



Maine Judge Throws Out LURC's Approval of Plum Creek Development

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A Maine judge has rejected the state's zoning approval of Plum Creek Timber Co.'s sprawling resort and residential development at the gateway to Maine's north woods near Moosehead Lake. The superior Court judge agreed with several environmental groups, which claimed that the process used by the Land Use Regulation Commission

Superior Court Justice Thomas Humphrey took issue with the way the Land Use Regulation Commission, or LURC, handled parts of its deliberations on the development. One of parties that brought the legal challenge challenge says Chief Justice Humphrey is correct in finding that LURC followed an illegal process leading up to its approval of the Plum Creek Plan on September 23, 2009.

"We're pleased and gratified that the Superior Court agreed with us and struck down the Land Use Regulation Commission's approval of the Plum Creek Development Plan," says Cathy Johnson, of the Natural Resources Council of Maine. She says the court has ordered that the case now go back to LURC for further consideration.

"The decision that LURC made approving the plan has now been vacated," she says. "The judge also remanded the case back to the LURC commission for further proceeding, so it's really up to LURC and Plum Creek what happens from here."

Another party to the case is the group Restore: The North Woods. Its director for Maine, Jym St. Pierre, says the ruling could lead to several possible outcomes, including an appeal by the state to the Maine Supreme Court. But the most important part of the decision, he says, is the finding that LURC's process was illegal.

"There were a number of issues raised in front of the court, but the key issue was that they did not hold a public hearing after they came up with their own version of the Plum Creek plan," St. Pierre says. "They just approved it and they never held a public hearing and they never gave us or anybody else an opportunity to have input into that in a public hearing setting and the court agreed with us on that. So if it goes back to the agency then they'll have to decide if they want to reopen the public hearing and start some of the process all over again."

Plum Creek's proposal was approved in 2009, nearly five years after the Seattle-based company announced plans to build two resorts and more than 900 house lots near Moosehead Lake.

St. Pierre says while the ruling is specifically about Plum Creek, there is a larger message about the rules of good government.

"At the end of the process LURC was just making up the rules as they went along and that's not good government," he says. "So we'll see what happens in terms of the Plum Creek project itself, but I think going forward this is a really important message that public agencies can't just do whatever they want. They have to follow the law, and that's what the court said today."

A spokesman for Plum Creek says the company is still reviewing the decision and had no other comment. A call to LURC was not returned by airtime.