



Via email: [debra.kaczowski@maine.gov](mailto:debra.kaczowski@maine.gov)  
Ms. Debra Kaczowski  
Maine Land Use Planning Commission  
PO Box 1107  
Greenville ME 04441  
May 27, 2022

Re: BIG LAKE DEVELOPMENT COMPANY, LLC's APPLICATION FOR DEVELOPMENT PERMIT DP 3639-F

Dear Ms. Kaczowski,

I am unable to attend the public hearing on June 7 regarding the application by Big Lake Development LLC to redevelop the Big Moose Mountain Ski Resort. I would like to share comments and questions.

As a member of the greater Moosehead Lake community, the Appalachian Mountain Club supports the renovation and reopening of the Big Moose Mountain ski area. We enthusiastically support thoughtfully planned outdoor recreation and its potential to contribute to the local economy. Thoughtful planning will help set the project up for success. In this case, it will include not only assurance that the project meets all LUPC permitting criteria, but also continued public access, as required by deed restrictions placed on the property by the State of Maine, one of its previous owners.

I have spent considerable time attempting to determine whether the application meets LUPC permit criteria. In reviewing the materials available on the LUPC website, I have the following questions and comments:

#### Right, Title, or Interest

- The most recent Purchase & Sale Agreement that I can find was extended until May 31, 2022 and will have expired by the June 7 public hearing. Is there an updated Agreement?
- The April 27, 2022 agreement states that "Closing cannot occur until Seller resolves its litigation with Carmen Rebozo Foundation, Inc., and has obtained both a payoff statement satisfactory to both Seller and Buyer, and a form discharge of mortgage from Rebozo..." Has this litigation been resolved?

#### Financial Capacity

- The applicant provided a letter from Barclays Capital Inc. dated November 9, 2021. This letter is not a "commitment to provide a specified amount of funds and their specified uses" as required by the LUPC application. In fact, it reads "You will appreciate that this letter is not an offer of financing or any commitment on our part..." Instead, the letter expresses confidence in the applicant's ability to access private market tax-exempt financing.
- The letter also says that "we are optimistic that a separate \$25 million taxable revenue bond issue to be secured by various revenues to be generated by the Big Lake real estate development as well as fee title in the individual properties within Big Lake can also be sold in order to fund a nonprofit charitable contribution from Big Lake to Big Moose to help pay for construction costs of the Big Moose project." This expression of optimism is not a commitment to provide a specified amount of funds, and it is hard to follow. It does appear to suggest that the real estate development envisioned in Phase II is necessary to finance Phase I.



- LUPC and the public need to have a clear understanding of the interconnection of Big Lake and Big Moose.
- Before permitting the current application, the LUPC must ensure that the applicant has the financial capacity to comply with all applicable state laws regarding environmental protection.
- The ski area has had a succession of owners and managers and a history of financial challenges. The greater Moosehead area will be best served if it is set up for success, with clear financial plans and strong backing. Ensuring that the project can in fact succeed before it is permitted is well within LUPC's purpose and its responsibility to the community. If the financial success of the redevelopment is dependent on the real estate development envisioned for Phase II, the first phase cannot be responsibly permitted without consideration of the second phase.

#### Wastewater disposal

- In an April 12, 2022 email, the applicant wrote "we should have answers for you on Friday this week." Has the LUPC received evidence that the existing pump stations have sufficient capacity and a cost estimate and evidence of financial capacity for any required upgrades? Has the applicant reached an agreement with the Moosehead Sanitary District?

#### Rare or special plant communities and wildlife habitat

- I appreciate and support the Maine Natural Areas Program's recommendation that no further clearing take place upslope of the zipline summit station in order to buffer the Subalpine Fir Forest.
- Comments from the Maine Department of Inland Fisheries and Wildlife are worthy of attention. In the January 31, 2022 memo to the Commission on the public hearing request, IF&W states "Based on the lack of natural resource information, and upon review of the Project narrative and plans and subsequent meetings and conversations with Project representatives and their consultants, it appears that the comments and recommendations provided in our January 2020 letter, including the recommended riparian buffers, have not been adequately addressed."
- IF&W also expresses serious concerns with both the 200-boat marina and the 450-unit Moose Mountain development proposed for Phase II. These concerns reiterate the importance of understanding the project's budget, financing, and feasibility. If the real estate development proposed for Phase II is needed to pay for Phase I, as suggested by the Barclays Capital letter, the LUPC would do a disservice to the project developer, the community, and Maine's natural resources in considering them separately.

Thank you for your consideration of these comments. I will continue to follow the proposed project with great interest.

Sincerely,

Eliza Townsend  
Maine Conservation Policy Director