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Recommendations Concerning Administration of the Public Reserved Lands Management Fund and Timber Harvest Practices on Public Lands

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Sept 23, 2015

Commission to Study the Public Reserved Lands Management Fund
% Office of Policy and Legal Analysis
215 Cross State Office Building
Augusta, Maine, 04330

Dear Chairpersons Saviello and Hickman, and Members of the Commission:

We are five former Commissioners of the Maine Department of Conservation. From 1975 through 2010 it was our privilege to serve five Maine Governors – one Republican, two Democrat, and two independent – and the people of Maine, as Cabinet-level administrators of the public trust lands of the State of Maine. It is not our habit to look over the shoulders of our successors in office, or to offer unsolicited advice. Your Commission is now at work on issues that demand and deserve the most serious and timely public discussion. These issues compel us to speak and, with respect, to offer our views to you and to the people of Maine. We cannot here explain ourselves in detail; we shall be brief and to the point.

As Assistant Attorney General Gerald Reid has briefed the Commission, the lands in question – Maine’s Public Reserved Lands (or “Public Lots”) – have a complex and most compelling history. They are constitutionally provided-for and protected, and are managed in trust by the State for the benefit of all the people of Maine, for all future time. As trust lands, their management, their use and disposition, and the revenues they produce must adhere to their long-term trust requirements. These are not matters subject to the momentary policy preferences of appointed administrators, such as we once were, or even of elected Governors. The State is legally bound to adhere to its fiduciary obligations.

1.Surplus Revenues. Traditionally, the Bureau of Parks and Lands has used modest revenues from these lands for the multiple-use management of the lands, themselves, which have only in recent times yielded revenue surpluses. While worthy options may exist for use of surplus revenues, they must be made only after the utmost care and deliberation by the Legislature. We believe that any surplus revenues will be best and constitutionally used to finance needed capital and infrastructure improvements (only) to lands within the jurisdiction of the Bureau of Parks and Lands, to advance outdoor recreation and job creation opportunities for Maine people, especially in Maine’s rural places.

To this end, we recommend that the Legislature direct the DACF and DECD jointly to develop a first, five year plan to implement an Outdoor Recreation and Job Creation (ORJC) strategy for Maine, similar to plans in the States of NJ, NC, SC, and FL; and to submit this plan no later than April 2016 to their two committees of legislative oversight for review, then to the Governor for approval. (We understand the bureau has an overall backlog of some \$55-60 million in needed capital improvements identified in Resource Management Plans adopted after public involvement.)

2. Agency Realignment. Having worked long and closely with the State Parks, Public Reserved Lands, and Maine Forest Service, we find no virtue and believe there can be no administrative gains, cost savings, or public benefits from merging any of the responsibilities and authorities of the Bureau of Parks and Lands with the Maine Forest Service. The histories, traditions, missions, programs, interested constituencies, and skill sets of the two agencies differ significantly, and are at times even contradictory and in conflict. Focus and clarity of mission, as well as clear public accountability will only be compromised by the merger of these agencies. Rather, the DACF must continuously pursue and incentivize sharing across the department of the professional expertise that resides within its several bureaus.

3. Harvest Levels. We are sufficiently familiar with the issues involved in calculating sustainable timber yields to respect the significant advances made by the Bureau of Parks & Lands in this regard, as well as its enlightened judgment concerning management practices. The bureau's Integrated Resource Management Policy has served the state very well over these last 40 years, and provides sound direction for the future of these lands. We believe the lands involved and the general public will each be best served by maintaining the current allowable harvest level (141,500 cords/yr.) throughout this decade, then to do a new inventory and consider whether an increase will be wise. Meanwhile, because of the budworm threat, the bureau should be allowed to cut as much at-risk fir as they may in an orderly fashion, as "unregulated" (that is, beyond "allowable") harvest.

We expect the Commission will fully examine the complex technical issues at stake here, as well as the larger policy goals of mission and management; and hope you will develop broad policy guidance for scientific, allowable-cut determination that will wisely balance production and financial needs with broad goals of sustaining a healthy forest and a more prosperous Maine.

We thank you for your consideration, will be happy to amplify upon these remarks at your pleasure, and wish you every success in this most important and historic undertaking.

Sincerely yours,

Handwritten signature of Richard Barringer in black ink.

Richard Barringer, Portland (1975-81)

Handwritten signature of Richard B. Anderson in black ink.

Richard Anderson, Portland (1981-86)

Handwritten signature of Ed Meadows in black ink.

C. Edwin Meadows, Old Orchard Beach (1988-1995)

Handwritten signature of Ronald Lovaglio in blue ink.

Ronald Lovaglio, Augusta (1995-2003)

/s/

Patrick McGowan, Winthrop (2003-2010)