

Petition VCH2116017

Maine Forest Service Findings of Fact and Recommendations to the Director

Town of West Paris Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

- I. Petitioner: Town of West Paris
P.O. Box 247
West Paris, Maine 04289-0247
- II. Designated Agent: Norman Forbes, LF 1101
- III. Date of Petition: June, 2016
- IV. Location of the Petition: The Little Androscoggin River in the town of West Paris,
Oxford County, Maine.
- V. Zoning: MFS Rule, Chapter 21, below the 25 square mile drainage point.
- VI. Period of Operations: August 17, 2016 to September 30, 2016
- VII. Documents in the record include:
 - A. Norman Forbes submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition # VCH2116017 to depart from standards of MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 11 (B)(1 and 2) and (D)(a), water crossing construction standards. The variance request is to be permitted to utilize an existing ford in the Little Androscoggin River below the 25 square mile drainage point. The ford is located above a hydroelectric dam and will be used at a time while the dam owner has the normal water level dropped for dam maintenance.

The original petition was denied on July 13, 2016 due to a lack of specific information. On July 14, 2016 the Town of West Paris appealed the denial. The town provided additional information to the Maine Forest Service on July 22, 2016. The town stated that only logging trucks would be fording the river and that they were agreeable to placing wooden skidder bridge panels on the river bottom. The total length of the ford is approximately 50 feet, with a maximum water depth of 12 to 16 inches. The ford was originally constructed using 2" to 3" stone for the entire length of the ford.
 - B. The petitioner provided a map showing the location of the river crossing.
 - C. The Maine Forest Service examined the site initially on June 27, 2016 to evaluate conditions at the proposed crossing site. At that time the water depth at the crossing was too deep to see the condition of the bottom and there appeared to be 3" to 6" of sediment on top of the stone. At the request of the town, MFS staff conducted a second site visit on July 20, 2016. The water level had been dropped substantially and was now no more than 16" deep.
- VIII. Comments: The Maine Forest Service received three comments from reviewers of the Petition for Variance.

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- A. The regional biologist for the Department of Inland Fisheries and Wildlife commented that the initial application did not provide enough information to comment on. The additional information from the Town's appeal of the initial rejection of the petition was sent for review on August 02, 2016. On August 10, 2016 the Department of Inland Fisheries and Wildlife commented that they approved the use of the ford with the following conditions: (1) All traffic across the ford must be completed before the end of September; (2) Entry and exit points of the ford should employ forestry mats as proposed; and, (3) Approaches should be seeded and stabilized when the harvest operation is completed.
- B. The State Soil Scientist was present at the first site visit and did not support the granting of the petition. After reviewing the pictures of the second site visit and the town's willingness to use wooden skidder bridge panels, he stated that, "while there will be some sedimentation of the river due to the sediment it would be of short duration following installation and removal."
- C. The Maine Natural Areas Program commented that, "according to their records there are no rare or unique botanical features in the project site."

IX. MFS findings and recommendations:

- A. The channel bottom at the proposed crossing site is best described as coarse stone with a 3 to 6 inch layer of sediment lying on top of the stone.
- B. Accessing the site coming from the west crossing the railroad tracks is neither economically feasible nor desired by the railroad.
- C. The installation of a temporary bridge as required by the standards is not economically feasible.
- D. The applicant has not, however, demonstrated a financial hardship if the parcel is not harvested.
- E. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c.805, Chapter 20 §6(B)(3), and,
- F. The public interest is otherwise served. Chapter 20 §6(B)(4).

X. Variance # VCH2116017 is granted until September 30, 2016, subject to the following conditions:

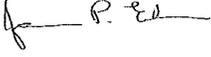
- A. To avoid sedimentation of the protected resources, the petitioner must consult and follow the MFS publication, Best Management Practices for Forestry: Protecting Maine's Water Quality. These practices include but are not limited to the following:
 - 1. Harvesting equipment and trucks using the crossing must be as soil free as possible and must not have fuel, oil or hydraulic system leaks.
 - 2. All trucking must take place at a time when there are low water conditions in the river channel. Use of the crossing must be suspended if a rain event causes the river to rise more than 10 inches above the top of the skidder bridge panels after installation.

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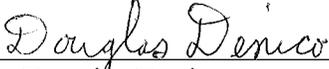
3. Erosion control measures must be installed and maintained if it is determined by the supervising forester that the wooden bridge panels are not adequately protecting the river bottom.
4. At the completion of the operation any exposed soil in the approaches must be stabilized with erosion control mat and seeded with winter rye or a similar seed.

B. The petitioners and all responsible parties must comply with all other standards in Chapter 21.

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

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

Date: 08/14/2016

Approved by: 
Douglas Denico
Director
Maine Forest Service

Date: 8-15-16