

THE PCW MANAGEMENT CENTER, LLC



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Testimony in Opposition to LD 1529

“An Act to Enhance the Protection of High-value Natural Resources Statewide”

April 17, 2025

Thomas Coleman, Forest Asset Advisor – LPF 3820

Madame Chair Talbot Ross, Chairman Pluecker and members of the committee,

My name is Thomas Coleman. I am a lifelong Maine resident whose life has revolved around recreating and working predominantly in the Unorganized Territories. I am a resident of West Forks, and licensed forester with over twenty years experience in the industry. I have worn many hats through that time, from foreman with large logging contractors to consulting forester for landowners and mills to strategic forest analyst. I also served on the planning and advisory board for the Maine Bureau of Parks and Lands Somerset County region management team. Currently I am a direct strategic forest asset advisor to a family ownership of over 1.2 million acres of Maine timberland.

LD 1529 attempts to codify definitions of two forestry terms that have no consensus definition across the scientific, environmental or management communities and then use these terms in a multifaceted effort that would restrict management and development rights of landowners. It would use these definitions to create a strategic goal for public land acquisition without quantifying how much of such land we should or could conserve, and then shift gears to force the LUPC into rulemaking that essentially creates a taking of land values throughout the Unorganized Territories.

The first two sections of this bill seek to define in statute both “late-successional forest” and “Old-growth forest” Each of these are terms used widely in the environmental and forestry communities, but are far more complex than the present bill allows for in definition.

First, Old Growth Forest, though we all as professionals have an idea of what we mean by such, is a highly subjective term dependent upon many complications ranging from geographic location to topography to scale of stand to species composition to context within the larger landscape. The Society of American Foresters (SAF) produces the Dictionary of Forestry, which is widely regarded as the primary source of definition for forest terms. Their definition of Old Growth Forest takes up an entire page column in the dictionary, and includes 6 clarifying notes. While typically low disturbance history is considered a defining factor, it does not suffice to define the term wholly and is specifically noted by SAF as not necessarily being the defining characteristic.

With regard to “Late-successional forest” any attempt to define this state as a measurable characteristic, particularly one to be used in regulatory decision making is fraught with problems. First and foremost, with respect to current definition proposed, late-successional forest is defined in part as lands which *“show signs of former human activities that may be visible but are gradually disappearing or too limited to significantly disturb natural processes”* and then goes on later in the bill to require added conservation plan for not only these, but also *“transitioning late-successional forest”* Each of these definitions rely on the highly subjective and easily reinterpreted visibility of and continued impact of human intervention. While we may all know what we mean by these terms in the moment, they are by their nature vague and subjective. Foresters and ecologists will be able to see human intervention evidence in a forest stand that the casual observer will never notice, and will be able to spot such evidence going back 100s of years. A given set of foresters or ecologists will also be able to heartily debate whether any of these spotted disturbances are still having impacts on natural processes. Others may argue that within ten years the human intervention is no longer disturbing natural processes that are now operating. Such ambiguity in statutory definitions sows the seed of litigation chaos later.

Maine’s private forestland scale is unique. Another unique element of these ownerships has been the collaboration of landowners and environmental communities to and researchers to understand the forests better and to care for them in a manner that simultaneously provides a healthy and prosperous forest products industry, and ecological benefits for humans and wildlife alike. One example of this collaborations was the funding and opening of lands for John Hagan’s recent study on LSOG detection and classification. John did some very good work to advance remote sensing outputs in this area, but, as with any new technique, there were a number of holes noted that indicate an underrepresentation of detected LSOG characterized stands within the North Maine Woods, particularly with regard to stands of cedar, Maine’s longest lived species. Continued cooperative refinement of the definitions, methodology of detection and evolution of these stands should be a next step, rather than reactive regulatory action that blindsides the landowner community.

It should also be noted that Maine is a national leader in acreage and landowner enrollment in third party sustainability certifications. These certifications include requirements to identify LSOG components of the forests and formally plan for how these forest conditions will be monitored and cared for. In addition to this, there are many Improved Forest Management forest Carbon projects registered across the North Maine woods. As John noted in his study, many of these LSOG characterized stands carry very high value as Carbon offsets rather than as timber harvests, and these market forces are actively affecting how and where landowners harvest timber. Unfortunately, if LSOG stands were to be zoned or otherwise legislated with formal harvest protections or restrictions, landowners would experience a taking of the value from this market, as the market cannot pay for preserving carbon that is already legally preserved. LSOG stands are already getting notable attention and care from the forest landowner community and we anticipate continuing to work collaboratively with the environmental community and markets on this front to all of our benefit. Placing any one size fits all language in statute to force that hand, however will not assist this process and could derail it.

Section 5, directing the LUPC to undergo rulemaking to protect undeveloped high-value lakes can only be presumed to be included in this bill because a high percentage of LSOG characterized lands within John Hagan’s research occur immediately adjacent to lakes and ponds. Shifting ponds from management class 7 to class 1 or 6 would add additional protections to those bodies with regard to

development along the shores. It would also, however, restrict access, as these lake classifications respectively require ¼ mile or ½ mile buffer around the entire shoreline that is restricted from having vehicular access. If this is an effort to protect LSOG type stands, it is noteworthy that many of the old, high diversity and complex ecology forest stands that I am familiar with around remote lakes and ponds are still there because of the camp and cabin development on those same ponds, not in spite of it. Camp and cabin owners generally prefer to have the old, unharvested forest near the camp left as such. Regardless of this element, these lakes and ponds were not zoned out of class 7 by LUPC expressly because they did not see any “outstanding resources” associated with those ponds and were left zoned in areas that do allow limited developments and therefore allow landowners to potentially capitalize on value from leases or sales in these areas. Development rates in this area are somewhere in the vicinity of one permit per year per township presently, but rezoning all these lakes nonetheless amounts to a taking of that value potential.

In closing- While foresters and landowners generally support scientific and well planned long term management, care and maintenance of a component of old and diverse ecologic stage forest, the process of defining what qualifies as such is a complex and site specific one that should be handled by landowners, in cooperation with foresters and forest ecologists, not in the halls of the legislature. Current market forces are make maintaining stands on this trajectory more and more alluring to landowners as it is, but intervention by regulating bodies will most likely negatively impact those very markets. Furthermore, rezoning is an exercise best left in the hand of the planning board body that is entrusted to that very process. For these reasons, I respectfully submit this testimony in opposition to LD 1529.

A handwritten signature in blue ink, reading "Thomas Coleman". The signature is fluid and cursive, with the first name "Thomas" and last name "Coleman" clearly distinguishable.

Thomas Coleman
Licensed Forest 3820