



Maine Forest Service Consultants Newsletter & Ice Storm Update #7 July 30, 1999



Training Sessions on New FPA Rules Being Offered

The Maine Forest Service, in cooperation with the Maine Forest Products Council, is offering a series of workshops this summer and fall concerning the new FPA rules. The sessions are being held in conjunction with the MFPC's Membership Outreach Program. All workshops begin at 7:30 am with a MFPC Membership Outreach Breakfast, with the FPA workshop to follow. To register, contact the Maine Forest Service at (207) 287-2791.

Space is limited at a few of the locations, so register early. There is no charge for these workshops. Locations are:

<u>Location</u>	<u>Date</u>	<u>Location</u>	<u>Date</u>
Ashland	8/7	Millinocket	9/21
Bangor	9/25	Presque Isle	8/13
Belfast	8/14	Rumford	8/19
Dover-Foxcroft	8/24	Sanford	9/23
Ellsworth	8/5	Skowhegan	9/17
Farmington	8/17	Westbrook	9/14
Fort Kent	7/29	Woolwich	9/10
Houlton	8/21	Augusta	TBA(Oct.)
Machias	8/27	Cornish	TBA(Oct.)

Current Stumpage Price Reports are Back!

Maine Forest Service U&M Forester Pete Lammert is reviving the old biannual stumpage reports. These will provide more current stumpage prices than the report generated from the Landowner Confidential Reports of Timber Harvested. For this to work, Pete needs you to report to him the most current stumpage prices that you are aware of in your working circle. A letter from Pete, a form, and a postpaid return envelope are included with this newsletter. Please get these back to the Maine Forest Service by August 16, 1999. The sooner we have the replies, the sooner we can print the report. If you have any questions, call Pete Lammert at the Maine Forest Service in Augusta at (207) 287-1073 or 1-800-367-0223 (in-state only).

New Standards for Stewardship Plans are Coming

The US Forest Service is instituting new standards for plans written under the Forest Stewardship Assistance Program. Future funding for the program will hinge on how well each state does in meeting these new standards. In

order for a state to receive beyond a minimum baseline funding, 3 out of 5 plans chosen at random and submitted to the US Forest Service for review must pass the new standards check list with a score of at least 70%.

Maine has always held its plans to a very high standard, so meeting these new requirements will not be difficult. Among the new standards are requirements for a forest inventory in certain situations, a listing of any important natural features, and a section on interaction with surrounding properties.

These new standards will not be in effect until later this fall and you will learn more about them through this newsletter and upcoming training sessions.

Standards (continued)

Recently, a team of foresters from several states were asked by the US Forest Service to review Stewardship plans drawn up in the northeastern area (for the US Forest Service, the northeastern area is a block of states from Maine to Minnesota to Missouri to Maryland). Kathy Nitschke, Stewardship Coordinator for the Maine Forest Service, was part of that team. She reports:

Maine's plans came out very well in the review. Because of our high standards, it will not be difficult to meet the new standards being proposed. Maine already includes such basics as wildlife and habitat issues, water quality, and recreation, that many states do not. BUT, each of the Maine plans failed to pass the review because none of the plans submitted contained a statement regarding threatened and endangered plant and animal species. This requirement is one that has been part of the program from the beginning, mandated in the legislation that set up Stewardship.

You are all aware of this requirement and perhaps have checked for threatened and endangered species on a lot, found none, and proceeded from there, making no mention of a threatened or endangered species. If there are none found, you need to make a statement in the plan that none were found! It's as simple as that.

Ice Storm News

As of July 30, 1999, the Maine Forest Service has received requests for assistance for forest management planning under the Forest Stewardship Assistance Program for 2732 woodlots, covering 342,582 acres. More than a third of those plans have been completed (1103) totaling 134,166 acres. This has generated \$1,148,305.17 in billing for consulting foresters (yes, that's million) with reimbursements to landowners of \$843,963.32.

As of the end of July, more than \$2.0 million has been committed for assistance to landowners for ice storm clean up and mitigation practices under the Stewardship Incentive Program (SIP). Only \$256,987 has been distributed to landowners for completed practices, a little over 12%. The most popular practices so far have been clean up or construction of roads and trails to access areas needing cleanup. We still have approximately \$1.5 million available to landowners who wish to participate in this program. Please let your clients know that funding is still available.

We have received a deadline date from the US Forest Service on the availability of the ice storm mitigation funds. **ALL PRACTICES AND PLANS MUST BE COMPLETED BY APRIL 1, 2001.** This does not mean signed up for or partway through or I'll get to it next week. All practices must be completed! This means plans written, roads cleared, trees pruned, brush piles chipped, etc., etc., etc. There will be no exceptions! This still gives consultants and landowners more than a year and a half to get plans and practices applied for and completed. Please mark this date on your calendar and let your clients know as well.

Stacy Kontrabecki has resigned as Ice Storm Coordinator, effective July 23, 1999. Kathy Nitschke will take over handling the aerial photos. If you have questions on the photos, please call Kathy.

New Staff at the Maine Forest Service

The Maine Forest Service has been fortunate to hire several new staff members in recent months. Please welcome:

Mort Moesswilde Water Quality Specialist
22 State House Station
Augusta, ME 04333
(207) 287-8430

New Staff (continued)

Kevin Doran Natural Resource Educator
22 State House Station
Augusta, ME 04333
(207) 287-4988

Patty Cormier District Forester - Kennebec,
MFS Knox, Lincoln, & Waldo
536 Waldoboro Road Counties
Jefferson, ME 04348
(207) 549-9003

Stephen Begin District Forester - S. Aroostook
MFS Steve will be beginning
Route 2 Box 25 work for MFS the
Island Falls, ME 04747 beginning of September.
(207) 463-2331

Professional Development Seminar this Fall

The Maine Forest Service Stewardship program will be sponsoring a workshop this fall to help consultants stay abreast of changes in the Stewardship and SIP programs and to provide professional development training in the business aspects of owning forest land.

This full day session will be held Monday, October 18, 1999 at the Augusta Civic Center. In addition to the program updates, there will be speakers on taxes, conservation easements, contracts, and other topics of interest, all designed to help consultants help landowners through the maze of these issues. Thom McEvoy, extension forester and associate professor, University of Vermont will be the keynote speaker. Thom is the author of *Legal Aspects of Owning and Managing Woodlands*. More information on location and speakers will be forthcoming, but mark your calendars now.

Forest consultants must attend at least one Stewardship training session every three years to remain eligible to deliver both the Forest Stewardship Assistance and Stewardship Incentive Program cost-share assistance programs. Attendance at this program will fulfill that requirement and will also count as continuing education credits towards forester licensing in both Maine and New Hampshire.

DEP Amends Permit by Rule Standards, Issues Emergency Rule

Earlier this summer, the Department of Environmental Protection amended the NRPA Permit by Rule Standards. A Permit by Rule, or PBR, is filed with DEP prior to certain activities that may affect water quality and other resources. Most PBR activities in forestry focus on constructing stream crossings and creating soil disturbance near wetlands, ponds, rivers, and streams.

A number of changes, prompted largely by utility construction, became effective June 1. Most noteworthy is that projects with more than one crossing of a natural resource became ineligible for a PBR. Instead, a full NRPA permit would be required. However, concerns from the forestry community about the effect of a full licensing process convinced the DEP to issue a partial forestry exemption through an emergency rule effective July 16. However, the emergency rule is effective for only 90 days.

NOTE: DEP will revisit the standards this summer and fall. Landowners and foresters would be well advised to submit planned PBR activities under the emergency rule exemption, before it expires in October. PBR projects submitted under the emergency rule can be completed over two years, and will not need to comply with any additional changes this fall or winter. There will likely be a time gap, after the rule expires, but before any new forestry modifications take effect, during which single crossings will still be eligible for a PBR, but multiple crossings will require a full permit. For a complete version of the new rules, contact DEP or MFS; what follows is a summary of the main requirements for PBR.

Permanent stream crossings, for a forest road or trail, are the most common places where forestry operations need a Permit by Rule. This includes bridges, culverts, or fords. Landowners or their agents need to submit a PBR for such projects. Under the emergency rule, each PBR for forest management roads can include several crossings, as long as they are in the same town. (The forestry exemption for stream crossings in forested wetlands still applies.)

A PBR is also needed is for soil disturbance (not associated with a crossing) within 100 feet (horizontal) of a wetland, pond, river or stream. The most typical situation might be where a new log yard or forest road must be located within 100 feet of these resources. In these situations, PBR standards require you to use hay bales or silt fence, and mulch the site after use. If slopes are more than 33%, a full NRPA permit is required.

If a stream crossing is constructed from October 2 to July 14, the PBR will now require prior written approval

from the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Commission, and the Department of Marine Resources. While there is a process being developed for getting this approval, applicants should count on submitting PBRs well in advance of constructing crossings during fall, winter, spring, or early summer.

Temporary culvert crossings, e.g. skidder crossings, that use fill now require a PBR. Temporary bridges are still exempt, as are brush/log crossings (where the material is removed afterwards).

DEP has clarified the status of rivers and streams in the coastal plain. If these are "subject to tidal action", they will in most, if not all cases qualify as a coastal wetland. A full NRPA permit would be required for permanent crossings of such streams, with no PBR option.

The standards for constructing permanent stream crossings have changed in a few ways. Bridges and culverts are now required to have 3 times the cross-sectional area of the stream at high water (rather than 2.5 times). Hay bales or silt fence must be in place to prevent erosion into the stream before constructing the crossing, and exposed soil must be mulched after completion of the operation until the site is stabilized. In constructing crossings, wood treated with creosote or pentachlorophenol should not be used where it will contact water. Alteration of non-forested, freshwater wetlands is now limited to 25 feet or less on either side of crossing (formerly 100 feet). However, any additional wetland disturbed beyond 25 feet from the stream may be eligible for another exemption allowed under the NRPA. DEP staff can assist you with this determination.

Please call the Maine Department of Environmental Protection at 287-3901, or Maine Forest Service at 287-2791, for additional information.

- Mort Moesswilde
Water Quality Specialist