



## Land Protection

This issue of Forest Wisdom examines complex and critical challenges involved in preventing the loss of America's forests.



### Michael Hagen

Mike is a member of the Forest Guild and has been a forester and environmental consultant on Washington's western Olympic Peninsula since 1980. He has worked with numerous organizations and private landowners to restore aquatic and riparian habitats, develop forest management plans, and study old-growth forests. Mike is always striving to find ways for Olympic Peninsula landowners to avoid or minimize development impacts on local rivers and streams.

## THE HOH RIVER TRUST

### *Protecting a Great American River*

by Michael Hagen

Sustained by over 140 inches of rain per year, the first 25 miles of the Hoh River's pristine upper watershed is protected within Olympic National Park in Washington State. An approximately thirty-mile stretch of the lower Hoh outside of the park's boundaries is home to a rich and naturally evolving habitat. In early 2005, the Hoh River Trust (HRT) was formed to preserve that section of the river, began acquiring and managing commercial forestland along the river, and now owns about 4,700 acres.

I became involved with the HRT first as a consultant, then as the director of land management. As such, it has been my task to begin the process of forest restoration, to put a local face on the new organization, to develop management plans, and to conduct outreach. This has led to our involvement in the local watershed and salmon-recovery process, to cooperative projects with the Hoh tribe and state and federal agencies, and to rewarding friendships with neighbors and partner organizations. The trust itself is a small organization comprised of only the board of directors; myself; the executive director, Phil Davis; and a part-time land steward, Bob Howell, who keeps a sharp eye on the land and lends us his considerable local expertise.

The overall plan of the Hoh River Conservation Project is to acquire and permanently protect undeveloped forest and floodplain habitat, in a more or less contiguous corridor along the Hoh River not already protected by the primary and the coastal portions of Olympic National Park. Our parcels are scattered among state and corporate forestlands and many small landowners. When our ownership is combined with

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# forest WISDOM

issue ten / summer 2008

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## WHERE ARE OUR PRIORITIES?

# Confronting the Loss of America's Forests



**V. Alaric Sample**

Forest Guild board member.

*"Why does it always seem to go, that you don't know what you've got 'til it's gone?" – Joni Mitchell*

For more than a decade, America has been losing its forests and open space at an average of more than 3,000 acres each day—that's roughly four acres each minute. Once forests have been converted to housing subdivisions and shopping malls, they are essentially gone forever. Who can tell what public values have also disappeared along with the forests themselves—watershed values, wildlife habitat, production of wood and other products, hunting, fishing and other outdoor recreation opportunities? How much forest capacity for mitigating climate change are we losing, just when it is dawning on us how important this may be to our own future?

Even when forestland is converted with the best of intentions, the unintended negative consequences can be significant. A recent study by researchers at Princeton University and the University of Minnesota found that the conversion of forests releases large amounts of stored carbon and also destroys their capacity for future carbon sequestration—so much so that, even if the land is replanted to bioenergy crops destined to offset the use of fossil fuels, it can take as much as 350 years for these biofuels to offset just the carbon released in the conversion process itself. It is estimated that, worldwide, forest conversion is responsible for as much as one-fifth of all human-induced, greenhouse gas emissions—a greater source of carbon emissions than all the cars in the world combined. Clearly we need to think twice before contributing to a further net loss of forests, even for what may at first appear to be worthy purposes.

In national and state forest policy in the U.S., we've developed a wide range of mechanisms to encourage the conservation and sustainable management of private forests: financial

incentives, cost-share programs, preferential property taxes, conservation easements, income tax credits, and tax deductions for forestland donations to public agencies or qualified non-profit organizations. State governments are stepping in with new ideas including a revolving loan fund for private woodland owners in recognition that ownership fragmentation and land conversion often take place as a result of a short-term financial need such as a family medical crisis. Others are attempting to stem the overall loss of forest cover while still affording opportunities for responsible development through "no net loss" policies for private forests.

Some are pinning their hopes on carbon credits to make private woodland ownership financially viable in the future. Others grasp still further to the possibility of selling credits for ecosystem services such as protecting water quality. The list of willing suppliers of ecosystem services credits is large, but the potential buyers are, for the most part, yet to be identified. In the absence of a substantial policy intervention to stimulate the development of new markets, demand will be limited to voluntary "good will" purchasers. Innovative approaches such as these hold great promise, but their real-world effectiveness on a meaningful scale will not be proven for some time to come.

In the meantime, we already have an array of federal/state cooperative programs that were developed expressly to reduce the conversion and fragmentation of private forestlands. For example, the Forest Legacy program is focused on facilitating state acquisition of conservation easements on high-value forestlands under imminent threat of development. It was initiated when most of the forest industry lands in the U.S.—at one time about 15 percent of the nation's

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A South Carolina  
homestead. Photo by Rick  
Layson, Rick Layson  
Photography, Bugwood.org



“African American  
land ownership is  
falling faster than  
that of any other  
ethnic group.”



#### Amadou Diop

A native of Senegal, West Africa, Amadou Diop came to the U.S. in 1999 and earned his masters degree in agricultural and resource economics. Starting in 2002, he managed a community-based forestry demonstration program funded by the Ford Foundation. Currently, as the southern forests restoration manager for the National Wildlife Association, Amadou is spearheading an initiative to restore longleaf pine.

In the spring 2008 issue #9 of *Forest Wisdom*, Cheryl Adams' employer was incorrectly listed as the Blandin Foundation. In fact, Cheryl is the forest ecologist for UPM-Blandin Paper Mill in Grand Rapids, MN. We apologize for this error.

Cover photo by Michael Hagen

## A CHANGING RELATIONSHIP

### *The Legacy of African American Land*

by Amadou Diop

Land ownership is a vital asset to all communities. For African Americans, it is particularly important since it is often one of the few, as well as the prevalent, forms of wealth. In parts of the Deep South, African Americans still control a significant portion of private forestland. Their connection with forestry can be traced throughout the exploration, settlement, and development of North America. Initially, they used the forest as a place for worship as well as refuge. Later they worked as laborers clearing woodlands for agriculture. Ultimately, African Americans became forest landowners and managers.

Few studies have been conducted to understand the relationships of forests to African American communities. However, it has been observed over the past century that the African American experience and relationship with forests has changed from intimacy to dissociation. There are a number of theories as to why this has happened. Most probably there are a mix of reasons, including inequitable distribution of resources, social-structure barriers, lack of and inadequate access to technical assistance, and, lastly, collective memories of the old Jim Crow days.

One of the direct consequences of this dissociation is that African American land ownership is falling faster than that of any other ethnic group, and African American landowners are in danger of being left behind in the changing economics of forest management and ownership. In the last century, African American land ownership drastically declined to less than 2.4 million acres in 1997 from a peak of around 15 million acres in 1920. Beyond the well-documented pattern of black Americans being cheated out of their lands or driven from them through intimidation, violence, and even murder, other factors have also contributed to this loss. Tax and partition sales, mortgage foreclosures, failure to write wills, land-ownership limitations on welfare recipients, eminent domain, and voluntary sales are just some of them. In addition, African American landowners are also facing major forest threats such as development pressure, forest health problems, and wildfire that are affecting private forest landowners all over the U.S.

Several studies have demonstrated that African American forestland owners have diverse objectives. They generally manage their land-based resources less intensively than other non-industrial

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OUR FORESTS, OURSELVES  
*Taking our Woods  
 for Granted*

by Tim Abbott

**Tim Abbott**

is co-coordinator for the Forest Guild in Connecticut and director of the Litchfield Hills Greenprint, a partnership of the Trust for Public Land and the Housatonic Valley Association. He lives in North Canaan, Connecticut.

**t**here are twice as many forest landowners in southern New England today than there were just a decade ago. We are not making more forests. Both Connecticut and Massachusetts have actually lost forest cover during the last twenty years, reversing a trend that began over a century ago with upland farm abandonment and subsequent forest succession. Today, the final land product is not trees but houses. We have more forest owners now because forest tracts have been broken up into smaller parcels and are managed, if managed at all, with a smaller vision.

I live and work in Litchfield County in northwest Connecticut, where 75 percent of the land cover is trees, and about a third of the interior forestland is permanently protected by conservation ownership or easement. If you look at aerial photographs of this still rural corner of southern New England, or zoom in to our region via Google Earth™, you will not see massive subdivisions sprouting in our forests. Currently the type of land cover we are losing hand over fist to high-density subdivision is agricultural land: ready-cleared soils, often with picturesque views of our wooded hills. People in our communities have an emotional, if not fully informed attachment to farms as part of our rural character, and there is strong consensus that saving land for agriculture should be a top community and conservation priority.

There is not the same affection for forestry. Local residents—old timers and newcomers—do not understand farming any better than they understand forestry, but farming generally “gets a by” because it “belongs” in our rural landscape, while forestry does not. Forestry in southern New England today is the orphan stepchild of agriculture, and like many orphans

suffers from low self esteem, low expectations, neglect, and abuse. Land use commissions try to impose well-meaning but poorly informed restrictions on forestry activities. Residents object to stumps and skid trails but not the even-aged, ecologically declining forests themselves that would benefit from Guild-style management. Rural residents need to be able to differentiate between the short-term aesthetic impacts of a well-managed timber harvest and the permanent scarring and damage caused by a lousy one, and demand the former. Sadly, there are few examples of high-quality silviculture in these parts to point to as models of excellent forestry.



*Autumn woods in northwest Connecticut.  
 Photo by Tim Abbott.*

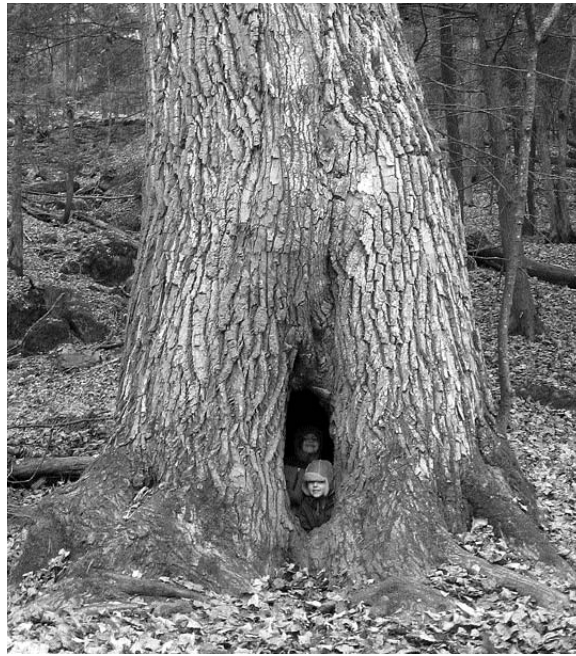
Though we like our trees, we take our woods for granted. I helped to launch a community forest initiative called Elm Watch ten years ago that was able to solicit private donations on the order of \$50,000 annually to inject American elms in the public “viewshed” with fungicide to prevent Dutch Elm Disease. Our “Adopt an Elm” campaign got more regional press and inspired more civic engagement than any other regional conservation effort. Yet for all its success, this focus on iconic “charismatic megafloa” in our village streetscapes did not help residents see the rural forest with new

“We have a regionally significant natural resource that is poorly understood, under appreciated, and often not considered in its full context when new development is proposed.”

eyes. And so we lose habitat and forest contiguity to fragmentation rather than conversion, or to a long driveway up a steep slope rather than rows of subdivisions. Folks do tend to resent the few houses they can see squatting on the ridges but don't understand the greater impacts of the road infrastructure that serves them. This is the state of affairs that confronts proponents of forest conservation and those seeking better stewardship and excellent forestry in Connecticut's Litchfield Hills. We have a regionally significant natural resource that is poorly understood, under appreciated, and often not considered in its full context when new development is proposed.

In my line of work as Director of the Litchfield Hills Greenprint, with the ambitious goal of increasing the pace and quality of conservation and land protection activity across the region, I have unique access to data about the distribution and quality of our natural resources of greatest significance. I can tell you, for instance, that there are at most 540 parcels of land in private ownership in these parts that are both greater than 50 acres and contain at least 60 percent core forest habitat. Another 40 or so very large parcels are water company lands owned by municipal, private, or metropolitan water commissions. None of these lands is permanently protected from the fragmenting impacts of inappropriate development. Nor is the vast majority under long-term, forest-friendly management. They stay "in trees" because they are not yet considered liabilities to the landowners. We need more landowners to start thinking about permanent conservation and stewardship of their assets.

The most effective tool to keep land in trees on private lands remains the conservation easement or, if you prefer, the conservation restriction as it is known in Connecticut and Massachusetts. (For more information on easements, please read Frank McIntosh's article "The Nuts and Bolts of Conservation Easements and Potential Tax Benefits" on page 6.) One of the great advantages of conservation easements for landowners, besides the possibility of being compensated for not allowing land to be inappropriately developed, is that they are remarkably flexible instruments.



*Small "critters," Emily Abbott (above) and Elias Abbott (below), in a large cottonwood cavity. Photo by Tim Abbott.*

Having an easement in place with a long-term management plan and a relationship with a supportive conservation entity would greatly benefit many of our woodlands.

Often run by volunteers, small land trusts may have limited land-management capacity and may hold easements that they struggle to monitor properly. I have encountered well-intentioned language in some conservation easements that doesn't translate easily into the practicalities of stewardship and the conservation benefits of high-quality forest management. This challenge for land trusts will become even more significant when they decide whether to apply for accreditation by the Land Trust Alliance. The new voluntary standard recognizes land trusts that comply with a suite of organizational practices such as indicators of responsible governance, ethics, accountability, compliance with applicable law, and protection of the public interest in sound land transactions and stewardship. I believe there is the potential for a new business relationship between private conservationists and public-sector consultants who combine Guild-style forestry and easement-monitoring capacity. In southern New England, where I live and work, a real opportunity exists for such mutually beneficial collaborations.

We all need a better appreciation of high-quality silviculture, not only to distinguish good from bad, but to value forest management that will

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**For those who are interested, Tim recommends:**

*Preserving Family Lands, Book III*, by Stephen J. Small, available online from the author: <http://www.preservingfamilylands.com/pro/bio.html>. Small is the attorney who wrote the IRS tax code providing deductions for gifts or bargain sales of conservation easements.



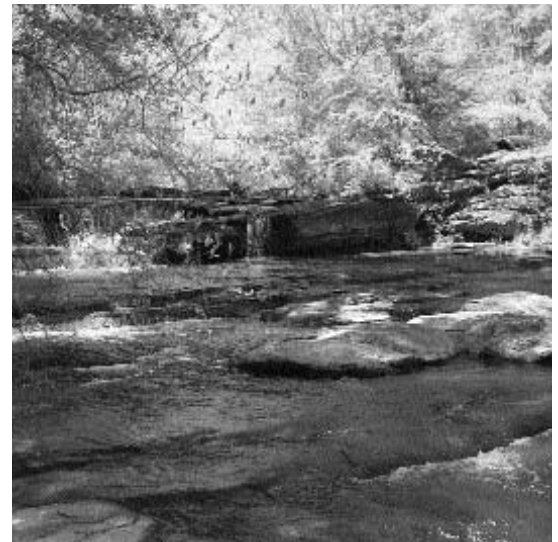
Both of these properties are permanently protected by conservation easements.

Left:

Near Oxford, Alabama

Right:

Dye's Creek, Alabama



REVIEWING THE NUTS AND BOLTS

## *Conservation Easements and Their Potential Tax Benefits*

by Frank McIntosh

### **Frank McIntosh**

is a native Georgian and a graduate of the University of Georgia Grady School of Journalism. He worked for the State of Georgia for 17 years in community and economic development, and as a graphic designer. Frank also served as executive director of the Savannah Tree Foundation. He is currently director of land protection, east GA for the Georgia Land Trust coastal office.

**C**onservation easements (CEs) permanently protect land by removing certain rights from the property, most importantly some or all of the development rights. In return for voluntarily extinguishing these rights—CEs are not condemnation—property owners can realize financial returns through charitable donation tax benefits and lowering estate and property taxes.

**IRS Code Section 170(h) - The rules governing non-cash charitable donations stipulate that CEs must be donated (1) in perpetuity, (2) to a qualified charitable organization that has the commitment and resources to enforce the CE, and (3) exclusively for conservation purposes.**

### *Qualifying for a Conservation Easement*

1. The land to be protected needs a landowner willing to take the extraordinary step of placing the land in permanently protected status. While the landowner donating CEs retains certain uses—called reserved rights—on their

property, other uses are restricted or prohibited in perpetuity. All terms and conditions agreed to in a CE run with the land and bind all future owners to these terms.

2. The land to be protected must have something worth protecting. These are defined as the property's conservation values (CVs). IRS code section 170(h) lays out qualifying CVs which include such things as habitat for native animals and plants, productive forest and agricultural lands, and water quality protection.

3. The CE must have a qualified holder, which can be a non-profit or governmental entity that works with the donor to be sure that the deed of conservation easement—the legal document that records the CE's terms in the local registry of deeds—clearly and strongly recites the CVs.

4. The CE must also clearly state that reserved activities and rights such as agriculture, timber management, and construction of barns, sheds, houses, and ponds are compatible with and allow for the protection of the CVs.

5. The CE donor must also have a baseline documentation report (BDR) prepared that documents the property's CVs and maps out areas on the property to be preserved inviolate (such as significant wetlands) as well as areas where reserved activities and uses may be undertaken.

6. Working forest conservation easements stipulate that forestry activities will be conducted in accordance with a written management plan to ensure the property remains productive and indeed has its productivity enhanced by the designated uses.

7. There must be clear title on the property that is to be protected—i.e. you can't donate what don't own outright.

8. After the land is protected by a recorded deed or conservation easement, there must be an endowment on the property. The qualified holder of the CE is the beneficiary of the endowment and must use it to ensure the perpetual monitoring and the defense of the CE's terms and conditions. At a minimum, a qualified holder must visit a property once a year to look at the land, gauge its uses relative to the CE and the conditions noted in the BDR, and determine that the activities on the land are consistent with the CE and that the CVs are continuing to be protected.

### *Potential Financial Rewards*

In return for the investment of effort and money on the part of CE donor, the following financial rewards may be applicable:

1. **Charitable-donation tax benefits.** The current federal income tax deduction (and by extension state income tax deduction in states with income tax) may be taken at up to 30 percent of adjusted gross income (AGI) in the year of donation with a five-year carryforward to absorb unused benefit. Pending federal legislation (in conference committee at the time of this April 2008 writing) could restore the benefit to the 2006-2007 levels of up to 50 percent of AGI in the year of donation plus a 15-year carryforward. For more information on the bill's progress, please visit the Land Trust Alliance web site, [www.lta.org](http://www.lta.org).

2. **Property tax adjustment.** To determine the value of the charitable donation, a donor must have a qualified appraisal that shows the difference between the property's "highest and best" use value and its encumbered value, i.e., its value after the CE extinguishes some of the rights associated with the property. Because development rights constitute as much as 60-70 percent of the value of many properties, there can be significant diminution in the taxable value of protected properties. Property taxes are still a highly local issue, so there is no set formula or guaranteed reduction. In general, CE donors should be able to realize a reduction of property taxes.

3. **Estate taxes.** With current high (and still going higher) ceilings on estate taxes, this potential reward is not such a critical element except on truly large bequests of land. However, with the sunset of the higher ceiling due to occur in 2010, this reward may again become a salient issue on bequests of lesser value.

4. **Sales of development rights.** A CE is not always the result of an outright donation. Governmental and non-profit entities may choose to purchase fee rights on a property that they deem critical for protection. Fee rights are the bundle of rights commonly associated with fee simple ownership, such as forestry, agriculture, mineral extraction, and subdivision or development, that the owner can control, use, or transfer at will. The sale of development rights at fair market value (FMV) does not qualify for tax benefits. However, for a sale at less than FMV, the amount between the FMV and the sale price does constitute a charitable donation.

A conservation easement is like marriage—it is "not an institution to be entered into lightly." However, if the partners are right and there is a clear understanding of what is to be given and what is to be received through the union, the rewards can be both great and satisfying in a deeply intrinsic way. For a landowner with a commitment to the continued productivity of the land, a conservation easement may be the right path to that land's continued protection, use, and enjoyment. ■

**IRS Code Section 170(h)**—the rule governing non-cash charitable donations—stipulates that a conservation easement (CE) must be donated:

- (1) in perpetuity.
- (2) to a qualified charitable organization that has the commitment and resources to enforce the CE.
- (3) exclusively for conservation purposes.

**Section 170(h)** generally defines "conservation purpose" as the following:

- 1) The preservation of a land area for outdoor recreation by, or the education of, the general public. With a CE given for a recreation or educational purpose, public access is required to claim an income tax deduction.
- 2) The protection of relatively natural habitat for fish, wildlife, plants, or similar ecosystems.
- 3) The preservation of open space where such preservation will yield a significant public benefit and is either
  - a) for the scenic enjoyment of the general public, in which case much of the property must be visible to the public (physical access is not required); or
  - b) pursuant to a clearly delineated federal, state, or local governmental conservation policy.
- 4) The preservation of a historically important land area or certified historic structure. Visual or physical access is required, depending on the nature of the property or building to be preserved.



*View of Moosehead Lake from Mt. Kineo, a well-known rock formation. Photo by Stephen Gould.*



### **Cathy Johnson**

A Forest Guild member since 1999, she is senior staff attorney and director of the North Woods Project for the Natural Resources Council of Maine based in Augusta. For almost two decades, her professional work on forest policy issues has included forestry regulations, forest management and certification, forest land use policy, and forest protection. Her prior forestry-related jobs were with the National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, and the National Parks Office of Nepal.

## DIFFERENT VIEWPOINTS

### *Interviews with Steve Pelletier and Cathy Johnson: Maine's Controversial Plum Creek Development Proposal*

#### *Editor's note:*

*The Plum Creek Timber Company was established in 1989 to purchase timberlands and mills from Burlington Resources. It reorganized as a real estate investment trust (REIT) in 1999. Based in Seattle, Washington, Plum Creek is the largest, most geographically diverse private landowner in the U.S. They currently own approximately eight million acres of forestland including nearly one million acres in Maine.*

*It is Plum Creek's proposed development plans for their land holdings in Maine that have created so much controversy during the past two years. The State of Maine's Land Use Regulatory Commission (LURC) has been conducting hearings and will make a decision to approve or disapprove Plum Creek's concept plan. LURC established a "concept plan" process whereby landowners create and submit their long-range plans for the development and conservation of a large area. As stated by LURC, the concept plans should clarify the landowner's long-term intent and indicate "in a general way, the areas where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected."*

*Two Forest Guild members, Cathy Johnson and Steve Pelletier, were recently interviewed about Plum Creek's proposed development plans. They both live and work in Maine and have differing views on the proposed plan. Their well-considered opinions reflect the healthy discussions that often occur within the Guild about controversial and complex issues. (The order of their answers was determined by a coin toss.) If you would like more information about the status and issues regarding the Plum Creek, visit the LURC website: [http://maine.gov/doc/lurc/reference/resource\\_plans/moosehead.html](http://maine.gov/doc/lurc/reference/resource_plans/moosehead.html).*

#### **Question #1 - How would Plum Creek's proposed development impact this region?**

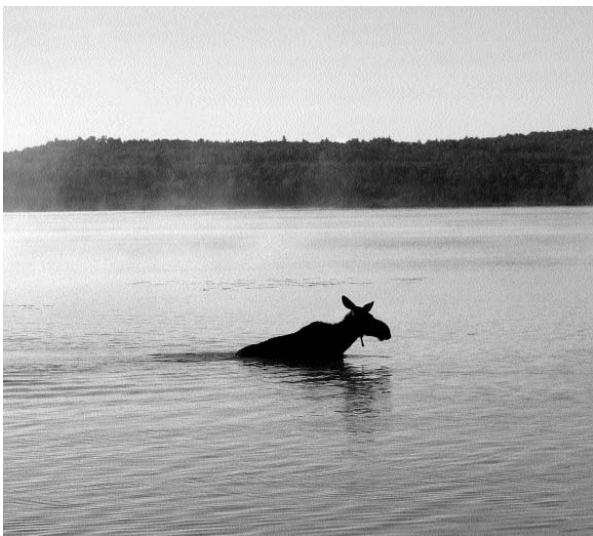
**Steve:** "Affect" might be a more appropriate term. "Impacts" from my perspective as a forester and wildlife biologist would likely come in the form of increased road traffic, fishing and hunting pressure over time in certain areas, and the loss of some forested tracts, with the resulting direct and indirect impacts to habitat and wildlife. However I believe these impacts pale in comparison to the long-term benefits and effects of the concept plan that

include maintained and enhanced, regional landscape-level ecological functions and values with the permanent protection of 431,000 acres of forestlands and natural communities. Permanent protection will come in the form of 356,000 acres in conservation easements and the acquisition of two tracts of high conservation value - Roach Ponds (29,500 acres) and the Moose River-No. 5 tract (45,000 acres).

The consequences, in my opinion, are enormous and unprecedented in terms of the wide range of forest-based resources and benefits that will



continue to be provided—in perpetuity. Further, the physical location of protected lands around development zones effectively halts the effects of sprawl, so there's no possibility for residential or resort development beyond the development zone boundaries. In addition, at the end of the 30-year development plan, the Balance Conservation acreage will increase by the amount of land area within the development zones that remains undeveloped, thereby eliminating all unused and potential development rights forever. Absent these protections, these lands will continue to be developed over time in a piecemeal and haphazard fashion, with the same cumulative habitat fragmentation, increases in road traffic, and direct and indirect impacts to habitat and wildlife that those opposing the Plum Creek's plan have voiced their concerns.



*A moose in Moosehead Lake at dawn.  
Photo by Jason Heindel.*

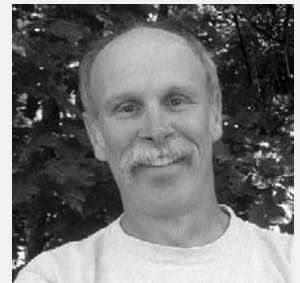
Briefly, the plan establishes development zones to accommodate residential, non-residential, and resort development. These zones encompass approximately 20,000 acres. Ultimately, development will likely involve only 8,000 to 12,000 acres of that 20,000-acre area, as currently zoned. It includes buffer and resource areas that will be specifically identified and protected during the final design stages. Lands proposed for conservation purposes include a far greater diversity of botanical and wildlife resources, including large and exemplary natural communities and wildlife habitats that

inhabit rare wetland ecosystems and late successional forests. These same resources are absent or exceedingly rare within the proposed development areas. Recreation issues are addressed through development of four recreation trails and motorized access options. There's also a mix of other components of which I'm not fully aware such as the Moosehead Region Community Stewardship Fund that helps address social, educational, recreational, and community needs, as well as affordable housing support in the form of donated land and funding.

*Cathy: Plum Creek is proposing 2,315 "accommodation units," including two large resorts, commercial development, and more on 20,000 acres of land scattered in a 50-mile swath around Moosehead Lake, New England's largest lake. These units are located in the largest undeveloped forest in the eastern half of the U.S. This proposal would destroy the beauty and undeveloped character of the region, disrupt the solitude and dark night skies, and harm wildlife, water quality, and primitive recreation experiences along the Northern Forest Canoe Trail and at one of Maine's finest state parks, Lily Bay. The size of Plum Creek's proposed development needs to be cut at least in half in order to avoid wildlife impacts caused by a 10-fold increase in traffic and the destruction of the region's scenic beauty and recreational opportunities including fishing and paddling.*

*By law, in order to get the zoning change they need to be able to create a development of this size, Plum Creek has to show that there will be no "undue adverse impact on existing resources and uses," and that there will be a "publicly beneficial balance" between appropriate development and conservation. To meet these and other legal requirements, Plum Creek has proposed to donate a working forest conservation easement on 91,000 acres of land, including 500-ft. strips around small ponds in the backcountry, most of which would never be developed anyway, and on uplands surrounding the 20,000 acres of proposed development lands. In addition, Plum Creek has agreed to sell two parcels totaling 75,000 acres and a separate working forest conservation easement on 266,000 acres of backland to the Nature Conservancy for \$35 million.*

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#### **Steve Pelletier**

is a principal of Stantec Consulting, formerly Woodlot Alternatives, in Topsham, Maine. He is a Forest Guild member, SAF-certified, and licensed Maine Forester, as well as a Certified Wildlife Biologist, and Professional Wetland Scientist. He has more than 25 years of professional experience in forest management, wildlife ecology, natural community and rare species habitat assessments, and wetland science.



Canoeing on Moosehead Lake at  
Sandy Bay. Photo by Jerry and  
Marcy Monkman.



Woolloch River in the Moosehead  
Lake region of Maine. Photo by  
Ellison Wells.



View of Moosehead Lake.  
Photo by Bill Silliker Jr.

**Question #2 - Is there an alternative to Plum Creek's plan that would be better?**

**Steve:** The plan has evolved significantly over the course of the past two years, in large part due to opponents' comments. My understanding is the plan may yet have some minor modifications—based on the outcome of the upcoming deliberations—but that most of the significant commitments on the part of Plum Creek have been put on the table. Approval of the plan would enable the full range of permanent conservation benefits to be put in place. Denial results in the status quo. My concern is that development will continue to occur whether the plan is in place or not. The choice is whether we want to have control over that growth.

**Cathy:** Yes! Plum Creek owns 8,000 acres within the town of Greenville, much of which landscape architect and land-use planner Terrence DeWan has said would be appropriate and attractive for development. In addition, Plum Creek owns land immediately adjacent to the village of Rockwood and immediately adjacent to an existing downhill ski area – land that DeWan also believes would be appropriate for development. However, the size of Plum Creek's proposed development needs to be cut at least in half in order to avoid wildlife impacts caused by a projected 10-fold increase in traffic and the destruction of the region's scenic beauty and recreational opportunities.

**Question #3 - How would you categorize the current management of this land?**

**Steve:** I would characterize it as one that continues to evolve. Much of the forestlands have been very intensively managed under both the current and past owners. However, specific attention to the forest management issue, brought on by these ongoing development discussions, have resulted in a number of in-house changes and proposals that, in my opinion, will continue to lead to changes in current forest management practices. The foresters and professional wildlife staff I've worked with over the last two years have impressed me—they work hard, understand the issues, and are committed to sustainable forest management

practices that support both timber and non-timber resources and values.

**Cathy:** It is managed as industrial forestland, using extremely aggressive timber harvesting. The company was fined for violating Maine's forest harvesting standards 18 times in the past decade and paid the largest fine ever assessed for harvesting violations by Maine at that time. Plum Creek's substandard harvest roads also violated water quality standards. They cut down the nest of an endangered bald eagle, reduced wintering habitat for white-tailed deer, and were described by Maine Department of Inland Fisheries biologist Chuck Hulseley as having the worst record of any of the large landowners regarding protection of deer-wintering areas.

**Question #4 - Does Plum Creek's easement offer assurances of sustainable forestry?**

**Steve:** The lands are managed under SFI standards. The plans include species specific management components including the formation of the Management Advisory Team (MAT), which was "established to advise and consult with the parties to this management plan with respect to management issues that may arise over time and how to best achieve the conservation values of the Easement on the Protected Property" (Plum Creek Integrated Concept Plan, Oct. 2007). The formation of this group is unprecedented in that the management of private lands is reviewed by federal and state resource agencies and NGOs.

**Cathy:** No. In general, the easement does not provide for adequate enforcement by the holder of the easement (Holder), does not provide the State, as third party holder, with the enforcement authority it needs, abdicates enforcement authority to the SFI Board, and includes provisions designed to discourage enforcement by the Holder and State.



**Question # 5 - What broader implications are there for this development on Maine's North Woods and the Northern Forest?**

**Steve:** The project is confined to the plan area. However, as already noted the strategic location of the conservation lands will be effective in terms of preventing future sprawl. The opportunities for regional landscape level planning are greatly enhanced with the establishment of this 431,000-acre forest anchor, and with it opportunities for effectively tackling significant problems such as those associated with northern lynx and marten management.

**Cathy:** *There are at least half a dozen other landowners with attractive natural resource value of a size and configuration for development similar to the scale Plum Creek is proposing. If Plum Creek receives a permit to do what they have applied for, we will likely see similar proposals, all of which will destroy more undeveloped forest-land in the Northern Forest. In addition, this development may drive up the price of land so that it is more valuable for second homes than for timber and make it increasingly difficult to manage the forest sustainably for timber.* ■



*View from Lily Bay Mountain.  
Photo by Diano Circo.*

Our thanks to the Natural Resources Council of Maine for the use of the photos in this article.

### **About Plum Creek's Proposed Balanced Conservation Easement**

Maine-based Forest Guild members, working with Guild Northeast Region Director Bob Perschel, wrote and presented testimony to Maine's Land Use Regulatory Commission on the Plum Creek proposal in regard to Plum Creek's proposed Balanced Conservation Easement submitted as mitigation for the development included in its larger Moosehead Lake Concept Plan. They restricted their comments to the question of whether the easement and associated documents offered significant assurance that the forest conditions would be improved and whether that improvement could be used as a mitigating balance to the proposed development. Using the rating system detailed in *Ensuring Sustainable Forestry Through Working Forest Conservation Easements in the Northeast*, they concluded that Plum Creek 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. A complete copy of their testimony may be found on the Forest Guild website: [www.forestguild.org/publications/policy/testimony\\_plumcreek.pdf](http://www.forestguild.org/publications/policy/testimony_plumcreek.pdf). A copy of *Ensuring Sustainable Forestry Through Working Forest Conservation Easements in the Northeast* can also be found on the Guild website at: [http://www.forestguild.org/publications/research/2006/Forest\\_Conservation\\_Easements\\_Forest\\_Guild.pdf](http://www.forestguild.org/publications/research/2006/Forest_Conservation_Easements_Forest_Guild.pdf).

“Based in Seattle, Washington, the Plum Creek Timber Company currently owns nearly one million acres of forestland in Maine.”



A maple stand along  
the Hoh River.  
Photo by  
Michael Hagen.



other conservation easements and shoreline buffers on other ownerships, habitat connectivity is nearly unbroken from the Pacific coast to the slopes of Mt. Olympus.

Land protection has already had a positive impact as salmonids and char (Coho, Chinook, Cutthroat, Sockeye, Chum, and Steelhead) are present in healthy populations. The Hoh, Quileute, and nearby Queets rivers are considered to be among the best salmon streams remaining in the Northwest. Of these, the Hoh River has the least hatchery influence.

The HRT land was targeted by Endangered Species Act (section 6) funding specifically to protect and aid in the recovery of marbled murrelet (*Brachyramphus marmoratus*), federal and state threatened; northern spotted owl (*Strix occidentalis caurina*), federal threatened and state endangered; bald eagle (*Haliaeetus leucocephalus*), federal and state threatened at the time of grant award; and bull trout (*Salvelinus confluentus*), federal and state threatened.

#### History

The origin of the HRT is complex. Two organizations, Western Rivers and the Wild Salmon Center, combined their skills to identify the best remaining salmon habitat and real estate along the Hoh River. Their purpose was to leverage private donations with federal and state funding to purchase land from Rayonier, the largest private timber owner in the area. After several blocks were purchased, the Hoh River Trust was formed to operate independently of the parent non-profit organizations.

This process was not without its missteps. The Olympic Peninsula had experienced a drastic decline of the timber industry due to protection of two species of birds, the spotted owl and the marbled murrelet. Those protective measures resulted in harvests shifting to rotations as short as 40 years; increased restrictions being placed on harvests near streams and rivers; the timber industry being required to replace fish-blocking culverts; and lastly, rising prices and demand for recreational property. Rumors and conspiracy theories about the HRT abounded, and an early public meeting was hostile. Local (or West End) residents were seriously concerned, though there was quiet support from locals as well. Sport fishermen and hunters worried about maintaining river access through HRT lands. Local businesses were concerned about timber land being taken out of production. Neighbors were worried about a drop in tax revenue and impacts on schools.

Over time we have been proving ourselves to be a good neighbor. HRT lands allow public access except for those specific areas and times that endangered species are known to be present. Visitation is very high both during summer and steelhead season. Gates are open annually for elk season. Land is kept in commercial-timber taxation status, and property taxes are paid. Timber production will indeed be reduced — not due so much to our actions as to the state of the property when we purchased it.

#### Management

The Hoh River Trust management objectives are (1) restoration of old growth forest habitat on a landscape scale and (2) maintaining public access to the rivers and forests for angling, hunting, hiking, boating, and compatible recreational uses. We do not practice conventional, short-rotation, even-aged forestry. We do plan to have pre-commercial and one or two commercial thinnings before achieving the desired future condition, or the stage of structural and functional forest development that presages old growth. After stands reach 70 years of age, adaptive management comes into play.

Our land and forest management is based on the theory that recovery of listed species will most likely be achieved by restoring specific habitat types. Within the restoration objective,

primary plans are to repair and upgrade all stream crossings to allow unrestricted fish passage, and to control noxious weeds. In 2007, we replaced a major fish-blocking culvert, located under a main haul road, with a concrete bridge that opened between 1.5 and 3 miles of salmonid habitat. In 2008 and 2009, we are partnering with the Hoh tribe, the U.S. Forest Service and other entities to remove another major culvert and a dozen smaller blockages. (This is in addition to a summer internship program and dozens of normal landowner's chores.)

Our plan, in short, is to thin our plantation-style conifer stands and to interplant, as needed, to get maximum sizes, patchiness, quantities of dead and down wood, and species composition representative of the original Hoh rainforest. Late seral stage stands tend to be dominated by Sitka spruce and western hemlock, with lesser amounts of Douglas-fir, Pacific silver fir and western redcedar depending on site. Understory is composed of vine maple, suppressed conifers, brush, and sword fern. Late seral stage canopy height may easily exceed 250 feet and 1200 sq. ft./acre basal area. Down wood volume often exceeds 2500 cu. ft./acre.

Hardwood stands are generally found within the active floodplain or on recently disturbed sites. They are dominated by red alder, perhaps with some large black cottonwood. Bigleaf maple, a long-lived hardwood, occurs in mixed stands and is often found on old homesteads and elk-grazed galleries. At present we have many monocultural spruce and Douglas-fir stands at ages up to 35 years. These will be thinned to increase species diversity and to begin to deal with serious spruce tip weevil infestations. Tip weevil causes spruce to top off at abnormally short heights, due to the yearly death of the terminal leaders. Infected stands do not appear to recover over time. Stressed trees have also begun to show attacks by bark beetles. Heavy thinning is proposed along with slash reduction and interplanting with Douglas-fir, red cedar, and hemlock. The remaining spruce may recover or may remain suppressed, but will still function as wildlife trees.

The first commercial thinning in healthy stands will remove suppressed and intermediates to further adjust species composition and increase height growth. Stem counts will be reduced 30



*A typical conifer stand in the Hoh River Trust. Photo by Michael Hagen.*

to 35 percent. Depending on location and the risk of brush domination, hardwood stands may be left alone or converted to conifer. Under-planting riparian red alder stands using Sitka spruce has been done for the past three winters and, so far, has been successful both in increasing conifer counts in riparian zones and avoiding new tip weevil attack.

A second commercial thinning will remove another 30 to 35 percent of the stems and will begin horizontal diversification. Natural regeneration in openings will develop varied ages and a multilevel, multispecies structure. Dead and down wood will increase almost to levels found in reference stands.

Wind and flood are wild cards in the Hoh. The locals have a saying that “the river gives and the river takes away.” By growing big timber next to the river, we can improve both fish and wildlife habitat and the ability of the river to stay put from season to season. Big embedded wood in rivers has long-term beneficial effects, including slowing channel migration and developing complex side channels and deep pools. High flows spreading through intact forest drop fine sediment, reduce destructive energy, and rarely cause much erosion. Stabilizing the river would allow bigger timber to remain standing on the floodplains and continue the healing cycle.

The HRT strives for excellent forestry which mutually benefits the entire ecosystem and the community. By protecting the Hoh River, we believe we will create a legacy that also contributes to a broader understanding of the viability of healthy river systems across the country. ■



## MISSION

*forest* The Forest Guild

promotes forestry that sustains the integrity of forest ecosystems and the human communities dependent upon them. The Guild provides training, policy analysis, and research to foster excellence in stewardship, to support practicing foresters and allied professionals, and to engage a broader community in the challenges of forest conservation and management.



## MEMBERSHIP

### Professional Membership

in the Forest Guild is open to all forest professionals whose work is directly related to the stewardship and protection of forests, whether that work occurs through on-the-ground management, policy, advocacy, or research.

Other individuals who share a concern for forests and forestry are invited to participate as **Supporting or Sustaining Members.**

**Students** are also encouraged to join and become involved.

private forestland owners, and many of them pay little attention to their forests except when timber is harvested. Since relatively few African American landowners have formal forest-management plans, they usually manage their lands with minimal consideration for the future and minimal professional advice. In most cases their culture of forest ownership is family centered rather than economically driven. Decisions about their forestland are made in the context of complex household and family values that differ from the values of professional foresters.

Several organizations that focus on land-based resources have been implementing programs to address African American land-ownership issues. The Federation of Southern Cooperatives/Land Assistance Fund (FSC/LAF) was founded in 1967 out of the civil rights movement to insure that African American and other historically underserved communities of the “Black Belt” have the support and resources to own and make full use of their lands, natural resources, and other business opportunities. Through the Black Belt Legacy Forestry Program (BBLFP) and with the support of the Ford Foundation, FSC/LAF has implemented successful outreach and demonstration projects that have provided information, technical assistance, and resources to forest landowners. These projects have promoted forestry and related opportunities within the African American community. FSC/LAF has developed agro-forestry activities such as silvopasture, a

complementary combination of trees and pasture that allows for production of both forest products and livestock. Such activities focus on achieving forestry ecosystem goals and are also in line with African American cultural and forestry objectives to enhance short- and long-term income opportunities. As a direct result of FSC/LAF’s advocacy efforts, many federal, state, and private agencies have begun to pay more attention to African American and other minority farmers with forested land.

The National Wildlife Federation (NWF) is also exploring partnerships with African American landowners to raise their awareness of forestry conservation issues. Through its Southern Forest Restoration Initiative, NWF will be providing information and technical assistance to underserved forest landowners on longleaf pine restoration as well as “new forestry opportunities” such as carbon, biomass, and forest certification. These opportunities have the potential to increase income and forest stewardship.

African Americans’ decisions about their forestlands are at a critical juncture. FSC/LAF has projected that if the current rate of land loss continues, African Americans will face the not too distant future as a landless people. An urgent need exists to engage them in the stewardship of their forest resources, and such an effort calls for comprehensive landowner assistance programs because land ownership is a vital asset to all communities. ■

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### *Confronting the Loss*, from page 2

productive forestland—was being sold off to private investors. Since its first appropriations in 1992, Forest Legacy has conserved more than 1.5 million acres across 35 states and territories.

There is broad agreement that Forest Legacy is both effective and cost efficient in achieving its objectives—when it is adequately funded. In the president’s budget for 2009, Forest Legacy funding is reduced to \$12.5 million, compared with \$60 million in 2007 and \$30 million in 2008. Other federal/state cooperative programs aimed at conserving and sustainably managing private woodlands have been slashed an average of 60 percent.

This year, U.S. military spending is expected to top \$750 billion, more than the current military expenditures of all the rest of the world’s nations combined. As the experience of some of our former Cold War adversaries demonstrates, it is possible for even a superpower to defeat itself from within if government funding priorities become skewed. Considering the magnitude of the public values—known and unknown—that are lost forever as millions of acres of America’s private forests are cleared for development, it is indeed time to re-examine our priorities and ensure that the public interest embodied in intact, well-managed private forests is served. ■

## JOIN TODAY

[www.forestguild.org/join.html](http://www.forestguild.org/join.html)



sustain our woodlands as important parts of our regional ecology, our rural economy, and our personal relationships to the natural world. Most of Litchfield County's forestlands are in private ownership and without permanent protection. If they have no value as working forests in a time of elevated land values, they are more likely to convert to development. If

they are managed heedless of the ecology of the forest system, they will be ecological sinks and blights on the landscape instead of the dynamic, highly functional woodlands they could be. Land protection tools and excellent forestry will both help, especially when we learn to see our forests as well as our trees. ■

## LAND PROTECTION, CARBON, AND CLIMATE CHANGE

### *New Wilderness Society Report Validates Forestland Preservation*

by Zander Evans. Forest Guild Research Director

A new report from The Wilderness Society (TWS) emphasizes the importance of land protection from a new perspective: climate change. The report, *Measuring Forest Carbon: Strengths and Weaknesses of Available Tools*, highlights the importance of keeping forestland as forests and avoiding land-use conversion and fragmentation.

***This [report] is a valuable piece of work for communicating to policymakers and the public that preventing the loss of existing forests may be one of the most important and most immediate actions we can take to reduce greenhouse gas emissions.***

- V. Alaric Sample, President, Pinchot Institute for Conservation

The link between carbon storage and land protection goes beyond maintaining forest cover. While all forests store carbon, late seral or old-growth forests, long a target for land-protection efforts, are also crucial carbon storehouses. Authors Ann Ingerson (Guild member) and Wendy Loya point out that old-growth forests hold and continue to sequester more carbon than was previously assumed. The TWS report states in more general terms that forests reserved from harvest tend to store more carbon than non reserved forests.

In addition to carbon storage and climate change mitigation, forest reserves play a central role in adaptation to climate change. As the Guild's report *Climate Change, Carbon, and the Forests of the Northeast* (December 2007) outlines in more detail, protected areas preserve habitats and populations that are under stress from climate change, maintain connectivity that facilitates range shifts, and act as genetic reserves. Continued land protection efforts and new conservation easements will bolster a reserve system strained by an altered climate.

As carbon storage in forests gets more attention, the interaction between land protection and carbon storage will grow in importance for land trusts. In

many cases, for a forest to get credit for storing carbon, a conservation easement must be in place to ensure permanent protection. For example, the current version of the California Climate Action Registry's forestry protocols requires that forestland be protected by an easement in order to be eligible for carbon credits (this rule is being reviewed and updated by their forest protocol workgroup, in part, to encourage greater landowner participation). Linking carbon credits and conservation easements may make financial sense too. Selling carbon credits from a forest requires a potentially large investment to document baseline carbon stocks. Conservation easements can generate funds to help cover these costs. Selling all future development rights may be too high a price for some private landowners, and other creative solutions such as temporary carbon credits may be necessary to encourage private landowners to sequester additional carbon.

The Wilderness Society report describes four carbon-measurement tools developed by the U.S. Forest Service and partners: (1) General Technical Report NE-343, (2) the Carbon Calculation Tool, (3) the Carbon On-Line Estimator, and (4) the Forest Vegetation Simulator. These tools are most useful for estimating regional (multi-county) or state-level carbon stocks. Professional Guild members should take note of a key point from the report, i.e. **field sampling is critical for forest carbon offset projects.**

Guild members are perfectly positioned to add "carbon verifier" to the many hats they wear. In fact, the holistic perspective of Guild practitioners makes them well suited for the task of measuring carbon in the entire forest. Both reports cited in this article are available on the Forest Guild website at <http://www.forestguild.org/carbon-climate-change.html>, and the carbon measurement tools are available at <http://www.forestguild.org/efi-tools-links.html#carbon>. ■

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# forest WISDOM



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