers.
- V. The Maine Forest Service (MFS) examined the parcel on January 29, 2015 to evaluate pre-harvest stand and site conditions.

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VI. MFS findings and recommendations:

- A. The record shows that the applicant has demonstrated by substantial evidence that “[s]trict 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).
- B. 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).
- C. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Chapter 20 §6(B)(3), and,
- D. The public interest is otherwise served. Chapter 20 §6(B)(4).

VII. Variance VCH27-15001 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. Advanced regeneration will be protected during the harvest to ensure the site has adequate tree occupancy, provide visual quality protection and maintain wildlife habitat.
- B. Skid trails will be spaced 80 - 100 feet apart and no slash will be present within 250 feet of the high water mark of the stream.
- C. The petitioner must implement Best Management Practices to stabilize and limit soil movement during and after the harvest operation to protect the water resource. The petitioner must consult and follow the MFS publication, “Best Management Practices for Forestry: Protecting Maine’s Water Quality”.
- D. The harvest will be conducted under winter conditions. Harvest operations will be temporarily halted if conditions allow for soil movement that could reach the protected resource.
- E. The petitioner and all responsible parties must comply with all standards in Chapter 27 that apply.

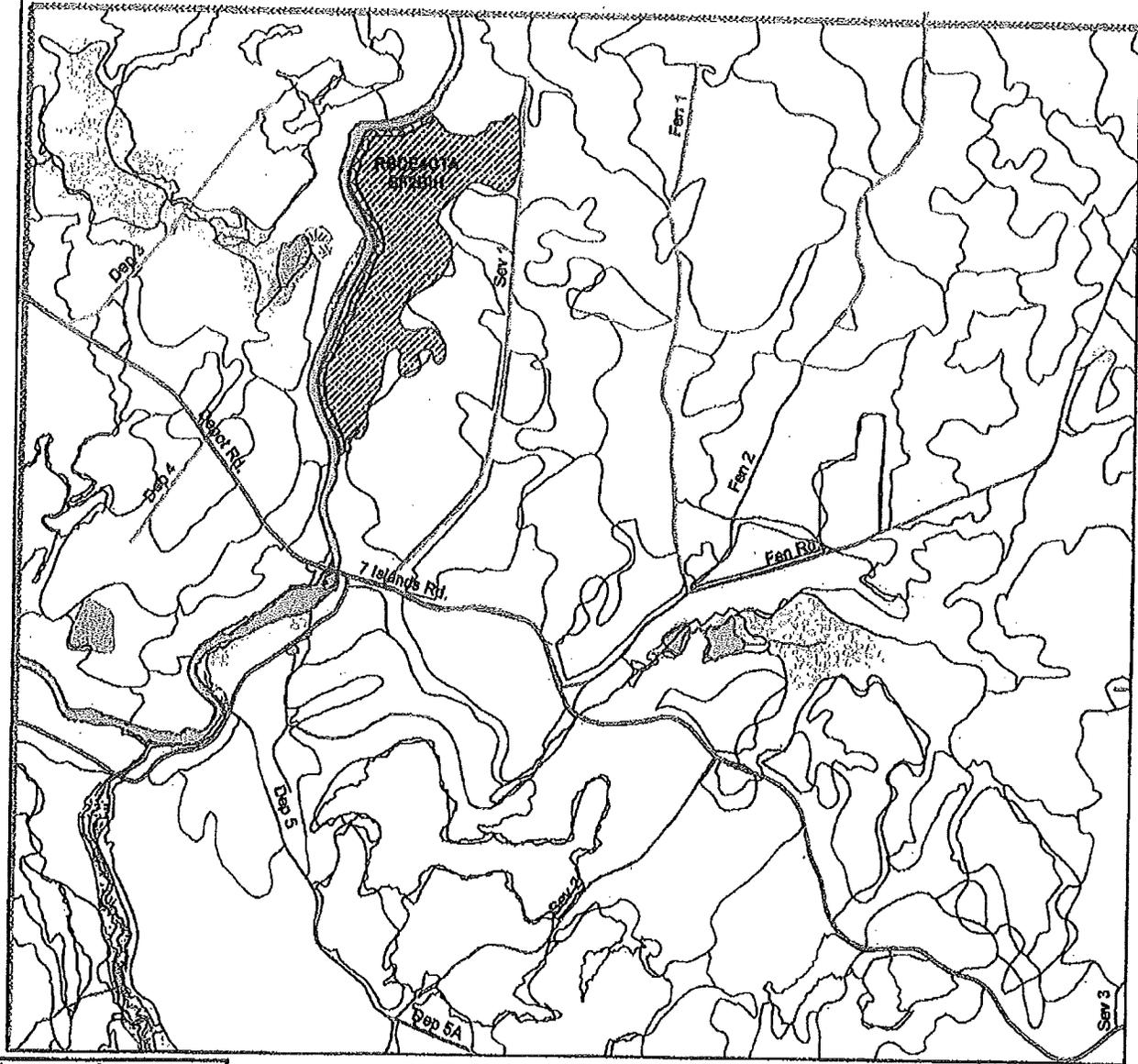
VIII. The MFS recommends that the Director of the Maine Forest Service approve the variance petition.

Prepared by: Tom Whitworth
Thomas Whitworth, LF #471
Regional Enforcement Coordinator
Maine Forest Service

Date: 02/13/2015

Approved by: Douglas Denico
Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry

Date: 2/10/15

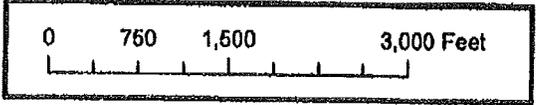


Legend

-  Harvest Area
-  50' Zone
-  Water - Streams

T13R15 WELS

Proposed Harvest



1:15,840

