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**DACF Commissioner's Briefing of the
Joint Standing Committee on Agriculture, Conservation & Forestry
January 30, 2023**

Introduction

Senator Ingwersen, Representative Pluecker, and Members of the Joint Standing Committee on Agriculture, Conservation and Forestry, thank you for the opportunity to provide a briefing on some of the key areas of our work over the past several months. I am Amanda Beal, Commissioner of the Maine Department of Agriculture, Conservation and Forestry (DACF), and I am joined here today by some key members of our staff. We will be happy to answer any questions you may have after this presentation or to obtain further information if there are questions we are unable to answer fully today.

As you know, the Department of Agriculture, Conservation, and Forestry stewards many of Maine's most treasured resources and supports the vibrant natural resource economy they foster. That includes things like preventing and fighting forest fires; stewarding our parks and public lands; planning wise land use; collecting and making data available to enhance natural resource management decision-making; supporting our forestry and agricultural sectors; and ensuring the safety and abundance of the food we eat.

Perhaps like no other branch of government, DACF touches the lives of every Maine person every single day in multiple ways. This is why we are committed to being a Department that works for all Maine people. As legislators and as citizens, when you interact with the Department, I hope you find what I do: bureaus and programs staffed at every level with dedicated, knowledgeable, professional, and creative public servants who are excited to support Maine's people and some of our most iconic industries and pastimes.

To accompany this verbal briefing today, we are providing you with a briefing booklet that presents an overview of how DACF is structured and background information on some of our key staff and program areas. It also includes a summary, by Bureau, of recent initiatives of note, as well as some of the work we see on the horizon. I hope you will find this resource helpful, and we welcome the opportunity to talk further about our work, whether facilitated by proposed legislation, through our budget work sessions, or by invitation by the Committee for

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future briefings, such as the one scheduled for later this week where we will take a deep dive into our work related to PFAS.

At this time, I would now like to turn this presentation over to one of our Department's two Deputy Commissioners, Nancy McBrady, who will focus on highlighting just some of the incredible work that our 4 bureaus, 110 programs, and approximately 700 staff members carry out in service to the people of Maine.

Reporting

Each year we submit approximately twenty standing reports on topics as diverse as the state of our forests, the activities of the Maine Harness Racing Commission, and the Land Use Planning Coalition's annual water certification. We also submit a number of reports that are compiled in response to legislation from previous sessions. We hope that these are informative and help you to do your work with the best information we can access and make available.

With literally thousands of people-hours exerted by staff in our numerous programs and the Commissioner's Office in doing research, listening to stakeholders, gathering and disseminating information, compiling, and reviewing these reports, one might be surprised that we had time to manage the work and programs central to the Department's mission. But as you will see from the following summaries, we did—and did so with the passion, dedication, and teamwork that we all know is at the heart of the work of DACF.

Emergent Issues

Let me start with some emergent and ongoing issues DACF has been tackling: continuing pandemic impacts on all four of our Bureaus; federal emergency funding we have been investing in Maine; PFAS contamination; department contributions to meeting our state's climate action plan goals; and renewable energy and land use considerations.

Pandemic Impacts

We have spent time over the past several months working to implement the State Teleworking Policy, which required supervisors to work with eligible staff who wanted to exercise some degree of telework to draft and file agreements with the Bureau of Human Resources. Overall, to date, we have seen that the dedication level and productivity of our staff have in no way diminished while teleworking, and we continue to be impressed with the creativity, professionalism, and resilience of DACF staff who have proven their dedication to our work, whether in the office, out in the field, or working remotely.

One impact of the pandemic that we have discussed with this Committee previously has been the increased need for many of our services. We have broken records on a lot of fronts, and that has increased the demand for our services across many areas of our work. For example, we continue to see evidence of high utilization in some of our most remote parks and public lands, and really don't anticipate that trend will reverse in the foreseeable future. Meanwhile, wildfire occurrence for this past year was once again above average, totaling 740 fire starts and burning over 425 acres. Our LUPC staff have experienced a significant increase in requests for

information and assistance, along with an increase in the complexity of development proposals. We've also been working to assist with ongoing disruptions in numerous supply chains that impact access to inputs that our natural resource businesses need, as well as the availability of goods available to consumers. And we have simultaneously seen the level of food insecurity reach all-time high numbers, requiring our Department and our partners in the emergency food system to work diligently to address the needs of those who are experiencing food insecurity by finding new ways of working together and supporting one another.

Through all of this, the level of collaboration amongst staff in all four of our Bureaus has remained high and overall greatly impressive.

Investing CARES and ARPA Funds

Last session, the Legislature approved Governor Mills' American Rescue Plan Act (ARPA) proposal to allocate \$50 million for state parks to improve aging and inadequate infrastructure and nearly \$20 million to support agricultural infrastructure development.

Since then, we have collaborated with the Maine Jobs and Recovery Plan Review Team and DAFS to ensure that any projects we plan to undertake with ARPA funding meet Treasury guidance and that we are in line with procurement procedures for the State in inviting bids and establishing contracts for these projects.

The \$50 million allocation for state parks is supporting urgent infrastructure improvements to accommodate the significantly increased use seen during the COVID-19 pandemic, which includes addressing long-standing infrastructure needs. It will also help improve the visitor experience and bolster recreational and tourism opportunities.

In late 2021, we also launched the Agricultural Infrastructure Investment Program (AIIP), intended to meet well-documented food system needs. AIIP is funding 64 proposals that will directly provide funds to Maine farmers and food processors to improve critical infrastructure. We received approximately 850 applications early last year, totaling nearly \$180 million in requests.

DACF worked with Coastal Enterprises, Inc. to apply a highly rigorous review process that involved objective qualitative and quantitative scoring based on the criteria and priorities outlined in the call for proposals, as well as a final review panel of over 40 volunteer reviewers. The 64 applications DACF ultimately selected represent a diverse array of scales of productions, types of production and products, and distributes funds to projects in all 16 counties. This is in addition to the more than 400 farm businesses we disbursed CARES Act funds to in 2021, which totals approximately \$37 million in funding distributed to the agricultural sector by DACF with CARES and ARPA funds combined.

PFAS

As you are undoubtedly all aware, Maine has found itself nationally at the forefront of PFAS response. Since engaging on the Governor's PFAS Taskforce in 2019, DACF has closely collaborated with the Maine Centers for Disease Control and Department of Environmental Protection and, more recently, worked alongside the Department of Inland Fisheries and Wildlife regarding the State's PFAS response with DACF's particular focus being on assisting PFAS-impacted farms. We also continue working closely with our colleagues at the University of Maine Cooperative Extension, Maine Organic Farmers and Gardeners Association, Maine Farmland Trust, and beyond, to share information and resources, and collaborate on strategies to support farmers seeking PFAS guidance and support.

Along with Governor Mills, we have continuously urged the FDA, EPA, and USDA to take a multi-agency approach to address PFAS contamination, which we have pointed out repeatedly is a national issue that requires a robust and coordinated federal response. We also regularly update the Maine delegation regarding our activities, so they can champion, along with us, further federal action regarding PFAS, including the need for national standards and greater federal support for impacted citizens and farmers. In the absence of such support, numerous states and national organizations continue to reach out to DACF for information about our protocols and practices.

At this time, DACF has two primary ways it is addressing PFAS, which is through the Bureau of Agriculture, Food and Rural Resources (BAFRR) PFAS Response Program, and the PFAS Fund, which is administered from the Commissioner's Office and overseen by a legislatively mandated Advisory Committee. You will hear more about both of these programs in great depth at a specific PFAS briefing later this week, but in summary, we are greatly appreciative of the Legislature's past and ongoing support of this work and for ensuring that we have resources to be responsive to the needs of our agricultural community.

It is important to note that ultimately, we believe a small percentage of our state's more than 7000 farms will be directly impacted by PFAS, but for farms that are, it is often devastating to their families, their businesses, and their communities, and we must do all we can to address these impacts.

More recently, our Board of Pesticides Control is also working to understand the intersection of pesticides and PFAS. Last session, LD 2019 banned pesticides in Maine with intentionally added PFAS by 2030. Existing Maine statute defines PFAS as containing one or more fluorinated carbon atoms, while federal law requires at least two fluorinated carbon atoms. Although the analysis is not complete, BPC's toxicologist estimates that this could result in approximately 1,300 pesticide products registered in Maine being removed from the market in 2030. BPC is also collecting affidavits from pesticide manufacturers regarding whether their products contain PFAS. This is a complicated, emerging situation that BPC continues to review closely.

Again, we will be prepared to describe all of our PFAS work in greater detail on Wednesday.

Climate Resilience

DACF staff across the Department continue to be very involved in the implementation of various goals embedded in the State's climate action plan, *Maine Won't Wait* (MWW). Staff have also played instrumental roles in the development and implementation of pertinent recommendations of the Natural and Working Lands work group, Forest Carbon Task Force, and a Soil Carbon Study Report produced in collaboration with the Department of Inland Fisheries and Wildlife. And we have coordinated our work with other agencies to ensure maximum impact. For example, we coordinated the timing of the release of the Coastal Community Grant program with the Community Resilience Partnership to support communities to match and broaden funding for resilience projects.

The Maine Forest Service is in the process of hiring a Carbon Program Specialist and additional District Foresters, positions acquired in the last biennial budget as recommended in the Forest Carbon Task Force report, while the Bureau of Agriculture is preparing to launch its new Healthy Soils Program. Infrastructure upgrades in our State Parks are being made with climate resilience and climate impact considerations at the forefront. And much valuable work is taking place within our Bureau of Resource Information and Land Use Planning through planning, data collection, and other activities that help our state to both quantify the impacts of climate change, and plan for effective mitigation strategies within our communities, and our natural resource sectors. The Bureau of Agriculture is also beginning its efforts to design the Farmer Drought Relief Fund, which will assist Maine farmers in overcoming the adverse effects of drought conditions through a grant program. We will work with partners such as the Agricultural Water Management Board and other important stakeholders in this effort and note that the Governor's budget puts forward \$2 million to capitalize the fund, with \$300,000 annually thereafter.

In addition, we continue working with other State agencies to look for opportunities to collaborate on meeting cross-cutting goals.

Renewable Energy & Land Use Considerations

DACF supports renewable energy development in Maine and understands that it is a key component of reducing our reliance on fossil fuels. In fact, many of the resources that DACF, as an agency, and our stakeholders, steward are put at risk by the impacts of climate change. We also recognize that there is an existing tension between renewable energy siting and the need to ensure that we maintain a healthy land base to continue agricultural and forestry activities and ensure critical wildlife habitat.

We also support opportunities for farmers and other business owners to address their own energy needs with renewable sources and to enhance the economic viability of their operations with thoughtful siting of renewable energy infrastructure. At the same time, as a general

statement of policy, DACF strongly recommends prioritizing siting of solar projects on lands and within areas that do not: contain rare plant populations; provide habitat for rare or exemplary natural communities; or diminish the ability for our natural and working lands - including currently forested lands and agricultural lands - to effectively sequester carbon. Productive agricultural soils are finite resources; hence, careful consideration regarding appropriate siting of solar projects is especially necessary to avoid permanent loss of agricultural lands.

For more background on DACF's position and recommendations pertaining to renewable energy siting, please refer to the LD 820 report we submitted to the Legislature on January 22, 2022 on our website at: <https://www.maine.gov/dacf/ard/resources/docs/soalar-report-ld820.pdf>.

Bureau Updates

As we turn our attention to some of the key work taking place within our Department's four Bureaus, I also want to share my deep appreciation for the leadership of our Bureau Directors and key staff in the Commissioner's Office, as well as the leadership we see in action coming from every corner of our Department each and every day.

I will now highlight just a few areas of work happening within each Bureau, and I encourage you to refer to the additional activities highlighted in the briefing book we have provided.

Bureau of Forestry

I'll start with the Bureau of Forestry and its three Divisions: Forest Health and Monitoring, Forest Protection, and Forest Policy and Management.

Forest Health and Monitoring

Staff in the Forest Health and Monitoring Division measure 3,500 forest plots statewide on a rotating basis. The data they collect inform statewide forest policy. The Division also has entomologists and pathologists who provide outreach and assistance to Maine residents concerning forest pests and pathogens. Of late, the biggest battle they fight is against invasive species such as Browntail moth, Emerald Ash Borer, and Hemlock Woolly Adelgid, as well as native Spruce Budworm and the relative newcomer, Beech Leaf Disease, just to name a few.

Our Forest Entomologists and our Pathologist have been extremely busy. The browntail moth (BTM) populations were not at the levels of the previous year, but we remain cautious. Rulemaking is ongoing to help municipalities with BTM mitigation. This effort was a result of a successful bill during the last session. Emails and outreach occurred to towns concerning BTM populations, offering advice and contact information for the entomologists. A new concern is Beech Leaf Disease (BLD) which expanded exponentially in the area of infestation from the previous year. Almost one-third of Maine has BLD infested areas. Meanwhile, the Emerald Ash Borer range continues to expand in southern and western Maine. Gypsy Moth infestations also expanded and kept staff busy with calls from concerned

landowners. And an unwelcome newcomer to Southern Maine is the southern pine beetle which, as its name suggests, infects hard pines. Spruce budworm populations increased in mostly northern Maine, and collaborations between the Maine Forest Service, University of Maine, and other stakeholders have been successful in keeping all informed of the status.

Forest Protection

The Forest Protection Division is our law enforcement arm comprised of rangers, pilots, and support staff. While wildfire control is their most out-facing role, the Division also enforces forestry regulations and provides assistance to other agencies.

The Forest Protection Division completed 30,986 inspections and 5,300 complaint responses over the past year, as well as over 150 outreach and prevention events reaching well over 150,000 people. External training and instruction for cooperators included 150 events to help ensure safe and efficient incident responses. As mentioned previously, wildfire occurrence for this past year was once again above average, totaling 740 fire starts and burning over 425 acres. Our aviation fleet continued to help keep wildfire spread minimal and was used to respond to 27 search and rescue events. We were excited to purchase two newer Bell 407 helicopters to upgrade the fleet. The Hueys remain an integral part of the fleet as well. The year 2022 marked the 75th anniversary of the 1947 fires in Maine. A series of fire prevention messages were sent out as a reminder to the public of the danger of uncontrolled wildfires. A new effort of working with other agencies and stakeholders on the science of prescribed burning is growing. Forest Rangers remain up to date with the science of use of prescribed fire for invasive species control as well as for fuel management.

Forest Policy and Management

The Forest Policy and Management (FPM) Division is currently staffed with 13 District Foresters and Enforcement Coordinators who provide outreach to an average of 15,000 small woodlot owners each year while also handling an upswing in harvest permits and variances. The District Foresters play a key role as we experience climate conditions that impact our forests. These foresters meet daily with landowners, loggers, forestry businesses, and all facets of the forestry chain. Our Regional Enforcement Coordinators play a major role in ensuring the laws that protect our forests and waters are followed. This Division also offers urban tree assistance to municipalities due to the success of our Project Canopy program, handles forest operations notifications, and promotes informed decisions for forest stakeholders. Our Forest Biometrician has responded to multiple requests for forest inventory information for prospective forest product company investors. The Water Resource Specialist within this Division has been busy with water best management practices workshops for a wide array of stakeholder audiences.

Bureau of Resource, Information, and Land Use Planning

Next is the Bureau of Resource, Information, and Land Use Planning (BRILUP). The Bureau includes the Maine Geological Survey, the Maine Natural Areas Program (MNAP), the Municipal Planning Assistance Program (MPAP), the Land for Maine's Future Program (LMF), the Floodplain Management Program (FMP), and the Land Use Planning Commission (LUPC). There

is a tremendous amount of great work happening at BRILUP. A common unifier among these programs is a connection to strategies in *Maine Won't Wait*. The people and programs of BRILUP are among the state's most important tools for creating resilience in the face of a changing climate, as well as for making data-informed decisions in communities and throughout State Government.

Maine Geological Survey (MGS) is the primary source of information on the geologic framework of the state, its groundwater resources, and geologic hazards.

Maine Natural Areas Program (MNAP) Program facilitates the conservation of Maine's biodiversity by providing comprehensive information and scientific expertise on at-risk species, natural ecosystems, wildlife habitats, ecological reserves, and invasive plants to landowners, developers, resource managers, land trusts, towns, and other conservation partners.

Floodplain Management Program (FMP) helps communities participating in the National Flood Insurance Program (NFIP) with technical information, floodplain maps, and model ordinances.

Land for Maine's Future Program (LMF) is the State of Maine's primary funding vehicle for conserving land for its natural and recreational value and also provides funding to protect farmland and working waterfronts. The Program was established by citizen referendum in 1987.

The LMF board continues to make swift progress in funding high-quality projects with the \$40 million allocation the Program received in 2021. Since its inception, LMF has helped protect landscapes that are both cherished by Maine people and that draw visitors from around the globe. The inclusion of working lands and working waterfronts in program priorities also means that LMF is essential to the natural resource industries that hold the key to Maine's prosperity. LMF made several critical acquisitions this year.

Municipal Planning Assistance Program (MPAP) provides technical assistance to municipalities and regional planning organizations. The Program provides grants to towns for projects that improve water quality, increase resiliency, restore habitat, promote sustainable development, and enhance the economy while preserving natural resources.

Land Use Planning Commission (LUPC) serves as the planning and zoning authority for the unorganized and deorganized areas of the state, an area greater than 10 million acres. The Unorganized Territories, often referred to as the UT, includes towns, townships, and plantations that either have no local government or have chosen not to administer land use controls at the local level.

The Bureau of Parks and Lands

The Bureau of Parks and Lands protects and manages some of Maine's most unique and precious natural and cultural resources and provides a diverse array of recreational and

educational opportunities that deliver environmental and economic benefits for current and future generations.

The Bureau manages 48 State Parks and Historic Sites, including 12 State Park Campgrounds, contributing more than \$100 million to Maine's economy each year in direct and indirect benefits.

In addition, the Bureau manages more than 700,000 acres of Public Lands for recreation, cultural and historic preservation, wildlife and biodiversity, water quality, and timber production. Conservation easements, leases, and management agreements bring the total land area with BPL legal involvement to over 2 million acres.

The Bureau also manages a Boating Program, Off-Road Recreational Vehicle (ATV and snowmobile) Program, Submerged Lands Program, Community Grants (Land and Water Conservation Fund, Recreational Trails Program), and the Maine Conservation Corps. Through these programs, the Bureau collaborates with state and federal agencies, Maine municipalities, and other groups to provide safe and high-quality recreational experiences for Mainers and our visitors.

State park attendance continues to break records, with a reported 319,000 visitor nights at the state's 12 campgrounds in 2022 (up from 315,000 in 2021). In addition, Maine state parks saw the second-highest number of total visitations (day visitors plus campers) in 2022, with more than 3.28 million people spending time at Maine's 48 state parks and historic sites.

State parks thrive on numerous partnerships and collaborations to support an array of initiatives from working with the Nature Based Education Collaborative to improve access for minority groups and individuals, to linking up with Impact Melanoma to encourage sun-safety by making sunscreen dispensers available to beach-goers, and by letting visitors enjoy art on the trail in a unique partnership with the Portland Museum of Art.

Bureau of Agriculture, Food and Rural Resources

I'll end with our largest Bureau: The Bureau of Agriculture, Food and Rural Resources (BAFRR). Craig Lapine is newly appointed to the Bureau Director position as of January 2023. Prior to that, he served as Special Assistant to Commissioner Beal starting in 2020, where he has worked to support DACF's policy and communications team and manage projects for the Commissioner's Office, including leading the work to create the state's Roadmap to End Hunger by 2030.

The Bureau supports Maine's food system and agriculture infrastructure through functions spanning technical assistance and business support, marketing and promotion, on-farm and consumer quality assurance, targeted loan and grant programs, and animal and plant health oversight, including animal welfare. The Bureau plays a critical role in ensuring that the foods consumers seek are available and safe and manages several federally funded, statewide food

assistance programs. The Maine Milk Commission, the Maine Harness Racing Commission, and the Board of Pesticides Control are also housed within the Bureau.

After a two-year hiatus, we were all thrilled to have the Agricultural Trade Show in person once again this year, which many of you attended, and we greatly appreciate that.

Although there are many important programs within BAFRR, some key areas that we know are of interest and that we will speak to specifically are as follows:

- Meat processing and work to eliminate bottlenecks and expand in-state capacity is something that we have been working to address on multiple fronts. During the pandemic, we authorized 90-day grants of inspection to three Maine-based custom slaughter operations to ease meat and poultry processing bottlenecks. One operation has since become a state-inspected processor. Also, in August 2022, the USDA Agricultural Marketing Service announced that approximately \$1 million had been awarded to 5 Maine businesses through their Meat and Poultry Inspection Readiness Grant Program, which also gives recipients access to the Meat and Poultry Processing Capacity Technical Assistance Program. Additionally, DACF's AIIP grant program awardees included 18 out of 64 AIIP awards (~28%) made to Maine farms and agricultural businesses to increase meat and poultry processing capacity. The total amount approved for meat processing (across Farms and Processors categories) was \$5,872,233.06. Together, we anticipate that these investments will have a positive impact on the state's capacity in this area, and we will continue to look for ways to further support improvements on this front as well.
- The State's Animal Welfare Program (AWP) is housed in the Bureau. AWP's job is to ensure the humane and proper treatment of animals by upholding the animal welfare laws of Maine through communication, education, and enforcement. It operates the Companion Animal Sterilization Fund, also known as the Help Fix ME Program (HFM). Since 2009, over 22,000 animals have been fixed through this Program leading to one of the highest adoption rates (95%) and lowest euthanasia rates (3%) in the country. The Department undertook a review of the Program that surfaced complicated administrative procedures and diminishing provider participation, resulting in our increasing reimbursement rates to veterinarians by 50%. Last year, a bill directed the Department to outsource the operation of HFM to a third party. Before doing so, we have begun required rulemaking that will allow a) the Program to be administered by a third party, b) the addition of feral cats, and *crucially* c) updating the Program's payment delivery to providers, increasing program efficiency, and reducing administration costs. As soon as the new rules are adopted—likely later this winter—the Department will commence its work to create and issue an RFP for third-party administration. The proposed improvements were shared with stakeholders and discussed by the Animal Welfare Advisory Committee (AWAC), which AWP relies on for critical guidance and input. There is, in fact, support for these changes within the animal welfare community.

We look forward to the completion of rulemaking and the creation of a program that serves the best interests of the animals and animal welfare community.

Closing

What we've discussed so far this morning is just a snapshot of some of the work we are doing as a State agency, and there is much more that we could talk about as well, but in the interest of leaving some time for Q&A and discussion, I'll wrap us up here by saying thank you very much for your time this morning, and for serving on this Committee. On behalf of all of us at DACF, we look forward to the many accomplishments we will achieve together in the coming years. We are happy to answer any questions you have, now or at any time in the future.