

Intro:

Retired forester from Dixmont Maine

Recently appointed to the OBF panel. I have not participated in OBF deliberations for either of the 2 landowners currently in OBF.

I am currently an FSC auditor. I led the JDI audit team the 2 years they have participated in OBF.

Interest stems from my involvement with the FPA and certification .

On the technical panel that worked on the FPA.

Practiced under the FPA as woodlands manager for 7 Islands Land Company, a company certified to the FSC and SFI standards.

I know the limitations of the FPA. And I know the pluses and minuses of certification.

Interested in participating in a process that:

Sets agreed upon goals that address the principles of responsible forest management

Gives landowners and foresters the freedom to decide how they will meet those goals instead of prescribing one solution.

Has the MFS and OBF continually assess the success in reaching the goals.

3rd Party certification has been chosen as one way a landowner can prove to MFS and the OBF panel that the principles of OBF are being met.

The principles of OBF are:

- soil productivity;
- water quality, wetlands, and riparian zones;
- timber supply and quality;
- aesthetic impacts of timber harvesting;
- biological diversity;
- And public accountability.

These principles are echoed in the FSC and SFI Standards. The annual certification audit process gives the MFS and OBF panel an independent evaluation of landowner performance and conformance to those principles.

The 2 years I have been involved with OBF with one landowner have shown me that the process can work.

JOINT STANDING COMMITTEE on AGRICULTURE, CONSERVATION and FORESTRY

Testimony of Gary Donovan, Outcome Based Forestry Initiative Panel Member

November 22, 2013

Distinguished members of the Agriculture, Conservation and Forestry Committee; my name is Gary Donovan. I am a Certified Wildlife Biologist with 45 years of professional experience in Maine. I have been member of the Outcome Based Forestry Initiative - Technical Panel (OBF) since June 2011 and I view my role as an advocate for the water and wildlife resources.

Maine's forests are a transition between boreal and temperate ecosystems, giving this state a unique assemblage of wildlife, many of which are at the northern or southern limits of their ranges. We are fortunate to have over 220 vertebrate wildlife species associated with our forests (Krohn and Boone, 1998). Few states have more species richness and we need a variety of forest types and structures from clearcuts to biologically mature stands for their survival. While it may seem counter intuitive, the majority of wildlife is associated with young forest stands for their primary or secondary habitat requirements. This implies that in order to maintain this wildlife diversity, active management is required and should occasionally include large clearcuts.

The aggressive salvage harvest response of the forest industry to the spruce budworm epidemic of the 1970's and 80's set off a chain of events that, in the long run, has improved landowner concern for non-timber resources. From my perspective, however, an unintended consequence of the three clearcutting referendums and the Forest Practices Act was that since the late 1980's, clearcutting in Maine has dramatically declined and so have wildlife species that depend on this young forest structure.

The positive was that in Maine and nationally, the forest industry understood that they needed to improve public trust. Surveys of the time showed that people believed that forest harvests were unsustainable and their activities degraded other resource values such as wildlife habitat and water quality. A result was the genesis of third-party certification programs like those of the Sustainable Forestry Initiative and the Forest Stewardship Council. Participating landowners develop policies, protocols, training programs and sophisticated GIS and data mapping capabilities to insure that auditors will hopefully find that their forest ownership is being well managed. This includes systems to protect non-timber resources such as water quality, riparian ecosystems, rare forest communities, Threatened and Endangered species, deer wintering areas and more. For some landowners, especially those practicing on large acreages, certification is a good way to assure achievement of the OBF sustainability criterion.

Both Irving Woodlands LLC and the Bureau of Parks and Lands (BPL) maintain certification under the two third-party certification programs previously mentioned. I can attest, from being an auditor and being audited, that a third party certification requires a large commitment by the landowner and are a rigorous test on whether management policies, practices and use of the latest scientific information are keeping their forest management process in compliance with the standards of their respective certification programs.

Hypothetically, OBF provides the opportunity to make science based wildlife habitat management decisions. For example, the primary prey of the Federally Threatened Canada lynx is the snowshoe hare whose habitat is dense regenerating stands. Studies have shown that lynx are found at higher densities when clearcuts averaged ~400 acres or more. Under Forest Practices Act (FPA) this is not possible. No clearcuts of this size are being considered, but the opportunity exists.

I have reason to be optimistic about the Outcome Based Forestry Initiative. It has provided participating forest landowners the opportunity to make sound management decisions without the constraints of FPA. I have thoroughly enjoyed the interaction that I have had with Irving and BPL about non-timber resource issues and sincerely hope that other qualified landowners consider the benefits of this program.

Thank you for the opportunity to speak with you today.

Maxwell L. McCormack, Jr.
Resident of Unity, Waldo County, Maine
Maine Licensed Forester #354
Research Professor Emeritus of Forest Resources, University of Maine
1956 B.S. (forestry), University of Maine
1959 M.F. (silviculture), Duke University
1963 D.F. (forest ecology), Duke University
1989 elected Fellow, Society of American Foresters

SELECTED HIGHLIGHTS OF OUTCOME BASED FORESTRY

- Brings science to the forefront for sound forestry practices that improve and sustain robust, productive forests within a concept of multiple use
- Captures (and salvages) yields, and improves stand conditions, of land previously lost to separation zones
- Reduces harvesting footprints and forest stand fragmentation
- Provides more effective and efficient access networks
- Provides management more flexibility for embracing new conditions, knowledge and technology
- Allows management to modify silviculture for minimizing impacts of the developing onslaught by old and new forest pests
- Provides a complementary combination of monitoring and review participants (3rd party certifications, OBF Panel/MFS, management foresters) to insure desired outcomes focused on sustained, healthy forest resources and public values

Testimony of Outcome Based Forestry Panel Member Peter Triandafillou

November 22, 2013

Distinguished members of the Agriculture, Forestry and Conservation Committee, my name is Peter Triandafillou, and I have served on the Outcome Based Forestry (OBF) Panel since 2011. I am Vice President of Woodlands for Huber Resources Corp, a firm that manages about 400,000 acres of land in Maine. I have a Master of Science Degree in Forestry from the SUNY College of Environmental Science and Forestry, and have practiced as a professional forester in Maine since 1980. It has been an honor to serve on the panel and to interact with the two organizations that have done much to improve the practice of forestry through the flexibility afforded by OBF.

From my perspective as a practicing forester, I am pleased to see the OBF process achieving its goals. While the Forest Practices Act (FPA) was enacted for good reason, and forms a basic standard to address issues raised in the 1980s, it is by nature a system of arbitrary rules. Sometimes the rules interfere with optimal solutions or efficiency, and sometimes they create problems. OBF, within the context of providing equal or *better* environmental protections and while addressing sustainability and habitat goals, allows landowners to make their lands more productive, their management more efficient and their forest more vigorous and less vulnerable to attack by pathogens. I will give a couple of brief examples.

The spruce budworm epidemic of the mid-'70s to the mid-'80s destroyed millions of acres of spruce/fir forest. Areas that survived were left weakened and unable to add appreciable growth to the forest. Harvesting some of the trees in these stands very frequently resulted in the loss of all the others due to wind throw. Frequently, the best option for these stands is to harvest all the trees and start over, either with natural regeneration or planted trees. However, the forest practices act requires buffers, and these buffers are often composed of the same trees in the same condition as the forest area. Forest owners are thus put in the position of creating areas of poor quality and vulnerable trees to meet the requirements of the law. In addition, the resulting buffer areas become narrow stands that are difficult to manage. They have the potential to become unproductive areas that reduce forest productivity and that can act as a magnet for forest pests. To put this in context, spruce budworm populations are expanding in Canada, and entomologists predict measurable defoliation in Maine within the next few years.

Complying with the Forest Practices Act requires a number of field measurements. These are not always simple or easy, and deduct from time that professionals can spend on important silvicultural decisions. On the Bureau of Public Lands project, their managers were interested in thinning a pine stand to increase growth on the best trees. Pine stands often respond best in a fairly open setting, but doing this may cause the residual stand to fall below the minimum stocking required in the FPA, creating a statutory, but not "real" clearcut. Under OBF, BPL was able to ignore this arbitrary cutoff and do the right thing in the stand. In some places the residual stocking was below the FPA threshold, while in many others it was above. BPL did not need to modify their silviculture to comply with the threshold, resulting in a better result.

Similarly, OBF was used in the management of a deer wintering area. Normally, we associate deer wintering areas with dense stands that provide cover from snow. However, these important habitats also need areas of young trees to provide browse for deer using the cover. OBF allowed BPL to design

the distribution of cover and young trees to provide the best habitat without incorporating the requirements of the FPA. This led to better results.

It is my opinion as a panel member that OBF represents an excellent opportunity for landowners to increase the productivity of their forests and the efficiency of their management. By eliminating compliance with the FPA's arbitrary standards, it also frees professional time to address the full spectrum of forest management, including water quality and other environmental protections and wildlife habitat management. The combination of MFS oversight, maintenance of third party certification and review by independent experts produces better results in the forest and the potential for supporting Maine's largest manufacturing industry.

Thank you very much for your time.

Statement Supporting Outcome-Based Forestry to Joint Standing Committee on Agriculture, Conservation and Forestry

Robert G. Wagner
University of Maine

November 22, 2013

Distinguished members of the Agriculture, Forestry and Conservation Committee, my name is Robert Wagner. I am the *Henry W. Saunders Distinguished Professor in Forestry*, and also *Director of the Center for Research on Sustainable Forests* at the University of Maine. My research efforts over the past 30 years have focused on silviculture, and improving the regeneration and management of working forests.

I am the first of several members from a Governor-appointed panel of technical experts here today to discuss implementation of Maine's "*Outcome-based forest policy*" (or OBF).

OBF is a 2001 state law that created a science-based, voluntary process to achieve agreed-upon economic, environmental, and social outcomes in the Maine's forest. The OBF legislation is intended as an alternative to prescriptive regulation administered through the Maine Forest Practices Act (FPA) by demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests.

OBF is an "*experimental forest policy*" that must provide equal or better environmental protection than through existing rules and regulations, as well as providing for specific outcomes related to:

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

The purpose of our panel is to implement, monitor, and assess the testing of OBF principles with participating forestland owners. In order to participate in OBF, the landowner, Director of MFS, and expert technical panel must develop mutually acceptable desired outcomes for the area enrolled under the agreement, and develop a method for determining whether the outcomes have been achieved and a system for reporting results to the public.

I enthusiastically agreed to participate on this expert panel because OBF holds the

promise, if successfully implemented, of allowing participating forestland owners to significantly improve the quality and efficiency of management on their forestlands.

To fully understand why OBF is an important law and opportunity, it is vital to understand how the current prescriptive approach to forestry practices, as required by the FPA, has become a significant impediment to forest owners that want to improve management on their lands.

The sole purpose of the 1989 FPA was to regulate and reduce the visual impact of clearcutting in Maine's forests following the spruce budworm outbreak of the 1970s and 80s. The FPA was **not** based on any scientific forest management or ecological principles.

Shortly after implementation, the FPA quickly accomplished the goal of reducing clearcutting across the state from about 40% of harvested area when the law was passed around 1990 to the less than 5% of harvested area during most of the past 20 years.

The intention of reducing clearcut size and the requirement of 250-foot separation zones between clearcut areas under the FPA has had a number of unintended negative consequences to forest management and the forest itself.

These negative consequences include:

- Doubling of the annual harvest footprint across the state to obtain the same amount of wood to support the state's forest industry
- Increasing fragmentation of forest stands which has had negative ecological, wildlife, and forest management implications in many places
- Forcing managers to implement suboptimal silvicultural prescriptions in many stands adjacent to separation zones that can increase windthrow risk, create poorer tree species composition and stand structure, and reduce overall productivity
- Creating separation zone stands that cannot often be managed economically or spatially
- Forcing no management or inappropriate management of many separation zone stands leading to increased windthrow risk, poor tree species composition and stand structure, and reduced stand productivity
- Increasing the difficulty of spatially managing forest landscapes over time
- Encouraging longer skid roads to obtain wood from stands to avoid separation zones
- Reducing the ability of forest managers to respond to the coming spruce budworm outbreak

A major development over the past 15 years that has produced desired outcomes for forest management, protected the public interest, and facilitated implementation of OBF for our panel, is the advent of sustainable forestry certification systems. These rigorous and third-party audited standards have ushered in a new era of forest management since the FPA was passed. They also have provided the structured objectives, system of forest management, and third-party oversight that has elevated the overall quality of forest management, as well protecting the public's interest in environmental protection and science-based forest management.

The adoption of these certification systems by forest landowners has provided a useful umbrella under which achieving the goals of OBF can be achieved and monitored, and has been deemed important by our expert panel for successfully implementing OBF.

In conclusion, I strongly urge the ACF Committee to support continued implementation and evaluation of OBF because it promotes science-based based forest management while protecting the public interest.

Other members of our expert panel also want to share their points of view about OBF.

Thank you very much for your attention.