

Petition VCH2016023

Maine Forest Service Findings of Fact and Recommendations to the Director

Robert Gough, Petition for Variance from Performance Standards for Chapter 20 – Forest Regeneration and Clearcutting Standards

I. Petitioner and responsible parties:

Robert Gough, P.O. Box 178, Mapleton, Maine 04757, (207) 227-7077

Licensed Forester: Robert Kilpatrick, LF# 3134

II. The parcel is located in E Township, Aroostook County.

III. Robert Gough has submitted to the Maine Forest Service (MFS) a Chapter 20 variance petition (VCH2016023) 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 a blown down recent harvest area comprising 45 acres. There is insufficient separation zone to meet standards for this proposed Category 2 clearcut due to the recent harvest that has reduced the surrounding separation zone below Chapter 20 standards.

IV. Documents in the record include:

A. The Petition for Variance VCH2016023 submitted by Robert Gough on 15 July 2016 requested a variance to exceed the separation zone standards and create one Category 2 clearcut that will have a separation zone insufficiency of tree height and basal area for the 45 acres of required separation zone. The petitioner stated that the residual stand left after the first harvest of a two-stage shelterwood harvest was severely damaged during a wind storm. Harvesting the blown down trees will only increase the risk of the rest of the stand to blow down due to its exposure to the wind and shallow soils on the site. If no harvesting is conducted, the rest of the stand is likely to continue to break up (Exhibit 1).

B. The proposed harvest site was examined on 10 May 2016 by Maine Forest Service Forest Regional Enforcement Coordinator Dave Rochester to evaluate conditions and the extent of the damage, and conditions were found as described.

V. Comments Maine Forest Service Received:

A. DIFW Wildlife Biologist, Rich Hoppe commented and was received 18 July 2016: 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 19 July 2016: 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 according to our current information, there are no rare botanical features that will be disturbed within

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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.

VI. MFS findings and recommendations:

- A. The record shows that the applicant has demonstrated that this shelterwood harvest area of 45 acres has been severely impacted by a wind storm and that there is no other option but to completely remove the 45 acre hardwood stand, which will result in the creation of one Category 2 clearcut. The clearcut will not have a sufficient amount of separation zone acres to meet separation zone requirements. 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 stand 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).

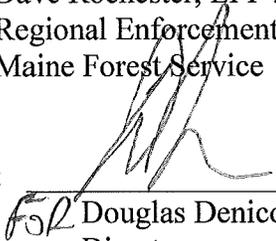
VII. Variance 2015-1 is granted for two full calendar years, subject to the following conditions:

- 1. The applicant will not harvest any of the separation zones associated with the Category 2 clearcut until the Category 2 clearcut has either attained non-clearcut standards under Chapter 20 or a period of ten years has elapsed, whichever comes first.

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: 7/28/2016

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

Date: 07 AUGUST 2016



Blown Down Areas, Northwest facing slope.

