



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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April 28, 2011

Donald J. Mansius
Director, Forest Policy & Management
Maine Forest Service
Maine Department of Conservation, Station #22
Augusta, ME 04333

Dear Don:

I am writing to follow up the meeting with you and Keith Kanoti, along with Pat Sirois from Maine Forest Products Council and Bill Laflamme from my office. We discussed the provisions of Title 38 Section 439-B. The statute requires that "excavation contractors" working in shoreland areas ensure that a person certified in erosion control practices by the Department of Environmental Protection (DEP) is responsible for management of erosion and sediment control practices at the site. The statute defines "excavation contractor" as an individual or firm engaged in a business that causes the disturbance of soil, or in a business in which disturbance of soil results from an activity that the individual or firm is retained to perform. Therefore, for the purposes of this statute, forestry operators are considered to be "excavation contractors" if as part of their operation, they disturb soil in shoreland areas.

Since nearly all of the state's forestry operators are participants in the Certified Logging Professional (CLP) program, Qualified Logging Professional (QLP) program or have attended training in Best Management Practices offered by the Sustainable Forestry Initiative (SFI) and/or the Maine Forest Service, they have had training in erosion and sediment control practices to a level comparable to that required by DEP for the Voluntary Contractor Certification Program. Additional training and certification is therefore not needed.

Consequently, the DEP considers all forestry operators who have been certified through the CLP, QLP or SFI Programs to be certified in erosion and sediment control practices for the purposes of complying with the requirement in §439-B.

I hope that this clarifies our position on this matter. Please contact me (287-7725) or Bill Laflamme (287-7726) if you have any questions or concerns. We look forward to collaborating with your office, as well as the Maine Forest Products Council, on future training programs.

Sincerely

Donald T. Witherill, Director
Division of Watershed Management

Copies provided: Keith Kanoti, MFS; Pat Sirois, MFPC; Bill Laflamme

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