



2024 Maine Forest Service Briefing on Statewide Standards for Timber Harvesting in Shoreland Areas

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The purpose of this presentation is to provide an overview of an upcoming regulatory change.

There will be additional public information and resources to provide more detailed information to a wide audience.

Thank you for your attention, questions and comments.

Maine Forest Service

Forest Policy & Management Division

- 11 District Foresters, 1 Field Team Leader
- 3 Regional Enforcement Coordinators
- Program & support staff incl. Water Resources Specialist

Forest Protection Division

- Forest Rangers

Forest Health & Monitoring Division

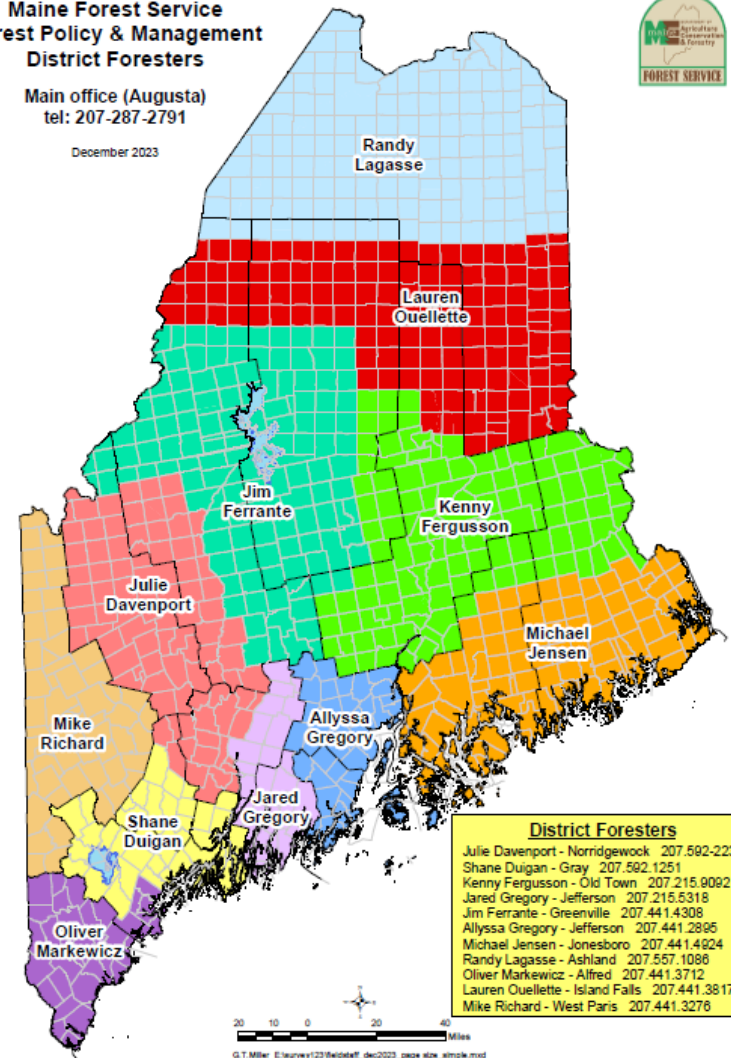
- Insect, Disease, Inventory Specialists



Maine Forest Service Forest Policy & Management District Foresters

Main office (Augusta)
tel: 207-287-2791

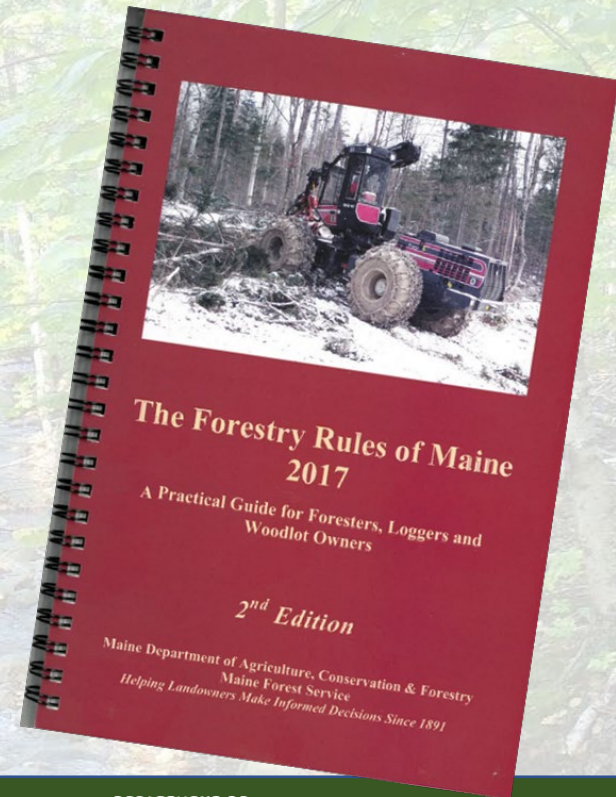
December 2023



MFS – Natural Resource Regulations

MFS Forest Policy & Management Division has authority over the following regulations:

- ❖ Chapter 20 Forest Practices Act
- ❖ ***Chapter 21 Statewide Standards for Timber Harvesting in Shoreland Areas (in Organized Towns) – “SWS”***
- ❖ Chapter 23 Liquidation Harvesting
- ❖ Chapter 26 Forest Operations Notifications
- ❖ **Chapter 27 Timber Harvesting in Unorganized/de-organized towns**



Main points

- ❖ There are no changes coming to timber harvesting regulations in organized towns.
- ❖ There are no changes in the Chapter 21 Statewide Standards.
- ❖ Chapter 21 Statewide Standards will become effective in the unorganized territories (“UT”) in January 2026.
- ❖ Chapter 27 will be modified before 2026 to remove overlap with Chapter 21.

A Brief History of SWS

- ❖ Before SWS (pre-2005)
 - ❖ Multiple rules & authorities for timber harvesting near water
 - ❖ Mandatory Municipal Shoreland Zoning Ordinances – Town CEO
 - ❖ Local shoreland zoning maps
 - ❖ Natural Resource Protection Act (NRPA) – DEP
 - ❖ Land Use Planning Commission rules – LUPC (LURC)
 - ❖ MFS “assisted” other entities with enforcement with no direct authority
 - ❖ By MOU, MFS conducted site visits & referred enforcement to DEP/LUPC (agencies with limited staff/other responsibilities)
 - ❖ MFS referred municipal issues to local CEOs

1999-2005 Legislative Direction

- ❖ To develop a single set of regulatory standards for timber harvesting operations in shoreland areas,
- ❖ that apply throughout the state, and
- ❖ establish Maine Forest Service as the regulatory authority.

*Goals: avoid overlapping jurisdictions, reduce confusion/complexity for the regulated community, streamline information & enforcement, improve compliance, and **protect water resources***

- ***A multi-year, consensus-based rule-making process took place, with a broad range of stakeholders – forest products companies, harvesters, landowners, conservation interests, foresters, agencies.***

The process since 2005:

- ❖ DEP & LUPC delegated authorities to MFS in statute/rule.
- ❖ SWS rules were finalized.
- ❖ A local option (not mandated) for towns to adopt SWS (instead of SZ) for timber harvesting:
 - ❖ MFS takes on responsibility for timber harvesting only (Rangers, District Foresters, Regional Enforcement Coordinators)
 - ❖ No impact to other local regs (e.g. clearing for development)
 - ❖ Reduced costs/responsibility for towns – local collaboration
- ❖ Since 2013 – MFS Chapter 27 applies in unorganized towns

As of April 2024:

Chapter 21 – Applies in shoreland areas in some organized towns that HAVE adopted Statewide Standards (**BLUE**)

Chapter 27 – applies in shoreland/protected areas in all unorganized towns (**YELLOW**)

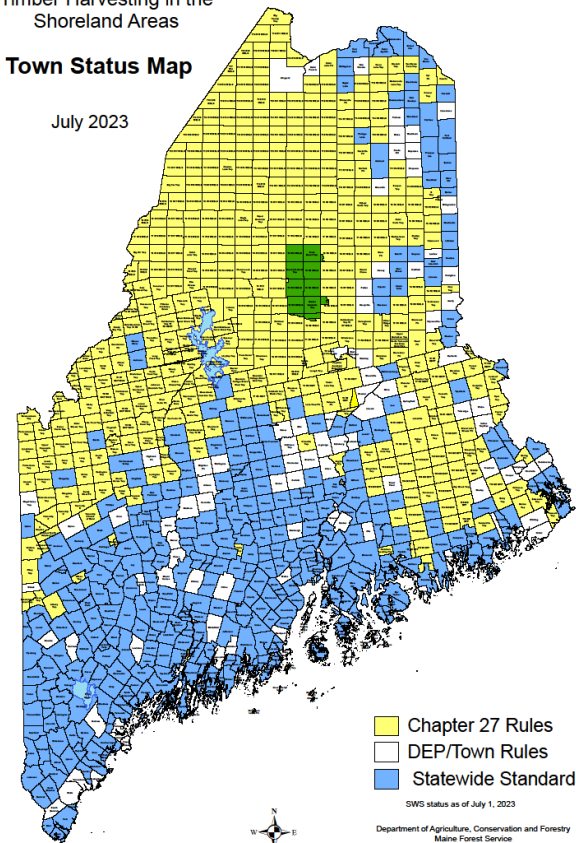
DEP Rules & Local Shoreland Zoning Ordinances apply in organized towns that have NOT adopted Statewide Standards (WHITE)

THE CHANGE: By Statute, SWS will take effect in unorganized townships – after a “critical mass” of organized towns have adopted SWS

Statewide Standards for
Timber Harvesting in the
Shoreland Areas

Town Status Map

July 2023



G:\Mliber E:\views\critical mass towns 11x17 map july 2023.mxd



Timeline – Beginning May 2024

- ❖ A “critical mass” of towns has adopted SWS - DACF
Commissioner notified the Secretary of State in May
- ❖ By statute, SWS will go into effect in all unorganized towns
- ❖ Effective date is January 2, 2026 (one full calendar year after the year in which critical mass is reached)
- ❖ Municipalities that have adopted SWS will not change
- ❖ Towns that have not adopted SWS will NOT change
 - ❖ unless they choose to adopt SWS

2024-2026 Timeline

- ❖ Chapter 27 will be revised in 2024-2025 to remove redundancy with SWS
- ❖ Chapter 21 SWS will go into effect without revision or rulemaking in January 2026
 - ❖ The SWS rule maintains some differences between organized/unorganized, so standards will not be perfectly identical
- ❖ MFS will provide outreach and education to inform landowners, loggers, foresters, and others in 2024 & 2025.

Why are we doing this?

- ❖ Process in statute, rules in place; long-standing agreement
- ❖ Original objective – a single set of standards - is still valid
 - ❖ Better information, training, education; less room for confusion
 - ❖ Simpler rules in one location/from one source (MFS)
 - ❖ More accessible/usable SWS maps
 - ❖ Improved compliance & equitable enforcement
 - ❖ Improved protection of water quality
- ❖ Ch 21 similar to 27; increased protections in some areas
 - ❖ e.g. nonforested wetlands, some streams

Recap & next steps

- 2024 May - Commissioner's determination of critical mass
August – Information to stakeholders, announcement
– Workshops, webpage, background info, FAQs
By January 2025 – Chapter 27 rulemaking/revision
- 2025 All year - education/outreach, map development, etc.
- 2026 SWS take effect in Unorganized Territories

In rule: FONs submitted AND harvesting in progress before 2026 can continue under old (Chapter 27) rules.

Maine Forest Service

For more information:

Website: www.maineforestservice.gov

(https://www.maine.gov/dacf/mfs/policy_management/water_resources/sws/sws_rollout.html)

Email: Forestinfo@maine.gov

Phone: 207-287-2791



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