

**Maine Forest Service
Findings of Fact and Recommendations to the Commissioner**

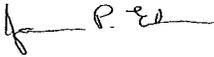
**Soren Siren Petition for Variance from Performance Standards
for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in
Shoreland Areas**

- I. Petitioner and responsible parties:

Soren Siren, 62 Woodcock Lane, Skowhegan, Maine 04976

Designated Agent: Blaine Miller , PO Box 481, North Anson, Maine 04958 (207) 399-2834
- II. The parcel is located off the Lambert Road in the town of Skowhegan, Somerset County, Maine. Consisting of 17 +/- acres .
- III. Miller submitted petition #2014-3 to depart from standards of Maine Forest Service Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 7 (B) (1)(c) shade and tree retention standards, in order to salvage mature balsam fir and aspen within the 250 foot shoreland area.
- IV. Documents in the record include:
 - A. The Petition for Variance #2014-3 submitted by Miller on December 13, 2013 that requests a variance to exceed the 40% volume removal limitations and standards for cleared openings within the 250 foot shoreland area. The petitioner stated that the balsam fir and aspen in the zone is situated in pockets and is over-mature and dying. The majority of the areas in the shoreland zone contain a mix of ash, oak, basswood, white pine, balsam fir and red maple where little to no stem removal is anticipated. Lower levels of harvest where balsam fir and aspen are the predominant species would not leave a windfirm stand and be virtually impossible to salvage at a later date should it blow down.
 - B. A map showing the location of the wetland where the proposed timber harvest would be conducted was provided by the petitioner.
- V. The Maine Forest Service (MFS) examined the parcel on January 28, 2014 to evaluate pre-harvest site conditions and the condition of the balsam fir and aspen in question.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant demonstrated that over 40% of the timber volume in certain areas consists of mature and dying balsam fir and aspen. The balsam fir and aspen is not evenly distributed throughout the area, and its complete removal may exceed the standards for the amount of volume removed and for the size of a cleared opening. The applicant further demonstrated that lower levels of harvest would result in a stand that will not be windfirm and should it blow down, may cause unnecessary environmental damage. 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 Ch. 20 §6(B)(1).

- B. Based upon its examination of the parcel, the MFS concurs that the removal of the balsam fir and aspen 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. Ch. 20 §6(B)(2).
 - D. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Ch. 20 §6(B)(3), and,
 - E. The public interest is otherwise served. Ch. 20 §6(B)(4).
- VII. Variance 2014-3 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:
- 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. Keep yarding machinery out of the first 75 feet of the protection zone to minimize any potential movement of soil.
 - 2. Yarding will be temporarily halted during extreme weather events that could result in runoff due to the movement of soil from outside the protection zone into the protected resource.
 - B. In areas where standards will be exceeded, only balsam fir and aspen will be permitted to be removed unless trees of other species require removal to access the balsam fir and aspen.
 - C. The petitioners and all responsible parties must comply with all other standards in Chapter 21.
- VIII. The MFS recommends that the Commissioner of Agriculture, Conservation, and Forestry approve the variance petition.

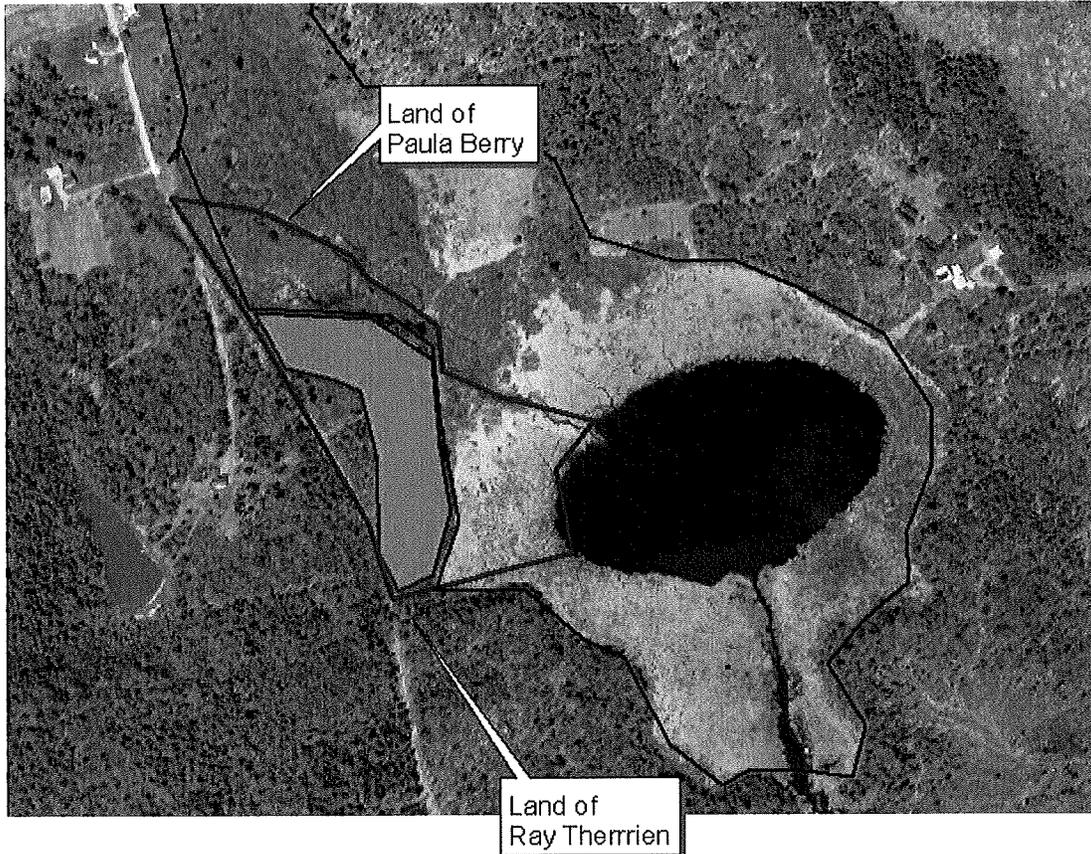
Prepared by: 
James P. Ecker, LF #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 02/12/2014

Approved by: 
Walter E. Whitcomb
Commissioner
Department of Agriculture, Conservation, and Forestry

Date: 02/13/2014

Land of Soren Siren Skowhegan Me.



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- wetland.shp
- woodlot.shp
- Town lines.shp
- Index_2f.shp

