

Summary of Advisory Committee Comments and BPL Responses on the Flagstaff Region Management Plan 15-Year Review

Comment Period August 21, 2024 – September 30, 2024

Comments are directed to topics presented during the 8/20/24 Advisory Committee meeting as well as topics addressed in the 2024 Flagstaff Region Plan Review Table provided to the committee in advance of the meeting.

Comment	Response
<i>From: Dick Fecteau, MATC (comments on topics discussed at the 8/20/24 Advisory Committee meeting; received via email 9/24/24)</i>	
<u>Proposed Addition to Bigelow Ecological Reserve</u> I am very supportive of the proposed addition of 1440 acres to the Ecological Reserve in the Bigelow Preserve.	Comment noted
<u>Proposed Mt Abram Hiking Trail Loop from Perham Stream area</u> I am supportive of the proposed new hiking trail loop on Mt Abraham if the Maine Appalachian Trail Club executive committee officially approves including the use of portions of the existing Abraham side trail and the Appalachian Trail. I do not agree with the cost estimate of \$65,000 quoted to me by Brent West to complete the construction of the loop. I am very familiar with this proposed loop and the current conditions there. As a MATC district manager I rebuilt the old 4 mile long Firewardens trail on Mt Abraham 14 years ago. By using mostly volunteer help, we relocated several short sections off badly eroded old trail sections on the lower part of the trail within the old 100' wide protected corridor. The steep upper section did include hiring a crew to construct 28 new waterbars to harden the old trail.	Comments noted. The Bureau will continue to consider this loop trail concept, with the approval of MATC, along with and as an extension of the proposed formalization of the existing informal trail accessing Mt Abram from the Perham Stream area. It may also be possible to construct this loop without using a portion of the Appalachian Trail, although the greater length of new trail would increase the cost. Trail construction costs as well as funding and labor sources for these projects will be explored in the context of availability and Bureau priorities.
<u>Proposed Construction of Bike Trails in the Bigelow Preserve</u> I am not supportive of new machine constructed bike trails within the Bigelow Preserve as such activity is not in compliance with the Bigelow Preserve Act. I have been very impressed with the bike trails built by NEMBA in Carrabassett Valley but don't wish parts of the Preserve become a "bike park".	The Bureau intends to continue the 2007 Management Plan direction to allow mountain bikes within the Bigelow Preserve only on designated public use and management roads. A limited exception to this direction was provided by a 2014 plan amendment that would allow the construction of a bypass trail (along the margin of the Preserve, in the limited area between the 60s road and the Preserve boundary in Dead River Twp) due to the impacts on the trail network from planned timber harvesting. Although harvesting is now nearly complete, CV-NEMBA has remained interested in constructing

	this trail. A CV-NEMBA conceptual trail route between the 60s Road and Huston Brook Pond was presented at the Aug. 2024 Advisory Committee meeting. Upon further review that 1) considered closure of trails on the neighboring Penobscot land and concerns with bike trespass onto those lands and existing Special Protection allocation around Huston Brook Pond, and 2) input from IF&W recommending a Wildlife allocation buffer around Huston Brook Pond and avoidance of trails in that area, the Bureau will not approve a new trail in this area.
<u>Ongoing Timber Harvesting in the Bigelow Preserve in the Vicinity of Stratton Brook Pond Rd</u> I am extremely opposed to the current logging activities along the Stratton Brook Pond road as they do not conform to the intent of logging operations allowed by the Bigelow Preserve Act.	The Bureau recognizes concerns regarding the visual effects of timber harvesting along the Stratton Brook Pond Road and has implemented measures to improve post-harvest appearance, including reducing roadside slash and cutting stumps lower where appropriate. However, the Bureau does not agree that the harvest is inconsistent with the intent of the Bigelow Preserve Act. The Act expressly provides for timber management within the Preserve, provided it is conducted in a manner consistent with the area's scenic beauty and natural features. The Bureau believes this harvest is consistent with those statutory requirements and the approved management plan.
<i>From: Steve Swatling, Friends of Bigelow (“FOB, Bigelow Preserve Manager Position”; received via email 9/23/24) -- comment edited for length</i> <i>* See note below the table regarding additional comments received on this date from Friends of Bigelow</i>	
<u>Subject: Bigelow Preserve Manager Position</u> As we all know, public policy is made thru public processes and those policies become the rules under which bureaus, departments, divisions and individuals are all held accountable. Under the previous administration this axiom of governance was not held to this standard. The elimination of the position of Bigelow Preserve Manager falls under this breach of the contract with the public. The 1989 management plan, which is incorporated in its entirety into the current plan, consolidated management of the Bigelow Preserve onto the Bureau of Public Lands (now a division of BPL) being contingent on two specific staffing positions be present in addition to lands specialist positions advising. One being maintaining a Wildlife Biologist from IF&W dedicated to the Lands division and one being the hiring of a Bigelow Preserve Manager who's responsibilities would be to manage both, timber and recreation on the preserve while also available for duties on other public lands. While	The Bureau does not agree that maintaining a position titled “Bigelow Preserve Manager” is required by the Bigelow Preserve Act or the current Flagstaff Region Management Plan. The 1989 Bigelow Preserve Management Plan recommended establishment of such a position, and the Bureau implemented that recommendation. The current plan documents this as part of the Preserve’s management history, but it does not expressly incorporate the staffing recommendation as an ongoing requirement. The current plan identifies the prior policies and guidance incorporated into the plan, including selected provisions of the 1981 policy document and the management philosophy of the 1989 plan. Those incorporated provisions do not require the Bureau to maintain a position with the title “Bigelow Preserve Manager.” Management responsibilities for the Preserve continue to be assigned through the Bureau’s staffing structure,

Jim tried to capture the essence of my comments on the importance of refilling this position it was never a "practice that was followed" as Jim states but in fact is a required position under existing policy. The elimination of the position was a flagrant abuse of power by the past administration which to date, this administration has failed to correct. Adherence to this previous agreement is not something FOB feels is negotiable. And to be crystal clear, our concerns are not limited to tasks that are not being performed but include the need to address multiple violations of policy related to timber harvesting. When a dedicated preserve manager was in place, with a 60/40 split of time spent on timber/recreation respectively, the manager could dedicate the time and effort required to follow the carefully crafted policies to avoid these violations. Failure by the bureau to do so demonstrates that the priority being given to harvesting over recreation/visual management is as bad, if not worse, than was feared would happen back in 1989 if there was not a dedicated Bigelow Preserve Manager. In my tenure as the manager I coordinated with the Regional Manager to maintain two separate project lists, one for timber/wildlife and one for recreation/visual. It was then my responsibility to manage my time to the 60/40 split. This empowered me to get the job done as envisioned in the Bigelow Act and supported in the policy statements. That is clearly not happening now. Following are some examples of the violations and items neglected that I observed over just a few days spent in Bigelow this summer. <i>[Note – not shown here are 11 paragraphs primarily describing various recreation and visual resource management observations and concerns as well as timber harvesting observations and concerns.]</i> These were my observations from just a few precious days spent in Bigelow so this is not an exhaustive list though it must have been exhausting reading thru it. So thank you for your time. Every location I had time to visit demonstrated the lack of careful and scientifically sound management this jewel of Maine warrants. Please join FOB in supporting the reinstatement of a Bigelow Preserve Manager.	including an assigned forester supported by regional and statewide resource specialists. To be clear, the Bureau supports a robust staffing structure with a Forester dedicated nearly full time to the Preserve working alongside other forestry staff, as well as recreation, wildlife, and other specialists. The comment appears to be based largely on a difference in terminology rather than substance.
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From: Steve Swatling, Friends of Bigelow ("FOB General Comments Flagstaff Region Plan"; received via email 9/30/24)

Ecological Reserve proposal

We support the expansion of the reserve including not only the 1,440 acre but also the additional 153 acres in three locations suggested by Swatling in communications this past spring.

The Bureau appreciates the feedback regarding ecological reserve designations. The proposed 1,440-acre ecological reserve expansion has completed the formal review process and has been accepted by the Ecological Reserves Scientific Advisory Committee. As the proposal is in its final administrative stages, the scope of the current expansion has been established.

The additional acreage referenced in the comment is not part of the current proposal and has not undergone the evaluation necessary for consideration as an ecological reserve. Any future proposal to expand the reserve would require a separate review process, including field verification, evaluation of ecological values and management considerations, and review by the Ecological Reserves Scientific Advisory Committee. The Bureau's current priority is completing the designation of the approved 1,440-acre expansion and does not anticipate initiating an additional ecological reserve review for these areas as part of this planning process.

Mountain Bike Trails

We would like to draw your attention to language that might have been overlooked in The Bigelow Act. Per 107-LD-1619, devoid of serving the dual purpose of a designated snowmobile trail, all structures used in timber harvesting are limited to "temporary structures". We do not interpret the Act as allowing construction of structures such as excavated trail beds, culverts and bridges for mountain bike trails. So not only do we not support the new proposals we believe the trail relocation off the 60's road as approved but not constructed in the previous five-year review should be revoked.

The Bureau does not agree that the Bigelow Preserve Act prohibits construction of small trail-related infrastructure associated with recreational trails.

The Act prohibits construction of certain structures within the Preserve while allowing specified exceptions, including "other small structures that are in keeping with the undeveloped character of the Preserve." The reference to "temporary structures" applies specifically to those used in timber harvesting and does not define the full scope of allowable recreational infrastructure. The Bureau's interpretation is consistent with the 1981 Bigelow Preserve Policy Guidelines and Appendix B of the 1989 Bigelow Preserve Management Plan, which identify trail bridges among the examples of "other small structures that are in keeping with the undeveloped character of the Preserve." These planning documents do not distinguish between trail bridges serving different non-motorized recreational uses. Accordingly, the Bureau considers trail bridges, culverts where necessary for trail sustainability, and limited trail construction associated with authorized recreational trails to be consistent with the Act.

	Following additional Bureau review and consultation with the Maine Department of Inland Fisheries and Wildlife, the previously approved mountain bike trail bypass south of the 60s Road will not be advanced.
<u>Need to Limit Public to Public Use Roads</u> We would like to express our disappointment in the BPL's commitment to limit the public to Public Use Roads. There are two examples that we are aware of. The first is failure to maintain the gate into the Huston Brook Pond area, (the 60's road). BPL instead of repairing the gate when it was discovered to be damaged just removed it from the brochure of the Bigelow Preserve. Case two is the logging just getting underway past Jones Pond. As this management road is also a snowmobile trail the road will need to be gated versus put to bed. The previous gate has been pulled and not replaced. The replacement gate should also be opened and closed with each passing vehicle, including each log truck. A simple sign, as is now being used, is not a realistic enforcement of the Act.	Management roads are maintained primarily for operational access and natural resource management; they are not part of the Bureau's designated public use road network. Regarding the access road to the Huston Brook Pond area: The Bureau's gate is currently closed and locked in accordance with management policy. Public motorized access to this area is already restricted by a primary gate managed by the Penobscot Nation, which remains locked. Bureau staff monitor this site regularly and have documented no unauthorized motorized access to public land. The gate will remain locked as needed to limit access. Regarding the Stratton Brook gate near Jones Pond: This gate has been replaced. To ensure the safety of logging contractors and to maintain immediate, unobstructed access for emergency medical services (EMS) during active working hours, the gate is left unlocked while crews are on-site. The gate is locked promptly at the conclusion of each workday and remains locked when operations are inactive. Requiring active haul vehicles to open and close security gates per passage introduces significant operational safety hazards and is not standard Bureau practice.
<u>Bigelow Preserve Snowmobile Trails</u> While it is understandable that the snowmobile clubs that maintain and groom the trail system would like to use the public road system this is not the intent of the policy for the quality and type of trail experience that is appropriate in the Preserve. We would like to see the existing policy followed and BPL take control of the trail locations instead of deferring to the clubs' preferences. (2024 plan review, pg 6)	The snowmobile clubs use the public use roads (allowed when the road is not being plowed) because the alternate sections of trail paralleling the East and West Flagstaff Roads are wet, which frequently causes challenges for grooming. Before those sections of alternate trail can be reestablished and maintained, major work would be needed and substantial funding procured from RTP grants and other sources. In the meantime, the use of the roads is not against existing policy. The design criteria contained in the plan recommendation, which as stated are intended to maintain the quality and type of trail experience appropriate in the Preserve, have been followed in the construction of new trails.

<u>Use of Gravel Sources within the Preserve</u> It must be noted that a timber prescription improperly identified gravel in the Preserve as a potential source for use outside the Preserve. (2024 plan review, pg. 10)	The current policy states that “gravel extracted from pits within the Preserve may only be used for purposes within the Preserve” and will be followed in implementing current prescriptions. However, the Bureau proposes to revise the policy to provide limited exceptions to the policy, while preserving the original intent to limit extraction of gravel resources within the Preserve and retaining the stated goal “to continue to minimize the extraction of gravel to assure the natural character of the land is preserved to the greatest extent possible.” The proposed revised policy below will be submitted to the Advisory Committee for comment. <u>Proposed revised policy:</u> “In most circumstances, gravel extracted from pits within the Preserve may only be used for purposes within the Preserve. Under certain limited circumstances, the Bureau may choose to utilize such a resource outside the Preserve, with documentation of the specific cause and approval of the Director or Deputy Director. Gravel from the Preserve may only be used at nearby public lands (e.g., Flagstaff Unit outside the Preserve, Crocker Mtn. Unit) where no practical alternative source is available on those lands or for purchase in the region.”
<u>Unregulated Acres and Sustainable Harvest Calculations</u> Acres not operationally available for harvesting should be unregulated retroactively for the ten year sustainability calculations. (2024 plan review, pg 18)	The Bureau does not agree that acres which are temporarily unavailable for harvest should be removed retroactively from sustainability calculations. Annual Allowable Cut (AAC) is determined at the Sustainable Harvest Unit (SHU) scale across the regulated forest management landbase to ensure long-term, landscape-level sustainability. This approach is consistent with accepted forest management practice and recognizes that stands are managed as components of an integrated forest, rather than as independent units. The Bureau's growth and yield framework accounts for changes in stand condition following harvest. Harvested stands are not removed from the regulated landbase; instead, they are reassigned to an appropriate post-treatment condition that reflects the residual stand structure and expected growth. Although recently harvested stands generally exhibit lower initial growth rates than pre-harvest stands, they continue to accumulate volume and remain part of the long-term sustainability model. Accordingly, the Bureau will continue to calculate sustainable harvest

	levels using its established landscape-scale growth and yield framework.
<u>Bigelow Preserve Recreation Use Impacts</u> Recreation use impacts is a major responsibility of the currently nonexistent Bigelow Preserve Manager. (2024 plan review, pg 20)	The Bureau does not agree with the premise that recreation use impacts are the responsibility of a required "Bigelow Preserve Manager" position. The current Flagstaff Region Management Plan assigns responsibility for management of the Preserve to the Bureau rather than to a specific position title. Recreation management responsibilities are carried out collaboratively by the assigned forester, regional management staff, recreation staff, and resource specialists as appropriate. In recent years, the Bureau has expanded recreation staffing on Public Lands, including creation of a Recreation Specialist position and conversion of the Western Region Recreation Ranger from a seasonal to a year-round position, strengthening the Bureau's capacity to monitor and manage recreation use throughout the region, including the Bigelow Preserve. However, sufficient funding for Public Lands staffing and management remains a challenge and achieving a sustainable funding plan is a priority for BPL BPL observations: Campsite and hiking trail use increased during the COVID period but has moderated in 2024 and 2025 to levels more consistent with pre-pandemic use. Mountain bike use also appears to have declined slightly in recent years, likely reflecting ongoing timber harvest activity in the southern portion of the Preserve and the loss of public access across Penobscot tribal lands. Most recreation infrastructure damaged by the December 2023 storm has been repaired within the Preserve.
<u>MNAP Ecological Reserve Surveys</u> We would like a summary report on changes and general observations from the Ecological Reserve surveys and, if available, how those changes compare to findings on timber management acres. (2024 plan review, pg. 22)	The Bureau has requested a report from MNAP and will share it with the Committee when it is available.
<u>Bigelow Preserve Timber Management Practices and Audits</u> The timber management second bullet no longer reflects the reality of timber marking. We would love for there to be a return to individual tree marking as the best way to implement the best science. What was the corrective action request for the Flagstaff Region and how was it addressed? What is the process/timing for individuals or groups such as FOB for filing	The Bureau continues to use individual tree marking where it is the most appropriate method to achieve the desired silvicultural objectives. The Bureau employs a variety of harvest layout and marking techniques based on stand conditions, management objectives, and operational considerations, consistent with accepted silvicultural practices and certification standards.

concerns to certification auditors? (2024 plan review, pg. 22-23)	The 2021 Forest Stewardship Council (FSC) audit for the Flagstaff Region resulted in a Corrective Action Request (CAR) related to harvest implementation. In response, the Bureau strengthened field oversight and quality assurance by increasing Regional Manager field reviews, expanding specialist and executive oversight, adding a dedicated regional Forester II position to provide direct operational supervision, and implementing cross-regional peer reviews of harvest layout and marking. These corrective actions were verified by the auditors, and the CAR was subsequently closed. The Bureau routinely provides FSC and Sustainable Forestry Initiative (SFI) auditors with contact information for stakeholders who have requested participation during certification audits. In addition, any interested individual or organization may contact the certification bodies directly at any time. Contact information for current certification holders and auditing organizations is publicly available through the FSC and SFI certification databases.
<u>Proposal for Revised Timber Management in the Bigelow Preserve</u> Within the Bigelow Preserve we would like to put forward a proposal to limit harvesting in all intolerant hardwood stands and hardwood dominated mixedwood stands until data from the recently harvested acres in the Preserve shows successful regeneration. This would still allow for harvesting in softwood stands, the majority of mixedwood stands and the fire origin aspen dominated stands near Flagstaff Lake. The Bigelow Preserve, due to the mandate to manage for its "natural character" and scenic integrity, is the last place in the Flagstaff Region Management Plan area where experimental unproven forestry practices should be implemented.	The Bureau does not support the proposed moratorium on harvesting within intolerant hardwood and hardwood-dominated mixedwood stands in the Bigelow Preserve. The Bigelow Preserve Act directs the Bureau to manage the Preserve for its natural character while also providing for sustainable timber management. Management activities are implemented in accordance with the Act, the Flagstaff Region Management Plan, and the Bureau's established silvicultural guidelines. The silvicultural systems used in these stand types—including single-tree selection, group selection, shelterwood systems, and patch cuts—are established methods for managing northeastern Acadian forests and are selected based on site conditions and management objectives. These practices are not experimental. The Bureau routinely evaluates stand development and regeneration through its forest inventory and periodic compartment examination process, and this information is incorporated into future management decisions. Because the Bureau manages these forests through long-term, repeated entries, regeneration and stand

	response are evaluated over operational timeframes consistent with the silvicultural systems being applied. The Bureau will continue to manage these stands in accordance with applicable statutes, the approved management plan, and established silvicultural practices.
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Note: Additional Friends of Bigelow Comments and Bureau Response

Following release of the 2024 Flagstaff Region Plan Review, the Bureau received additional correspondence raising concerns regarding timber management within the Bigelow Preserve. Because these comments were not directed to the content of the 2024 Plan Review or the management recommendations under consideration, they are not included as formal comments on this planning process.

Nevertheless, the Bureau undertook a comprehensive review of the concerns raised. This review included field assessments by Bureau staff, written responses, meetings and field discussions with interested parties, and review during independent third-party forest certification audits. The Bureau also cooperated fully with an investigation conducted by the Maine Forest Service following a formal complaint regarding alleged violations of Maine's Forest Regeneration and Clearcutting Standards.

During this process, the Bureau acknowledged that certain harvests conducted in 2021–2022 did not fully meet its expectations for implementation and has since strengthened harvest planning, field supervision, training, quality assurance, and operational oversight. These improvements have been incorporated into current management practices with excellent outcomes to the credit of BPL forestry staff and as verified by certification audits and stakeholder field trips.

The Maine Forest Service concluded that the harvesting activities complied with Chapter 20, Forest Regeneration and Clearcutting Standards, stating:

"Following aerial review, GIS analysis, and on-the-ground inspections, the Maine Forest Service determined that the harvesting activities complied with Chapter 20, Forest Regeneration and Clearcutting Standards. No violations were identified, and the investigation has been formally closed."

The Bureau also made the relevant harvest areas available for review during its Forest Stewardship Council (FSC) certification audits and provided opportunities for interested stakeholders to participate in those processes in accordance with FSC procedures.