

Introduction:

This report summarizes the comments of the panel of technical experts appointed by the Governor to review and advise the Maine Forest Service (MFS) and the Bureau of Parks and Lands (BPL) on the outcome based forestry agreement executed between the two parties in May 2012. The comments pertain to the annual report required by the agreement, and which was provided to MFS in February 2013.

Panel of technical experts reviewing BPL's report:

1. Gary Donovan, Certified Wildlife Biologist;
2. Maxwell L. McCormack, Jr., Research Professor Emeritus of Forest Resources, University of Maine;
3. William A. Patterson IV, The Nature Conservancy;¹
4. Peter Triandafillou VP Woodlands, Huber Resources; and,
5. Robert G. Wagner, Director, University of Maine, School of Forest Resources, and Henry W. Saunders Distinguished Professor in Forestry.

Desired outcomes of Outcome Based Forestry:

1. Compliance with the state's forest sustainability goals and outcomes for soil productivity; water quality; wetlands and riparian zones; timber supply and quality; aesthetic impacts of timber harvesting; biological diversity; public accountability; economic and social considerations; and, forest health (see Appendix, p. 5).

Findings: BPL has largely attained compliance with a majority of the state's forest sustainability goals.

BPL received two major nonconformances in its most recent certification audit report:

1 - Timber supply and quality: "[BPL] has not developed criteria for adequate regeneration stocking levels/species composition and does not have a process in place to determine if those criteria have been met. This issue was addressed as a minor CAR during last year [sic] renewal audit and no corrective action implementation has occurred. This minor CAR has been re-issued as a major CAR."

2 - Public accountability: "[BPL] did not have specific requirements for contractor safety and professional qualifications included in harvesting contracts. This issue was addressed as a minor CAR during last year [sic] renewal audit in the FSC standard and no corrective action implementation has occurred. This minor CAR has been issued as a major CAR in both FSC and SFI standards."

The first nonconformance is in the process of being closed; the second nonconformance has been closed.

Although the certification audit report contains insufficient data to make findings as regards "economic considerations" and "forest health," BPL staff provided additional information to support a positive finding in these two areas.

¹ Mr. Patterson resigned from the panel on 01 August 2013.

2. Continued certification to the standards of a recognized certification system, for example, American Tree Farm System, Forest Stewardship Council (FSC) and/or Sustainable Forestry Initiative (SFI), will be prima facie evidence that BPL has achieved compliance with the state's sustainability goals and outcomes. Certification is a continuous process that involves regular surveillance audits and periodic recertification audits; therefore, any departures from the standards will be discovered and rectified in a timely manner. BPL is currently enrolled in both SFI and FSC and uses the former for benchmarking compliance with the state's Sustainability Standards.

Findings: BPL has maintained its certification; however, two minor nonconformances were elevated to major nonconformances (see earlier) because BPL did not act to correct them within the specified time period. One of the nonconformances has now been closed; the second is in the process of being closed.

3. Enhance deer wintering areas by accelerating the progression of young softwoods into winter cover status, increasing the availability of hardwood browse in close proximity to winter cover, and providing additional edge habitat.

Findings: It is too soon to evaluate this element.

4. Ensure successful establishment of forest regeneration of high value species, especially yellow birch, sugar maple, and white pine, and increase growth rates and/or timber quality on site specific areas, using a variety of forest management techniques that may include but are not limited to varying intensity of timber harvest, vegetation management, matching species to site, tree improvement techniques, pre-commercial and commercial thinning, etc.

Findings: It is too soon to evaluate this element; however, BPL staff report that they consistently find acceptable regeneration in good position on harvested sites.

5. Conduct harvests with consideration for visual aesthetics.

Findings: BPL pays close attention to aesthetic concerns as regards all of its harvesting

Participant commitments: The participant agrees to and commits to the following as good faith demonstrations of its commitment to practice forestry in a manner that provides at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations:

1. BPL shall maintain its current Forest Stewardship Council and/or Sustainable Forestry Initiative certifications (FSC: BV-FM/COC-017429; SFI: BV-SFISUS004629- 1).
 - A. BPL shall act promptly to satisfactorily address any Corrective Action Request or Nonconformance associated with its FSC and/or SFI certifications.
 - B. A member of the panel or a mutually agreeable designee shall be permitted to participate in the forest management certification audit field visits, and to provide input to the third party lead auditor on behalf of the panel.
 - C. BPL shall invite one member of the panel or a mutually agreeable designee to attend meetings of and provide input to BPL's Silvicultural Advisory Committee.

Findings: BPL has maintained its certification to the SFI standard; however it had two major nonconformances in its most recent audit report; one of which is in the process of closure, the other has been closed. There have been no audits since the agreement was

reached in 2012. One panel member is a member of BPL's Silvicultural Advisory Committee. Panel members believe that they had ample opportunity to review records, discuss practices and policies, and to observe field operations. Their expectations and needs for explanations and answers to questions were satisfied.

2. BPL shall document and periodically provide results of its efforts to improve measurably the quantity and/or quality of its timber resource on those areas included in this application. In addition to documentation of compliance with applicable certification standards, BPL shall periodically provide evidence of attainment of the desired outcomes described in the agreement through the use of metrics outlined below.

Findings: It is too soon to evaluate this element.

3. BPL shall report to MFS its harvest management and silvicultural metrics for the selected areas included in this application including, but not limited to:
 - A. Estimates of harvest acreage for the entire projects summarized for the coming five year period by silvicultural prescription; overstory removal, commercial thinning, shelterwood, clearcut, etc. This was provided - back pages of agreement.
 - B. More specific annual harvesting plan which shows the planned acreage for harvest for the upcoming year (mapped and numerical count) by prescription, and with clearcuts exceeding 60 acres individually identified. This was provided.
 - C. Annual harvest summary, provided within 60 days of year end, showing the areas harvested over the previous year by prescription (actual versus plan.) Information will be made available for sites visited by the panel. BPL will continue to provide information on acres harvested by harvest type, by township as required on the "Confidential Report of Timber Harvest." BPL will report on how its management activities are influencing white pine growth and the progression of thinned softwood (fir-dominated) stands into conforming deer winter cover. This was provided.
 - D. Regeneration targets and success for natural stands. Where available, information will be provided by site at the time the panel conducts field verifications. This was provided.
4. A Maine Licensed Forester within the Bureau shall review and approve BPL's Forest Management Plan.

Findings: BPL's regional managers - all Licensed Foresters - reviewed and approved BPL's Forest management and harvest plans.

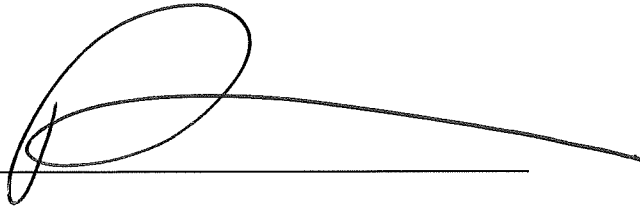
5. Harvests will be laid out with consideration of visual aesthetics in areas of moderate and higher visual sensitivity. BPL's forest management staff will be proficient in managing for visual aesthetics.

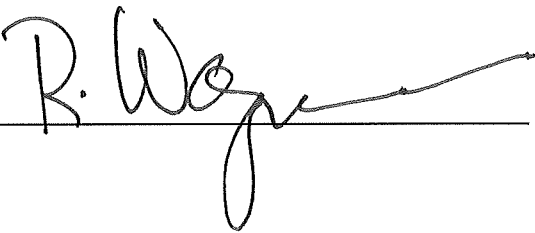
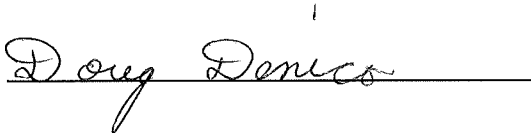
Findings: BPL pays close attention to aesthetic concerns as regards all of its harvesting.

6. BPL will accommodate other reasonable requests for information made by MFS and the panel as mutually agreed upon.

Findings: BPL willingly provides any additional information requested by the panel.

Report submitted 13 August 2013

 Gary Pookan

 R. Wayne  Doug Dennis

 W. J. Carmack Jr.

APPENDIX. State of Maine Criteria, Goals, and Outcomes of Forest Sustainability.

1. Criterion 1: Soil productivity

- a. Goal: Maintain site productivity.
- b. Outcome: The landowner will maintain or improve site productivity and minimize the area in roads and yards.

2. Criterion 2: Water quality, wetlands and riparian zones

- a. Goal: Maintain or improve the chemical, physical, and biological integrity of aquatic systems in forested areas and riparian forests.
- b. Outcomes: Forest management in shoreland areas protects water quality and aquatic and riparian forest biodiversity.

3. Criterion 3: Timber supply and quality

- a. Goal: Improve the quantity and quality of future timber supply when appropriate.
- b. Outcome: The management strategy and harvest levels for the lands will increase the quality and quantity of the forest resource as appropriate in the medium and long term (20 - 50 years).

4. Criterion 4: Aesthetic impacts of timber harvesting

- a. Goal: Minimize adverse visual impacts of timber harvesting.
- b. Outcomes:
 - 1. The landowner minimizes visual impacts of harvests, roads, landings and other management activities.
 - 2. The landowner's planning staff are trained in and apply principles of visual quality management.
 - 3. The landowner identifies areas with high and moderate visual sensitivity, and takes appropriate measures to avoid significant visual impacts whenever necessary.

5. Criterion 5: Biological diversity

- a. Goal: Maintain biological diversity with healthy populations of native flora and fauna, forest communities and ecosystems.

b. Outcomes:

1. Management addresses the habitat needs of the full range of species present.
2. Maintain or manage for acreage in the late successional (LS) condition through management and protection.
3. Maintain a reasonable component of standing dead trees, live cull trees, and down logs across the landscape (not necessarily on every acre).
4. High Conservation Value Forests are properly identified and values are protected on the ownership.
5. Rare, threatened and endangered species habitats are properly identified, and the land is managed to protect the habitats and occurrences of rare, threatened and endangered species.
6. Important plant communities are properly identified, and the land is managed to protect important plant communities.
7. Deer wintering areas are properly identified and managed to maintain or improve their value as winter cover for deer.

6. Criterion 6: Public accountability

- a. Goal: Demonstrate sustainable forestry and build public confidence that forest management is protecting public values for the long-term.

b. Outcomes:

1. The landowner maintains independent 3rd party certification with a nationally recognized sustainable forestry management certification system without major, unresolved non-conformances on managed lands.
2. A Licensed Forester within the company reviews and approves the landowner's Forest Management Plan.
3. The landowner employs Licensed Foresters who are actively involved in the management, planning and supervision of operations on the land.
4. All timber harvesting contractors employ at least one person possessing Certified Logging Professional or Qualified Logging Professional certifications or the equivalent.

7. Criterion 7: Economic considerations

- a. Goal: Optimize benefits to the local and regional economy while also achieving the goals specified for the other criteria, to the extent allowed by market conditions.
- b. Outcome: The landowner's management activities support as vibrant and diverse a forest products industry as is practicable, including loggers, truckers, and production facilities.

8. Criterion 8: Social considerations

- a. Goal: The landowner supports the communities surrounding their lands and operations, and except where special circumstances dictate otherwise, the landowner continues to provide historic and traditional recreational opportunities that do not conflict with the landowner's objectives or values.
- b. Outcome: The landowner provides opportunities for appropriate historic and traditional recreational uses that do not conflict with the landowner's values or objectives.

9. Criterion 9: Forest Health

- a. Goal: The forest is healthy and vigorous with no serious insect infestations or disease outbreaks.
- b. Outcome: The landowner does what is prudent and practicable to monitor for and prevent and control insects, disease, and fire, consistent with good practice in the industry and assists MFS in forest health monitoring programs on the ownership.