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# LURC tweaks Plum Creek plan

## Conservation deal would last five years even if development is scrapped

**By Kevin Miller**

BDN Staff

Plum Creek would be obligated to honor aspects of a historic North Woods conservation deal for up to five years should the company decide to walk away from its Moosehead Lake development plan, state regulators said Tuesday.

While the Land Use Regulation Commission has already granted Plum Creek's plan preliminary approval, the agency is still fine-tuning the massive agreement affecting more than 400,000 acres in the Moosehead region.

On Tuesday, several groups made final pleas to the commission to dramatically alter or scrap altogether Plum Creek's request to rezone roughly 16,000 acres for 975 house lots and two resorts. A LURC vote on Plum Creek's plan could come as early as next month.

"If gas prices rise above \$4 a gallon, there will be no reason for people from Massachusetts or anywhere to buy seasonal homes four and a half hours away," said Russell Pierce, an attorney for Maine Audubon and the Natural Resources Council of Maine.

Without demand, LURC cannot justify approving the largest development proposal in state history, speakers said.

"That is speculative development," Russell said.

But the more lengthy discussion centered on what would happen to a 366,000-acre conservation deal if Plum Creek's development plan is rejected by a court or terminated by the company.

Plum Creek's proposal lays out a blueprint for development over the next 30 years, while the conservation easements would provide permanent protection of the region's working forest.

Plum Creek has stated all along that the conservation deal — a complex package of easements and land sales — is contingent on LURC approval of the company's development proposal. And commissioners have made clear that they are only willing to stomach the house lots and resorts near Maine's largest lake because of guarantees of public access and sustainable forestry contained in the conservation easement.

"I wouldn't vote for this zoning without the easement," Commissioner Ed Laverty reiterated Tuesday at LURC's meeting at the Spectacular Event Center in Bangor.

Under the plan, the 366,000 acres will be rezoned to prohibit development and other nonpermitted activities 15 days after LURC approves Plum Creek's plan.

But the company cannot receive permits to begin construction until the appeals process is exhausted — and it is all but guaranteed that a decision in favor of Plum Creek will trigger an appeal.

Parties on both sides acknowledge the appeals process will take months and could drag on for several years. That uncertainty raises significant questions for both the company and LURC.

Plum Creek officials do not want to be saddled with the costs and limitations of the conservation deal if their development plan never comes to fruition, whether due to the courts or their own decision for economic reasons.

At the same time, LURC does not want to lose the protections against wilderness sprawl contained in the deal if the company walks away suddenly.

In documents submitted Monday to LURC, Plum Creek sought changes to the document that would specify that rejection or termination of its development plan would result in the immediate cancellation of the conservation agreement and all of the obligations it creates.

“If we don’t feel we are going to be able to benefit, then the burdens that we are shouldering should also cease,” said Jim Kraft, Plum Creek senior vice president and general counsel. “That only seems fair to us.”

But the majority of commission members sided with LURC staffers, who had recommended that the zoning remain in place for at least five years after termination of the development plan.

That would give LURC enough time to develop prospective zoning for the Moosehead Lake region — something that has been discussed for more than a decade — or make other arrangements to conserve the land.

“It’s a time period to allow you to recover. That’s all it is,” Ronald Kreisman, a lawyer working as a consultant for LURC, told the commissioners.

Opponents of Plum Creek’s development plan said they were caught off guard by the company’s latest suggestion.

Jym St. Pierre with RESTORE: The North Woods called the proposal “an escape hatch” for Plum Creek. St. Pierre said his organization might not oppose such a plan if Plum Creek, instead, opted to sell its land for what he called “real conservation,” such as a state or national park.

Natural Resources’ Cathy Johnson suggested that the struggling economy might have something to do with the company’s latest actions.

“The world has changed,” Johnson said. “So they may be rethinking their options.”

During statements earlier in the day, NRCM and Maine Audubon representatives pointed out that there are more than 120 unsold house lots on the market in the Moosehead region.

Kraft said in an interview that while Plum Creek reserves the right to withdraw at any time, the company is not thinking short-term with its 30-year concept plan.

“We are looking at this over the long term,” Kraft said. “I don’t think ... we would back away simply for short-term economic reasons.”