

Maine Forest Notes

December 19, 2006

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Items of interest to Maine's Forestry Community Brought to you by the [Maine Forest Products Council](#)

Unorganized Territories Study Commission Report is now Available

The Commission to Study the Cost of Providing Certain Services in the Unorganized Territories has released their report, containing 27 different findings and recommendations. The Legislature directed the study commission to review all aspects of the funding and provision of services in the UT, especially fire protection and preparedness, land use planning and related activities and education. Gordon Gamble, Wagner Forest Management, served as a landowner representative on the Commission.

The report is available online at: <http://www.maine.gov/legis/ofpr/study.htm#utreport>

LURC Votes to Increase Application Fees

At their Dec. 5 meeting, Members of Maine's Land Use Regulation Commission voted 5-1 to increase the fees the agency charges to process applications for everything from new homes to roads, power lines and quarries in the Unorganized Territory. The proposal now heads to the Legislature for review.

Under the fee schedule given provisional approval at the meeting, road builders would face a base fee of \$200 plus additional charges of between 10 cents and 30 cents per linear foot, depending on the type of road. The maximum fee for the largest road projects would be \$5,000. Applicants for building permits would pay a \$50 base fee plus 20 cents per square foot of the structure's "footprint" on the ground. The fee would be capped at \$1,000. Subdivision applications would jump from a flat fee of \$300 per lot to a base fee of \$1,000 plus \$500 per lot. The proposal also includes a \$5,000 base fee for concept plans plus \$25 per acre of development and a \$100 fee for advisory ruling requests.

Commissioners agreed on most of the fees, though they split over a proposal to force applicants to pay the costs of holding a public hearing on their application. Commissioner Steve Schaefer expressed concern that applicants for smaller projects may be unable to pay the estimated \$3,000 cost of a typical one-day hearing. Those costs include advertisements placed in five newspapers around the state, renting the meeting space, hiring a stenographer and other expenses. While several of Schaefer's colleagues said they agreed with his concerns about smaller projects, they said it was also important to offset the costs of these hearings, which put a strain on LURC's already limited resources.

LURC is required to hold a public hearing if the agency receives five letters requesting one. Otherwise, the commission has discretion about whether to hold public hearings. In the end, the commissioners voted to charge applicants for the costs of public hearings with the understanding that the LURC director can waive the charges if deemed to be an undue financial burden.

For more information contact:

Melissa Macaluso, Phone: 207-287-2633, E-mail: Melissa.Macaluso@maine.gov

Forestry Best Management Practices Implementation Improves

Maine's forest land managers continue to demonstrate continuous improvement in the use and effectiveness of forestry best management practices. That's the key finding of the Maine Forest Service report, *Maine Forestry Best Management Practices, Use and Effectiveness 2005*. The report compiles field monitoring data collected by Forest Policy and Management Division staff. Using a USDA Forest Service regional BMP monitoring protocol originally developed by the Maine Forest Service, staff evaluated over 100 harvest sites where timber harvesting could potentially affect water quality throughout Maine.

The report verifies significant improvement in the application of BMPs since the beginning of random statewide BMP monitoring in 2000. "Data demonstrates the forestry community's continued vigilance in protecting streams and other water resources in Maine's forests," says Chris Martin, Water Resources Forester for the Maine Forest Service. The results are especially encouraging given that 2005 was the wettest year on record in Maine. "Foresters and loggers experienced many frustrating days during 2005 as they tried to make a living harvesting timber while at the same time reducing risk to nearby waters, a public trust resource."

The report's highlights include:

- When applied appropriately, BMPs avoided soil movement into waterbodies at 92% of the approaches to stream crossing structures and 79% of the crossing structures themselves.
- Forty-five percent of harvest sites with water present in the immediate harvest area did not have stream crossings. Harvest planning that avoids crossing waterbodies is a valid BMP.
- Harvests with assigned BMP responsibility (either the logger or forester) showed significant improvement in BMP use and effectiveness. Defining objectives and assigning responsibilities for BMPs are key *principles* for achieving desired water resource protection outcomes.

The report also identified some concerns. Sixty-seven percent of single round culverts - the most common stream crossing structure used for land management roads - showed evidence of downstream scouring or erosion. Scouring is indicative of an undersized structure that restricts normal stream flow conditions. The result can increase water velocity and create barriers for fish passage. "Fish encountering unnatural stream bed conditions will often turn around and go back, thus missing an opportunity to reach additional habitat and food sources." says Martin.

The report may be downloaded at www.maineforestservice.org and is also available upon request by calling 1-800-367-0223.

EPA Rules on Aerial Spraying

The Environmental Protection Agency (EPA) has released its final regulations regarding the application of pesticides directly to waters of the US and the application of pesticides to control pests present over and near those waters. In its regulations, the EPA ruled that, provided such pesticides are applied consistent with Federal Insecticide, Fungicide, and Rodenticide Act requirements, **such applications do not constitute a "pollutant" under the Clean Water Act and thus does not require a National Pollutant Discharge Elimination System permit.**

For additional information visit the [EPA](http://www.epa.gov) website.

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Emerald Ash Borer Poses Threat to Maine

The Maine Forest Service is very concerned about the serious threat that Emerald Ash Borer could pose to Maine's ash resource – both forest and shade trees. "There are no known barriers to its natural spread into Maine" says David Struble, Maine's State Entomologist and head of the Forest Health and Monitoring Division of Maine Forest Service. "While it may take some years to cross the intervening distance naturally, artificial spread on firewood or nursery stock has already been shown to greatly accelerate the rate of spread."

A recent news release announced US Department of Agriculture's decision to expand a federal quarantine to slow the spread of emerald ash borer. According to Struble, the expansion underlines the difficulty of detecting this pest at early stages with any reliability, as well as the difficulty of effectively dealing with the movement of domestic firewood. "The move to quarantine entire states does elevate the visibility of the situation and may improve public awareness of the threat posed by casual movement of firewood, such as camp wood" says Struble. "Conversely, putting whole states inside the quarantined zone enlarges the area where free movement of firewood is allowable." Such movement is likely to accelerate the spread across states to the border of the neighboring, as-yet un-infested states. This in turn increases the threat to more removed states like Maine.

For more information contact: David Struble, Maine Forest Service, 207-287-2791.

New Endowment Created to Manage Funds from Softwood Settlement

A new nonprofit organization, the United States Endowment for Forestry & Communities, Inc., will receive \$200 million to promote sustainable forestry and to assist timber-reliant communities. The funds come to the endowment as a result of the recent Softwood Lumber Agreement between the United States and Canada announced in October. Over the next few months the Endowment's Board and staff will work to establish operating procedures that will ensure the greatest leverage possible and yield not just charitable investments; rather, systemic and lasting change.

The Endowment will be headquartered in Greenville, South Carolina. For more information, visit the [Endowment's](#) website.

Member News

Abby Holman has joined the Augusta law firm of Lipman, Katz & McKee. Abby is also the newly-elected State Representative for District 83, serving the area around her hometown of Fayette. Abby's legal experience is extensive and far reaching. In addition to her former role as Executive Director of the MFPC, she has also served as Executive Director of the Alliance for Maine's Future, previously practiced law at Pierce Atwood in their lobbying, environmental, governmental relations departments, and served as counsel to Governor John McKernan and acted as his legislative director. Abby's practice at Lipman, Katz & McKee will focus on regulatory and administrative law, as well as her area of expertise dealing with forest products industry concerns. Congratulations Abby!

Ron Mallet, past MFPC member and long time member of Maine's forestry community passed away on Dec. 13. Ron's Maine career included employment with Diamond International, AWE. Chaffee and Babcock Ultrapower. [Ron Mallet, BDN, 12.14.06](#)

Employment

AF&PA has openings for two positions: Vice President, Forestry and Wood Products and Director of Forest Policy. For more information visit: [AF&PA Jobs](#)

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Upcoming Events

JANUARY

4	5:30pm – 8:00pm	FRA Forest Forum	Brewer, Jeff's Catering
9	1:30pm – 3:00pm	Natural Resources Network Forum	Ag. Trade Show Augusta Civic Center
11	9:00am – 12 noon	MFPC Exec. Committee	University of Maine
11	1:00pm – 4:00pm	MFPC Board Meeting	University of Maine

FEBRUARY

1	5:30pm – 8:00pm	FRA Forest Forum	Brewer, Jeff's Catering
8	9:00am – 12 noon	MFPC Exec. Committee	Augusta, MFPC

MARCH

1	5:30pm – 8:00pm	FRA Forest Forum	Brewer, Jeff's Catering
12-13		NER.COFE Workshop	University of Maine

APRIL

11-12		UMaine Pulp & Paper Foundation Open House	University of Maine
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