

MAINE STATE LEGISLATURE

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**Report on Maine Forest Service
District Forester Program
to the
Joint Standing Committee on
Agriculture, Conservation and Forestry
of the
124th Maine Legislature,
First Regular Session**



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Submitted by

Maine Department of Conservation

Bureau of Forestry

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We help you make informed decisions about Maine's forests

12 MRSA § 8612, sub-§ 4 directs the Bureau to report biannually in odd-numbered years to the committee on activities under the field forester program. This report must include a description of the types of assistance given to landowners and wood processors, a description of the activities of the field foresters and any recommendations for changes in the program.

SUMMARY

The role and duties of the Maine Forest Service (MFS) Field Forester (hereafter referred to as District Forester) continue to evolve with the times. Changing landowner values, public expectations, and legislative mandates have combined with new technologies and resource limitations to change significantly what the MFS District Foresters do to promote informed decisions about Maine's forests and how they do their job.

One-third of Maine's 17.7 million acres of forest land are owned by family forest owners (5.7 million acres), largely in southern and central Maine. Most of these ownerships are 100 acres or less in size. The primary ownership objectives of these landowners focus more on privacy, recreation, scenic beauty, and wildlife habitat than on commercial timber production; however, many of these landowners have conducted timber harvests in the past. As a rule, most family forest owners do not have a forest management plan, and they have not sought professional advice about forest management (although owners of larger parcels are more likely to have a management plan and use professional assistance).¹

Maine's forests are in good shape², but Maine's family forest owners face a number of challenges common to all forest owners (e.g. insect and disease outbreaks, invasive species, wind and ice storms); their issues often are different from those of larger ownerships. Some of the challenges family forest owners face include, but are not limited to:

- Pressure to convert their forest land to other uses: Notwithstanding the current recession, land prices in southern and central Maine far exceed in most cases what a rational person would pay for timberland as an investment. Many family forest owners hold and buy additional forest land for other, non-investment reasons that nonetheless achieve the public policy goal of keeping Maine's forests as forests, but they, too, face relentless pressure to do something else with their land.
- Property taxes: Property taxes on forest land assessed at its just value can create a significant burden in terms of carrying costs, particularly where high amenity values exist (water frontage, scenic views). While the Tree Growth Tax program provides for enrolled land to be valued according to its ability to grow trees for commercial use, many family forest owners do not participate in the program.
- Parcelization: The average parcel size of forest ownerships continues to decrease. Numerous studies clearly demonstrate that landowner commitment to active forest

¹ Butler, B. 2008. Family forest owners of the United States, 2006. Gen. Tech. Rep. NRS-27. Newtown Square, PA: USDA Forest Service, Northern Research Station. 72 p. Table ME-5.

² See the 2005 State of the Forest Report for more information about the condition of Maine's forests and the issues surrounding it: http://www.maine.gov/doc/mfs/pubs/pdf/2005sof_full_rpt.pdf.

management decreases with decreasing parcel size, increasing land values, proximity to roads, and population density.³

Numerous studies over the years have found that family forest owners place a high value on one-on-one access to a forester from a state forestry agency to walk their land with them and discuss their management alternatives. That finding - and the challenges enumerated above - are the reason that the District Forester program exists.

PROGRAM DESCRIPTION

Maine Forest Service District Foresters work within the Forest Policy & Management Division of the bureau. District Foresters provide a wide array of services to a diverse clientele. Clients include family forest owners⁴, loggers, consulting foresters, investor-owners, municipalities, students, and the public at large.

MFS employs ten District Foresters whose individual districts span the state. Field offices are located in Alfred, Ashland, Gray, Greenville, Island Falls, Jefferson, Jonesboro, Norridgewock, Old Town, and West Paris. The District Foresters are organized into Northern and Southern Teams. Two Team Leaders oversee their work, as well as the work of two Regional Enforcement Coordinators.

With nearly 18 million acres of forest land and 233,000 family forest owners in the state⁵, District Foresters have a lot of ground to cover and a lot of people to serve. Their duties include, but are not limited to:

- Providing direct technical assistance to landowners, consulting foresters, and loggers regarding forest management options and regulatory requirements;
- Promoting forest certification opportunities to landowners, consulting foresters, and loggers;
- Participating in Project Learning Tree workshops for teachers, Maine TREE Foundation teacher tours, and other venues concerning K-12 education;
- Delivering workshops to groups of landowners, consulting foresters, and loggers about a variety of forest management issues;
- Staffing booths at fairs, conventions, and other large-attendance venues where opportunities exist to provide information about forests and forest management to the general public.
- Monitoring of implementation and effectiveness of Best Management Practices to protect water quality on timber harvests;

³ Hodgdon, B. and M. Tyrrell. 2003. Literature review: an annotated bibliography on family forest owners. Yale Program on Private Forests, GISF Research Paper 002. 17 pp.; Kittredge, D. and K. Grogan. 2005. Parcelization of forests and timber harvest. 16th Annual Harvard Forest Symposium (abstract). <http://harvardforest.fas.harvard.edu/asp/hf/showsymposium.html>. Last accessed 15 July 2005; Kline, 2004, J. 2004. Population growth, urban expansion, and private forestry in western Oregon. *Forest Science* 50(1): pp. 33-43; Wear, D. and D. Newman. 2004. The speculative shadow over timberland values in the U.S. south. *Journal of Forestry* 102(8): 25-31; Wear, et al, 1999. The effects of population growth on timber management and inventories in Virginia. *Forest Ecology and Management* 118: 107-115.

⁴ 12 MRSA §8612, sub-§2 limits District Foresters to three site visits per landowner over a five-year period, except as necessary to administer federal programs related to forestry or to determine regulatory compliance.

⁵ Butler, B. 2008. *op. cit.*

- Assisting Regional Enforcement Coordinators in conducting investigations of violations of the state's forest practices laws, and,
- Providing licensed forester services to the Forest Protection Division for investigations of timber theft and trespass.

CLIENT ASSISTANCE

District Foresters face a daunting challenge in meeting the many, often conflicting, demands of their clients. They serve a wide array of clients with diverse needs - family forest owners, loggers, consulting foresters, investor-owners, municipalities, tax assessors, code enforcement officers, students, and the public at large. District Foresters as a group typically serve about 2,500 family forest owners and several hundred loggers and consulting foresters in one-on-one settings each year. The number of towns, school children and other clients served increases the total number of people served to more than 8,000 annually.

District Foresters typically perform non-regulatory work that supports informed decisions by both citizen landowners and professional land managers, including direct, one-on-one contacts in the field or over the phone, educational workshops, and other group settings. In recent years, District Foresters have invested considerable effort in supporting harvest monitoring initiatives, including implementation and effectiveness of Best Management Practices for water quality (an ongoing program). The ongoing development of a comprehensive, multi-resource harvest monitoring protocol likely will draw on foresters' time as well. District Foresters have also invested considerable effort in promoting forest certification to landowners, loggers, and foresters. In fact, the foresters' work on harvest monitoring supports the certification efforts of landowners and others, as certification auditors routinely contact MFS for such data as part of their verification and audit processes.

District Foresters have also been assigned significant regulatory responsibilities. District Foresters provide the technical expertise necessary to document violations of the state's forest practices laws and implementing rules. They also provide technical assistance to the Forest Protection Division's Rangers on cases involving timber theft and trespass. The regulatory role of District Foresters has grown substantially, particularly since the forest policy ferment of the late 1990's. The Forest Policy & Management Division tries to mitigate the potential negative aspects of its regulatory role through a tiered approach that starts with education and outreach; followed by active intervention on the ground to prevent or mitigate violations; with formal enforcement action taken if preventive efforts fail. While this philosophy has worked well, there is no question that the District Foresters' growing role in regulatory affairs diverts significant resources from their traditional service role.

CHALLENGES AND OPPORTUNITIES

As demonstrated by the facts cited earlier, Maine's family forest owners are not getting the support they need to help them hold on to their land and keep it in active forest management. It's well documented that many landowners do not manage their land, and many of those who do manage their land do so without any professional assistance. Additional research identifies an imminent generational shift in forest land ownership as a critical land use challenge in the next decade or so. As a state, we are far from

optimizing our use of the forest and the many benefits we receive from it.⁶ We sorely need to capitalize on the state's forests as a resource for multiple industries (wood products, tourism, construction via the burgeoning retirement and second home market, etc.). As emerging markets for "green" building products, wood for energy and alternative fuels, and ecosystem services develop, landowners will need even more direction and advice to make sound management decisions. Further, Maine's forested landscape directly supports our overall quality of life that is crucial to attracting and retaining people and economic activity.

In a survey of the 20 northeastern states, Maine came out dead last in the proportion of family forest ownership acres to the number of state and/or extension foresters (one forester per 355,000 acres).⁷ This stands in stark contrast to our billing as "the most forested state in the nation." Our major competitors in global forest products markets do much better (Minnesota at one forester per 20,000 acres; Wisconsin at one forester per 29,000 acres). Further, 12 MRSA §8612 directs that "The bureau shall employ ...at least 16 field foresters to be located in field offices." This legislative directive has never been fully funded (only 10 District Forester positions exist now).

Maine's growing population means that virtually all areas of the state are seeing substantial land turnover and new landowners, who often have little understanding of the forest (except as a scenic backdrop to their house). Only one of our District Foresters covers substantially less than one million acres; others cover over 3 million acres. We are already spread too thin, yet demands for our wide range of services continue to increase.

A recent study sponsored by the National Commission on Science for Sustainable Forestry found that **"the highest program priority among forest owners is one-on-one access to a [service or extension] forester or other natural resource professional to 'walk the land' with them and discuss their management alternatives."** The study's findings and conclusions yielded a recommendation that there be increased funding and availability of one-on-one technical assistance from state service foresters. Other recommendations in the study either are predicated on increasing technical assistance or identify other forms of assistance and incentives as relatively less effective than technical assistance.⁸ This finding is confirmed in the most recent federal survey (Butler, 2008, *op. cit.*), which also found that state forestry agencies are the leading source of forest management advice for family forest owners.

A paper published in the "Journal of Forestry" also highlighted family forest owners' interest in direct service from state foresters. The authors studied state forestry assistance programs and conducted focus groups with family forest owners. Based on the findings, the authors recommended, among other things, "Increase funding and availability for one-on-one technical assistance state Service Foresters. Direct access to a forester for onsite consultation was viewed as the single greatest need among

⁶ For example, research conducted by the University of Maine indicates that intensive management could significantly increase productivity on the best sites.

⁷ Maine has approximately 5.7 million acres of family forest ownerships out of 17.7 million acres of forest land (Butler, B. 2008. *op. cit.*).

⁸ Greene, J. et al. 2005. Existing and potential incentives for practicing sustainable forestry on non-industrial private forest lands. Final report to the National Commission on Science for Sustainable Forestry. <http://ncseonline.org/NCSSF/>.

family forest owners. Family forest owners believe they know their land better than anyone else, but lack the technical knowledge to maximize the land's potential. Having a forester walk the land with them builds this bridge between an in-depth understanding of the land's characteristics and forest management possibilities."⁹

Closer to home, in a recent presentation series to the 25 fastest growing communities in Maine, the Small Woodland Owners Association of Maine, in collaboration with GrowSmart Maine, identified "Access to Assistance" as one of five major challenges facing small woodland owners in Maine. They identified the Maine Forest Service as one of a handful of key sources of such assistance.¹⁰

The recent Brookings Report, "Charting Maine's Future," also highlights the importance of MFS's District Foresters: "Accessible wild places and tranquil country farms, human scaled Main Streets and working waterfronts: These are what differentiate Maine from other places and in many respects drive its economy. Yet these assets are at risk. ... the state's first economic development need: Establish the Maine Quality Places Fund to protect and enhance Maine's vivid townscapes, top-notch scenery, traditional uses of the land, and tourism industry. Maine's first step toward bolstering its economy should be to place investment in the state's incomparable quality of place on a steadier, more serious path."¹¹

MFS District Foresters have long played a role in the promotion and administration of federal programs that provide financial support for family forest owners, e.g. cost sharing of forest management plans and implementing practices. These programs typically have been delivered by the USDA Forest Service through state forestry agencies. Federal financial support for these programs has declined in real terms over the last several years. The decline could continue, with a "redesign" of these programs underway at the federal level. Although other federal programs may continue to be funded (e.g. the Environmental Quality Incentives Program offered through the USDA Natural Resources Conservation Service, or NRCS), these programs traditionally have not been specifically geared to serve family forest owners (farmers are the traditional clientele for such programs). MFS has entered into a joint program delivery agreement with NRCS; however, this effort is still in its infancy, and it remains to be seen whether and how family forest owners will respond. NRCS has received direction at the national level that it will allocate more of its funding to forest management practices on private forest lands; however, that agency does not have field staff with forestry expertise. Therefore, in Maine (as elsewhere), NRC will have to rely on MFS - particularly District Foresters - to assist it in delivering its expanded forestry programs. District Foresters will be key players in promoting and maintaining program standards and credibility.

Maine cannot preserve its working forest base without mechanisms to deliver quality technical assistance, information, and education to forest landowners, loggers, and foresters. The University of Maine has largely abandoned its forestry extension program; the Small Woodland Owners Association of Maine serves only a small fraction of the family forest base; and consulting foresters largely do not provide these services

⁹ Kilgore, M. et al. 2007. The influence of financial incentive programs in promoting sustainable forestry on the Nations' family forests. *Journal of Forestry* 105 (5): 184-191.

¹⁰ Moesswilde, M. 2007. Personal communication.

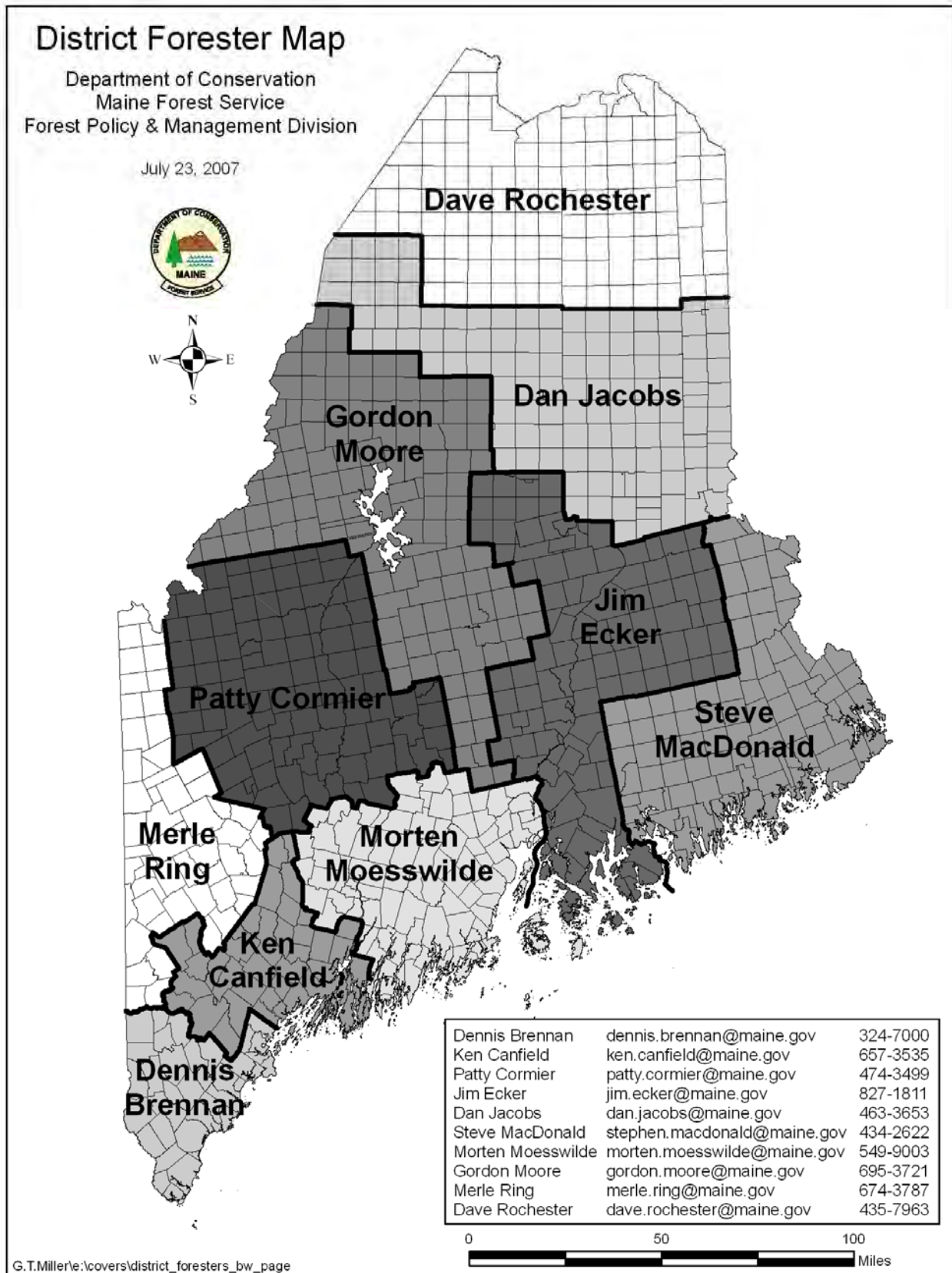
¹¹ Brookings Institution. 2006. Charting Maine's future: An action plan for promoting sustainable prosperity and quality places. Pp. 99-100. <http://www3.brookings.edu/metro/pubs/maine.pdf>. Last accessed 31 August 2007.

because they are not revenue-generators. Thus, getting the job done falls largely to the District Foresters and professional staff of the Forest Policy & Management Division. The lead role of state forestry agencies with respect to forestry assistance programs recently was reaffirmed in a Memorandum of Understanding signed by the heads of the USDA Forest Service, NRCS, the National Association of Conservation Districts, and the National Association of State Foresters.

RECOMMENDATION

The Forest Policy & Management Division recognizes the difficult state budget situation and makes no position requests at this time. However, should the state budget situation improve, the division would request the inclusion of 6 additional Forester I positions that would be dedicated to working in the field with family forest owners, loggers, and other clients, as directed by statute. These positions would allow us to improve our service level, particularly in the parts of the state where family forest ownerships are under intense pressure for change of use. We do not compete directly with private consultants, but in many cases add value to their businesses by conducting outreach, engaging new landowners, and referring our new contacts to natural resource professionals. We would also realize some efficiencies in service delivery, as our existing forester cadre must often travel great distances to serve their clients. The Memorandum of Understanding referenced above calls for exploration of joint, interagency funding of positions. The division asks for legislative support of these explorations, which have the goal of increasing the number of District Foresters.

APPENDIX 1. MAINE'S DISTRICT FORESTERS



APPENDIX 2. PROGRAM HISTORY

Maine has had a District Forester (known previously as Service Forester and Field Forester) program for many decades. The early years of the program are not well documented; however, some important milestones stand out. Unless otherwise noted, position counts refer to general fund positions:

- 1943: Beginning of the Cooperative Service Forestry Program, between the State of Maine Forestry Department and the USDA Forest Service.¹² The stated purpose of the program was to “promote better management of small privately owned woodlands.”
- 1949: Forest Management Division created.
- 1959: Records indicate the division had 17 field staff.
- 1971: Records indicate the division had 21 Service Foresters and two utilization and marketing foresters.
- 1981: MFS eliminated 13 forester positions and the entire District Forester program during a budget reduction exercise. The program was restored sometime between 1981 and 1987.
- 1987: Records indicate the division had 8 Service Foresters, one tree improvement specialist, one utilization and marketing forester, and one logging specialist.
- 1989: Forest Practices Act enacted. Foresters’ role expands to include regulatory matters. Division has 11 Service Foresters and one utilization and marketing forester.
- 1995: Forest Management Division and Policy, Program and Information Divisions combined to become the Forest Policy & Management Division. Division has 10 Service Foresters, one utilization and marketing forester (now on federal funds), and one enforcement coordinator.
- 1998: Legislature creates three Forester positions in response to public concerns expressed during forestry referendum debates. These positions are dedicated solely to regulatory affairs (regional enforcement coordinators).
- 2003: One regional enforcement coordinator position abolished during budget exercise.
- 2005: Two federally funded outreach forester positions created to support efforts of general fund District Foresters (these positions expire at the end of 2008). Due to loss of federal funds, the utilization and marketing forester is shifted to one of the outreach forester positions.
- 2008: Two remaining regional enforcement coordinator positions proposed for elimination in FY 2009 supplemental budget.

¹² 1971-1972 Biennial Report, p. 52.

APPENDIX 3. ENABLING LEGISLATION

12 MRSA §8612. Field foresters

The bureau shall employ by 1991, at least 16 field foresters to be located in field offices. [1989, c. 555, §8 (new).]

1. Duties. These foresters shall provide outreach services and referrals to small woodland owners and wood processors for harvesting, marketing and utilization of wood products. The foresters shall assist landowners and processors in:
 - A. Obtaining and explaining required forms for harvest notification and reporting; [1989, c. 555, §8 (new).]
 - B. Obtaining information to comply with the performance standards under this chapter; [1989, c. 555, §8 (new).]
 - C. Following up with landowners after harvest notification; [1989, c. 555, §8 (new).]
 - D. Reviewing landowner forest management plans; [1989, c. 555, §8 (new).]
 - E. Obtaining information to comply with environmental standards; [1989, c. 555, §8 (new).]
 - F. Explaining forest management options; [1989, c. 555, §8 (new).]
 - G. Promoting involvement in grants and incentive programs; [1989, c. 555, §8 (new).]
 - H. Disseminating educational material; and [1989, c. 555, §8 (new).]
 - I. Other duties as the director prescribes. [1989, c. 555, §8 (new).]
[1989, c. 555, §8 (new).]
2. Limitations. Field foresters are limited to 3 site visits per landowner over a 5-year period, except as necessary to administer federal programs related to forestry or to determine compliance with provisions of this Title. [1989, c. 555, §8 (new).]
3. Comprehensive plans. The foresters may provide technical assistance on forestry issues to municipalities in developing their comprehensive plans. [1989, c. 555, §8 (new).]
4. Reporting requirements. The commissioner shall report biannually beginning in 1991, to the joint standing committee of the Legislature having jurisdiction over forestry matters on activities under the field forester program. This report, to be completed by February 1st, must include a description of the types of assistance given to landowners and wood processors, a description of the activities of the field foresters and any recommendations for changes in the program. [2003, c. 346, §2 (amd).]

Section History:

PL 1989, Ch. 555, §8 (NEW).

PL 2003, Ch. 346, §2 (AMD).

APPENDIX 4. DISTRICT FORESTER PROGRAMS IN THE NORTHEAST

Number of state foresters per family forest acre - 2006			
State	State and/or extension foresters	Acres of family forests	Acres of family forests/state forester
Minnesota	287	5,929,000	20,659
Delaware	11	317,000	28,818
Wisconsin	334	9,709,000	29,069
Indiana	93	3,700,000	39,785
Maryland	45	1,923,000	42,733
Rhode Island	5	231,000	46,200
Vermont	75	3,597,000	47,960
Iowa	31	2,370,000	76,452
Pennsylvania	135	10,338,000	76,578
New York	128	13,100,000	102,344
New Hampshire	24	3,169,000	132,042
Massachusetts	16	3,200,000	200,000
Ohio	32	7,160,000	223,750
Connecticut	5	1,400,000	280,000
Maine*	16	5,690,000	355,625
Maine (District Foresters only)	10	5,690,000	569,000
TOTALS	1,247	71,833,000	57,605
*Figure includes supervisory and regulatory foresters (only 10 actual Service Foresters).			
Data as reported at Forest Resources Program Leaders meeting, May 2006.			

About the Forest Policy and Management Division

The Forest Policy and Management Division promotes informed decisions about Maine's forests. Division staff provide technical assistance, information and education services to a wide variety of publics. Staff also provides outreach and enforcement services on timber harvesting rules. The division anticipates and responds to forest policy issues and reports on the state of Maine's forests.

The division provides assistance through education workshops, field demonstrations, media presentations, and one-on-one contact between District Foresters and landowners. Statute limits technical assistance to individual landowners.

The division has four components: District Foresters who work directly with landowners and others; policy, planning and education specialists; program specialists who oversee water quality, stewardship, community forestry, utilization and marketing programs; and shared responsibility for enforcement of timber harvesting rules. The Division Director reports to the Bureau Director.