

Plum Creek Plan Modifications Summary

ISSUE	SOLUTION
Conservation Easements	
<ul style="list-style-type: none"> The easements do not meet Forest Legacy Guidelines. 	<p>The easements were intended to meet the guidelines of the U.S. Forest Legacy Program (FLP). To insure that the Easements did in fact meet these guidelines, Plum Creek met with representative of the State Planning Office and the Bureau of Public Lands. Based on these meetings Plum Creek agreed:</p> <p>1) that the Holder would have the right to enforce the Easements even if the Grantor maintains a third party certification if the Grantor was not in fact meeting the Sustainable Forestry Initiative standards (SFIS). Plum Creek will make this change to the Easements.</p> <p>2) that the standards of whatever third party certification program is adopted by Grantor to govern its forest practices would be no less protective of the conservation values of the Easements than the current standards set forth in the SFIS, as determined by the Holder. Plum Creek will make this change to the Easements.</p> <p>In addition, Plum Creek asked Crowell & Moring, a Washington D.C. based law firm to review the revised easements to determine whether the terms of each easement would satisfy the FLP Guidelines. Based on that review, Crowell & Moring concluded that it would be reasonable to find that the easements met the FLP guidelines.</p> <p>:</p>
<ul style="list-style-type: none"> The Easements' reliance on SFI is insufficient to protect wildlife and the Management Plan lacks specific measurable management requirements. 	<p>The Easements are designed to protect wildlife across 356,000 acres, one of the largest conservation easement areas in the United States, through the application of the standards of the Sustainable Forestry Initiative. As discussed in Henning Stabins' August 31, 2007 pre-filed testimony, the SFI standard provides a comprehensive approach to conserving wildlife. Plum Creek recognizes, however, that the SFIS have evolved over time and those commenting on the Plan may not be fully apprised of the recent changes.</p> <p>In order to increase understanding of what is required of Plum Creek by SFIS, Plum Creek will provide greater documentation of the requirements of the SFIS in the Management Plan. To further address concerns over the adequacy of the Management Plan, Plum Creek will create a management advisory group comprised of federal and state biologists, the Holder, the Grantor, and other experts to assist the Grantor and Holder in</p>

	<p>developing and applying best science and adaptive management concepts to guide forest management on the property protected by the Easements.</p>
<ul style="list-style-type: none"> • The Easements are static and do not provide for additional protections for, as yet, undiscovered habitats. 	<p>As written, the standards in the Easements and the attached Management Plan are not static and will provide protection for as yet undiscovered habitats. Plum Creek, however, will clarify the Easements to state that wildlife habitat and unique natural areas as initially documented in the Baseline Documentation and as further documented in the future will be protected.</p>
<ul style="list-style-type: none"> • The Easements lack meaningful guaranteed public access. • Access to the conservation areas should be guaranteed including access for commercial recreation users. 	<p>The Easements guarantee public pedestrian access where no legal right exists today. The public currently enjoys access to the Protected Property not as a matter of right, but by permission; without the Easements there is no legal guarantee that any level of public access will continue in the future. The guarantee of access contained in the Easements runs with the land and any division of the Protected Property allowed by the Easements can neither eliminate, nor circumscribe that legal right of access. Contrary to the assertions made by some, no part of the Protected Property can exclude the public.</p> <p>Plum Creek, however, recognizes that access to the Protected Property is an important part of a vibrant, nature-based recreational economy in the Moosehead region. After considering the comments of the Bureau of Public Lands (BPL) and consulting with that agency, Plum Creek will expand the terms of public access to the Protected Property. To this end, Plum Creek will expand the legal grant of pedestrian access to include nighttime use, and to clarify that “boating” is a “traditional recreational use.” Moreover, Plum Creek will allow commercial recreational use of the Easement property free of charge.</p>
<ul style="list-style-type: none"> • Consultation with the Holder and consideration of conservation values provides no meaningful protection to the property 	<p>The Easements were created over a period of years working with The Nature Conservancy and the Forest Society of Maine. Both of these organizations agreed that the consultation provisions and requirements to consider conservation values of the Easements were meaningful, while still allowing the landowner needed flexibility to provide a continuing supply of fiber and timber.</p> <p>It should be noted that any new roads, utilities, telecommunications facilities, and / or buildings permitted by the Easements must still be approved by LURC. It should be further noted that the siting of public boat launches and septic field activities requires the consent of the Holder. To</p>

	further address the stated concern, Plum Creek will have the siting of back country huts and new roads not related to forestry or the development areas subject to Holder approval.
<ul style="list-style-type: none"> Enforcement rights are too limited 	Holder and Third-Party both have full rights to enforce the Easements. Plum Creek is amenable to adding BPL as a third-party holder to the Legacy Easement. Furthermore, the Holder would have the right to enforce the Easements even if the Grantor maintains a third party certification if the Grantor was not in fact meeting the Sustainable Forestry Initiative standards (SFIS).
<ul style="list-style-type: none"> The back country huts are intended to become “mini-resorts.” 	The Easements are intended to allow for remote back country huts, not resorts. Plum Creek will further clarify this intent by expressly limiting the size of each back country hut to no more than 5,000 square feet.

Recreation	
<ul style="list-style-type: none"> The Concept Plan threatens existing and future traditional and primitive recreation opportunities that are more appropriately addressed by a recreational management plan. 	Plum Creek is sensitive to the concerns raised by BPL and others. In order to address recreational impacts of the Concept Plan in the Moosehead region, Plum Creek proposes to form a non-profit entity to be known as the Moosehead Region Community Stewardship Fund* (MRCSF) the purpose of which would be, in part, to develop and implement a region-wide recreational management plan. The MRCSF would also fund community development initiatives. The MRCSF would be governed by a board made up of representatives from various local interests including: BPL, towns, commercial recreational groups, local citizens, and Plum Creek. To fund the ongoing planning and implementation of the regional recreational management plan, Plum Creek will donate 2% of the sales price from the sale of residential lots proposed in the Concept Plan and ½% of the sales price from ongoing resales to the MRCSF. (*This fund will replace the “Community Fund”)
<ul style="list-style-type: none"> The State may need land for recreational improvements such as boat launches, trailhead parking or expansion of existing facilities. 	Plum Creek will pledge up to 50 acres of the Protected Property to be donated to BPL to address future recreational needs identified by the MRCSF as development occurs under the Concept Plan. In addition, Plum Creek anticipates assigning to the MRCSF the right to collect any recreational use fees authorized by the Easements.
<ul style="list-style-type: none"> Guarantee access for motorized users, including commercial 	Plum Creek will donate to BPL approx. 57 miles of road easements granting to the public the right to use major forest access roads throughout the Protected Property for

<p>recreational users, should be allowed on at least some roads.</p>	<p>public recreational use (including use for commercial recreation such as rafting, outfitters, and traditional outdoor guides) free of any public use fee. This additional grant of vehicular access is intended to mitigate, in part, the impacts that might occur due to the increase in demand for recreational access occasioned by the development proposed in the Concept Plan, and would be tied to specific resort master plan approvals and residential subdivision approvals.</p>
<ul style="list-style-type: none"> • Creation of the Peak to Peak Trail needs to be funded. 	<p>Plum Creek will make an interest free loan of the funds necessary for the construction of the Peak to Peak hiking trail so that the hiking trail can be made available to the public as soon as is practical after the approval of the Concept Plan. In order to coordinate the ongoing management and maintenance of this trail, Plum Creek envisions that the MRCSF would be made a co-holder of the trail easement and would repay the loan solely out of funds obtained from the lot sale revenue contributions noted above.</p>
<ul style="list-style-type: none"> • Trailheads are required for the Peak to Peak Trail. 	<p>Plum Creek will establish 5 trailhead parking areas with signage from public roads.</p>
<ul style="list-style-type: none"> • The snowmobile trail easement should include ITS 110 and the terms should allow night time use. 	<p>Plum Creek will extend the snowmobile trail easement to the ITS 110 Trail and clarify that night time use of the snowmobile trails is allowed.</p>

<p>Development</p>	
<ul style="list-style-type: none"> • Development zones are too big. Additional development could happen in 30 years. 	<p>Some of the Intervenor witnesses contend that the Concept Plan’s development zones are far larger than necessary, and conclude that Plum Creek secretly intends to engage in development far beyond that contemplated in the plan. Moreover, some Intervenor witnesses contend that areas not developed during the term of the Concept Plan will be available for development at the expiration of the plan. That, however, is not Plum Creek’s intention.</p> <p>It is important to allow for thoughtful and flexible decision making during LURC’s subdivision review phase. Such flexibility provides a better ability to take steps to address circumstances actually encountered on the ground; for example, a subdivision may need to be designed to mitigate visual impacts or to avoid disturbing a plant or animal habitat.</p>

	<p>The Concept Plan establishes designated areas where development may occur and provides a limit on the number of new residential dwelling units and new resort accommodations that will be allowed in those areas.</p> <p>To address the concerns regarding additional development above the limits identified in the Concept Plan, Plum Creek will agree to permanently cap development on the remaining undeveloped land within those designated areas in perpetuity by subjecting the remaining undeveloped land to a conservation easement; thereby ensuring that that the limits set forth in the Concept Plan will not be exceeded.</p>
<ul style="list-style-type: none">• Low impact resort accommodations have not been defined.	<p>Plum Creek is willing to define a low impact resort accommodations as follows: consisting of a group of attached or detached cottages or cabins and facilities functioning primarily as a destination for persons in pursuit of traditional primitive outdoor recreation, such as hiking, hunting, fishing, nature observation, and similar activities. Low impact resort accommodations shall be located away from the more heavily developed areas of a resort, and shall have a total floor area of no greater than 10,000 square feet for all principal buildings associated with the facility, and no single building shall have a floor area of greater than 2,000 square feet. Low impact resort accommodations may include a central building for serving meals and socializing for the guests, and other outbuildings such as utility buildings, storage buildings for firewood, and buildings for the provision of food and other supplies for guests.</p>