



STATE OF MAINE

JOHN E. BALDACCI
GOVERNOR

DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
18 ELKINS LANE - HARLOW BUILDING
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

FIRST PRE-HEARING CONFERENCE IN THE MATTER OF ZONING PETITION ZP 707

PLUM CREEK MAINE TIMBERLANDS, L.L.C. AND PLUM CREEK LAND COMPANY

*Friday, July 13, 2007 at 1:00 p.m.
Fire Marshal's Office, 45 Commerce Drive, Augusta, Maine*

E. Bart Harvey, Presiding Officer

The Commission has received 32 Petitions to Intervene in the matter of Zoning Petition ZP 707 and will address the pending Petitions at its July 11, 2007 meeting in Presque Isle. A copy of the LURC staff's recommendation regarding these Petitions is attached to this Agenda.

All entities that are granted Intervenor or Interested Person status by the Commission at its July 11, 2007 meeting should plan on attending a *mandatory* pre-hearing conference held before LURC Chairperson, E. Bart Harvey, on July 13, 2007 in Augusta at the time and location stated above. All governmental agencies that have commented on the application by Plum Creek or intend to comment are invited to attend as well.

The purpose of the first pre-hearing conference is to provide the parties with basic information about the hearing process and its requirements, and except as otherwise noted, allow the parties a reasonable opportunity to comment on items listed on the agenda. The Chair will issue a procedural order following the conference that contains his rulings on disputed or otherwise unresolved issues.

The agenda for the pre-hearing conference is set forth below. The order in which items in the agenda will be addressed may be changed by the Chair. If a party wishes to suggest additional items to be added to this agenda, please e-mail a listing of these items and a brief rationale for each to Aga Pinette at LURC (agnieszka.pinette@maine.gov) *no later than 4:00 PM on July 6, 2007*. The Chair will consider any suggestions received, and a revised agenda will be distributed if changes are made in response to suggestions.

FIRST PRE-HEARING CONFERENCE AGENDA

I. General Provisions

- a. Contact information for each party; requirement of e-mail contact.
- b. Date for next pre-hearing conference.
- c. Chair's general expectations of the parties.
- d. Relevant review criteria. (Note: A summary of the legal criteria relevant to the Commission's review of this proposal will be presented at the conference.)
- e. Filing requirements with Commission, Intervenors, Interested Persons and Governmental Agencies.
- f. Site visits.
- g. Ex parte communications.
- h. Tentative dates and locations of public hearing.

II. Filing of Detailed Issues Statements no later than July 27, 2007

Note: For this item, the Chair will present, and take comment on, the Chair's desire that each Intervenor and Interested Person, but *not the Applicant*, file *no later than 4:00 p.m. on July 27, 2007*, a *detailed and complete* listing of the issues that each Intervenor or Interested Person intends to raise at the hearing.

For each issue, this listing must be in sufficient detail to fully apprise LURC staff and consultants, the Applicant, and other parties as to the specific topics that will be addressed in pre-filed direct testimony, and shall contain, for each issue, a statement explaining the legal relevance of the issue, based upon the statutory and regulatory criteria under which the Commission will decide on the application.

To the extent that any party has questions about how to satisfy this requirement, including the level of detail and specificity that is expected, that party should contact Aga Pinette (e-mail agnieszka.pinette@maine.gov or call 207-287-8786) or Ron Kreisman (e-mail kreisman@gwi.net or call 207-626-0248).

Failure to identify an issue adequately in this filing will preclude a party from presenting testimony or evidence relating to that issue, except by leave of the Chair upon a showing of good cause.

III. Pre-filed Testimony and Conduct of the Hearing

- a. Timing and substance of pre-filed testimony, including rebuttal.

Note: If the Chair determines that Plum Creek has filed sufficient information by July 23rd to recommend to the full Commission the scheduling of the hearing on this matter for the weeks of November 5th and 12th, 2007, pre-filed direct testimony and comments by governmental agencies will likely be due on Friday, August 31, 2007, and pre-filed rebuttal will likely be due on Friday, September 28, 2007.

- b. Exhibits: pre-filing and use at hearing.
- c. Availability of witnesses.
- d. Timing for parties to file objections to pre-filed testimony.

IV. Other Matters

The following issues will not be subject to discussion at the first pre-hearing conference, but will be addressed in the procedural order following an opportunity for written comment.

- a. Threshold evidentiary ruling.

On December 14, 2006, the Natural Resources Council of Maine and Maine Audubon Society filed a letter with the Commission requesting that LURC “deem the Conservation Framework proposed by Plum Creek, The Nature Conservancy, Appalachian Mountain Club and The Forest Society of Maine legally irrelevant to the Concept Plan proposed by Plum Creek” and requesting that evidence relating to the proposed Legacy Easement be ruled inadmissible. Any party wishing to be heard on this question must submit written comments to Aga Pinette (e-mail agnieszka.pinette@maine.gov) by 4:00 p.m. on July 27, 2007. A ruling on this matter will be set forth in the first procedural order.

- b. Identification of Intervenors and Interested Persons.

If the Commission delegates to the Chair the authority to make final determinations on the Petitions to Intervene, the Chair will circulate proposed lists of Intervenors and Interested Persons at the first procedural conference, and will discuss the different rights and responsibilities of each status. Any party wishing to be heard on the proposed list of Intervenors and Interested Persons must submit written comment to Aga Pinette (e-mail agnieszka.pinette@maine.gov) by 4:00 p.m. on July 27, 2007. A ruling on this matter will be set forth in the first procedural order.

- c. Proposed Groupings.

The Chair will circulate proposed consolidated groupings of Intervenors and Interested Persons at the first procedural conference, and will discuss what these consolidated groupings mean for the conduct of parties. Any party wishing to be heard on the proposed groupings must submit written comment to Aga Pinette (e-mail agnieszka.pinette@maine.gov) by 4:00 p.m. on July 27, 2007. A ruling on this matter will be set forth in the first procedural order.

Enclosures: Staff recommendation on Intervenor Petitions.
xc: Zoning Petition ZP 707 file.
