

Petition VCH2116033

**Maine Forest Service
Findings of Fact and Recommendations to the Director**

Stephen Hakala and Alfred Snow Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

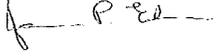
- I. Petitioner: Stephen and Anita Hakala and Alfred Snow
153 Ashton Road
Norway, ME 04088
- II. Designated Agent: Paul Larrivee
SAPPI NA
165 North Avenue, Suite 1
Skowhegan, ME 04976
- III. Date of Petition: September 20, 2016
- IV. Location of the Petition: Tax Map 20, Lot 4 on the Crooked River in the town of Waterford, Oxford County, Maine.
- V. Zoning: MFS Rule, Chapter 21, below the 25 square mile drainage point.
- VI. Period of Operations: October 10, 2016 to October 31, 2016
- VII. Documents in the record include:
 - A. Paul Larrivee submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition # VCH2116033 to depart from standards of MFS Chapter 21 Rule, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, Section 7 (B)(1 & 2), shade and retention tree standards. The variance request is to be permitted to exceed standards by salvage harvesting dead and dying hemlock in the 250 foot shoreland zone of the Crooked River.
 - B. The petitioner provided a map showing the location of the variance area to be harvested (Exhibit 1).
 - C. The Maine Forest Service examined the site initially on September 13, 2016 to evaluate the condition of the hemlock to be harvested. At that time there was evidence of thinning crowns due to needle loss and mortality but the causal agent was undetermined. MFS staff from the Forest Health and Monitoring Division conducted a second site visit on September 22, 2016. The site visit confirmed that the hemlock decline and needle loss was the result of a root/butt rot fungus.
- VIII. Comments: The Maine Forest Service received three comments from reviewers of the Petition for Variance.
 - A. The fisheries biologist for the Department of Inland Fisheries and Wildlife commented that he would ask that "all trees in the 75' buffer area that are likely to fall in the river be retained. This will keep heavy equipment off the soft riverbank areas and will allow recruitment of large woody debris for the river system. In addition, please retain some of the large hemlock in the floodplain either downed or

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- standing, which can be beneficial to the river during flood flows by slowing flows and retaining sediment.”
- B. The State Soil Scientist commented that “the only soil based concern I see with this proposal is that there are some floodplain wetland soils near the river that could easily rut up if worked on when wet. So far this year, that has not been a problem but should conditions change before the harvest begins, the applicant should avoid the ML (Medomak and Wonsqueak) and RZ (Rumney and Podunk) soil map areas until they are dry again or wait for frozen conditions. It may also be possible to use slash for support of a tracked vehicle if the soils are not too wet and soft. The rest of the soil map units are well drained sandy/gravelly soils that should not be a problem.”
 - 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 hemlock in the proposed harvest variance area is infected with a fungal disease which is the causal agent of the decline and needle loss of the stems proposed to be harvested.
 - B. The applicant has not, however, demonstrated a financial hardship if the parcel is not harvested.
 - 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).
- X. Conditions: Variance # VCH2116033 is granted until October 31, 2016, subject to the following conditions:
- A. Harvesting equipment must not enter the first 75 feet of the shoreland zone at times when soils are sufficiently wet to result in rutting that could lead to sediment reaching the waterbody.
 - B. Hemlock within the first 75 feet that are likely to fall into the river must be retained.
 - C. Only hemlock may be harvested in the variance area. All other species must be retained.
 - D. Standing dead hemlock must be retained at a rate of 2 to 4 trees per acre to benefit wildlife. Standing dead hemlock may be left in clumps or as single stems and must not be removed should they fall post-harvest.
 - E. The petitioners and all responsible parties must comply with all other standards in Chapter 21.

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

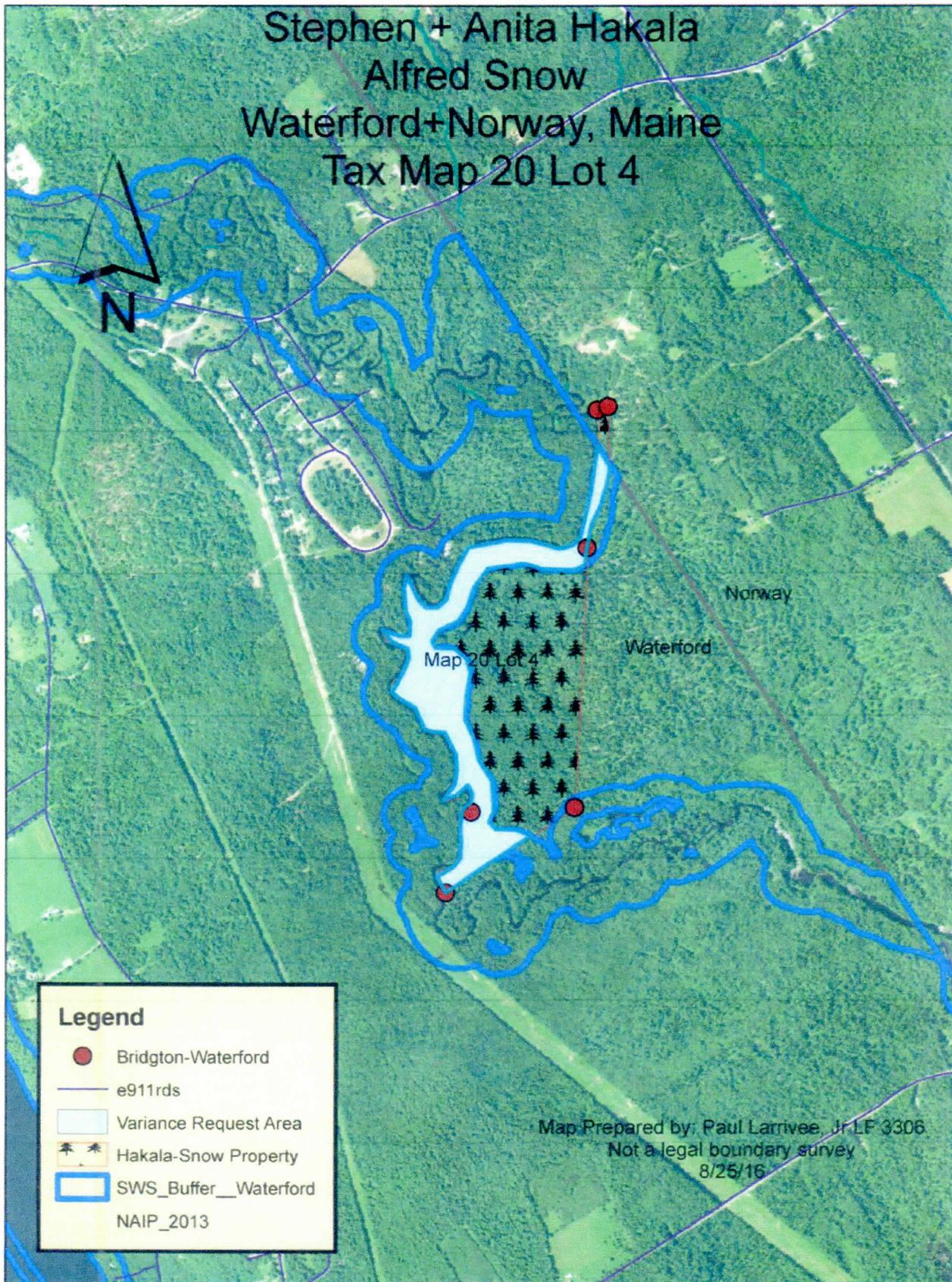
Prepared by: 
James P. Ecker LE #612
Regional Enforcement Coordinator
Maine Forest Service

Date: 10/05/2016

Approved by: 
 Douglas Denico
Director
Maine Forest Service

Date: 05 OCTOBER 2016

Stephen + Anita Hakala
Alfred Snow
Waterford+Norway, Maine
Tax Map 20 Lot 4



Legend

- Bridgton-Waterford
- e911rds
- Variance Request Area
- ▨ Hakala-Snow Property
- SWS_Buffer__Waterford
NAIP_2013

Map Prepared by: Paul Larrivee, Jr LF 3306
Not a legal boundary survey
8/25/16