

Why You Should Be Concerned About the Direction of the New CLUP

Maine's recreational and working heritage in the Unorganized Territory will undergo many unnecessary and harmful changes if the Comprehensive Land Use Plan (CLUP) proposed by the Land Use Regulation Commission (LURC) staff is adopted.

Most folks that live, work and recreate in the Unorganized Territory are enjoying the way things are now. At times we have all agreed that some change has been needed to the LURC regulations and have worked to help bring about orderly and well thought out modifications. However, as currently drafted, the new CLUP proposes massive changes that are not supported by sound information and will result in the unnecessary disruption of many lives.

Below are just a few reasons why you should be concerned about the direction of the new CLUP.

The new CLUP is not consistent with the LURC law. The new CLUP goes beyond the current law, emphasizing ecological, scenic and cultural "values" that are overly subjective and restrictive when established for an area over 10 million acres. Ecological systems, scenic areas and cultural features can be described and should replace subjective values.

The new CLUP allows future LURC Commissions and staff to interpret the language as requiring significant restriction on forest management. There is remarkable bias towards 'remote' and 'primitive'. Chapter 1, Vision, Goals and Policies, Section J, Policy 3, states: "Regulate forestry activities in important recreational and scenic areas to protect aesthetic qualities". This means LURC could aggressively restrict forest management far beyond what they currently do.

The new CLUP is biased against motorized vehicles. The new CLUP emphasizes recreational opportunities, "particularly for primitive pursuits." By LURC definition, primitive is non-motorized. This increased focus on "primitive pursuits" would preclude motorized activities such as snowmobiling and ATV riding in the LURC jurisdiction. In addition, the increased regulatory control over trail development envisioned in the new

CLUP will make it more difficult to construct and repair snowmobile and ATV trails that are vitally important to the rural Maine economy.

The new CLUP is a blueprint for a national park. The implementation of the new CLUP will facilitate a huge non-motorized, back-country recreation area.

The new CLUP extinguishes development rights without compensation. Implementation of the new CLUP would impose severe restrictions on the ability to sell land for camp development – or construct or improve a camp on private property. These new regulations will leave property owners with only value for timber and access rights, increasing pressure to generate income from these sources.

No doubt, losing the ability to sell a camp lot will impact the value of property. Property owners with mortgages could be placed in a precarious position if their property value suddenly wasn't greater than their mortgage.

The new CLUP is based on flawed data and analysis. Information to support changes proposed in the new CLUP is based on incomplete data that has been proven to be inaccurate, and yet is still being cited as accurate by LURC staff.

- Dwellings constructed on pre-LURC parcels and on large lots previously exempted but now prohibited, are lumped with lots created under the statewide sub-division definition (so called 2-in-5 rule),, thereby inflating the numbers.
- The increase in residential development within the LURC jurisdiction is portrayed in the new CLUP as over a 70% increase over the past 35 years. However, this increase amounts to only one-half of a camp per square mile (640 acres) and this new development has taken place under strict regulations eliminating potential environmental impacts.
- The draft CLUP states that 72% of the residential development was not reviewed for "appropriateness of their location". This is not true. All residential development must be located in areas designated as "appropriate" by LURC, meet stringent site requirements such as setbacks from water, be sited on suitable soils and go through a rigorous permit process.
- Natural resource data (forestry, agriculture, etc.) cited in the new CLUP is limited and significantly out of date.

The new CLUP does not recognize land stewardship by property owners. Property owners have already voluntarily placed over 2 million

acres of the Unorganized Territory off limits to development through conservation easements.

The new CLUP does not recognize the need to promote rural economic opportunity. There is nothing in the new CLUP that supports economic development or infrastructure to support the rural Maine economy. The elevation of arbitrary and subjective terms such as “scenic” and “aesthetic” will be overly restrictive to economic development.

In fact, the new CLUP deletes this very important language that is in the current CLUP:

“Guide the location of new development in order to protect and conserve forest, recreational, plant or animal habitat and other natural resources, to ensure compatibility of land uses with one another and to allow for a reasonable range of development opportunities important to the people of Maine”

The new CLUP uses the more restrictive language of:

“Foster a sustainable pattern of development, which safeguards the principal values of the jurisdiction by concentrating development near economic centers and maintaining other areas for traditional uses.”

We must ask ourselves why this language was changed.

In addition, the new CLUP emphasizes in its Purpose and Scope section, when discussing “vision’ and “values” that “**these values cannot be compromised.**” That’s a scary statement that threatens to preclude any development.

The new CLUP punishes regional tourism efforts. The new CLUP focuses too heavily on “primitive” pursuits and “non-intensive” uses. In addition, the new CLUP gives “scenic resources” so much prominence that this measure could trump all other uses, from resorts to windmills to snowmobile trails to camps.

There are many opportunities for primitive pursuits, but in 10.4 million acres there are plenty of opportunities for non-primitive pursuits as well.

The new CLUP must recognize that the entire LURC jurisdiction cannot be set aside for low budget camping. If Maine is to grow the inland tourism industry, we must provide the infrastructure visitors desire.

Please send your comments to:

Land Use Regulation Commission

Attention: Director, Catherine Carroll

18 Elkins Lane, Harlow Building

22 State House Station, Augusta, Maine 04333

Phone: (207) 287-2631

Email: Catherine.M.Carroll@maine.gov