



WoodsWISE:

Woods Wise Incentives to Stewardship Enhancement

Manual of Policies, Procedures, and Specifications

*WoodsWISE implements Maine's
Stewardship Program,
funded by the USDA Forest Service.*

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Maine Forest Service
Forest Policy and Management Division

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Contents:

Title page

Table of contents

Section I. Introduction and General Requirements

Section II. Funding Allocations and Practice Priorities

Section III. Forest Management Plans

Procedures

Specifications

Section IV. Implementation of Recommended Practices

Procedures

Specifications

Section V. Practice Technical Standards and Specifications

Section VI. Appendices

SECTION I: INTRODUCTION AND GENERAL REQUIREMENTS

Introduction: Maine Forest Service Mission/ WoodsWISE Program Summary

The mission of Maine Forest Service is to promote informed decisions about Maine's forests.

The overarching purpose of Maine's cost-share incentives program is to encourage the long-term sustainability of forest lands through financial incentives and technical assistance to private landowners.

Landowner engagement in ongoing management of their forests is the hallmark of a program delivering both private and public benefits. Maine Forest Service seeks to help landowners connect with their land, and develop working relationships with foresters and other resource professionals.

Maine Forest Service incentives emphasize:

- Forest Management Planning using the services of Licensed Foresters
- Implementation of certain forest management activities, or "practices" which help to achieve landowner goals, again with the assistance of a Licensed Forester.

The MFS views "cost-share" incentives as a tool to get landowners started on the right path in developing and implementing their forest management plans. Such assistance is part of a continuum of education about forest stewardship that starts with the initial landowner contact with our agency, progresses to the development of a relationship with a consulting forester and a forest stewardship plan, and continues with carrying out recommended practices.

MFS believes that ownership of well-managed forest land is a worthwhile investment - one that pays off for both the landowner and society – and should not require substantial long-term government assistance. MFS will implement a cost-share program that:

- identifies specific educational and technical needs;
- allocates scarce resources to maximize delivery of information and technical assistance;
- creates a balanced program that addresses priority natural resource issues while utilizing staff and other partners efficiently;
- supports landowners through key challenges without creating unwarranted expectations that government financial assistance is essential or perpetual.

Cost-share funds come from a variety of sources, including (but not limited to):

- programs of the USDA Forest Service, including
 - Forest Stewardship,
 - Stewardship Incentives Program (Forest Health), and
- other sources including the Environmental Quality Incentives Program (EQIP), the Wildlife Habitat Improvement Program (WHIP), and the Maine Coastal Program.

In addition, cost-sharing participation to plan and implement comprehensive natural resource management on the ground builds upon Be Woods Wise®, MFS's educational program for private, individual and family landowners, targeted to people who have not previously participated in any formal woodlot management incentive program.

This manual lays out the manner in which MFS implements its cost-share program, including policies, procedures, and technical specifications for specific practices.

Participation – Landowners

Owners of forest land in Maine are the primary beneficiaries of direct cost-share assistance.

Landowners who apply for cost-sharing must meet specific criteria in order to participate:

1. Type of ownership: Participating landowners must be private individuals, persons, companies, or other entities that hold title to land, including joint owners or tenants in common, groups, associations, corporations, Indian tribes or other native groups, or other private legal entities. A husband and wife are considered one owner. Corporations whose stocks are publicly traded, owners principally engaged in the processing of wood products from their ownership, and properties where the ownership of the timber is different from the fee ownership of the land are excluded. Quasi-municipal entities such as water, sewer and utility districts are not eligible for WoodsWISE assistance; rather, they are encouraged to apply for a Project Canopy Urban & Community Forestry grant.
(See <http://www.maine.gov/doc/mfs/projectcanopy/pages/resource.htm#grants> for more information.) Limited Liability Corporations, 501(c) 3 corporations, family partnerships, and similar entities that otherwise meet program requirements will be considered on a case-by-case basis. Such applicants may be asked to provide further documentation supporting their application.
2. Acreage limitations:
 - a. Applicants must own at least 10 contiguous forested acres, but not more than 1000 forested acres statewide.
 - b. Applicants who own 1001 – 5000 forested acres may submit a written proposal for cost-sharing, which may be approved at the discretion of the State Forester if there is a demonstrated public benefit to be derived from cost-sharing, and if funds are available. Proposals should provide, in addition to basic required ownership information, a discussion of the type/amount of public benefits anticipated, and the specific segments of the public who will benefit.
 - c. Applicants must include all owned forestland, in contiguous acres or parcels, in a Forest Management Plan.
 - d. Landowners must pledge to manage all owned forest lands in Maine according to sound forest management and stewardship principles.
 - e. Landowners must indicate on the application if other forested acres in the state are excluded, and/or have previously received cost-sharing for a Forest Management Plan. Landowners approved for cost-sharing may apply concurrently or otherwise for separate Forest Management Plans on separate parcels. Such applications may be approved at the discretion of the MFS Landowner Outreach Forester, if in his/her estimation the parcels are sufficiently separated by distance, market area, forest type/region, landowner objectives, or other factors to warrant separate management.
3. Landowner commitment: Landowners must agree to maintain plans and practices for a minimum of ten years from the time of establishment. Additional cost-sharing for the same plan/practice type for the same acres will not be approved by MFS until the last year of the 10 year practice period. Landowners who fail to maintain the practice for ten years will be required to repay the Maine Forest Stewardship Program the cost-share amount received, with interest at the statutory rate.
4. Legal standing: Landowners who have violated federal, state, or local laws, regulations, rules, or ordinances regarding land use may be ruled ineligible by the State Forester. In any case, cost-share funds may not be used to mitigate an existing violation or to satisfy any settlement agreement, consent decree, judgment, or other legal requirement or order resulting from a violation.
5. Employees of the Maine Forest Service, and their spouses, are ineligible to participate in cost-sharing as landowners or as Stewardship Foresters providing services to clients. Projects on land belonging to other Department of Conservation employees will be approved or disapproved by the State Forester. Employees of the Maine Forest Service will recuse themselves from approval, evaluation, inspection, and other official action on projects submitted by landowners to whom their relationship is that of a parent, child, sibling, aunt/uncle, in-law, grandparent or grandchild, to avoid the appearance of a conflict of interest.

Note: Land and landowner eligibility requirements may differ somewhat with regards to certain programs such as Environmental Quality Incentives Program (EQIP), administered by the Natural Resources Conservation Service (NRCS). Please check with NRCS or the Farm Service Agency (FSA) for exact information.

Participation – Stewardship Foresters

Plans and practices eligible for cost-sharing are developed and implemented by private consulting foresters who have voluntarily agreed to become Stewardship Foresters, eligible to implement cost-shared practices. Maine Forest Service will list Stewardship Foresters, and refer landowners requesting assistance to this list as appropriate.

In order to be eligible to deliver or administer cost-shared services, Stewardship Foresters must meet the following criteria:

1. Licensure: Stewardship Foresters must
 - a. be currently Licensed Foresters in Maine; or they must be Intern Foresters under the supervision of a Licensed Forester who is also a Stewardship Forester;
 - b. meet continuing education requirements for licensure in Maine;
 - c. adhere to the Maine Board of Licensure for Professional Foresters Code of Ethics.
2. Agreement: Stewardship Foresters must enter into a written Agreement with Maine Forest Service, renewable annually, to:
 - a. Provide services to landowners that meet all standards and specifications of practices eligible for cost-sharing.
 - b. Provide services to clients that include both forest management planning and implementation of recommended activities, within the forester's appropriate scope of practice or expertise.
 - c. Enter into written agreements with clients that describe the services to be provided and the estimated cost or applicable fee structure.
 - d. Provide cost-shared services to client landowners solely on the client's behalf, without any obligation for the sale of wood products to any other party.
 - e. Refer clients to other professionals where specialized expertise is in the client's best interest.
 - f. Make a reasonable effort to assist participating landowners in completing all administrative/procedural requirements of cost-sharing in a timely manner, and submitting documentation of practices and related submissions on the landowner's behalf.
 - g. Promote science-based silviculture and forest management on properties participating in cost-share programs.
 - h. Attend continuing education offerings, specified by MFS, including:
 - i. A required training session on Administrative Procedures each year.
 - ii. A required training session, designated by MFS, on an additional forestry topic (or similar MFS-sanctioned event) each year.
 - i. Adhere to the recommendations of Maine Best Management Practices for Forestry.
3. Reporting: Stewardship Foresters may be required to complete an annual survey on related forestry practices and accomplishments, including summary information on the amount and nature of services provided by the forester to landowners.

The information gathered in the survey will be used for MFS reporting to the USDA-Forest Service and other public agencies. Reporting will include aggregated data only, not specific to individuals or firms. Since private foresters play a critical role in program delivery, the information will be used to help demonstrate levels of cost-shared and non-cost-shared outreach and assistance to landowners, as well as overall program impact, resulting from private consulting foresters.

Upon initial training, eligibility of foresters will be considered provisional until the successful completion of one cost-shared Forest Management Plan.

Maine Forest Service will

1. Print and distribute information on Stewardship Foresters to landowners and others, on request and in regular distribution of forest management information
2. Promote the use of Stewardship Foresters by landowners seeking advice/services.
3. Provide continuing forestry education opportunities to Stewardship Foresters.
4. Update Stewardship Foresters on program developments or changes in a timely manner via newsletters and/or other mailings.
5. Report on the accomplishments/effectiveness of the program and seek continued funding.

Maine Forest Service will maintain the integrity of the program by supporting Stewardship Foresters who adhere to the above agreement. Foresters may apply to become Stewardship Foresters anytime, but may be required to demonstrate qualifications pertinent to the above conditions and undergo training in administrative policies/procedures prior to becoming eligible to deliver cost-sharing. Such participation will be deemed to be provisional until the next annual training.

Employees of the Maine Department of Conservation are not eligible to act as Stewardship Foresters or to otherwise provide cost-shared services.

Stewardship Foresters may remove themselves from listing at any time. MFS will remove foresters from the Stewardship Forester list in the event that, in the estimation of the Director, MFS Division of Forest Policy and Management, they are found to have violated the terms of this agreement, or demonstrated a disregard for its provisions in letter or in spirit.

Foresters who are removed from the list may appeal the decision to remove them in writing, at which time the Director of the Maine Forest Service will review the circumstances and issue a written finding of his/her decision.

Foresters who are removed from the list will be excluded from participation indefinitely, at the discretion of the Director of the Maine Forest Service, or until such time that they can demonstrate, in the estimation of the Director of the Maine Forest Service, that their re-listing would be in the best interests of the program and the landowners it serves.

Program Requirements:

All participants will be required to adhere/agree to the following:

1. **Ownership:** Plans must be developed for, and practices must be carried out on, land owned by the landowner. In applying for cost-share funds, landowners are representing that they own and/or have sole or legally delegated decision-making authority to implement and maintain the practices for the full practice period. Rights-of-way or similarly held lands with multiple owners of separable rights are not eligible, except for lands where the development rights are held separately for the express purpose of conserving land.
2. **Forest land:** Maine Forest Service's program policy is to apply forestry related conservation practices to:
 - a. Forestland with existing tree cover, including forested riparian areas and forested wetlands.
 - b. Existing or abandoned roads or trails that access forest land, and whose primary purpose is to access forest lands for forest management activities.
 - c. Rural lands suitable for growing trees (in the case of afforestation/riparian forest establishment).

Other land use definitions may be specific to certain practices.

3. **Reimbursement:** All cost-share payments for forest management plans shall be a reimbursement for costs actually incurred, based on established reimbursement rates. Planning/practice costs incurred prior to approval for cost-sharing are not eligible. MFS Reimbursement payments to eligible landowners may not be assigned to Stewardship Foresters or other service providers. *Note: payment rates and procedures for NRCS administered programs (EQIP, WHIP, etc.) are different. Please contact local NRCS field offices for more information.*
4. **Payment Limitations:** No landowner shall be eligible to receive more than \$5,000 annually in cost-share payments for Stewardship Plans.
5. **Regulations:** Any landowner that carries out cost-shared practices shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations.
6. **Chemical use:** In the application and use of pesticides, including biological, chemical, and behavioral pesticides and herbicides, practice performance shall meet all label requirements, state and federal regulations, and local ordinances. All such chemicals shall be labeled for their intended use.
7. **Implementation:** Applicants must agree to follow the recommendations of the Forest Management Plan, throughout the planning period identified in the management plan (minimum 10 years). Applicants may amend plans under certain circumstances as provided by Maine Forest Service guidelines. Applicants will take reasonable measures to protect wooded areas included in cost-shared plans or projects from destructive fire and destructive grazing.
8. **Stewardship:** In addition, applicants will avoid activities which:
 - a. impair soil productivity;
 - b. degrade water quality, wetlands, or riparian forest condition;
 - c. impair forest health;
 - d. have an adverse effect on threatened or endangered species;
 - e. introduce non-native invasive species;
 - f. result in unsustainable practices including reduction/elimination of desirable growing stock, or failure to assure adequate regeneration of desirable species;
 Applicants will minimize the conversion of forest land to other land uses.
9. **Inspection:** MFS District Foresters shall have the right of access to the owner's property to inspect plans/practices for the purposes of determining compliance with specifications and to monitor practice maintenance for the duration of the practice maintenance period.

General Procedures:

The following procedures apply to all Plans eligible for cost-sharing (see list).

1. Applications:
 - a. All applications for cost-share will be made on the required MFS form, will include all required information, and will be signed by the landowner.
 - b. All applications for cost-share will accurately represent the ownership as reflected in the deed, including the identity of the landowner, the location of the property, and the area of land affected by the applied for practices, to the best of the landowner's knowledge.
 - c. All applications for cost-share will identify the Stewardship Forester who has agreed to prepare the Plan.
2. Approval:
 - a. Maine Forest Service shall review all applications to establish eligibility, feasibility, and priority, consistent with state priorities. MFS reserves the right to request additional information or make an on-site visit to evaluate an application.
 - b. MFS will not approve cost-share for work completed prior to approval.
 - c. MFS will not approve applications unless cost-share funds are available.
 - d. MFS will establish cost-share rates and maximum cost-share available, and funds will be obligated at the time of approval.
 - e. Upon approval, MFS will inform the landowner and Stewardship Forester that work may begin and the maximum amount of cost-share approved. Approval of an application constitutes an agreement between the Maine Forest Service and the landowner to cost-share a completed Plan on a reimbursement basis, upon verification that the Plan meets standards.
3. Performance period:
 - a. The performance period for all Plans will be 12 months from the time of approval.
 - b. MFS will approve one three-month Extension, upon request and pending availability of funds. MFS will notify the landowner and Stewardship Forester of the Extension. Plans that are not completed and submitted with all associated documentation to the MFS District Forester at the end of the three-month Extension will be automatically cancelled and the funds de-obligated. Landowners may re-apply for the uncompleted portions of cancelled projects.
 - c. MFS reserves the right to institute other performance deadlines for certain practices or programs with appropriate notice.
4. Cancellation:
 - a. Approved applications may be cancelled by the applicant at any time.
 - b. Applications may be cancelled by the Maine Forest Service at any time prior to expiration of the performance period for cause, including but not limited to ineligibility of the applicant or Stewardship Forester. Applications may be cancelled at any time upon expiration of the performance period.
5. Certification of performance:
 - a. Landowners shall claim payment for completed Plans in accordance with MFS procedures.
 - b. Proof of payment (described separately below for Forest Management Plans) will be required for all plans.
 - c. MFS will review all Plans. Additional information may be requested by MFS.
 - d. Cost-share reimbursement will subsequently be approved and sent by Maine Forest Service.
6. Rates:
 - a. Cost-share reimbursement rates for Plans may vary, but cost-share payments shall be based on actual documented costs incurred by the landowner. In no case shall reimbursement to the landowner exceed 75%

of the actual costs incurred by the landowner. *Note: payment rates for NRCS administered programs (EQIP, WHIP, etc.) are subject to different procedures. Please contact local NRCS field office for more information.*

- b. Cost-share payment rates are established to represent the maximum eligible payment. Such rates should not be construed to represent appropriate costs/fees in all circumstances. Participants are encouraged to use sound business practices when contracting for services for project implementation. Participants are also strongly encouraged to use written contracts with detailed work specifications, and to seek multiple estimates of the costs of the work.
7. Maintenance and Monitoring:
- a. MFS Foresters will provide technical assistance to landowners in maintaining cost-shared practices, routinely, at their discretion, or upon request by the landowner.
 - b. Maine Forest Service will maintain a database of completed Plans. MFS will routinely monitor practice maintenance and program requirements at random, or at the discretion of the District Forester, based on identified criteria, within the maintenance period of the cost-shared plan or practice. Monitoring will include assessment of a) whether the practice has been maintained in the manner originally proposed, and b) whether the practice can reasonably be expected to have or continue to have the anticipated or proposed benefit.
 - c. In the event that the requirements of the program have not been met for at least the required 10-year period, the Maine Forest Service will seek to have the situation remedied by the landowner and/or the Stewardship forester.
 - d. Landowners and, whenever it comes to their attention, Stewardship Foresters, must inform MFS if ownership of land where practices have been cost-shared has changed, and must inform the new landowner of the cost-shared practices.
 - e. If the objectives of the original Plan cannot be achieved due to transfer of ownership or associated changes, the Maine Forest Service will pursue recapture of payment from the original cost-share recipient, unless the recipient can document that the new landowner has agreed, at the time of transfer and in writing, to maintain the practices.
 - f. In the event that practice failure results from circumstances outside the control of the recipient, the State Forester may, at the State Forester's discretion, waive repayment.
8. Prohibited Practices.
- a. No cost-share funds will be authorized for capital investments, capital improvements, purchase of land, or any interest in land. Purchase of tools and equipment, transport of personnel or materials, repairs to equipment, and similar costs will not be approved unless specifically authorized.
 - b. No cost-share funds will be authorized for development or improvement of nursery operations, nut or fruit orchards or Christmas tree or wreath brush operations.
 - c. No cost-share will be authorized for:
 - i. Activities required by law (except as specifically identified in this document) or pursuant to a notice of violation, settlement agreement, or any type of enforcement action.
 - ii. Forest restoration/improvement needs arising from the willful actions of the landowner which directly contravene principles of silviculture, natural resource protection, and forest sustainability.
 - d. No cost-share funds will be authorized for repeating practices on the same site by the same owner which have been accomplished under any federal, state, or local government program, except where:
 - i. such practices are repeated or reinstalled due to a failure of the original practice through no fault of the owner; or
 - ii. the life span of the original practice has elapsed and where further practices have been approved by the MFS District Forester.

- e. No cost-share funds will be authorized for activities directly associated with administration, marketing, or related aspects of commercial sales of forest products not directly related to the achievement of silvicultural goals or enhancement of other values identified in the Forest Management Plan.
2. Recapture of Cost-share Payments. Payments made to landowners may be recaptured under one or more of the following circumstances:
 - a. If any landowner, successor, or assignee uses any scheme or device to unjustly benefit from cost-sharing. A scheme or device includes, but is not limited to, coercion, fraud or misrepresentation, false claims, or any business dissolution, reorganization, revival, or other legal mechanism designed for or having the effect of evading the requirements of MFS cost-share programs.
 - b. If a property is subdivided in a manner that, in the estimation of the State Forester impairs or limits the management potential or the purposes of cost-sharing on the remaining parcels; or if the subdivision is knowingly undertaken in manner which creates a significant financial advantage under cost-share rules to the original landowner or successors.
 - c. If any landowner or successor takes any action or fails to take action, which results in the destruction or impairment of a cost-shared plan or project.
 - d. If a landowner sells, conveys, or otherwise loses control of the land (unless determined by the State Forester to have been beyond the landowner's control), upon which there is a continuing obligation to maintain a practice, and the new landowner does not agree in writing to assume the responsibility for maintaining the practice. In such cases, the original landowner who received cost-share payment shall be liable for repayment of funds.
 - e. In cases as described in a-d, cost-share payments shall be withheld or a recapture of all or part of any cost-share payments shall be secured. Nothing in this section requiring the withholding or refunding of financial assistance payments shall preclude any penalty or liability otherwise imposed by law.
 - f. Any landowner, successor, or assignee who is dissatisfied with any determination made under MFS cost-sharing programs may request reconsideration by the Director, Maine Forest Service, and if the matter is not resolved, by the Responsible Official of the USDA Forest Service. All requests for reconsideration shall be in writing and shall contain factual information explaining the basis for the request. All decisions on reconsideration shall be issued in writing.

