

PO Box 322 Belfast, ME 04915 (207) 975-3787 www.friendsofbaxter.org

Comments on Proposed Adjacency Rule Changes June 20, 2018

Members of the Land Use Planning Commission:

On behalf of the Board of Directors and 1,100 members of Friends of Baxter State Park, thank you for your service as stewards of the Unorganized Territories that make up the majority of Maine's great North Woods. We understand that each of you on the Commission and the LUPC staff cares deeply about our state, our communities, and our world-class natural resources. Thank you for your service to the State of Maine.

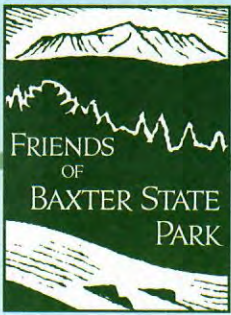
The LUPC is charged with stewardship of the public interest in a region of local, state, and global significance. Toward that end, we appreciate your efforts to refine the "adjacency principle." As you know, a rigorous approach to adjacency has been one of the bedrock principles guiding development in the Commission jurisdiction for almost 50 years. Evidence suggests that this approach has largely fulfilled the goals of the statute, which calls for "orderly development" rather than sprawl. Furthermore, we believe that the 'one-mile rule' for rezoning has been effective in allowing growth that is compatible with the world-class ecological, forestry, and recreation values of the Unorganized Territories. We are not opposed to some revisions to improve on that record and accommodate issues that have emerged in recent years. We are extremely concerned, however, about the magnitude of the proposed changes, the lack of specific information and analysis on the impacts of the proposed rule change, and the negative consequences these changes could bring to Baxter State Park as well as surrounding communities and ecosystems.

After considering the issues involved in some depth, the essence of our recommendation is that you put the proposed rules on hold, because despite your best intentions, we believe the proposed rules would have negative and irreversible impacts on Baxter State Park and the surrounding communities and ecosystems.

Significance of the Maine Woods

It's difficult to overstate the ecological, cultural, and recreational value of the Maine Woods. The Maine Woods are the heart of the largest globally important bird area in the continental United States, and the last stronghold for native brook trout in the eastern United States. Viewed at night from space, the Maine Woods are a unique region surrounded by a glowing web of development that sprawls along the entire U.S. East Coast, from Florida to Maine, and into Canada. On so many measures of ecological value – including connectivity and resilience to climate change – the Maine Woods are nationally and globally significant. They are at the heart of our recreation economy, our forest products economy, and our most treasured outdoor traditions.

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Impacts on Baxter State Park

Baxter State Park is not an island of conservation land, but rather an integral part of Maine's North Woods. It is ecologically, culturally, and economically connected to surrounding communities and landscapes. There are two road entrances to Baxter State Park: the Matagamon Gate, which is accessed via Route 159 and the Grand Lake Road from Patten, and the Togue Pond Gate, which is accessed via the Lake Road and Baxter State Park Road from Millinocket. The proposed rules would make both of these road corridors "Primary Areas" for development to within a few miles of the Baxter State Park boundary. We believe that this would encourage strip development, creating negative visual impacts for Park visitors and degrading the remote experience. The approach roads to Baxter State Park are also part of the Katahdin Woods and Waters Scenic Byway. The strip development encouraged by the proposed rules would severely degrade or eliminate the scenic value of the Byway. We appreciate the removal of T2R9 WELS from the proposed Primary Area, but this does not fully address our concerns.

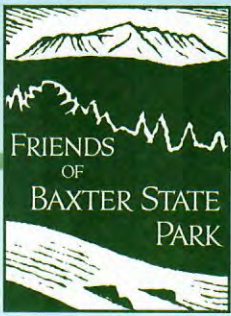
This rule change would affect scenic values inside Baxter State Park as well. The road corridors mentioned above are prominently visible from Katahdin, Traveler, and many other mountains in Baxter State Park. Several of the lakes included in the Primary and Secondary areas near Millinocket – including Ambajejus and Millinocket Lakes – are prominently visible from Katahdin and other mountains. Intensive development in these areas could have significant negative impacts on scenic views from Katahdin and other mountains in Baxter State Park. There is precedent in your past agency decisions to not allow developments that would have a tangible adverse impact on important scenic views from public lands and waters. Inviting development in these areas now would send the wrong message and be counter to your statutory mission and Comprehensive Land Use Plan.

Impacts on Katahdin-Region Communities

We anticipate that the proposed rules would also have profound impacts on the economic vitality of those communities that were identified as Rural Hubs in the rules. Many of the towns identified as Rural Hubs – including Millinocket and Patten – are struggling with severe economic challenges, including mill closures, high unemployment, and vacant storefronts downtown. Mill rates are soaring as these towns attempt to survive, and many communities are struggling to provide basic services for residents. We suggest that the proposed rule changes be considered in this broader context.

The areas identified as Primary and Secondary areas cover an estimated 24% of the LUPC jurisdiction. The proposed changes are too drastic, over too large an area, to be made all at once. Furthermore, because of the way Primary and Secondary locations are defined in the rules, these changes will be just outside some of Maine's rural towns most at risk. The idea that it would be economically and environmentally beneficial to encourage development near but outside the

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boundaries of the struggling communities of rural Maine is a concept that has not yet been proven, and is likely to have unexpected – and devastating – economic consequences.

Strip development and sprawl on roads outside the towns is very likely to harm Rural Hub communities. This type of development typically places a strain on municipal services while not adding property tax revenue. In many cases, there are already strong economic incentives in place to locate outside of town. The mill rates in the Unorganized Territory in the Katahdin Region are between \$6 and \$8. The mill rates in Millinocket and East Millinocket are well over \$30. This creates a powerful economic incentive to abandon the towns and develop in the UT. Meanwhile, the proposed rule changes would vastly expand the opportunity to capitalize on that incentive, making the problem worse.

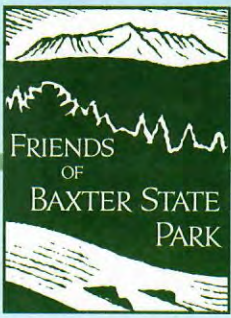
Some Rural Hub communities are already in the midst of efforts that would be severely undermined by these rule changes. For example, Millinocket is working very hard, through an innovative public-private partnership, to attract manufacturing and light industrial tenants to the former Great Northern mill site, and to revitalize its downtown. The broader Katahdin Region is currently engaged in a major community visioning process (*The Katahdin Gazetteer*) about the future of the region with the assistance of an international team of consultants. The proposed rule changes offer a ‘one-size-fits all’ approach to Maine’s Rural Hub communities that is unlikely to be appropriate for their specific circumstances. We believe that, despite your good intentions, the proposed rules could be the nail in the coffin for Millinocket, Patten, and other communities that are struggling to revive their downtowns and attract businesses to their industrial sites. We strongly encourage LUPC to engage in a Community Guided Planning and Zoning process before making any changes to the existing regulations surrounding Baxter State Park and the Katahdin Region.

Baxter State Park depends on surrounding communities, including Millinocket and Patten, for a wide range of goods and services, as well as housing and livable communities for its staff. With an annual payroll of about \$2.5 million, the Park is one of the larger employers in the Katahdin region. When Millinocket and Patten are struggling, Baxter State Park often struggles to attract and retain qualified staff. This is a significant, long-term concern for the Park, and we believe that the proposed rules would exacerbate this challenge.

Recreation-based Subdivisions & Large-lot Subdivisions

We believe that the concept of recreation-based subdivisions – as well as commercial development near recreational features – is generally incompatible with the values that bring people to recreational features in the first place. There may be limited circumstances where this type of subdivision makes sense (such as near a ski resort) but the proposed rules, as written, open the door to sprawl on a level that could completely change the character of the Maine Woods. Building houses or camps near permanent trails may benefit those homeowners, and create a

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short-term economic benefit to the landowner who sold the lots, but it would permanently degrade the experience for everyone else, and negate the values that drew people to the trail in the first place. There are already mechanisms (e.g. waivers and variances) and alternatives (e.g. community guided plans) in the LUPC rules to allow recreation-based development in remote areas if a justifiable case can be made by a developer. We believe that writing recreation-based subdivisions into the rules will encourage a pattern of sprawl that will irreversibly alter the character of our most precious areas. We also oppose the inclusion of low-density or “large-lot” subdivisions in the proposed rules. The Maine Legislature removed the exemption for large-lot residential subdivisions in the LUPC jurisdiction in 2001, recognizing that they cause habitat fragmentation and can cause severe and often irreparable damage to Maine’s natural resources.

Development on Lakes

Lakes are critical to the remote character, biodiversity, and recreation economy of the Maine Woods. The proposed rules for recreation-based residential activity would affect an unknown number of Management Class 4, 5, and 7 lakes throughout the LUPC jurisdiction. Our understanding is that there are more than 1,000 lakes in Management Class 7 alone, and that LUPC is unclear on exactly which lakes would be affected by this rule because of a lack of data on existing structures. This uncertainty and the lack of available analysis makes it impossible to evaluate the impacts of this proposal – which makes it impossible to know whether it meets LUPC’s legislative mandate or protects the broader public interest.

Cumulative Impacts

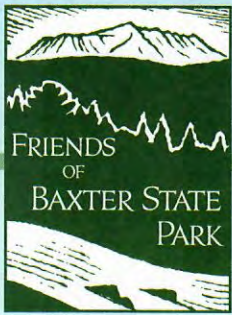
We urge the Commission to recognize the importance of cumulative impacts, which are already eroding the many values of the area. The Unorganized Territories have exceptional value precisely because they have been unfragmented by the sprawl that these proposed rule changes would facilitate. We believe that the cumulative impacts of this proposal would result in the ‘death by a thousand cuts’ phenomenon for the ecological, cultural, and economic values of the Maine Woods.

Summary

- The Maine Woods have ecological value of national and global significance. They are at the heart of our recreation economy and a number of our most treasured outdoor traditions.
- We believe that, despite your good intentions, the proposed rules could have negative and irreversible impacts on Baxter State Park and the surrounding communities and ecosystems.
- Development under the proposed rules could negatively impact scenic values from Katahdin and other summits in Baxter State Park, as well as the two entrance routes to Baxter State Park, running counter to agency precedent.

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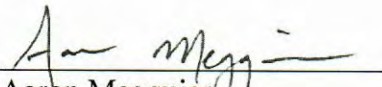


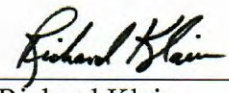
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- The proposed rules could harm Rural Hubs, including Millinocket and Patten, by encouraging development outside rather than within the Rural Hub communities, and undermine community-led initiatives to revitalize the economy of the Katahdin Region.
- Recreation-based subdivisions and low-density subdivisions will encourage sprawl, create habitat fragmentation, and could permanently alter the character of important natural areas and recreational resources.
- There are already escape valves and alternatives in the LUPC rules to allow recreation-based development in remote areas if justifiable.
- The cumulative impacts of this proposal could result in 'death by a thousand cuts' for the ecological, cultural, and economic values of the Maine Woods.

In conclusion, we urge the Commission to put the proposed rule changes on hold due to scenic and viewshed impacts on Baxter State Park, potentially devastating economic impacts to rural service centers, and the near-certainty of sprawl near our most precious trails, lakes, and natural areas. We urge the Commission to seek a third-party analysis of whether development that has been approved under current rules is meeting the intent and purpose of the statute; and to perform a detailed spatial analysis of the proposed changes for public review. The Maine Woods are far too important to make changes of this magnitude without a full understanding of the potential impacts – which, in our view, could be negative, profound, and irreversible.

Sincerely,


Aaron Megquier
Executive Director

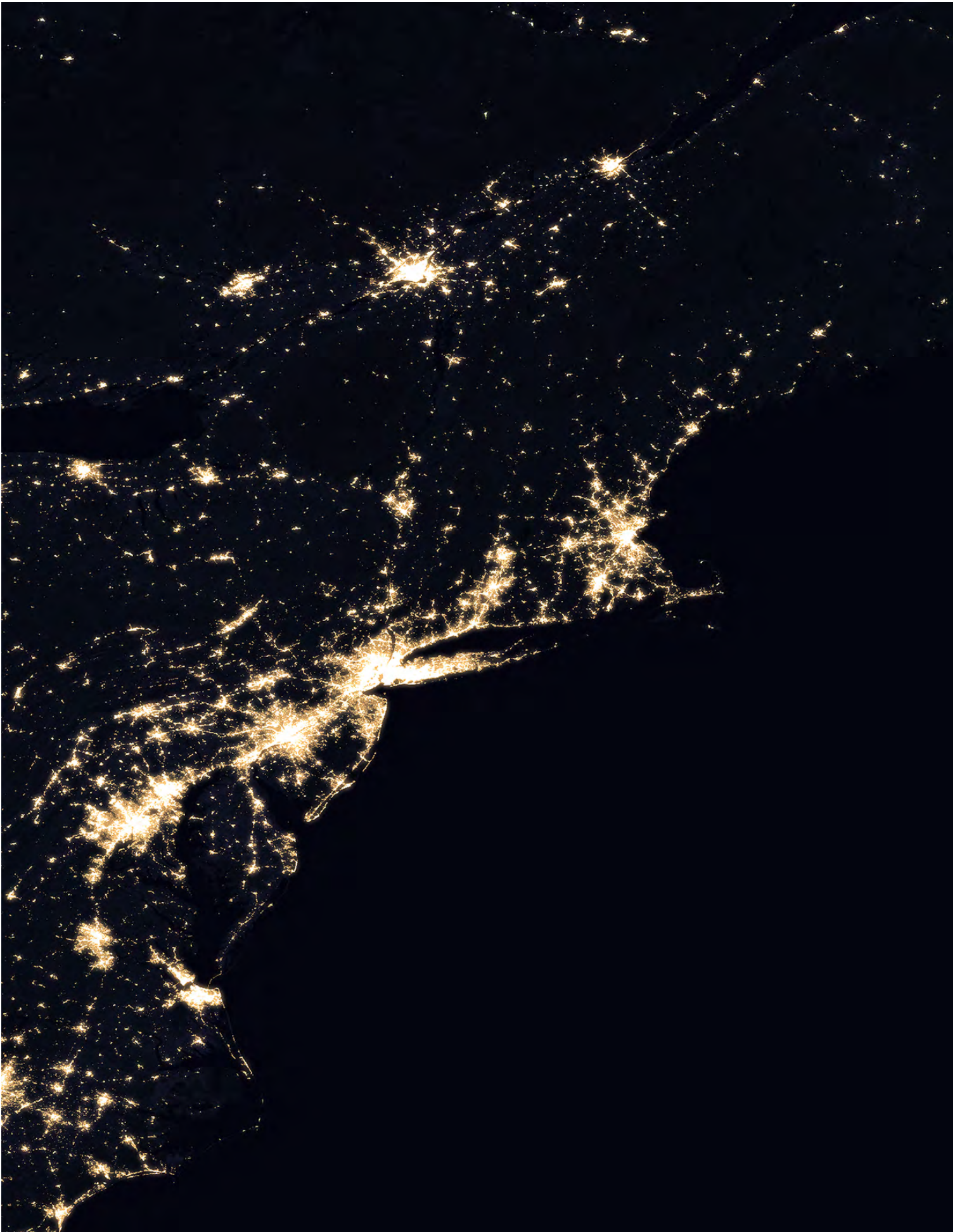

Richard Klain
President

Attachments:

1. Earth at Night Map – East Coast of US and Canada (NASA)
2. Cover page of *Diversity, Continuity, and Resilience – the Ecological Values of the Western Maine Mountains* (Janet McMahon / Maine Mountain Collaborative)
3. Temperate Deciduous / Mixed Forests Then and Now (The Nature Conservancy)
4. U.S. Important Bird Areas Map (National Audubon Society)

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Attachment #1: Earth at Night Map – East Coast of US and Canada (NASA)



DIVERSITY, CONTINUITY AND RESILIENCE – THE ECOLOGICAL VALUES OF THE WESTERN MAINE MOUNTAINS



Dawn over Crocker and Redington Mountains

Photo courtesy of The Trust for Public Land, Jerry Monkman, EcoPhotography.com

Abstract

The five million acre Western Maine Mountains region is a landscape of superlatives. It includes all of Maine's high peaks and contains a rich diversity of ecosystems, from alpine tundra and boreal forests to ribbed fens and floodplain hardwood forests. It is home to more than 139 rare plants and animals, including 21 globally rare species and many others that are found only in the northern Appalachians. It includes more than half of the United States' largest globally important bird area, which provides crucial habitat for 34 northern woodland songbird species. It provides core habitat for marten, lynx, loon, moose and a host of other iconic Maine animals. Its cold headwater streams and lakes comprise the last stronghold for wild brook trout in the eastern United States. Its unfragmented forests and complex topography make it a highly resilient landscape in the face of climate change. It lies at the heart of the Northern Appalachian/Acadian Forest, which is the largest and most intact area of temperate forest in North America, and perhaps the world. Most importantly, the Western Maine Mountains region is the critical ecological link between the forests of the Adirondacks, Vermont and New Hampshire and northern Maine, New Brunswick and the Gaspé.

Attachment #3: Temperate Deciduous /Mixed Forests Then and Now (The Nature Conservancy)



Attachment #4: Map of U.S. Important Bird Areas (National Audubon Society).
Areas important at Global level in red, Continental level in blue, and State level in green.

