

Petition # VCH2716021

Maine Forest Service

Findings of Fact and Recommendations to the Director

Pingree Associates, Inc / Seven Islands Land Company Petition for Variance from Performance Standards for Chapter 27 – Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State

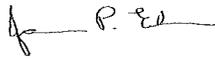
- I. Petitioner: Pingree Associates
C/O Seven Islands Land Company
PO Box 1168
Bangor, Maine 04402-1168
- II. Agent: Seven Islands Land Company
P.O. Box 1168
Bangor, Maine 04402-1168
- III. Date of Petition: July 01, 2016
- IV. Location of Petition: Davistown (T3 R3 WBKP), Franklin County, Maine.
- V. Zoning: P-SL1 Protection Subdistrict
- VI. Approximate Time Period of Operations: January 1, 2017 through April 30, 2017
- VII. Seven Islands has submitted to the Maine Forest Service (MFS) a Chapter 27 variance petition # VCH2716021 to depart from standards of MFS Chapter 27 Rule, Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State, Section 4 (C)(4)(b and c), timber harvesting standards. The variance request is for a pre-salvage harvest of over-mature and dying spruce within the 250-foot P-SL1 protection subdistrict of the Kennebago River.
- VIII. Documents in the record include:
 - A. The Petition for variance # VCH2716021 submitted by Seven Islands Land Company on July 01, 2016 that requests a variance to exceed the 40% volume removal limitation standards for cleared openings (size and spacing) within the 250-foot P-SL1 protection subdistrict. The petitioner states that the red spruce in the zone is in a state of decline due to over-maturity. The spruce trees on the site exhibit crown dieback and poor live crown ratio. There is adequate advanced spruce and fir regeneration present in excess of 1,200 stems per acre greater than 10 feet tall. The total harvest area in the P-SL1 protection subdistrict is 3.1 acres.
 - B. A map showing the location of the two areas along the Kennebago River where the proposed timber harvest will be conducted was provided by the petitioner.
 - C. The Maine Forest Service examined the parcel on May 27, 2016 to evaluate pre-harvest site conditions within the P-SL1 protection subdistrict.
- IX. MFS findings and recommendations:
 - A. The property has been under Seven Islands management for many years. There is no evidence of activity in the last fifteen years.

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- B. The record shows that the applicant has demonstrated that greater than 40% of the timber volume consists of mature and dying red spruce which occupies over 70% of the two areas to be harvested in the stand in the P-SL1 protection subdistrict. 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 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 on its examination of the parcel, the MFS concurs that the complete removal of the 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, the public interest is otherwise served. Chapter 20 §6(B)(4).
- X. Variance #VCH2716021 is granted until April 30, 2018, 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 must not create soil disturbance within the first 75 feet of the P-SL1 protection subdistrict of the river which could result in the movement of soil towards the river.
 - 2. All harvesting must take place at a time when there are winter conditions in the harvest area.
 - 3. All landings must be located outside of the shoreland zone.
 - 4. Main skid trails must be stabilized with logging debris consisting of tops and limbs.
 - B. In areas where Chapter 27, Section 4 (C)(4)(b and c) standards will be exceeded, spruce can be harvested.
 - C. The petitioner and all responsible parties must comply with all other standards in Chapter 27.

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

Prepared by: 
James P. Ecker, LF #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 08/08/2016

Approved by: 
 Douglas Denico
Director
Maine Forest Service

Date: 09 AUGUST 2016

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harvest location map

Kennebago River P-SL1 Zone
Davistown, Franklin County, Maine
Scale- 1:7,620
UTM, NAD 83
Map Created: 4/29/2016
Time: 10:37:14 AM

