Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Opposition to LD 1441

"Resolve, to Establish the Commission to Study the Future of Recreational Access in Maine"

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Good morning, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I'm Krysta West of Readfield and I am testifying on behalf of the Maine Forest Products Council on LD 1441, "Resolve, to Establish the Commission to Study the Future of Recreational Access in Maine."

For 65 years, the Maine Forest Products Council has served as the voice of Maine's forest economy, representing more than 300 members from all facets of the forest products industry. Our members include pulp and paper mills, sawmills, secondary wood processors, foresters, loggers and truckers. We also represent commercial landowners managing more than 8 million acres of forestland. While supplying much of the fiber to sustainably support an $8.1 billion forest products industry, our members also provide public access to these privately owned and managed forests that support Maine's $2.8 billion outdoor recreation industry[1].

We have discussed this legislation with the bill sponsor, Senator Black, prior to this hearing and while our members appreciate his intent, they are in strong opposition to this bill as drafted. The subject matter of this bill is very similar to LD 1308, which was heard earlier this month, but it is much more prescriptive in nature and the structure and intent of the commission is problematic. We have worked with the Department of Inland Fisheries and Wildlife on concepts for how to effectively use LD 1308 as a vehicle, and we are much more comfortable with the approach taken in that bill.

If the Committee opts to combine the two bills, we suggest moving the following language from LD 1441 over into LD 1308:

> "Explore strategies that could provide private landowners with financial incentives to create, maintain and expand recreational access."

This provision we believe is the theme of the proposed bill that we agree is an important point of discussion. The remainder of this legislation is objectionable to our members for a variety of reasons including:

1) The bill unfairly targets the Unorganized Territories. As previously stated in my LD 1308 testimony, trail access is provided by a variety of landowner types – commercial forestland owners, small private woodland owners, ENGOs, land trusts, etc. Land access is not a north vs south issue.

[1] https://www.newscentermaine.com/article/sports/outdoors/outdoor-recreation-industry-maine-billions-economy/97-7a510e24-5f69-4f73-b47e-c0316c9ac198

2) We continue to feel strongly that any group of this kind needs to be balanced with ample landowner input and participation. The commission outlined in LD 1441 does not achieve that balance.

3) Compelling one landowner owning 100,000 acres or more in the UT to come to the table with state agencies and user groups to map and plan for access to privately owned resources spread across many landowners and 10 million acres is concerning for those who provide public access.

   Landowners have not forgotten the story of the Appalachian Trail. Established as a voluntary landowner approved use, the trail was designated as a federal trail with restricted protection zones that were in some cases taken by the federal government using eminent domain. Public vantage points along the trail have been used to limit development within view of the trail that would compromise the public's scenic values without compensation.

   This example highlights why progress on mapping recreational opportunities on private land will be limited without understanding landowner perspectives from a variety of legal and land rights viewpoints.

4) The willingness to utilize various funding sources and engage in certain types of projects differs significantly from landowner to landowner, yet this commission only includes the voice of one large landowner, again limiting the ability of this commission to come to productive conclusions.

5) A recent poll of our landowners indicates that access policies for activities including hunting, fishing, camping, hiking, snow shoeing, cross-country skiing and snowmobiling remain consistent across the memberships that we represent, and that access policies are often more permissive than policies on public land. Policies pertaining to ATV access are more likely to differ from one landowner to the next and all respondents that provide access to ATVs indicated that LDs 19 and 341 will cause reconsideration of this access. If the committee decides to move either LD 1308 or LD 1441 forward (and even if you don't), we urge you to vote 'ONTP' on those bills, as they will have a significant impact on the willingness of landowners to continue to provide public access.

LD 1441 directs a group primarily consisting of user groups and state departments to identify and map privately owned resources of "high interest" to recommend actions and policies to "promote and protect" public access. This feels like an intrusive overreach to private landowners that have long honored and respected Maine's public access traditions. LD 1308, amended according to the Department's testimony to broaden the scope to focus on all landowner types with an informal working group is far more agreeable to commercial forestland owners.

Finally, this bill is of great interest to the landowners that I represent, however the short notice provided for this hearing has significantly limited their ability to participate in the process. Considering the composition of this proposed commission, it further frustrates landowners that allow unprecedented access to private property that is highly unique to Maine.

Thank you for your consideration. I would be happy to answer any questions you may have.