

**From:** [Brunswick64@gmail.com](mailto:Brunswick64@gmail.com)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Open space  
**Date:** Wednesday, May 23, 2018 2:32:38 AM

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Maine's real treasure is its wildness. Pressure to use this for short term profit only reduces its real value. Nowhere else on the East coast are there such magnificent reaches of woods and water - fragile, though and easily destroyed. Maine has plenty of abandoned towns that could be revived instead of hacking down whole ecosystems to produce new towns. Gentrify instead of destroying new areas.

Esther Mechler  
26 Jewell Street  
Brunswick, Maine 04011  
207-798-7955  
5/23/2018

Sent from my iPad

**From:** [Susan Drucker](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Fish River Lakes Public Comment  
**Date:** Wednesday, May 23, 2018 8:29:15 AM

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Please do not open the Fish Rivers Lakes chain to more development. We should be leaving land as open as we possibly can, and be protecting what's left of the flora and fauna of our state.

Thank you.

Susan Drucker  
Bowdoinham

**From:** [James Thibodeau](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Fish River Lakes Concept Plan  
**Date:** Monday, May 28, 2018 4:31:43 PM

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My name is James Thibodeau and I am a permanent resident of Cross lake at 50 Duck Cove Road. My family and I occupy 2 adjacent Irving licenses. My father and mother built the original Ward Log Camp with reject logs in 1948. I purchased the camp from my parents in 1985 and occupied it as a seasonal camp up until 2010 when we rebuilt the camp into a permanent home.

Overall I am in favor of the 30 year concept plan put forth by Irving. It appears that we may finally be able to purchase our lots should LUPC approve the plan. Although I am generally in favor of the plan I must tell you how concerned I am about the long term quality of Cross Lake. I remember as a kid taking my Dad's homemade wooden boat with a 3 HP Evinrude outboard motor and motoring to the Northwest portion of Cross Lake and into Daigle and Dickey Brooks fishing for trout. The water was clear and one could see right to the bottom. Today one can't see more than a foot or two because of the silt in both of these brooks and the brooks are hardly navigable. After every rain storm these brooks run totally brown with run off from adjacent farm and woodlands. I have flown over the lake the day after a rainstorm and noticed that the entire western portion of the lake from the two brooks to matrimony point and beyond is totally brown with new silt being deposited. Some run off mitigation was attempted over the years but it seems that they were not very effective. As a result the lake itself has been filled with silt thereby creating ideal conditions for algae blooms generated by the phosphates infiltrating the lake. Over the years we have seen weeds infiltrate the lake and the condition continues. The summer of 2017 was particularly bad for weeks. I have never seen so many. They were everywhere!

I feel strongly that at least until the problem is addressed that no future development be allowed on Cross Lake. I would not be opposed to future development but only once the quality of the lake is brought back to what it was when my folks built the original camp and a perpetual monitoring plan put in place.

Respectfully,  
James Thibodeau  
PO Box 204  
Fort Kent, Maine 04743



**From:** [karin spitfire](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Fwd: Public Comment on Irving Fish River Chain Concept Plan  
**Date:** Monday, May 28, 2018 12:28:24 PM

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Begin forwarded message:

**From:** karin spitfire <[kspit@zwi.net](mailto:kspit@zwi.net)>  
**Subject:** **Public Comment on Irving Fish River Chain Concept Plan**  
**Date:** May 28, 2018 at 12:27:18 PM EDT  
**To:** [Mary.York@maine.gov](mailto:Mary.York@maine.gov)

NO.. NO and NO  
do not rezone.  
thank you

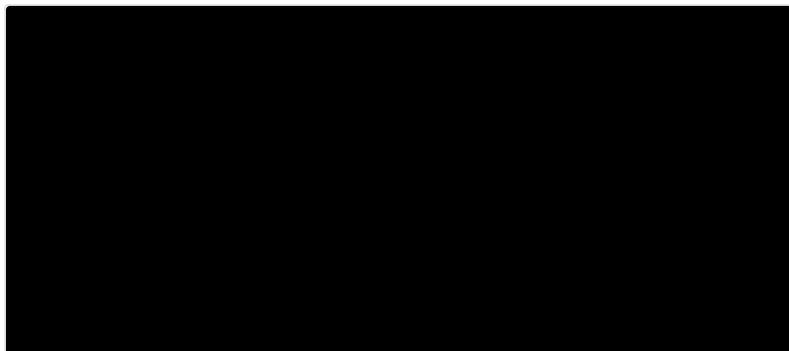
karin spitfire  
p.o. box 53  
belfast, Me 04915

207 338 5634

**From:** [Craig Terrell](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Testimony against JD Irving's proposal to rezone 51,000 acres of land within the Fish River chain of lakes  
**Date:** Tuesday, May 29, 2018 10:55:42 PM

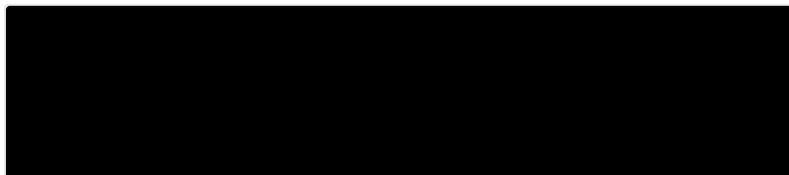
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If JD Irving's handling of the forests around us at Carr Pond is any indication of how they will treat the Fish River Chain it is disgraceful and should not be allowed. 500 test holes left uncapped, Acid Rock Drainage allowed to leach out to the ground waters. Hourihan's continual attempts to undermine the water quality of Maine's most pristine waters is a disgusting. I have witness this first hand in three years of Mining regulations working to deregulate the AA and AAA waters surrounding Bald Mt. JD Irving's practice working on good faith compliance and not living up to DEP mandated regulation, rather simply pay the fine, a simple best management plan would have prevented fish kill and fines. A mandatory record keeping and Plan and responsible individual would have saved heritage trout from devastation. <https://crimesofpower.wordpress.com/2018/03/29/irvings-environmental-crimes/>  
[Irving lost mining battle, but history says Canadian corporate giant will not give up - Pine Tree Watch](#)  
[Maine: Irving's new colony? | Journal Tribune](#)  
[Irving Pulp and Paper charged with dumping into St. John River | CBC News](#)



**Irving Pulp and Paper charged with dumping into St. John River | CBC News**

Irving Pulp and Paper Limited has been charged with 15 counts of illegal dumping into the St. John River.



### **Maine: Irving's new colony? | Journal Tribune**

After four years of debate and \$250,000 in lobbying expenses by Canadian corporate giant J.D. Irving, the Maine ...

### **Irving lost mining battle, but history says Canadian corporate giant wil...**

This is the first story in a three-part series investigating the Irving corporate presence in Maine and New Brun...



### **Pt19 ENR 4-22-2015 Work Session of 22 [ £ ]**

[ £ist ]

<https://docs.google.com/document/d/1fjvqiJtSsRAO4XVZGTIIwdYWIVPSWsAQe1ZSNECIZ7w/pub>

How can we even consider such a plan with known violators of environmental regulations and such disregard for the scared waters of the

Fish River Chain.

Please do not allow Irving to spoil this Maine Treasure!

Thanks in advance for your help in saving, Maine the way life should be.

Craig Terrell

T13 R8

Carr Pond ME

04768

**From:** [Ann Albert](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** please attachment on reaction to Irving plan  
**Date:** Sunday, June 03, 2018 1:26:26 PM  
**Attachments:** [Beaucage 2.docx](#)

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Thanks, Tim, for all the work that all of you do.  
Attached is a very personal reaction to the Irving plan.  
Ann Albert

Mr Beaucage:

I am writing this letter to vehemently protest against Irving's Plan for the Development of the Fish River Chain of Lakes on the basis of quality of water, for conservation of land, for the fish and wildlife that live in these woods and lakes, and for the solitude and beauty that can only be found to this degree anywhere in this state. I am especially against the development of the pristine south end of Cross Lake and the east end of Square Lake, the most remote of the all lakes I have ever seen. Cross Lake already has more development than it can really support, which shows in the algae blooms that appear so often.

My husband, Peter, spent every summer here during his childhood. The water was clear; there was hard packed sand in the water in front of his camp on Sandy Point. The water was colder then, and there were no weeds except at the south west end of the lake that served as a shelter for the nests of ducks and loons. When he was a teen his mother would send him out in the morning to catch fish for breakfast, and within a half hour he would have the catch and return home, and his mother would gladly fry them up for a feed. When we were married, some 50 years ago and had no camp, we traveled around Presque Isle all week with a canoe on our Buick Special, ready for the weekend when we could put into the water with our 3 children. They discovered from the canoe all the wildlife that make their homes here: golden eagles, osprey, moose, foxes, deer, lynx, and bob cats. (My husband claims to have seen a mountain lion at the south end of Cross Lake...) Now we own our camp, and although we love the solitude of this lake, we notice that the water is warmer, there are no edible fish at Cross Lake, except for ice fishing in the winter. Cross Lake campers have to boat to Square Lake to catch salmon...and we all know what the plans are for Square Lake. The weeds are spreading at Cross and we can see them a short distance from our camp. Sandy Point now could be called Silty Point and although the water in front of our camp off the St Peter road has a rocky bottom, we know from experience what over development and forestation does to our lakes.

We have grandchildren who live in Rhode Island and some who live in Rome, Italy. The Italian grandchildren have traveled all over the Mediterranean Beeches and

many beautiful places in Europe, and have never experienced the quiet solitude and untouched beauty that this area offers. They have all said at one point this was their favorite place to visit, and they all love the stillness and the beauty that this part of Maine offers. Wouldn't it be wonderful if we could keep the destruction at bay and preserve this beauty for our children and children's children? Wouldn't it be the sensible thing to do?

With Maine's policies of development at any cost, we are about to lose what would attract people to this part of the state. So after all this development is completed who will come to the silty, algae filled lake where nothing can live? Just what is the appeal after travelling so many hours to arrive here? Our state has already sold out to Nestle, even with their reputation for using up natural resources with complete abandon. We hear of mining happening at Bald Mountain, which will pollute the Fish River Chain even more than this development.

I am not going over all the facts. You already have them, I am sure. I think the question to ask is: What future will Maine choose? A quick sale of our most valuable resources, leaving the land dead for future generations... at which time the money people will move out to seek new subjects to prey on? Or will we protect our future and care for our environment so that we are still a sign of what life can be like if people only care? I know that protecting the environment is the slower path to the future, but it is the only lasting one.

Thank you for your time.

Sincerely,

Peter and Ann Albert

**From:** [Brent Bubar](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Irving Development around Fish River Lakes  
**Date:** Monday, June 04, 2018 8:24:24 PM

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It is time for this. The pace of development in Northern Maine has been anything but too fast. This is the kind of development that Northern Maine is suited for.

Sent from my iPhone  
Brent S Bubar

**From:** [Craig Woodard](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** I oppose Irving's rezoning proposal  
**Date:** Monday, June 04, 2018 11:24:55 AM

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Dear Mr. Beaucage,

I strongly oppose J.D. Irving Ltd.'s proposal to rezone for development more than 51,000 acres of its lands near Maine's Fish River Lakes. I grew up in Veazie, and I hunt and fish in the Fish River Lakes region every year. Major development by Irving will very negatively change the environment and character of this beautiful region. I urge you to deny Irving's rezoning proposal.

Sincerely your,  
Craig Woodard  
South Hadley, MA 01075  
413-531-3728

**From:** [martin and nancy dionne](#)  
**To:** [Beaucage, Timothy](#)  
**Cc:** [Nancy & Martin Dionne](#); [Robert Clark](#); [Jim Risner](#); [Emery, Patrick](#); [MacLean, Billie J](#)  
**Subject:** Re: Written Comments to LUPC/Irving's Concept Plan  
**Date:** Monday, June 04, 2018 2:57:50 PM

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Hello again Mr. Beaucage,  
Please note the word *evitable* was in error.

I thought *inevitable* had been typed

We favor sound development for Northern Maine.

Please note the correction below.

Martin Dionne

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**From:** martin and nancy dionne <mn\_mud\_lake@yahoo.com>  
**To:** "Timothy.Beaucage@maine.gov" <Timothy.Beaucage@maine.gov>  
**Cc:** Nancy & Martin Dionne <mn\_mud\_lake@yahoo.com>; Nancy Dionne <nedionne@gmail.com>; Patrick Emery <patrick.emery@maine.gov>; Billie J. Maclean <billie.j.maclean@maine.gov>; Don Cote <paddlealong@ainop.com>; Robert Clark <rclark@nmdc.org>; Jim Risner <jrisner@fortfairfield.org>; "countyee@fairpoint.net" <countyee@fairpoint.net>  
**Sent:** Monday, June 4, 2018 8:37 AM  
**Subject:** Written Comments to LUPC/Irving's Concept Plan

Hello Mr. Beaucage,  
My name is Martin Franck Dionne, my wife Nancy and I live at 312 Sinclair Road, Sinclair, Maine 04779.

These written comments will be brief.

We were unable to attend the May 22-24 Public Hearings in Caribou.

Nancy and I have been fortunate to live on the north shore of Mud Lake thirty years as of this coming August 2018. All of my French ancestors once lived and worked in Northern Aroostook.

I like to believe we've been *good stewards* of the land and water.

Our experience with the Land Use Planning Commission and Field Representatives (past & present) has been respectful and positive. We acknowledge and appreciate the role/mission of the LUPC.

I am not familiar with any member Commissioner of the LUPC. The task before you all is somewhat daunting. Sifting through the stacks of Concept

Plan documentation and Intervener status suggestions/concerns is not to be envied.

Our take-away from the one meeting Nancy and I attended in New Canada earlier last Spring was this, Mrs. Cheryl St. Peter (FRLLA Secretary) speaks well publicly, is respectful and sincere.

We believe Mrs. St. Peter, her FRLLA members, and the Commissioners of the LUPC have the same goal my wife and I have had these past three decades, to be *good stewards* of the environment and strive to protect what Northern Maine has to offer.

In our opinion, *development* in Northern Maine is inevitable. Thoughtful

development deliberation can both safeguard the continued beauty the Fish River Chain of Lakes offers and promote economic prosperity for future generations.

Best wishes to the LUPC Commissioners on this important task.

Respectfully,  
Nancy & Martin Dionne  
312 Sinclair Road  
Sinclair, Maine 04779



**From:** [Tim Hill](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Irving Corp Rezoning Plan for Fish River Lakes  
**Date:** Thursday, June 07, 2018 10:51:26 AM

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Dear Mr. Beaucage,

I have leased a lot from Irving – on the east side of Cross Lake – for more than 25 years. Like other leaseholders, I recognize Irving's right to earn a reasonable profit on their holdings, but their recent rezoning plan abandons any responsibility for conservation of this special area, and crosses the line into what may be identified as greed.

They have previously declined to lease added lots on Cross Lake "...because the lake is overdeveloped....", and have cynically suggested to leaseholders that their support of Irving Rezoning may lead to leaseholders' option to buy their lots. Neither position is entirely truthful.

In particular, I urge the Land Use Planning Commission to support maintenance of Square Lake as unique, relatively pristine semi-wilderness, and to oppose massive exploitation of Cross Lake, which has already been identified with below-acceptable water quality. Maine's citizens rely upon – and are grateful to – you and your colleagues at LUPC for maintaining an appropriate balance between commerce and natural beauty.

Sincerely,  
Thomas (Tim) Hill  
P.O. Box 6, Sinclair, ME 04779

**From:** [STEPHEN KENNEY](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** Cross Lake  
**Date:** Monday, June 11, 2018 1:54:47 PM

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June 11, 2018

LUPC Commissioners;

It has been brought to our attention that there is plans for further development on or near Cross Lake. As a camp owner for a number of years I should take this opportunity to express our disappointment. Further development will not only change the character but continue to add to the already polluted Cross Lake.

There should be no such change, it will only further damage the lake.

Stephen & April Kenney

35 Durgin Rd

Cross Lake, ME

Stephen Kenney

**From:** [Dave Whitaker](#)  
**To:** [Beaucage, Timothy](#)  
**Subject:** FW: Irving Concept Plan  
**Date:** Wednesday, June 13, 2018 9:17:26 AM

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Good Morning Mr. Beaucage,

My name is Dave Whitaker and I have been a lease holder on Cross Lake since 2006.

I attended the first night of public comments at the Caribou Inn & Convention Center. Maybe it's my naivety, but I was very surprised at the number of people that spoke against the concept plan. There were several things that were said that bothered me.

1. The phosphorus issue - I'm not an expert on phosphorus, but I do know, with my background in agriculture, that the phosphorus issue in Cross Lake is not the result of development or poor foresting practices. It is the direct result of run off from years of poor agricultural practices from the various farming and dairy operations in the upper Saint John Valley. In fairness to the agricultural community, they are very aware of these issues and are doing their best to mitigate the problem. While I do believe that the phosphorus issue needs to be addressed, whether one lot or 100 lots are developed will have very little effect on the current phosphorous issue.
2. Input from people who have very little vested interest in the Fish River lakes – I didn't keep stats, but I would guess that more than 50% of the people who spoke against the plan were neither license holders or land owners of property on any of the lakes. I realize that this is a free country and anyone can speak at an open public session, but I have a problem with "outsiders" and their political agendas that could have an impact on my ability to purchase my lease. Hopefully, the LUPC is aware of this situation and won't let it influence their decision.
3. Development could be good for the local economy – as was mentioned by one person, development could add jobs to a region that desperately needs jobs.
4. With all the rules and regulations currently in place, this is the safest time in history to develop water frontage from an environmental impact stand point. Most of the current camps and homes, with few exceptions, were built at a time when there were no regulations concerning waterfront building. You could build a camp or home 5 feet from the water and dump the sewage and gray water anywhere you wanted to, including the lake. That is no longer possible. As you know, to build or even make updates to your camp or home requires a ton of paperwork, which is a good thing.

I've rambled enough and I'm sure these are all things that have been thought of before and considered. My greatest fear is that with all of the negativity surrounding this concept plan that Irving will say "enough is enough" and walk away from the whole deal, which in my opinion, would

be a very bad outcome for all of us. There are plenty of "Roxanne Quimby types" that would love to get their hands on this property, and we all know how that situation worked out.

I should have been better prepared and spoken at the public session, but regrettably I didn't. I'm in hopes that this e-mail will help you realize that there are, in my opinion, many lease holders who are in favor of the concept plan, but like myself, failed to make their feelings known.

Thanks for taking time out of your busy schedule to come to beautiful Aroostook County. I hope that I, along with many others, can enjoy Cross Lake and the other Fish River chain of lakes for many years to come on land that I own, not lease.

Again thanks.

Dave Whitaker

267 Cyr Rd.

## Beaucage, Timothy

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**Subject:** FW: Adjacency - Fish River Chain of Lakes Concept Plan

**From:** Terrell, Betsy [<mailto:BTERRELL@EOSmith.org>]

**Sent:** Tuesday, June 19, 2018 1:03 PM

**To:** Godsoe, Benjamin <[Benjamin.Godsoe@maine.gov](mailto:Benjamin.Godsoe@maine.gov)>

**Subject:** Adjacency - Fish River Chain of Lakes Concept Plan

To the Land Use Planning Commission:

My name is Betsy Bishop Terrell and I have camps on Carr Pond T13 R8. I am writing you in concern of the Fish River Chain of Lakes Concept Plan. Carr Pond is the headwaters of the Fish River Chain. My family has had camps on Carr Pond since 1902. I grew up in this remote wilderness and consider myself a steward of the land. I have watched the development in the area change Carr Pond over my lifetime. I remember either flying in or hiking three mile from the logging road to get across the lake from camp, and my father paddling the canoe over to pick up whoever hiked in. Over the years the Carr Pond road was developed and had a huge impact on the lake, changing the character of the lake from wilderness to a wild place. More people fish the lake than ever, in summer and in winter, logging in the area increased and the threat of metallic mining lurks. With all of this in my mind, and the Fish River Chain of Lakes at stake, I decide voice my opinion. I started by looking at the sound planning and zoning principles that guide the Land Use Planning Commission. I compared each objective with components of the Fish River Chain of Lakes Concept Proposal and wrote my comments in red ink.

Objectives:

- Encourage appropriate residential, recreational, commercial and industrial uses. **This plan is not a balance of conservation to development. I would call it excessive development!**
- Encourage well-planned and managed multiple uses, while discouraging intermixing of incompatible uses. **Irving estimates 67 boats per day on Square Lake if proposal is approved. This would have grave impact on brook trout and landlocked salmon whose habitat is currently protected by the largely undeveloped lake with its remote access.**
- Support and encourage Maine's natural resource-based economy and strong environmental protections. **The proposal would turn the east side of Square Lake into what could be considered a resort, and this would have a negative impact on natural resources and the remote character of the lake and the habitat of trout and landlocked salmon.**
- Promote economic health of development centers, and encourage and facilitate regional economic viability. **Small businesses are at risk with this plan, and would lose business if a lodge went in on Square Lake that offered a convenience store, retail hubs, and a gas station.**
- Ensure that the provision of public services matches the new development, or that any needed additional service capacity may be added efficiently and economically over time. **This proposal will require more public services and cost will fall on tax payers.**
- Minimize development near productive natural resource based activities. **Only 29 % of the concept plan is permanently protected. Compare this to Plum Creek concept plan which is 96% permanently conserved in conservation easement.**
- Protect resources and values of the jurisdiction. **Cross Lake's water quality is already taxed with algae blooms from excess phosphorus. Sixty new residential development units at the south end of the lake should not be developed.**

- Ensure that the anticipated future development is in keeping with the character of the area. **The North Maine Woods is the last great forest east of the Mississippi. The Fish River Chain of Lakes would lose the character of the area, which cherished for its trout and salmon fishing, and its solitude.**
- Ensure orderly growth by pacing development. **Development should be kept in existing communities which already provides commercial and public access to residents.**
- Allow for incremental assessment of impacts from development (the resources and values of the jurisdiction may be better supported, and development may be better planned, by providing an opportunity for interim assessments of impacts because future phases of development can then consider those impact assessments). **Assessment of any development in the UT should be frequent in order to protect its natural resources that could be lost forever.**

Thank you for taking the time to review my concerns.

Sincerely,

Betsy Bishop Terrell



*E.O. Smith High School is known across the region for our student-centered community, challenging curriculum, and talented faculty, as well as a robust array of clubs, athletics, and artistic activities. Together, these efforts position our graduates for success in all of life's pursuits. Learn more at [www.eosmith.org](http://www.eosmith.org)*



# BACKCOUNTRY HUNTERS AND ANGLERS New England Chapter

June 20, 2018

Tim Beaucage, Senior Planner  
Land Use Planning Commission  
22 State House Station  
Augusta, ME 04333-0022  
[Timothy.Beaucage@maine.gov](mailto:Timothy.Beaucage@maine.gov)

Re: Fish River Chain of Lakes Concept Plan: Zoning Petition 768

Dear Mr. Beaucage:

On behalf of the Maine members of the New England chapter of Backcountry Hunters and Anglers (NEBHA), I wish to thank you for the opportunity to submit written comments on Irving Woodlands LLC's proposed Fish River Chain of Lakes Concept Plan. BHA is the fastest growing hunting and angling organization in North America and has a membership that places a high priority on fish and wildlife habitat conservation and recreation access.

The concept plan area includes 51,015 acres, including development zones on three lakes, areas protected by conservation easement, and general management zones. NEBHA believes that the proposed plan does not meet the Land Use Planning Commission's (LUPC) review criteria for concept plans that require a balance between development and conservation. However, with modifications described below we believe the plan could meet the criteria.

As described in detail below, our comments focus on:

1. Fisheries habitat protection,
2. Deer wintering area,
3. Wildlife habitat buffers,
4. Loss of remote character on southern Square Lake and the southern end of Cross Lake,
5. The ratio of development to permanent conservation in the proposal,
6. The conservation easement does not provide added benefits above standard forestry practices,
7. Public access for traditional activities, and
8. Other issues identified by the Maine Department of Inland Fisheries and Wildlife.

## **1. Fisheries Habitat Protection**

As described on the Maine Department of Inland Fisheries and Wildlife (MDIFW) website in regard to eastern US brook trout populations, “Maine is the only state with extensive intact populations of wild, self-reproducing brook trout in lakes and ponds, including some lakes over 5,000 acres in size. Maine's lake and pond brook trout resources are the jewel of the eastern range: lake populations are intact in 185 sub-watersheds (18% of the historical range), in comparison to only six intact sub-watersheds among the 16 other states.” The Fish River Lakes have been identified by MDIFW as Wild Brook Trout Waters, which are ponds and lakes that have not been stocked in at least 25 years and that support self-sustaining populations of native brook trout. Streams within the concept plan area provide spawning and juvenile-fish habitat for the lake and river fisheries and as well as to protect in-stream fisheries. To maintain this fishery and to provide offsetting mitigation balance it is essential that all tributaries within the project area receive the highest level of protection. While LUPC rules and forest certification standards provide a basic level of stream protection, they do not guarantee the highest level of protection for these critical fisheries habitats.

- 1.1. To help ensure that the concept plan provides appropriate conservation balance in regards to fisheries, NEBHA supports the recommendations of MDIFW to provide a 100-foot undisturbed vegetated buffer around all streams - including intermittent and perennial streams, mapped or unmapped - and that development areas must be moved or buffers further enlarged where MDIFW has identified valuable streams. These buffers should apply to all streams within the concept plan area.
- 1.2. Stream buffers should be identified on all maps, and the LUPC zoning permit should require a procedure to ensure that any unmapped streams are mapped and added to the baseline information for the project.
- 1.3. The landowner should do a complete inventory and assessment of aquatic habitat passage at all stream crossings within the project area using procedures recommended by conservation agencies, and develop a 5-year plan to bring all stream crossings up to current Stream Smart or equivalent standards, and not less protective than recommended by MDIFW in its May 2, 2018 comments. The concept plan, if approved, should include enforceable provisions to ensure that the stream crossing restoration plan is implemented on schedule and that appropriate enforcement measures are applied if it is not.
- 1.4. All new stream crossings should be as described in MDIFW’s May 2 comments.

## **2. Deer Wintering Areas (DWA).**

It is well known that the core wintering areas currently protected by LUPC rules are inadequate to fully provide for the needs of wintering deer. We understand that Irving Woodlands and MDIFW have a cooperative deer wintering area agreement that has been in place since 2003, with an update in 2010. These agreements provide potential protection that is greater than the

minimum provide by the LUPC standards, and Irving Woodlands is to be commended for having this long standing plan in place.

Volume 2 of the Concept Plan(May 2017) states that Irving Woodlands will continue its “management of DWAs through voluntary cooperative agreements substantially in accordance with the voluntary cooperative agreement included at Tab 3(B), as may be amended on one or more occasions.” Because cooperative DWA agreements are not enforceable as legal agreements, the plan should:

- 2.1. Clarify that the DWA agreements shall remain in place for the duration of the concept plan where it currently applies throughout the plan area (i.e., not only within the conservation easement area) and shall be binding on subsequent landowners for the duration of the concept plan,
- 2.2. Identify the areas of the DWA plan that fall within the conservation easement area, and include the DWA management agreement applicable to those areas in the easement language, with provisions to amend the plan with approval by MDIFW, and
- 2.3. Identify specific enforcement measures that may be used by LUPC and/or MDIFW in the event that Irving Woodlands or a subsequent landowner fails to comply with the DWA agreement.

### **3. Wildlife habitat buffers**

The December 6, 2017 and May 2, 2018 comments submitted by MDIFW include a number of recommended buffers for high-value wildlife habitats.

- 3.1. MDIFW’s recommended buffers should be required throughout the concept plan area where high-value habitats are located, and the plan should include enforceable provisions in the event the landowner is found to be in violation.

### **4. Loss of remote character on southern Square Lake and the southern end of Cross Lake**

The entire southern half of Square Lake has undeveloped shoreline, yet the concept plan proposes two development areas that would significantly alter the character of this part of the lake. In its May 2, 2018 comments, MDIFW classified Square Lake as *Primitive* based on the low number of boats observed during 52 aerial surveys from May through September. MDIFW estimates boat use would more than quintuple, on average, over the course of the boating season, which would be “*a significant increase that would change the character of Square Lake.*” Similarly, development at the southern end of Cross Lake (development area Cross Lake E) would similarly erode the remote character of that area and result in loss of shoreland wildlife habitat and disruption of wildlife travel corridors.

- 4.1. Development areas Square Lake W and Square Lake Yexas should be eliminated to protect the remote character and wildlife habitat on southern Square Lake.
- 4.2. Development area Cross Lake E should be eliminated. Allowing additional backland development near developed areas to the north on Cross Lake would not result in significant habitat loss and fragmentation.

## **5. The ratio of development to permanent conservation in the proposal**

The current draft of the plan covers 51,015 acres, of which only 29% would be protected by permanent conservation easement, with easement additions proposed by the identified easement holder, the Forest Society of Maine (FSM), that would increase the easement area to 45% of the project area. In contrast, Plum Creek's Moosehead region plan placed more than 95% of the plan area in conservation easement.

- 5.4. To help ensure an adequate balance of permanent conservation benefits in a manner similar to that of the most recent concept plan approved by the LUPC, the concept plan should include all areas not proposed for development in a permanent conservation easement.

## **6. The conservation easement does not provide added benefits above standard forestry practices.**

The draft conservation easement proposes that forest certification serve as a method of verifying conformance with the easement requirements. These programs provide a basic level of assurance that the land is reasonably well managed, and Irving Woodlands is to be commended for its longstanding commitment to forest certification. However, a study by researchers at the University of Maine has shown that certification is the norm for lands in the LUPC jurisdiction<sup>1</sup>. The study found that as of 2013 that over 10 million acres, or more than 50% of the state's timberland, was certified by the Forest Stewardship Council (FSC) or the Sustainable Forestry Initiative (SFI), which are the two major certification programs referenced in the easement. In addition, the study area map shows that the vast majority of lands in the LUPC jurisdiction are certified by one or both of these certification programs. Therefore, forest certification as an easement provision adds no conservation benefit above the practices that are in place on the vast majority of timberlands in the LUPC.

Our recommendations below are intended to address the fact that a) forest certification adds no additional benefits above business-as-usual forestry in the LUPC jurisdiction, and b) to address weaknesses of forest certification as a tool for verifying easement conformance by

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<sup>1</sup> R. Seymour and D. Sherwood. 2013. Assessing Maine's Certified Timber Harvest. <https://nsrforest.org/sites/default/files/uploads/seymoursherwood13.pdf>

proposing additional conservation measures to ensure that specific easement conservation easements can be guaranteed.

- 6.1. Conservation easements do not have clear and enforceable standards commensurate with offsetting permanent development rezoning in a regulatory context. Certification and Outcome-Based Forestry are voluntary programs, and as such many of their standards are sufficiently flexible to allow a wide range of performance within the standard. The easement should include clear and measurable management standards for fish and wildlife habitat conservation, including, but not limited to, targets for the balance of forest age classes (for example, the percent of forest in young, mid-aged, and older forests over time) to ensure habitat for all species is maintained.
- 6.2. Prior to granting the easement and LUPC approval of a concept plan there should be a baseline biological survey and management plan that meets the standards of the Maine Natural Areas Program and MDIFW to inventory and map all important plant and wildlife habitats and develop plan for their management. The biological areas plan and easement should include maps of all resulting high-value areas and the plan should include clear and enforceable provisions to ensure that the identified biological values are maintained.
- 6.3. The easement should include clear, measureable, and enforceable provisions related to the allowed uses.
- 6.4. These provisions should not any way be linked to forest certification and should be enforceable by the easement holder regardless of certification status.

## **7. Public Access**

The plan's proposal for public access, which states in part that "Other than in development areas and on camp lots, public access for traditional recreational activities, such as boating, fishing, hiking, hunting and similar activities, will be allowed for the life of the Concept Plan throughout the Plan area and in perpetuity in the Easement Area," and that Irving Woodlands "shall make available opportunities to maintain a reasonably comparable level of public access." The plan should:

- 7.1. Clarify that that the "reasonably comparable level of public access" refers to the level of access at the date of the concept plan application.
- 7.2. Provide for permanent public access on main roads within the Concept Plan area that lies outside of the Easement Area (for example, an access easement held by a public or conservation entity), including, but not limited to, permanent access to reach each parcel of the conservation easement area.

## 8. Other issues of concern raised by MDFIW

To the extent that they are not addressed specifically above, New England BHA agrees with the comments submitted by the Maine Department of Inland Fisheries and Wildlife dated May 2, 2018 and December 6, including:

- 8.1. The need for publicly-owned and managed access to public waters within the plan area.
- 8.2. Increased pressure on fisheries without adequate mitigation.
- 8.3. The lack of specificity of on the number and location of planned campsites and rental cabins outside of the easement area.

In sum, we find that the current plan lacks sufficient conservation balance as required by the LUPC rules, resulting in unmitigated loss and fragmentation of wildlife habitat and the degradation of the remote character found in parts of the concept plan area. The potential impacts and lack of conservation balance should be addressed by implementing the recommendations above. New England Backcountry Hunters and Anglers further recommends that the LUPC provide an opportunity for public comment on any significant revisions to the plan.

Respectfully submitted,



Robert R. Bryan  
Co-chair, New England Backcountry Hunters and Anglers  
217 Harpswell Neck Road  
Harpswell, ME 04079

[rbryan@forestsynthesis.com](mailto:rbryan@forestsynthesis.com)

June 21, 2018

To: Mr. Timothy Beaucage (via email)

From: Douglas & Rinette Bacon  
PO Box 8  
Frenchville, Maine 04745

Subj: Proposed Irving Corp. Land Rezoning  
For Fish River Lakes

Mr. Beaucage,

The purpose of our letter is to add our opinion regarding the proposed Irving Corporation petition to rezone substantial acreage around the Fish River chain of lakes, most specifically Cross Lake.

We purchased our property at 5 Jay Road on Cross Lake 19 years ago. Since my wife is a Ft. Kent native, the purchase was to provide a vacation home in the pristine environment of Cross Lake separate from our principle residence in suburban Virginia.

Our experience with the general condition of Cross Lake and the surrounding area since our purchase confirms a serious deterioration of the water conditions which we attribute to aggressive agricultural activities along with a substantial increase of lakeside dwellings being built or converted from typical seasonal usage to much larger and complex year-round homes. In our opinion, this transition and its detrimental impact to the lake proper and related infrastructure is a perfect example of what we can expect if development as Irving has proposed is approved. It's very clear to us that the pristine environment of Cross Lake we were fortunate to experience 19 years ago has vanished.

Cross Lake and its surrounding area today is now severely stressed as government data confirms. We need to avoid further abuse to the unique natural resources we are fortunate to have. We are opposed to any additional development around Cross Lake typical of that proposed by Irving and fear the remainder of the Fish River Lakes region will be very adversely impacted if the proposal is approved.

Thank you.

Sincerely,

Douglas & Rinette Bacon

## Beaucage, Timothy

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**From:** Matthew Cormier <m.cormier834@gmail.com>  
**Sent:** Thursday, June 21, 2018 7:53 PM  
**To:** Beaucage, Timothy  
**Subject:** Irving Land Change Proposal

June 19, 2018

51 Skinner Rd, Colchester, Ct

06415

To whom it may concern

The letter is being written to voice my concern on the proposed rezoning of 51,000 acres in northern Maine by Irving Corp. Over the course of the last few years it has become apparent to me that the proposal being presented by Irving is not feasible for the county. Unfortunately, the economic base in Aroostook county does not support such a venture. Irving proposal of adding 330 building sites is not supported by the current demand in the area. For example, why would anybody want to buy a housing lot with access rights to a lake when they can buy an existing home/camp already on the lake. Looking around Cross Lake or any other lake in the area one would find numerous camps/homes for sell, some of which have been on the market for years. The fact that camps are on the market for an extended period of time is a prime indicator that the demand for this type of housing is at best limited and does not support such an endeavor as the one being proposed by Irving. Looking at the proposed sites on Cormier road I has unable to find any evidence of Irving evaluating the sites to see if they would support septic system. I'm referring to perk testing. Has Irving supplied any perk test results to the Land Use Planning Commission (LUPC) to demonstrate that the land will support the proposed sites? One would think that this would be a prerequisite requirement prior to changing the zoning of land.

Another major concern is the added pollution, phosphorus for example that would be introduced by the addition of these homes. According to the Maine DEP Cross Lake is already classified polluted and the addition of additional 125 residential lots around would only make a bad situation even worse. Even if this proposal is declined it will take years for the water quality of the lake to return to acceptable Maine Water Quality levels.

During the recent public hearings held in Caribou it was interesting to hear that when various people raised concerns about the roads Irving indicated that they did not want to discuss the roads at the hearing. That to me raises a RED flag. Either Irving does not have a solution as to how to handle the road titles, maintenance or final ownership etc. or he has one but knows if discussed will not be in the favor of the new owners. The Land Use Planning Commission (LUPC) should identify this as a major issue concern that needs to be resolved prior to the commissioners' vote.

One example of a road issue is the access points proposed for the residential lots. Cormier road has been identified as one of those access points. The proposed site has a brook running through the middle of it. The brook is an established drain for the peat bog located east of the lake. Given this fact and the fact that Irving is proposing an access point there indicates one of two things. The first is that in the development process Irving did not do a site inspection of this area to determine the feasibility of the location for this access point. If he had done a site survey he would off identified the brook which runs through the area. The second indicator is the fact that there is an established (80 + years) camp access road running through that area. The maps that were

provided do not show this road. Assuming for a moment that he did do a site survey and applying one of the proposed access points to that area Irving should of realized that this site location could not meet the Maine river, streams and brook standoff distance of 75 feet from the high water mark. This site is approximately 120' wide and 75' deep. The brook is about 10' to 15' wide and is about 30' from the southern edge of the next lot line. The remaining distance on the northern side of the brook equated to about 75' from the highwater mark of the brook to the northern camp. Given the 75' standoff distance there is no room to place such an access site.

Another interesting fact is that the brook previously mentioned runs parallel (north side) to the Cormier road from Rt 161 to the lake. All of the proposed residential lots on the north side of Cormier road would have to cross (build bridges) this brook adding additional risk of contamination to the brook and lake.

Currently Square lake in my mind is one of the last places in which one can go to enjoy the untouched land scape on one of the chain lake in the county. Irving proposal of adding residential site in addition to a recreational resort area with a marina would only destroy this area. Has Irving provided an environmental impact study on the impact to the wildlife in the area. Square lake has become a focal point for bald eagles in the area. It would be a shame to destroy their habitat.

Given the magnitude of the Irving proposal and no supporting economic evidence that such a venture would be supported I strongly recommend that the commissioners reject Irving proposal in its entirety. One only has to look at the local economic base to see such a venture as the one being proposed by Irving would end up as a complete failure. Please vote NO on approving Irving's proposal.

If you have any question or need additional information please contact at (860) 537-1914.

Sincerely  
Matthew Cormier



June 21, 2018

Tim Beaucage  
Land Use Planning Commission  
22 State House Station  
Augusta, ME 04333-0022

Re: Fish River Chain of Lakes Concept Plan

Dear Mr. Beaucage:

Thank you for the opportunity to submit written comments on Irving Woodlands LLC's proposed Fish River Chain of Lakes Concept Plan (Zoning Petition 768). Maine Audubon acknowledges and compliments the petitioner on the location of the majority of the proposed development; it is well-sited, with proposed industrial and commercial development located near major routes or town centers, and some proposed residential development located adjacent to existing development.

However, as proposed, Maine Audubon believes that the concept plan does not meet the Land Use Planning Commission's (LUPC) review criteria because it does not strike the required regulatory and statutory balance between development and conservation. Generally speaking, we have significant concerns regarding the size of the proposed conservation easement, development on Square Lake, and the proposed easement's reliance on "external factors" that do not sufficiently protect the area's conservation values, as well as other concerns.

However, with modifications listed herein, we believe the plan could meet the criteria.

### **Review Criteria**

LUPC rules state: "any development gained through any waiver of the adjacency criteria is matched by comparable conservation measures"; that "the plan strikes a reasonable and publically beneficial balance between development and long-term conservation of lake resources"; and that "conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation." See Chapter 10, Section 10.23,H,6(d)-(g). Additionally, the petitioner must mitigate a concept plan's undue adverse impact to existing uses and resources. 12 M.R.S.A. § 685-A (8-A) (B).

## Proposed Modifications to ZP 768

### (I) Expand the conservation easement area, including the removal of some development areas.

In order to achieve a publically beneficial balance between development and conservation that provides greater protection for fish and wildlife habitat and other conservation values, Maine Audubon recommends enlarging the size of the conservation easement and removing some development areas and adding those areas to the conservation easement area.

Our recommendations reflect our belief that the petitioner's proposed "general management zone" does not provide sufficient long-term protection or conservation of the plan area to be a factor as the Commission considers whether "the plan strikes a reasonable and publically beneficial balance between development and long-term conservation...." See Chapter 10, Section 10.23,H,6(f). Maine Audubon admires the petitioner's proposal to not allow campsites, home occupations, trailered ramps, recreational lodging facilities, single and two-family dwellings, and Level 2 subdivisions. However, these protections are not permanent. The 30-year life of a concept plan is truly temporary. The conservation easement area must be enlarged to protect against development pressures that will undoubtedly increase over time, especially when and if the plan is built out. Additionally, the forest management parameters proposed by the petitioner in the areas outside of the proposed conservation easement area simply "lock-in" the petitioner's existing forest management practices and therefore do not offer additive conservation measures.

The Fish River Chain of Lakes area is an important part of a Priority Linkage Area (<http://stayingconnectedinitiative.org/our-places/three-borders/>) identified by the Staying Connected Initiative (SCI, <http://stayingconnectedinitiative.org/about/>). SCI has identified only nine such areas across the entire Northern Appalachian-Acadian Region, which extends from New York State to New Brunswick and Nova Scotia. These linkage areas are geographically defined areas where wide ranging mammals can still move between core habitat areas to meet their daily, seasonal, and life needs. Permanent protection of these areas from habitat fragmentation allows wildlife species to persist, allows them to migrate as habitats change due to climate change, and helps to maintain genetic diversity within populations. Development within such linkage areas should minimize habitat fragmentations by maintaining large habitat blocks, establish wildlife corridors between blocks, and sustain resources and refuge for wildlife species across the landscape. These needs are not limited to a 30-year timeframe and as such, meaningful conservation should be achieved through permanent conservation, such as a conservation easement

Our specific recommendations are listed in priority order:

- a. **Remove the proposed "Square Lake W" development area and add the area to the conservation easement.** The proposed access road to the Square Lake W development area would cross the Eagle Lake Public Reserved Land Unit for approximately 2 to 3 miles. This would put undue pressure on the public land unit

and degrade the unit's conservation values, increase habitat fragmentation and the risk of the introduction of invasive species, as well result in other negative impacts. Furthermore, additional development on Square Lake—the least developed and most remote of all the lakes in the concept plan—would significantly impact the lake's character and habitat quality. It is well established that increased development on Maine's lakes can lead to the introduction of non-native species, as well as increased nutrient loading and reduced water quality, as evidenced by the existing water quality problems at the more developed Cross Lake. Removing the development area from the plan and adding the area to the conservation easement would preserve the lake's remote character and habitat quality, and provide better habitat continuity given the area's proximity to the public land unit and adjacency to the proposed conservation easement.

**b. Add approximately 2,000 acres north of Route 161 and west of Route 162.**

This area was included in the proposed conservation easement in an earlier draft of the plan (see plan draft from December 2014). We recommend adding this area because, among other things, it would provide for enhanced regional connectivity for wildlife habitat as described by the Staying Connected Initiative. The extensive forested habitat in this area and the diversity of wetland types make this area rich in wildlife habitat for a wide variety of species. The area contains the Cross Lake Bog and a stream complex that includes inland wading bird and waterfowl habitat as well as Eastern Brook Trout habitat. Protection of these streams and wetlands and the surrounding forests will not only protect the individual habitats and species within them, but will also protect existing wildlife connections necessary for the long-term persistence of these species throughout the region.

**c. Add additional acreage in Cross Lake Township, north of the proposed conservation easement.** Specifically, the entirety of the plan area north of the proposed conservation easement area, extending east to Route 161, and including acreage that would connect to the area described in “b”. This addition would provide important riparian protections along streams that feed into Cross Lake and Square Lake and connectivity to existing public land ownership in New Canada Township. Maine Audubon understands that the Maine Department of Environmental Protection conducted analysis of the likely water quality effects of additional development on Cross Lake and raised significant concerns.

Permanently protecting tributaries to Cross Lake would be a step toward protecting the water quality of the lake and important brook trout and salmon habitat associated with these streams and waterbodies. Such protection needs to include the conservation of the forests adjacent to the tributaries, as intact riparian areas protect the water quality of streams and associated lakes by maintaining water temperature by “shading” the streams and other waterbodies, adding woody material into streams to improve habitat quality, and reducing the probability of

pollution from nutrients, chemicals, and sediments. Additionally, by providing a connection to the existing public lands, this conservation area could act as a truly connected habitat block from the public lands in New Canada Township, along proposed conservation easement area on the west side of Square Lake, connecting to the Eagle Lake Public Reserved Land Unit.

- d. Add acreage in T16 R4 WELS, abutting the Cross Lake D and E development areas.** This would prevent the expansion of these development areas at the expiration of the plan. The lack of permanent protection of this area would allow for an expansion of development at the conclusion of the 30-year plan, undermining any conservation efforts put in place for the duration of the plan.
- e. Remove or significantly scale back the “Square Lake E” and the “Square Lake Yexas” proposed development areas.** The proposed plan calls for a full-scale resort, including convenience and retail stores, a gas station, restaurants, and a 50-slip marina on Square Lake. This proposed development, along with the proposed development on the west side of Square Lake, would unduly impact the lake’s significant natural resources. Historically, the south end of Square Lake has supported a traditional sporting camp. We could support the development of a recreational lodging facility that is similar to the historic “Yexas Camp”, as such development has proven to not interfere with the lake’s resources, such as its fishery.

The Department of Inland Fisheries and Wildlife (DIFW) has identified Square Lake as having the most potential of all the lakes in the concept plan for brook trout habitat protection. The brook trout fishery could be harmed from both the impacts of lakefront development and from increased angler pressure. At the very least, the conservation easement area should be expanded to abut the eastern edge of the Square Lake E development area to protect against expansion of the development area at the expiration of the plan. Such expansion should connect to the conservation easement area recommended in “d”. See earlier comments on the potential impacts to Square Lake as the result of increased development.

**(2) Incorporate specific forest management goals into the conservation easement that are aligned with the easement’s conservation objectives.**

Maine Audubon recognizes the petitioner’s intent to draft a conservation easement that protects conservation values while allowing for timber management. However, we are concerned that as drafted the plan and easement rely too heavily on standards the petitioner is already meeting—specifically, third party certification and their Outcome Based Forestry agreement with the Maine Forest Service—and “external factors” such as an evolving forest management plan to achieve that intent. Because Outcome Based Forestry agreements, forest management plans, and certification standards may change over time, we recommend that the easement be modified so that it can act independently to achieve the petitioner’s intent and protect the area’s conservation values. This is particularly important knowing that the

petitioner is considering selling portions of the plan property after approval.

Forest certification alone, as an example, cannot ensure that the petitioner's proposed conservation values will be protected. As a result of the new development envisioned by the plan, the plan area (including the conservation easement area) will likely encounter permanent and irreversible impacts. To protect against these impacts, the easement must include forest management goals that go beyond the minimum assured by forest certification. Identification of specific forest composition goals—size and distribution of species composition and age classes, for example—will allow for forest management flexibility while maintaining the conservation values of the plan area and easement area over time. Reliance on changeable, voluntary management practices without specific criteria to maintain conservation values is unrealistic.

### **(3) Increase riparian buffers and utilize “Stream Smart” principles for stream crossings.**

We recommend using wider no-cut and light-cut zones around all streams and wetlands to better protect both water quality and riparian wildlife habitat.

Protecting forested habitat adjacent to and in the vicinity of streams and wetlands helps to protect water resources from changes in temperature, sedimentation, pollution, and the introduction of invasive species. Intact forests intercept heat, sediment, and pollutants before they reach water resources, which in turn protects valuable cold-water resources for brook trout and other species, as well as maintains the natural balance of wetland systems. Water quality can be protected with a 75-330' buffer, depending on the site.

Riparian habitat is also used extensively by a wide variety of wildlife. Research shows that around 85% of all vertebrates in Maine use these areas sometime during their annual life cycle. Riparian buffers extending out to 330' are important feeding areas and travel corridors for wildlife species such as bobcat, red fox, coyote, and fisher. Other species can be found as far as 1000' or more from the water, including (Maine Audubon 2006):

- *Mallards, black ducks, green-winged and blue-winged teal*: Typically found within 600' of water, very sensitive to human disturbance.
- *Tree swallows, wood ducks, common goldeneye, and common and hooded mergansers*: Nest in cavities within 600' of water.
- *Spotted salamanders, wood frog*: Nonbreeding use extends out to at least 750' of vernal pool depression.
- *Wood turtle*: Moves extensively alongside and within streams, nests in sandy upland soil within 900' of streams.
- *Osprey, bald eagle*: Nest in large trees up to 3 miles from water, usually within 2300'.
- *Bats*: Roost in forests within 1100' of water.
- *Forest-interior birds*: Numerous species are area-sensitive, preferring blocks of mature forest over 250-500 acres, often found adjacent to waterways.

Given the needs of various wildlife species, we recommend including protections for riparian habitat that extend beyond state standards that are designed primarily to protect water quality with a minimal buffer. We recommend the following:

- A minimum of a 50' no-cut zone and 100' light-cut zone around all first and second order streams, unless there are brook trout in the stream, in which case it should be a 100' no-cut zone.
- For third order streams, a minimum of a 100' no-cut zone and 330' light cut zone.
- For open wetlands >1/2 acre and ponds <10 acres, a minimum of 100' no-cut and 125' light-cut zone.

To support fish and other wildlife, we further recommend that road and stream crossings follow the Maine Forest Service's Water Quality Best Management Practices (Maine Forest Service 2017) and established *Stream Smart* principles (State of Maine Aquatic Resources Management Strategy Team 2017) within the plan area. New crossings should be avoided or kept to a minimum, and all crossings should follow the four *Stream Smart* principles: (a) span the width of the entire natural stream, preferably 1.2x the existing bankfull width of the stream, (b) match the natural stream elevation, (c) match the slope of the natural stream, and (d) ensure there are natural materials in the stream bed at the crossing site. Open-bottom crossing structures are preferred.

Historically, road and stream crossings have altered associated aquatic habitats to the detriment of aquatic species and to the infrastructure itself, over time. Traditional culverts tend to be undersized, improperly placed (usually set too high compared to the natural stream bed), and are void of natural stream bed structure. This can lead to increased water velocities through the culvert, which can create barriers to movement by aquatic and semi-aquatic species, and eventually can undermine the roadway itself. It is estimated that somewhere between 80 and 90 percent of all the road/stream crossings in Maine are barriers to fish movement at some point during the year, with approximately 25-40% acting as barriers year-round. For species such as brook trout that need to move large distances to access numerous specific habitats within a single year, these barriers can be devastating to individuals and populations. Additionally, undersized crossing structures do not allow for natural stream processes, such as sediment and large woody material movement. This can lead to the degradation of the aquatic habitat over time, and can increase the probability of the impairment or failure of the structure itself. Such failures can have negative impacts for public safety, road maintenance budgets, and for aquatic habitats downstream.

#### **(4) Eliminate proposed rental cabins.**

The proposed plan would allow the construction of remote rental cabins in the conservation easement areas. The number and location of the cabins is unclear. The cabins would require greater motorized access to the conservation easement area, incongruous with the easement's conservation values. The cabins would also have a permanent development impact, such as through the installation of septic systems. Dispersed development such as this can lead to greater fragmentation of habitat compared to concentrated development (Maine

Audubon 2000). This is because dispersed development requires greater road construction across a larger area, which in turn brings greater risk of wildlife roadkill, introduction of non-native species, and avenues for the spread of raccoons, skunks, and other animals associated with human habitation into the area. These species can have a devastating effect on local wildlife by preying on nests and competing for other resources.

The incursion of dispersed development into a greater proportion of the area has a greater effect, acre for acre, than the same number of developed lots within a concentrated area. In addition, disturbance from human activity can extend over 3300' beyond the roadway, ranging from phosphorous and other sediment run-off (160-3300'), to invasion by roadside species and increased human access affecting wildlife and sensitive habitats (>3300') (Maine Audubon 2007). Such development is incompatible with the conservation values of the proposed easement areas and should be eliminated. Primitive camping, by contrast, has a much lighter impact on the landscape as seasonal primitive camping does not require the construction and maintenance of year-round roads, sanitary facilities, and other amenities.

**(5) Complete an ecological inventory and management plan prior to finalizing the conservation easement.**

An ecological inventory and management plan will ensure that critical habitat features within the plan areas are identified and receive a high level of biodiversity protection up front. This would include a detailed field survey to identify and map high value species and habitats and a plan that includes explicit, enforceable management recommendations to conserve:

- a. Rare, threatened, and endangered species and their habitats;
- b. Rare or exemplary natural communities;
- c. Significant wildlife habitats including deer wintering areas, vernal pools, and wading bird and waterfowl habitat;
- d. Other important habitats such as important wetlands, high-value riparian areas, and other habitats of high value;
- e. Existing native forest communities and late successional and old growth areas;
- f. Relative abundance of different forest age and size classes;
- g. Habitat connections, including those described by the *Staying Connected Initiative* and;
- h. All stream crossings that require aquatic organism passage.

Management of these resources, if present, should follow current management guidelines from the Maine Natural Areas Program (a, b), the Maine Department of Inland Fisheries and Wildlife (a, c, d, g, h), the Maine Department of Transportation (g, h), *Staying Connected Initiative* (g), and seek a balance of age and size classes consistent with Maine Audubon's *Forestry for Maine Birds* program (Maine Audubon 2017) and that of Degraaf et al. (2007).

In the absence of explicit mapping, conservation easement monitors must often rely on incomplete and/or outdated information collected by public agencies. Completing an ecological inventory and management plan in advance will improve the ability of the easement holder and

land managers to conserve the area's conservation values. As part of this inventory and management plan, the future effects of climate change and specific mitigation plans for these effects should be addressed. This can be done through the long-term protection of large, diverse habitat blocks, the explicit inclusion of travel corridors and other habitat connectors in permanently protected areas, and specific plans to reduce additional human activities that can accelerate the effects of climate change on wildlife.

The management plan should be reviewed and updated every 10 years; prepared by the landowner in consultation with the easement holder; and approved by both parties before implemented.

Thank you for the opportunity to submit comments. Please be in touch with any questions.

Sincerely,



Eliza Donoghue, Esq.  
Senior Policy & Advocacy Specialist

**Selected references:**

Degraaf, R.M., M. Yamaski, W.B. Leak, and A.M. Lester. 2007. *Technical Guide to Forest Wildlife Habitat Management in New England*. University of Vermont Press.

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Maine Forest Service. 2017. *Best Management Practices for Forestry: Protecting Maine's Water Quality - Second Edition*. Augusta, Maine

State of Maine Aquatic Resources Management Strategy Forum. 2017. *Stream Smart Road Crossing Pocket Guide*. Maine Department of Transportation. Augusta, Maine.

\*These conservation guides are part of the Beginning with Habitat program outreach materials, and are based on an extensive review of other scientific literature.

**Members of the LUPC Commission regarding Irving's Square Lake development proposal. June 20<sup>th</sup>, 2018**

I am offering testimony in opposition to Irving's Square Lake development plan.

The state of Maine has a long tradition of preserving its wildest places. People from all over the county trek here because here they won't find a shoreline cluttered up by the 4 season houses of the rich and 150 boat marinas where nothing but Loons should be parking. People who own camps and property in these regions own them specifically because of their remoteness and the lack of proximity to paved roads, grocery stores, and gas stations. What possible benefit can come to them? What possible benefit can come to the unspoiled wilderness from allowing this plan to move forward? Absolutely nothing.

As a County resident who has spent the better part of a lifetime enjoying the very solitude and beauty of these unmarred areas I am shocked by the cynicism shown in this proposal and by your willingness to even entertain such a proposal. The irreplaceable Fish River chain of lakes and streams needs **MORE** protections from such craven corporate exploitation, not less. This watershed is one of the last true unspoiled wilderness areas east of the Mississippi, one of the last bastions of protection for the wild Eastern Brook Trout; why would you allow that to be ruined simply so one company might profit from its death? Depriving the people of Maine of one of the jewels in our ecosystem is unconscionable. Your job should be protecting these places not looking for reasons to allow them to be paved over.

The phrase 'can't see the forest through the trees' is so appropriate here. What Maine possesses in these places is priceless, and it's finite. It's irreplaceable and it's fragile. Once torn apart it can never be returned to its former self. *Ever*. The northern region of Maine should not be opened up for commercial exploitation simply because none currently exists here. But that seems to be the mindset of some who can't leave well enough alone and simply enjoy the beauty of a pristine wilderness region for its own sake.

I implore you to see reason here. This plan is a terrible one both for the state of Maine and the people who call it home.

Mike Maynard

Perham, Maine

455-4320

## Beaucage, Timothy

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**From:** Roy Bouchard <roy.bouchard13@gmail.com>  
**Sent:** Friday, June 22, 2018 8:22 AM  
**To:** Beaucage, Timothy  
**Cc:** Horn, Samantha; Cheryl St. Peter; Cricket Minet; Dennis, Jeff  
**Subject:** Fish River Lakes Concept Plan

I would like to add a few comments to the record which emphasize points I made at the public hearing in Caribou on May 22.

The water quality of Cross Lake should be protected, as required by Maine statutes. From my professional perspective, the Concept Plan can meet the minimum required by the compromise standards adopted years ago but this can only be realized if there is a workable arrangement for ongoing oversight of development as it occurs both in the Plan area and elsewhere, especially with respect to commercial development in the near shore areas and new roads (both to serve camp lots and harvesting operations). Since the Plan uses up the maximum phosphorus allocations, it will exceed them if not accompanied by a method that assures compliance over the longer term. While this represents a significant challenge, I urge LUPC to collaborate with the landowner, DEP, and FRLLA to develop a workable scheme.

While mitigation of phosphorus in the watershed can help in giving some degree of relief for the lake, it is not a good strategy to increase the allowed phosphorus loading from new development in equal measure to estimated reductions elsewhere given the uncertainty of meeting the Plan goals to begin with.

From a lake-use perspective, I am concerned about significant development on Square Lake. Considering the relatively unspoiled nature of the lake it would be prudent to limit the new construction to a small number of camp lots and avoid commercial development on the lake entirely. A public access site would be highly desirable in permitting a broader use of the lake than is currently feasible. This is intended to retain the best aspects of what is really a regional gem lake, while encouraging some value for the owner and providing for public access and enjoyment.

I am not opposed to the Concept Plan in general, since it offers the landowner a reasonable assurance of future uses while balancing the needs of local residents and the broader public. Caution is appropriate in some aspects, especially given the long span of any approved plan. I do applaud LUPC and its staff for their hard work with all parties on this proposal.

Thanks for your consideration.

Roy Bouchard,



June 21, 2018

Nick Livesay  
Land Use Planning Commission  
18 Elkins Lane, Harlow Building  
Augusta, ME 04333

**Re: Proposed Fish River Lakes Concept Plan**

Dear Nick,

Thank you for the opportunity to comment on the current version of the Fish River Lakes Concept Plan. The Nature Conservancy has a strong interest in seeing that development is right-sized, compatible with local communities, and consistent with conserving the important natural resources of the Fish River Lakes region.

As you know, the Conservancy is a science-based nonprofit organization dedicated to conserving the lands and waters on which all life depends. The Conservancy has been working in Maine for some 60 years and is now the 12<sup>th</sup> largest landowner in the state, owning and managing roughly 300,000 acres, including 240,000 acres in the Unorganized Territory. All of this land is open to the public for a wide variety of uses, including hiking, hunting, canoeing and fishing. In 2017, the Conservancy paid more than \$500,000 in Maine property an excise taxes. We also monitor thousands of acres of conservation easements statewide.

We commend the Commission, landowner, and consultants on the thoughtful and lengthy process of design and review of the Concept Plan. However, we recommend three changes that we believe support a more equitable and appropriate balance of conservation and development for the region.

1. *We support the addition of conservation easement areas identified by the Forest Society of Maine (Exhibit C) in the pre-filed testimony submitted by FSM on May 22.* In general, these added areas more effectively meet the Commission's "balance" and "comparable conservation" criteria required to offset proposed development at this scale. More specifically, the crossing of Route 161 east of Cross Lake has been identified as an important wildlife corridor by the Staying Connected Initiative, a cross-border collaboration focused on regional habitat connectivity (see [http://216.92.98.160/assets/3borderslinkagepathways\\_aug12\\_.pdf](http://216.92.98.160/assets/3borderslinkagepathways_aug12_.pdf).) The additional proposed easement area west of Cross Lake in T16 R4 encompasses important headwater streams and wetlands that flow into both Square Lake and Cross Lake. The large wetland west of Mud Lake (north of Rt. 161 and west of Rt. 162) has been mapped as an exemplary Dwarf Shrub

Bog by the Maine Natural Areas Program. Given its high ecological value and low development value, it is logical to add this important open wetland to permanent conservation.

2. *The proposed Square Lake West development node should be removed, and this area should be added to permanent conservation.* Although there is currently some small-scale, older lakeshore development near this location, permanent conservation in this area would provide important habitat connectivity between Eagle Lake and Square Lake, conserve undeveloped shoreline south of the existing camps, and retain the remote character of the southern end of Square Lake.
3. *The Commission should require stronger ties between the Conservation Easement and the Management Plan.* Although the Conservation Easement identifies the numerous conservation values of the property, the Management Plan is responsible for ensuring that these values are effectively protected and sustained on the ground; the Management Plan is thus where the ‘rubber hits the road.’ As a result, the specific long-term conservation values should be spelled out in the Management Plan, as well as steps to ensure protection of those values. The Conservation Easement should recognize that compliance with the Management Plan, and the review and approval of such by the easement holder, are necessary to meet the goals and intent of the Easement.

Once again, The Nature Conservancy appreciates the work and dedication of LUPC staff, the landowner, and the Commission on moving this plan forward. Thank you for the opportunity to provide comments, and please follow up if we can provide further information or clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Abello', with a long horizontal flourish extending to the right.

Thomas Abello  
Director of External Relations



## Trout Unlimited Written Comments on Irving's Proposed Fish River Concept Plan

Presented by Jeff Reardon, Maine Brook Trout Project Director at Public Hearing  
June 22, 2018

[jreardon@tu.org](mailto:jreardon@tu.org)  
207 430-8441

Chairman Worcester and members of the Land Use Planning Commission:

My name is Jeff Reardon, I live in Manchester, Maine and I work as the Maine Brook Trout Project Director for Trout Unlimited. Trout Unlimited (TU) is a national conservation organization whose mission is to conserve, protect and restore North America's trout and salmon and their watersheds. I am providing written testimony on behalf of our 5 active chapters and over 1800 members in Maine. I'm here because the native brook trout resource in the Fish River Lakes has been identified by the Maine Department of Inland Fisheries and Wildlife as of "statewide significance",<sup>1 2 3</sup> as "outstanding" fisheries resources in the Maine Wildlands Lake Assessment,<sup>4</sup> and because Maine's brook trout resources were assessed as "the last true stronghold for brook trout in the Eastern United States."<sup>5</sup> Maine contains more than 96% of all lake and pond populations of native brook trout in the US,<sup>6</sup> and the Fish River Lakes, especially Square Lake, are among Maine's best.

The Fish River watershed is exceptional even within Maine, containing both a large-river-resident population of wild brook trout in the Fish River and its tributaries (upstream of Fish River Falls), and multiple large lakes that support intact populations of wild brook trout. All the lakes and virtually all the streams within the proposed Concept Plan support wild brook trout. We are concerned that the level of development proposed under this Concept Plan is likely to have impacts on both the habitat that supports those trout populations and the quality of the angling experience. The various conservation measures proposed to offset the impacts of this development do not include any specific measures intending to protect or restore habitat for brook trout and other aquatic species, and Irving specifically rejects measures suggested by the Maine Department of Inland Fisheries and Wildlife to provide additional protection to native brook trout.

Our specific concerns include:

1. The proposed development will have significant impacts on brook trout habitat and populations. In every major lake system in Maine that has seen significant development,

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<sup>1</sup> Maine Lake Survey, Long Lake, Maine Department of Inland Fisheries and Wildlife. [https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/long\\_lake\\_t17\\_r4.pdf](https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/long_lake_t17_r4.pdf)

<sup>2</sup> Maine Lake Survey, Cross Lake, Maine Department of Inland Fisheries and Wildlife. [https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/cross\\_lake.pdf](https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/cross_lake.pdf)

<sup>3</sup> Maine Lake Survey, Square Lake, Maine Department of Inland Fisheries and Wildlife. [https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/square\\_lake.pdf](https://www.maine.gov/ifw/docs/lake-survey-maps/aroostook/square_lake.pdf)

<sup>4</sup> Maine Wildlands Lake Assessment (1987). Land Use Regulation Commission, Maine Department of Conservation.

<sup>5</sup> Eastern Brook Trout Joint Venture (2006). Eastern Brook Trout: Status and Threats. Page 32.

<sup>6</sup> Eastern Brook Trout Joint Venture (2006). Eastern Brook Trout: Status and Threats. Page 34.

native coldwater fisheries have declined due to a combination of reduced habitat quality and increased angling pressure. As wild, native fish populations decline and as lakefront development and angler demand increase, wild coldwater fish are replaced, first by fish stocked by the MDIFW, and later by illegally introduced warm water game fish. We've seen this pattern on Sebago Lake; on the Belgrade Lakes (where the brook trout and salmon of past generations have been replaced by northern pike and black crappie); and we are just beginning to see it occur on Moosehead Lake, the Pemadumcook Lakes, and Shin Pond, as introduced bass replace the wild brook trout, salmon, and lake trout we fished for 30 years ago. We will see the same pattern here. As the MDIFW stated in their written comments:

*“Increased use of fisheries resources and degradation to habitat in the Plan area could have severe consequences for maintaining wild brook trout populations and quality landlocked salmon fisheries. . . . The factors for such declines are two-fold: first, increased angling pressure will lead to increased harvest of wild and hatchery stocks. . . . Second, based on past observations, increased human development has the potential to result in aquatic habitat degradation from shoreline development, construction of roads in riparian areas, increased water temperatures and increased nutrient levels (e.g. phosphorous) in receiving waters, etc.”<sup>7</sup>*

2. The proposed development will fundamentally change the quality of the fishing experience, especially on Square Lake. Among the Fish River Lakes within the Concept Plan area, only Square Lake offers the combination of a remote, largely undeveloped lake and high-quality fisheries for wild brook trout and landlocked salmon. Between Cross Lake and Eagle Lake, Square Lake has a remarkably different character. Cross and Eagle are both served by developed boat launches close to organized towns, have long stretches of shoreline with existing recreational and camp development and sections of shoreline that are paralleled by state highways. Between them, Square Lake is remote, surrounded by unorganized towns under LUPC jurisdiction, and primarily accessible only by boating through the thorofares that connect it to Cross and Eagle. Square Lake has relatively little camp development, and what it has is mostly clustered in a small area south of Limestone Point on the eastern shore. The combination of a large undeveloped lake, remote access by boat, and an exceptionally high-quality wild brook trout fishery provides an experience not available elsewhere in the Fish River Lakes region, and similar to remote parts of Maine like the Allagash. Square Lake provides a sharp contrast to the more developed lakes that surround it. The pre-filed testimony provided by Fish River Lakes Leaseholders Association states this more clearly than I can. Adam Jandreau notes:

*“Square Lake is really one of the last remote lake settings to be sought out in Northern Maine/Aroostook County while still being a reasonable traveling distance to the surrounding hubs of the County.”<sup>8</sup>*

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<sup>7</sup> Maine Department of Inland Fisheries and Wildlife Comment Letter, 12/6/2017.

<sup>8</sup> Adam Jandreau, Prefiled Testimony for Fish River Lakes Leaseholders Association.

And it's clear about the anticipated impacts of the proposed development. Cheryl St. Peter states that:

*“[T]he amount of proposed development may irrevocably change the recreational use of Square Lake resulting in a reduction in the overall quality of recreational opportunities and the natural character of the lake forever.”*<sup>9</sup>

Irving's own assessment of the potential increase in boating traffic on Square Lake estimates an increase to 67 boats on the lake at peak periods.<sup>10</sup> This compares to actual MDIFW boat counts from aircraft surveys in 2015 that noted an average of 6-7 boats on the lake during peak periods in May and June. MDIFW—assuming a more conservative estimate of increased boater numbers than Irving—estimates that use in May and June will triple, and that:

*“During other parts of the open water season, anglers could see from 3.3 to 20.4X more boats, a significant increase that will change the character of Square Lake.”*<sup>11</sup>

This existing remote, scenic character is highly desired by Maine anglers, who in a 2016 survey of licensed anglers cited “areas that offer solitude” and “pristine views of nature” as the top factors influencing their decision about where to go fishing.<sup>12</sup>

3. There are no specific measures in Irving's proposed conservation easement to protect brook trout habitat. I have carefully reviewed the proposed Conservation Easement. The stated purpose of the easement is to “provide a significant public benefit by protecting in perpetuity the Conservation Values of the Protected Property” and “Conservation Values” is defined to include “Aquatic Resources and Wetland Values”, including “fisheries habitats, their water quality, undeveloped shorelines and riparian areas, and ecological values of these areas.” But there are no specific measures designed to protect brook trout habitat, water quality or fish passage. Instead, the easement appears to assume these values will be protected by the combination of Irving's Forest Management Plan, its Outcome Based Forestry Plan and by Third-Party Certification of forestry practices.

The Maine Department of Inland Fisheries and Wildlife has recommended two specific prescriptions to ensure protection of habitat for brook trout and other coldwater fish:

- Riparian Buffers: *“MDIFW recommends 100-foot undisturbed vegetated buffers be maintained along all streams. Vegetated buffers should be measured from the edge of the stream or the upland edge of any associated fringe or floodplain wetlands.”*<sup>13</sup>
- Stream Crossings: *“MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bank-full width (BFW) of*

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<sup>9</sup> Cheryl St. Peter, Prefiled Testimony for Fish River Lakes Leas eho lders Associatio n.

<sup>10</sup> Appendix C: Evaluation of Recreational Resources, Supplement, Petitioners Exhibit 19.

<sup>11</sup> Maine Department of Inland Fisheries and Wildlife Comment Letter, 5/2/2018.

<sup>12</sup> Responsive Management (2016). Maine Anglers Participation in and Opinions on Freshwater Fishing. Page 213.

<sup>13</sup> MDIFW Comments, 5/2/2018.

*the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective.”<sup>14</sup>*

Importantly, the Department recommends that these protections apply on all water bodies within the Concept Plan area, not just on areas covered by the Conservation Easement. MDIFW provides numerous examples of critical coldwater refuge areas that are located within proposed developed areas on Square Lake. As any brook trout fisherman knows, if you lose the spring holes and the spawning brooks, the trout are gone. MDIFW identified specific concerns about a spring located within the Square Lake West development:

*“The proposed Square Lake West development overlaps a small, coldwater spring that is mapped but unnamed. This tributary is an important brook trout habitat that lies within an area called “The Carry”, a low area between Square and Eagle Lakes that represents the shortest carry between the two waters. It also appears that Square Lake West will be located in the upper reaches of the Barstow Brook watershed, another cold, spring brook that supports brook trout.”<sup>15</sup>*

They also express concern about impacts of the Square Lake East Development on Black Brook.

*“Further, the proposed Square Lake East development and “lodging area” overlap Black Brook, a critical brook trout habitat and tributary to Square Lake.”<sup>16</sup>*

Again, MDIFW strongly recommended the need for 100-foot undisturbed buffers; for buffers on both permanent and intermittent streams; and for buffer protection within the entire Concept Plan area, not just the conservation easement.

*“MDIFW recommends that the 100-foot undisturbed vegetative buffers should be applied for protection of these habitats within the development areas or that the footprint of development be moved to avoid these critical habitats.”<sup>17</sup>*

MDIFW’s proposed protections for brook trout habitat should be adopted as terms in the Conservation Easement, and as requirements for the Developed Areas.

It is important to note that the standards proposed in Irving’s Exhibit 11 differ significantly from what MDIFW has requested. For Riparian Zones, rather than MDIFW’s 100 foot “undisturbed vegetative buffer”, Irving proposes a 100 foot “riparian zone” that will “provide shade and protection for lakes and streams.” The document does not specify whether timber harvest will be allowed within this zone, but testimony by Irving staff at the public hearing indicated that their commitment was to “meet state standards”, which do not provide any “undisturbed” buffer area, and allow for significant

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<sup>14</sup> MDIFW Comments, 5/2/2018.

<sup>15</sup> MDIFW Comments, 5/2/2018

<sup>16</sup> MDIFW Comments, 5/2/2018

<sup>17</sup> MDIFW Comments, 5/2/2018

removal of trees within the 100 foot undisturbed area requested by MDIFW—up to 40% of all trees larger than 4.5” in diameter in any 10 year period.<sup>18</sup> Irving also applies this zone only to “permanent streams”, and a much less protective 25-foot buffer on intermittent streams. Again, MDIFW has clearly requested a 100-foot undisturbed buffer on all streams

Similarly, for stream crossings, rather than incorporate MDIFW’s proposed standard of 1.2 bankfull widths with an open bottom or embedded substrate, Irving proposes to “incorporate a 15% increase in flow calculations over the standard design requirements.” While Irving’s standard may ensure that culverts and other crossings are large enough to pass storm flows, they are not sufficient to ensure fish passage. For example, an adequately sized culvert installed at the wrong elevation, one with a steep slope through the culvert, or one with smooth aluminum, PVC, or concrete as opposed to rock and gravel substrate, will pass storm flows, but will block fish migrations.

Perhaps most importantly, Irving does not propose these measures to be incorporated as easement terms within the conservation easement areas, or as enforceable conditions within the remainder of the Concept Plan area. This presumably leaves them to be implemented through some other mechanism. Irving has provided extensive materials about its “Unique Areas Program”<sup>19</sup>, “Outcome Based Forestry”<sup>20</sup>, and third-party certification of its forestry activities<sup>21</sup>, but none of these programs appear to include any specific measures to protect fish habitat. For example, although Irving’s Unique Areas Program provides information about areas protected as fish habitat, there are none in Maine.<sup>22</sup> Although Maine’s Outcome Based Forestry Sustainability Goals include protection of water quality and aquatic habitat, nothing in the materials provided by Irving suggests any special measures for protection of riparian buffers and adequate stream crossings beyond what is required by state standards. The SCS Global Services report provided by Irving that documents compliance with Forest Stewardship Council certification, including the 2016 annual audit, documents site visits at several stream crossings and other aquatic sites, but contains no specific information about protection of fish habitat or other aquatic resources.<sup>23</sup> During the 3 day site visit for this certification audit, 5 riparian zone sites were visited on Irving’s 1,255,000 acres of certified Maine lands.<sup>24</sup> Additional information provided by the Maine Forest Service in a May 1, 2018 letter includes a copy of Irving’s Outcome-Based Forestry Agreement, including seven “Irving Woodlands Outcome Based Forestry Agreement Metrics”, none of which has anything to do with protection of aquatic resources.<sup>25</sup>

The bottom line is that we cannot rely on Outcome Based Forestry, third-party certification, or Irving’s Management Plan to provide robust protection for fish habitat. That’s not a criticism; It is just not what those programs are designed to do. To ensure

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<sup>18</sup> Maine Forest Service Chapter 21 Rules : STATEWIDE STANDARDS FOR TIMBER HARVESTING AND RELATED ACTIVITIES IN SHORELAND AREAS. Pages 7-10.

<sup>19</sup> Irving Exhibit 8.

<sup>20</sup> Irving Exhibit 2 and Exhibit 3.

<sup>21</sup> Irving Exhibit 4.

<sup>22</sup> Irving Exhibit 8, Table on Page 2. (4<sup>th</sup> page of the Exhibit as present ed.)

<sup>23</sup> Irving Exhibit 4.

<sup>24</sup> Irving Exhibit 3.

<sup>25</sup> Maine Forest Service Letter, May 1, 2018, Attachment 7.

fish habitat protection in the future, the easement must include specific, enforceable terms to protect intact riparian buffers and ensure stream crossings that will pass fish.

**Conclusion We have significant concerns about the impacts of the proposed development on brook trout resources in the Fish River Lakes region. Protections requested by the Maine Department of Inland Fisheries and Wildlife to protect riparian habitat on all streams and fish passage at stream crossings are essential. These measures would reduce, but not eliminate, the impacts of the project on fish habitat and angling. Changes in the remote character of Square Lake from proposed development are of particular concern. The scale of proposed development will eliminate the last relatively remote and pristine lake in the Fish River Lakes Region. It also has the potential to alter brook trout habitat in two critical tributaries to Square Lake, and to eliminate a documented spring and cold-water refuge area. According to MDIFW staff, these are located within the footprint of proposed developments. This plan does not yet provide an appropriate balance between development and permanent conservation. I urge you to reject this proposal unless the scale of development is reduced, particularly on Square Lake, and unless substantial additional conservation—particularly measures specifically designed to protect brook trout habitat—have been included.**

Specific measures that would improve the plan. For this concept plan to be approved, we would recommend the following changes:

1. Reduce the amount of development on Square Lake. This could most easily be accomplished by removing the Square Lake West development (and its impacts on the critical spring identified by MDIFW), and by reduced the footprint of the Square Lake East development to reduce the number of units, and to avoid impacts on Black Brook and its “critical brook trout habitat” identified by MDIFW.
2. Incorporate easement terms with the conservation areas, and required conditions within the remainder of the Concept Plan area that require 100-foot undisturbed buffers on all permanent and intermittent streams, and a “Stream Smart” standard for culverts and other stream crossing infrastructure that requires 1.2 bankfull widths AND a natural substrate to ensure fish passage.
3. Increase the area within the Concept Plan incorporated within the Conservation Easement. In particular, to maintain Square Lake’s high value brook trout fishery, incorporate protection for the critical resources identified by MDIFW: the spring and unmapped tributary within the proposed Square Lake West development and Black Brook and its riparian corridor within the proposed Square Lake East development.
4. If any significant increase in development is allowed on Square Lake, a remote, scenic lake that was compared to the Allagash and other semi-wilderness areas in northern Maine will be converted into a lake with moderate development. We believe it would be most appropriate to limit the scale of development on Square Lake to prevent this. Failing that, an addition to the Conservation Easement to protect another nearby lake or lakes that are remote and contain high value habitat for brook trout and other native fish should be incorporated. In written comments, MDIFW suggested protection of the Chase Lakes in T14 R9 WELS:

*“Chase Lakes, T14R9 WELS: convert the present Chase Lakes Cooperative Agreement with MDIFW to a permanent, conservation easement that mirrors LUPC Remote Pond zoning.”<sup>26</sup>*

If the character of Square Lake is allowed to change substantially, this or some similar compensating conservation that provided permanent protection commensurate in type and scale with what is being lost should be included.

Thank you for the opportunity to comment on the Fish River Concept Plan. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Reardon", with a long horizontal flourish extending to the right.

Jeff Reardon

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<sup>26</sup> MDIFW Letter, 12/06/2017