

**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 8 R 7 WELS, County of Penobscot, Maine.

III. Seven Islands Land Company submitted to the Maine Forest Service (MFS) as the applicant/designated agent, a Chapter 27 variance petition (VCH27016024) 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 PG-P subdistricts of LaPomkeag and Lower LaPomkeag Lakes.

IV. Documents in the record include:

- A. The Petition for Variance VCH27016024 submitted by Seven Islands Land Company on July 7, 2016 that requested a variance to exceed the 40% removal limitation and to exceed canopy openings greater than 14,000 square feet. The reasons stated by the petitioner are due to extreme rocky ground conditions that would leave the residual stand susceptible to blowdown. The reason for creating openings larger than 14,000 square foot is a low basal area of approximately 40 to 120 square feet of basal area that is comprised of mature balsam fir, 100 year old red spruce, and hemlock, which would be inappropriate for a partial harvest due to the site conditions, which likely would result in a complete blowdown of the residual stand. The proposed treatment is a deferred shelterwood removal with reserves. All white pine, hemlock, and cedar will be retained for structural diversity and wildlife. The remaining understory will consist of advanced regeneration of spruce, fir and intolerant hardwoods of 3,000 to 4,000 stems per acre.
- B. A map showing the location of the proposed timber harvest area and the resource to be protected (LaPomkeag and Lower LaPomkeag Lakes).
- C. Regional Wildlife Biologist and Fisheries Biologist of the Department of Inland Fisheries and Wildlife commented that there were no issues with the harvest as planned.
- D. The Maine Natural Areas Program have reviewed 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

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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 MFS examined the parcel on July 13, 2016 to evaluate pre-harvest stand and site conditions, and 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,
- D. The public interest is otherwise served. Chapter 20 §6(B)(4).

VII. Variance VCH27016024 is granted for the duration of the filed Forest Operation Notification # 509919 or in no event longer than two full calendar years, subject to the following conditions:

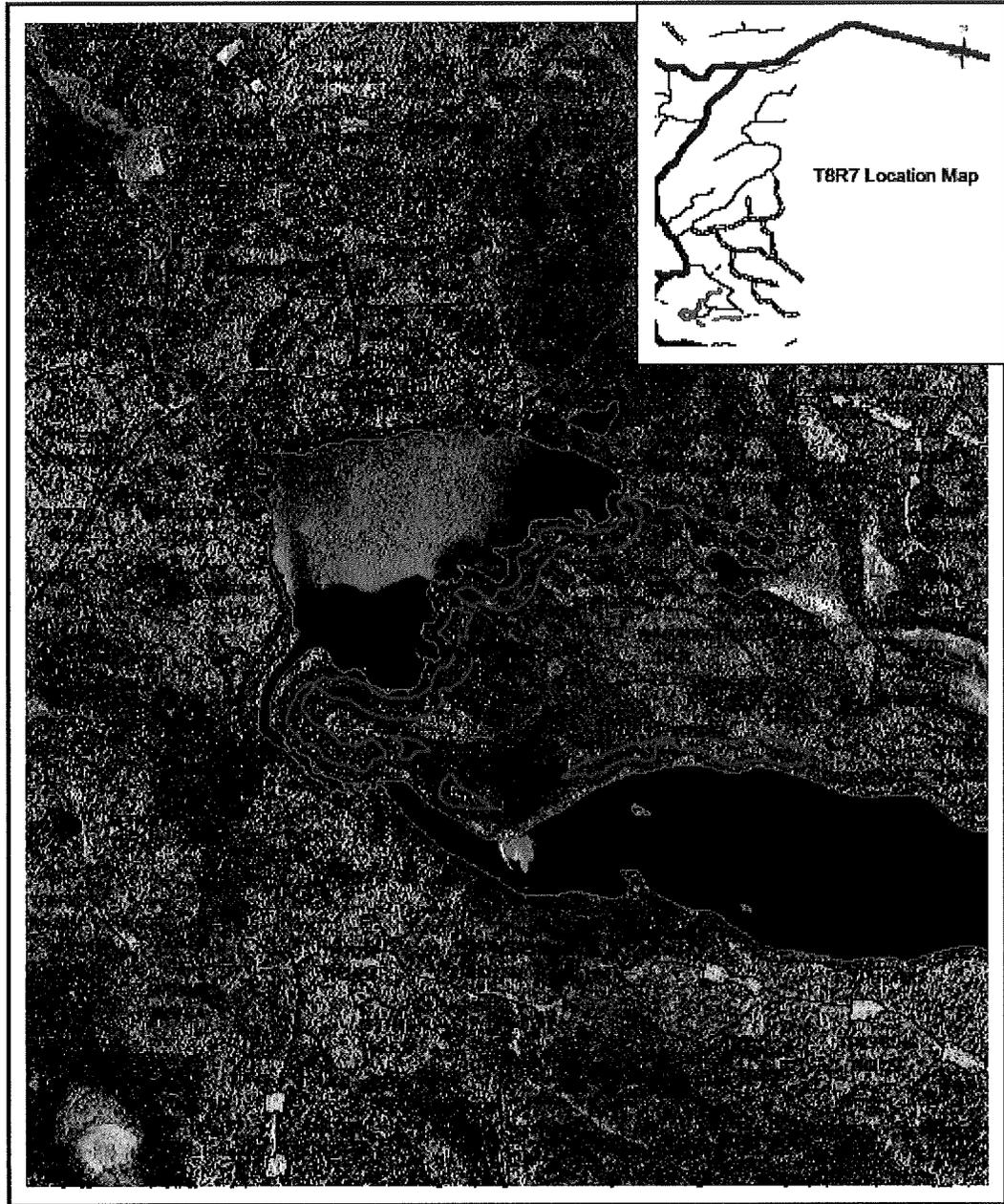
- A. The advanced regeneration and residual trees will be protected during the harvest to ensure the site has adequate tree occupancy, provide visual quality protection and maintain wildlife habitat.
- B. Skid trails will be spaced no less than 80 feet apart, and no slash will be left within 50 feet of the high water mark of the PG-P subdistrict.
- 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. 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.

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

Prepared by:  Date: 7/28/2016
David Rochester, LF #3162
Regional Enforcement Coordinator
Maine Forest Service

Approved by:  Date: 09 AUGUST 2016
 Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry



Legend
[] VARIANCE

**Penobscot
T8R7
P-GP Variance Application**

0 700 1,400 2,800 Feet

