

Forester's Newsletter

SPRING 2004

Landowner incentives program announced

The Maine Forest Service's new incentives program for small woodlot owners will begin accepting applications later this spring. The program will tie in with MFS's landowner education and outreach effort, *Be Woods Wise*®, by adopting the same title – “WoodsWise Incentives to Stewardship Enhancement”, or simply, “**WoodsWISE**”.

Program funding is provided primarily through the USDA Forest Service's Forest Land Enhancement Program, or FLEP. Other sources of funds will be used to cost-share certain practices. Maine will administer cost-sharing in coordination with the existing Stewardship effort.

The WoodsWISE incentives program will operate differently from past cost-share programs. In order to continue to serve landowners we need to rely on multiple funding sources, and communicate accomplishments to those providing funding more effectively.

Interim program guidelines will be posted to MFS's website (www.maineforestservice.org) the week of April 26 so that foresters and landowners can begin to familiarize themselves with the new program. A series of workshops to train consulting foresters will be scheduled for May and June. Foresters who plan to provide cost-share services to landowners through this program must attend one of these sessions, and meet other requirements.

WoodsWISE will include both plans and practices, or “projects”. Here is a brief summary of how WoodsWISE will be different from past cost-share programs:

- Forest Management Plan applications will still be approved continuously through the MFS Augusta office. However, the standards for plans will change beginning with all applications received in June.
- Applications for other projects or practices will be accepted during specific Application Periods, and will be approved through the MFS District Foresters. The first application period will take place in and June. The second will likely take place in September.
- Foresters who provide cost-share services will be asked to enter into an agreement with MFS to deliver the program according to certain guidelines. Cost-share training will be one of several requirements. MFS District Foresters will work closely with consultants.
- WoodsWISE emphasizes the role of professional foresters in implementing projects. “Project Plans” and field review by consultants will be required for all approved projects, but these will be cost-sharable professional services.
- The new program will encourage and give some preference to new landowners who have not previously received cost-sharing. Other landowners will still be eligible, however.

Current, approved applications for Stewardship Plans will be honored. However, we will begin to cancel plans that have expired without being completed. There is a considerable backlog of uncompleted work, and we need to make those funds available to new landowners.



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Forest Operations Notifications

The new Forest Operations Notifications form has prompted several questions. Here are some answers.

LOGGER SIGNATURES

Question: Is the logger's signature required by law? What about when the logger is not known when the FON is submitted (well in advance of the harvest)?

Answer: The logger's name, address, and phone number, if known, are required on the FON by 12 MRSA s. 8883, sub-s. 1.A. The logger's signature is required by 12 MRSA s. 8883, sub-s. 1.H. Once a harvest begins, it is obvious that the harvester's name is known, and the responsible party should submit an amendment to the FON with the required information. Therefore, a harvest is not properly notified if the harvest begins without the logger's contact information and signature on file with the bureau.

If a licensed forester files a FON as a designated agent and has a fiduciary responsibility to the landowner, the FON may be filed and accepted by the bureau without the logger information. Prior to commencing harvesting, the licensed forester must still file an amendment with the bureau that lists the logger's contact information. A logger's signature will not be required. MFS will hold the licensed forester responsible for performance on and for all administrative requirements associated with the harvest. The name of any subcontractor (if there is one) is not necessary. However, if a new contractor takes over the harvest, that name should be submitted as a further amendment.

If any other party files a FON (landowner, logger, designated agent), and the form does not contain the logger's contact information and signature, the bureau will reject the FON as incomplete. This policy has its foundation in 12 MRSA, § 8883, sub-§ 1, para. H-1, which allows MFS to accept FONs without the landowner's signature if the FON is filed by a licensed forester acting as designated agent and who has a fiduciary responsibility to the landowner.

MAILINGS

Question: Why does MFS mail the same information to landowners as it does to designated agents, including licensed foresters? This is confusing to landowners who have confided all responsibilities for harvesting, including required reporting, to their designated agent.

Answer: Landowners ultimately are responsible for compliance with all land use laws and related reporting requirements, regardless of whether they have delegated or contracted responsibilities to other parties. MFS has a responsibility to ensure that landowners are aware that a harvest notification has been filed for their lands, and to inform landowners when the designated agent fails to comply with the laws and reporting requirements. MFS is taking steps to simplify the process and reduce duplication of mailings; however, MFS still will inform landowners about harvesting on their land at appropriate points.

Generally, MFS does not contact or send mailings to a landowner without also notifying the designated agent. We will simplify the acknowledgment letter sent to landowners who have designated agents, and make sure that landowners do not receive all of the attachments that go with the more detailed acknowledgment that designated agents would receive.

MFS will not accept FONs filed by designated agents that list the landowner's address as in care of the designated agent.

(see Forest Operations Notification, page 6)

Forest Management Planning Tax Credit

The Maine Bureau of Revenue Services administers the Forest Management Planning Tax Credit, which allows taxpayers to take a tax credit of up to \$200 on State of Maine income tax, for expenses incurred in the preparation of a Forest Management Plan for their property, regardless of the intended use of the plan. The property covered by the plan must be at least 10 acres.

Recent questions have prompted the following clarifications by BRS:

- The taxpayer must claim the credit in the year in which the expense is incurred; the credit, or any unused portion of the credit, may not be carried forward to subsequent tax years.
- A taxpayer may claim the credit once every ten years for each eligible plan. Therefore, a taxpayer with multiple plans may be able to claim multiple credits within the 10-year period, or even within the same tax year.
- Abutting lots are considered one parcel for this purpose.

If you have questions, please call MFS or the Bureau of Revenue services, 287-2076.

Natural Resource Information for Forest Land Management

Maine's Natural Areas Program (MNAP), a division of the Department of Conservation, has announced a new service available to landowners. Upon request by the landowner or the consulting Forester, MNAP, working in cooperation with the Department of Inland Fisheries and Wildlife, will review the state database of natural botanical/wildlife features and identify if any fall within the ownership.

Landowners and land managers can obtain all sensitive natural feature data available, to incorporate into Forest Management Plans or other conservation efforts, through a single request to the MNAP. The MNAP provides data on rare natural features including plants, animals, and habitats; outstanding examples of common habitats, and Inland Fisheries and Wildlife designated Significant and Essential Habitats:

Screening of properties for selected natural features will identify:

- *habitats supporting rare, threatened, and endangered plants and animals*
- *rare and exemplary natural communities (habitats)*
- *significant habitats (i.e., Deer Wintering Areas, Wading Bird and Waterfowl Habitats)*
- *essential habitats (i.e., Bald Eagle nesting areas)*
- *"Beginning with Habitat" Focus Areas*
- *any other areas identified by MNAP as a priority for inventory*

The review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts. The information provided includes scientific and common name(s), rarity ranks and state and federal protected status, date of last observation, and a brief description of the natural areas or habitat(s). For potentially impacted features, MNAP may offer protection recommendations or may suggest that a field survey be conducted to verify the feature and determine protection/management strategies. For any MDIFW features identified, landowners will be directed to the regional biologist for specific management recommendations.

To request a site review, landowners or consulting foresters should submit a cover letter to MNAP with a brief description of the property, and a photocopy of a 1:24,000 USGS topographic map (or similar substitute) with the property clearly outlined. The MNAP address is 93 State House Station, Augusta, Maine 04333.

MFS's revised Forestry BMP Manual

The Maine Forest Service has completed a major revision of its BMP manual, with the publication of Best Management Practices for Forestry: Protecting Maine's Water Quality. The manual was developed by the MFS's Division of Forest Policy and Management, with substantial assistance from FORAT, an advisory group with broad representation from Maine's forestry community.

The manual replaces the existing field handbook on BMPs, and provides considerably more information, photos, and illustrations. The content is organized to include important background on water quality, water movement in watersheds, and to emphasize principles underlying the application of on the ground measures to protect water quality.

BMPs involve a wide range of ideas and possible techniques. The manual is intended to help loggers, foresters, and others understand how different BMPs work, and help them decide which techniques to use. However, it does not describe regulatory requirements, nor is it a cookbook or a complete how-to manual for installing BMPs. It is important to understand that BMPs are not regulations.

The manual focuses on water quality. Although there are other benefits from using BMPs, the emphasis is on water quality, broadly defined as the properties of water in nature that support life. BMPs protect the natural functions of water bodies, by:

- minimizing the risk of sediment and other pollutants getting into water bodies,
- maintaining the natural flow of water in streams and wetlands, and
- protecting shoreland vegetation and its important functions.

“Fundamental BMPs” are the basic principles or goals that underlie most BMPs. Understanding these principles will enable loggers and foresters to select or adapt the BMPs that are most appropriate and effective. Fundamental BMPs to protect water quality include:

- defining objectives and responsibilities for the harvest
- Pre-harvest planning
- Anticipating site conditions
- Controlling water flow
- Minimizing and stabilizing exposed soil
- Protecting the integrity of water bodies
- Handling hazardous materials safely.

The manual states the MFS approach to BMPs succinctly: “Any single practice or combination of practices that effectively achieves one or more of these key goals could be considered an appropriate BMP.”

The manual also describes BMPs for every stage of the harvest, including stream crossings, wetland crossings, truck roads, log landings, trails and harvesting, and hazardous materials. Each of these areas is dealt with from the perspectives of highest priorities in these areas, as well as specific planning, construction/installation, maintenance, and close-out BMPs. Special sections provide information on filter areas adjacent to water bodies, soil stabilization, sizing and installing bridges and culverts, maintaining fish passage, and controlling/diverting water on roads and trails.

MFS is planning several introductory workshops this spring. Please check with MFS's Augusta office or your district forester. Individual copies of the manual will be available after May 15th, and the manual will be posted to MFS's website. Individual copies will be free to foresters, loggers, and forest landowners; requests for multiple copies/large quantities may involve a modest cost.

New Options for cost-share Proof of Payment

Maine Forest Service, has reviewed its proof of payment requirements for cost-shared Forest Management Plans with its state auditors. As a result, MFS has provided a new option for documenting payment, which MFS will accept in lieu of proof of payment, and which may be easier to provide in some instances. These new policies are effective immediately.

The new option is an Affidavit form, to be completed and signed by both the landowner and the forester, to be submitted with the claim for payment and other required documentation. Consultants who choose to use this form can provide copies to their clients, e.g. when giving them the bill for services. The form is available on the MFS website, www.maineforestservice.org.

The proof of payment policy is as follows:

Proof of Payment for Forest Management Plans

Proof of payment for cost share reimbursement for Forest Management Plans under Maine Forest Service programs consists of:

- a copy of the cancelled check (both sides), or
- a similar written record generated by the bank that clearly shows that funds in a given amount have been transferred.

The Affidavit may be submitted as proof of payment in lieu of the above documents if they are not readily obtainable.. The check number(s) are required information.

If payment is made in a form other than a check, a notarized statement signed by the forester asserting that payment has been received, and identifying the type and dollar value of payment, may substitute as proof of payment.

In all cases, MFS reserves the right to request additional information.

Please note: A copy of the original bill or bills, marked "paid" and initialed by the consulting forester, is still required in addition to the above forms of proof.

Focus Species Forestry: Integrating Timber Management and Biodiversity

•A new workshop series has been developed by Maine Audubon, PLC, SWOAM, and Maine Forest Service.. Participants will:

- Learn how to manage for a small group of wildlife species and special habitats in a way that will enhance habitat for a wide range of wildlife while producing valuable timber;
- Use traditional inventory data to develop cover type maps that represent timber type as well as wildlife habitat and other components of biodiversity; and
- Understand how to apply concepts in planning and harvesting.

Date: Location:

4-8 Maine State Arboretum, Augusta

4-15 Sanford Fish and Game Club, Sanford

4-22 Foxcroft Academy, Dover-Foxcroft

5-6 GP Training Center, Old Town

5-13 Northern Maine Fairgrounds Forestry Bldg, Presque Isle

6-17 University of Maine at Machias

To register, please call or e-mail Paul Miller: 1-866-845-3047 Registration fee is \$15, checks payable to SWOAM.

Workshop participants will take home a copy of the new management guide that reviews silviculture and ecology of Maine's major forest ecosystems and special habitats, management information and biology for 25 key wildlife species.

Vernal Pool Habitat Management

Maine Audubon, Maine's Department of Inland Fisheries and Wildlife, and the Department of Conservation have announced a new publication, Forestry Habitat Management Guidelines for Vernal Pool Wildlife. The book was authored by Aram Calhoun and Philip deMaynadier, and reviewed by MFS and a wide group of foresters and forest products industry representatives. The 32-page book also contains a concise summary of recommendations for managing forests around vernal pools. It is available for \$8 per copy from Maine Audubon, (207) 781-2330.

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What's new at MFS...

This newsletter is brought to you by Maine Forest Service's Division of Forest Policy and Management. We've undergone some personnel changes in the past months.

Morten Moesswilde, previously water quality specialist in Augusta, took on the Landowner Outreach Forester position in July, and in that capacity also serves as Stewardship Coordinator. Morten can be reached at 287-8430 in Augusta. The Water Resources Forester position has been filled in an acting capacity since February by Gordon Moore, District Forester from Greenville. We hope to have a permanent replacement later this spring.

This is the first newsletter provided to you since March of 2003. We hope to once again make this a quarterly publication. Thanks for everyone's patience.

We are also improving the website to include more links to items that may be of interest:

Links to Worker's Compensation Board forms on:

<http://www.maine.gov/doc/mfs/woodswise/logger.html> (middle of the page)

Nominate a Tree for the Maine Registry of Big Trees

<http://www.state.me.us/doc/mfs/projectcanopy/pages/resource/bigtrees.htm>

Tree Growth Tax Law Application-Schedule for Classification of Forest Land:

http://www.state.me.us/doc/mfs/pubs/doc/tgtl_app.doc

Information, guidelines, forms on WoodsWise Incentive will be posted to:

<http://www.maine.gov/doc/mfs/ffpm/wwi/wwi.htm>

You may want to refer landowners and others to the "Be Woods Wise" portions of the MFS website for considerable introductory information on a range of forest management topics.

(Forest Operations Notification... cont'd)

CONFIDENTIALITY

Question: Why does MFS release landowner contact information from the FON to anyone who asks for it?

Answer: The information on a FON is a public record as defined by state law. MFS does not have the option of refusing to release the information to anyone. We are sensitive to the issue of landowners' privacy concerns and plan to explore what we can do to address those concerns.

GPS, LAT/LONG, AND TAX MAP/LOT INFORMATION

Question: Why are you collecting this information if it is not required by law?

Answer: The information allows us to locate a harvest by the most efficient means possible. It is not required information, but we are requesting that landowners, loggers and foresters provide the information to help us do our work as effectively as possible. While not required specifically by statute, the bureau is empowered to collect accurate information that allows it to locate harvests for purposes of tracking, monitoring, and fire suppression, and enforcement. Lat/long coordinates are the best information to use for location and identification of harvests from the air.

We strongly encourage those submitting notifications to use the pre-printed town maps developed by MFS. These are available in most town offices, or you can request copies for a particular town from our Augusta office. You can also make your own copies, and use them for any other purposes.