

Petition VCH2016032
Maine Forest Service
Findings of Fact and Recommendations to the Director

**Weyerhaeuser Petition for Variance from Performance Standards
for Chapter 20 – Forest Regeneration and Clearcutting Standards**

- I. Petitioner and responsible parties:

Weyerhaeuser, PO Box 297, Greenville Junction, Maine 04442

Designated Agent: Andrew Wopat, PO Box 297, Greenville Junction, Maine 04442,
(207) 242-2509
- II. The parcel is located in Bowdoin College Grant West, Piscataquis County.
- III. Weyerhaeuser has submitted to the Maine Forest Service (MFS) a Chapter 20 variance petition #VCH2016032 to depart from standards of MFS Chapter 20 Rule, Forest Regeneration and Clearcutting Standards, Section 4 (C)(2)(a) and Section 4 (C)(2)(d)(1 & 2), separation zone standards. The variance request is the result of an unforeseen need to salvage harvest a dying, 167-acre Red pine plantation. The proposed harvest will result in the removal of .20 acres of separation from an adjacent Category 2 clearcut at a time that the separation zone must be maintained to meet standards. In addition, the proposed harvest will create a .20 acre area where the width of the separation zone will not contain the mandatory minimum of 250 feet of width between the proposed Category 3 clearcut and the existing Category 2 clearcut.
- IV. Documents in the record include:
 - A. The Petition for Variance #VCH2016032 submitted by Weyerhaeuser on September 14, 2016 requests a variance to exceed the separation zone standards and create a Category 3 clearcut. 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 infected plantation where the proposed timber harvest will be conducted was provided by the petitioner (Exhibit 1).
- V. A sample from the proposed harvest site was examined in August, 2014 by Maine Forest Service Forest Pathologist William Ostrosfky to evaluate the existence of the *Sirococcis conigenus* fungus. It was confirmed that the fungus was present at that time. On September 8, 2016 James Ecker visited the site to review separation zones and the condition of the plantation.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant has demonstrated that the plantation is severely infected with a fungal disease *Sirococcis conigenus*. The severity of the infection leaves the applicant with no reasonable alternative than to completely remove the plantation, creating a Category 3 clearcut. The complete removal of this plantation will not permit the retention of the minimum of 250 feet in width of separation zone between clearcuts to meet separation zone standards. The proposed harvest will also exceed the standards required for the retention of a small portion of the separation zone for an earlier Category 2 clearcut created in 2013. 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 §5(B)(1)

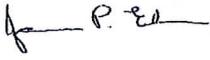
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- B. Based upon its examination of the parcel, the MFS concurs that the complete removal of the plantation is silviculturally justified and will have minimal impact on the protected resource.
- C. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been claimed by the owner or a predecessor in title. Chapter 20 §5(B)(2).
- D. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Chapter 20 §5(B)(3), and,
- E. The public interest is otherwise served. Chapter 20 §5(B)(4).

VII. Variance VCH2016032 is granted subject to the following conditions:

- 1. The applicant will not conduct a commercial in the separation zone established for the adjacent Category 2 clearcut until either ten calendar years have elapsed, or the newly created Category 3 clearcut meets non-clearcut standards under Chapter 20.
- 2. The applicant will prepare a harvest plan for a Category 3 clearcut which meets Chapter 20 standards. That plan must be submitted to the Maine Forest Service and approved prior to beginning the harvest.

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

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

Date: 10/03/2016

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

Date: 03 OCTOBER 2016

BCW CAT III Plan Overview

EXHIBIT 1

