



Maine Forest Products Council

The voice of Maine's forest economy

Companies represented on the MFPC Board

American Forest Mgmt.
Anderson Equipment
Baskahegan Co.
BBC Lands LLC
Cross Insurance
Family Forestry
Farm Credit East
Hancock Lumber
H.C. Haynes
Huber Resources
Innovative Natural
Resource Solutions
J.D. Irving
JM Cote Co.
Katahdin Forest Mgmt.
Key Bank
LandVest Inc.
Limington Lumber
Louisiana Pacific
Maibec Logging
Nicols Brothers
Pingree Associates
Pleasant River Lumber
Prentiss & Carlisle
ReEnergy
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Sappi Fine Papers
Southern Maine Forestry
Stead Timberlands
Stratton Lumber
TD Bank
Timber Resource Group
Timberstate G.
Verso Paper
Wadsworth Woodlands
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Wagner Forest Mgt.
Weyerhaeuser

Maine Forest Products Council Testimony in Opposition to LD 901 An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places

March 23, 2017

Patrick Strauch, Executive Director

Senator Saviello, Representative Tucker and distinguished members of the Environment and Natural Resources Committee, I am Patrick Strauch, executive director of the Maine Forest Products Council. I am speaking today in opposition to LD 901.

Since 1961, the Maine Forest Products Council has represented our state's diverse forest products community, including logging contractors, sawmills, paper mills, biomass energy, facilities, pellet manufacturers, furniture manufacturers, and the owners of more than nine million acres of commercial forestland in Maine.

LD 901 would nearly double the area subject to a visual impact assessment from the current eight miles to 15 miles for certain scenic resources of state or national significance. This is a major increase that was not part of the original negotiations.

The Council's fundamental concern is that LD 901 would limit the land use rights of private landowners in order to expand the interests of recreational visitors who want a "wilderness experience." These lands are actively managed working forests. It is unfair to significantly impair uses of the working landscape to provide minimal visual benefits for visitors.

As a state, we have reconciled these conflicting private and public land use values by public purchasing development rights from willing landowners through fee title or conservation easements. Many conservation groups like land trusts and AMC have purchased thousands of acres of land to manage for conservation and recreation, so they are well aware of how to accomplish their goals. According to the Department of Agriculture, Conservation and Forestry, Maine now has more than 4 million acres in conservation easements, the greatest percentage of any state.

Further restricting private property rights to please visiting recreational users on neighboring property will only alienate landowners, which may result in limitations on conservation and recreational opportunities. The history of the Appalachian Trail demonstrates how permissive landowners eventually had land rights taken from them. This proposed expansion of land use regulation continues the march towards regulatory taking of land rights. The International Appalachian Trail extension through Aroostook County will likely be met with less cooperation from the landowners granting access.

If the state doesn't adhere to the limits placed on scenic protection, this expansion will continue. Earlier versions of this bill would have granted protected scenic resource status to private sporting camps, the Allagash Wilderness Waterway and sections of the St. John River. Indeed, this bill would give more scenic benefits to visiting hikers than permanent residences.

Appalachian Trail hikers should not complain about impacts on a "wilderness experience" when they are really looking at a working forest; no more than hikers should complain about views of New York City when the AT crosses the Hudson River. Why should Maine landowners be forced to maintain their working forestland for the viewing pleasure of visitors 15 miles away? The answer is: They should not. There is no justification for an exponential increase in this regulation.

This expansion of visual impact assessment was spurred by recent wind power development, so it's fair to ask if turbine height increase from 350 feet to 500 feet is even discernable from eight miles, much less 15 miles? Our answer is no. It's also important to note that the economic benefits of wind power projects to the state's economy far surpass the economic contribution of hikers who reach the points declared scenic resources of state or national significance. Moreover, since the pace of wind power has drastically slowed down, this is a solution in search of a problem.

Maine's landowners are most concerned about the precedent LD 901 would create for other activities on their land. Regulations have expanded over time to control scenic impacts of housing, commercial development, harvesting operations, and road building. This bill presents opportunities to vastly expand the reach of those regulations.

The Council hoped that when LURC became LUPC, the administrative focus had shifted from limiting economic opportunities through zoning and permitting regulations, to a greater emphasis on reasonable planning that balances protection of the environment with economic development. LD 901 would be a huge step in the wrong direction.

Please vote ought not to pass on LD 901.