

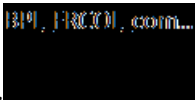
Beaucage, Timothy

From: Turner, Rex
Sent: Wednesday, May 02, 2018 4:48 PM
To: Beaucage, Timothy; MacLean, Billie J
Cc: Denico, Doug; Beardsley, Michael; Labbe, Vern
Subject: RE: Irving Woodlands LLC - Fish River Chain of Lakes. BPL Comments

Tim and Billi,

I am attaching the slightly updated comments to serve as the Bureau of Parks and Lands comments. The only substantive change from yesterday's draft materials is reference to fire safety/prevention in the form of defensible spaces. This minor addition to the Hillside Development section is based on a conversation with Doug Denico in reference to coordinating on this issue with the Maine Forest Service's comments.

As for a Bureau of Parks and Lands individual to present oral testimony, I will be the Bureau representative available to present.



Thank you.

Rex Turner
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Maine Department of Agriculture, Conservation, and Forestry
Bureau of Parks and Lands
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Augusta, ME 04333-0022
(207) 441-9152
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From: Beaucage, Timothy
Sent: Wednesday, May 02, 2018 11:44 AM
To: Turner, Rex <Rex.Turner@maine.gov>; Labbe, Vern <Vern.Labbe@maine.gov>
Subject: RE: Irving Woodlands LLC - Fish River Chain of Lakes. BPL Comments

Rex,

Thank you for the Bureau's comments. Will a representative from BPL be providing oral comments (as included in your attachments) at the hearing? If so, part of the filing requirement for today by 5:00 is for the agency to identify the agency representative that will provide the oral testimony. Further, we would recommend, to avoid anyone raising any issue, that the representative that will participate be listed as filing or co-filing the agency comments.

Please let me know if you have questions.

Tim

Tim Beaucage

Senior Planner, Land Use Planning Commission
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From: Turner, Rex
Sent: Tuesday, May 01, 2018 5:03 PM
To: Labbe, Vern <Vern.Labbe@maine.gov>; MacLean, Billie J <Billie.J.MacLean@maine.gov>; Beaucage, Timothy <Timothy.Beaucage@maine.gov>
Cc: Denico, Doug <Doug.Denico@maine.gov>; Beardsley, Michael <Michael.Beardsley@maine.gov>
Subject: Irving Woodlands LLC - Fish River Chain of Lakes. BPL Comments

Vern, Billi, and Tim,

I am attaching an unsigned word version of comments along with a signed pdf. These comments are from BPL and relate to the Concept Plan Amendment Materials and upcoming testimony.

I recognize tomorrow at 5:00 PM is the date for comments. **If there are no necessary last minute edits, I am happy to have the attached pdf serve as our formal comments. If there is a need to revise based on review by any on this email, I can do that.** I am helping with interviews in Farmington in the morning and am scheduled to be at Dodge Point Public Lands in the afternoon. If need be, I can divert to Augusta to adjust this in the afternoon. I will be checking email at noon and will have my cell with me (see below).

Thank you.

<< File: BPL_FRCOL_comments-MAY_18.pdf >> << File: BPL_FRCOL_LUPC_Comments_May_18.doc >>
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PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

May 1, 2018

Billi J. MacLean
Permitting & Compliance Regional Supervisor
Department of Agriculture, Conservation, and Forestry
Land Use Planning Commission
45 Radar Road
Ashland, ME 04732

RE: Bureau of Parks and Lands Comments on: Fish River Chain of Lakes Concept Plan Amendments Submitted by Irving Woodlands, LLC, to the Land Use Planning Commission

Dear Billie,

The following set of comments refer to the amended materials submitted in early April, 2018, by Irving Woodlands, LLC, as part of the process associated with the Fish River Chain of Lakes Concept Plan. Comments are organized around the format of the Amendments provided by the Musson Group dated April 11, 2018. The Bureau only lists comments on numbered content items relevant to our expertise or involvement. These areas include:

2. Hillside Development

Expanding the proposed conservation easement to include the hillside around Square Lake W is viewed positively for its capacity to protect the visual quality of recreating on Eagle Lake to the west (surrounded by Maine Public Lands).

Proposed changes intending to limit visual impacts from hillside development appear to be thoughtful and productive related to conserving the existing visual experiences on the waters in the plan. Reference to forest management activity in development areas cites 30% removal maximum of standing timber on an individual tree basis (Amendment Materials, pg. 14-1). While this approach to conserving visual resources is valued, it is worth noting that consistency with and accommodation for forest fire prevention standards (i.e., "defensible space" around buildings) would be wise to minimize risk and loss of property.

It is assumed that the *Aesthetic Impacts of Timber Harvesting* section (#4, page 14-3 of the Amendment Materials) would apply to the entire plan area, including development areas. While the proposed aesthetic elements described in reference to hillside development and sustainable forestry principles are valuable as written and include ongoing commitment to training, specific mention of minimizing skid trail and logging road visibility may be also be valuable. More specifically, a goal of reducing the visibility of such forest management roads from significant vantage points (such as on the lakes) could be accomplished by thoughtful road/trail layout that avoids unnatural and prominent patterns in portions of the landscape vital to recreational experiences and scenic quality. This concept could be worked into the items listed under section 14-4 of the Amendment Materials (page 14-3).

RON HUNT, ACTING OPERATIONS DIRECTOR
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9. Assurance of Public Benefits

Cross Lake Boating Access: It is vital that the public have guaranteed and equitable access to Cross Lake. While the Bureau does not have a strong opinion on the mechanism by which this occurs, we value the commitment to permanent protection of the public's equitable ability to access the lake via the Cross Lake Boat Launch.

Other: Mud Lake was raised as a site noted for being a boating access priority for the state. However, based on critical feedback to the originally proposed hand-carry site on Mud Lake, the petitioner withdrew that infrastructure proposal and did not replace it with an alternative. Furthermore, there does not appear to be guaranteed commitment to a public launch site on Square Lake – though there is proposed zoning and permissions for significant new development on this lake (which currently provides the more primitive experience of the lakes in the concept plan). Additional commitment to permanent public recreational access on Square Lake and other sites would be viewed favorably.

Related to potential public access benefits, there is little to no recognition that canoeing and kayaking are two popular activities in Maine. In fact, kayaking was reported as the fastest growing activity in New England from 1995-2009.¹ While it is recognized that several of the lakes in the plan area are large and prone to strong winds, and while it is also recognized that much recreational activity has traditionally been driven largely by lake fishing, there may be substantial interest in publicly accessible hand-carry sites affording paddling access to various parts of the chain of lakes. This may be increased by the fact that many of the proposed new residences do not include waterfront. This possibility of increased non-motorized boaters as well as a potential increase in power boaters may support the Maine Department of Inland Fisheries and Wildlife's recommendation for the petitioner to address public water access at sites in northern Maine outside of the plan boundaries.

10. Trail Access

Review of trail access language by the Bureau (notably the Off-Road Vehicle Program) found that the language and planning was generally acceptable. There was some concern that the references to development areas and subdivision plans expressed a problematic relationship with ATV connections between development areas and the larger trail networks. This concern is heightened in that experience suggests that in this region of the state, there is strong interest for residents/camp owners to be able to ride ATVs to and from their properties with linkages to managed trail networks. Further reading of the proposed language eased the concern and it is assumed that the intent is to promote wise design and planning to gain trail connection benefits for current and potential residents while minimizing potential negative impacts.

14. Sustainable Forestry Principles

Bureau comments already stated referenced section 4, Aesthetic Impacts of Timber Harvesting, in the context of Hillside Development (#2).

18. Recreational Boating Numbers

The Analysis provided in Appendix C of the April 2018 Fish River Lakes Concept Plan Addendum Materials provides detail associated with the question of estimating boat traffic increases potentially stemming from proposed development. This analysis is useful, though it is contended that the discussion of acceptable ranges of boat traffic – which are drawn from the Water Recreation Opportunity Spectrum (WROS) and the slightly later Water and Land Recreation Opportunity

¹ Maine State Comprehensive Outdoor Recreation Plan. Maine Department of Agriculture, Conservation, and Forestry. Bureau of Parks and Lands. 2014. Augusta, ME

Spectrum (WALROS)- are perhaps erring too much towards levels associated with more developed classes. The result is some degree of downplaying the effect of proposed development on recreational experiences.

WROS and its slightly updated cousin WALROS both employ six classes (Urban, Suburban, Rural Developed, Rural Natural, Semi Primitive, and Primitive). The petitioner uses the WALROS tool to look at classes and acceptable boating numbers on Cross and Square Lakes. They break the lakes into 2 areas each and suggest classes ranging from Suburban to Rural Natural.

Whereas the petitioner used the number of shoreline camps as the basis for defining a given lake area into a class, the WALROS methodology uses multiple factors (attributes) in three broad categories to shape decision-making related to defining classes. These categories are: Physical Attributes, Social Attributes, Managerial Attributes. It is argued by the Bureau of Parks and Lands that when the full suite of attributes is considered instead of the simple presence of residential properties along the shoreline in specific areas, conclusions may tilt the classification down at least a class. The following WALROS attributes suggest petitioner-listed classes may nudge towards the next (more primitive) class:

- *physical attributes* related to the degree to which natural ambiance dominates the area;
- *social attributes* including the degree of visitor presence, degree of visitor concentration, degree of recreation diversity, degree of nonrecreational activity;
- *managerial attributes* including degree of management facilities, frequency of noticing management personnel, reasonable watercraft launch and retrieval times, unpaved boat launches (appropriateness at a given class), modern restrooms (prevalence), unpaved or unimproved trails (appropriateness at a given class), paved vs. unpaved parking (appropriateness and prevalence at a given class), rustic or primitive campgrounds (i.e., no utilities - appropriateness and prevalence at a given class).

It should also be noted that WALROS planning is typically intended to be performed by a team of experts, often with outside partners (especially in more substantial planning linked to major decisions). This did not occur in this case, though the application process in total will admittedly address some of aspects inherent in WALROS planning).

The question of WALROS class matters in that the petitioner uses the classes and corresponding acres per boat figures to support a potentially reduced version of recreational impact. In other words, by classifying areas of the lakes into a higher (more developed) class, the addition of more boats on the water is shown to be less impactful in that the WALROS standards for acres/boat allows for more boats on the water at the more developed class. Furthermore, the more developed WALROS classes are defined in ways that anticipate more development and a less remote, higher volume, more managed experience. Therefore, potential change coming from the Concept Plan proposals is minimized.

It is cumbersome to list the full collection of Physical, Managerial, and Social attributes contained in WALROS methodology. However, a summary of the experiences associated with potentially relevant classes expresses context that may be insightful to the discussion. This summary is provided below. Note: Urban and Primitive classes are not included in that neither the petitioner nor the Bureau of Parks and Lands suggests these opposite ends of the spectrum are relevant here.

Suburban Recreation Experience: Area provides little opportunity to see, hear, or smell the natural resources (e.g., forests, wildlife, aesthetics) because of the widespread and very prevalent level of development, human activity, and natural resource modification; watching and meeting other visitors is expected and desired; opportunity to briefly relieve stress and to alter everyday routines is important; socializing with family and friends is important; large groups and families are common; a high sense of safety, security, comfort, and convenience is central and dominant; the mix of recreation activities may be diverse, ranging from relaxation and contemplation (e.g., sunbathing, reading, and nature walking) to

physical exertion, thrills, excitement, and challenge (e.g., parasailing, jet boating, and water skiing); learning about natural or cultural history, ecology, and reservoir and river operations are important to some; area is popular with local suburban residents.

Rural Developed Recreation Experience: *Area provides occasional or periodic opportunities to see, hear, or smell the natural resources (e.g., forests, wildlife, aesthetics) because development, human activity, and natural resource modification are common and frequently encountered; area is less developed and more tranquil than a suburban setting; opportunity to experience brief periods of solitude and change from everyday sights and sounds is important; socialization within and outside one's group is typical, and the presence of other visitors is expected; opportunity to relieve stress and to alter everyday routines is important; a moderate level of comfort and convenience is important; a sense of safety and security is important; the array of recreation activities may be diverse, ranging from relaxation and contemplation (e.g., sunbathing, sailboating, shoreline fishing) to physical exertion and challenge (e.g., competing in shoreline and water sports, tournament fishing, ice fishing, water skiing, and kayaking); area is typically attractive for day-use and weekend visitors from local metropolitan areas or nearby communities, short-term campers, recreation vehicle users, large groups, and adventure tourists within a day's drive.*

Rural Natural Recreation Experience: *Area provides frequent opportunities to see, hear, or smell the natural resources (e.g., forests, wildlife, and aesthetics) because development, human activity, and natural resource modifications may be occasional and infrequent; noticeably more natural, less developed, and more tranquil than an urban setting; socialization with others outside one's group is not very important, although the presence of others is expected and tolerated; opportunity to relieve stress and to get away from built environment is important; a high sense of safety, security, comfort, and convenience is not important or expected; a sense of independence and freedom with a moderate level of management presence is important; moments of solitude, tranquility, and nature appreciation are important; experiences tend to be more resource dependent, although they may be diverse, including relaxation and contemplation (e.g., camping, sunbathing, canoeing, sailing, and boat fishing), socialization, physical exertion, and challenge (e.g., competitive tournament fishing, kayaking, waterskiing, hunting, and belly boat fishing); area is typically attractive to extended weekend and longer-term visitors desiring to experience the outdoors and to be away from large numbers of other people; popular with overnight visitors using recreation vehicles, tents, and rustic cabins.*

Semi Primitive Recreation Experience: *Area provides widespread and very prevalent opportunities to see, hear, or smell the natural resources (e.g., forests, wildlife, and aesthetics) because development, human activity, and natural resource modifications are seldom encountered; opportunity to experience a natural ecosystem with little human imprint is important; a sense of challenge, adventure, risk, and self-reliance is important; solitude and lack of contact with other visitors, managers, and management is important on the water and at destination sites; the recreation experiences tend to be more resource-based; a sense of independence, freedom, tranquility, relaxation, nature appreciation and wonderment, testing skills, and stewardship is typical; opportunity often requires more trip planning and preparation, travel distance of one or more days, physical effort, and duration; area provides opportunities for the more adventure-based enthusiasts (e.g., fly and float fishing, hunting, backcountry camping, canoeing, rafting, and nature viewing). Overnight visits are typically with tents in settings with few conveniences and facilities. Extended stays may be accommodated. Adventure recreationists and ecotourists are*

attracted to this setting. Inexperienced recreationists or visitors new to the area may be uncomfortable with the remoteness and the need to be self-reliant.²

Summary -WALROS Implications

Using the WALROS methodology as a tool for discussion, it becomes clear that Square Lake presents the situation where the likelihood of change is greatest. Specifically, the physical, social, and managerial attributes are likely to change in ways that impact recreational experiences available on the lake. Without making a value judgement on the benefits and drawbacks to these changes, it seems reasonable to expect that the proposals put forth-if acted upon – would push the overall character/experience towards a more developed end of the spectrum. And while boating volume is part of that change, the presence of additional/new facilities (e.g., 50-slip marina, residential areas) influence other attributes that affect experiential opportunities- with a loss of opportunity for those preferring experiences on the more primitive end of the spectrum.

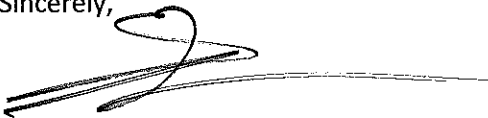
Cross Lake arguable presents less opportunity for change. While there is disagreement over the WALROS classifications here, the likelihood of a significant change to recreational experiences here seems possible but less likely or to a lesser degree than at Square Lake.

The petitioner argues that their analysis shows that there is capacity to add boating volume and still fall within established national norms for boating volume at the class they identified. This is not a wild claim but is up for debate in certain locations such as the southern end of Square Lake. The WALROS tool, however, incorporates other attributes and factors and reflects that there is real possibility of some degree of transition from one class to another based on proposed developments – notably at Square Lake. This transition or “swing” of some degree towards more developed settings is not inherently good or bad per se; it is to be evaluated, considered, and perhaps mitigated in one or more ways. It could be argued that other elements of the proposal including but not limited to hillside development and other visual standards are part of helping minimize the degree to which a WALROS class currently experienced moves toward development.

Conclusion

The Bureau appreciates participating in the process and helping shape stewardship of this significant resource. We are willing to continue to work with the process, partner agencies, and the petitioner to keep crafting a plan that works for the petitioner and benefits the people of the State of Maine.

Sincerely,



Rex Turner
Outdoor Recreation Planner
Maine Bureau of Parks and Lands -Department of Agriculture, Conservation, and Forestry

² Water ROS User’s Guide Book. US National Forest Service. Retrieved 4/27/18 from: https://www.fs.fed.us/eng/ROS-RecCapacity/wros_report.pdf