

Moosehead Region Futures Committee

www.mooseheadfutures.org

P.O. Box 102 Greenville, Maine 04441

207-695-4888

Bart Harvey, Chair
Maine Land Use Regulation Commission
22 State House Station
Augusta, Maine 04333-0022

Re: MRFC comments on LURC-generated amendments to Zoning Petition ZP 707

July 11, 2008

Dear Chair Harvey,

Attached to this letter are the comments of the Moosehead Region Futures Committee (MRFC) on the document entitled "Amendments to Core Elements of Plum Creek's Concept Plan Proposal Generated by the Land Use Regulation Commission at its May 27-28 Deliberative Sessions".

In submitting these comments, the MRFC reaffirms our testimony filed on August 31 and November 19, 2007 as well as our post-hearing briefs filed on March 7 and 21, 2008. For the sake of brevity, in the current submission, we will not reiterate our position on every issue covered in our previous filings. However, we want to make it clear that we stand by our earlier statements and wish them to remain in the record of these proceedings. If a particular issue is not specifically addressed in the current submission, then our earlier filings should be understood to represent our current position with regard to that issue.

Respectfully submitted,

Wendy Weiger, Coordinator

On behalf of the Moosehead Region Futures Committee: Suzanne AuClair, Rockwood; George Bakajza, Sandbar Tract Township; Jim Glavine (President), Beaver Cove; Bob Guethlen, Tomhegan Township; Sandra Neily, Sandy Bay; Christina Pritham, Greenville; Joe Richards, Greenville; Jim Thorne, Misery Gore; Wendy Weiger, Greenville and Frenchtown Township; John Willard (Vice President), Rockwood; Joan Wisher, Frenchtown Township.

Moosehead Region Futures Committee
Comments on LURC-generated amendments to Zoning Petition ZP 707
July 11, 2008

Concerns regarding post-hearing process:

In several meetings with LURC staff and consultants¹, the MRFC Steering Committee was advised that all comments regarding Plum Creek's proposed Concept Plan for the Moosehead Lake Region should be geared toward the regulatory/legal criteria for approval of concept plans and the Comprehensive Land Use Plan (CLUP). This mandate was reinforced by the document issued by LURC on July 13, 2007 to assist parties with their drafting of issues lists to be used in the preparation of prefiled testimony. All MRFC testimony and our post-hearing briefs were prepared with this guidance in mind.

Therefore, we were surprised and disappointed that, during the May 27-28 deliberations, LURC staff, consultants, and Commissioners failed to follow their own advice. We found that the deliberations ignored or, at best, superficially addressed certain key regulatory/legal criteria. In particular, we found consideration of the criteria of *demonstrated need* and *avoidance of undue adverse impact* to be inadequate (see below for a discussion of specific deficiencies in this regard).

As LURC staff and consultants presented their recommendations to the Commissioners, it became apparent that the dynamics of their relationship with the applicant had shifted. LURC staff and consultants work for the people of Maine. The development proposed by Plum Creek would have heavy impacts on substantial public ownerships within and near the project area: wildlife, great ponds, and navigable rivers. The legislation enabling LURC's creation [12 MRSA §681] makes it clear that LURC was founded for the purpose of serving the greater good of Maine's citizens. Therefore, we expected that LURC staff and consultants would examine the huge body of evidence presented during the hearings through the lens of the applicable regulatory/legal criteria, with the goal of protecting the best interests of Maine's citizens.

Instead, in preparing their recommendations, it seems that the primary goal of LURC staff and consultants was to work with Plum Creek to help the applicant achieve an approvable version of its proposal. During the deliberations, it was clear that LURC staff and consultants had become advocates for the modified version of the proposal presented in their recommendations. If Plum Creek agrees to the recommended modifications, LURC staff and consultants will in effect become co-applicants with Plum Creek, and the door will be largely closed to further meaningful input from the public.

Regarding the criterion of demonstrated need:

There was absolutely no substantive discussion as to whether the development proposed by Plum Creek "satisfies a demonstrated need in the community or area" [12 MRSA §685-A (8-A)]. In

¹ The MRFC Steering Committee met with LURC staff and consultants in Greenville on November 17, 2005 and August 30, 2006 and in Augusta on October 24, 2006.

fact, the phrase “demonstrated need” does not appear even once in the 435-page transcript of the deliberations.

Commissioner Lavery correctly noted that the Moosehead region needs economic development opportunities (page 92). However, the Commissioners completely failed to address whether the amount and locations of development proposed by Plum Creek are appropriate to meet these needs. Are all of the proposed 2025 residential and resort units really necessary to meet local economic needs? Is there a local need for large-scale residential and commercial development at Lily Bay and Brassua, or would development closer to Greenville serve the local economy as well or even better? These important questions were not considered.

There were several references to the jobs that would be generated by the Big Moose resort (Aga Pinette, page 71; Evan Richert, pages 72 and 79). However, Ron Kreisman later made it clear that many of these jobs would not go to local residents but to seasonal employees from thousands of miles away working under guest visas (page 174). Unfortunately, this comment did not lead to any questions regarding how many year-round, long-term jobs would be generated for local citizens.

Furthermore, there was no acknowledgment that any economic benefits from Plum Creek’s proposal must be weighed against potential adverse economic impacts. Examples of such potential adverse economic impacts include the following: loss of revenues to local businesses resulting from degradation of high-value nature tourism sites, competition of businesses in new commercial centers with existing local businesses, and higher property taxes for local home and business owners due to increased valuations.

Regarding the criterion of avoidance of undue adverse impact:

The MRFC Steering Committee is concerned that the applicant has not met its burden of proof regarding potential adverse impacts to existing uses and resources [12 MRSA §685-A (8-A)]. We addressed this issue in our post-hearing opening brief submitted March 7, 2008 (pages 49-50). To cite just one example, Plum Creek’s fishery expert, Fred Kircheis, claimed there would be no undue adverse impact on any of the six waters proposed for development. However, he used 50-year-old cursory surveys and failed to inspect most of the sites. During the technical hearings, these deficiencies were brought out by several cross-examiners. In the record, there are other examples of inadequate evaluations by Plum Creek’s expert witnesses. We are disturbed that these deficiencies were not addressed during the deliberations.

We are also concerned that LURC staff and consultants chose, in their recommendations, to override a number of specific requests by the Maine Department of Inland Fisheries and Wildlife and the Maine Natural Areas Program. These requests were made by the state’s natural resource experts with the goal of protecting resources that belong to the citizens of Maine. Given that LURC staff and consultants lack professional expertise in this area, it seems inappropriate for them to override the MDIFW/MNAP requests, and we believe that the decision to do so sets a very dangerous precedent. Our concerns in this regard are discussed in greater detail below.

Both of the LURC consultants (Evan Richert and Ron Kreisman) specialize in development planning. Ideally, their expertise should have been balanced by consultants specializing in environmental sciences and conservation planning, who could have interpreted testimony on potential adverse impacts to natural resources for the Commissioners and led meaningful discussion of these issues during the deliberations.

Concerns regarding LURC-generated amendments pertaining to development:

Proposed development areas:

1) Brassua Lake:

In our post-hearing opening brief submitted March 7, 2008 (pages 26-29), the MRFC Steering Committee made several requests regarding the development proposed for Brassua Lake that have not been addressed by the LURC-generated amendments. These include:

- Leaving the remote, northwesterly section of the Brassua south peninsula undeveloped, and adding this land to donated conservation (see MRFC 2006 Citizen Solutions map, submitted as Exhibit 2 in the testimony of MRFC witness James Glavine on August 31, 2007). [The LURC-generated amendments provide for a slight modification of the western boundary of the Brassua south peninsula development area in order to protect Little Brassua Lake from scenic impacts. This modification covers only a fraction of the land recommended for protection on our Citizen Solutions map.]
- Eliminating the proposed development area on the northeastern shore of Brassua that is accessible only by water, and adding this land to donated conservation.
- Reducing the number of proposed units from 250 (capped) to no more than half that number.
- Eliminating the commercial zoning proposed for the Brassua south peninsula. [The LURC-generated amendments reduce the maximum aggregate acreage for commercial uses from 91 to 50 and, as compared to Plum Creek's proposed D-GN3M zone, appear to provide somewhat stricter limitations on the scale of commercial facilities. However, the LURC-generated amendments still allow a substantial level of commercial activity.]

We are especially concerned that development proposed for the Brassua south peninsula would create a new, unnecessary commercial center sprawling into what is now raw, undeveloped territory, far from the struggling communities of Rockwood and Greenville. The proposed development would cause undue adverse impacts to high-value wildlife habitat and to nature tourism opportunities, including the Northern Forest Canoe Trail.

With regard to the potential number of lots, the LURC-generated amendments actually take a step backward, paving the way for even more lots than Plum Creek has proposed. Footnote 43 to the amendments suggests that the Brassua south peninsula could become a receiving area for lots relocated from other development areas (LURC-generated amendments, June 4, 2008, page 36). During the May 27-28 deliberations, Aga Pinette indicated that shorefront units proposed for the north shore of Long Pond might be relocated to the shore of the Brassua south peninsula, even if this relocation necessitated reduction of the minimum shore frontage requirement below the 150 feet currently proposed by Plum Creek, which is already lower than the LURC standard of 200 feet (transcript pages 128-130). The Brassua south

peninsula is a high-value natural area that should not be used as a “dumping ground” for relocated lots. Furthermore, at the end of the 30-year term of the concept plan, Plum Creek has proposed adding undeveloped land at Brassua to the Balance easement, whereas the LURC-generated amendments would subject undeveloped land to Commission zoning, thereby creating the potential for additional development in the future.

2) Indian Pond:

In our post-hearing opening brief submitted March 7, 2008 (page 37), the MRFC Steering Committee requested that the resort development proposed near the shore of Indian Pond be relocated away from the pond to avoid adverse impacts on recreational fishing and paddling. As discussed in more detail below, MDIFW/MNAP also requested that the proposed resort zone at Indian Pond be removed from development zoning and added to the Balance easement. We reiterate our request that LURC protect this high-value nature tourism site from development.

3) Upper Wilson Pond:

In our post-hearing opening brief submitted March 7, 2008 (pages 31-32 and 35-37), the MRFC Steering Committee requested that the development proposed for Upper Wilson Pond be eliminated and that the land be added to donated conservation. We reiterate our request that LURC protect this high-value natural area from development.

4) Lily Bay:

The consensus position of the MRFC Steering Committee with regard to development on the Lily Bay peninsula is expressed in our post-hearing opening brief submitted March 7, 2008 (pages 31-37) and our 2006 Citizen Solutions map, submitted as Exhibit 2 in the testimony of MRFC witness James Glavine on August 31, 2007. Our Citizen Solutions map indicates an area that we found to be potentially suitable for limited residential development consistent with smart growth principles (shared water access, clustered housing) and existing development in the immediate area (mostly traditional camps); no resort development is recommended. [Within the boundaries marked on the Citizen Solutions map, land with unsuitable soils and land for which MDIFW/MNAP has recommended protection should be excluded from rezoning to development; this information was not available to us when the map was created.]

The LURC-generated amendments to the proposed Lily Bay development area fall far short of the MRFC recommendations in several important ways, including the following:

- Total acreage to be rezoned for development: Although the LURC-generated amendments reduce the acreage to be rezoned for development, the remaining acreage far exceeds that recommended by the MRFC.
- Total number of development units: The LURC-generated amendments do not reduce the total number of development units allowed at Lily Bay. Restriction of development to the area judged as potentially suitable by the MRFC would necessitate a major decrease in the number of development units.
- Type of development: The LURC-generated amendments would still allow development of a resort and of very large homes. The MRFC recommends that no resort development

be allowed and that new homes be similar in scale to existing homes in the immediate area (mostly traditional camps).

We are especially concerned that the development proposed for the Lily Bay peninsula would create a new, unnecessary commercial center sprawling into an area of high ecological and recreational value, located far from the struggling Town of Greenville. We are also very concerned that this development would adversely impact the experience of visitors to Lily Bay State Park and Sugar Island and of boaters on Moosehead Lake.

A demonstrated need has not been proven for the development proposed for Brassua Lake, Indian Pond, Upper Wilson Pond, and Lily Bay. In fact, there is a demonstrated need *not* to develop these areas. They form the “green infrastructure” that will support recreation and nature tourism in the Moosehead region for generations to come.

The hearing record demonstrates the economic dependence of the Moosehead region on nature tourism. In order to sustain a healthy nature tourism economy, the region must continue to offer an unfragmented and undegraded “north woods” experience. Unfortunately, the locations of proposed easement lands were not selected with the goal of protecting the region’s nature tourism infrastructure. The locations of the easement lands were determined in private negotiations and they reflect the agendas of the organizations involved (Plum Creek, The Nature Conservancy, and the Forest Society of Maine) rather than broader goals for the greater good of Maine’s citizens.

We believe that no amount of conservation could offset the cumulative adverse impacts of the development proposed for Brassua Lake, Indian Pond, Upper Wilson Pond, and Lily Bay. Degradation of these high-value natural areas will adversely impact both the region’s ecology and its nature-based economy. Furthermore, the new, unnecessary commercial centers on the Brassua south peninsula and at Lily Bay will compete with already struggling businesses in the existing service centers of Rockwood and Greenville.

Development zoning:

The LURC-generated amendments replace three types of residential/commercial zones proposed by Plum Creek (D-GN3M, D-RS2M, D-RS3M) with a single broadly-defined zone (D-MH-RS1). The MRFC Steering Committee believes that uses allowed without a permit, uses requiring a permit, and uses allowed by special exception must be explicitly defined in the final language describing this zone. In particular:

- 1) Allowable public/civic structures and uses must be explicitly defined and a maximum aggregate acreage for such structures and uses must be specified for each development area. We are concerned that facilities such as banks and nursing homes might be interpreted as falling under “public/civic structures and uses”. Unless further definition is provided, this category could serve as a loophole leading to expansion of commercial development beyond established limits.
- 2) Other uses compatible with residential development must be explicitly defined.

In a rezoning application, it is important that language describing new zones be as explicit as possible. Plum Creek is proposing development of an unprecedented scale that will have considerable impacts on the Moosehead region. In each development area, allowable uses must be clearly and unambiguously defined prior to concept plan approval. Otherwise, interpretation of vague, ambiguous language by future LURC staff, Commissioners, or developers may lead to adverse impacts that are not intended by the current Commission.

Submission of natural resources inventory maps at the time of site-specific development application:

The LURC-generated amendments would require that, at the time of subdivision or other site-specific development application, the applicant submit natural resources inventory maps of the proposed development area (LURC-generated amendments, June 4, 2008, page 52). The MRFC Steering Committee believes that MDIFW/MNAP should approve the natural resource professional who will prepare these maps, and should review and approve the completed maps prior to development application approval.

Traffic:

During the May 27-28 deliberations, discussion of the Maine Department of Transportation (MDOT) Traffic Movement Permit was extremely brief (transcript pages 185-186), primarily consisting of an acknowledgment by Chair Harvey “that we have to look at a lot of other things with respect to traffic that DOT doesn’t” (page 185). However, no discussion of these additional issues ensued. At other times during the deliberations, there was some limited discussion of potential adverse impacts of increased traffic on wildlife. However, there was no discussion whatsoever of the following issues relevant to increased traffic, which were raised in comments submitted by the MRFC on May 8, 2008: overall quality of life for residents of local communities (both during and after the construction phase); air and noise pollution (both during and after the construction phase). LURC should consider these issues and generate amendments to address them. [See page 8 of the MRFC post-hearing opening brief submitted March 7, 2008 for specific recommendations regarding traffic mitigation measures.]

Furthermore, the MRFC Steering Committee questions LURC’s decision to consider the MDOT Traffic Movement Permit dispositive with regard to traffic safety (LURC-generated amendments, June 4, 2008, page 68). In our comments submitted May 8, 2008, we pointed out that “the MDOT traffic permit does not appear to adequately address concerns regarding the impracticality of enforcing traffic laws in remote areas.”

Concerns regarding LURC-generated amendments pertaining to conservation:

Holder of Balance and Legacy easements:

In the MRFC post-hearing opening brief (submitted March 7, 2008), we stated that the Legacy easement lands should be added to the Balance easement and that the State of Maine should be the easement holder (page 6). We therefore agree with the Commission’s tentative conclusion that the Balance and Legacy easements should be held by the Bureau of Parks and Lands (BPL)

(LURC-generated amendments, June 4, 2008, page 74). Under the terms of a concept plan, LURC grants certain extraordinary development rights to a landowner in exchange for conservation that will mitigate the adverse impacts of the development and result in a net public benefit. It logically follows that an easement created as part of this regulatory process should be publicly held. State agencies are directly accountable to the public and therefore are more likely than non-governmental organizations to protect the best interests of Maine's citizens. If BPL lacks adequate staff for monitoring and enforcement, we believe that it would be acceptable for BPL, as easement holder, to contract routine easement management to a non-governmental organization such as the Forest Society of Maine.

Funding should not be an impediment to BPL's serving as easement holder. If BPL believes that the currently proposed easement stewardship funding is inadequate, then the funding agreement should be revised accordingly. Without adequate funding for rigorous monitoring and enforcement of the easements, there is no guarantee that the benefits promised to Maine's citizens will ever be realized.

If the Commission reverses its initial decision, and ultimately concludes that a non-governmental organization should be the primary easement holder, with BPL as third-party backup holder, multiple safeguards would be required to protect the public interest. BPL should be required to closely monitor the primary holder's performance; BPL should have the right to demand that the holder meet high standards with regard to monitoring and enforcement of the easements and should be able to take control of the easements from the holder if BPL determines that the public's interest is not being served. Because close monitoring of the primary holder would place heavy demands on BPL staff time, stewardship funding would be required for BPL as backup holder in addition to the funding provided to the primary holder.

Sale of the Legacy easement as a regulatory requirement:

LURC has determined that the Balance easement alone will *not* provide adequate balance for Plum Creek's proposed development, and has therefore concluded that "securing the protections provided by the Legacy easement as amended is a critical component of an approvable Concept Plan". LURC has noted that Legacy easement lands will be necessary "to partially mitigate for adverse recreation and wildlife impacts...from the development rights granted by the Commission", to provide comparable conservation in exchange for adjacency waivers, and to achieve a publicly beneficial balance between development and conservation (LURC-generated amendments, June 4, 2008, page 97).

If Plum Creek's application is approved, Maine's citizens, represented by LURC, will be granting Plum Creek a huge, windfall increase in the value of the land that is rezoned for development. If The Nature Conservancy pays Plum Creek for the Legacy easement, the public will in essence be paying Plum Creek a second time, by subsidizing the conservation required as balance for the development. The Nature Conservancy will likely seek financial assistance for the easement purchase from federal and/or state programs supported by taxpayers. Even if funds for the purchase are supplied solely by private donors, these donors will receive deductions on their state and federal taxes, thereby reducing the money that goes into public coffers.

The MRFC Steering Committee therefore reiterates our request from our post-hearing opening brief submitted March 7, 2008 (page 6): the Legacy easement lands should be added to the Balance easement. Paying Plum Creek for the Legacy easement would set a dangerous precedent. The public should not be required to pay for legally mandated mitigation of adverse impacts of development.

Overriding of specific requests by MDIFW/MNAP:

The LURC-generated amendments override a number of specific requests made by MDIFW and MNAP, as detailed below. These requests were made by the state's natural resource experts with the goal of protecting resources that belong to the citizens of Maine. Given that LURC lacks professional expertise in this area, it seems inappropriate for LURC to override the MDIFW/MNAP requests, and we believe that the decision to do so sets a very dangerous precedent.

Requests to remove certain wildlife travel corridors and deer wintering habitat from proposed development areas, with addition of these lands to the Balance easement, including: the proposed resort zone at Indian Pond, which could adversely impact a significant wildlife travel corridor; the proposed resort zone on the north shore of Burnham Pond, which could adversely impact a travel corridor between two large deer wintering areas; and the deer wintering area on higher elevations of Moose Mountain. The Commission has chosen not to honor these requests because it believes that development in these areas can be designed to avoid adverse impacts (LURC-generated amendments, June 4, 2008, page 16). The MRFC Steering Committee objects to this decision; we strongly agree with MDIFW/MNAP that these areas "should be removed from re-zoning consideration up-front and added to the Balance Easement to best ensure long-term protection. Doing so will minimize complicated development-by-development negotiations regarding future open space designations during the LURC development review process, and will help avoid future homeowner association conflicts regarding management and protection of these key resource areas" (MDIFW/MNAP testimony, November 20, 2007, page 12). These areas are too important with regard to publicly-owned wildlife resources to rezone them for development with the expectation that adverse impacts will be avoided by a vaguely defined process at a future stage of development plan review. Adding these ecologically important areas to the Balance easement, with BPL as primary holder, will ensure that the state has direct authority to protect valuable publicly-owned wildlife resources dependent upon these areas.

Requests to remove certain riparian and waterfowl/wading bird habitats and associated buffers from proposed development areas, with addition of these lands to the Balance easement, including: in the Lily Bay development area, Burgess Brook; in the Brassua Lake south peninsula development area, two waterfowl and wading bird habitats, as well as Misery Stream as it approaches the lake; and in the Long Pond development area, waterfowl and wading bird habitat on the southeast shore. Instead, the Commission proposes leaving these ecologically important lands within the development areas and applying a "no disturbance" standard (LURC-generated amendments, June 4, 2008; pages 10, 37, 42). The MRFC Steering Committee objects to this proposal; we agree with MDIFW/MNAP that these lands should be "added to the Balance Easement to best ensure long-term protection" (MDIFW/MNAP testimony, November 20, 2007, page 12). Adding these sensitive natural areas to the Balance easement, with BPL as primary

holder, will ensure that the state has direct authority to protect valuable publicly-owned water and wildlife resources dependent upon these areas.

Request that Plum Creek donate in fee to the State of Maine several areas of highest ecological importance: In testimony submitted September 14, 2007 (pages 9-10), MDIFW and MNAP requested that Plum Creek convey lands on Big Moose Mountain and Lily Bay/Number Four/Baker Mountains in fee to the State of Maine. In testimony submitted November 20, 2007 (page 5), MNAP reiterated its earlier request, while MDIFW asked that Plum Creek, “at a minimum, include previously identified areas of high ecological importance as Special Management Areas subject to minimal or no future disturbance per Management Advisory Team recommendations within the Balance Easement Baseline Documentation.” The Commission has decided against requiring that Plum Creek donate the specified areas in fee to the state; the Commission is proposing that these areas be identified as special management areas in the baseline documentation, with Commission approval required for language detailing forest management and harvesting in these areas (LURC-generated amendments, June 4, 2008; pages 72, 95). The MRFC Steering Committee believes that the best way to protect the ecological values of the specified areas would be ownership by the state, as initially requested by both MDIFW and MNAP and as requested again by MNAP in its most recent written testimony. However, if the Commission persists in its decision to offer more limited protection through designation as special management areas, MDIFW and MNAP should approve the language detailing forest management and harvesting, and the Management Advisory Team, under the direction of MDIFW, should be able to amend this language as indicated by future data. LURC does not have the expertise in natural resource management that MDIFW and MNAP can provide; requiring approval of forest management and harvesting plans by these two agencies offers greater assurance that the ecological values of these important areas will be protected.

“Purpose” and “Whereas” clauses:

If the easement lands are to serve as conservation that will balance the impacts of development, the “Purpose” and “Whereas” clauses of the easements must uphold the highest conservation values. The MRFC Steering Committee strongly agrees with the Commission’s statement that the “Purpose” and “Whereas” clauses and related language in other sections of the easements should be clarified so that conservation values cannot be subordinated or eliminated when in conflict with forest management activities (LURC-generated amendments, June 4, 2008, page 78).

Baseline documentation:

The MRFC Steering committee supports the request by MDIFW and MNAP that these agencies “be identified as parties to approve the natural resource professional being considered to complete the baseline document and...be able to review and agree to the baseline document prior to easement conveyance” (MDIFW/MNAP testimony, November 20, 2007, page 5).

We strongly agree with the LURC-generated amendment that the easements must allow for protection of areas of high ecological importance identified after completion of baseline documentation (LURC-generated amendments, June 4, 2008, page 88). LURC staff and

consultants have acknowledged that the proposed easement lands have not yet been adequately inventoried in this regard (transcript of May 27-28 deliberations, pages 213-214). We further suggest that the easements should specify a formal mechanism whereby non-governmental organizations can submit relevant new data to the easement holder.

Easement subdivision:

In the MRFC post-hearing opening brief (submitted March 7, 2008), we stated that “Subdivision of the easement lands must be kept to a minimum in order to facilitate management and to allow crafting of a seamless recreational plan” (pages 37 and 40). Therefore, in response to the Commission’s tentative conclusion that the total number of subdivisions should be limited to a number between 5 and 10, and the Commission’s accompanying request for public comment on the appropriate number (LURC-generated amendments, June 4, 2008, page 81): we believe that limiting subdivisions to the lowest number (5) would allow more efficient monitoring and enforcement, would permit more effective recreational planning, and would thereby provide better protection of the public interest.

Furthermore, no subdivision of the easement lands should occur until BPL has completed a recreational planning process to determine the locations of trails, trailhead parking areas, campsites, campgrounds, and public boat launches.

Concerns regarding LURC-generated amendments pertaining to Community Stewardship Fund (CSF):

Board of Moosehead Recreation Fund:

The LURC-generated amendments indicate that the board of the Moosehead Recreation Fund will include “a local representative of outdoor recreational interests” (LURC-generated amendments, June 4, 2008, page 116). The MRFC Steering Committee believes that this representation of outdoor recreational interests should be expanded to include representatives from a variety of recreational user groups, both motorized (e.g., snowmobilers, ATV enthusiasts, motorized boaters) and non-motorized (e.g., cross-country skiers, hikers, cyclists, paddlers).

We further suggest that a member of the MRFC Steering Committee be included on this board. We believe that our local knowledge would prove to be an asset to the board. Since the submission of the original version of Plum Creek’s proposal in 2005, we have advocated for regional planning for nature tourism and recreation, as well as for the funding mechanism that has evolved into the currently proposed Moosehead Recreation Fund.

Distribution of funding from sales of residential dwelling / resort accommodation units:

Since the submission of the original version of Plum Creek’s proposal in 2005, the MRFC Steering Committee has advocated for the inclusion of affordable housing. However, we believe that funding for affordable housing should be provided by other mechanisms than assessments on sales of residential dwelling / resort accommodation units. We believe that all of the funding from this source will be required to meet increased recreational needs and mitigate adverse

impacts on the resources that support nature tourism and recreation. The LURC-generated amendments allocate 45% of funding from housing unit sales to the Affordable Housing Fund, 45% to the Moosehead Recreation Fund, and 10% to the Wildlife and Invasive Species Fund (LURC-generated amendments, June 4, 2008, page 117). Instead, we recommend the following allocation: 75% to the Moosehead Recreation Fund and 25% to a Natural Resource Protection Fund. The latter fund would cover the needs addressed by the LURC-proposed Wildlife and Invasive Species Fund (loon nesting, other wildlife needs, invasive species control) but could also potentially be used to address other natural resource needs (e.g., water quality).

Furthermore, funding from housing unit sales should primarily be directed toward projects in areas most heavily impacted by Plum Creek's development. Most of the impacts on recreation and natural resources will occur in Unorganized Territory, and thus most of the funding should go to projects in Unorganized Territory. The Town of Greenville should not receive a disproportionate amount of available funding.

Conclusion:

The MRFC Steering Committee believes that Plum Creek's application, as amended by LURC, still proposes development that would irrevocably degrade the natural character of the Moosehead region and undermine its traditional culture and nature-based economy. We believe that no amount of conservation could offset the cumulative adverse impacts of the development proposed for Brassua Lake, Lily Bay, Indian Pond, and Upper Wilson Pond.

With regard to conservation, we believe that Plum Creek's application, as amended by LURC, sets two very dangerous precedents by: 1) Requiring the public to pay for legally mandated mitigation of adverse impacts of development and 2) Overriding specific requests made by state natural resource agencies in order to protect publicly owned resources.

Furthermore, the MRFC Steering Committee has serious concerns about the process by which LURC's amendments were generated. During the May 27-28 deliberations, we found consideration of the criteria of *demonstrated need* and *avoidance of undue adverse impact* to be inadequate. We are concerned that the dynamics of the LURC process have shifted and that LURC staff, consultants, and Commissioners no longer appear to be focusing on protecting the best interests of the citizens of the Moosehead region and the State of Maine.