

# FOREST PRODUCTS NEWS

## Forest Roads Face EPA Rule Changes

**By Patrick Strauch  
Executive Director**



The US Court of Appeals in the 9<sup>th</sup> circuit recently heard the case of Northwest Environmental Defense Center (NEDC) v. Brown. The case involves the EPA's classification of forestry as it relates to storm water runoff and permitting under the Clean Water Act (CWA). For 35 years forestry operations have correctly been treated as a nonpoint source of water pollution by the EPA however the court ruled in NEDC v. Brown that the

forest industry is in fact a point source of water pollution and subject to increased permitting through the EPA.

The CWA categorizes water pollution as either a point or nonpoint source. Point sources are defined locations such as a pipe discharging water at an industrial facility and require National Pollutant Discharge Elimination System (NPDES) permits from the EPA. Nonpoint sources are spread over a wide diffused area and fall under state regula-

tions and guidelines such as Best Management Practices (BMP's).

The court's decision to reclassify the forest industry will have a tremendously negative impact on forestry nationwide. As a point source, permits will be required for any forest road, culvert, stream crossing, or place where storm water runoff leaves a road. The door will also be open

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## Task Force to Study Maine Maple Syrup Brand

One industry on the rise in the state of Maine is the harvesting of maple syrup. Branding Maine's growing maple syrup industry is a positive step towards expanding the state's economy. Maine is the third largest producer of maple syrup in the country behind Vermont and New York. Recognizing the potential for industry expansion, the Committee on Agriculture, Conservation, and Forestry (ACF) authored and in May Governor LePage signed LD109; Resolve, to Study the Promotion and Expan-

sion of Maine Maple Sugar Industry.

LD109 established an 11 member commission appointed by Walter Whitcomb, the head of the Maine Department of Agriculture. Members are a diverse group including legislators from the house and Senate, large landowners, small woodlot owners, and producers of maple syrup products. The commission is tasked with addressing the following eight objectives:

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**EPA Rule.** . . . . . (Cont. from page 1)

for citizen lawsuits against every permit with the potential to use litigation to grind working forests to a halt.

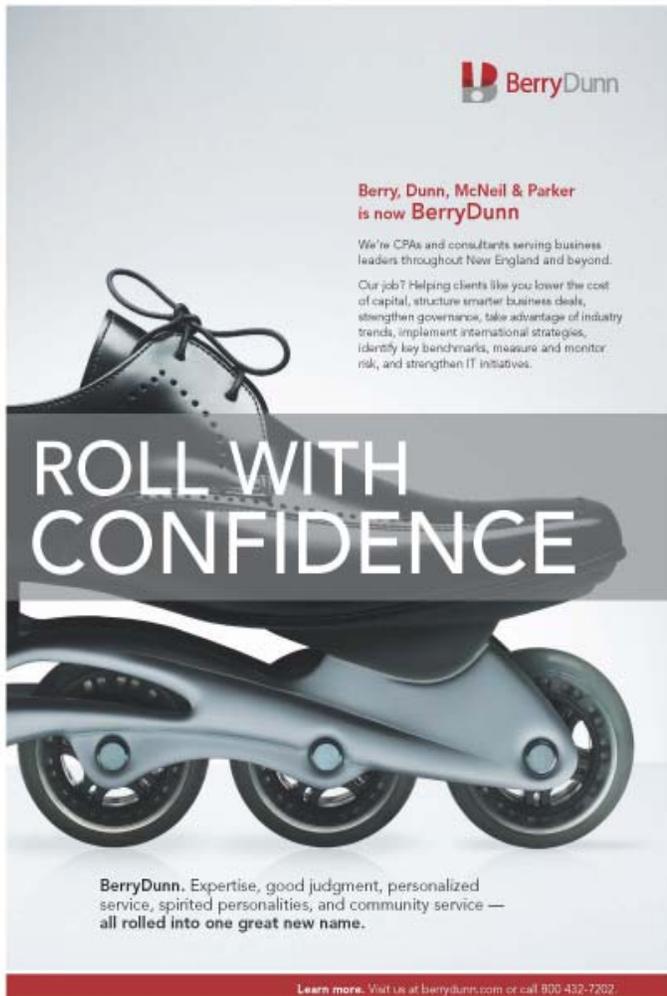
There are three courses of action currently being pursued to correct the circuit court's ruling. Legislation has been introduced in the House and Senate to exempt silviculture forestry activities from the NPDES permit requirements. Maine's federal delegation is currently united in support of the bill and efforts to return to a sensible approach to storm water runoff management through the use of BMP's.

National groups such as NAFO are also working with the EPA and USDA to find a regulatory solution. An alternative to the NPDES permit requirement may be necessary to bring EPA regulations in line with the 9<sup>th</sup> circuit court's ruling.

The defendants in the case are expected to appeal to the Supreme Court with a filing coming in the middle of September. The Supreme Court can be unpredictable and

may even choose not to hear the case. If the case is taken up by the Supreme Court it could take a year or more for a ruling to come down making the continued pursuit of the first two options even more important.

The MFPC has been working with the National Alliance of Forest Owners (NAFO) and other state and federal associations to fight the change in source classification at the national level. We would like MFPC members to contact their federal legislators to thank them for their continued support on this crucial issue.



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The Maine Forest Products Council is a proud supporter of:



Maple Syrup.....(Cont. from page 1)

1. The potential for expanding both the harvesting and processing of maple sap for sugar
2. Obstacles to expanded production
3. Opportunities for enhancing a Maine maple brand
4. The potential for expanding value-added processing and the economic impact of expansion
5. The potential for expanding export marketing and the economic impact of expansion
6. Structures or network associations that could increase sustainable production
7. Potential competitive or collaborative opportunities with North America's largest producer, Quebec, Canada; and
8. Investments or actions that could be taken by the State that would produce a tangible economic return.

In order to achieve their goals the task force is seeking survey responses from maple producers. The survey is a simple one page form that will remain confidential with no links to individual respondents. Those who wish to participate can find the survey on the MFPC website homepage [www.maineforest.org](http://www.maineforest.org) and response should be in by the end of August.

## Efficiency Maine Continuing Grant Program

Originally formed in 2002, Efficiency Maine (EM) was created by the State Legislature when it passed the "Act to Strengthen Energy Conservation". The stated objective of EM is to facilitate reductions in energy costs and greenhouse emissions while promoting energy saving programs and economic development.

Since 2009 EM has been administered by a nine person board who oversees the Efficiency Maine Trust. Funding for EM comes from the systems benefit charge assessed to utility customers as well as Federal grants acquired through the American Recovery and Reinvest-

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# MFPC Summer Golf Tournament

This year's Maine Forest Products Council golf tournament drew a large group of golfers to the Bangor Municipal Golf Course on July 14th with a total of 121 MFPC members and guests. Deserving thanks for their support are the many companies that provided tournament sponsorship donations, equipment showings, cart sponsors, banner



say that was definitely true for the top prize winners but not so sure that holds true for the rest of you. Whatever was causing each



sponsors and other prizes. Special thanks goes to Brian Flewelling from Key Bank for helping Sue McCarthy organize the tournament.

Again this year Varney Buick - Pontiac-GMC sponsored the hole-in-one contest. A 2011 GMC Sierra, 4WD Semi Cab was placed on the golf course. With the eagle eyes of Dwain Allen and Lara Wildman to watch over the contest nobody made it in. Better luck next year!!



This year we're not quite sure

what the young lady driving the beverage cart was serving everyone's but there were a lot of smiling faces and a lot of hugging going on around us. Maybe it was just the weather that was causing this because we did have perfect weather or maybe it is just the fact that the folks involved in the forest products industry employ great people and everyone golf game was going extremely well. We could



individual team's fun, the council thanks you all for coming out each year and helping us make this event the biggest fund raiser we have.



**Low Net Winners - Parker Lumber & Milton Cat**  
Brian Parker, Jared Clawson, John Monroe, Brent Martin



**Low Gross Winners - JD Irving**  
John Cole, Toby Pineo, Tim York and Josh Philbrook



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Efficiency Maine .....(Cont. from page 3)

ment Act and Regional Greenhouse Gas Initiative.

According to EM they have seen an overall benefit to cost ratio of 3:1 between 2004 and 2009 and EM's Large Projects Grant program has so far allotted over 14.5 million in grant dollars to businesses for implementing energy saving, carbon reducing practices and upgrades to existing equipment.

EM will be requesting new proposals around the middle of September and continue with two grants per year until funding runs out. Grants cannot cover more than 50% of the total project cost and have been awarded in amounts up to a million dollars for exceptional projects. The MFPC would like to encourage members to participate as grants of this size have the potential to increase competitiveness and sustainability. Good luck to all you future applicants.

## Department of Conservation Releases Inventory Report

The Maine Department of Conservation (DOC) has released a new report on Maine's Forest inventory and projected future growth. The report was prepared by James W. Sewall Co. of Old Town and includes more than 17 million acres of Maine's woodlands. The report concludes that the spruce/fir inventory is maturing at a rate that will allow for an increase in harvesting while maintaining the current level of inventory for the next twenty years. The following is the DOC media release with a link to the full report at the conclusion.

### Maine's Spruce/Fir Forest Harvest Predicted to Sure over the Next 20 Years

AUGUSTA, Maine – The Governor's Office has released a new report completed by an Old Town natural-resource consulting firm for the Maine Department of Conservation (MDOC) predicting that harvest levels of the state's spruce-fir fiber resource can be increased significantly over the next 20 years while inventory levels are maintained.

The report on current inventory and projected growth, prepared by James W. Sewall Co. of Old Town, examines Maine's private, state and commercial timberlands, excluding federal lands, amounting to slightly more than 17 million acres.

The Sewall analysis predicts "an opportunity over the next twenty years to significantly increase the harvest levels of spruce/fir while still maintaining current levels of total spruce/fir standing inventory."

As a result, state officials are confident that Maine's forest products industry can play a significant role in a resurging national economy, plus in creating new jobs throughout Maine's woodlands region.

"We can increase our annual harvest of spruce/fir by

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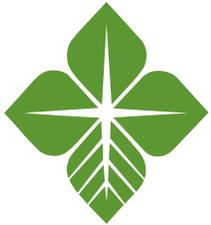
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## Spruce/Fir Forest Harvest. . . . .(Cont. from page 6)

64 percent while maintaining our standing inventory over the next 20 years,” Governor Paul LePage said. “That sends a powerful signal to our forest industry that Maine is the place to invest. This translates directly into jobs.”

“For every new job we create at a sawmill, we have the potential to add three to four new jobs upstream into the forest and downstream into value-added products,”

Governor LePage pointed out. “That’s what increases in fiber supply can do for Maine.”

“There have been 30 years of regeneration since the 1980s,” MDOC Commissioner Bill Beardsley said. “The

resulting forest is now moving into commercial size, and its annual growth rate is accelerating. These vast forests will mature and be ready for harvest on a sustainable basis over the next 20 years. This doesn’t even include improvements in future silvicultural practices.”

Doug Denico, Maine state forester under MDOC, commented: “Maine’s spruce/fir forest is entering a phase when growth rates per acre will increase each year through 2030. A growing, stable supply of spruce/fir bodes well for investment and jobs in our forest industry. Sewall independently confirmed our state analysis. Add to this our industry’s ever-improving silviculture practices and harvest utilization, and I am very optimistic for Maine’s rural communities.”

Denico also said that “the MDOC looks forward to partnering with various groups to fund and advance this project to include all commercial tree species. The Sewall study is timely, as existing and potential investors in new forest products businesses have shown increased interest in the future wood supply of various species.”

Sewall was contracted to perform an independent assessment of the state’s spruce/fir resource. The report concluded that there currently is about 150 million tons of fiber in the state inventory, based on the U.S.D.A. Forest Service Forest Inventory and Analysis dataset as of 2010. Inventory growth is estimated at 4.7 million tons a year.

As might be expected, Aroostook County has the largest current inventory of fiber, at 1.5 million cubic feet, and the most timberland, at 3.78 million acres. Piscataquis County is next, with 1 million cubic feet in inventory and 2.25 million acres. Androscoggin County has the smallest inventory, at 10,013 cubic feet, while Sagadahoc County has the smallest area of timberland, at 105,949 acres.

The latest inventory data also shows that over the past 10 years, spruce/fir growth was approximately 98 percent of what was harvested. The harvest, however, also

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**Spruce/Fir Forest Harvest.** . . . . .(Cont. from page 7)

has declined over the past 10 years by about 25 percent. With decreased harvesting pressure in recent years, the ratio of growth to harvest now appears positive, according to the report.

Projecting for the next 20 years, Sewall biometricians judged that the harvest can be increased in one year to 4.8 million tons with no effect on inventory. They also stated that harvest actually could be increased to 7.8 million tons annually by the end of the 20-year period while still maintaining inventory at current levels, a 64 percent increase over current levels. At that rate, the average harvest would be 5.86 million tons annually.

The report states that there may be two economic opportunities for Maine producers: one opportunity simply by increasing annual harvest levels; and a second opportunity in harvesting trees planted after the spruce budworm epidemic in the 1970s that have reached maturity.

Adding a note of caution, the report states: "... [T]here is always the chance of another spruce budworm (*Choristoneura fumiferana*) infestation or widespread loss to wildfire." The risk, however, "is not the same level of

concern it has been in the past."

The report notes that the Maine Forest Service continues to survey and monitor spruce budworm. "... [I]t is probable that the budworm will return in numbers large enough to significantly impact the spruce/fir resource," the report states. "... Damage [however] can be minimized by keeping the forest healthy and not letting it become over mature."

Another potential loss could be from forest fire, the Sewall analysts said, adding, however, that "Maine has done a great job of prevention and suppression of forest fires." The report notes a dramatic decrease in the number of acres consumed by forest fires in recent years.

"Both of these risks are partially mitigated by the extensive road system now in place, and by the condition of the forest (younger, more vigorous and more stratified in terms of age class, stand size class and stocking)," the Sewall report concluded.

For the complete Sewall report, go to:

[http://www.maine.gov/doc/mfs/pubs/pdf/spruce\\_fir\\_resource\\_rpt.pdf](http://www.maine.gov/doc/mfs/pubs/pdf/spruce_fir_resource_rpt.pdf)

For more information about the Maine Forest Service, go to: <http://www.maine.gov/doc/mfs>