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STATE OF MAINE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION

COMMISSION TO STUDY THE PUBLIC RESERVED LANDS MANAGEMENT FUND

December 2, 2015

Senator Peter E. Edgecomb, Senate Chair  
Representative Craig V. Hickman, House Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

Re: Commission to Study the Public Reserved Lands Management Fund – Recommendations

Dear Senator Edgecomb and Representative Hickman:

The Commission To Study the Public Reserved Lands Management Fund – established under Public Law 2015, chapter 267, Part GGGG – has been charged by the 127<sup>th</sup> Legislature with reviewing, studying and analyzing, among other things, the proper use of the Public Reserved Lands Management Fund (hereinafter “the Fund”) established in the Maine Revised Statutes, Title 12, section 1849, and its possible expansion to other uses.

After thorough review, the Commission members present and voting unanimously agreed (12-0) upon several recommendations. We have learned that two proposed uses for the Fund – (1) the purchase of heating equipment for low-income families in rural areas; and (2) the transfer of trust monies to the Bureau of Parks and Lands for state park purposes – are not likely to withstand a potential constitutional challenge and therefore should no longer be pursued as viable options. Support for our recommendations, including a synopsis of our findings and our correspondence with the Attorney General’s office, can be found in the Commission’s final report.

Throughout this process, we have reaffirmed our strong belief that the Bureau of Parks and Lands’ staff is currently doing an outstanding job managing our public reserved lands under the principles of multiple use. The following section of this letter highlights a few of the many positive activities and accomplishments achieved by the dedicated Public Lands staff.

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PUBLIC RESERVED LANDS MANAGEMENT - POSITIVES

Our Regional Managers take pride in managing the State Public Reserved Lands. The following are positive statements that all three managers feel strongly about including in this letter, and reflect their dedication to their work.

1. “We are contributing to the economy of Maine by providing work for hundreds of individuals and Maine families.”
2. “I’m pleased to have a dedicated staff who takes great pride in stewarding the public’s forests in a multiple-use scenario.”
3. “We continue to provide the public wonderful opportunities to enjoy their public lands by hiking, camping, boating, fishing and hunting in some of the most beautiful settings in Maine; all at no taxpayer cost.”
4. “We are managing a public resource, and leaving it in a better condition than we find it.”
5. “I’m proud that we practice uneven-aged management with positive results. It is a complex silvicultural system and we do it quite well.”
6. “Firewood from Public Lands is helping heat Maine homes.”

Some specific accomplishments and developments worth mentioning include the following.

1. We are always rated highly by third party forest certification auditors, for both the Sustainable Forestry Initiative (SFI) and Forest Stewardship Council certification (FSC), and have been dual certified since 2002.
2. We continue to improve our forestry with better analysis; through updated aerial photography, inventory, timber typing, forest modeling.
3. We are making strides in adopting new technologies in the field, including increased use of technology for planning, and providing better information through maps and data on hand held devices, recently moving from GPS Units to iPads and helping contractors learn with us.
4. We continue to transition from stumpage permits to contract logging service (CLS) contracts, without additional staff to deal with the significant increase in contracts and timber accounting. The transition is improving the long-term, direct relationships with contractors, equipment operators and mill owners. The transition to CLS has increased revenues which has resulted in a significant increase in investments on the landbase, again without an increase in staff.
5. We have a robust public planning process that helps us make sound management decisions on the highest and best use of our lands, which have more geographic, silvicultural, wildlife and recreation diversity than any other single landowner in Maine, and perhaps the country.
6. We work to accommodate all types of recreation on Public Lands, whether motorized, mechanized, or non-motorized.

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7. We work with landowners surrounding us in partnership to provide regional trail linkages and expand public recreation opportunities, expanding both land and water trails, through cooperative agreements (such as with Brookfield Power at Flagstaff Lake and Moosehead Lake); and the ground-breaking regional hiking trails project with Plum Creek in the Moosehead region, which will create a diverse new set of trails on Plum Creek and BPL lands.
8. We invest in roads for the public on Public Lands that are of good quality and maintained specifically for passenger vehicular use. We contract for road maintenance on public use roads totaling approximately 366 miles across all regions.
9. We continue to maintain, improve and add to our popular hiking trails including Tumbledown, Kennebec Highlands, Pineland, Little Moose Mountain, Big Spencer Mountain, Donnell Pond Unit, Cutler Coast, and Deboullie Mountain, among others.
10. We find ways to support the local economy not only with timber harvests, but with a variety of leases: sugarbush leases in the Western Region, scattered agricultural leases, 10 commercial sporting camps, and firewood permits yielding annually about 300 cords of firewood, to name a few.

## RECOMMENDATIONS

After reviewing this letter and the Commission's final report, we respectfully request that the Joint Standing Committee on Agriculture, Conservation and Forestry consider implementing the following recommendations.

1. The Public Reserved Lands Management Fund must have a minimum \$2.5 million annual cash operating balance at the start of each fiscal year. The Legislature may consider establishing this baseline figure statutorily.
2. The Department of Agriculture, Conservation and Forestry should conduct a detailed forest inventory (with an estimated cost of approximately \$50,000-\$100,000).
  - a. We strongly recommend conducting a forest inventory every five years, beginning next fiscal year.
  - b. Although new technology is emerging that may eventually make the establishment of a continuous forest inventory a viable option for the Bureau, we do not presently recommend pursuing a continuous forest inventory.
3. The Legislature should allow experts, including the Silvicultural Advisory Committee, to advocate for the appropriate annual sustainable timber harvest level for our public reserved lands.
  - a. After Public Lands' staff has made a recommendation based on expert opinions and data from the most recent physical forest inventory that is consistent with

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multiple use objectives, existing management plans and the Integrated Resource Policy, the recommendation should be presented to the Joint Standing Committee on Agriculture, Conservation and Forestry for review and public comment before the harvest level is accepted.

- b. The Bureau of Parks and Lands' annual report to the Legislature should include a breakdown of growth and yield in the three regional units and also identify any harvesting that has been occurring in individual management units where yield exceeds annual growth.
  - c. The Joint Standing Committee on Agriculture, Conservation and Forestry should review the statutory language adopted in Public Law 2015, chapter 267, Part FF (related to the sustainable harvest level).
4. The Bureau of Parks and Lands should discover where the State does not currently have deeded access to our public reserved lands and begin exploring how to go about obtaining access. Regional foresters, who are familiar with both the physical landscape and present-day landowner relations, should develop realistic goals and priorities regarding increased access to Public Reserved Lands.
  5. To better meet the needs of **Maine people**, the Public Lands' staff should develop a statewide priority list of recreational infrastructure projects **and Americans with Disability Act (ADA) projects** for our public lands. Recreational investments connect more people to Maine's outdoors and present real economic opportunity, particularly in rural communities. Because of previous financial challenges, Public Lands has not been able to invest in recreational infrastructure, but now with additional funding can address high priority sites. To make those investments and spur rural economic activity, a statewide priority list needs to be developed. **The Bureau's statewide recreational infrastructure and ADA accessibility priority list should be presented to the Joint Standing Committee on Agriculture, Conservation for its consideration and public vetting before listed projects move forward.**
  6. The following uses of the Fund (listed in no particular order of priority) – some of which are already contained in existing management plans for the various public lands units – are potentially viable from a legal perspective and should be considered by the Legislature.
    - a. **Improving existing wildlife habitats on Public Lands so they are managed in an exemplary manner.**
    - b. **Purchasing additional lands (special habitats) on adjacent parcels.**

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- c. Improving signage on and around Public Lands, including (1) signage related to forestry education and (2) signage related to the location of public lands and accessibility.
  - d. Improving accessibility on public lands (particularly around boat launches and at campsites).
  - e. Providing funding (up to \$300,000 total) for public secondary and post-secondary educational programs related to logging. The Joint Standing Committee on Agriculture, Conservation and Forestry should consider legislation directing the Bureau to establish, by rule, a system where eligible programs may apply for a maximum one-time allocation of \$50,000 per school unit. School units may include in their application a plan to use the one-time allocation over multiple years. Public Lands' regional managers must be included in the decision-making process over the use of any allocated funds and be involved with, or have capacity for, input in successful applicants' school programs. These funds may be used, among other educational related uses, to upgrade existing logging equipment or for the lease or purchase of logging equipment to help students meet the needs of an ever changing work force. Any funds provided to school units must supplement, not supplant, existing school funding.
7. The Legislature should review the uses of the Fund and approve allocations therefrom. The following language was repealed from Title 12, section 1849, subsection 3 by Public law 2013, chapter 368, Pt. LLLL, section 2, and should be reenacted, as amended:
3. Expenditures from fund. Expenditures from the Public Reserved Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. Money may not be expended without allocation by the Legislature. The joint standing committee of the Legislature having jurisdiction over ~~appropriations and financial affairs~~ agriculture, conservation and forestry matters and must approve and recommend the allocations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
8. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands should review its bid process for timber harvesting and road construction projects, along with any liability concerns, with members of the Commission and report back to the Joint Standing Committee on Agriculture, Conservation and Forestry with any recommended changes by January 15, 2016.
9. We respectfully request that the Joint Standing Committee on Agriculture, Conservation and Forestry report out legislation extending the life of the Commission to Study the Public Reserved Lands Management Fund for Fiscal Year 2017 (authorizing a minimum of two meetings). This is a complex topic that deserves our fullest attention.

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Thank you for your thoughtful consideration of these important recommendations. Please let us know if you have any questions.

Sincerely,

Sen. Thomas B. Saviello  
Senate Chair

Rep. Craig V. Hickman  
House Chair

Enclosure(s)

cc: Members, Commission to Study the Public Reserved Lands Management

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