

Petition 2015-1
Maine Forest Service
Findings of Fact and Recommendations to the Director

**G. R. Logging Inc., Petition for Variance from Performance Standards
for Chapter 20 – Forest Regeneration and Clearcutting Standards**

- I. **Petitioner and responsible parties:**

G.R. Logging, 107 Jefferson Street, Van Buren, Maine 04785, (207) 768-0255
Designated Agent: Michael Rochester, 2641 Aroostook Rd, Eagle Lake, ME 04739
(207) 444-6428, LPF# 3187
- II. The parcel is located in Caswell Plantation, Aroostook County.
- III. G.R. Logging has submitted to the Maine Forest Service (MFS) a Chapter 20 variance petition #2015-1 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 one dying Red pine plantation that is 30 acres. There is insufficient separation zone to meet standards for this proposed Category 2 clearcut due to the total size of the parcel being 43 acres.
- IV. Documents in the record include:
 - A. The Petition for Variance #2015-1 submitted by G. R. Timberlands on September 16, 2015 requested a variance to exceed the separation zone standards and create one Category 2 clearcut that will have a separation zone that has an insufficiency of 17 acres of the 30 acres required for separation acres. The petitioner stated that the Red pine in the area are heavily infected with two funguses, *Sirococcus conigenus*, and *Diplodia pinea*. (Exhibit 1)
 - B. A photograph showing the location of the infected plantation where the proposed timber harvest will be conducted was provided by the petitioner and the diseases have been confirmed by state pathologist Bill Ostrofsky. (Exhibit 2)
 - C. The proposed harvest site was examined in August, 2015 by Maine Forest Service Forest Regional Enforcement Coordinator Dave Rochester to evaluate conditions and the extent of the infection. Tree samples were collected, and on September 3, 2015 samples analyzed by state pathologist Bill Ostrofsky confirmed the extent of damage to the plantation.
- V. Comments Maine Forest Service Received:
 - A. DIFW Wildlife Biologist, Rich Hoppe commented and was received 10/28/15: The Wildlife Division out of Ashland has no problem or concerns with the project as described. There are no significant wildlife habitats or T/E (threatened/endangered) species that will be impacted.
 - B. DIFW Fisheries Biologist, Frank Frost commented and was received 10/12/2015: I assume there are no water bodies, brooks or streams in the cut area and if there are any in the vicinity there will be adequate buffers in place to protect water quality. Otherwise, there are no fisheries issues with the variance.
 - C. Maine Natural Areas Program Ecologist Andy Cutko commented and was received 10/30/2015: According to our current information, 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 is not a substitute for on-site surveys.

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VI. MFS findings and recommendations:

- A. The record shows that the applicant has demonstrated that this plantation is severely infected with a fungal disease *Sirococcus conigenus* and *Diplodia pinea*. The severity of the infection leaves the applicant with no option other than to completely remove the plantation, which will result in the creation of one Category 2 clearcut. The complete removal of this plantation will not permit the creation of a sufficient amount of separation zone acres to meet separation zone requirements. The applicant has further demonstrated that lower levels of harvest of the infected 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 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 this plantation is 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 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,
- E. The public interest is otherwise served. Chapter 20 §6(B)(4).

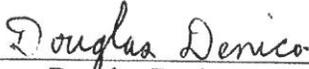
VII. Variance 2015-1 is granted for two full calendar years, subject to the following conditions:

1. The applicant will not harvest any of the separation zones associated with the Category 2 clearcut as shown on attached Exhibit 1 until the Category 2 clearcut has either met non-clearcut standards under Chapter 20 or a period of ten years has elapsed.

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

Prepared by: 
Dave Rochester, LPF #3168
Regional Enforcement Coordinator
Maine Forest Service

Date: 11/17/2015

Approved by: 
Douglas Denico
Director
Maine Forest Service
Department of Agriculture, Conservation, and Forestry

Date: 11-26-15