

Maine Forest Guild Testimony on Plum Creek Balanced Easement

Executive Summary

December 15, 2007

The Forest Guild appreciates the opportunity to offer Maine's Land Use Regulatory Commission (LURC) comments on the Plum Creek proposed Balanced Conservation Easement submitted as mitigation for the development included in its larger Moosehead Lake Concept Plan. The Forest Guild is a national organization of foresters and allied professionals who practice and promote ecologically, economically, and socially responsible forestry—"excellent forestry"—as a means of sustaining the integrity of forest ecosystems and the human communities dependent upon them. We have 50 Forest Guild members in Maine. The expertise of our members regarding forest management is broad and particularly strong in forest management planning, progressive silviculture, wildlife habitat management and timber and other wood product production. Our members helped develop and/or are involved in the leading certification systems, both regionally and nationally.

We have restricted our comments to the question of whether the easement and associated documents offer significant assurance that the forest conditions will be improved and whether that improvement can be used as a mitigating balance to the proposed development. We analyzed this easement using an eleven-level evaluation system suggested in our report "Ensuring Sustainable Forestry Through Working Forest Conservation Easements" (see Table 1). **Our conclusion is that the Plum Creek easement is not offering an adequate level of assurance that the forest will be improved, mainly because the easement and associated plan fail to include clear, measurable goals and objectives that meet professional and scientific standards to ensure productive, multiple-use forest management.**

Our analysis reviews and explains how the language in the documents is mostly process oriented with commitments to intentions but fails to include commitments to tangible evidence that the forest will be improved. In our full written testimony we offer specific examples of how such language could be included. In addition, we analyze and review critical gaps in the proposal that could lead to a degradation of the future forest condition.

LURC should insist on clearly defined and measurable goals that provide the assurance that the forest is improving. Inclusion of such goals is common in forest management planning and absolutely necessary in this case. Examples of structure for such documents include Maine's WoodWise stewardship plan requirements for federal cost sharing or the Forest Stewardship Council's Forest Stewardship Standard for the Northeast Region (USA).

Although at least one of the documents (Multi Resource Management Plan) purports to be a forest management plan, we find it is lacking in specific information to provide the level of assurance that LURC should require. **LURC should require the easement and associated written plan to include clear statements of Plum Creek's short-term and**

long-term vision, goals, and objectives. The objectives, particularly in the plan, should be specific, achievable, and measurable. The plan, in its current form, does not offer objectives for specific or general improvements in the forest. What it does offer is a series of process-oriented measurable intentions embedded in a loose set of policies. This distinction is important because we fear the package Plum Creek is offering is unneedlessly complex and confusing – a blizzard of paperwork, but not an adequate commitment to the people of Maine. We can not make too fine a point on this and an analogy may be helpful.

Let's consider someone now located in Augusta in possession of a wonderful object, with peculiar properties. The farther west the object is carried, the greater the increase in well-being for the people and the environment of Maine. Maine pays this individual a large sum of public money to carry the object west. Bringing it to San Francisco would be optimum, Chicago good, Albany less so. A contract is negotiated and the people of Maine have to decide whether the movement west to be achieved by this owner is worth the payment. They need to know how far west the object will be carried and over what time. But the contract only stipulates the would-be traveler will collect relevant maps, consult with expert travel advisers, report on the progress, have the progress monitored and certified and eventually develop an itinerary for each days travel. The closest thing to any assurance of progress west is an agreement in the contract that the traveler will "promote" movement in a westward direction. Only the intention of moving west is clearly articulated.

This leaves the people of Maine without any idea of how much progress west will actually be made. The traveler can do all of the above, still be in compliance with the agreement and never leave the Augusta city limits, let alone make it to Bethel. On the other hand, the traveler might make it all the way to the west coast, but there isn't any assurance in the contract that this will happen. To make matters more complicated this traveler's track record doesn't show a westward inclination. Ultimately, the people of Maine are left with no discernible, measurable goals and thus no assurance that there will be any significant progress west. Is this a good deal and is it worth the payment?

In addition, there are a number of specific components of this easement that concern us.

- The Management Advisory Team does not provide oversight. Plum Creek is not bound by the agreement to implement any of its recommendations. As with other goals this one stops at the consultation phase. What is needed is some commitment to practice in accordance with scientifically accepted analysis.
- Unlike the Forest Stewardship Council certification system or other easements that are significantly involved with public values there is no requirement for Plum Creek to consider the social impacts of their management.
- Plum Creek's commitment to vernal pool protection and lynx habitat are insufficient.
- Plum Creek will allow the introduction of biologically engineered seed into this forest. This is directly contrary to Forest Stewardship Council requirements and Forest Guild national policy.

Table 1. Evaluation of design approaches in the balanced easement (based on *Ensuring Sustainable Forestry Through Working Forest Conservation Easements*, Forest Guild, 2006.)

Level of Assurance		Balanced Easement and Management Plan
Level 11	Prescribed practices	Practices linked to deer wintering areas, eagle and lynx habitat, vernal pool protection are inadequate and status quo.
Level 10	Defined performance Expectations	Other than process oriented measurable performance expectations the proposal fails to establish clear performance expectations for forest improvement.
Level 9	Defined components of forest mgmt.plan	A Multi Resource Management Plan is connected to the easement. This plan falls short of establishing clearly defined and measurable goals and objectives and does not indicate they will be included in plan revisions.
Level 8	Defined mgmt. Goals	Process goals—consultation, assessments, and reports—are defined. Forest management goals are not defined.
Level 7	Defined mgmt. Principles	The easement lists seven principles and is tied to SFI's 13 Objectives which are basically broad principles.
Level 6	Reliance on professional forester association or certification	No mention of professional affiliations (e.g., Forest Guild, Society of American Foresters, Wildlife Society, Society of Conservation Biology) for Plum Creek foresters or in a review/advisory board.
Level 5	Reliance on management. certification . systems	Easement and plan pegged to SFI certification system
Level 4	Reliance on BMP's	Reference to BMP's for stand level prescriptions.
Level 3	Reliance on forester licensing programs	Timber harvest supervised by licensed forester (Sect. 5D (iii)) in easement but forestry operations can be supervised by non licensed foresters (5C in plan). A non-licensed forester can design silvicultural prescriptions.
Level 2	Reliance on definitions of "good forestry"	Management will be consistent with SFI standards and "sustainable forestry"
Level 1	Reliance on state, local and federal laws.	Management will follow Maine Forest Practices Act and other applicable state and LURC regulations.

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