

**TESTIMONY OF THOMAS U. GORDON
REGARDING ZP 707
PLUM CREEK PETITION FOR REZONING
MOOSEHEAD REGION**

**PRESENTED TO THE
MAINE LAND USE REGULATION COMMISSION**

August 28, 2007

INTRODUCTION

My name is Thomas U. Gordon. I am a native of Skowhegan, Maine. I earned a B.A. degree in Environmental Studies from Colby College and a Masters degree in Public Administration from the University of Maine.

From 1973 to 1992, I was employed as Executive Director of the Cobbossee Watershed District (CWD) in Winthrop, Maine. CWD is Maine's first regional agency responsible for protection and improvement of lake water quality. During my tenure with the District, I was responsible for creating and leading a number of lake restoration and protection initiatives for the 28 lakes and ponds in the Cobbossee Watershed. The success of these programs has been recognized by the U.S. Environmental Protection Agency, Maine Department of Environmental Protection, the North American Lake Management Society, and the United Nations Environment Programme.

Since 2001, I have served as a Supervisor for the Cumberland County Soil & Water Conservation District. The District is extensively involved with assisting lakeshore property owners with water quality, stormwater drainage, and soil erosion problems.

I am a Life Member of the North American Lake Management Society and was elected as the Society's President in 1981. I have served on the Society's board for reviewing and approving candidates as Certified Lake Managers and have participated in numerous Society committees, conferences, and workshops over the past 25 years.

For the past 35 years, I have also provided independent environmental consulting services on water quality impacts of land use activities. I have conducted phosphorus loading analyses for numerous land development proposals, both on behalf of project developers as well as local municipal review boards and lake associations.

CONCERNS WITH PLUM CREEK'S PLAN

I have reviewed Plum Creek's filings with the Maine Land Use Regulation Commission, particularly the Plan Description (Volume 2) and the Appendices (Volume 3). My particular focus was to determine whether the Plum Creek had demonstrated that its Concept Plan would not adversely affect lake water quality.

The LURC statute, Comprehensive Land Use Plan and rules all speak to the importance of protecting our natural resources, including good water quality.

For instance, the Land Use Regulation law (12 MRSA § 685-A, 8-A, B) says that:

A land use district boundary may not be adopted or amended unless there is substantial evidence that...The proposed land use district ... has no undue adverse impact on existing uses or resources...

The Commission's Comprehensive Land Use Plan is even more specific:

Broad Goals of the Commission: (p. 134)

Support and promote the management of all resources, based on the principles of sound planning and multiple use...to ensure the continued availability of outstanding quality water...

Goal: Preserve, protect and enhance the quality and quantity of surface and ground waters. (p. 138)

Policies (p. 138):

2. Protect the recreational and aesthetic values associated with water resources.

4. Conserve and protect lakes, pond and rivers and their shorelands which provide significant public recreational opportunities.

The Commission's rules also address water quality issues (LURC Rules 10.25,A (Review Standards for Structures Adjacent to Lakes):

...These standards must also be considered in applying the criteria for adoption or amendment of land use district boundaries, as provided in Section 10.08, to proposed changes in subdistrict boundaries adjacent to lakes.

Natural and cultural resource values: The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment.

Water quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;

Based on my review of the Petitioner's filings and consultants' reports to date, it is my professional opinion that Plum Creek has not met its burden of proof regarding no adverse impact on the water quality of Moosehead Lake.

Specifically, the Preliminary Phosphorus Evaluation (Appendix C of Volume 3 of the Petitioner's Concept Plan) prepared by Deluca-Hoffman Associates, Inc., cites a lack of data from DEP as justification for not doing a phosphorus loading analysis on

Moosehead Lake itself. Instead of providing detailed hydrologic and limnological modeling, the consultants offer a vague assurance that the development will comply with Maine DEP Chapter 500 stormwater standards. However, they do not demonstrate that compliance with these DEP standards will be sufficient to result in no adverse impact on lake water quality.

Moosehead Lake is a large and complex water body. The Maine DEP has stated: “we don’t know how to accurately model it” (Jeff Dennis e-mail to Ron Kreisman, June 20, 2007). In my view, the Petitioner bears the burden of developing predictive lake water quality modeling which reasonably reflects the hydrologic conditions of Moosehead Lake. Clearly, water quality impacts from the proposed Plum Creek development may occur in discrete regions of the lake, such as Lily Bay. The Petitioner’s phosphorus impact analysis should more specifically address these localized impacts.

An additional concern is the potential for secondary growth to impact water quality. One of the stated objectives of the Petitioner’s Concept Plan is to grow the regional economy by creating new jobs and increasing the population (Concept Plan Volume 2, page IV-28). However, there has been no evaluation of the potential water quality impacts of such growth in the Moosehead Lake region. The anticipated growth in the region will not be limited to Plum Creek lands. Secondary development stimulated by the Plum Creek project in the Moosehead Lake watershed may increase phosphorus loading to the lake unless stringent review and control measures are applied to all development in the watershed. To the best of my knowledge, there have been no studies offered by the Petitioner to address these potential impacts.

CONCLUSION

Based on my years of professional experience working, I do not see how the information Plum Creek has submitted can meet the test of demonstrating with substantial evidence that the impacts of the proposed development will not cause undue adverse impacts on water quality.

Thank you for the opportunity to present these comments.

State of Maine
CUMBERLAND,
ss

Dated: _____ 8/29/07 _____

/S/Thomas U. Gordon _____ personally appeared before me and,
after taking the oath, swore that the above statements are true.

_____/s/Leola Ann Edwards _____
Notary Public/Attorney