

Petition # VCH27-15009

**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. c/o Seven Islands Land Company
PO Box 1168, Bangor, Maine 04402

Applicant/Designated Agent: Sara J. Medina, Seven Islands Land Company
PO Box 1168, Bangor, Maine 04402
- II. The parcel is located in T 13 R 15 WELS, County of Aroostock, Maine.
- III. Seven Islands Land Company submitted to the Maine Forest Service (MFS) as the applicant/designated agent, a Chapter 27 variance petition VCH27-15009 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 250 foot PSL-1 district associated with Depot Stream.
- IV. Documents in the record include:
 - A. The Petition for Variance VCH27-15009 submitted by Seven Islands Land Company on December 31, 2015 that requested a variance to exceed the 40% removal limitation standards within the 250 foot P-SL1 district. The reasons stated by the petitioner are due to the relatively low volume of scattered, large diameter, and over-mature spruce, cedar, tamarack and balsam fir scattered throughout with an understory of 1,000 trees per acre with heights ranging from 3-16 feet. It would not be economically feasible to remove 40% of the current volume. This stand has a high amount of wind throw with a basal area ranging from 40-60 square feet. Crown closure is 30% averaging 8-10 cords per acre. The site is located on flat, wet and poorly drained soils. A shelterwood removal will be conducted using a cut to length feller buncher/processor harvesting system. This harvest will release the established spruce and fir understory and capture the scattered individual stems which are highly susceptible to wind throw. The trails will be spaced 100 feet apart within the 250 foot P-SL1 district. The residual stand will be a dense spruce/fir understory and will be suitable for pre-commercial thinning which will be planned approximately five years after the harvest.
 - B. A map showing the location of the proposed timber harvest area and the resource to be protected (Depot Stream).

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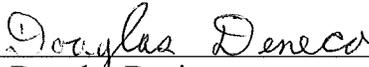
- C. The Fisheries Biologist of the Department of Inland Fisheries and Wildlife (DIFS) stated that Best Management Practices related to avoiding siltation should be employed and followed through the work.
 - D. The Regional Wildlife Biologist of DIFW commented that there were no issues with the harvest as planned.
 - E. The Natural Areas Program have review the harvest area and have found that there are no rare botanical features that will be disturbed within the project site. This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.
- V. The Maine Forest Service (MFS) examined the parcel on December 15, 2015 to evaluate pre-harvest stand and site conditions, and found conditions as described in the petition.
- 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 VCH27-15009 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:

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- 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 no less than 80 feet apart and no accumulation of slash will be present within 50 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 other standards in Chapter 27 that apply.

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

Prepared by: 
Date: 1/27/2016
David Rochester, LF #3162
Regional Enforcement Coordinator
Maine Forest Service

Approved by: 
Date: 1-28-16
Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry

