

STATE OF MAINE  
LAND USE PLANNING COMMISSION

Irving's Proposed Fish River Chain of Lakes  
Concept Plan in Northern Aroostook County,  
Maine; Zoning Petition 768

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ISSUES AND WITNESS LIST  
NATURAL RESOURCES COUNCIL OF MAINE

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**NRCM's list of issues, statutory and regulatory criteria, and suggested resolution (where possible), and list of witnesses regarding the proposed Fish River Chain of Lakes Concept Plan are as follows:**

**Issues:**

1. **The amount and location of development proposed for Square Lake.** The amount and location of development on Square Lake would have an adverse impact on the natural resources, recreational uses, and the character of the lake. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. This issue could be resolved by decreasing the amount of and relocating any remaining development on Square Lake.
2. **Impact of proposed development on Eagle Lake Public Reserved Lands.** The proposed development on Square Lake, including the road access to Square Lake W, would negatively impact the Eagle Lake Public Reserved Lands Unit. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. This issue could be resolved by removing Square Lake W as a development zone.
3. **The amount and location of the conservation easement lands.** The amount and location of conservation easement lands is insufficient given the amount and location of development proposed. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. This issue could be resolved by increasing the amount of land permanently protected by conservation easement.
4. **The "Area of Restrictive Zoning."** The lack of permanency of this proposed conservation measure and the lack of conservation measures beyond what is currently required under existing laws and regulations significantly decreases any conservation value. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d), (f), and (g); CLUP, Chapter 1. This issue could be resolved by placing a permanent conservation easement on these lands.
5. **The impact of proposed "Cross Lake E" development.** Cross Lake E development zone is distant from existing development and would be highly visible to users of this undeveloped part of Cross Lake, thus having a negative impact on the natural resources, recreational uses, and

character of the lake. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. This issue could be resolved by removing Cross Lake E as a development zone.

6. **Impact of proposed development on Mud Lake Public Reserved Lands Unit.** Mud Lake Public Reserved Lands Unit would be surrounded by commercial/industrial lands under this proposal, degrading the value of the public lands unit. The proposed development zones also appear to have poor soils for development. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1.
7. **Amount of protection provided for Unique Areas.** There does not appear to be any enforceable protection provided for these sites. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. This issue could be resolved by including these areas within the conservation easement and by strengthening the provisions of the easement to ensure full protection of these areas.
8. **Provisions of the Conservation Easement.** A number of retained rights should be eliminated from the lands subject to the conservation easement and additional provisions need to be added, particularly as they relate to forest management activities and habitat protection, to ensure that conservation values are protected. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. The easement provisions need to be significantly strengthened to provide conservation benefits beyond what exists under current law and regulations.
9. **Impact of the conversion of existing seasonal camps (up to 425) to year round homes.** While the plan makes certain proposals aimed at improving waste water systems for existing homes, there is no consideration given to the impact that conversion of hundreds of seasonal camps into year round homes will have on the natural resources, recreational uses, and character of the area. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1.
10. **Remote camps.** The plan would allow an unlimited number of remote camps in unspecified places. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. Remote camps should be removed as an allowed use.
11. **Changes to existing standards.** Decreased minimum lot sizes, decreased shoreline frontage requirements, and other amended standards may have a negative impact on the natural resources (including scenic resources) of the region. 12 M.R.S. 685-A 8-B; CLUP, Chapter 1.
12. **Forestry standards.** The forestry standards and process for determining adequacy of compliance with the standards do not ensure that the conservation values of the land will be protected. Section 10.30. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. The forestry standards and the methods for ensuring compliance should be significantly strengthened.

13. **Visual impact of proposed hillside development.** Proposed hillside development will cause adverse impacts on recreational and scenic values absent stronger regulations. 12 M.R.S. 685-A 8-B; CLUP, Chapter 1. Additional standards minimizing the scenic impacts of hillside development could mitigate this impact.
14. **Wind Projects in the M-FRL-GN.** The proposal appears to allow the development of wind power projects in the M-FRL-GN zone in an area described as "Appendix F." The only readily apparent "Appendix F" in the plan discusses Rusty Blackbirds and the impact of the proposed wind projects on the natural, scenic, and recreational resources and character of the area as well as on the conservation values of the conservation easement is currently unclear. 12 M.R.S. 685-A 8-A; Section 10.23 (H)(6)(d) and (f); CLUP, Chapter 1. A map and more information about proposed wind or other industrial scale utility projects are needed in order to evaluate the impacts.

**Witness list:**

1. **Catherine B. Johnson**, B.A., College of the Atlantic, J.D., University of Maine School of Law, Forests and Wildlife Project Director at the Natural Resources Council of Maine, 28 years' experience reviewing, commenting on, and testifying on applications to LUPC (formerly LURC), the Bureau of Parks and Lands, and the Maine Forest Service. Will testify on all issues raised above.
2. **Nick Bennett**, B.A., Yale University, Master of Environmental Science, Yale School of Forestry, Staff Scientist and Healthy Waters Project Director at the Natural Resources Council of Maine, 20+ years' experience reviewing, commenting on, and testifying on development applications to LUPC (formerly LURC), DEP, and the Maine Forest Service. **And/or other scientist TBD.** Will testify on impacts to natural resources.
3. **Forester, TBD.** Will testify on the proposed forestry standards, the forestry related provisions of the easement, and the methods of ensuring compliance.
4. **Persons with experience recreating in the Fish River Chain of Lakes region, TBD.** Will testify on the impacts to recreational, scenic and natural resources and the character of the region.

Respectfully submitted on behalf of the Natural Resources Council of Maine, Dec. 11, 2017,



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**Subject:** NRCM's list of issues and witnesses for Fish River Concept Plan  
**Date:** Monday, December 11, 2017 4:09:39 PM  
**Attachments:** [2017-12-11\\_NRCM List of Issues and Witnesses.pdf](#)

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Hi Tim – Attached please find NRCM's list of issues and witnesses regarding the proposed Fish River Concept Plan.

Given the limited time we have had to review the plan and the additional information and comments provided by review agencies which we received today (and additional information we anticipate will be received in coming weeks), we respectfully request the opportunity to petition the Commission to amend our list of issues and witnesses, if necessary, prior to the scheduling of the hearing in this matter.

Let me know if you have any questions about this filing.

Cathy

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