

**TESTIMONY OF KEN SPALDING  
REGARDING ZP 707  
PLUM CREEK PETITION FOR REZONING MOOSEHEAD REGION  
-- Legacy Easement --**

**PRESENTED TO THE  
MAINE LAND USE REGULATION COMMISSION  
September 14, 2007**

**INTRODUCTION**

My name is Ken Spalding. I live in Wayne, Maine.

For more than 35 years, virtually all of my adult life, my professional and volunteer work has been primarily focused on land conservation efforts in Maine. Vocationally, I began in 1969 with land surveying and deed research and later served as the first executive director for Friends of Bigelow in the campaign to establish the Bigelow Preserve. I worked in conservation for the State of Maine for 29 years, including as a planner and Assistant Resource Administrator for the Bureau of Public Lands and as Assistant to the Commissioner and Coordinator of Legislative Affairs, including serving as staff for a number of task forces and legislative study committees related to Maine land conservation. For sixteen years I was director of the Maine Conservation Corps. For the past five years I have served as Maine Woods Project Coordinator for RESTORE: The North Woods.

I have served in many capacities as a volunteer, including on LURC's Citizens Advisory Board, chair of NRCM's Maine Mountain Committee, chair of the Sierra Club Maine Group and its Conservation Committee, founding board member and co-chair of the Lands Committee of the Kennebec Land Trust and as an officer, board member and/or on a variety of planning, policy and land management committees for Maine Appalachian Trail Club, Baxter State Park, Friends of Baxter State Park, Friends of Bigelow and the Maine Bureau of Parks and Lands as well as other non-profit conservation organizations. My resume is attached to testimony on the "balance easement."

The following comments relate to the so-called "Moosehead Legacy Easement" that Plum Creek has included with its Lake Concept Plan for the Moosehead Lake Region. Due to the near the extensive similarities between the "Balance Easement" and the "Legacy Easement" all of my testimony about the "Balance Easement" applies to the "Legacy Easement.

**GENERAL COMMENTS AND CONCLUSION**

The "legacy easement" is not part of the proposed conservation balance to offset the large areas sought for development districts, but rather it is the promise of a financial transaction intended to apply pressure to LURC to approve the rezoning application. It

is presented as a public benefit that may be possible if and only if the application is approved. The problem is that there is even less public benefit to this possible easement, than there is to the proposed "Balance Easement," and the "Balance Easement" has very little public benefit. The two easements are very similar. Some differences are that the "Legacy Easement" a) allows more development, b) is a sale at market value and not a gift, c) will be consummated only if adequate funding can be raised in the time allotted, d) anticipates that the public will pay for it, and e) will be required to have a public agency hold the easement because Forest Legacy funding is anticipated.

Because of the fatal flaws that exist with this easement and the many smaller problems that reduce the public benefit, the easement's worth to the public is very small. The "Legacy Easement" does not seem to be worthy of public funding. The easement does not meet the current standards and practices for a Maine public agency to agree to be the holder of such an easement. The "Legacy Easement" should not be considered by LURC to be a public benefit resulting from approval of ZP 707.

\_\_\_\_\_/s/Ken Spalding\_\_\_\_\_  
Ken Spalding  
Wayne, Maine

September \_\_14\_\_, 2007

COUNTY OF KENNEBEC  
STATE OF MAINE, ss

On this day personally appeared the above Ken Spalding and made oath that the above statements are true and correct to the best of his knowledge, information and belief.

Before me,

\_\_\_\_\_  
Notary Public/Attorney  
Print Name: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

Dated: \_\_\_\_\_