Petition 2014-6

Maine Forest Service
Findings of Fact and Recommendations to the Director

Plum Creek Timber Inc. Petition for Variance from Performance Standards for Chapter 20 – Forest Regeneration and Clearcutting Standards

I. Petitioner and responsible parties:

Plum Creek Timber Inc., PO Box 297, Greenville Junction, Maine 04442, (207) 695-2241

Designated Agent: Steve Pollis, PO Box 297, Greenville Junction, Maine 04442, (207) 695-2241 ext. 218

II. The parcel is located in Chase Stream, Misery, and Johnson Mountain, Somerset County.

III. Plum Creek has submitted to the Maine Forest Service (MFS) a Chapter 20 variance petition #2014-6 to depart from standards of MFS Chapter 20 Rule, Forest Regeneration and Clearcutting Standards, Section 5 (C)(2)(a) and Section 5 (C)(2)(d)(1), separation zone standards. The variance request is for a salvage harvest of two dying Red pine plantations. One area is 84 acres and the second is 90 acres. There is insufficient separation zone to meet standards for these two newly created Category 3 clearcuts. In addition, both of the proposed harvest areas are currently acting as separation zones for existing Category 1 and 2 clearcuts.

IV. Documents in the record include:

A. The Petition for Variance #2014-6 submitted by Plum Creek on October 2, 2014 requests a variance to exceed the separation zone standards and create two Category 3 clearcuts. The petitioner stated that the Red pine in the area is heavily infected with a fungus, *Sirococcis conigenus*, and the trees are dying.

B. A photograph showing the location of the two infected plantations where the proposed timber harvest will be conducted was provided by the petitioner. (Exhibit 1)

V. The proposed harvest site was examined in August, 2014 by Maine Forest Service Forest Pathologist William Ostrosfky to evaluate pre-harvest stand conditions and the extent of the infection. On November 3, 2014 James Ecker and Timothy Post visited the site to review separation zones and the condition of the previously created clearcuts.

VI. MFS findings and recommendations:

A. The record shows that the applicant has demonstrated that these two plantations are severely infected with a fungal disease *Sirococcis conigenus*. The severity of the infection leaves the applicant with no other option than to completely remove the two plantations, creating two Category 3 clearcuts. The complete removal of these two plantations will not permit the creation of the one to one acres of adjacent separation zone to meet separation zone standards and will also exceed the standards required for the retention of separation zones for earlier Category 2 clearcuts created in 2005 and 2006. The applicant has further demonstrated that lower levels of harvest of these infected trees would result in a residual stand that does not meet separation zone standards after the 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)

B. Based upon its examination of the parcel, the MFS concurs that the complete removal of these two plantations is silviculturally justified and will have minimal impact on the protected resource.

C. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been claimed 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,

E. The public interest is otherwise served. Chapter 20 §6(B)(4).

VII. Variance 2014-6 is granted for two full calendar years, subject to the following conditions:

1. The applicant will establish a two hundred and fifty foot separation zone completely surrounding both of the plantation areas even though the area does not meet separation standards. The applicant will maintain those areas as separation zone until either 10 calendar years has elapsed or the area clearcut meets non-clearcut standards under Chapter 20.
2. The applicant will not conduct a commercial harvest any of the separation zones associated with the Category 1 and 2 clearcuts as shown on attached Exhibit 1 until the two Category 3 clearcuts have either met non-clearcut standards under Chapter 20 or a period of ten years has elapsed.
3. The applicant is permitted to conduct pre-commercial silvicultural activities in the adjacent Category 1 and 2 clearcuts and the area of the two hundred and fifty foot separation zone which was required in condition one above.

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

Prepared by: _____ Date: 11/05/2014
James P. Ecker, LF #612
Regional Enforcement Coordinator
Maine Forest Service

Approved by: Douglas Denico Date: 11-6-14
Douglas Denico
Director
Maine Forest Service
Department of Agriculture, Conservation, and Forestry

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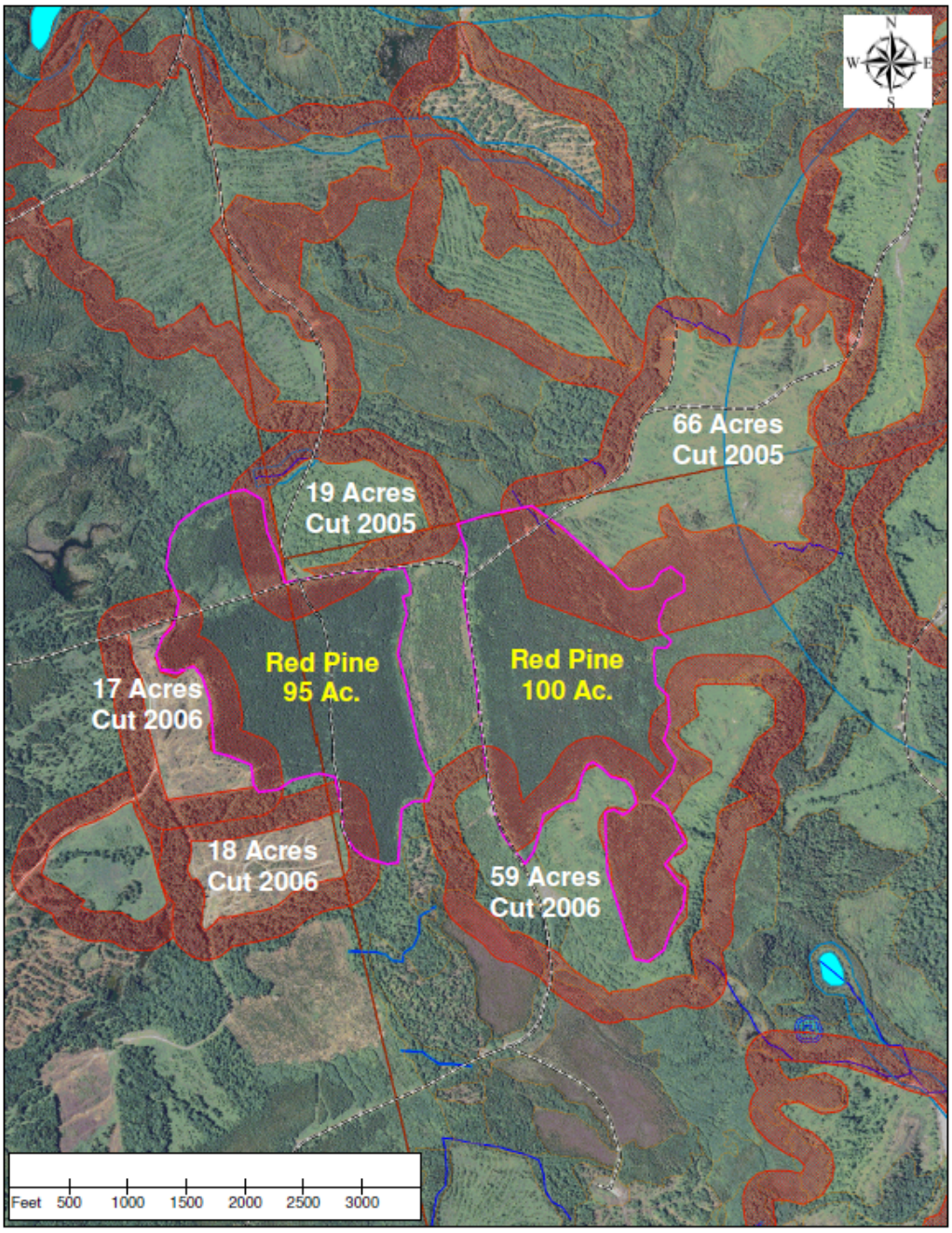
Exibit 1

Red Pine Plantations infected with Sirococcus conigenus



Plum Creek