

# Commission To Study the Public Reserved Lands Management Fund

## Minutes from first Commission meeting – September 9, 2015 at 12:30pm Held in the Cross State Office Building, Room 216 – Augusta, Maine

Commission members present: Sen. Saviello, Sen. Dill, Rep. Hickman, Rep. Martin, Doug Denico, John Bryant, Thomas Abello, David Trahan, Greg Shute, Jonathan Robbins, Richard Smith, Bob Myers, Tony Madden

Commission members absent: Rep. Marean, Walt Whitcomb

1. Chairs' welcome, introduction of Commission members and review of the Commission's duties as prescribed by Public Law 2015, chapter 267, Part GGGG.

Presentations were made to the Commission by the following individuals:

2. Assistant Attorney General, Jerry Reid - Overview of legal issues related to the use of the Public Reserved Lands Management Fund.

- Provided a brief history of public lands and what "public trust" means.
- Reviewed the Supreme Judicial Court of Maine's 1973 opinion regarding the use of public lands; public lands may be used for other public purposes other than education.
- Reviewed the 1992 Attorney General's opinion regarding the transfer of money to the General Fund for unrestricted uses from certain trust accounts; public reserved land accounts and other specified public trust assets are not subject to unrestricted diversions of trust money to General Fund uses without any articulated relationship to the trust purposes of the assets involved.
- Reviewed the Supreme Judicial Court of Maine case – *Cushing v. State* (1981); public lot cutting rights granted by the state conveyed no right to cut timber not in existence on the date of the conveyance; public lands remain in public trust.

3. Director, Maine Forest Service, Doug Denico - Overview of public lands that included:

- Types of public lands: public reserved lands are those lands that originated in the state's original public lots (state set aside in each township) and public non-reserved lands are lands the state acquired over the years (*e.g.* land another agency no longer required);
- Legislative mandates on uses of public reserved lands (timber management, recreation, sustainable yield of renewable resources, fish and wildlife management, watershed management, exemplary land management practices, etc. and management of ecological reserves, designation of practices of "special natural areas," management of the fund, sound planning and other public practices);
- Key components used to accomplish statutory obligations/mandates;
- Uses of public lands by acreage (timber harvest, ecological reserves, non-forested land, non-commercial forest land, and inoperable terrain). Total acreage = 612, 000 acres;
- How public lands are administered (3 administrative offices, 15 planning regions broken down into planning units);

- Planning process for each land unit, land is allocated to 7 uses (special protection, backcountry rec., remote rec., visual consideration, developed rec., and timber management), public land constituencies are involved in process;
- Current forest inventory;
- Harvest levels (annual allowable cut);
- Silvicultural prescriptions (multi-aged and single-aged management, patch cut, clearcut and no treatment);
- Insect, diseases and invasive species concerns (spruce budworm, emerald ash borer, Asian longhorn beetle and invasive plants);
- Public lands budget and staff positions (currently 40 employees);
- Fisheries and wildlife matters (riparian areas, lynx, deer withering habitat);
- Recreation on public lands (trails, camp sites, boat launches, etc.); and
- Future funded projects and initiatives (elimination of invasive plants, better growth quality of timber by worker younger stands, increase road network, study group regarding budworm spraying, bring field and planning staff closer together, create 2 demonstration forests, separate cost between forest management and recreation, growth and yield in-house capabilities and 5-year forest inventory).

4. Efficiency Maine, Michael Stoddard - Discussed the incentives available for various home energy upgrades. Efficiency Maine tries to stay out of marketing and the general public is not aware of incentives for all types of energy, so need help getting the word out to consumers.

5. Maine Professional Guides Association, Don Kleiner - The wildlife and fish resources on public lands are very important and valuable to Maine's rural, small business economy and Maine's economy as a whole; need to protect them for future generations. We need to figure out how to collectively turn wildlife and fish assets into economic activity.

6. Alpha One, Dennis Fitzgibbons - Disabilities are a growing factor in Maine as its population ages, important to provide access to public lands for this demographic; will enhance economic activity. ATV trailheads often have barriers that limit access to ATVs of 60 inches in width or less thereby restricting access by disabled riders because their ATVs tend to be wider than 60 inches.

7. Appalachian Mountain Club – Need to build trails on public lands in order to bring people to rural communities. Public lands are great places for short hiking trails that can be accessed by most people (*e.g.*, older hikers, strollers, young children, disabled etc.) which will attract more visitors to rural areas creating economic development opportunities.

8. Former Director of Bureau of Parks & Lands, Will Harris - Important to talk about public lands as a public trust and not treat them as the state's wood lot. The Bureau should not divert funds for projects at the beginning of the year because then there is a strong incentive to cut for those projects. Instead, wait until the end of the year after all the costs to operate and maintain the public lands have been paid to see if there are any funds available for other projects. It is important to have deeded access to state lands.

9. Former Acting Director of Bureau of Parks & Lands, Tom Morrison – We need to make the money before we spend it; in the past not everything was addressed because the Bureau always lived within its budget. Additional revenue could be used to create a continuous forest inventory program, address spruce budworm (pesticides may be needed), wildlife habitat improvements/management, deer wintering area improvements, boundary line management, road construction and maintenance, recreational facilities. The bureau should grow high quality trees – biological v. economic maturity. Should look at obtaining deeded access to public lands.

10. During the public comment period, the following individuals / organizations testified: George Smith; Lew Kingsbury; Dana Doran of Professional Logging Contractors of Main; Ed Meadows; Steve Swatling; Jeff Reardon of Trout Unlimited; Kathy Johnson of Natural Resource Council of Maine; John Waters; Jen Gray of Maine Audubon; Gordon Mott; Richard Fecteau of Friends of Bigelow; Mitch Lansky; G.W. Martin; Ken Spaulding.

During the public comment period, the following points and arguments were presented:

- A. Concern about building more roads because it will be detrimental to wildlife, especially native brook trout.
- B. Use public land income to purchase more land and put more work into marketing recreational use on public lands.
- C. There should be more of a focus on the recreational use of public lands.
- D. Maine State Park, Conservation and Recreation Lands Protection, Question 5 (1993), which was approved on November 2, 1993, needs to be studied and discussed.
- E. Consider putting any extra money towards high school logging education programs.
- F. Questions over whether the Bureau has the staff and resources to do forest inventory and modelling.
- G. There should be separate accounting; Parks are General Fund money and are not a business enterprise unlike other public lands that are a business enterprise because self-funded.
- H. State must function as a fiduciary. As fiduciaries, the State cannot reduce the value of the asset.
- I. No modelling has been successfully done on public lands; it is critical that we spend the resources to develop a model that is accurate.
- J. We should focus on fish and wildlife resources and not just timber. Roads will be detrimental to out wildlife and fish resources, especially wild brook trout populations. Greater access through additional roads means more pressure on land; stream blockages and alterations will negatively impact Maine's unique and fragile native and wild brook trout resources. Need to do a better job marketing our brook trout resources; don't advertise one pond but a large group of them to spread out the fishing pressure to avoid overuse.
- K. Bring recreation and wildlife habitat up to the same level of importance as logging. Consider using financial incentives to retain "good" loggers on public lands.
- L. Concern was raised over not enough field foresters.
- M. Road building will enhance industrial level extraction of timber to the detriment of wildlife and recreational uses.

- N. Roads open up areas to the spread of invasive species; focus on eco-recreation and educating public on how forest practices affect the climate.
- O. Invest in restoring public lands, use contractors to build trails that BPL staff design; too much harvesting no longer a balance of uses, 40 staff and only one wildlife biologist and one recreational position.
- P. Concerned about building new roads and how it will impact wildlife.
- Q. If need to treat budworm, use a low toxicity biological agent; Canada is currently using one successfully to treat budworm infestations.
- R. Concern that Bigelow is managed like any other public reserved land; Bigelow gets a lot more use and needs more funding for trail development and maintenance.
- S. Concerns about level of cut; each unit is supposed to be viewed as a unit, not grouped with other units, leads to undercutting one unit and overcutting another.
- T. Invitation given to Commission members to Frye Mountain historic ride.
- U. Funding from cutting should remain with public lands; need to focus more on wildlife and recreation.

11. Commission discussion. During the course of the meeting, the Commission made the following requests for information from the Maine Forest Service:

- A. A copy of the Integrated Resource Policy;
- B. Membership list of various constituencies involved in the Public Lands planning process;
- C. An example of a five year land management plan;
- D. A detailed documentation of the current forest inventory;
- E. Additional information regarding average profit per cord realized from Public Lands;
- F. A spreadsheet concerning silvicultural prescriptions (referenced at meeting by Director Denico);
- G. Current inventory regarding accessibility accommodations on Public Lands;
- H. A summary of Silvicultural Advisory Committee tour (from Tom Charles); and
- I. A complete list of management plans.

The commission also directed the following question to the Maine Forest Service.

- A. Is any money from the Fund currently being spent on education?
- B. How, specifically, is the Dept. of ACF managing riparian zones at a higher level than is required?
- C. How are conservation easements on Public Lands currently being funded?

Near the end of the meeting the Commission's staff gave the commission an oral summary of the meeting.

The meeting adjourned at approximately 6:10 pm.