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## Two groups appeal Plum Creek decision

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AUGUSTA, Maine — Two environmental groups filed a court appeal on Wednesday of Plum Creek's housing and resort plan for the Moosehead Lake region.

Leaders of the Forest Ecology Network and RESTORE: The North Woods had made clear their intentions to appeal even before the Land Use Regulation Commission voted unanimously to approve Plum Creek's application on Sept. 23.

"The battle does continue and the battle will continue until we turn this around," Jonathan Carter with the Forest Ecology Network said during a news conference in the State House.

The two groups were among dozens of parties that participated as intervenors in LURC's more than three-year review of the largest development proposal in state history.

The final concept plan, as approved by LURC, rezones land for 975 house lots and two large resorts near Moosehead but also requires Plum Creek to permanently protect roughly 400,000 acres of forestland in the region before any development can occur. The company or any subsequent landowner will have 30 years to carry out the development but will need to obtain individual LURC permits for each subdivision or resort.

The appeal, filed Wednesday in Kennebec County Superior Court, alleges that LURC lacks the statutory authority to engage in "contract zoning," that the review process was inconsistent and that the scope of development unjustified.

In particular, RESTORE and the Forest Ecology Network allege that commissioners and LURC staff violated ex parte rules by discussing the proposal outside of public sessions.

Throughout LURC's review, the two organizations urged the commission to scrap Plum Creek's proposal and, instead, to initiate prospective zoning in the Moosehead region. That process would identify areas appropriate and inappropriate for development.

"We did not create an alternative plan. We did not submit amendments," said Lynne Williams, one of the attorneys representing the two organizations. "It has been the contention of FEN and RESTORE from the beginning that the entire plan should be rejected and we should go back to the drawing board in the North Maine Woods."

Supporters of Plum Creek's planned development and large-scale conservation say it will help stimulate the local economy while protecting the forestlands that are the backbone of the local forestry and nature-based tourism industries.

But the groups criticized the details of the land conservation.

As part of the company's effort to bolster public support for its plan, Plum Creek negotiated deals with The Nature Conservancy, the Forest Society of Maine and the Appalachian Mountain Club to protect more than 300,000 acres of company land. Plum Creek, in turn, would be paid more than \$20 million.

The concept plan approved by LURC requires Plum Creek to complete the conservation,

regardless of whether the company receives any compensation from outside groups. But the Forest Ecology Network and RESTORE contend incorporating those privately negotiated deals into the concept plan sets a dangerous precedent.

“If that stands, every large landowner who comes to LURC after this, or even the [Board of Environmental Protection] or other agencies, will expect the same treatment,” said Jym St. Pierre with RESTORE. “They will expect to get paid for conservation and they will expect to get regulatory credit for conservation. That is not what’s supposed to happen.”

LURC Director Catherine Carroll said she’s confident the court will uphold the commission’s decision. The Attorney General’s Office will handle the appeal, however.

Luke Muzzy, Plum Creek’s project manager based in Greenville and a key architect of the plan, said he was disappointed but not surprised to hear about the appeal.

“It’s their prerogative to do it,” Muzzy said. “But we’re in it for the long term. We are anxious to see some of the benefits [of the plan] to the area and to us.”

Muzzy said the company has not decided whether to move forward with any of the projects while the appeal is pending.

LURC will have 30 days to submit to the court the massive amount of paperwork documenting the Plum Creek case, which was the largest regulatory review in the agency’s history. The agency could also seek an extension.

Earlier this month, Maine Audubon said it would not appeal LURC’s decision but, instead, would seek policy changes to address what the group said were flaws in the review process.

Another major environmental group opposed to the Plum Creek plan, the Natural Resources Council of Maine, is expected to announce by Friday whether it will appeal the Plum Creek decision.