

Petition # VCH27-15006

Maine Forest Service
Findings of Fact and Recommendations to the Director

Canopy Timberlands LLC. 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: Canopy Timberlands LLC., P.O. Box 327, Ashland, Maine 04732
Applicant/Designated Agent: Orion Timberlands., P.O. Box 327, Ashland, Maine 04732 Telephone: 207-435-4100
- II. The parcel is located in T 09 R 08 WELS, County of Aroostook, Maine.
- III. Orion Timberlands. submitted to the Maine Forest Service (MFS) as the applicant/designated agent, a Chapter 27 variance petition VCH27-15006 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 P-GP area of Chandler Lake.
- IV. Documents in the record include:
 - A. The Petition for Variance VCH27-15006 submitted by Orion Timberlands LLC. on November 16, 2015 that requested a variance to exceed the 40% removal limitation and cleared opening standards within the 250 foot shoreland area. The reasons stated by the petitioner are due to the relatively low volume, large diameter, and over-mature spruce and fir tending to occur in clumps and the removal of these at risk stems would create forest canopy openings in excess of 14,000 square feet. Considering a wind throw prone site averaging 95 square feet of basal, with an area that already contains many sizable natural openings in the forest canopy, the removal of any at risk stems would contribute to the opening size and the pre-existing patchy stand conditions will not allow for the strict management of separation of openings of trees 6 inches diameter at breast height and larger. The 40 percent removal would equate to less than 6 cords per acre removal of at-risk trees disallowing the operational and economic ability to enter the P-GP zone to manage the stand according to established silvicultural practices as well in such a way to satisfy social, environmental, and economical constraints.
 - B. A map showing the location of the proposed timber harvest area and the resource to be protected (Chandler Lake).
 - C. No negative comments regarding the proposed timber harvest operation were received from the reviewers.

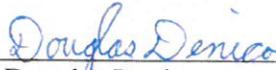
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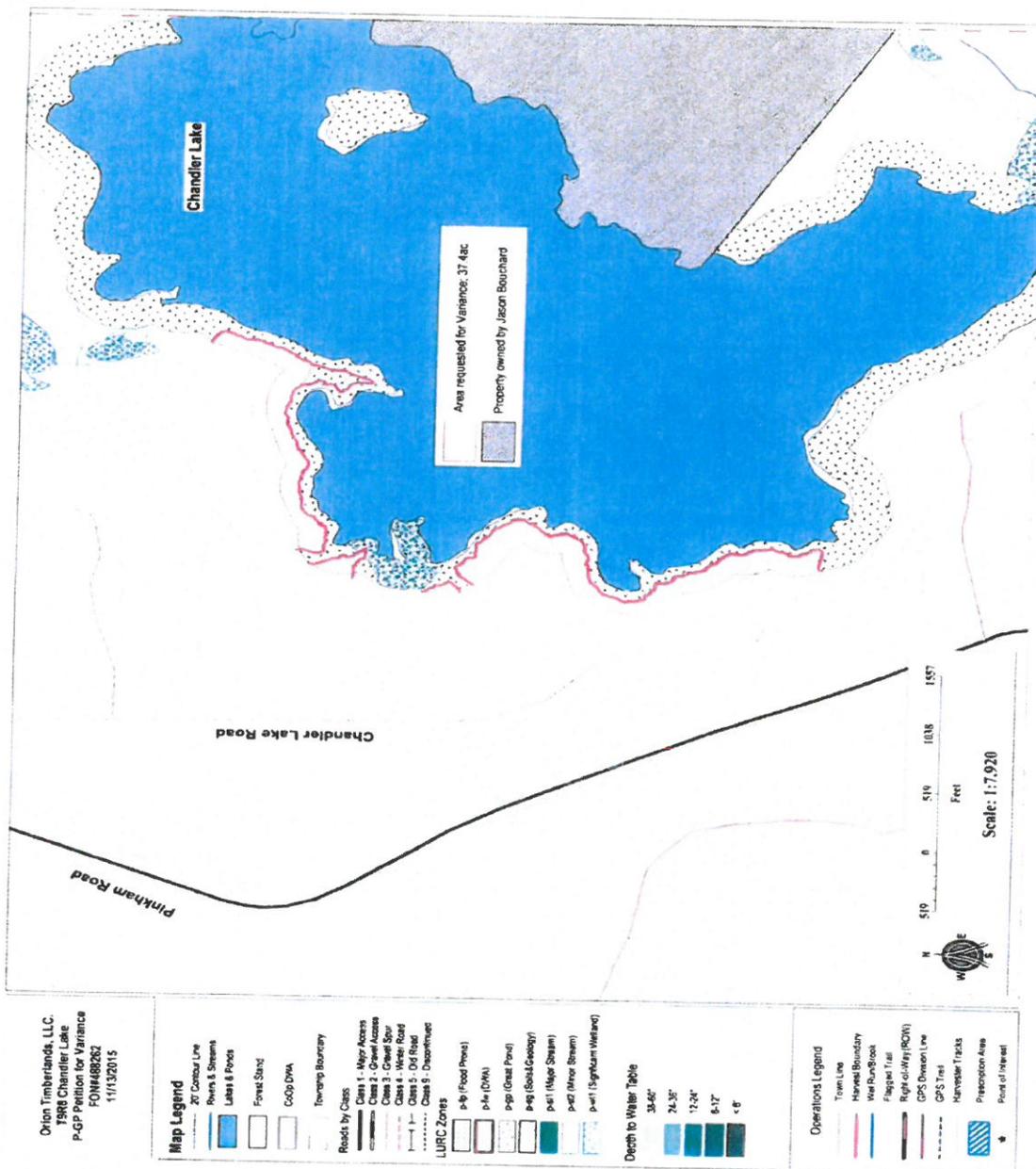
- V. The Maine Forest Service (MFS) examined the parcel on November 30, 2015 to evaluate pre-harvest stand and site conditions.
- VI. MFS findings and recommendations:
- A. The record shows that the applicant has demonstrated by substantial evidence that “[s]trict compliance with the regulations and 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 VCH27-15006 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. Advanced regeneration 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 70 feet apart and no slash will be present within 250 feet of the high water mark of the stream.
 - 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. The harvest will be conducted under winter conditions. 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: 12/04/2015
David Rochester, LF #3162
Regional Enforcement Coordinator
Maine Forest Service

Approved by:  Date: 12-8-15
Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry



Oxion Timberlands, LLC
 1588 Chandler Lake
 P-GP Petition for Variance
 FON#48262
 11/13/2015