

MAINE STATE LEGISLATURE

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**Report of the
Working Group on the Landowner Relations and Recreational Access
Program
December 2009**

Members

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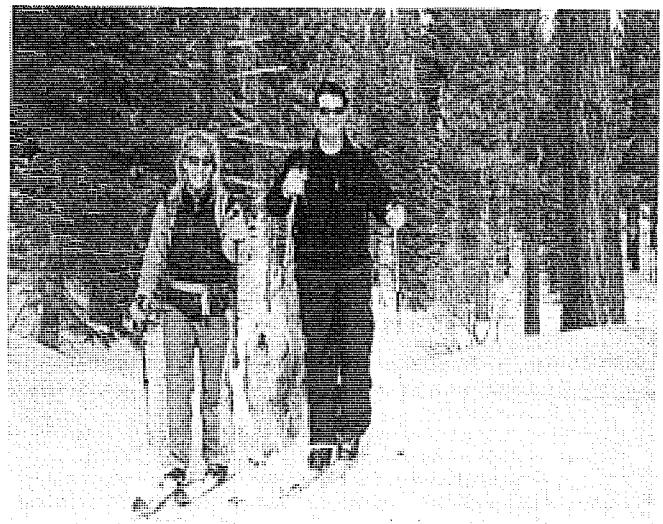


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Working Group on the Landowner Relations and Recreational Access Program
December 2009**

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2009 P&S LAW – CHAPTER 25

124th MAINE LEGISLATURE

PS Law, Chapter 25 continued the position of Director of Recreational Access and Landowner Relations as a limited period position for FY10 and FY11. The legislation fully funded the program in the first year, but only identified half of the funding needed for FY11. It also directed the Commissioners of Inland Fisheries and Wildlife and Conservation to jointly convene a working group on the recreational access and landowner relations program to:

1. Create a work plan for the program through June 2011;
2. Review the scope of the duties, structure, funding level and support for the position of the Director of Recreational Access and Landowner Relations, referred to in this section as "the position";
3. Identify sustainable funding sources for the position as a permanent position;
4. Propose grant-funding opportunities to strengthen outreach efforts;
5. Develop recommendations for enhanced volunteer efforts, including building on existing agency volunteer programs;
6. Review distribution of the costs of and support for the program to ensure that it is fairly aligned with those benefited by the program; and
7. Review landowner relations programs in other states.

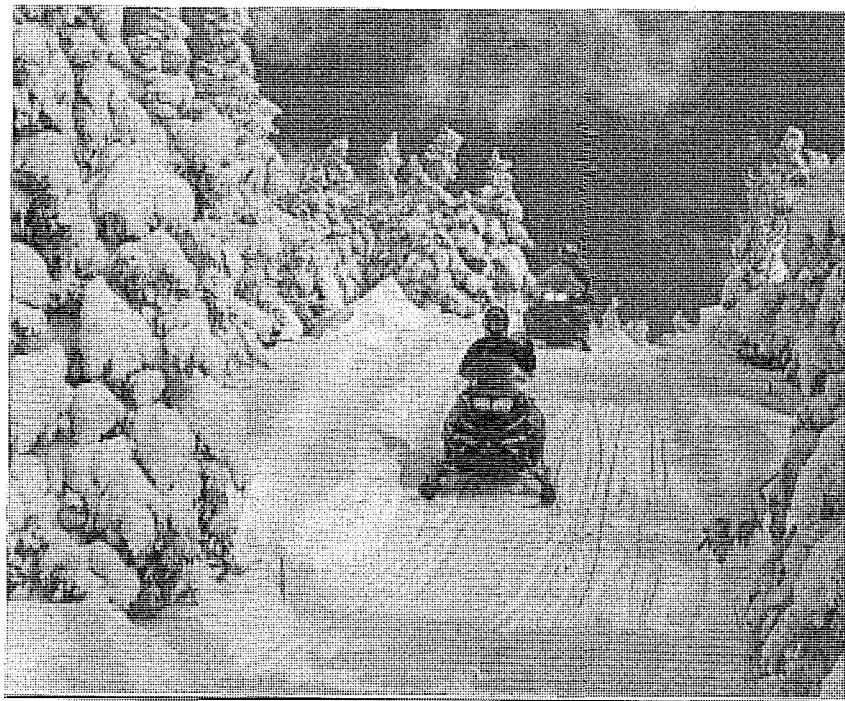


Maine possesses a globally known “brand” built on images of livable communities, stunning scenery, and great recreational opportunities.

--*Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places*,
Brookings Institution, 2006

The state is urged to support and strengthen its Maine Landowner Relations program, to ensure continued public access to private land. No other program is so critical to the state's effort to recognize and support private landowners' role in protecting Maine's Quality of Place.

--*Quality of Place and Job Growth: A New and Needed Maine Investment Strategy*
Second Report of the Governor's Council on Maine's Quality of Place, May 6, 2008



**State is right to play a role in landowner relations
If there are no alternatives to posting, Maine will lose its cherished land use tradition**

--editorial headline, *Maine Sunday Telegram*, September 14, 2008

Maine needs a strong, active, adequately funded landowner relations program.

--*A Practical Guide to Preserving Public Access to Private Land*
A study published by The Sportsman's Alliance of Maine, 2003

In the fall of 2009 the Working Group held four meetings of the whole and five meetings of subcommittees and reached the following findings and recommendations:

Need

Maine's unspoiled natural resources and the recreational opportunities that they offer are the key to our economic future. Vacationland has long been associated with outdoor recreation, and the abundant opportunities available here--fishing, hunting, hiking, bird watching, snowmobiling, ATV riding, snowshoeing, cross-country skiing, bicycling, horse back riding—are like nowhere else in the eastern United States.

Ensuring outdoor recreational opportunities continue well into the future is critical to preserving longstanding Maine traditions as well as to our economy. Yet Maine is changing fast, and the access to private property for recreation that Mainers and visitors have enjoyed for decades is threatened. Within the last 3.5 years, at least 425 landowners have requested more than 16,600 "Access By Permission Only" signs from I F & W These signs give the landowner some comfort to know who is using their land while keeping it open for responsible use. The program encourages the use of these signs in place of the negative "No Trespassing" signs. The Landowner Relations program is needed today more than ever.

While significant amounts of land have been conserved in recent years, 92% of land in the state is privately owned. Traditionally it has been open for others to use respectfully. Changes in both land ownership patterns and recreation trends, along with increased development, contribute to friction between land owners and recreational users. A new and emerging trend is the use of modified four wheel drive vehicles for joy-riding that causes tremendous deliberate damage. Disrespect by a small percentage of users and the growing problem of trash dumped on private property cause more and more owners to close off their land, leaving responsible users fewer and fewer places to recreate. Hunters are particularly hard hit by this trend, but all recreational users lose when land is closed off.



No fewer than six task forces, studies or articles have recommended a robust and coordinated Landowner Relations program to preserve the longstanding Maine tradition of public access to private land for recreation.

For this reason, the position of Director of Recreational Access and Landowner Relations was created and funded as a limited period position by the 123rd Maine Legislature. The Working Group feels strongly that this position should be established as a permanent one and that the program should be not only fully funded but expanded.

Scope of Duties and Work Plan

The Working Group agrees that the current program is a success to date and has improved coordination among state agencies, ensured prompt response to landowner complaints, and devoted considerable time to complicated local disputes. In addition, it has established and publicized a useful web site and updated and distributed materials to educate both land owners and land users on Maine law.

The Group also agrees that the program must build on the foundation that has been established. To that end, we suggest certain additions to and clarification of the job description, attached. These are meant to make clear that to be effective the Director's work must span state agencies, representing the full administration. Working closely with the Governor-appointed Landowner-Sportsmen Relations Advisory Board is also a key strategy for diminishing tensions between land owners and users.

The Group agrees on the attached work plan through June 2011 and on annual work plans thereafter, as well as bi-monthly reports to ensure that the program stays on schedule with projects.

Structure, Funding Level and Support

The current structure and funding of the program are basic at best. However, because of the state's financial challenges, we do not propose additional funds for new staff or operating costs at this time. We agree that the level of compensation is appropriate for a Director whose responsibilities span agencies and that when the state's financial condition has improved the addition of clerical support is imperative. In the meantime, both of the departments with which the Director works most closely pledge assistance and support on projects.

Likewise, the program cannot continue indefinitely without budgeting appropriately for operating expenses. Currently the expense for technology, travel, office supplies and so forth is being borne by the Department of Conservation, where the office is located. This arrangement limits the program and is not sustainable.

The Group feels strongly that the Landowner Relations program serves all citizens and should be supported by the General Fund. However, we recognize the state's current challenges and recommend that for FY11 the remaining funding needed come from the Department of Inland Fisheries and Wildlife's Departmental Indirect Cost Allocation Program (DICAP.)

Distribution of Costs and Support

The group agrees that the program needs to document the types of issues that require state involvement or that trigger land closures; the geographic areas where incidents are taking place; and the amount of time spent by all staff, including the Director as well as Game Wardens, Forest Rangers and staff of the Off Road Vehicle Division. Collecting information will help to answer the question of whether the funding for the program is fairly aligned with those benefitted by it.

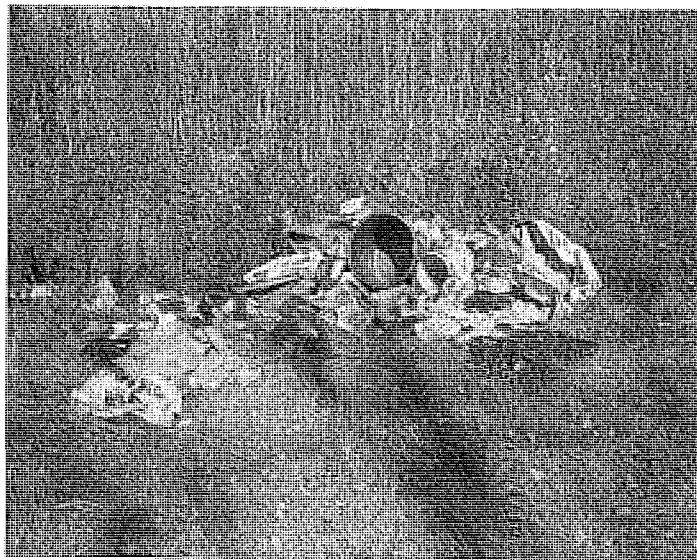
To that end, the Department of Inland Fisheries and Wildlife has given the Director access to its data base to capture the above information as well as track incidents and ensure appropriate and timely follow through.

Working with the Natural Resource Service Center, the two departments will design a time-tracking system for the Director as well as other staff.

Outreach and Volunteer Efforts

Over the past two years, the program has reached out to a range of landowner associations and user groups. As stated in the Work Plan, that effort must continue over the next two years with particular attention to agricultural and marine interests. While the Landowner Relations program is critical to protecting recreational access to private land, it can also assist in preserving access to the coastal zone for commercial harvesters and can play a role in preventing agricultural land abuse while keeping farmland open for appropriate recreation.

A recent *Lewiston Sun Journal* article (attached) makes clear that there are additional user groups with an interest in access to private property that the program has not yet contacted. The article highlighted the trash removal effort spearheaded by a local Boy Scout working toward his Eagle Scout rank. The young man organized a trash removal day in cooperation with the municipality and the *Cache In, Trash Out* program of the geo-caching community, organized to ensure that geo-caching enthusiasts continue to have access to private property for their pastime. The Working Group recommends that a priority list be developed of interest groups, including geo-cachers, to establish relations with over the biennium.



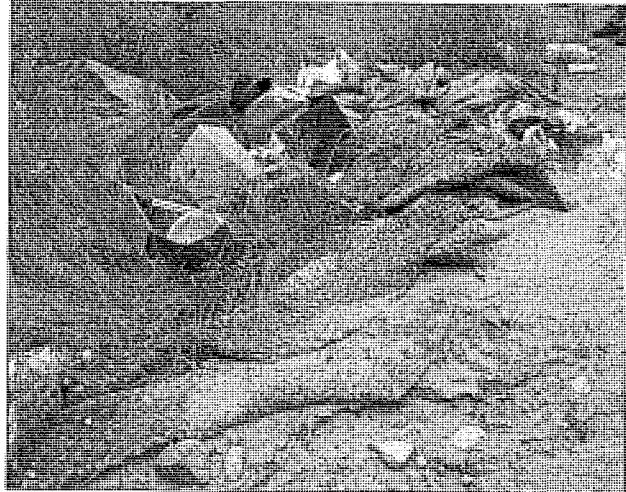
The outreach should include identifying individuals and groups in each region of the state to call upon to assist in addressing local issues. No issue is more suitable for volunteer participation than trash removal. Trash dumping is a growing problem. The bother and expense of removing household goods, construction waste, and abandoned vehicles has particularly irritated private land owners and led to many hundreds of acres being closed to recreation.

We also recommend that the Director and LSRAB explore an annual statewide, volunteer-based trash removal effort modeled on Coastal Cleanup Week. As illustrated by the *Sun Journal* article, local volunteer efforts are already taking place. Plans are also currently under way by sea kayakers and others for a day of volunteer work on coastal islands. A coordinated week of clean up would draw attention to the issue and offer recreational users a way to demonstrate their appreciation for the opportunity to use private land. Holding the effort in late spring would encourage participation by school groups, and working with local municipalities could potentially reduce the overall expense of proper disposal.

Grant Funding

Because it is specific, concrete and easily publicized, a coordinated week of trash removal would also be an excellent framework for grant support. Prospects for financial support include businesses dependent on recreation as well as local banks and other institutions focused on a particular region. In addition, many businesses close once a year to allow their employees to participate in a day of volunteer activity in the local community and might choose to participate in a coordinated clean up effort.

The Working Group recommends that the Director and the Landowner-Sportsmen Relations Advisory Board explore grant opportunities directly related to the spring clean up effort.

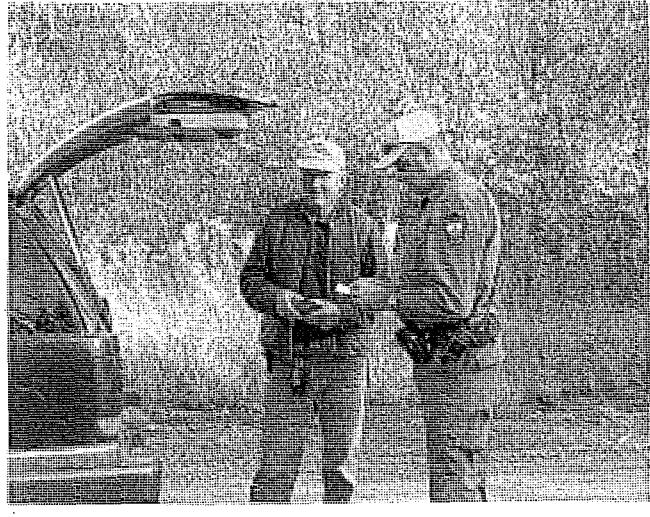


Programs in Other States

Research into programs in other states revealed that Maine is not alone in wrestling with these issues. Themes that repeat in a review of programs include litter, property damage, concerns about liability and concerns among farmers and ranchers about trespass or the need to change practices due to the presence of wildlife. In general, landowner relations efforts tend to address three related issues: recreational access, wildlife habitat, and trails.

In examining other states' programs, we took note of both cultural and geographic differences. In western states, for instance, there is an abundance of public land compared to Maine. Also, land parcels in Maine, particularly southern Maine, are smaller than in western states. Larger parcels in northern Maine are forested and support a wide range of wildlife, whose presence generally does not interfere with the landowners' goals, as opposed to land in the west where ranchers may be concerned with the presence of certain wildlife.

These ownership differences affect attitudes toward hunting and other recreational use. In western states, access to private land is severely restricted, and highly desirable for hunting. As a result, several programs in that region are funded by allowing private land owners to sell hunting opportunities. The Working Group feels that this approach is not a model for Maine. Restricting access for most recreationists while benefitting the few who can afford to out-bid others is not the direction in which we want to see Maine move.



Funding sources in other states include general fund contributions; voluntary contributions; voluntary purchase of stamps or badges; license fees; surcharges and mandatory purchase of permits, passes and stickers. Further exploration of voluntary efforts in other states reveals that support wanes over time, much as the purchase of loon license plates has dropped and sales of the Super Pack have proven disappointing.

Note: Research by Dan Scott, "Western States Summary of Landowner Programs" and by Rich Merk, "Summary of Eastern States Private Land Hunting Programs"

Sustainable Funding Sources

With funding for the program identified for FY11, the remaining charge to the Group is to identify sustainable funding sources. As mentioned above, the Group feels strongly that the Landowner Relations program serves all citizens and should be supported by the General Fund. Recognizing the current condition of the state's finances, some of the working group members would like to continue to work with the legislature and other organizations to recommend future funding of the program to the 125th Legislature. We have identified the following ideas as potential alternative funding sources:

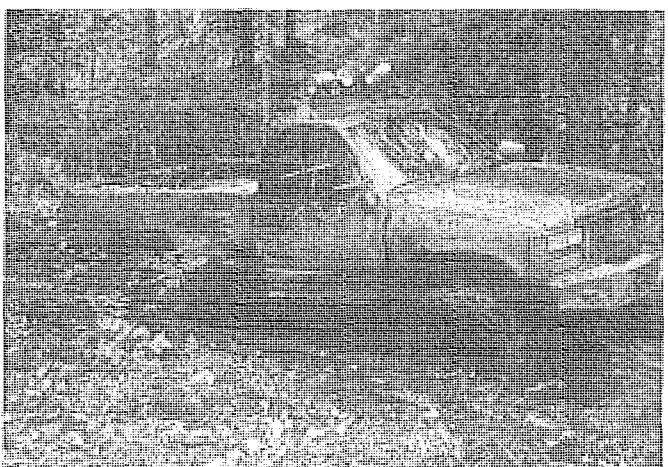
1. Voluntary contribution through a check off on the forms for purchasing a hunting or fishing license or registering an ATV or snowmobile. We do not recommend that the donor receive a stamp or other acknowledgment, as experience shows that producing such extras quickly erodes the amount of money collected. Likewise, we do not recommend that this method be used to support positions. The voluntary contribution would best be used for a mitigation fund for trash removal and damage repair.
2. A surcharge on violations of statute enforced by the Maine Warden Service, which includes hunting, fishing, snowmobiling, ATV use, and littering. This approach puts the responsibility for paying for the Landowner Relations program on those whose actions threaten access for everyone.

3. A per-ton fee on waste collected and sent to in-state waste handling facilities. This method would be especially appropriate as a source for a trash removal/mitigation fund.
4. A nominal surcharge on hunting and fishing licenses and ATV and snowmobile registrations. While this surcharge does not apply to all recreational users, the Group notes that it does reflect the majority of the issues that lead to land closure.

Conclusion

The Landowner Relations program is essential to maintaining Maine's longstanding traditions and to sustaining the outdoor recreation that is important not only to our quality of life but also to our economy. The program should be established permanently, with adequate funding and support.

The Working Group looks forward to discussing our report with the Joint Standing Committees on Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry.



APPENDIX A

JOB DESCRIPTION

Director of Recreational Access and Landowner Relations **(Public Service Coordinator 1)**

Brief Job Description: The primary purpose of the Director of Recreational Access and Landowner Relations position is to promote, through education and outreach, cooperation between landowners and land-users involved in recreational pursuits. The Director is responsible for coordinating efforts by the State's natural resource agencies, other governmental agencies, landowners, and other interested parties, to ensure the tradition of appropriate public use of public and private lands continues. Landowner relationships will be part of the mission of each natural resource agency who will work in conjunction with the Director in promoting the landowner relations program. Delivery of services may be provided at the local level through recreational clubs and organizations (such as MSA, ATV Maine, SAM, MPGA and sportsmen's clubs). This is a limited period full time position available in Augusta, Maine. Reports to the Governor's office as lead and with coordination with the Commissioner's of Inland Fisheries & Wildlife and Department of Conservation.

Minimum Qualifications: An eight (8) year combination of education, training, and/or experience in administration or management. A knowledge of agency programs, operations and services; laws, rules, and regulations applicable to and/or enforced by the agency and legislative process; able to organize, coordinate, and manage diverse groups of people into effective committees and task forces; monitor and assess efficiency and effectiveness of agency activities; and prepare/deliver presentations and reports to a variety of groups.

The Director should:

- Have strong interpersonal skills; can work with landowners, recreation interests, agency Commissioners, Deputy Commissioners and field staff and has the ability to focus on the big picture and oversee activities at the field level.
- Develop and oversee efforts to encourage responsible behavior by land users, including the use of ongoing and new educational programs provided by various state departments and user groups;
- Act as an ambassador to land owners, developing relationships, understanding challenges, and advocating respectful land use;
- Design and lead a coordinated state effort among a number of natural resource agencies with field staff to prevent disputes and address problems when they arise;
- Assure a prompt response by the state to incidents taking place on private land;
- Ensure a continued presence of field staff in areas where there has been a pattern of conflict;
- Conduct follow-up with landowners after an incident,
- Lead continued inter-agency strategies, continue to participate with the Landowner/Sportsman's Relations Advisory Board and work with other interested groups to address the issues, including needed changes to rules, laws, or existing programs.
- Make bi-monthly and annual reports of activities submitted to Governor's Office, Commissioner's and the Landowner/Sportsman's Relations Advisory Board.
- Annually create a work plan of new initiatives and goals for the next year

Note: underlined sentences is additional language recommended by the Working Group



APPENDIX B

LANDOWNER RELATIONS WORKING GROUP DECEMBER 17, 2009

LANDOWNER RELATIONS PROGRAM - WORK PLAN 2009 -2010

1. **Promoting Landowner Relations:** The program has made great strides in promoting respectful land use and resolving problems through outreach and a quick response to problems. Grants from the Maine Outdoor Heritage Fund created the website and produced two new educational brochures. A power point on land abuse problems was also completed.

Work Plan:

- The main focus is to continue a prompt response to questions, concerns and complaints to incidents taking place.
- Assure a proper response to the landowner when action is needed and do the proper follow up until the problem is resolved.
- Continue to develop and oversee efforts to encourage responsible behavior by land users including the use of ongoing and new educational programs provided by various state departments and user groups.
- Maintain and expand relationships with land owners, all user groups, understanding the challenges, and advocating respectful land use.
- Continue participation with the Governors appointed Landowner Sportsman's Relations Advisory Board for guidance and goals to improve the program.
- Continue to maintain contact and participate with various organizations, clubs, associations, and state agencies.
- Attendance at meetings and forums when requested.

2. **Web Site:** A place for citizens and landowners to get information for recreational access programs, educational material that access is a privilege and information on landowner rights. Links to contact various state agencies and other organizations with information on laws and regulations.

Work Plan:

- Continue to do updates and add new educational materials to website
- Training on website maintenance and development [Complete by June, 2010]

3. **Expansion of educational efforts:** Continue educational out reach with landowners and recreational users and to work collaboratively on problem resolution.

Work Plan:

- Update and rewrite the brochure "Questions and Answers: LANDOWNERS & LAND USERS – HOW TO GET ALONG" [w/ assistance from IF & W recreational safety program June 2010]
- Work with I F & W Information & Education Division to produce a short video and a power point program with participation from State Agencies, LSRAB, & others explaining the landowner relations program for use at meetings and forums.
[Currently in progress]
- Reactivate the "Land Share Program" this sign program was used by farms and forest landowners to let citizens know that their land was open to access for use with respect by users.[Assistance from LSRAB members – before December 2010]



4. **Outreach:** Continue outreach and coordination with landowners, recreational organizations, land trusts, sportsman's clubs, law enforcement agencies, state agencies and the legislature. Provide "grass roots" services for land owners with conflict resolution, law enforcement when needed, mitigation assistance, signage, etc.

Work Plan:

- Continue to provide assistance and advice to resolve conflicts and offer resources that are available by contacting the appropriate agency or organizations.
- Open more communication with other state agencies, particularly [ARG.; DMR; & State Planning]
- Continue to attend meetings when requested and do presentations of landowner relations issues, landowner abuse and to teach landowner respect.
- Continue the working relationship with the Landowner / Sportsman's Relations Advisory Board for guidance on tasks that need to be addressed.
- Work with I F & W Information & Education Division to expand the "Super Sport Program" by getting more sponsors and to reach out to others, not just IF & W license holders, in explaining the importance of open access. [completion by July 2010]
- Continue to maintain and update data base of contacts of various organizations and groups
- Meet with Legislative Committees and Rural Caucus if requested to report on status of Landowner Relations Issues.

5. **Annual Recognition of Landowners:** This annual program honors various landowners nominated by clubs and other organizations as a way to thank them for allowing access or other assistance for recreational access. Expand this program to be the "Landowner / Land User Recreational Access Awards" banquet with assistance from LSRAB. [It was expanded in 2009 to include a new category that allowed landowners to nominate land users for showing respect and helping with problems.]

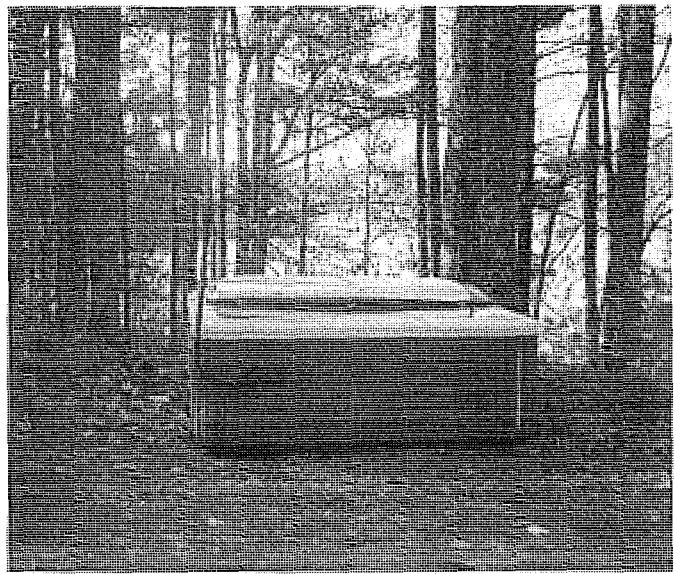
Work Plan:

- Continue to reach out to more clubs and organizations to get involved with program. This year had many more participants including land trusts and guides associations with 165 attending banquet. Expand to other State agencies, fish & game clubs and get more press / media coverage.

5. **Mitigation of land abuse problems:** Considerable damage occurring in the fields, forests, streams, and wetlands needs to be addressed to give landowners relief and to mitigate environmental damage. This issue has been discussed by many in various forums and studies over the years and is one of the most critical pieces of the puzzle to stop the loss of access.

Work Plan:

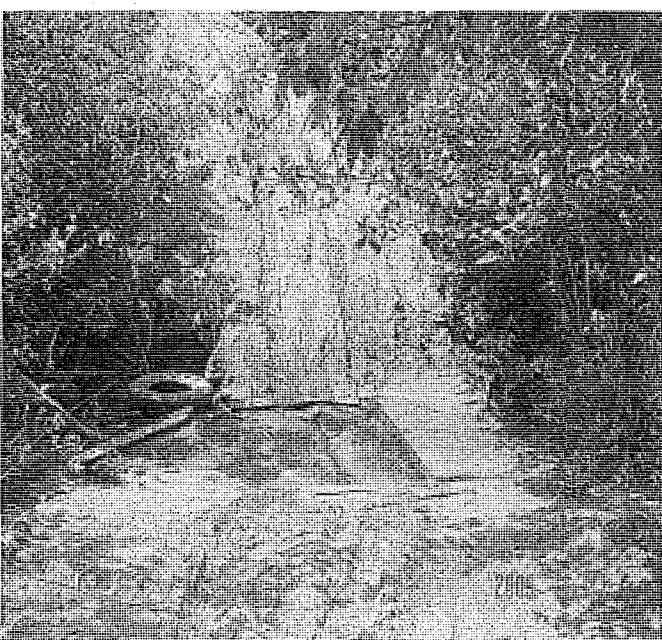
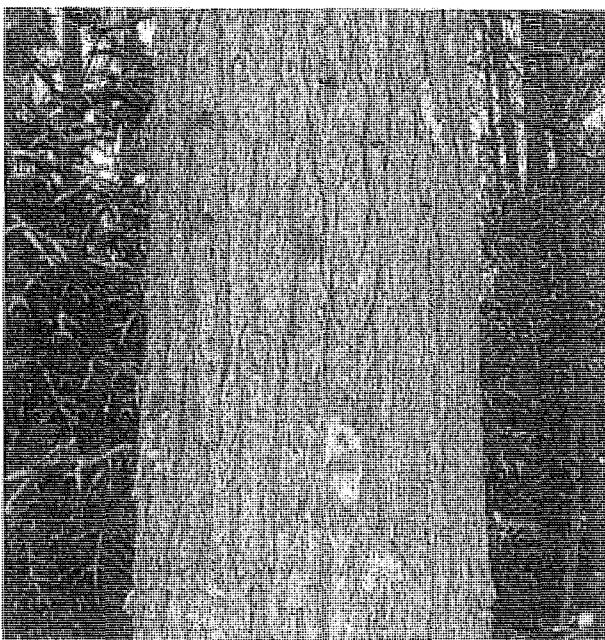
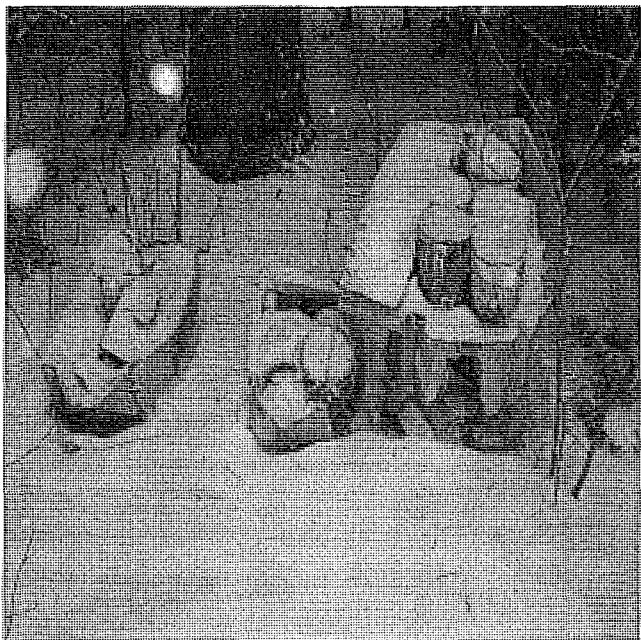
- Continue to work with various groups to offer assistance to landowners when concerns or complaints are received. Many clubs have responded to requests when asked and also do annual volunteer clean ups of trash. Continue to educate through outreach with printed material, website and various media outlets that respect for all lands is the highest priority to maintain the privilege of use and to remind all to treat land like you would your own. Continue to get information to land owners that the Land Owners Relations Program is here to assist when problems arise.
- Develop a list of organizations potentially willing to participate in mitigating damage to private and public lands. [List completed by July 1, 2010.]
- The problem of large scale dumping will remain a problem until funding mechanisms can be created to help clean up and dispose of such. Appliances and shingles are in this category. Some local clubs have helped dispose this type of trash and do annual clean up days. Explore having a state wide clean up day with various organizations, associations & clubs participating.
- Work with I F & W on the expansion of the “Operation Game Thief” program to include land abuse issues for citizens to call anonymously. Work to expand the “OGT” to include land abuse problems to the 1-800- number and produce educational materials. [meeting is scheduled]



APPENDIX C

2008 LICENSE SALES	2008	NON RESIDENT	
RESIDENT		Season Fishing	16,805
Fishing	108,343	1-Day Fishing	10,390
Comb. Arch. & Fish.	1,166	3-Day Fishing	19,457
Comb. Hunt. & Fish.	71,775	7-Day Fishing	17,490
Serviceman Comb.	1,378	15-Day Fishing	3,712
Serviceman Fish	188	Comb. Hunt. & Fish.	4,676
Serviceman Hunt	33	Archery	1,115
Archery	11,536	Big Game	20,878
Hunting	50,659	Small Game	2,101
Small Game	799	3-Day Small Game	1,900
Superpack	1,865	Trapping	64
Trapping	2,138		
Resident Licenses	<u>249,880</u>	Total Non Resident Licenses	<u>98,588</u>
LIFETIME LICENSE			
Fishing	4,172		
Hunting	785	<u>ALIEN</u>	
Combination	20,945	Fishing	194
Resident Lifetime Licenses	<u>25,902</u>	Comb. Hunt. & Fish.	26
		Archery	4
TOTAL RESIDENT LICENSES	<u>275,782</u>	Big Game	150
		Small Game	69
		Alien Licenses	<u>443</u>
Source: Maine Inland Fisheries & Wildlife		GRAND TOTAL	<u>374,813</u>

Maine ATV Registrations 2008/9 Year	Resident	Non Resident	Total		
2008-09	53863	7742	<u>61,605</u>		
Source: Maine Department of Inland Fisheries and Wildlife					
Maine Resident/Nonresident Snowmobile Registrations					
2008/9 Year	Resident	Non Res Seasonal	NR 10 Day	NR 3 Day	Total
2008-09	75605	15817	2298	4447	<u>98,167</u>
Source: Maine Department of Inland Fisheries and Wildlife					



Mattresses, tires, chairs: Cachers collect 230 bags of trash

By Kathryn Skelton, Staff Writer LEWISTON SUN JOURNAL

Published: Nov 22, 2009

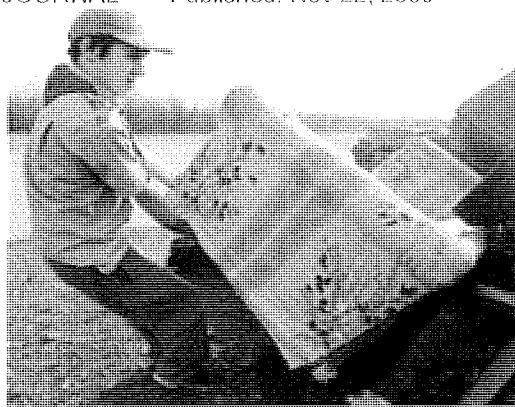


Photo Daryn Slover/Sun Journal

Boy Scout Jeremy Bernier, right, of Auburn helps unload a van of bulky trash at Marcotte Park in Lewiston on Saturday. Bernier, a Life Scout with Troop 160 of Lewiston, organized the "Twin City CITO" event to fulfill the requirements of the Eagle Scout Leadership/Service Project. Volunteers spread out and collected trash from Geocaching sites in Lewiston and Auburn. "Cache In Trash Out" is an ongoing environmental initiative supported by the geocaching community. "I was not expecting this much at this point," said Boy Scout Jeremy Bernier of the amount of garbage he and some volunteers had collected by noon Saturday — "maybe by the end of the day, but not now."

LEWISTON — The kitchen sink found in the woods off the Park and Ride by I-95 raised an eyebrow. The abandoned beds, tires and couch were tame, if unexpected.

"What I chuckled at most: I found a toilet out there," said Kurt Cedergren, 30 feet from a growing pile of trash at Marcotte Park where he'd brought his finds.

On Saturday, the Lewiston man and 20 others took part in Cache In Trash Out, an event organized by 16-year-old Boy Scout Jeremy Bernier, a cacher himself who's going for his Eagle Scout rank.

People fanned out into woods around the Twin Cities, simultaneously using their global positioning system devices to uncover cache spots — frequently where someone has hidden a journal or memento — and pulling out furniture, tires and you-name-it along the way.

Bernier said he'd been inspired to lead the event after a peek at the woods behind Marden's. That same spot was where most of the day's old, dirty mattresses came from. People also found refrigerators and a stove behind the Main Street store. Jim Leeman served as the day's cache master. He helped with a map highlighting known trash spots around both cities. He didn't wonder how a sink got in the woods, so much as why. "There's no need of it," he said.

Leeman said lots of geocaching involves walking on public land and when access to that land is sometimes shut down, they frequently learn that people got too tired of litter being left behind. Events like CITO, happening all over the world since 2002, help counter that by showing that cachers respect the land, he said, and hopefully it encourages open access.

Phil Dehetre of Richmond had done similar events before but got his biggest load ever on Saturday by hitting River Road. When he pulled in to Marcotte Park, truck bed heaped over, Bernier and his friends pulled on blue rubber gloves and unloaded an old computer monitor, almost a dozen tires, a random, rusted 6-foot pipe and a green upholstered chair. Dehetre and his son Justin, 12, and daughter Mikayla, 10, had been out for two hours.

"We had to leave two couches behind," he said. Bernier, a member of Troop 160 and a junior at Edward Little High School, said most participants made more than one run, bringing back tires, a cot frame, a carpet and even a laundry basket. Lewiston Public Works agreed in advance to haul off whatever the group collected.

At the end of the day, they picked up the equivalent of 230 bags of trash, more than he'd hoped, Bernier said.