

Challenges for the north Maine woods

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The Maine woods, together with the rocky coast, provide enduring images and metaphors associated with Maine's sense of itself as a place. Cultural, social, and economic changes in our society have fostered a new period of ferment and debate over the Maine woods, just at a time when the traditional bread and butter conservation issues appeared to be generally under control. A period of contention over spruce budworm spraying, forest practices legislation, and land development seemed likely to be simmering down. Yet a new period of even more bitter debate is emerging, in which more fundamental issues are being joined. A major Maine conservation group has advocated a strict new zoning policy for the wildlands. National environmental groups have advocated a new national park around Cobscook Bay, and a Maine Woods Reserve covering 2.5 million acres surrounding Baxter Park. It is important to get beneath the surface of these events, as I attempt to do in a brief way here. The shifting role of public ownership and regulation is a significant aspect of Maine public policy about forests. Maine's pattern of private forest ownership ensures this (See Table 1.)

Table 1: Maine Forest Land Ownership, 1982

Owner	Acreage (in thousands)	Percent
National Forest	45.6	-
Other Public	644.5	4%
Forest Industry	8,016.9	46%
Other Private	8,353.2	49%
Total	17,060.2	

Source: Powell & Dickson, 1984, p. 12.

Note: Federal statistics do not portray tribal lands well in Maine, due to the challenging acreages and special legal status of these lands. The tribes presently control some 160,000 acres of fee and trust lands. Note also that large family ownerships are included in the nonindustrial category. Other private includes farm and other small ownerships.

How have Maine's wildlands suddenly captured such national interest and publicity? Four themes tie together recent developments. First, values attached to the forest are clearly changing. Second, perceived threats to the forest are changing. Citizens are ever more aware of trends in land development, harvesting technology, and global climate as they affect Maine's forests. Third, management and policy tools for managing timber and the other resources of the forest are changing. Finally, a debate is developing once again over how to pay for conserving the important public benefits these forests provide.

Forest policy issues: historical view

During the colonial period and well into the nineteenth century, the resources and geographic facts about Maine's north woods were poorly understood. It was believed that their ultimate fate was to be settled by yeoman farmers. The principal thrust of policy during this period was to place these lands in the hands of settlers. Even when large sales were made to investor groups, the hope was that those investors would find their profits by selling in turn to small owners, who would farm the land. It must have quickly become clear that the opening of the Erie Canal and the deep black soils of the corn belt permanently ended this hope. But land policy never adjusted to this change. As I have often remarked, the most successful public land policy Maine ever had was its decision to dispose of the lands, which it substantially accomplished by 1868 (Irland 1986). A small acreage of Public Reserved Lands survived this disposal policy, to later become the nucleus of a new public land system for the state in the 1970s and 1980s.

Instead of farmers and settlers, landowners of the late nineteenth century found willing buyers in the paper companies, who were drawn to the region by its waterpower, abundant supplies of clean water, and reserves of spruce and fir timber, which were ideal for papermaking.

In the 1840s, Thoreau visited the Maine woods over a water route that changed little even up to the 1960s. Until the advent of light aircraft, the few visitors to the deep Maine woods hauled canoes over Mud Pond Carry and traveled much as Thoreau did. The well-to-do sports who visited the grand hotels at Rangeley and Kineo were relaxing in a more genteel and less strenuous manner, but still claimed to have seen the real Maine woods.

During the years around 1900 when the rest of the country was engaged in contentious struggles over federal lands, conservation issues, and wildlife management, the policy debate in Maine was confined to narrower fields and was much more restrained. Forest fire control and insect and disease programs were established. No state land acquisition was undertaken or even widely advocated.

Forestry reformers (see Smith 1972) inveighed against the waste of timber and the destruction of regeneration by sloppy logging, and the loss of timber to fire. Their concern was with future wood supply at a time when national per capita use of lumber was at its historic peak. In a 1908 Opinion of the Justices, the Maine Supreme Judicial Court opined that the state held constitutional authority to protect itself against loss of timber supply by regulating private landowners. More strikingly, in the hard times of the Depression, few Maine landowners accepted the offers of federal land acquirers, as they did in the south and midwest. A small bit of the White Mountain National Forest slipped over into Maine almost by accident. Maine's first state park (Aroostook) was acquired by donation in the 1930s.

Maine forest policy since 1868 has always been about timber supply and recreation. The general policy of allowing free public access to the wildlands was sanctified by colonial ordinance and immemorial custom. Those who wished to hunt or pursue canoe expeditions could do so. The farms and woodlots of southern Maine were available to hunters as well, and the lakes were large and little developed. So few Mainers felt a need for public land acquisition programs. During the 1970s, it took the Fish and Wildlife Department ten years to spend a small land acquisition bond

issue. For some years, the "third sector" groups like the Maine Coast Heritage Trust and the Nature Conservancy were the principal actors in conservation land acquisition in Maine.

Changing values of the forest

In colonial and early statehood times, Maine's forests were not seen as an enduring resource. It was assumed that they represented a passing, primitive phase of land use prior to settlement and agricultural development. These lands were to serve an egalitarian social policy inherited from Puritan times, in which cultivators willing to work would receive farmsteads at modest prices. Landowners harvested pine and spruce logs and then pulpwood from the wildlands for generations, and rearranged the rivers and lakes with dams and cuts when they needed to. When the age of electricity arrived, paper mills grew larger and then dominated the wood use picture in the wildlands. Visits to the Maine woods by individuals not engaged in logging or other business were only occasional; few recreationists were inconvenienced by the log drives that blocked the streams for several months each spring.

The general public thought little about the forest. There was general acceptance of private ownership and private management. When Governor Percival Baxter attempted to persuade the legislature to preserve Mt. Katahdin as a public park, there was little public or legislative support. Baxter gave up talking to this legislative stone wall, and instead acquired the park with his own fortune and donated it to the state.

In the 1970s, conflicts emerged over use values of the wildlands. How were timber and deer habitat to be balanced when they came into conflict? Should a federal hydroelectric dam (Dickey-Lincoln) be built that would flood 80,000 acres of forest to generate peaking power? How should the impacts of logging on streams and fish be controlled? These were essentially industrial interests in conflict - controversies over which crop should take precedence. The governance and decision-making issues they raised were addressed through existing institutions or by creating new instrumentalities like the Land Use Regulation Commission, which administered closely circumscribed powers over private decisions in the wildlands.

The conflict of values emerging in the late 1980s and early 1990s is of an entirely different character. The past one-crop, industrial interest conflicts remain. (Rafting companies are not in any sense a manifestation of some larger "public interest"; they are merely another competing industrial claimant to the woods and rivers.) But, increasingly, emerging values are placed on wildness for its own sake, on biodiversity, and on preserving habitat for rare complexes of plants and animals, as summarized by the evocative terms "old growth" and "Ancient Forests." The past focus on single crops - or on accommodating competing crops through multiple use - is being replaced by concerns on an ecosystem or landscape scale (*e.g.*, Briggs, *et al.* 1989; Hunter 1990).

During the traditional period of conservation in the United States, which can be identified with the 1950s and 1960s, citizens approved of forestry and conservation. Planting trees and thinning forests received general approval. The benefits of active land management were at least dimly understood and approved of. But today, citizens increasingly focus on what is lost when trees are planted, cultured, and cut. They no longer see what is gained. It would be a mistake to put this trend down as misinformation due to shallow or biased reporting, though there is plenty of this.

We are seeing a long-term and major shift in public values and concerns about the forest. The country's - and the world's - supply of renewable raw materials is a distant abstraction. But the view from a put-in point over the Allagash, which one visits once every few years, is a major issue. Visitors believe themselves entitled to have their needs accommodated when visiting "Our Forest."

The public has never clearly perceived the Maine woods as private property. The phrase "Our Forests" is repeatedly heard in the rhetoric of hunters, canoeists, and snowmobilers as well as citizens concerned about broader values. Because of this fact, it is easy to obtain public support for acquisition and regulatory moves designed to change the way "Our Forest" is managed.

The organized citizens' environmental movement is a new actor in this policy process. Maine organizations are stronger, have more members, and are experienced in lobbying and appealing to public opinion. For the first time, they are now joined by major national groups with large budgets, formidable lobbying and public relations savvy, extensive research and legal staffs, long-term perspectives, and significant clout in Washington committee rooms. Several of these groups have identified a dramatic preservation initiative in the Maine woods as a national priority. The routine participation of national groups in Maine's local policy development process and in its media and legislative debates is a major development. Its long-term implications remain unclear.

So the values attached to the Maine wildlands by citizens are changing. Traditional concerns over fishing and hunting have not diminished, though their adherents are not growing in numbers. New concerns over values unrelated to individual use or to any individual "one-crop" interest are growing more powerful and more widely held. While accommodating one-crop use conflicts proved relatively easy (at least in retrospect), accommodating the pressures raised by this new suite of ecosystem and landscape values will be a good deal more difficult.

Changing management and policy mix

Successive sets of values were roughly reflected in the broad lines of government action characteristic of each period. Never was there unanimity on these policies, however.

It would be fair to say that during the years prior to 1970, there existed a rough mainstream consensus about how to manage the Maine woods, at least among most of the people who ever gave the matter a thought. The mix of policy presumptions implicit in public action and informed discussion included:

- Land would continue in private ownership.
- Public access would be permitted, with fishing and hunting a useful by-product of woodgrowing.
- Public agencies would tend to fire and insect control and to forestry and game research. They would, from time to time, conduct inventories of the forest's resources.
- Public ownership of land in the wildlands was neither wanted nor needed.

- Taxes should be low, recognizing the low financial yield and long-term nature of forest management and the minimal demands made by those lands on public services. Property taxes paid by the mills would support municipal services.

During this period, there was little happening in the Maine woods that would lead anyone to suppose that a more active public policy stance was called for. The public policy peace was broken by occasional conflicts, such as the acquisition of the Allagash Waterway corridor. But these events were place-specific. They never generated any general change in the overall policy approach to forestry.

The environmental awareness of the late 1960s and 1970s brought new concerns to the fore, and with them the invention of new policy tools. For the 1970s and much of the 1980s, a modified set of policy presumptions might be summarized as follows:

- The state, with federal support, would fight the spruce budworm.
- The new Tree Growth Tax would place on a permanent basis a use-value approach to forest taxation in the wildlands.
- The federal presence would be limited to funding for budworm, fire, service forestry, and planning. o An expanded university, Forest Service, and industry approach to research would support better management of all forest resources.
- Regulation of pesticide use would be reformed and placed on a more professional basis.
- Multiple use forest management would enable continued cropping of timber with increasingly intensive management, while also meeting rising demands for recreation and wildlife. Minor adjustments such as streamside and roadside buffers, and special cutting prescriptions for deeryards, would enable this to occur.
- Land use and forest practice issues would be overseen in the wider public interest by a Land Use Regulation Commission (LURC) with strictly limited powers to control private landowner activities.
- Growing public needs for recreation would be met by a combination of better management on the rivers, private provision of campsites, and the newly revitalized system of Public Reserved Lands. Significant state or federal land acquisition beyond this remained unnecessary, with only occasional exceptions.
- A Forest Practices Act would finish the unfinished business left by the absence of any regulation outside of the unorganized territories, and the minimal previous regulatory mandate given to the LURC. This would complete the public policy agenda on forest practice issues.
- Reorganization of the Department of Conservation would provide an improved and better coordinated administrative and policy focus for these activities within state government.

The elements of this policy mix were not easily put into place, especially those concerning the Land Use Regulation Commission, which landowners fiercely resisted at first. Even as landowners adjusted to routinely doing business with that body, the early consensus on spruce budworm unravelled, which resulted in cutbacks in spraying and in major amendments to the state's pesticide laws. So the period was more dynamic and complex than this brief summary suggests.

The policy shifts of the 1970s were largely built on traditional resource concerns. They were primarily one-crop in nature. They sought a more suitable balance between the timber crop of the land and the electricity crop of the rivers on the one hand, and the game and fish and scenery crops. A few new agencies were created (Bureau of Public Lands and LURC). But they operated on familiar lines and brought no radical change to the system as a whole, however lustily they were debated at the time. During a time of increased public concern about resources, rising recreational use, and more activist state government, these changes can be seen as catching up with a variety of issues that had reached Maine later and in less severe form than elsewhere in the northeast.

Maine's public lands system took shape during this period, rather late in comparison to other northeastern states. General purpose conservation land acquisition was never a part of this mix. The state's public lands were collected into major management units through trades with private owners, to be managed by the Bureau of Public Lands. Major units like T15R9 (Deboullie Mountain and Lakes), the Bigelow Preserve, Mahoosucs, and Duck Lake were assembled. These were not intended to preserve ecosystems or particular habitats, though they may serve this purpose. They were designed to retain in public ownership major scenic and recreational features. But these valued natural features were surrounded by land units managed for timber. A certain Yankee thrift in attending to the economy's need for raw material is ensured by the requirement that the Bureau's budget come from its own revenues. In other agencies, the one-crop model prevailed. Acquisitions were made by separate agencies for hunting and waterfowl, for state parks, and to protect lakeshores, river corridors, and hiking trails. In no case was an ecosystem or landscape view evident.

There was no clear moment at which it could be said that this consensus broke down. Indeed, that would be too strong a description. But just as it seemed that a system had finally been completed, and that it should be given time to work, new concerns overwhelmed the situation.

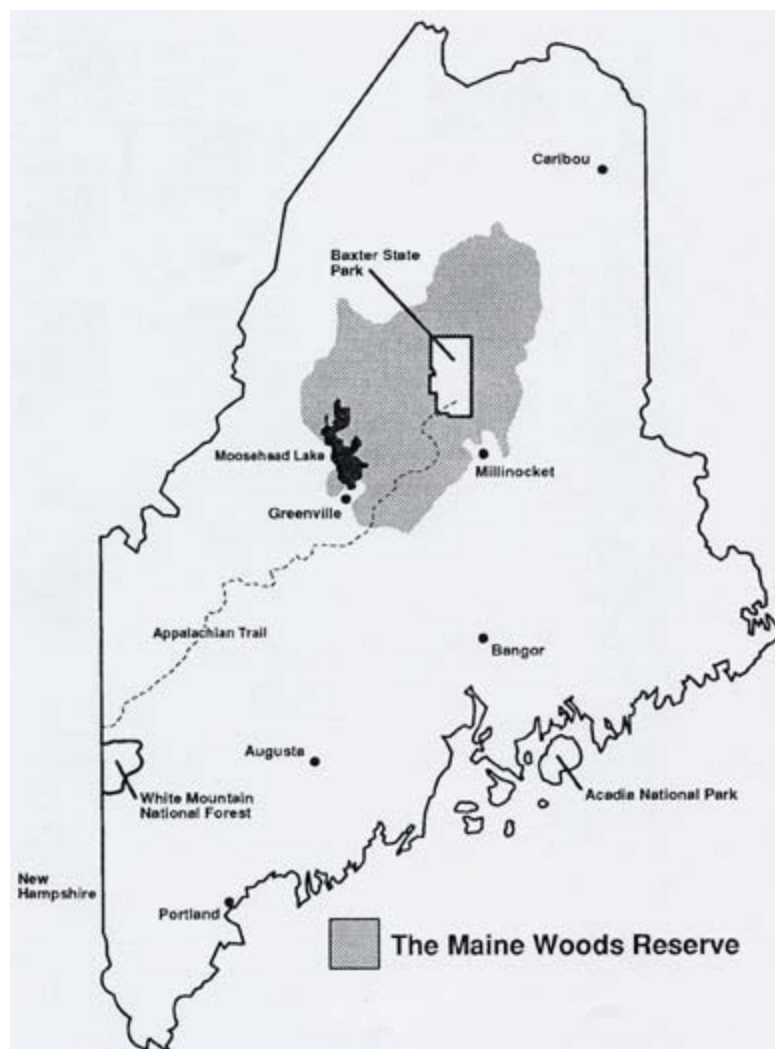
The land boom of the mid-1980s led to widespread subdividing and to some clearing and development of forest land. Advertisements in popular publications left an exaggerated impression of the acreage being affected - "Last chance for a wilderness lot on the Narraguagus!" But a new potential threat was clear. The permanent character of subdivisions' impact alarmed many. It was argued that traditional forest values were hardly affected, as the acreage actually subdivided was very small. But this claim missed the point, as the wider values of wildness, biodiversity, and the natural condition or the landscape were threatened far more directly. Widespread media coverage of the threats to tropical forests, the increased awareness of how few undisturbed wild forests remain, and reporting on acid rain and global warming all blended together to create an escalated sense of urgency.

Conservation groups were able to interest the Congressional delegations of New York, Vermont, New Hampshire, and Maine in the various threats to the region's forests. An appropriation was made to the U.S. Forest Service to conduct the Northern Forest Lands Study (1990), which would ascertain the true threats to the forest, frame a vision for its future, and map out a course of state-federal action.

The highly publicized subdivision boom created a sense of urgency that sparked Maine voters to authorize the state's first-ever general purpose land acquisition bond issue. By requesting proposals from communities, the state generated widespread interest in local and regional land conservation needs. Several important land acquisitions were made under this bond issue.

In 1990, the Wilderness Society (Kellett 1990) unveiled a major proposal to create a Maine Woods Reserve, a 2.5 million acre conservation zone centered on Baxter Park and the headwaters of the Allagash and Penobscot Rivers (see Figure 1). While details remain vague, the concept is that within this region, key natural and recreational features would be more tightly protected. Land development would be prohibited. Commercial timber could still be produced, perhaps under more strict rules than apply elsewhere. Claims by the proponents that they want to preserve the forest as a raw material supply for industry were met with understandable skepticism on the part of the forest industry.

Figure 1: The Maine Woods Reserve (in the context of the State)



Not long after this proposal was announced, the Georgia Pacific-Great Northern merger shifted the corporate ownership of some of the most significant lands in the proposal. (As this essay was being prepared, the sale of these lands and mills to Bowater was announced.) This acquisition of a corporation that had been strongly identified with Maine for ninety years was a dramatic reminder that "our forest" was really private property. At the same time and somewhat unexpectedly, a minor revolt arose over user fees for recreational use of private lands. This was a reversal of trend, for it had appeared that, with even Acadia National Park charging an entry fee, public acquiescence to fees for wildland use had finally been achieved.

It is difficult to know, in an opinion poll sense, how widespread the support may be for this new agenda of groups espousing new policies based on the ecosystem view for the Maine woods.

A new consensus as to suitable policy tools has yet to emerge. Some major issues are: o

- What shall be the role of federal funds and policy in defining the agenda for conservation and preservation in the wildlands and in paying for it?
- What should be the relative roles of improved incentives for better forest management and stable ownership, of regulation, and of public ownership in future management of this forest?
- What shall be the role of multi-state cooperation in dealing with region-wide concerns about the northern forest?
- How will the "third sector" private groups fit in?
- How will national groups like the Sierra Club and Wilderness Society represent national and regional preservation and recreational interests in Maine's forests, interests which may at times be in conflict with local groups?
- Will the previous balance of methods for addressing conflict in the Maine woods be radically changed? Or will some modifications of the established roles of regulation and private ownership be found adequate?
- Is the concept of a privately owned, "working forest," which produces industrial wood and a wide range of other benefits, politically sustainable in our increasingly fragmented and polarized polity?

How regulation will figure in this trend is complicated by the fact that the tools of regulation affecting forest land are numerous (Table 2). Evaluation as to the true effectiveness of these regulations is sparse. But this has not hindered interest groups from advocating still more extensive and stringent regulatory programs.

Table 2: Regulations Affecting Forest Landowners in the North Woods

Subdivision or Development	Land Use Regulation Commission
Cutting in Protection Zones Deer Wintering Areas	LURC, in consult, with Inland Fish & Wildlife
Roadbuilding, Stream Alterations, Sedimentation	LURC, EPA
Wetlands Alteration (many defined wetlands support merchantable	Corps of Engineers (general permit), EPA

timber)	
Fire Safety Practices	Maine Forest Service
Regulated Cutting Practices	Maine Forest Service
Cutting in Allagash 1 Mile Corridor	Bureau of Parks and Recreation
Management Plan Requirement Tree Growth Tax	Bureau of Taxation
Eagle Nests / Endangered Species	U.S. Fish & Wildlife Service

Changing ways to pay for forest benefits

While regulation receives public attention, spending and tax policy also influence the forest. During the years up to the late 1980s, it was assumed that those wishing to have the benefit of timber from private lands would pay for it. Those wishing to use privately owned and maintained roads in parts of the wildlands would also pay for the opportunity. In limited instances where the state wished to preserve or make available particular parcels of land for public purposes, it would acquire the land and pay for it. On the other hand, the state held the right to enforce sound conservation of wildlife and fish, which are not privately owned. Costs associated with conserving those values are properly internalized in the costs of forest management and should be borne by the landowners involved.

In the mid-1980s there occurred a brief conflict over proposals by certain large forest landowners to lease particular areas for exclusive recreational use of clubs or other small groups. The motivation was to help pay the costs of ownership and upgrade returns. While this is not a new practice, the company's announcement of this intent sparked widespread criticism and was seen as yet another threat to established public uses of the forest. The event illustrated yet again how fragile public use rights may actually be in the Maine woods.

Periodically the taxation of woodland in Maine becomes a contentious issue. The Tree Growth Tax has come under assault at various times over how closely it should be tied to planned, active forest management, whether it should be repealed and replaced by the general property tax, and how its valuations should be conducted. Ironically, in sweeping away the Uniform Property Tax, Maine voters fumed the Tree Growth Tax into a strictly local revenue source for services used within the unorganized territories. During most of the 1980s, the method of funding forest fire control was repeatedly revised in efforts to cure a meaningless legal technicality and to find a more politically feasible funding source. The net result of all of these policy changes has been to further discourage many small forest landowners, and to undermine any previous sense that Maine had a favorable and predictable tax environment for forest ownership and management. The Northern Forest Lands Study emphasized the importance of a more stable tax environment for forestry. Yet groups most concerned about preserving the forest land base vigorously condemned these suggestions.

The entrance of the national environmental groups into the Maine woods policy debate brings with it the issue of what role will be played by federal funding. Already the Forest Legacy program, an avowedly experimental effort to acquire easements to conserve forest landscapes, is spending funds in politically favored states. Whether this is the entering wedge for a major federally-funded acquisition effort is uncertain. Increased federal involvement has been resisted

in the past. From the Appalachian Trail federal acquisitions, both landowners and some trail groups have a bitter taste in their mouths. Recent experiences in New Hampshire and elsewhere have given many in the Maine forest-owner community reasons beyond general ideological distaste to oppose a federal presence. It is clear that national environmental groups want federal involvement for two reasons. First, it will enable them to bankroll large preservation programs that simply could not be funded locally and that would have uncertain prospects for gaining public support. Second, and perhaps more importantly, by tying federal requirements to those dollars, the national environmental groups would gain a place at the table on all management decisions, large and small. Such a prospect naturally terrifies many forest industry officials, and local government officials as well.

So the range of ways to pay for conserving forest resources and accommodating these emerging forest values is changing, growing in scope and complexity. How far the trend will move cannot yet be said with any assurance, as the hidden agendas involved touch critical interests of both industry and environmental groups, and their relative political power has yet to be tested.

Overview

We see, then, a dynamic picture of rapid change in the values of the forest as perceived by the public, in the threats to those values, in the policy tools for managing those conflicts, and in ways of paying for forest benefits. In the extraction period, the only concerns for managers were with inventories and with roads and other methods of moving the product to market. In the 1950s, we upgraded management techniques and reinvestment in future crops, but still largely on a one-crop basis. We improved our knowledge of the forest and installed sustained yield practices. We began to control the harvest of deer. During the 1970s, foresters and wildlife managers converged on a rough consensus that it would be possible, by suitably constraining forest practices, to have the best of both worlds and enjoy multiple forest benefits from managed private forest land. In the late 1980s, however, this perspective was challenged by an emerging ecosystem view of the forest. In this view, the most important fact about the Maine woods is its relatively undisturbed character, and its unique potential as a stage on which extensive areas of more mature forest can be recreated. According to this view, large areas of remote forest are important as locations for conserving and improving habitat for rare creatures which need extensive undeveloped wildlands (National Audubon Society, *et al.* 1991).

The emergence of an ecosystem perspective coincides with a potent political campaign aimed at conserving the remaining "Ancient Forests" on federal lands in the west. The most powerful weapons in that campaign have been the Endangered Species Act and the fact of federal ownership. The ecosystem period of Maine forestry history is the first time when there has been substantial and long-term involvement of these large nationally-based conservation groups in Maine forest politics.

Regulation is destined to play a larger role in the policy mix for these new forest values. This is ensured by the absence of options. There is neither state nor federal money on a scale that can contend with landscape-scale conservation through acquisition. Nor is there any but fringe support for major state or federal ownership in the north woods. In the LURC jurisdiction, innovations are underway in the form of lakes planning and other steps. A new Comprehensive

Land Use Plan, required by statute, is being drafted. The Natural Resources Council of Maine has called for a regulatory ban on all development in the wildlands. Outside the LURC jurisdiction, the new growth management process is leading to town-by-town deliberations over local forest practice regulation. In an unfortunate capitulation to localism, the legislature failed to nail this Pandora's box shut in the Forest Practices Act. This throws away one potential benefit of a statewide policy - uniformity.

The ecosystem perspective brings a valuable new focus to the traditional debates over Maine forest policy. The values it highlights are real. The forest possesses unique values of wildness, values of regional and national importance. For generations those values were protected in private ownership, shielded by low market demands for wood and by a benign harvesting technology. But the new mix of values and threats clearly calls for a correspondingly new mix in the balance of ownership, regulation, and taxation as the basic policy tools of forest policy. How this new mix will be designed in the new political situation of the 1990s is uncertain.

The opportunity facing the Maine woods today is of historic significance. If a better way of balancing the one crop, technically-oriented production systems with the ecosystem perspective can be found, and can be designed into a workable policy structure, nationally significant forest values can be preserved for future generations. And in the process, the opportunity for present and future generations of Mainers to benefit from the employment, wage payments, and tax revenues generated by a major processing sector will also be retained.

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