

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION

IN THE MATTER OF

PLUM CREEK MAINE TIMBERLANDS, LLC)	
MOOSEHEAD LAKE CONCEPT PLAN)	
)
PISCATAQUIS AND SOMERSET)	PREFILED TESTIMONY
COUNTIES, MAINE)	APPALACHIAN MOUNTAIN CLUB
)
)
ZONING PETITION ZP 707)	HEATHER A. CLISH

This testimony is submitted on behalf of the Appalachian Mountain Club to supplement my original prefiled testimony of August 31st, 2007. I have reviewed the amendments to the Moosehead Lake Concept Plan submitted by Plum Creek on October 12, 2007 and October 26, 2007. As was the case in my prior testimony I will focus here on the issue area of Recreational Resources, and primarily recreational resources associated with the primitive activities of hiking, paddling, and camping. However, my comments are also relevant to the full range of primitive recreational resources as well as other issue areas, including of Location of Proposed Land Use Zones; Nature of Proposed Uses; and Conservation.

This testimony specifically focuses on amendments related to the Moosehead Region Community Stewardship Fund, road access, overnight use, and the Peak-to-Peak Trail and easement. Below I offer comments and make recommendations on each of these topics.

Moosehead Region Community Stewardship Fund

The modifications to the renamed “Moosehead Region Community Stewardship Fund” (CSF) in the Concept Plan Description make several improvements, including:

- Charging the CSF with the development and implementation of a regional recreation plan.
- Establishing a funding mechanism for the construction of the Peak-to-Peak Trail.
- Providing the Bureau of Parks and Lands with property to provide additional recreational infrastructure. Presumably the infrastructure needs, such as camping areas and boat launches, would be identified through the recreation plan.

The redefined CSF, including its role in recreation planning and funding the Peak-to-Peak Trail, addresses some of our previously noted concerns about primitive recreational opportunities. Specifically, my August 2007 testimony recommended that a funding mechanism be established for the Peak-to-Peak Trail and that the Concept Plan include a plan for additional nonexclusive camping opportunities in an appropriate location to accommodate anticipated increases in demand. While additional camping opportunities are not specified in the amendments, the recreation plan should be a useful vehicle to identify and plan for camping and other recreational needs.

However, we believe that the plans for the CSF would be strengthened by including additional clarification about the funding that would be available for the Peak to Peak hiking trail, and on the composition and organization of the CSF to ensure successful recreation planning and implementation.

Peak-to-Peak Trail Funding Comments:

The Concept Plan amendments state that Plum Creek will make an interest free loan of the “funds necessary” for construction of the Peak-to-Peak hiking trail, and that the CSF will then become a co-holder of the Peak-to-Peak trail easement (Section 2.G.5.a). However, the

amendments do not detail the amount of funding that Plum Creek envisions would be required to meet this commitment. In AMC's recent experience, it would be reasonable to assume that the hiking trail construction would cost \$12,000 - \$15,000 per mile.¹ The CSF fund would need approximately \$800,000 to \$1,005,000 to assure that the 67-mile Peak-to-Peak Trail as envisioned becomes a reality.

Recreation Planning and Implementation Comments:

The amended Concept Plan states that a purpose of the CSF will be to “develop and implement a region-wide recreation management plan” and the CSF will be “governed by a board made up of representatives from various local interests, including the Bureau of Parks and Lands, towns, commercial recreation groups, local citizens, and Plum Creek” (Section 2.G.5.a). We believe that recreation planning is a useful tool for anticipating and managing many of the impacts associated with increased recreational demand in the region, especially if the management plan is combined with resources to create additional recreational infrastructure.

To effectively protect and promote a range of recreational opportunities as expressed in the CLUP's goals and policies, and especially to protect remote, primitive, and nonexclusive recreational opportunities, the proposed regional recreation plan needs to address the management of potentially competing recreational interests in the region, and therefore involve representation from a range of users. This should be made clear in language concerning the recreation planning function of the CSF.

Implementation of the regional recreation plan may present challenges since there would be no single party with authority over all of the lands and recreational resources in the region,

¹ For example, the Grafton Loop Trail in the Mahoosucs region—which was completed in 2006—cost over \$500,000 for 30 miles of new trail.

and ownership will become even more diverse with subdivision and resort development. The positive aspect of a collaborative effort for recreation planning is that many interested parties will be brought to the table, yet ultimate implementation may be hampered by the lack of a focal organization with ongoing responsibility for ensuring that the recreation plan is implemented in support of the CLUP's goals and policies.

Recommendations:

We suggest the following changes to both improve the functioning of the CSF and better meet the CLUP's recreational resource goals:

- The Concept Plan should clearly state the amount of the interest-free loan that Plum Creek would commit to the construction of the Peak-to-Peak hiking trail. We recommend that \$800,000 to \$1,000,000 be made available for the proposed 67-mile trail.
- The Concept Plan should clearly state that the CSF board will include representation from the full range of recreational uses, including motorized and non-motorized uses.
- A portion of the CSF fund should be set aside to fund Bureau of Public Lands staff to coordinate the development and implementation of the regional recreation plan, as well as to provide a permanent funding stream for on-going recreation management and oversight by BPL or another appropriate entity to be determined by the CSF once the recreation management plan has been implemented.

Many of the comments included in my August prefiled testimony about impacts on the character of recreational resources related to the proposed development areas would not necessarily or inherently be addressed through a commitment to future recreation planning and

management alone. AMC's recommendations regarding the need to reduce or eliminate specific proposed development locations, namely on or near Indian Pond, West Outlet, Moose Mountain, Lily Bay, Long Pond and Brassua Lake, still stand, as they were not addressed by any of the changes proposed in the October amendments to the Concept Plan. In the interest of presenting AMC's comments in a clear and consistent manner, specific comments and recommendations on the Location of Land Use Zones, and the Nature of Activities and Uses Within Zones, including comments on the amended low impact resort zone definition, are compiled in Dr. David Publicover's testimony.²

Recreational Access and Conservation Components

The commitment to "5 trailhead access points with parking and guaranteed access from public roads" for the Peak-to-Peak hiking trail (Section 2.G.4) is an improvement to the Concept Plan. We believe this proposal will help ensure the usability of the trail once it is built, although it is not clear who is responsible for the ongoing management of the trailhead parking areas. We note that the actual Peak-to-Peak trail easement was not amended to include trailhead parking areas. If the trail easement holder is to be responsible, that should be clarified in the easement. If the Moosehead Region Community Stewardship Fund or other party is to be responsible, that should be clearly stated in the Concept Plan.

Other road access to key recreational locations, however, is not fully guaranteed by the Concept Plan. Although the conservation components of the Concept Plan protect land that is available for primitive recreation, many of the recreational experiences that were identified in the Moosehead Mapping Collaborative project as highly valued for their remote and wilderness feel, and were discussed in my August testimony, are found on larger rivers and water bodies in the

² Refer to Dr. David Publicover's 11-20-07 testimony.

vicinity of the proposed development areas. Indian Pond, for example, is valued both for its remote feel and relatively easy access—a combination made possible by the supporting infrastructure of camp sites and boat launches combined with the nature of the surrounding landscape.

These experiences, which I termed “close-in wilderness” experiences, are not fully replicated in the conservation components of the Plan. Furthermore, use of many existing boat put-ins, including those on Indian Pond, is dependent on road access through the proposed conservation areas, which is not guaranteed by the current terms of the Concept Plan.

All elements of the Concept Plan, therefore, should be evaluated through the lens of whether they create “undue or adverse impact on existing uses or resources.”³ Furthermore, if the recreational benefits of the Plan’s conservation components are to be effectively realized, the Plan must include protection of road access to existing, historically used boat launch sites that are critical to users who are currently making day and multi-day trips on larger water bodies.

Road Access Comments

Current and future use of many of the recreational resources in the Concept Plan area depends on road access through the conservation areas, yet that access is not guaranteed by the Concept Plan itself. Instead, the October 26, 2007 amendments to the Concept Plan include a letter of intent to gradually convey a road easement for a total of 57 miles of road to the Bureau of Parks and Lands as each residential, subdivision, resort and Master Plan referenced in the Concept Plan is approved.

If the recreational goals and policies of the CLUP are to be met by the Concept Plan, road access to sites that have historically been used as boat put-ins and take-outs on larger water

³ 12 M.R.S.A. § 685-A (8-A).

bodies for day and multi-day trips should not be contingent upon the subsequent approval of specific development. Access should be permanently guaranteed as part of the Concept Plan. For example, use of the Burnham Pond and Indian Pond roads to reach key boat access locations at each end of Indian Pond as well as use of several hand-carry boat access sites on Moosehead Lake are dependent on access through the proposed conservation areas, yet that access is not guaranteed by the Plan.

To be consistent with the CLUP's recreational resources policies, including those that encourage non-intensive, nonexclusive uses, public access and egress to key points that have existed historically for public access to the larger network of rivers, lakes, and ponds encompassed by project should not be held hostage to subsequent approvals of individual Concept Plan components. Road access to these water-based recreational resources should be guaranteed within the Concept Plan just as the Plan guarantees public access to future Peak-to-Peak trailheads.

Recommendations:

- AMC recommends that appropriate road access to important and established recreational resource access points, especially put-ins and take-outs for major water bodies and access points for multi-day trips, be guaranteed by the Concept Plan itself, rather than dependent on subsequent approvals of residential, subdivision, resort and/or master plan components.
- AMC also recommends that the Concept Plan and/or Peak-to-Peak trail easement clarify which entity has responsibility for the Peak-to-Peak trailheads and parking areas.

Overnight Use and the Peak-to-Peak Trail

We are encouraged by the conservation easement amendment that removes language permitting only “daytime pedestrian” use. We believe the intention of the amendment was to remove the implicit restriction on overnight use and camping, but note that the Peak-to-Peak Trail Easement was not amended, and Section I.C. still “strictly prohibits” camping, limiting the viable use of this proposed 67-mile trail.

In the interest of presenting AMC’s testimony in a clear and comprehensive manner, other comments regarding public access and recreation management in the conservation easements are consolidated in Dr. David Publicover’s testimony.⁴

Recommendations Remaining for the Peak-To-Peak Trail:

AMC made other recommendations for changes to the Peak-to-Peak trail easement that were not addressed in the October amendments to the Concept Plan, and those recommendations still stand. In summary, those recommendations are:

- Remove the complete prohibition of camping along the Peak-to-Peak Trail easement. With the amended Moosehead Region Community Stewardship Fund, we would also recommend a requirement that the regional recreation plan identify appropriate overnight sites as well as rules and regulations to govern overnight use.
- Include loop trails to accommodate increased demand for day hikes, especially near resort areas.
- Extend the trail easement to the proposed Lily Bay resort development zone.
- Require six months notice for any trail relocation over ¼ mile that is required by the Grantor.

⁴ Refer to 11-20-07 testimony of Dr. David Publicover

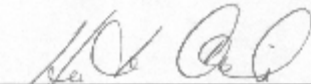
- Remove the clause stating, “Should uncertainly arise in its meaning, this Trail Easement shall be interpreted in favor of Grantor’s use of the Trail” to remove the conflict with 33 M.R.S.A. §1583 governing trail easements.
- Expand the width of the trail easement to 300 feet.
- Ensure the trail easement includes the existing portion of the Number Four Mountain Trail, as well as any other pre-existing hiking trails.

Conclusion

Overall, the October amendments to the Concept Plan as they impact the unique recreational resources and experiences of the Moosehead Lake Region significantly improve the proposal.

However, there still are areas where the Plan could be improved further, as highlighted in our recommendations. We believe that protecting key primitive recreational resources and experiences is a substantial benefit to the local communities, the region, and to the State of Maine, and is critical to any long-term plan for maintaining the distinctive character of the region.

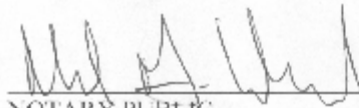
VERIFICATION



Signature of Witness: Heather A. Clish

November 16, 2007

Before me Heather A. Clish, who, being duly sworn, did testify that the foregoing testimony was true and correct to the best of her knowledge and belief.



NOTARY PUBLIC

