

Opening Statement
Walter Graff

My name is Walter Graff and I am the Deputy Director of the Appalachian Mountain Club (AMC). The AMC has intervened in this process for a number of reasons, most importantly the following:

- AMC is a landowner in the Moosehead Lake region, abutted on three sides by Plum Creek project lands, therefore our interests are impacted by the proposed Concept Plan.
- As a partner in the Conservation Framework, and an assignee for the purchase of the Roach Pond tract, we have a vision for the Moosehead Lake region as a world-class destination for primitive, backcountry nature-based tourism, and believe the landscape-scale conservation assured by the Framework is key to that vision.
- AMC's long experience in backcountry recreation, our engagement with land conservation in the region over many years, and our commitment to making a long-term contribution to sustainable economic development in the Moosehead Lake region, inform our testimony to the Commission.

When AMC decided to purchase land in the Moosehead Lake region almost four years ago, we were drawn to the area not only because of its spectacular scenery and recreation resources, but also because of a sense of opportunity that we could contribute to a sustainable economic future for the region through the combination of nature-based tourism and sustainable timber harvesting. AMC's comments on the proposed Concept Plan are made through the lens of our history and expertise in backcountry recreation and conservation.

Our comments are focused on those specific issue areas, and on those review criteria and CLUP policies, that emphasize the need to ensure that any development proposal "has no undue adverse impact on existing uses or resources"; will "encourage diversified, non-intensive, nonexclusive uses of recreational resources," "protect remote, undeveloped and other significant recreational areas," and "encourage concentrated patterns of growth to minimize impacts on natural values and scenic character" to name just a few. Notably, AMC is not commenting on whether there is "demonstrated need" for the rezoning or whether all aspects of the Concept Plan are consistent with all elements of the CLUP.

AMC is a partner in the Conservation Framework because we believe the values noted above will not be protected without the landscape-scale conservation offered by the Framework. In our review of the Concept Plan, we have taken the position that the Framework is key to the future of the region, and that without the Framework the success of the proposed "balance conservation" will be compromised. In our comments on the Plan we have not typically distinguished between "Balance" and "Legacy" easement lands; we have looked at the protected lands as a whole. Our comments would have been different, and included a number of specific proposals regarding the configuration of the balance easement lands, had we not chosen to view the two as inextricably connected in

terms of ensuring that the remote character and values of the region will be protected in perpetuity. The goal of a Concept Plan is to set the future course of an area, and the Conservation Framework creates that permanent undeveloped context for the Moosehead Lake region as a whole. However, we also have interests and concerns that are impacted by the proposed development, and that is why I am here today.

AMC's position on the proposed Concept Plan is that *a* plan is better than *no* plan. We appreciate the many changes made to the Plan since the first iteration almost three years ago, including the most recent improvements made through amendments offered in October. But there remain several specific issues we believe the Commission must address if the Plan is to meet the Commission's review criteria and the goals of the CLUP in the areas of conservation and recreation. If our list of proposed changes is adopted, AMC will support the Plan as satisfying LURC's recreation and conservation criteria, recognizing that there are other issues and criteria that we have not considered, but that you must.

AMC has three expert witnesses from among our staff who will be available to you for questions during these hearings. I will take this opportunity to briefly summarize the main points these AMC witnesses have made in their prefiled, rebuttal, and additional testimony on the amended plan.

Dr. David Publicover, AMC Senior Staff Scientist

You will first encounter Dr. Publicover on the panel concerning Location and Size of Development Zones. Dr. Publicover's testimony addresses the regional context of the Plan and discusses proposed land use zones and uses as they relate to broad conservation and recreation values. He addresses the importance of concentrating development within the existing regional development envelope and protecting the sense of "close-in remoteness" that exists beyond the head of Lily Bay and within the Kennebec and Moose River corridors. Dr. Publicover's testimony argues that:

- **The residential development zones at Lily Bay and on the north shore of Long Pond should be eliminated.** These areas would create an inappropriate expansion of development into the undeveloped heart of the jurisdiction.
- **The western portion of the Moose Mountain resort zone and the development area on the east side of Indian Pond should be eliminated.** Development in these areas would have an undue adverse impact on the recreational and scenic values of Indian Pond.
- **There should be limited expansion of the Balance Easement along the northern tip of the Brassua Peninsula and the northern side of West Outlet** to better protect the character of these important undeveloped recreation corridors.
- **While a resort development at the head of Lily Bay may be appropriate, the allowed uses should be more clearly defined, should be more restricted than at Moose Mountain, and should not include permanent residential development.** A resort in this area should blend into the landscape and have as

its primary focus providing visitors the opportunity to experience the natural landscape of this special part of Maine.

Ms. Heather Clish, Deputy Director of Conservation

Ms. Clish will be testifying on a panel pertaining to Recreational Resources and Uses. Ms. Clish's testimony reviews existing primitive recreational resources and uses. She argues that in this region, the primitive and remote characteristics that visitors seek rely on the sense of "close-in wilderness" and the surrounding vast forested landscape.

Based in part on data collected through the Moosehead Mapping Collaborative, Ms. Clish demonstrates that protecting these more accessible recreational experiences is key to the future of the region as a destination for primitive recreation experiences. For example, one of the outdoor recreation business owners interviewed by the Collaborative states, "...people don't need to travel for hours to have a wilderness experience. It's right here." In addition to those already articulated by Dr. Publicover, Ms Clish's recommendations, include:

- **Road access to sites that have historically been used as boat put-ins and take-outs on larger water bodies for day and multi-day trips should be permanently guaranteed as part of the Concept Plan, not contingent on future development approvals.**
- **The width of the Peak-to-Peak trail easement should be expanded from 15 feet to at least 300 feet** to allow enough room to adjust the location of the trail during final layout and construction and to allow a reasonable aesthetic buffer between the trail's treadway and activities (such as timber harvesting) occurring off the trail.
- **Camping should be permitted as part of, or in the vicinity of, the Peak-to-Peak trail easement.** The total trail length is 67 miles, well beyond the length of a typical day's hike, as is the distance of many segments between what could be logical trailheads, so camping must be an option if the trail is to be used as envisioned. Campsites should be identified as part of the recreation plan.
- **The composition of the Community Stewardship Fund ("CSF") should explicitly include representation from the full range of motorized and non-motorized recreation users.**
- **A funding commitment for building the Peak-to-Peak trail should be in the range of \$800,000-\$1 million and should be included in the Plan.**
- **The CSF should provide dedicated funding to coordinate the development, implementation, and long-term oversight of the regional recreation plan.**

I will be joining Ms. Clish on that panel and will be available for questioning on issues pertaining to AMC's role in the Conservation Framework, particularly AMC's interest in the Roach Pond Tract.

Dr. Kenneth Kimball, Director of Research

Dr. Kimball will appear as a witness on a panel with representatives of the Dam Owners and Plum Creek on the issue of “Right, Title, and Interest” under the general category of Recreational Resources and Uses. Dr. Kimball’s testimony supports two of Dr. Publicover’s specific recommendations for relocation of development areas. Specifically, Dr. Kimball will testify:

- **Because the immediate shore land on Brassua Lake and Indian Pond up to designated elevations is owned by the Dam Owners as hydroelectric project reservoir lands, any rezoning proposed by Plum Creek cannot alter the zones on the Dam Owners’ lands – it must remain in the Great Pond Protection Subdistrict. Nor can any shorefront rights on those lands be assumed or conveyed in a land sale by Plum Creek, as these lands are subject to Federal Energy Regulatory Commission license conditions and processes.**
- **The Indian Pond Settlement and Moosehead Shoreline Management Agreement entered into between the Dam Owners, AMC, the State of Maine and others are in FERC licenses to protect wildlife and backcountry recreation values of the East and West Outlets and Indian Pond. Development zones infringing on these areas, especially on the east shore of Indian Pond, contradict the intent of the Agreements and adversely affect the values that they protect.**
- **On Brassua Lake, an ongoing FERC relicensing proceeding requires Recreation and Shoreline Management Plans that will prescribe aesthetic, scenic, ecological and recreation resources protection and enhancement requirements on FERC designated Project Boundary Lands. Any Plum Creek development on Brassua Lake needs to accommodate the FERC relicensing process.**

When the hearings reconvene in January, **Dr. Publicover** will testify on two panels pertaining to the conservation easement terms and forest management.

In brief, Dr. Publicover finds the easement terms much improved as a result of the October 2007 amendments, but three important concerns remain. They are:

- **That Plum Creek reserves the right to manage all motorized recreation on the easement lands, with no reference to the regional recreation planning process proposed elsewhere.** We believe language should be included in the easement referencing that motorized use will be subject to the recreation plan that is developed.
- **Language typically included in LMF easements should be incorporated that ensures that “results on the ground” outcomes are the final baseline by which easement compliance is judged.**
- **There should be more specificity in the management plan about the future condition of the forest under Plum Creek’s management.**

In addition, I would like to mention here our support for the inclusion in both easements of a limited number of appropriately-sized “back-country huts”, and the provision that wind-power generation may be sited on Legacy easement lands, if approved by LURC through its usual review process. We believe both these provisions are needed to preserve important opportunities for potential use of the easement lands in the future without compromising their fundamental undeveloped status.

In conclusion, AMC urges the Commission to address the concerns we have raised by adopting our suggested improvements to specific facets of the Plan. These recommendations are:

- **Reducing or eliminating certain areas proposed for rezoning.**
- **Better defining and limiting resort development at Lily Bay.**
- **Improving the Peak-to-Peak trail easement, and further defining the composition, functioning, and funding responsibilities of the Community Stewardship Fund.**
- **Guaranteeing road access to historically-used recreation infrastructure such as lake and river put-ins and take-outs.**
- **Including “results on the ground” as the final measure of easement compliance, and including more specificity about the long-term future of the forest under the easements.**
- **Ensuring that policies governing motorized recreation on easement lands are developed in conjunction with the proposed regional recreation management plan.**
- **Ensuring that development and recreation areas respect existing agreements pertaining to hydropower relicensing.**

With the adoption of these changes, AMC concerns with the Concept Plan are satisfied. We believe these recommendations will improve the consistency of the Plan with your review criteria and the CLUP in the issue areas we have focused on, but also recognize that they do not address the full spectrum of issues you must consider. Thank you for your consideration.