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GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022



PATRICK K. MCGOWAN
COMMISSIONER

September 21, 2006

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Subject: Status of application deficiencies within Plum Creek's 2006 petition for rezoning, summary of information requests, and anticipated LURC project review timeline.

Dear Ginger:

As you know, since Plum Creek submitted additional application materials to LURC in late August, the LURC staff and consultants have been reviewing those materials in order to make a determination as to whether any application deficiencies (per my letter of June 29, 2006) still exist. This letter addresses that issue. In addition, I am taking this opportunity to communicate in writing (1) the status of additional information requests LURC staff and consultants have made to Plum Creek to date, and (2) LURC's anticipated timeline for the review of this project.

Status of application deficiencies

Based on LURC staff's review of the documents recently submitted by Plum Creek (see discussion below), staff believes that all deficiencies but one have been cured by Plum Creek, and the one remaining item that has not been submitted yet by Plum Creek appears to be available and simply awaiting a submittal decision by the company.

► Deficiencies that have been cured by Plum Creek:

Deficiency A: Half of the estimated processing fee (received 07/13/2006).

Deficiency B: Exhibits E and F - Statement that Plum Creek has not received any response to the letters sent out in Exhibits E and F as of June 29, 2006 (received 06/29/2006 and 07/31/2006).

Deficiency C1: Missing Appendices

- Appendix B: Infrastructure and Community Impact Analysis report by EMDC (received 08/18/2006).
- Appendix F: Form of Ski Trail Easement – Moosehead to Mahoosucs (received 08/18/2006).
- Appendix H: Form of Conservation Easement for the Moosehead-Roach River (received 08/18/2006).
- Appendix P - Legal standards (received 06/29/2006).
- Appendix R: Erosion and sedimentation control plan for roadway construction, referred to as "missing appendix" in the deficiency letter (received 06/29/2006).

Deficiency C2: Red-lined version of Land Use Standards (received 07/31/2006).

Deficiency C3: Red-lined version of all proposed conservation easements (received 08/18/2006). NOTE: Although Plum Creek has submitted red-lined versions of all proposed conservation easements, a rationale for the deviations within the Moosehead-Roach River and Moosehead Legacy conservation easements from LURC's model easement has not been submitted to date.

Deficiency C4: Restrictions and conditions proposed for resort development (received 07/31/2006). LURC received from Plum Creek a preliminary draft response to deficiency item C4 on July 31, 2006. NOTE: LURC understands that Plum

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Creek does not have in its possession, and therefore will not be submitting any additional information in response to the June 29 letter.

Deficiency C5: Restrictions and conditions proposed for affordable housing (received 08/18/2006). NOTE: LURC has been notified by Plum Creek in writing that "locations for the affordable housing opportunities have not yet been determined, but would be proximate to the cities of Greenville, Rockwood or Jackman and would occur in the unorganized and/or organized townships. If in the Plan Area, the affordable housing would be located within the proposed Plan Area's back-lot envelopes." Further, Plum Creek informed LURC staff that Plum Creek expects to provide additional information in mid-September. We ask that you submit this additional information.

Deficiency C6: Inventory and map of existing telephone and electric utility lines (GIS data received 07/31/2006). This submittal fulfills LURC's deficiency request. NOTE: Please submit paper copies of the map.

Deficiency C7: Inventory and map of proposed roads, telephone and electric utility lines (GIS data received 07/31/2006). This submittal fulfills LURC's deficiency request. NOTE: Please submit paper copies of the map.

► Deficiency remaining

Regarding Deficiency C8 (Agreements and easements pertaining to the Conservation Framework), LURC received from Plum Creek the proposed conservation easement language pertaining to the Moosehead Legacy Areas on August 18, 2006. However, agreements governing the purchase and acquisition by a third party of this easement and other lands shown on Plum Creek's maps, as requested as part of LURC's June 29 letter, have not been provided by Plum Creek. You will remember that this request was made by LURC staff as a result of Plum Creek's statement (per your letter dated May 26, 2006) that "the Conservation Framework is part of the proposed Concept Plan". At a meeting on July 19, 2006, Plum Creek representatives stated that copies of the acquisition agreements associated with the Framework could not be provided to LURC staff due to the confidential nature of such documents during the negotiation process.

Based on discussions initiated by Plum Creek's conservation partners, LURC staff understands that the conservation partners will not oppose the release, to LURC or to the public, of such agreements once a public announcement of the completion of these acquisition documents is made. Staff is presuming that the impending completion of these negotiations and the position of its conservation partners have removed Plum Creek's concerns regarding the release of these agreements. LURC staff therefore requests that Plum Creek submit to LURC any agreements pertaining to the Conservation Framework immediately upon the finalization of such agreements, so that LURC staff and the public can understand the proposed nature and timing of the conservation of the so-called Legacy lands.

Upon receipt of complete copies of these agreements, LURC will immediately accept for processing Plum Creek's petition.

Information requests to Plum Creek

As you know, notwithstanding the absence of a complete application, LURC staff and consultants have met with Plum Creek representatives for many hours over the course of the past several months, and LURC expects this process to continue. These meetings have been very helpful to LURC in further understanding the nature of Plum Creek's proposal. During the course of these meetings, LURC staff and consultants have requested information in order to further clarify certain details of the proposal and obtain written confirmation from Plum Creek that LURC staff's understanding of such details is accurate. At other times, Plum Creek itself has requested the opportunity to provide additional information or clarification to LURC. A summary of the status of these information requests to Plum Creek is attached with this letter.

In addition, LURC staff and consultants have spent significant time in first contacting and then following up with state and federal agency representatives who will be asked in the coming months to review Plum Creek's petition for rezoning and provide LURC with recommendations relevant to the applicable review criteria, as such criteria apply to their areas of expertise. LURC staff and consultants initiated this early outreach, even while the application is still incomplete, in order to identify information that these review agencies believe to be currently missing from the petition that will be necessary when review agencies provide official review comments to LURC in several months. LURC understands that Plum Creek is now in communication with these review agencies and is being informed, through individual agency representatives, of the information needs that may exist. *Such review agency information needs are not reflected in the attached summary document* and it is LURC's position, as we have shared with you, that Plum Creek needs to continue to be in direct contact with these agencies to hopefully resolve information needs. LURC stands ready to assist Plum Creek and review agencies in resolving any disagreements or misunderstandings, in order to attempt to avoid any delay in application processing due to missing information.

As LURC staff has informed Plum Creek in previous correspondence, additional information will be requested of Plum Creek by LURC during the review process, as additional questions naturally arise. LURC is mindful of the burden that information requests

potentially can place upon an applicant, and will ensure that information requested of Plum Creek is essential for LURC to receive as a part of the concept plan review process. As such, the ability of LURC to process the application pursuant to the timeline provided below depends to a significant degree on timely compliance by Plum Creek.

Anticipated LURC review timeline

Regarding the anticipated timeline, LURC staff is moving forward with the review of Plum Creek's petition with the goal of holding public hearings in mid- to late-May. Accordingly, LURC will likely be requesting pre-filed testimony in March and seeking written comments from state and federal review agencies in December.

Again, please note that this anticipated timeline is very sensitive to Plum Creek's timely response to information requests from LURC staff and review agencies. Therefore, the attached summary of LURC information requests to Plum Creek includes due dates for each information request. NOTE: Dates shown in gray highlighting are new dates that have not previously been discussed with Plum Creek representatives. Should Plum Creek not be able to meet any of LURC staff's or agencies' information requests in accordance with the due dates offered, kindly inform LURC staff immediately so that we can quickly evaluate the effects on LURC's review timeline and, if necessary, adjust expectations accordingly.

As information is received and as additional requests are made, this chart will be updated. Likewise, LURC staff will request that review agencies provide appropriate due dates along with their information requests that reflect the benchmark of gathering written comments from agencies in December.

I hope the information within this letter is helpful and facilitates discussion during upcoming meetings with Plum Creek representatives. I would be happy to answer any questions that you or other Plum Creek representatives may have regarding the items outlined in this letter at any time.

Sincerely,

Agnieszka Pinette

Agnieszka Pinette, Senior Planner
Planning & Administration Division

XC: File Copy, Tracking No. 40884.

Enclosure: LURC Information Requests to Plum Creek, and Status Thereof.

LURC Information Requests to Plum Creek, and Status Thereof

This document represents only those information requests made directly by LURC staff and consultants to Plum Creek. It does not attempt to capture or track information requests made by review agencies or third parties to Plum Creek.

REQUEST	DESCRIPTION	REQUESTED BY / TO	DUE DATE	RESPONSE
Moosehead Lake build-out	Luke Muzzy's analysis of development potential on Moosehead Lake, as discussed during meeting on September 16.	LURC staff/consultants 9/16/05 verbally at meeting, and in deficiency letter(s).	10/13/06	
Rationale for model easement deviations	Provide a rationale for the deviations within the Moosehead-Roach River and Moosehead Legacy conservation easements from LURC's model easement.	A Pinette 6/29/06 deficiency letter to G Davis.	7/31/06	
Affordable housing details	Submit additional information regarding the proposed affordable housing component of the petition.	Per Plum Creek's 8/18/06 letter to A Pinette	Mid-September	
Flexibility/LURC commitments	Supply information necessary for LURC and review agencies to fully understand the flexibility to change the proposed amount, location, and character of subdivision and resort lots that Plum Creek wishes to be granted by LURC as part of Concept Plan approval.	A Pinette 8/10/06 via e-mail to G Davis.	10/02/06	8/15/06 meeting – G Davis stated that Plum Creek will let us know when this information can be provided. LURC has not received such information to date.
LURC commitments clarification	Provide a re-draft of proposed land use standards in order to reflect the commitments from LURC that Plum Creek is seeking regarding (1) resort envelopes and (2) residential subdivisions (including language reflecting the exact type of design approval that Plum Creek is seeking for shorefront lots) and what criteria may be considered by LURC during subsequent resort development and subdivision regulatory phases.	LURC staff/consultants 8/29/06 verbally at meeting with Plum Creek representatives.	10/02/06	
Map of flexibility in envelopes	Create a map, which could be shared with review agencies, that visually represents Plum Creek's proposed flexibility to change the location, configuration and/or size of planning envelopes	A Pinette 8/11/06 verbally to G Davis at meeting with MHPC. A Pinette 8/16/06 via e-mail to G Davis.	10/02/06	
Residential and resort envelope development 'caps' summary	Provide new narrative language and updated "Table 4" that explains Plum Creek's proposed lake-by-lake and sub-region development 'caps' and changes in size/location of individual envelopes, as presented by Plum Creek to LURC staff and consultants during 08/29/06 meeting.	LURC staff/consultants 8/29/06 verbally at meeting with Plum Creek representatives requesting written summary.	Within 2 weeks (9/12/06)	
Resort envelope legal authority	Provide in writing Jeff Selser's oral explanation of why Plum Creek's petition and proposed Chapter 10 land use standards require that a substantial number of hotel-bed type resort accommodations must be proposed within the two resort envelopes as a necessary part of any request by Plum Creek or a subsequent developer for LURC approval to develop "resort accommodations".	LURC staff/consultants 8/29/06 verbally at meeting with Plum Creek representatives.	Within 2 weeks (9/12/06)	
Road/utility maps	Hard-copy paper maps (11x17) of roads/utility lines, as submitted in GIS data format on 07/31/2006.	A Pinette 8/29/06 verbally at meeting to B Kent.	10/02/06	
List of Plum Creek and contractor information	Provide a list of the type of information that Plum Creek has gathered and expects to gather, or work that Plum Creek expects to contract out, which is either relevant to the regulatory criteria against which Plum Creek's petition will be weighed or Plum Creek anticipates being asked for before or during public hearings.	A Pinette 8/21/06 via e-mail to G Davis.	Immediate and ongoing	8/24/05 phone call – G Davis stated that Plum Creek can provide this information verbally, via periodic requests by LURC.
Wetlands delineations and subdivision roads	Provide SW Cole maps of each proposed subdivision envelope showing (1) delineated wetlands, and (2) likely subdivision roads and feeder roads leading to each subdivision.	A Pinette 9/20/06 via e-mail to G Davis.	10/02/06	