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**Commissioner Amanda E. Beal's 131st Legislature 2nd Session Briefing
on the Department of Agriculture, Conservation and Forestry (DACF) to the
Joint Standing Committee on Agriculture, Conservation and Forestry**

January 3, 2024

Introduction

First, I want to thank each of our ACF Committee members for your ongoing support of DACF. We greatly appreciate having a dedicated, interested, and responsive legislative Committee to work with.

Please also note that we have provided Committee members with a DACF summary book that provides an overview of the work of our department and bureaus and provides background information on key staff.

Given that the impacts of the mid-December storm still present challenges across the state, I want to begin by noting that our department has been actively involved in responding to the effects of this extreme weather event on a number of fronts. As soon as it was safe to fly, Maine Forest Service helicopters were in the air, conducting general aerial assessments to assist with our state's overall response while also helping CMP survey damage to the electricity grid to enable their power restoration efforts. DACF was also a conduit regarding agricultural business needs, particularly feed supply and dairy farms. Department staff participated as emergency response resources to MEMA, and we continue to collect information to allow us to advocate for needed assistance. We have been proactively reaching out to partner organizations to better our understanding of the impact of this storm and to inform future emergency response capabilities. Regarding our State Parks and Public Lands, there hasn't been any severe damage reported yet; however, there were numerous downed trees that require cleanup at a time of year when we have the lowest staffing, which presents a challenge. Overall, we are cognizant of the fact that storms like this are likely to become more of a threat as climate change progresses and that we need to continue to assess how DACF can best support the needs of our constituents and our department in the face of such events.

On a related note, I want to highlight that on a department-wide front, we continue to be deeply engaged in supporting the work to update and the ongoing implementation of our state's climate

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action plan. Director Judy East of our Bureau of Resource Information and Land Use Planning continues to co-chair the Community Resilience Working Group, while State Geologist Stephen Dickson co-chairs the Scientific and Technical Sub Committee, which is currently working on the second Scientific Assessment of Climate Change and its Effects in Maine. Meanwhile, I am a co-chair of the Natural and Working Lands (NWL) Working Group, as well as a member of the Maine Climate Council, and both Director Andy Cutko of the Bureau of Parks and Lands and Director Craig Lapine of the Bureau of Agriculture, Food and Rural Resources are facilitating NWL subcommittees. In addition, a number of other DACF staff are involved with supporting the NWL and other working groups. Our level of engagement in this process will remain high, as it is clear that climate change impacts virtually all of our work.

Likewise, the day-to-day pace at DACF hasn't slowed since the legislature officially adjourned last July. In fact, in many ways, our work has been accelerated, given many of the statutory deadlines set for this winter and early next year. Although we are grateful for receiving some key and crucial positions and other resources to support our work through the last biennial budget process, I will note that the timing of when a number of these resources became available to us, which was 90- days after adjournment or at the end of October for several pieces of significant legislation, has and will continue to strain our ability to meet specific deadlines. However, I can assure you that we are working diligently to stand up new programs and make progress on the work at hand.

One overarching aspect of our work that I'd like to highlight is that DACF continues to proactively seek out and avail itself of federal funding opportunities that dovetail with departmental priorities to provide various types of support to our constituents. For example:

- DACF recently received \$5 million in funding from USDA to support our ongoing work responding to PFAS contamination and its impacts on agricultural producers and the food supply. Specifically, the funds will advance Maine's existing PFAS response efforts, particularly in the areas of income replacement, farm viability assistance, and significant PFAS agricultural research. Maine's learnings and best practices from these efforts will continue to be shared with policymakers, regulators, farmers, and researchers across the country. This is the first time dedicated federal dollars have supplemented the significant investments the State has made.
- The Bureau of Agriculture, Food & Rural Resources (BAFRR) is preparing to launch USDA's Resilient Food Systems Infrastructure (RFSI) program that will inject approximately \$3.9 million in new funding towards agricultural infrastructure in Maine. This will allow DACF to fund additional infrastructure needs, the very high volume of which was demonstrated through our previous nearly \$20 million Agriculture Infrastructure Investment grant program, where we received nearly \$850 million in requests.
- BAFRR is heading into the third and final growing season of its USDA Local Food Purchase Assistance (LFPA) grant. Leveraging LFPA funding, the Bureau is facilitating nearly \$2 million in local food purchases from Maine farmers, with the food being distributed through Maine's emergency and charitable food networks.
- BAFRR has also been providing staffing support to the Department of Education so it can deploy its USDA Local Food for Schools funding. That funding pool is generating more than \$700,000 in sales for Maine farmers.

- The Bureau of Parks and Lands (BPL) is leveraging federal funds from the Forest Legacy Program, Land and Water Conservation Fund, and Recreational Trails Program to conserve lands, improve public access, and enhance trails across the state. In service to our state's conservation goals, BPL and partners have secured approximately \$22 million in approved funding, most of which is from federal sources.
- In addition, BPL continues to invest Maine Jobs and Recovery Plan funds in state parks and is working diligently to obligate the full \$50 million by the December 2024 deadline.
- After a successful letter of intent (130 of which advanced out of 800+ nationwide), the Bureau of Resource Information and Land Use Planning (BRILUP) and BPL are working closely with the Governor's Office of Policy, Innovation, and the Future and multiple other state agencies, as well as regional partners on a full Climate Resilience Regional Challenge grant application to NOAA to implement resilience and adaptation actions called for in *Maine Won't Wait*. Maine will be seeking approximately \$60 million over a five-year period.
- The Bureau of Forestry/Maine Forest Service (MFS) Project Canopy program was awarded a \$1.5 million dollar grant for increased outreach and education to focus on supporting urban and community forestry work through sub-grants to communities designated as disadvantaged.
- MFS implemented Maine's new open burning law and received over \$500,000 in federal funding to work with vulnerable communities for wildfire readiness and response planning.

PFAS Fund

The PFAS Fund Advisory Committee unanimously adopted the PFAS Fund implementation plan in July 2023. The plan contains strategies to: provide direct financial or technical assistance to impacted farmers; purchase PFAS-contaminated property from willing sellers; fund research; and facilitate access to blood testing and mental health services, as well as other health-related initiatives. We greatly appreciated the high-level engagement of farmers and others who helped to shape proposed aspects of the Fund, and the support and leadership of Co-chairs Senator Brenner and Representative Fay, as well as the leadership of PFAS Fund Director Beth Valentine in this effort.

Rulemaking was delayed due to the December 18 storm, and a public hearing will be held in January to establish eligibility criteria, administrative procedures, evaluation criteria, and other procedures for programs spanning income replacement, technical assistance, competitive research grants, health monitoring, and mental health support.

We also continue to press for federal leadership and support for PFAS-impacted farmers in Maine and across the country.

Farm Bill

This past fall, we worked with the Governor on a letter to Congress outlining farm bill priorities, which span both agriculture and forestry. This letter was informed by multiple stakeholder meetings, listening sessions, and surveys conducted by DACF. Core areas of focus included:

- Climate Smart Agriculture & Forestry
- PFAS Support
- Local and Regional Food Systems
- Forestry/Conservation
- Nutrition/Hunger

Agricultural Minimum Wage

Deputy Commissioner Nancy McBrady and Department of Labor Commissioner Laura Fortman co-chaired the Agricultural Minimum Wage Committee, which was created by Governor Mills through Executive Order 1 FY 23/24. The Committee held seven meetings between September and December and created subcommittees to hear directly from agricultural employers and workers regarding minimum wage in Maine agriculture. The Chairs will present their recommendations to the Governor regarding potential agricultural minimum wage legislation within the coming weeks.

Legislative Items

We've also been busy preparing for this legislative session and tracking carry-over bills in and outside of the ACF committee. In addition, we are in the process of submitting approximately 18 annual legislative reports and 5 Government Evaluation Act (GEA) reports for 2023. We put significant time and effort into our reports because we want them to be useful to the legislature and the public. These reports cycle through several rounds of drafting and review by bureau staff and department leadership. With that said, we always welcome feedback on how to best present these materials.

Bureau Highlights

Bureau Parks and Lands

- The Bureau continues to work on various land conservation projects throughout the state, with more than \$22 million in approved funding and 35,000 acres underway. These projects include fee and easement acquisitions funded through Land for Maine's Future Program, the federal Forest Legacy Program, and Land and Water Conservation Fund sources. In addition, I am happy to report that the Bureau's Director of Acquisitions and Planning position, which has been vacant since April, was recently filled. New to this role, but not new to BPL, is Rex Turner, who was previously our Outdoor Recreation Planner.
- The Bureau has now obligated more than \$14 million of the \$50 million in Maine Jobs and Recovery Plan funding available for state park improvements. Key accomplishments to date include cooperative work with Maine DOT on paving park roads and replacing a bridge at Reid State Park. In October, I, along with Director Cutko and other park staff, participated in a well-attended re-dedication of the summit road to Mt. Battie at Camden Hills State Park. A significant amount of funding has also been directed to engineering and architecture plans for bathrooms, visitor centers, entrance booths, ADA trails, campgrounds, and other facilities. Construction contracts will follow the completion of

those engineering plans. Although the wet summer of 2023 dampened state park visitation a bit, our attendance this year still ranked in the top six years of all time, and we do expect the overall trend to continue upward.

Bureau of Forestry

- A new statewide education program, the [Adaptive BMP Collaborative](#) (ABC), has gone live. This program is designed for all those involved in Maine's forest products industry to make it easier for forestry and logging professionals to find recognized, quality training programs and identify professionals who have participated in those training programs.
- Andy Whitman, formerly with MANOMET, has come on board as our new Forest Carbon Specialist. This position was a recommendation of the Forest Carbon Task Force created by an executive order by Governor Mills and approved through a previous budget cycle. Andy will play an integral part in advising on all things forest carbon-related statewide.
- In 2023, our Rangers responded to 469 wildfires, as well as carrying out 476 aircraft missions and 30 rescues with aircraft statewide. Outside of firefighting, our aircraft are routinely utilized to help with search and rescue operations and aid as needed in safety operations coordinated by other law enforcement entities in our state. They also support the work of other agencies, such as Inland Fish and Wildlife and the Office of Information Technology. The Maine Forest Service also stepped up to the plate to assist with responding to wildfires in other states, sending 39 rangers at different times on out-of-state wildfire mobilizations, which also provides them with an important training opportunity.
- A new program was recently launched to provide cost-share assistance to loggers to purchase skidder bridges. This program is statewide and will cover 80% of the cost of bridges for qualifying loggers. MFS also continues to support loggers with the Direct Link program, a reduced-interest loan program for loggers to purchase equipment, which results in the reduction of non-point source pollution on logging jobs.

Bureau of Agriculture, Food and Rural Resources

- As a result of the passage of LD 315, we are working to stand up an Agricultural Drought Relief Fund. This Fund will receive a one-time allocation of \$1 million in funding in FY 25, with ongoing funding thereafter of \$300,000 annually. DACF has been inviting initial feedback from stakeholders as we prepare to craft rules with the aim of engaging in formal rulemaking in late winter/early spring and the grant program launching later this summer.
- Our Maine Healthy Soils Program was allocated an inaugural \$1.5 million in funding to become available in FY 25. The Program will receive \$500,000 annually thereafter. Initial draft rulemaking is underway. The Program will aim to combine research, training, technical assistance, and financial incentives to identify soil health best practices and encourage their adoption and ongoing use.
- LD 901, *Resolve to Establish a Stakeholder Group to Inform the Development of a Farm Apprenticeship Pilot Program*, was also allocated funding of \$20,000 to support that

process, to be available in FY 25. We are working on a preliminary design for the stakeholder group. We also see an opportunity to leverage an ongoing collaboration between NEASDA/Northeast Extension Director organizations to explore workforce development needs and opportunities jointly.

- We remain excited to stand up the Maine Agriculture, Food and Forest Products Investment Fund, which received one-time funding of \$500,000; however, we have not yet been successful in our request for staffing for this program, which requires us to create an advisory board to oversee development and implementation of the grant program. We continue to look for ways to advance this work with existing resources; for example, we recently collaborated with CEI on a USDA Healthy Food Financing Initiative Partnership grant proposal that could help support this program.
- As of April 2023, Maine taxpayers will have the option to donate to an Emergency Food Assistance Program Fund through a check-off on their tax returns. DACF is drafting rules for the new Fund with a target of offering grants to pantries and other emergency food providers once rules are in place. The intended use of the Fund is to provide financial support for food pantry infrastructure.
- To be responsive to Maine's critical meat processing industry, BAFRR's Quality Assurance and Regulations Division has changed the status of consumer products inspectors (CPI) in the Maine Meat and Poultry Inspection Program. These CPIs will now inspect slaughter facilities even if State offices are closed due to weather. The industry had requested the change after last winter because of the hardships processing plants experience when animals are on site for previously scheduled processing but cannot proceed until the State provides inspection services. To safeguard the wellbeing of our staff, this required issuing all-wheel drive vehicles to MMPI inspectors. When inspectors report to work on a state-declared snow day, they are eligible for a comp day at a later date, which allows for planning to manage coverage.
- Although LD 1881 and related resources weren't in effect until the end of October, existing DACF staff have been working to implement this bill, which was the solar mitigation legislation that passed last year. In October, we initiated public feedback collection ahead of the formal rulemaking process and received over 35 comments. Meanwhile, we are actively working to fill the position to oversee this process.

Bureau of Resource Information and Land Use Planning

- The Land Use Planning Commission (LUPC) held a three-day public hearing in October, including three evening sessions specifically for public input regarding the Wolfden Pickett Mountain Mine rezoning application. The Commission held a deliberative session on the application in December and will consider a final decision in February.
- The Land for Maine's Future Program (LMF) welcomed a new Director, Laura Graham, and is working to fill her former Senior Planner position in the Program. As of December 2023, LMF has issued three rounds of Requests for Proposals against the 2021 \$40 million allocation. With an investment of \$22.7 million, the LMF Board has approved 56 projects expected to leverage an additional \$52.6 million in private and Federal funds and protect over 64,000 acres (including over 39,000 acres of working lands). Nineteen of these projects have been completed in the past year, and over \$7 million have been disbursed, with a secured match of almost \$16 million.

- The Municipal Planning Assistance Program is now fully staffed and, with regional partners, is beta-testing a Town Resources Map viewer and Data Portal to assist with Comprehensive Plan preparation. Director East has been involved in ongoing conversations with legislators and other interested parties interested in refining the Growth Management Law.
- Issued in December of 2023, the Report called for by LD 1934, *Resolve to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine*, has recommended a new office to work in partnership with communities and regional organizations to improve access to technical assistance, planning, and funding opportunities for housing, land use, and climate resilience. If this recommendation moves forward, several programs within BRILUP and other agencies may be considered for potential relocation.

Closing

I also want to note that DACF has or will provide leadership to some significant national organizations that help advocate for federal policies and provide resources to support our work. Director Britt, who won a national agriculture award for communications this past fall, just finished his term as board President of the Communications Officers of the State Departments of Agriculture (COSDA). Meanwhile, Director Cutko is serving on the National Association of State Parks board, while Director Cormier is currently serving as Vice President of the National Association of State Foresters (NASF). I am serving as President of the regional Northeast Association of State Departments of Agriculture and 2nd Vice President of the National Association of State Departments of Agriculture. These opportunities really put Maine in the spotlight, as it should be, while giving us a stronger voice to highlight our state's priorities; it's also good for our economy, as COSDA's annual meeting brought attendees from around the country this past summer. Likewise, Maine will host NEASDA's annual meeting this year, and national conferences for NASF in 2025 and NASDA in 2026.

I hope this summary of our current work has been helpful and illuminating as to our current workload. On that note, I would like to close by saying that we hope that resources and statutory deadlines be thoughtfully considered as part of any legislation that adds to our responsibilities in this short session to ensure we can succeed and be timely in our implementation activities.

One final important upcoming event to highlight is our annual Agricultural Trades Show, which is taking place at the Augusta Civic Center next week from Tuesday the 9th through Thursday the 11th. The agenda is packed full of meetings and educational offerings pertaining to agriculture and forestry, and I hope you can all attend. Likewise, you each should have gotten an invitation to the annual Commissioner's luncheon on Tuesday, which I also really hope you are able to join us for.