

Petition VCH2116035

Maine Forest Service Findings of Fact and Recommendations to the Director

Karla Williams Petition for Variance from Performance Standards for Chapter 21 - Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

- I. Petitioner: Karla Williams
53 E 66th Street
New York, NY 10065
- II. Agent: David Schaible
PO Box 126
Nobleboro, ME 04555
- III. Date of Petition: September 28, 2016
- IV. Location of the Petition: Map 28 Lot 11, on the Damariscotta River in the town of South Bristol, Lincoln County, Maine.
- V. Zoning: MFS Rule, Chapter 21, below the 25 square mile drainage point.
- VI. Period of Operations: October 15, 2016 to December 31, 2016
- VII. Documents in the record include:
 - A. David Schaible submitted to the Maine Forest Service (MFS) a Chapter 21 variance petition # VCH2116035 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 Damariscotta 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 27, 2016 to evaluate the condition of the hemlock to be harvested. At that time there were varying degrees of decline as needle loss ranged from minor to 70 percent of the crown. There is also evidence of minor mortality. The causal agent based on the finding of egg masses was determined to be Hemlock Wooley Adelgid.
- VIII. Comments: The Maine Forest Service received two comments from reviewers of the Petition for Variance.
 - A. The State Soil Scientist commented that “Lyman soils are shallow to bedrock and well drained so soil compaction and erosion should not be a significant factor for this harvest. I recommend that the logger not work on the soils if they are saturated and minimize soil disturbance, as proposed, by the use of slash where needed.”
 - B. The Maine Natural Areas Program commented that, “according to their records there are no rare or unique botanical features in the project site.”

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IX. MFS findings and recommendations:

- A. The hemlock in the proposed harvest variance area are infested with an insect, Hemlock Woolly Adelgid, 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 # VCH2116035 is granted until December 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. Only hemlock may be harvested in the variance area. All other species must be retained.
- C. The petitioners and all responsible parties must comply with all other standards in Chapter 21.

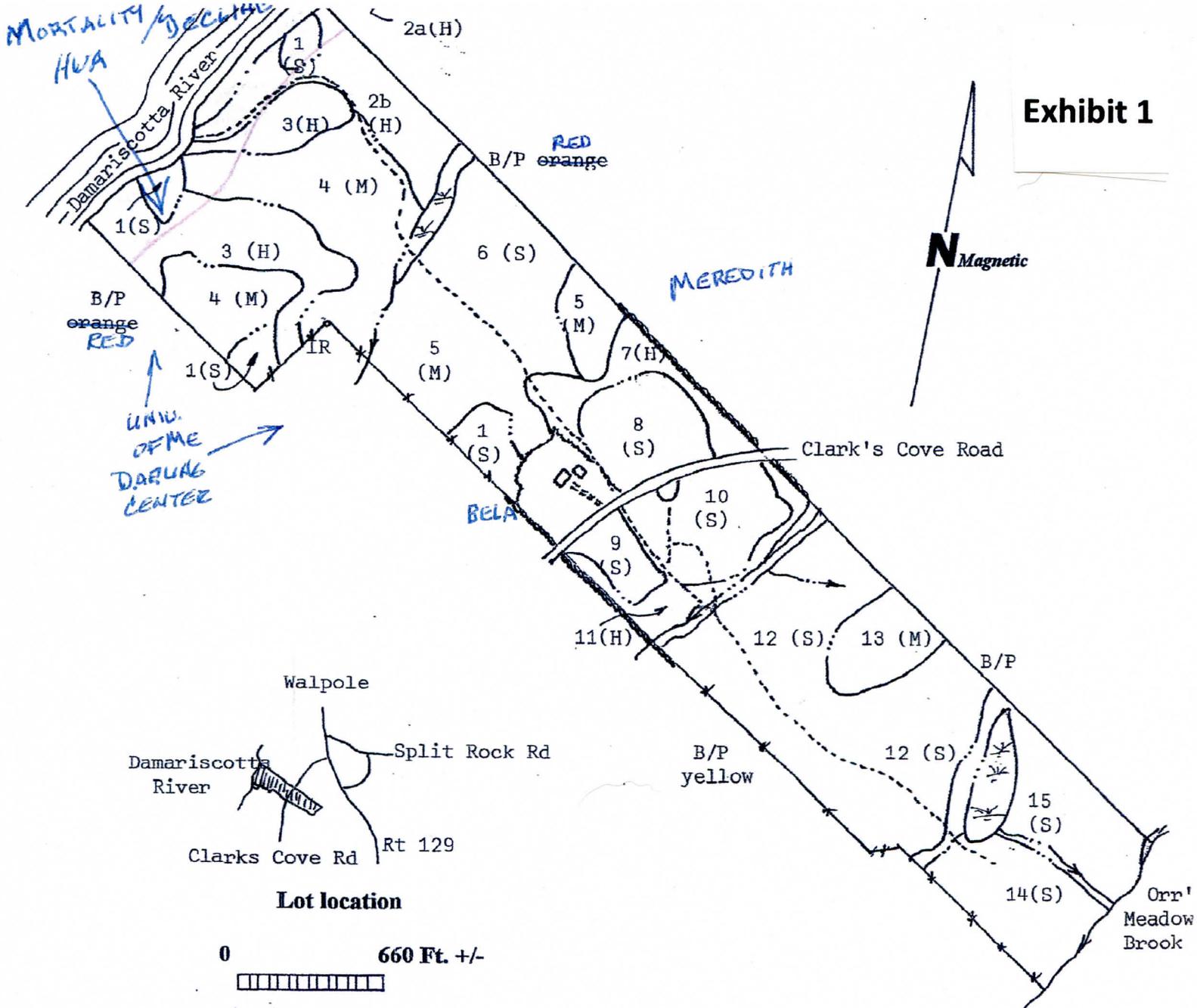
The MFS recommends that the Director of Maine Forest Service approve the variance petition.

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

Date: 10/14/2016

Approved by: 
FOR Douglas Denico
Director
Maine Forest Service

Date: 14 OCTOBER 2016



Note: Not all features to exact scale and shown only in approximate location. Forest type mapping from air photo and on-site observations. Map is NOT a legal survey.

Legend

- Iron rod/pipe IR ○
- Wire fence remnants —
- Blazed/painted line B/P
- Paved road ———
- Gravel road/drive ———
- Woods trail - - - - -
- Stream/drainage ———
- Swampy/wetland ———
- Tree line ———
- Building □
- Forest type/stand boundary ———
- H= Hardwood
- S= Softwood
- M= Mixedwood

Shoreland Zone

Forest Stand & Type Map

Land of
Karla H. Williams
 and
Otto T. and Nancy Hofmeister
 Clarks Cove Road
 So. Bristol, Maine
 By

David Schaible, ACF, MeLPP #45
 Timberland Consultants
 PO Box 126
 Nobleboro, Maine 04555
 March 11, 2009