



Some Baxter State Park Controversies of the 1960s and 70s, Emphasizing the Blowdown, Court Suit, and Fire

By Ronald B. Davis

Ron is a retired professor who specialized in ecology and paleoecology at Colby College (1960-1970) and University of Maine (1970-2003). His first climb of Mt. Katahdin was in 1957. More than 25 climbs later, most of them to teach ecology classes on the mountain, his last climb in 2015 was to celebrate his 84th birthday. He has organized and led several winter backpacking trips through BSP. Ron has carried out research in the park on alpine vegetation, lake acidification and deposition of air pollutants, deglaciation of Mt. Katahdin, vegetation changes since deglaciation, and has demonstrated that the park's lake sediments contain a long-term record of spruce budworm presence.



Paper birch forest developed since the 1977 fire, photographed in May 2023 along the southern part of the Blueberry Ledges Trail where salvage-logging was carried out by Great Northern Paper Company in the months following the November 1974 blowdown. Note that small slow-growing red spruces are scattered about in the understory. These evergreens are likely to eventually overtake the relatively short-lived birches. (Ron Davis photo)

Baxter State Park (BSP), including Mt. Katahdin, was assembled by Percival P. Baxter from a series of land purchases he made with personal funds over more than three decades. Baxter had served as governor of Maine from 1921 to 1925. Between 1931 and 1963, he donated his purchases, collectively totaling about 200,000 acres, to the People of Maine. Although almost all the forests on these lands had been logged, the Deeds of Trust accompanying most of the donations, as accepted by the Maine legislature, bore the stipulation that the land "... shall forever be left in the natural wild state ...". Thus, most of BSP is a recovering wilderness. Interpretations of Baxter's stipulation have been varied and controversial, many of them based on misunderstandings of his original intentions and/or a lack of knowledge of the ecological meaning of the term "natural wild state."

This essay presents my point of view on some of the park controversies of the 1960s and 1970s, with emphasis on the blowdown, related litigation, and the fire that burned the blowdown area. Additional details of these and other park controversies of the 1970s (and

to early 1990s) were given by Trudy Scee in her 1999 book.¹

In the 1960s, the management of Baxter State Park became an important issue for many Maine environmentalists and a frequent subject of discussion at the meetings of the Board of Directors of the Natural Resources Council of Maine (NRCM). As a member of the Board, I urged the formation of an NRCM Baxter State Park Committee and chaired it until I retired from the Board in 1974.

A leading BSP issue was the park's quiet opening to recreational snowmobiles of some of the wilderness foot trails. This practice began in the winter prior to Percival Baxter's death in 1969 when he had largely ceased active protection of his legacy. The park had plans to open more of its trails to snowmobiles the next winter. This practice was viewed by NRCM as a violation of the terms of former Governor Baxter's Deeds of Trust. My committee and vocal environmentalists from around the state were able to sway the Authority to prohibit use of foot trails by recreational snowmobiles, but snowmobile use of the unplowed

¹ Scee, T. I. 1999. *In the Deeds We Trust—Baxter State Park 1970–1994*. Tower Publishing, Standish, ME.

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perimeter road was allowed to continue.

In the early 1970s, NRCM weighed in on “a timber swap” which allowed Great Northern Paper Company (GNPC) to trade its remaining timber rights in a southern part of the park² for the right to carry out a commercial logging operation in the “Scientific Forestry Management Area” (SFMA) at the north-western corner of the park where timber was easier to extract. NRCM threatened to sue, claiming that the operation violated Baxter’s Deed of Trust to the SMA. Finally, a “compromise” was reached, and the park bought all GNPC’s rights to park timber, but the issue about the intent of the Deed of Trust to the SFMA went unresolved.

Since Baxter donated the lands for the park, under pressure from persons in positions of authority he contributed to the “natural wild state” controversy with inconsistent statements, some of them contradicting his own Deeds of Trust which, by law, should be inviolable.³ The most infamous of these statements, incorporated into law by the Maine Senate on January 12th, 1955,⁴ authorized the state “... to clean, protect and restore areas of forest growth damaged by ACTS OF NATURE such as blowdowns, fire, floods, slides, infestation of insects and disease or other damage caused by ACTS OF NATURE in order that the forest growth of the Park may be protected, encouraged and restored.” However, after that authorization the same law stated that “All work carried on by the State in connection with the above shall be ... undertaken having in mind that the sole purpose of the donor in creating this Park is to protect the forests and wildlife therein as a great wilderness area unspoiled by Man.” The following blowdown controversy derives in large part from the above inconsistency.

In November 1974, an unusual windstorm occurred in the park southwest of Mt. Katahdin that extended across the western part of the park’s southern border onto Great Northern Paper Company (GNPC) land. The storm blew down most of the forest within a 6000-acre area, roughly two-thirds of which were in the park and the rest on GNPC land.⁵ The BSP Authority commissioned a forestry study on what to do about the blown down tracts in the park, and it was recommended that a commercial timber salvage operation be carried out. This operation was touted as a way of controlling forest fire due to the large amount of fuel that the blowdown had produced, while at the same time yielding revenue for the park from the sale of the timber. The logging company hired to carry out the operation planned to use large, heavy equipment to build the access roads and remove the timber from the rough and rocky terrain.

Great Northern began a timber salvage operation on their land almost immediately by building roads and a bridge to access the timber, started the logging that winter, and completed it a year later. Only the intact merchantable-sized tree trunks



Blown down, unsalvaged, burned trees within weeks after the July 1977 fire. The trees were blown down from right to left. Note that the most flammable part (branches) of the trees have been consumed by the fire but the less flammable trunks remain. The light tan humps at tree bases are composed of mineral soil held in place by upturned root masses. (Ron Davis photo)

were removed. Remaining on the land were piles of logging debris included the tops of those trees, their upended stumps, splintered trees of merchantable size, and entire smaller trees that had been blown over; so, the piles of debris were much larger than in a typical clearcut.⁶ The park’s critics anticipated a similar post-salvage condition in the large majority of the park’s blown down area. However, at areas readily visible to park visitors including around roads and campgrounds, less damaging methods and further “cleanup” were recommended.

The NRCM Baxter State Park Committee recommended to the NRCM Board of Directors that the organization sue the Park Authority to prevent the operation because it violated Baxter’s Deed of Trust and would badly damage the landscape. This time, the Board rejected the committee’s recommendation, ostensibly because NRCM could not afford the great expense of such a suit. At that point, a group of five environmentalists including and led by Charles Fitzgerald of Atkinson stepped in to sue the BSP Authority to prevent the salvage logging. I was one of those five plaintiffs. My contribution was to advise the group on the ecology of Maine’s northern forest and the natural role that blowdown plays in it. We filed suit in Maine Superior Court in November 1975, a year after the blowdown. At that time, the park was still searching for a logging contractor to do the job. It contracted with one in January 1976, and logging operations began almost immediately.

Our case was heard in court in February 1976. We asked the court (1) to rule that the 1955 Private & Special Law interpreting Baxter’s Deed of Trust as authorizing the state “.... to clean, protect and restore ... blowdowns”⁷ was void because it attempted to modify an irrevocable and inviolate trust containing a “natural wild state” clause, and (2) to grant a permanent injunction to stop the logging. *Continued on pg. S-3*

² The only way that Percival Baxter could purchase that land for the park was to allow the original owner to retain the right to log the timber when it was mature enough for harvest.

³ Gauvin, Aimé. 1977. As Baxter Park burns, so burns Maine. Audubon Magazine 79(Sept): 146-153.

⁴ https://digitalmaine.com/cgi/viewcontent.cgi?article=2242&context=lds_legislature_97th. Accessed December 2022. This law, approved and endorsed by Percival Baxter was incorporated in Chapter 2 of the Private & Special Laws of 1955.

⁵ Kolman, V. 1978. The 1977 Baxter State Park fire. Maine Forester 1978: 24-29.

⁶ Kolman, V. 1978. The 1977 Baxter State Park fire. Maine Forester 1978: 24-29.

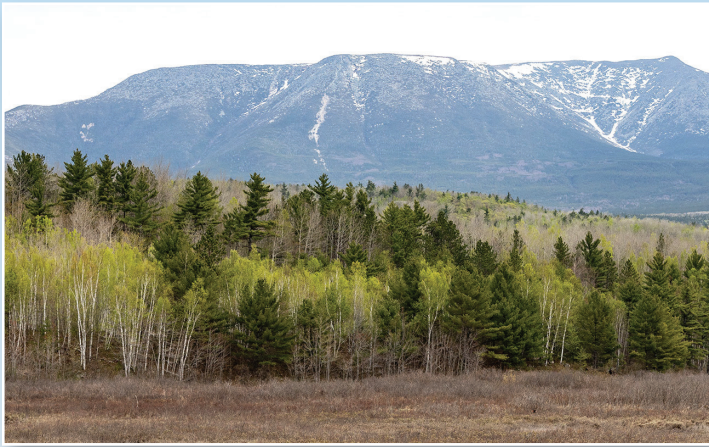
⁷ https://digitalmaine.com/cgi/viewcontent.cgi?article=2242&context=lds_legislature_97th. Accessed December 2022.

The court's ruling wasn't issued until August 24, 1976. By then, the logging had done some damage, but much more remained to be done. The court upheld the 1955 law but granted a permanent injunction that stopped the salvage logging because of the way it was being done. Essentially, the court found that the use of large, heavy equipment for road building and for extraction of timber was damaging to the wilderness character of the area and was in violation of even the 1955 law. Although the ruling left the park with the option of salvaging the timber, it would have to do it by much less-damaging methods, for example, by using horses over narrow logging trails. Such methods had long ago been abandoned by logging contractors capable of doing this salvage operation, bringing the operation to an end. However, both our group and the state appealed the decision to the state's Supreme Court. Before that court issued its ruling, a second major natural event occurred.

On July 17, 1977, a fire started by lightning was reported in

have remained in the salvaged area. The first photo in this essay is of a blown down and burned site shortly after the fire, with the treetops having been consumed by the fire, but except for charring the tree trunks remain largely intact. The fire quickly spread in the 1974 blowdown, both in salvaged and unsalvaged areas, indicating that the salvage-logging on GNPC land made little difference in susceptibility of the blowdown to the spread of fire.

On January 11, 1955, Percival Baxter wrote a letter to Governor Muskie, stating: "... this Park will give the people of succeeding generations a living example of what the State of Maine was 'in the good old days' before the song of the woodsman's axe and the whine of the power saw was heard in the land."⁸ Before the "song" and "whine," and for thousands of years prior to the first arrival of Euromericans, natural disturbances to northern Maine's forests like blowdowns, fires, infestations, and diseases were unmanaged by humans and yet these early travelers to northern Maine encountered magnificent forests.^{9,10,11} As in the distant past, BSP's wilderness forests recover on their own from such disturbances, although the replacement forest may differ from the original. At some northern Maine sites, notably those with shallow, rocky soil or ledge, as at some parts of the BSP 1974 blowdown and 1977 fire area, the successional recovery of the forest may be slow and encompass multiple human generations.



Part of the 1977 fire area near the foot of Mt. Katahdin in May 2023, as viewed from the Abol Stream marsh. The taller dark green white pines survived the fire. The more extensive light green areas are largely composed of paper birch trees in the spring leaf-out stage. These birch stands originated as new growth in the few years following the fire. (Ron Davis photo)

the blowdown area. Despite the application of a full range of fire-fighting methods (and the additional damage some of those methods did to the landscape), the fire burned about 3600 acres of blowdown, both on GNPC (salvaged) and BSP (salvaged and unsalvaged) lands before it was put out. Many of those who held the view that forest blowdown must be "managed" under all circumstances were quick to blame environmentalists and especially my group of court plaintiffs for the fire, claiming that by preventing removal of fuel we promoted the fire's spread. But, apart from merchantable trunks, the least flammable component of the blown down trees, the vast bulk of the fuel and its most flammable components (treetops and root masses) would



Forest at a burned unsalvaged blowdown site along the Blueberry Ledges Trail just north of the ledges in May 2023. The stand consists largely of paper birches but shows greater structural and biological diversity than the birch stand in salvaged area illustrated on prior page. (Ron Davis photo)

On April 6, 1978, after the fire had been extinguished, but not the burning controversy surrounding it, the Supreme Court issued its ruling.¹² It upheld the Superior Court's decisions. Later that year, Vladek Kolman, the forestry consultant who advised the park and produced the plan for salvaging the blown down timber, published an "I told you so" version of the events leading up to the fire and the fire, itself.¹³ He stated that the park had "... lost approximately nineteen-hundred acres of land,

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8 https://baxterstatepark.org/wp-content/uploads/2017/04/Mgt-Plan-10_10_14_Revision.pdf. Accessed December 2022.

9 Davis, R.B., S.A. Norton, C.M. Kuhns, and W.A. Halteman. 2021. A natural history of northern Maine, USA, since deglaciation. *Northeastern Naturalist* 28 (Monograph 19), 76 pp..

10 Barton, A.M., A.S. White, and C.V. Cogbill. 2012. *The changing nature of the Maine woods*. University of New Hampshire Press, Durham, NH. 349 pp..

11 Since the fire-prone earliest forests following the deglaciation of northern Maine, forest fire frequency has been much lower than in the somewhat similar forests of the relatively dry northern parts of the Great Lakes states.

12 <https://law.justia.com/cases/maine/supreme-court/1978/385-a-2d-189-0.html>. Accessed December 2022.

13 Kolman, V. 1978. The 1977 Baxter State Park fire. *Maine Forester* 1978: 24-29.

burned to some degree” But in a northern Maine wilderness area, a natural forest fire doesn’t cause a loss of land, not even a functional loss of land. It is a normal, albeit infrequent, dynamic in its forest ecosystems. Such disturbance events initiate a series of replacements of one group of plants and animals with another, known as ecological succession. We should expect and appreciate that BSP’s forests, if protected as wilderness, will never achieve perfect and/or widespread constancy but will continue to exhibit kaleidoscopic change.

Late in 1977, I encouraged one of my graduate students at the University of Maine (UM), Sandra Bartell Hansen to carry out a study of the blown down, burned, and salvage-logged areas to establish baseline data on the effects of these three disturbances (alone and in various combinations) on the soils and successional vegetation, so the recovering forest could be monitored in the future and the long-term effects of the disturbances could be objectively assessed. In summer 1978 Sandy established and sampled 60 permanently marked plots at both disturbed and nearby undisturbed sites for her M.S. thesis.¹⁴ She found significant differences in both soils and early successional vegetation related to the disturbances and noted a more complete reduction of soil organic matter at salvage-logged sites, perhaps due to greater amounts of fuel (logging debris) at ground level.

In fall 2002 and spring 2003, a forestry graduate student at UM, Erin Small relocated Sandy’s plots and in summer 2003 re-sampled them to determine if differences in soil and vegetation relating to the disturbances were still evident and to compare the differences to 25 years earlier. By 2003 small trees had become well established on the plots in the disturbed areas. Erin’s 2004 preliminary publication¹⁵ and M.S. thesis¹⁶ indicated that in the young stands of trees disturbance impacts largely paralleled those of 25 years earlier and that “Pre-fire disturbances influenced the post-fire regeneration process.” As earlier, organic matter was lowest in the soils of the windthrown, salvage-logged, and burned sites. The most severely disturbed sites had the most blueberry growth and bare rock. The 1978 and 2003 data indicate that both the natural and human disturbances have influenced the character of the forest soils and vegetation. In areas managed as wilderness, it is only the human disturbances that need to be prevented.

In 1997 the park acquired the salvaged and burned GNPC land, extending the western part of the park’s southern border to the northern bank of the West Branch of the Penobscot River.¹⁷ BSP built trails through its new land, one of them the Blueberry Ledges Trail. That trail starts near the river and runs roughly northward nearly four miles to Katahdin Stream Campground. The most southern ap-



Lowbush blueberry, as would be harvested along the Blueberry Ledges Trail in season. (Ron Davis photo)

proximately 70 percent of the distance is in the 1977 burned area, starting in the salvaged and burned blowdown¹⁸ on the former GNPC land and continuing northward over the former southern boundary of the park into the unsalvaged and burned blowdown. On May 12th of this year, I hiked the trail to obtain photos of the recovering (successional) forest. Three of these photos accompany this essay and show the recovering forest about 49 years after the blowdown and 46 years after the fire.

The Blueberry Ledges Trail is aptly named. Blowdown and especially fire created the conditions that encouraged the spread, blooming, and fruiting of lowbush blueberry plants (*Vaccinium angustifolium*; see photo). The parent plants were undoubtedly present in relatively low numbers in the forest prior to the blowdown and fire. However, it is well known to blueberry pickers and ecologists like me that the shaded, scattered, very old blueberry plants of the forest floor produce few, if any, flowers and fruits. Once fire destroys the aboveground forest biomass, exposing the soil to sunlight and fertilizing it with ash, the long-surviving and fire-resistant underground stems (rhizomes) of the blueberry plants spread and produce larger patches (clones) of plants that abundantly flower and bear fruit.¹⁹ A generation of hikers on the Blueberry Ledges Trail have feasted on the delectable fruits in view of Mount Katahdin and still do so at the remaining open patches in the developing forest, but the conditions that account for this bounty won’t last forever.

14 Hansen, S.B. 1983. The Effects of the Baxter Park Fire on the Vegetation and Soils of Several Coniferous Stands. University of Maine, M.S. Thesis. 145 pp.

15 Small, E.D., J.S. Wilson, and A.J. Kimball. 2004. Vegetation dynamics after the Baxter Park fire of 1977. Proceedings of the New England Society of American Foresters, 84th Winter Meeting. Pp.30–32.

16 Small, E.D. 2004. Fire Ecology in the Acadian Spruce-Fir Region and Vegetation Dynamics Following the Baxter Park Fire of 1977. University of Maine, M.S. Thesis. 128 pp.

17 https://baxterstatepark.org/wp-content/uploads/2017/04/Mgt-Plan-10_10_14_Revision.pdf. Accessed December 2022.

18 Superimpose the BSP Trail Map (https://baxterstatepark.org/wp-content/uploads/2021/09/trl_kidney-daicey_4apr2017.pdf) on the Google Maps satellite image (<https://www.google.com/maps/@45.8706856,-68.9899094,7943m/data=!3m1!1e3>) at the same scale to see the position of the Blueberry Ledges Trail in the 1977 burned area. Both links accessed December 2022.

19 http://bioweb.uwlax.edu/bio203/2010/kapral_sara/adaptation.htm#:~:text=The%20underground%20rhizomes%20can%20withstand,three%20years%20of%20a%20fire. Accessed December 2022.