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The Maine Chance: Private-Public Partnership and the Katahdin Woods and Waters National Monument

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The claim of a federal “land grab” in response to the creation of Katahdin Woods and Waters National Monument in Maine revealed a lack of historical awareness by critics of how two other cherished parks were established there: through private-public partnerships and the donation of land by private citizens.

THE MAINE CHANCE

PRIVATE-PUBLIC PARTNERSHIP AND THE KATAHDIN WOODS AND WATERS NATIONAL MONUMENT

It is never over until it is...and even then, it might not be. That conundrum-like declaration is actually a straightforward assessment of the enduring, at times acrimonious, and always tumultuous series of political debates that have enveloped the U.S. public lands—their existence, purpose, and mission—since their formal

establishment in the late nineteenth century. From Yellowstone National Park (1872) and Yellowstone Timberland Reserve (1891) to Bears Ears National Monument (2017), their organizing principles and regulatory presence have been contested.¹

The 2016 presidential campaign ignited yet another round of this longstanding controversy. That year’s Republican Party platform was particularly blunt in its desire to strip away federal management of the federal public lands and reprioritize whose interests the party believed should dominate management decisions on the national forests, grasslands, monuments, and refuges:

The federal government owns or controls over 640 million acres of land in the United States, most of which is in the West. These are public lands, and the public should have access to them for appropriate activities like hunting, fishing, and recreational shooting. Federal ownership or management of land also places an economic burden on counties and local communities in terms of lost revenue to pay for things such as schools, police, and emergency services. It is absurd to think that all that acreage must remain under the absentee ownership or management of official

Washington. Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states. We call upon all national and state leaders and representatives to exert their utmost power and influence to urge the transfer of those lands, identified in the review process, to all willing states for the benefit of the states and the nation as a whole. The residents of state and local communities know best how to protect the land where they work and live. They practice boots-on-the-ground conservation in their states every day. We support amending the Antiquities Act of 1906 to establish Congress’ right to approve the designation of national monuments and to further require the approval of the state where a national monument is designated or a national park is proposed.²

Although candidate Donald Trump indicated he was opposed to outright land transfers to the states, President Trump, in what arguably was a new twist to an old tale, initially appeared to be committed to *de-designating* some of the national monuments that his predecessor, President Barack Obama, had established

BY CHAR MILLER



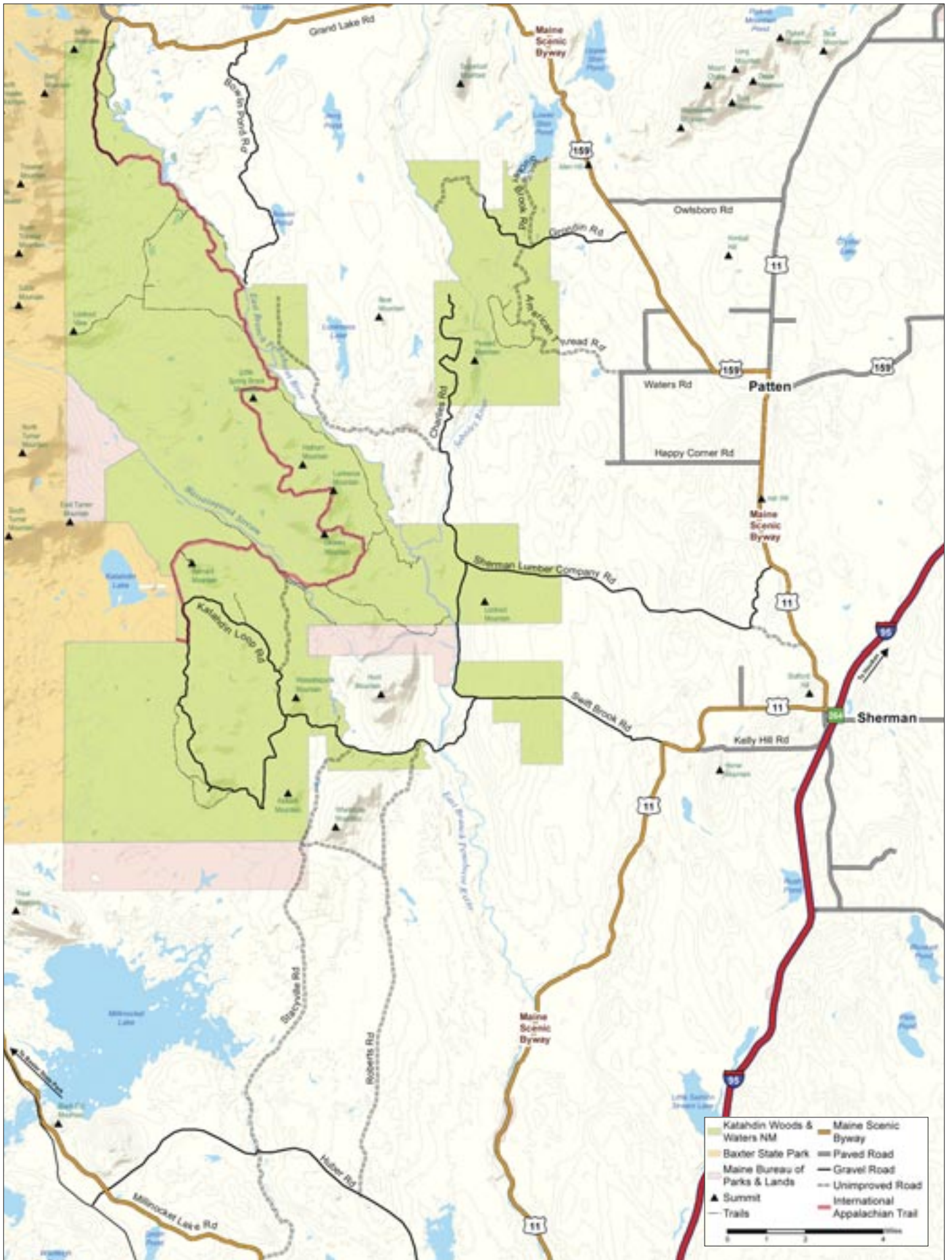
Roxanne Quimby had been open and upfront about her desire to donate land she owned to create a national park—with all the restrictions on activities that a park entails. Opposition to her proposal led her to change tactics and turn the effort over to her son.

during his two terms in office. Certainly, that is what a vocal cadre of Trump’s supporters from Utah to Maine urged him to do, infuriated as they were by the second-term designations of Bears Ears and Katahdin Woods and Waters national monuments.³ When scholars and policymakers pointed out that the president did not have the clear authority or power to strike down such designations and that, moreover, no previous chief executive had ever attempted to do so, the White House pivoted.⁴ Instead, to avoid what would have been a series of lengthy (and costly) legal fights, on April 26, 2017, President Trump signed the Executive Order on the Review of Designations under the Antiquities Act. It authorized Interior Secretary Ryan Zinke to evaluate “all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.”⁵ Maine’s governor, Paul LePage, was among those crowding around the president as he put pen to paper. LePage’s presence was not by happenstance: he had stumped for Trump across the Pine Tree State and was a vociferous critic of President Obama’s decision to establish the Katahdin national monument. Little wonder, then, that he expressed satisfaction with the signing ceremony’s outcome: “Pleased to support President Trump’s efforts to review the federal government’s massive land grab from the American people.”⁶

The “land grab” talking point that LePage and others employed is a misnomer: none of the national monuments that President Obama established had been taken from the American people. With one exception, they were all already public lands, owned and managed on behalf of the American people by a variety of federal agencies, including the Bureau of Land Management, National Park Service, U.S. Forest Service, and U.S. Fish and Wildlife Service. Even the one exception undercuts Governor LePage’s land-grab rhetoric: the 87,500-acre Katahdin Woods and Waters National Monument in north-central Maine was a munificent gift of the Quimby family to the nation.⁷ This donation of private property did not make the national monument’s creation any less controversial, but a close examination of its larger context helps explain the nature and limitations of that debate.

INTO THE WOODS

One day before the National Park Service celebrated its centenary, President Obama gave the agency an early birthday present: on August 24, 2016, he used the powers that the Antiquities Act has vested in the president to create the Katahdin Woods and Waters National Monument. In the establishing proclamation, the president enumerated the site’s many striking geological features, cultural (including Native American) values, and scientific virtues, but particularly its scenic wonders. Katahdin, the official document enthused (as much as such things can enthuse), covers a lot of ground, “from the breadth of its mountain-studded landscape, to the channels of its free-flowing streams with their rapids, falls, and



Katahdin Woods and Waters Monument area map.



The East Branch of the Penobscot River flows through part of the new monument, from which one can take in excellent views of Mount Katahdin.

quiet water, to its vantages for viewing the Mount Katahdin massif, the ‘greatest mountain.’” New and beguiling vistas emerge when the sun sets: “The area’s night skies rival this [daytime] experience, glittering with stars and planets and occasional displays of the aurora borealis, in this area of the country known for its dark sky.”⁸

Its beauty notwithstanding, what makes the Maine national monument one of the most innovative in U.S. environmental history is that the Quimbys’ transfer of their property to the federal government came with a \$20 million endowment, a sum that the family committed itself to doubling in the coming years. This endowment has made the Katahdin national monument a private-public partnership without parallel. Yet however green and well-funded, this acquisition was also rich in partisan drama. Predictably, the state’s Tea Party–backed governor denounced the Quimbys’ donation: “It’s sad that rich, out-of-state liberals can team up with President Obama to force a national monument on rural Mainers who do not want it.”⁹ An Utahan did not want Katahdin, either, and brought outside intervention more to LePage’s liking. U.S. Rep. Rob Bishop (R-Utah), chair of the House Subcommittee on Federal Lands, rebuked the president for what he called federal overreach: “The President is using the Centennial as a cover to subvert the will of Maine’s citizens and leaders. The only votes taken on this proposal, at the local and state level, have demonstrated opposition from Mainers. If the President cared about local voices and improving our National Park System, he would have done this through the public process and not behind

closed doors. Instead, he’s hijacked a moment of celebration to advance powerful elite special interests over Maine’s economy and citizens.”¹⁰

That public lands are controversial is how we know they are public, and thus worthy of debate.¹¹ Yet the polarizing rhetoric that swirled around Katahdin—like the predictable, almost boilerplate language opponents used to decry many of President Obama’s designations between 2009 and 2017—should not deflect attention from, in this gilded case, the unusual character of the Quimby family’s donation. Since the 1990s, Roxanne Quimby, founder of Burt’s Bees personal care products, had been open and upfront about her desire to donate her property to the federal government so that its rich biodiversity and unsurpassed beauty would be protected in perpetuity. Her initial ambition to create a full-blown national park—a preserve—would have come with restrictions governing resource extraction and motorized access, as with other units in the national park system. Not many locals took kindly to her stated goal of excluding them from their traditional practices in the North Woods, among them hunting and snowmobiling. Their resistance grew so intense that Quimby turned the project over to her son, Lucas St. Clair, to devise a new, less combative and more collaborative strategy. By allowing hunters, anglers, and snowmobilers back on a portion of the family’s lands, and by engaging with community groups, tribal entities, local officials, and state and national conservation organizations to restructure how the landscape would be managed in the future,



As part of his effort to win public support for the proposal, Lucas St. Clair spoke with groups and attended public meetings to address concerns about, and build support for, the proposal. His willingness to compromise achieved the long-term goal of conserving the family's land.

St. Clair changed the tone of opposition. Sen. Angus King (I-Maine) was among those who modified his concerns: “The benefits of the designation will far outweigh any detriment,” he told the *Washington Post*, “and—on balance—will be a significant benefit to Maine and the region.”¹²

TOURISM RULES

In garnering enough local and statewide support, St. Clair also managed to attract the Obama administration's attention. Also of interest was the Quimby family's assurance that the new national monument would boost Maine's already robust \$5.6 billion tourism industry. Having built Burt's Bees into a multi-million-dollar corporation, Quimby knew something about how to create jobs, and she used her acumen and experience to argue that the Katahdin park would be a boon to local businesses. “I am not interested in putting any manufacturing jobs under, but tourism has always been No. 2 or No. 1, depending on the survey, as a jobs maker in the state of Maine,” she said at a 2011 public meeting. “I believe we can maximize the dollars we can make in Maine if we are not in denial about it, if we just embrace it.”¹³

Boosters across the country have made similar claims about the creation of new parks and monuments, and *ex post facto* economic assessments appear to bear out those predictions. Headwaters Economics, an independent, nonprofit research organization based in Montana, annually releases a report tracking the economics of public lands in the U.S. West. In spring 2017, its

analysis concluded that “rural counties in the West with more federal lands or protected federal lands are performing better on average than their peers with less federal lands or protected federal lands in four key economic measures.” Increased tourism was not the only factor: “The greatest value of natural amenities and recreation opportunities,” it observed, “often lies in the ability of protected lands to attract and retain people, entrepreneurs, businesses, and retirees.”¹⁴ The uptick held true for long-established parks as well as for just-created ones. Some of the most recent beneficiaries of this effect include California's Pinnacles National Park, New Mexico's Organ Mountains–Desert Peaks National Monument, César E. Chávez National Monument in the Central Valley of California, and the African Burial Ground National Monument in Manhattan, all designated by Obama. These designations, though diverse in their offerings and settings, have become destinations.

The communities surrounding the Katahdin national monument anticipate a similar economic upturn, not least because tourism in Maine has had such a lengthy history. Henry David Thoreau may not have been the state's first visitor, but his 1840s excursions into the North Woods, described in *The Maine Woods* (1864), helped put the state's “grim and wild” land on the tourism map. (He did the same for its local hand-crafted, cedar-infused beer, which he called “clear and thin, but strong and stringent”; drinking it, he wrote, was “as if we sucked at the very teats of Nature's pine-clad bosom.”¹⁵) Thoreau's roughing-it forays set

the stage for Maine's informal motto, stamped on every license plate: Vacationland. Over the years, millions of Americans have taken the hint, frolicking on shore, river, or lake, on mountain, forest, or isle. And tens of thousands of boys and girls have spent their formative summers at camps in the Pine Tree State.¹⁶ They learn, as I did at Camp Agawam, hard by Crescent Lake in Raymond, how to pitch a tent, shoot a rifle, and paddle and portage. By day, we swatted black flies and mosquitoes; by night, we were lulled to sleep by a loon's soporific call. Every one of us has helped the state's economy hum.

That hum intensified with the opening of the Katahdin national monument. So argued Lucas St. Clair in testimony before the House Committee on Federal Lands on May 2, 2017. "Businesses are starting to grow and expand," he told the GOP-controlled committee. "Jobs are being created. Real estate prices have started to rebound. And there are new, significant private-sector investments, including plans for a \$5 million outdoor recreational school." Countering Governor LePage, who testified that same day in continued opposition to the national monument, St. Clair observed that some of the governor's one-time backers "have started to come around as they have begun to recognize the benefits of having a national monument near their communities."¹⁷ In a state that lost 1,500 jobs between 2014 and 2016 when five paper mills closed down (and is expected to lose 1,800 more by 2024), and where the logging industry is declining in parallel, tourism and related industries have become even more important to the economy since Roxanne Quimby made her 2011 prediction.¹⁸

COLLABORATIVE COMMONS

The new park's many visitors will learn that the private-public partnership that led to its creation is perfectly in line with a century of such initiatives in Maine: collaborative projects have established some of the state's most iconic (and protected) landscapes. An early-twentieth-century grassroots movement created the White Mountain National Forest, which straddles New Hampshire and Maine. Its proponents had been driven to act by the damage caused by intense logging in mountainous watersheds, as cutover terrain sent snowmelt floods into downstream communities. But to restore the woods required funding that neither state's legislature would provide. The forest activists came to understand that gaining some measure of regulatory control over the once heavily forested mountains would require an act of Congress. After more than a decade of protest and negotiation that drew support from across the country, New England and southern conservationists managed to secure congressional action in the form of the Weeks Act of 1911. This crucial legislation for the first time authorized the federal government to purchase land from willing sellers. Many landowners in Maine and New Hampshire would sell their property as part of a shared commitment to protect local watersheds. In 1918, the bistate national forest was established, and ever since, it has drawn millions of visitors each year.¹⁹

Acadia National Park, founded two years earlier as the first Park Service unit east of the Mississippi River, has proved every bit as popular.²⁰ It too was a joint venture between private property owners and the federal government. Wealthy landowners on Mount Desert Island donated property to the federal government in advance of President Woodrow Wilson's initial designation of it as *Sieur des Monts* National Monument in July 1916. The date is significant: Wilson accepted the land one month before he

formally signed off on the creation of the National Park Service, making Acadia an early birthday gift, much as Katahdin was a centennial present to the agency. This earlier, concerted effort saved more than 40 miles of Maine's spectacularly rugged coast, and in 2016 the park drew upward of three million visitors.²¹

Baxter State Park, which abuts Katahdin Woods and Waters National Monument to its immediate north, is the result of yet another private-public project. Named for Percival P. Baxter, a former governor and state senator, the park owes its origins to Baxter's indefatigable energy and deep pockets. In the early 1920s, Governor Baxter urged the state legislature to purchase the land that surrounds Mount Katahdin, but to no avail. At the end of that decade, as the Great Depression hit hard, he negotiated directly with the landowner, the Great Northern Paper Company. Baxter used his inheritance to purchase the first 6,690 acres and immediately donated it to the state; over his lifetime, he continued to add parcels that subsequently totaled more than 200,000 acres. To ensure the park's preservation, Baxter bequeathed a \$7 million endowment to underwrite the efforts of a stand-alone park authority to manage these lands under tighter constraints than prevail at the Katahdin national monument. Baxter's deeds-of-gift ensure that this mountainous region "shall forever be used for public park and recreational purposes, shall be forever left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no road or ways for motor vehicles shall hereafter ever be constructed thereon or therein."²²

Baxter was an inveterate hiker, so it is fitting that his eponymous park—and Mount Katahdin specifically—is the northern terminus of yet one more private-public partnership: the 2,180-mile-long Appalachian National Scenic Trail. The brainchild of Benton MacKaye, who in the early 1920s envisioned a series of utopian communities linked by a footpath running from Georgia to Maine, the Appalachian Trail has depended on the support of private landowners and public agencies at the local, state, and federal levels, and on volunteer labor and philanthropic support. This tangled array of contributions to the trail's early development explains its contemporary maintenance and management arrangement: cooperators include the National Park Service, the U.S. Forest Service, the Appalachian Trail Conservancy, and countless other entities and individuals.²³

The Katahdin Woods and Waters National Monument adds to the enduring legacy of private-public partnerships in Maine. It also reflects the collaborative approach to landscape-scale management that is shaping how land managers across the nation are securing the resources—human and fiscal—to ensure more sustainable stewardship of some of our most treasured terrain.²⁴ Nothing about this development is easy, as the controversy surrounding the Quimby family's gift of land for the Katahdin national monument indicates. Katahdin may have launched the National Park Service into its second century of service, but this new century—given President Trump's April 2017 executive order to review Antiquities Act designations—is off to a rough and contentious start. □

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NOTES

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