

**REBUTTAL TESTIMONY OF JAMES ST. PIERRE
REGARDING TESTIMONY PRESENTED FOR ZP 707
PLUM CREEK PETITION FOR REZONING
MOOSEHEAD REGION**

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

September 28, 2007

INTRODUCTION

My name is James (Jym) St. Pierre. I am Maine Director of RESTORE: The North Woods, a regional conservation organization based in Hallowell, Maine. RESTORE has been involved in wildlife, forest, and land use issues in Maine during the past sixteen years. I have been involved in land conservation and economic activities at the local, regional, and state levels in my home state of Maine for over 30 years.

I hold degrees from the University of Maine, including a master's in natural resources economics. During the 1970-80s, I served on the staff of the Land Use Regulation Commission for 11 years. I held a variety of positions at LURC, including jobs that involved resource analysis and implementation of the Commission's zoning, development review and permitting, enforcement and compliance, planning, and administration. For a number of years, under several directors, I served as deputy director. For a significant period I served as acting LURC director. Since then, over the past 18 years I have worked exclusively for public interest organizations on issues related directly to the areas within LURC jurisdiction.

In addition, for several years I was a trustee of the Maine Chapter of The Nature Conservancy and I have been a member for more than 30 years. I was involved in meetings that led to the formation of the Forest Society of Maine and I have been a member for years. I have been a member of the Sportsman's Alliance of Maine for 27 years. I was founding president of the Kennebec Land Trust 20 years ago and have been involved in crafting many easements. I am a 20-year charter member of the Maine Wilderness Watershed Trust at Pierce Pond.

I am currently a member of the Maine Endangered Species Coalition and serve on the Steering Committee of the national Endangered Species Coalition.

My full CV has been provided with my August 31, 2007, pre-filed testimony.

COMMENTS

Many of the statements filed as testimony by other witnesses contain inaccurate or unsubstantiated assertions. They are too numerous to comprehensively rebut. However, in these comments I will point out examples.

1. Brian Kent, in his testimony on behalf of Plum Creek, says that “The Plan rests on the Commissions four principal values; it conserves 87% of the area as a working forest with guaranteed public access and it conserves land for recreation and resource protection while maintaining natural character values; it uses the “adjacency” principle appropriately; it applies LURC’s Lake Management precepts; it incorporates economic development policies advocated in the CLUP; it follows the Commission’s Location of Development policies and it achieves regional conservation connectivity between existing conservation in the West Branch area and conservation to the east and northeast in the 100 Mile Wilderness area and Nahmakanta.

Response: I have known Mr. Kent for many years, have worked with him on other projects, and have sincere respect for his credentials. My disagreements with some of his statements are professional, not personal.

First, his assertion that there is guaranteed public access in the easement areas is not accurate based on my reading of the proposed easements. The proposed easements allow daytime pedestrian access. However, even that is not guaranteed and no other rights for public access or recreation are provided in the easements. Plum Creek explicitly reserves the right to limit or prohibit even foot access if it deems that activity might interfere with any use the landowner may want to make of the property. Plum Creek also specifically reserves the right to charge for access, to prohibit access on any roads, to prohibit any motorized use, and to prohibit and/or charge for use by commercial guides, clients of sporting camps, nonprofit camping organizations and educational and research organizations.

Second, I am not certain what he means by the statement that the concept plan “uses the ‘adjacency’ principle appropriately.” However, the Commission’s *Guide to Preparing a Concept Plan* (June 2003) provides guidance:

Under provisions of Section 10.16,F,6 of the Commission's Land Use Districts and Standards, the Commission may approve a resource plan and any associated rezoning to the Resource Plan Protection (P-RP) Subdistrict only if it finds that the following criteria are satisfied...The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures; (p. 7)

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The Commission's lake management program, presented in Appendix C of the *Comprehensive Land Use Plan*, authorizes the Commission, when assessing

concept plans, to "consider adjusting certain standards, such as the adjacency criterion, provided any such relaxation is matched by comparable conservation measures." This authorization should not be construed, however, as a broad mandate to allow development anywhere in the jurisdiction without considering the appropriateness of the location and its impact on important values. Any adjustment should not subvert the basic principles of the Commission's *Comprehensive Land Use Plan*, including that of directing growth to areas best suited to support it, as well as protecting the unique characteristics of the jurisdiction. (pp. 8-9)

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The *Comprehensive Land Use Plan* authorizes adjustment of the adjacency criterion as explained above, but specifies that any development gained by granting of such an adjustment must be matched by comparable conservation measures. Consistent with this directive, the greater the adjustment requested (i.e. the farther proposed development is from comparable development), the greater the conservation needed to match the adjustment. (p. 9)

Plum Creek initially proposed a relatively small amount of working forest easement land to offset the proposed development. In response to public outcry and comments from LURC staff, Plum Creek has increased the size and changed the location of the working forest "Balance Easement." It is the responsibility of the Commission now to determine if the quality and quantity of the Balance Easement is sufficient to offset the development. Based on the serious defects in the easement described in detail in the testimonies of other witnesses (see for example the 2007-09-14 testimonies of Howard Lake and Ken Spalding), it is my professional judgment that the quality of the conservation in the "Balance Easement" is not sufficient to offset waiver of the adjacency criterion by the Commission.

2. Brian Kent in his testimony says, "Although the Concept Plan is a 30-year plan, the development areas cannot be expanded, ever."

Response: This does not appear to be accurate. The development zones could be amended by LURC with approval of the landowner anytime and they could be expanded unilaterally by LURC after the 30-year plan.

3. Donna Fichtner and **David Vail**, in their testimonies and references on behalf of Plum Creek, point out that the Moosehead region has a tradition of tourism that has declined and that the area would benefit from viable resorts.

Response: I agree with their general point that the Moosehead region needs better nature-based tourism infrastructure. I have spoken and written publicly about this for years. Also, the extensive list of tourism references included with my testimony submitted on August 31, 2007 evidences that I follow closely the economics of the Moosehead region. However, I disagree with their support for the location of the proposed Lily Bay resort and the scale of the proposed Moose Mountain resort. The

burden of proof is on Plum Creek to demonstrate that the resources in the vicinity of these areas will not be unduly harmed. They have not. An appropriately scaled resort near Moose Mountain might make sense, but Plum Creek has indicated that the company does not want others to redesign their proposal to LURC, so I will not go into detail.

4. Robert Wagner, in his testimony on behalf of Plum Creek, argues that "The primary benefit of the [Concept Plan] is that it protects a large area of Maine's northern forest against two key threats: 1) fragmentation, parcelization, and sprawl and 2) loss of working forest to support a sustainable wood-based economy." (p. 2)

Response: Actually, fragmentation is built into the concept plan. First, over 20,000 acres will be put into development zones. Second, the "Balance Easement" allows up to 5 parcels of 5,000 or more acres each to be carved out of the so-called Protected Property. It also allows an unspecified number of smaller parcels to be sold (entirely free of the easement's restrictions) to governmental and quasi-governmental entities (i.e., any entity "carrying out a public purpose"). The "Legacy Easement" allows division into 20 separate parcels. Each division results in a multiplied number of landowners, which multiplies the complexities of easement compliance, monitoring and enforcement in the future. These divisions also increase the likelihood that the land will not be productively or sustainably managed for forestry.

5. Frank Sciremammano, in his testimony on behalf of Plum Creek, argues that "...the development envisioned under the proposed Plum Creek Rezoning and Concept Plan can be achieved with no adverse impact on stream or river habitats or water quality...Even in the proposed resort zones..." (p. 2)

Response: Since only concept level information has been presented to date, it is not possible to draw the conclusion that development envisioned under the proposed Plum Creek concept plan can be achieved with no adverse impact on stream or river habitats or water quality.

6. Bruce Leeson, in his testimony on behalf of Plum Creek, argues that "The conservation easement proposed on the area of private forestlands is a precious opportunity to protect, into perpetuity, a large area that has already shown itself capable of supporting the suite of indigenous species. This is a particularly positive proposition for highly valued species such as moose and Canada lynx." (p. 5)

Response: No evidence is presented to support this assertion. In fact, the easements contain no language to ensure perpetuation of Canada lynx or any other species, endangered or common.

7. Henning Stabins, in his testimony on behalf of Plum Creek, argues that "Lynx habitat on Plum Creek lands area a result of past forest practices conducted only by Plum Creek, but previous owners of these parcels over decades." (p. 11) And that

"...development envisioned in the Concept Plan...would not be of a scale to impact lynx populations occupying the surrounding large landscape." (p. 30)

Response: First, lynx lived in the forests of the Moosehead region for centuries before Plum Creek and previous forest landowners arrived to log the area. As Stabins himself acknowledges, "Lynx evolved with fire regimes and insect infestations that created dynamic landscapes of changing foraging opportunities and landscape connectivity." (p. 8)

Second, making the proposed development zones seem relatively insignificant by implying they are but a small fraction of the concept plan ignores the adverse impact of losing thousands of acres of habitat to development. It also ignores the crucial location of the areas that would be lost. As Stabins himself acknowledges, "Lynx are wide ranging animals, inhabiting many square miles to meet their biological needs." (p. 8)

8. Henning Stabins, in his testimony on behalf of Plum Creek, implies that Plum Creek has been and will be a good corporate player by asserting that "Examples of recent Plum Creek conservation transactions include...Sale of a Conservation Easement on 7,200 acres in Pierce Pond that includes most of the frontage on Pierce Pond to the State of Maine." (p. 7)

Response: First, Plum Creek had nothing to do with the sale of an easement to the USDA Forest Service (later transferred to the State of Maine) covering 6,770 acres in the Pierce Pond watershed. That occurred in 1996, two years before Plum Creek owned any land in Maine. Second, it was a sale (\$1.49 million), not a donation, so even if Plum Creek had been involved it could claim no conservation credit.

Second, citing Plum Creek's actions in the Pierce Pond watershed as exemplary conservation is ironic. In 2001, violations of the Forest Legacy easement at Pierce Pond caused by Plum Creek's forestry operations were discovered. That followed previous forestry problems by Plum Creek in the same watershed, including highly visible clearcuts on a steep hillside.

Third, Plum Creek has received the largest fine in Maine history for forestry violations, so the company's record of forest management in Maine is not clean.

9. Jim Lehner, in his testimony on behalf of Plum Creek, asserts that "...the Plan creates a large and nearly contiguous block of sustainably managed forest." (p. 4)

Response: First, Plum Creek is asking LURC to rezone over 20,000 acres, most of which is currently zoned for forest management, to development zones. Rather than create sustainably managed forests, that causes loss of managed forest. Second, I can find nowhere in Plum Creek's concept plan where the plan creates sustainably managed forest.

10. Jim Lehner, in his testimony on behalf of Plum Creek, argues that "The finality of knowing that no development would occur on 386,000 acres, but instead that this land is set aside as permanent working forest, will improve forest management by removing the constant static of the highest and best use conundrum." (p. 8)

Response: First, there is no guarantee the funds would be raised to pay Plum Creek for the so-called Conservation Framework, so the 266,000 acres there cannot be considered by the Commission to be "set aside as permanent working forest."

Second, even if the Framework were to be executed, it does not provide for no-development. On the contrary, it provides for an astounding array of development, including logging and any related activity that Plum Creek "deems useful and expedient," housing and other structures for forest management, mining, sewage treatment and spreading, utility lines, cell towers, chemical spraying, roads and bridges, land divisions, trail lodges, sawmills, windpower generating facilities, etc.

Plum Creek may pine for it, but there is no legal finality which the Commission can rely upon to silence "the constant static" and lock in "permanent working forest" based on the concept plan.

11. Frederick Kircheis, in his testimony on behalf of Plum Creek, says, "I have been retained by Plum Creek Land Company to assess the impact of the proposed Concept Plan. My study focused primarily on the waterbodies where development is proposed – Brassua Lake, Burnham Pond, Indian Pond, Long Pond, Moosehead Lake and Upper Wilson Pond. Based upon my review, it is my professional judgment that development can be located on each of these waterbodies, as proposed, with no adverse impacts to fishery resources." (p. 1)

Response: Mr. Kircheis correctly points out that all six of the waters he mentions were rated "significant" or "outstanding" for fishery resources in the Maine Wildlands Lakes Assessment. (Exhibit B, p. 4) But there are problems with his conclusions. First, he assumes adverse impacts to fishery resources are caused only by development activity directly along the shorelines. Actually, increased fishing pressure, especially away from shorelines where there are houses, can cause adverse impacts to fishery resources. Second, he does not mention that perhaps hundreds of miles of shoreland along other waters are within the concept plan, including many miles in the proposed development zones, which he did not evaluate.

12. George Smith of the Sportsman's Alliance of Maine asserts in his testimony that "The change in zoning will satisfy demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area." (p. 2)

Response: No evidence is presented to support the assertion that the concept plan will satisfy demonstrated need and will have no undue adverse impacts. Saying so is not enough to make it so.

13. George Smith says in his testimony that “In the Moosehead Lake region of Maine, deer and fish populations have suffered a steady decline over the years, driving sportsmen away and leaving the local economies in tatters....There are many reasons for these problems: lack of deer wintering habitat, predation by coyotes, poor fisheries management, illegal introductions of competing species of fish, and a too-small constituency to draw the attention and resources of the state to address these problems. The change in zoning will protect diverse, abundant and unique high-value natural resources and features.” (pp. 1-2)

Response: Mr. Smith cites no evidence that Plum Creek’s concept plan will fix the problems he lists and he offers no documentation to support his conclusion that the rezoning would provide the protection he claims. On the contrary, developing miles of shoreland and hundreds or thousands of acres of forest will, by any definition, have a negative impact on wildlife habitat.

14. George Smith says in his testimony, “We have examined the conservation elements of this plan, and the Conservation Framework, and find the language to be satisfactory, albeit somewhat vague in some areas. The inclusion of the Conservation Framework as part of the overall package of the Plum Creek plan ensures that the proposal will not have an undue adverse impact on traditional uses in the region....Easement language is critically important to sportsmen.” (p. 2)

Response: The actual easement language is indeed important. For instance, the only public access “permitted” in the “Balance Easement” is daytime pedestrian use and the Grantor reserves the “right” to severely regulate or prohibit even that and to charge a use fee. As written, any public access must “accommodate” any legal uses of the property by the Grantor. And the Grantor expressly reserves the right to prohibit use of the property by any commercial guides, by customers of sporting camps, and non-profit camping and educational and scientific institutions.

Nor does Mr. Smith provide any evidence that the co-called Conservation Framework will ensure that the proposal will not have an undue adverse impact on traditional uses in the region.

It is ironic that Mr. Smith optimistically says of Plum Creek, “We believe they fully intend to deliver on all their promises.” He glosses over the actual language in the proposed easements that could be used to severely restrict access for guides and sporting camp visitors and other outdoors people. Yet, in the next paragraph he targets “The designation of a significant portion of the lands in the Conservation Framework – specifically those lands that are going to the Appalachian Mountain Club – [which might] include a large ‘ecoreserve.’ This could eliminate some of the primary recreational activities currently enjoyed on those lands, including riding snowmobiles and ATVs, trapping, and accessing the property by motor vehicle for the purpose of hunting.”

The Conservation Framework is not part of the balance being offered by Plum Creek so it is not germane to the Commission's evaluation of the proposed rezoning. Moreover, we know what Plum Creek is proposing because we have the language in the proposed easements. That wording explicitly does not guarantee traditional access and no amount of believing good intentions can change that. We do not know if land will go to AMC and we do not know how it would be managed. So Mr. Smith's comments are inappropriate and legally irrelevant.

15. George Smith says in his testimony, "Much of the debate over the Plum Creek plan is about differing visions for the north woods. Some desire a vast inaccessible uncut forest. Others a national park (less accessible, more expensive to access, and not good for sportsmen because there is no hunting in national parks). LURC and the people of Maine have a different vision - a north woods with a balance of conservation and development, mostly private ownership, shared by all recreationists, producing fiber for our mills, serving Maine's economy and Maine's future....Most of us have been loudly arguing the merits of "wilderness" for years in Maine, and the only conclusion I can reach is that it remains in the eye of the beholder. Maine doesn't have real wilderness, by my definition - and I have been in the real wilderness in Alaska and Quebec and Labrador - and can report that they have motors, ATVs, chain saws, and all the comforts of home." (pp. 4-5)

Response: These statements are so full of mischaracterizations and unsupported self-serving assertions they deserve a dissertation's worth of rebuttal. However, the Commission's deliberations about Plum Creek's concept plan are not the place for a full debate over public vs. private lands, consumptive vs. nonconsumptive activities, wilderness vs. working forests. Mr. Smith's statements may entertain but they do not enlighten, so the Commission can smile at them and move on.

16. David Vaughn, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, says, "I don't think that the resorts will be out of character of the region...This is not going to be waterslides and go-kart tracks." (pp. 1-2)

Response: This is speculative and unsubstantiated. In fact, Mr. Vaughn rebuts his own assertion when he says, "I have not focused my testimony on how the plan fits with the history and character of the region." (p. 2)

17. Dick Gould, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, asserts that "The visual impact of the proposed development will be very minimal."

Response: First, Mr. Gould has established no credentials to show that he has expertise in quantifying visual impacts. Second, Plum Creek's own submissions show that there will be visual impacts:

"...while [LURC's vegetation clearing] standards are quite effective,

screening is not complete..." (Saratoga Associates report, 2007-06-15
DemonstrationProjectReport_Saratoga.pdf)

"...lot clearing for...opening views will be permitted..." (2007-05-25
VisibilityStandardsForBackLots.pdf, p. 2)

18. Dick Gould in his testimony says, "...the proposed resorts in the Plum Creek plan are compatible with the history and character of the region. In fact, the resorts hearken [sic] back to the glory days of the area when Moosehead Lake was one of the prime tourist destinations in the Northeast United States." (pp. 1-2)

Response: First, no evidence is presented to support the statement that the resorts envisioned by Plum Creek are compatible with the glory days. Second, the residential subdivisions contemplated outside the resort areas would cover miles of shoreland and thousands of acres. In contrast, the old resorts concentrated people, which minimized landscape fragmentation. Third, the resorts in the Moosehead region in the 19th and 20th centuries functioned very differently than those proposed now. Visitors came by mass transportation, including railroad and steamship, and as Mr. Gould points out, "spent entire summers here." (See, e.g., Durward J. Ferland, Jr., *Kineo, Splendor and Silence*, Moosehead Communications, Inc., 1996.) In contrast, the resorts proposed by Plum Creek would be for people arriving in cars and staying for relatively short visits. In sum, the ecological footprint of the proposed developments, including the new resorts, would be huge compared to the hotels of the glory days.

19. Craig Watt, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, says that "...the permanent conservation--vast tracks of land that will NEVER be developed. These un-fragmented conservation lands will greatly benefit wildlife forever." (p. 2)

Response: On the contrary, not only the development parts of Plum Creek's plan provide for development, but the so-called conservation easements do too, including logging and any related activity that Plum Creek "deems useful and expedient," housing and other structures for forest management, mining, sewage treatment and spreading, utility lines, cell towers, chemical spraying, roads and bridges, land divisions, trail lodges, sawmills, windpower generating facilities, etc.

20. Vaughn Stinson, in his testimony on behalf of the Maine Tourism Association, states that "...the concept Plan is consistent with the history of the Region...." (p. 12), and "The proposed development in effect enhances the character of the Moosehead Lake area." (p. 15)

Response: See response to Dick Gould above.

21. Vaughn Stinson in his testimony states, "The proposed development in effect enhances the character of the Moosehead Lake area." (p. 15)

Response: This may be a personal belief, but the burden of proof is on the landowner to present substantial evidence to make a convincing case. No evidence is added by Mr. Stinson's testimony to demonstrate how carving more than 1,000 new subdivision lots plus two major and two minor resorts out of thousands of acres of forestland will enhance the natural or historic character of the Moosehead region.

22. Anne Mitchell, in her testimony on behalf of the Maine Woods Coalition, states that the concept plan would guarantee "continuation of forest industry jobs" and provide "a steady diet of construction jobs for several years." (p. 2)

Response: That may be a personal hope, but no evidence is added by Ms. Mitchell's testimony to demonstrate that the concept plan would guarantee any jobs.

23. Anne Mitchell in her testimony says, "If we look at what Plum Creek has done in the area of conservation since they came to Maine we see that their record for protecting special places is well established." (pp. 4-5)

Response: Actually, the record Plum Creek has established is largely a trail of broken promises. Plum Creek officials have typically been careful in choosing their words, but they have repeatedly misled the people of Maine. See Attachment 1.

24. Fred Candeloro, in his testimony on behalf of the Alliance of Trail Vehicles of Maine, Maine Bowhunters Association, Maine Professional Guides Association, and Maine Snowmobile Association, asserts that "...a lot of people who originally were against the plan who were in the lodging business are now for the plan..." (pp. 11-12)

Response: No evidence is presented to support this assertion.

25. Stephen Cole, in his testimony on behalf of the Alliance of Trail Vehicles of Maine, Maine Bowhunters Association, Maine Professional Guides Association, and Maine Snowmobile Association, says, "...if you had a significantly greater population trying to fish those pools [on the Roach River], there are going to be people waiting. I think that perhaps would be the case on the Kennebec as well, but I can't see it having a real negative impact on the fishery itself from the standpoint of the quality of the fishery...." (p.3)

Response: The quality of the fishery is about more than the fish. It is also about the fishing experience. Mr. Cole's own statement is self-contradictory.

26. Stephen Cole in his testimony says that "Right now the Burnham Pond Road is access to Indian Pond. That is a very important route now for the guides that are doing drift boat trips...and local fisherman. But I don't see that that – even though the plan may include a resort [encompassing the Burnham Pond Road]...that that's a detriment

at this point providing access remains." (p. 3)

Response: The Concept plan does not ensure that access for guides and local anglers over the Burnham Pond Road through the proposed Moose Mountain resort to Indian Pond will be guaranteed.

27. Stephen Cole in his testimony says that "...additional fishing pressure on Moosehead Lake would be a good thing at this point." (p. 4)

Response: No quantifiable evidence is presented to support this contention.

28. Don Kleiner, in his testimony on behalf of the Alliance of Trail Vehicles of Maine, Maine Bowhunters Association, Maine Professional Guides Association, and Maine Snowmobile Association, says that the impacts on habitat will be modest because "It's 20,000 acres [of development zones] within 500,000 acres or whatever it comes to...So the scale is relatively small." (p. 10)

Response: Making the proposed development zones seem relatively insignificant by implying they are but a small fraction of the concept plan ignores the adverse impact of losing thousands of acres of habitat to development.

29. Don Kleiner in his testimony suggests that the Plum Creek plan will continue access for traditional recreational activities for guides and sports. (p. 12-13)

Response: While the plan says that is the intent, there are no such guarantees in the plan and Plum Creek or a subsequent landowner could change the access policies at any time.

30. Dan Legere, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, says that "Plum Creek is offering an historic amount of land...for permanent protection from development with access and traditional usage guaranteed for all to enjoy. All sportsmen and big woods lovers who have enjoyed free access on this private land for generations now have an assurance that our traditions will endure." (p. 2)

Response: On the contrary, there is no such assurance. The proposed easements allow daytime pedestrian access. No other rights for access or recreation are given in the so-called conservation easements. Plum Creek explicitly reserves the right to limit or prohibit even foot access if it deems that activity might interfere with any use the landowner may want to make of the property. Plum Creek also specifically reserves the right to charge for access, to prohibit access on any roads, to prohibit any motorized use, to prohibit and/or charge for use by commercial guides, clients of sporting camps, nonprofit camping organizations and educational and research organizations.

31. David Sinclair, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, says that Plum Creek is "putting 95% of the land in the plan area into conservation." (p. 2)

Response: On the contrary, not only do the development parts of Plum Creek's plan provide for development, but the so-called conservation easements do too, including logging and any related activity that Plum Creek "deems useful and expedient," housing and other structures for forest management, mining, sewage treatment and spreading, utility lines, cell towers, chemical spraying, roads and bridges, land divisions, trail lodges, sawmills, windpower generating facilities, etc.

32. John Rust, in his testimony on behalf of the Coalition to Preserve and Grow Northern Maine, states that "...the conservation easement, the way it's written, does preserve the activity of hunting." (p. 6)

Response: Nothing in the easements guarantees hunting for the public.

33. Charles Lumbert, in his testimony on behalf of Maine Mills, says, "If LURC approves the Plum Creek proposal, it will guarantee that a vast geographic area will remain available for timber harvesting and will provide a steady and sustainable supply of lumber for our mill and for other mills in the area. However, I have serious concerns that, if the proposal is not approved, ownership of the timberlands will become fragmented as we have seen in the past and we will experience the same supply issue we have had with some other ownerships." (p. 2)

Response: First, the concept plan does not "guarantee that a vast geographic area will remain available for timber harvesting and will provide a steady and sustainable supply of lumber." Second, if the concept plan is approved there will be fragmentation because more than 1,000 residential lots will be carved up within the development zones and in the easement areas land divisions are allowed.

34. Tom Cushman, in his testimony on behalf of the Professional Logging Contractors of Maine, says, "This area of Maine has...few endangered species." (p. 3)

Response: There are a number of species listed under the national and state Endangered Species Acts within the concept plan area.

35. John Simko, in his testimony on behalf of the Town of Greenville, observes that "The entirety of the proposed Plum Creek project being considered by LURC falls outside of the municipal boundaries of the Town of Greenville. Therefore, there will be no property tax revenue collected by the Town of Greenville to off-set the cost of any additional cost of services or accelerated replacement of public infrastructure....The Town is interested in working with Piscataquis County and the State of Maine to develop cost-sharing mechanisms..." Yet, he concludes, "The Plum Creek plan, when

implemented, will have impacts on these services and infrastructure, but is [sic] manageable.”

Response: First, Mr. Simko has been talking for several years about legislation to share costs and revenues between Greenville and the surrounding unorganized territories. The legislature has shown little interest. Second, Mr. Simko presents no quantifiable basis for his conclusion that the impacts on municipal services and infrastructure from the Plum Creek developments are manageable. Third, he does not indicate how his conclusions relate to the Commission’s rezoning criteria. Finally, his testimony does not appear to be sworn as required by the Commission.

___/s/James A. St. .Pierre_____
James A. St. Pierre
Readfield, Maine

September 28___, 2007

COUNTY OF KENNEBEC
STATE OF MAINE, ss

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

Before me,
___/s/Dawna M. Myrick _____
Notary Public/Attorney

Dated: _28 September 2007_____

Print Name: _____

Commission expires: _____5/1/08_____

Plum Creek

A CHRONOLOGY OF BROKEN PROMISES

[Plum Creek president and CEO Rick Holley says] the company has no plans to sell off any of the Sappi lands for vacation homes, camps or other types of development. “At this point in time, it's not our plan that we would move in and develop the properties.”

--Portland Press Herald, October 7, 1998

[Bill Brown, Plum Creek's vice president of business development, insists that] “We're not in the development business. As for those website listings, they're simply the only option we have left for properties that ‘have no other use’ than to be developed into private, exclusive vacation retreats.”

--Maine Sunday Telegram, October 11, 1998

[Plum Creek president and CEO Rick] Holley says the company...has no immediate plans to peel off sections of lake or mountain holdings for development.

--Maine Sunday Telegram, October 11, 1998

[Plum Creek Maine manager Jim Lehner said that] “assertions that the company will soon sell land for development in Maine are untrue....In Maine we have no land sale plans to date.”

--Bangor Daily News, February 26, 1999

[Plum Creek manager Jim Lehner said that] “the sale [of 7,500 acres around Spencer Lake in western Maine as a private ‘kingdom property’ for \$10.5 million to media billionaire John] Malone was a ‘special deal--a conservation sale. Our greatest fear is that people will be afraid that we are going to be chopping up our land,’ he said. That’s not the case.”

--Maine Times, June 2000

Plum Creek officials said Wednesday that they have no plans for future development efforts in Maine. “We don’t have any other plans for something like this,” Mike Yeager, director of land management for the northern region, said in an interview after the LURC vote. “There is not another concept plan on our drawing board.”

--Bangor Daily News, January 10, 2002

One of the nation's biggest landowners filed a plan Tuesday with Maine's wilderness zoning agency to subdivide its holdings in the Moosehead Lake region and develop nearly 1,000 camp lots and two resorts in the North Woods that Henry David Thoreau roamed 150 years ago. The project, which Plum Creek Lumber Co. announced in December, is the largest subdivision ever proposed in the 10.5 million acres of unorganized territories....

--Bangor Daily News, April 6, 2005