

**Petition # VCH27-16003**

**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:** Seven Islands Land Company  
PO Box 1168, Bangor, Maine 04402

II. The parcel is located in T 09 R 07 WELS, County of Aroostook, Maine.

III. Seven Islands Land Company submitted to the Maine Forest Service (MFS) as the applicant/designated agent, a Chapter 27 variance petition VCH27-16003 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 area of the Aroostook River.

IV. Documents in the record include:

A. The Petition for Variance VCH27-16003 submitted by Seven Islands Land Company on January 28, 2016 that requested a variance to exceed the 40% removal limitation standards within the 250-foot shoreland area. The reasons stated by the petitioner are due to the relatively low volume of scattered, large diameter, and over-mature spruce, cedar, white birch and balsam fir scattered throughout with an understory of 1,000 trees per acre, with heights ranging from 5-25 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 40-100 sq. ft. Crown closure is 60%, averaging 8-10 cords per acre. The site is located on flat, wet and poorly drained soils. The harvest is an overstory removal with reserves. All white pine and large (>14") tolerant hardwood stems will be retained for structural diversity and wildlife. A 40% removal would result in an unstable, mature stand highly susceptible to blowdown. Because the stand has been falling apart on its own, it is a high priority for land managers to preempt and capture any further mortality. There will be sufficient regeneration of acceptable growing stock to fully occupy the growing space.

The slope is very flat with minimal erosion potential. The drainage is moderate to poor, so the harvest will take place during winter conditions. Buffers have been placed around channels that drain into Aroostook River

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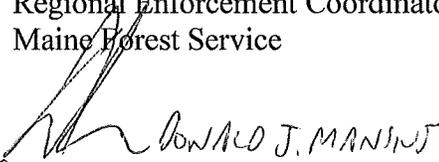
to reduce the potential for sedimentation. Brush will be placed in trails and water bars will be utilized to insure minimal soil disturbance and maintain soil stability during and after the harvest operation.

- B. A map showing the location of the proposed timber harvest area and the resource to be protected (Aroostook River) is included with this document.
- C. The State Soil Scientist had no objections since the harvest will occur on frozen and snow covered ground. Since the soils are wet and the slope is flat, heat of the groundwater may require compacting the snow to allow for it to freeze.
- D. The Maine Natural Areas Program reviewed the harvest area and 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 (the landowner) may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.
- V. The MFS examined the parcel on February 5, 2016 to evaluate pre-harvest stand and site conditions. Upon inspection, MFS personnel found conditions as described.
- 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,

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- D. The public interest is otherwise served. Chapter 20 §6(B)(4).
- VII. Variance VCH27-16003 is granted for the duration of the filed Forest Operation Notification 509921 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 no less than 80 feet apart and no 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 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: 2/17/2016  
David Rochester, LF #3162  
Regional Enforcement Coordinator  
Maine Forest Service

Approved by:   
Date: 18 FEBRUARY 2016  
Fu/Douglas Denico  
Director, Maine Forest Service  
Department of Agriculture, Conservation & Forestry

