

Petition # V-FOP14011

**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 9 R 5 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 V-FOP14011 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)(b)-(c), in order to harvest trees within the P-SL1 and P-RR of the shoreland area of St. Croix Stream.
- IV. Documents in the record include:
 - A. The Petition for Variance V-FOP14011 submitted by Seven Islands Land Co. on December 17, 2014 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 in decline due to age, species, and poor health and site conditions. Advanced regeneration will be retained to occupy the site where overstory trees are removed. Pine and large tolerant hardwoods will be retained for wildlife. The timber harvest footprint for the variance is three acres.
 - B. A map showing the location of the proposed timber harvest area and the resource to be protected (St. Croix Stream).
 - C. Comments regarding the proposed timber harvest operation were received from the Natural Resources Council of Maine.
 - D. LUPC Review and Approval MFSRA 7 as required by MFS Rules – Chapter 27 Section 4 (B).
- V. The Maine Forest Service (MFS) examined the parcel on December 22, 2014 to evaluate pre-harvest stand and site conditions.

Petition # V-FOP14011

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 V-FOP14011 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:

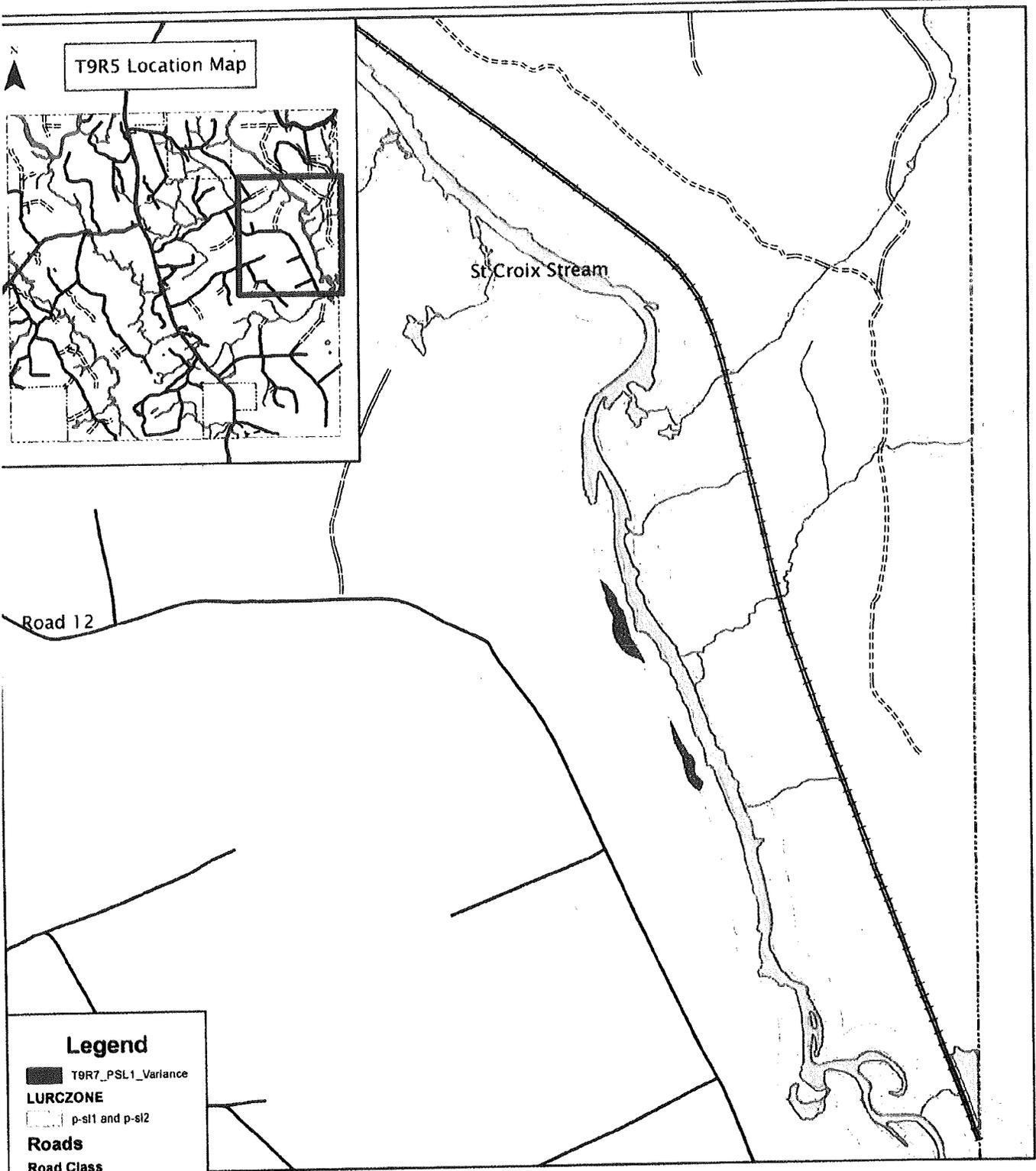
- A. Advanced regeneration will be protected during the harvest to ensure the site has adequate tree occupancy, provide visual quality protection and maintain wildlife habitat.
- B. The petitioner must implement Best Management Practices to stabilize and limit soil movement during and after the harvest 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”.
- C. The harvest will be conducted under winter conditions. Harvest operations will be temporarily halted if conditions allow for soil movement that could move into the protected resource.
- D. The petitioner and all responsible parties must comply with all standards in Chapter 27 that apply.

Petition # V-FOP14011

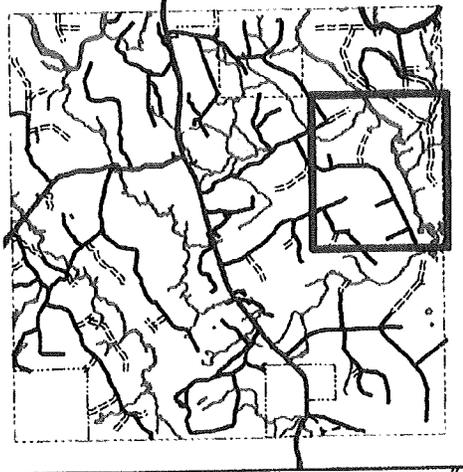
VIII. The MFS recommends that the Director of the Maine Forest Service approve the variance petition.

Prepared by: Tom Whitworth Date: 01/07/2015
Thomas Whitworth, LF #471
Regional Enforcement Coordinator
Maine Forest Service

Approved by: Douglas Denico Date: 1-8-15
Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry



T9R5 Location Map



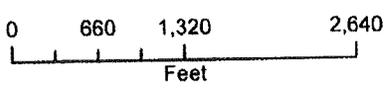
St Croix Stream

Road 12

Legend

-  T9R7_PSL1_Variance
- LURCZONE**
-  p-sl1 and p-sl2
- Roads**
- Road Class**
-  1 - Major Access
-  2 - Gravel Access
-  3 - Gravel Spur
-  4 - Winter Road
-  5 - Old Road
-  9 - Discontinued
-  0 - Non-Coded
-  Railroads

Aroostook Co, T9R5 WELS
 P-SL1, P-RR Variance Application, Exhibit 2



1:15,840

