

## Petition VCH2116022

### Maine Forest Service

#### Findings of Fact and Recommendations to the Director

#### Stinson/Dirigo Timberlands Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

- I. Petitioner and responsible parties:

Brenda and Owen Stinson, 12 Park Street, Wilton, Maine 04294

Designated Agent: Dirigo Timberlands, PO Box 481, North Anson, Maine 04958
- II. The parcel is an island located in the Sandy River in the town of Strong, Franklin County, Maine. It comprises approximately 23 +/- acres.
- III. Dirigo timberlands has submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition # VCH2116022 to depart from standards of MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 11 (B)(1 & 2) and (D)(a), water crossing construction standards. The variance request is to permit the landowner's designated agent to install a temporary ford in a side channel of the Sandy River below the 25 square mile drainage point.
- IV. Documents in the record include:
  - A. The Petition for variance # VCH2116022 submitted by Dirigo Timberlands on July 05, 2016 that requests a variance to be permitted to ford a side channel of the Sandy River with a temporary ford constructed of concrete bridge panels.

The petitioner stated that wooden skidder bridge panels would be placed on the banks of the channel to protect the integrity of the banks and a series of 16 foot by five foot by 10 inch thick concrete bridge panels would be placed on the channel bottom as protection for the channel bottom.
  - B. The petitioner provided a map showing the location of the crossing of the side channel.
  - C. The Maine Forest Service examined the parcel on July 22, 2016 to evaluate the conditions at the proposed crossing site. At that time the water depth at the crossing was less than eight inches.
- V. Comments: The Maine Forest Service received two comments from reviewers of the Petition for Variance
  - A. The regional biologist for the Department of Inland Fisheries commented that the site was reviewed by Maine Department of Inland Fisheries and Wildlife (MDIFW) Region D Fisheries staff on 7/20/16. Our comments are limited here to the proposed crossing and its potential effects on the river and adjacent shorelines, although there appear to be several logistical factors concerning roadway access at the site as well.

MDIFW relies on simple, straightforward techniques to minimize the impacts of logging operations on the State's water resources while allowing those projects to proceed. Those are, if a waterway is to be crossed more than 'several' times, it

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should be bridged, and that a vegetated buffer adjacent to the resource should be left intact.

The applicant proposes to build a ford utilizing wooden mats for crossing the shoreline and concrete pads placed on the river bottom as a ford to the island. The use of wooden mats is appropriate for accessing the river over riparian wetland areas. MDIFW believes that fords, while useful for a limited number of stream crossings for a short time period, will be insufficient for the number of crossings necessary to complete this project, which clearly exceeds the 'several' noted above. This is especially true in a river as large as the Sandy River and with its fast discharge response to storm events. The duration that the pads will be in place is relatively long, considering that there are approximately 23 acres to be harvested. Also, during the time period while the concrete pads are in place there is a high probability of a significant rain event. To avoid potential problems caused by channel or bank erosion and washing of vehicular materials and fluids (read dirt and petroleum residues), MDIFW recommends placing the concrete pads on concrete waste blocks to elevate the crossing above a reasonable discharge elevation, which can be determined by the forester in the field by observation; the height of a single concrete waste block will likely be sufficient. This method will prevent erosion and limit water contact with harvest and transport vehicles. The concrete waste blocks are cheap and can be used multiple times.

- B. The State Soil Scientist commented, "I believe this request has merit but would like to know what the stream bottom is like in the area of the proposed crossing. If it is soft, the panels may sink causing sedimentation whenever the stream is forded. If the stream bottom is sandy and/or hard, I do not anticipate erosion problems. The only other concern is with the condition of the vehicles using the crossing. They should be relatively clean and not leaking oil, grease or gasoline."

### VI. MFS findings and recommendations:

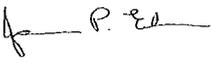
- A. The channel bottom at the proposed crossing site is best described as coarse gravel or stone.
- B. The area where the current right of way leaves Route 4 towards the crossing location is narrow and steep. The sight distance is limited and vehicles travel at a high rate of speed on Route 4. The applicant likely will have to obtain an entrance permit from the Department of Transportation.
- 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 island 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).

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VII. Variance # VCH2116022 is granted for a period of forty five days, 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 will 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.
  - 3. The concrete bridge panels must be elevated a minimum of 12 inches to keep traffic from directly coming in contact the water. The cross sectional area under the crossing does not have to meet the standards for installation of a permanent crossing as required by Chapter 21.
  - 4. Trucking must be suspended should the water level in the channel rise sufficiently enough to cover the concrete bridge panels.
  - 5. 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 banks.
- B. The petitioners and all responsible parties must comply with all other standards in Chapter 21.
- C. The issuance of this variance to construct the temporary crossing does not grant the applicant permission to enter onto Route 4. The applicant must confer with and receive any necessary approvals from the Department of Transportation.

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

Prepared by:   
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Regional Enforcement Coordinator  
Maine Forest Service

Date: 08/08/2016

Approved by:   
*for* Douglas Denico  
Director  
Maine Forest Service

Date: 09 AUGUST 2016