

CLUP - Vision Section Major Concerns of the MFPC

The Maine Forest Products Council (Council) believes that the vision section of the revised CLUP is critically important in defining the review process. The Vision section states that the CLUP “provides the Commission with an opportunity to not only look back at trends and evaluate their effects, but also to develop a vision for the future of Maine’s wildlands”.

The Council believes it is important to focus this section on the regulatory guidance provided in Use Regulations under MSRA Title 12, Chapter 206-A, Paragraph 681. Purpose and Scope, which reads:

‘The Legislature finds that it is desirable to extend principles of sound planning, zoning and subdivision control to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide for appropriate residential, recreational, commercial and industrial uses; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and inappropriate use of the water in these areas; and to preserve ecological and natural values.

In addition, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State, to encourage the well planned and well managed multiple use of land and resources and to encourage the appropriate use of these lands by the residents of Maine and visitors, in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.

This legislative authority is important to determine an appropriate vision for the management of the LURC jurisdiction. The migration of the revised CLUP from a focus on *purpose and scope* to a focus on *visions and values* is problematic and provides the opportunity for expanded authority beyond the intent of the legislature. It is also troubling for the Council to see how these new values are institutionalized and rigidly protected as indicated by the statement “these values cannot be compromised”.

Of the four “principle values” established by the Commission the third and fourth values are of concern to the Council.

Diverse and abundant recreational opportunities, particularly for primitive pursuits.

This value focuses on “primitive pursuits”. LURC’s Purpose and Scope never mentions primitive pursuits but does address recreation twice: “to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide for appropriate...recreational...uses” and further on “to encourage multiple use of land and resources by the residents of Maine and visitors in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.” “Primitive pursuits” is never given a hierarchical position in previous versions of the CLUP and the Council is concerned with this elevated value which can be exclusive of LURC’s multiple use directive.

Remoteness and natural character values, including the uniqueness of vast forested landscape that is largely undeveloped and remote from major population centers.

LURC’s Purpose and Scope never mentions remoteness, just natural character, and in the span of two CLUP revisions remoteness has emerge from obscurity to one of the two “most distinctive of the jurisdiction’s principal values”. Landowners are concerned with the use of “remoteness” as a principle value. For forestland owners, remoteness bears a huge cost for the development and maintenance of a transportation system.

The other principal value is “relative absence of development.” LURC’s definition of remote is problematic in that it is defined as “Distant from permanently settled areas within Maine.” With this definition most, if not all, of the jurisdiction is one hour or less away from a permanently settled area. It would seem that “remote” is more a characteristic than a value.

“Meeting This Vision” - Potential Risks**Inappropriate location of development**

The Council is concerned that this identified risk will perpetuate unsubstantiated claims that the 2 in 5 exemption is a threat to the jurisdiction. The Council has provided information to the Commission and the Agriculture Conservation and Forestry Legislative Committee indicating the need to correct serious data errors in the draft LURC report entitled “An Examination of the Subdivision Exemptions of the Maine Land Use Regulation Commission Law”. The evaluation of this potential risk needs to be based on sound information. The 2 in 5 exemption is an important tool for forest landowners within the jurisdiction.

Patchwork of conservation

The Council believes that the principle values of *diverse and unique resources and fiber and food production* are not at risk because “conservation” of land is occurring only in patches. In the absence of a “master plan”, conservation of land is occurring very successfully throughout the jurisdiction through free market forces. The introduction of a master plan may jeopardize the progress made to date within the jurisdiction

Changing land ownership patterns

The Council believes changing land ownership patterns are not a threat to the vision of the jurisdiction. Changes in land ownership have created opportunities for easements and continued public access policies. Long-term timber supply agreements, ongoing research funding, retained tree growth enrollment, and the continuity of forestland certification are factors that should balance the perception that principle values are threatened.

The revised vision states “The *Wildlands* of Maine will forever retain their unique principal values and will exemplify a pattern of sustainable land use.” The Council challenges the new emphasis on the use of the term “*Wildlands*” since it perpetuates the public’s perception that the jurisdiction is composed of a primitive forest and the role of forest management is an intrusion. The majority of the jurisdiction is under active forest management and the term “*Wildlands*” is inaccurate and a disservice to the landowners who take pride in their management activities. Do a word search throughout the revised CLUP and replace “wildlands” with “Commissions Jurisdiction”, then adjust with other appropriate descriptors as necessary.

Summary

We believe there are serious problems with this current draft vision statement and encourage the Commission to re-examine this important step and include landowner input in the process.

We would hope that the vision will focus on forestry, multiple use recreation and maintaining landowner value.

CLUP – Recreational Resources Section Major Concerns of MFPC

“Wildlands”:

- The term “wildlands” is antiquated and inappropriate to describe the commission’s entire jurisdiction. “Wild” is a myth. The islands, plantations and other communities, and working forest are not “wildlands.” Some of the jurisdiction may seem remote and much is undeveloped, but it is not homogenous “wildlands.”
- Note that the current CLUP does not use the offensive term. That was a conscious effort. Don’t back-slide now. Do a word search and replace “wildlands” with “Commission’s Jurisdiction,” then adjust with other appropriate descriptors as necessary for sentence flow.

“Recreational lands:”

- The jurisdiction is not “recreational land.” It is primarily private forest lands open for recreational use by permission. Forestry is the major economic driver in the unorganized territory; recreation is primary only on a small, generally publicly owned portion.

Jurisdiction vs. statewide: (sometimes comparing apples to oranges)

- Rectify the tendency to cite statewide statistics or trends and imply they apply to the jurisdiction. Maine Tourism statistics on day trips, for example, are heavily southern Maine and coastal oriented, and do not represent the jurisdiction. Likewise, make certain it is clear North Maine Woods statistics only apply to 1/3 of the jurisdiction. Even within the jurisdiction, there are significant regional differences that the CLUP revisions should address.

Primitive Recreation:

- The Commission should not be promoting “non-exclusive primitive recreational use” of the entire 10.4 million acre jurisdiction. Goal 2 of the draft CLUP states: “Promote primitive recreational activities and encourage diversified, non-intensive, and nonexclusive use of recreational resources. Non exclusive uses are those in which a wide range of people can participate, generally at a reasonable

cost.” Instead, strive for balance with a diversity of opportunities within the jurisdiction.

- When listing uses within the jurisdiction, list the most common ones first. They are all important, however some have a much higher participation rate, which should be noted in statistics or reflected in placement. For example: on page 4 under Recreational Activities and Facilities, mountain biking is listed before hunting and fishing.

Forest Land Ownership:

- Changes in ownership have been occurring for centuries, cycling from private investors in the 1800’s; to a strong component of industrial owners in the 1900’s, back to private investors in the 2000’s. Change always brings fear and uncertainty, but public access and opportunities for use have not been heavily influenced by recent ownership changes.

Statistics, facts:

- Update statistics; clarify the relationship of statewide or specific (North Maine Woods) statistics to the jurisdiction. Discuss emerging trends (FERMATA research results).
- Within the draft CLUP predictions of increases in outdoor recreation use are inconsistent with long-term data for Baxter State Park, North Maine Woods and the Allagash Wilderness Waterway.

Sporting Camps:

- Rather than predetermining sporting camps (or any other use) must remain forever as is, LURC should allow owners to consider economic viability, etc.

CLUP - Forest Resources Section Major Concerns of the MFPC

- The draft needs to more accurately describe from perspective of landowners: the forest resources; ongoing forest management activities; ownership objectives; and the impacts from development and land sales on forestry activities.
- Within the draft CLUP there continues to be a focus on landowners only in light of growing and harvesting trees. This is too simplistic and ignores all the professional efforts and investments landowners have made in addressing issues like biodiversity, sustainability, water protection and in research supported by the University of Maine (i.e. Pine martin, Lynx)
- The LURC process has had a positive impact on the jurisdiction and this fact needs recognition.
- Concerns that the draft and its supporting documentation portray the future of the forest resources in the jurisdiction in a very negative way. Frequently, it is stated that current activities, trends, ownership changes, etc, in the jurisdiction either will or have the potential to harm the forest resources and jurisdictional values. While this approach has been used in all previous CLUPs, the Council urges the Commission to create a more balanced view of the future. CLUPs can't be continuously wrong in their forecast of doom and retain credibility. The jurisdiction is appreciated by those who live, visit and work there and perhaps it is time for a CLUP to reflect this condition.
- Landowners responsible for maintaining many of the jurisdictional values are being viewed unfairly as a threat to the jurisdiction's future. It is hoped that this misconception can be corrected.

Misuse of terminology:

- The forest resource in the jurisdiction has been under active management for several rotations. To characterize the area as "**wildlands**" is inaccurate and a disservice to the landowners that take great pride in their management practices. Do a word search and replace "wildlands" with "Commission's Jurisdiction", then adjust with other appropriate descriptors as necessary.
- The suggestion that "remoteness" is a principle value of the jurisdiction needs clarification. Landowners are concerned with the use of remoteness as a value; remoteness is simply a characteristic of the jurisdiction. For example, forestland owners think of remoteness as a huge cost for the development and maintenance

of a transportation system. Although, some advantages exist for off-highway hauling, most of the traffic exits onto public highways that require specific load limits. The advantage of the off-highway system is further compromised by heavy recreational traffic.

- It is questionable just how much of the jurisdiction is “remote” with most of the area (80% or more) within an hour’s drive of permanently settled areas within Maine (LURC definition). Also, there are numerous permanently settled areas imbedded within the jurisdiction such as Jackman, Eustis and Greenville.
- The draft states that intensive forest management is on the increase in the jurisdiction. Activities such as tree planting, pre-commercial thinning and herbicide treatments, considered intensive practices, are actually declining (MFS Silviculture Activities Reports). Such statements need to be corrected.

Factual information:

- Facts about the state of Maine and the jurisdiction are commingled and at times impossible to separate. We suggest discussion be focused on the jurisdiction and whenever state wide facts are given, the distinction be made clear. An example of this is the enumeration of state-wide inventory and harvesting data rather than using a subset of data more specific to the jurisdiction.
- Some facts are also clearly outdated and appear to have been transferred from the current CLUP document. An example of this is the suggestion of a scarcity of larger diameter spruce and fir trees and an age class imbalance. We encourage the staff to review figures 34 and 61 in “The Forests of Maine 2003” publication. We believe this statement to be at odds with inventory data which shows positive current conditions and favorable trends since the budworm epidemic.
- The threats of fragmentation highlighted in the previous CLUP is another example of potential consequences that have not come to pass.
- Percentages are often used to denote trends in the jurisdiction. This approach is legitimate to a point, but when absolute numbers are small, impacts from percent increases are easily overstated. Often percent changes are cast as harbingers of significant change without supporting information. The draft needs to be more cautious in predicting impacts from trend data unless factually documented.

Role of forest management:

- We are concerned that very little attention has been place on forest management in the jurisdiction and often when mentioned is not characterized appropriately or is diluted by focusing on other jurisdictional values such as recreation.

- The forests in the jurisdiction have been actively managed for decades and this commitment to management has been further acknowledged through the independent third party certification of millions of acres.
- Conservation easements that restrict development and promote continued forest management have been placed on additional acreage. These and other initiatives, like the adoption of applied research are addressing biodiversity, plant and animal habitats, late successional forests, plant communities of exceptional value and like issues.
- The draft needs to have a discussion about the forest resource commensurate with its importance to the jurisdiction.

Ownership changes/fragmentation:

- We have not seen, nor expect to see, from current land ownership trends significant impacts on our principle business – growing and harvesting trees.
 - From the industry perspective, *road costs* and *right of way agreements* among landowners are significant factors that could impact forest management costs as a result of changing ownerships. However, these arrangements are self-regulating and are not in jeopardy.
 - Decreased parcel size will not increase harvesting expenses within the jurisdiction. The developed transportation infrastructure, extensive forest resource and long-term relationships with “turn-key” contractors ensures that smaller parcels will be available for timber management – in our experience much more so than in organized towns.
- There is too simplistic an understanding reflected in the current draft CLUP. For example: the implications of common and undivided ownerships has not been discussed.

Consistency of regulations and training:

- An important factor for landowners in the jurisdiction has been the consistency of the regulatory process. Timber harvesting, road building and water crossing regulations have essentially remained unchanged for over thirty years. This permanence has allowed landowners to keep staff well trained at reasonable costs.
- Efficiencies gained from being able to conduct activities across 10.4 million acres under the same regulations can not be over-stressed. Resources have been well protected from this approach as most ambiguity within the regulations has been addressed over time.

- LURC staff have been willing participants in training sessions for the regulated community and we believe this should continue. We believe these aspects of the LURC regulatory process should be given attention in the draft.

References:

USDA. 2003. The Forests of Maine. NE Resources Bulletin. September, 2005. pp.

Dept. of Conservation LURC. 1997. Comprehensive Land Use Plan For Areas Within the Jurisdiction of the Maine Land Use Regulation Commission.

2005. Changing Timberland Ownership in the Northern Forest and Implications for Biodiversity. Report # MCCS-FCP-2005-1.

MSRA Title 12, Chapter 206-A, Paragraph 681, Purpose and Scope.

Manomet Center for Conservation Sciences Web site, www.manometmaine.org.

Cooperative Forestry Research Unit-University of Maine. Annual Report 2004-2005.

Maine Forest Certification Advisory Committee. 2005. Final Report.

Maine Forest Service. 2001-2003. Maine Forestry Best Management Practices and Use.

CLUP – Geologic Resources Major Concerns of the MFPC

This section is a good geology primer – written with the overview and detail with which the Forest Resources section also ought to be written. Bob Marvinney’s professional edits enhance it. LURC ought to have MFS do the same for forestry.

The Geologic Resources section is factual. It has been edited, but not significantly changed. Policies, which are specific and appropriate, have not changed.

The section was formerly titled Geologic and Mountain Resources. The new title and broader emphasis is fine, but it is very important that any former references or implications specific to high mountain areas (P-MAs) are not now applied to all geologic resources. For example the forestry regulations referenced in policies apply to P zones, not all geologic resources.

A section was added on Natural Areas. Natural areas are problematic because protection was guaranteed to landowners to be voluntary, yet LURC is obligated to protect the resources. The issue is the creep of voluntary to protected, not that the section is necessarily bad. LURC should commit to continuing cooperation for voluntary protection.

The term “values” is often used when it should be “resources.” “Values” are highly subjective and difficult to quantify. Perceived “values” assigned to actual “resources,” are often seen differently by different people. It is important to distinguish between the “resources” LURC seeks to protect, and the varying “values” constituents place on those resources. We changed the term in many cases, but also left “values” where it fits. (This mis-statement of values for resources also appears in other sections.)

In general, each section of the CLUP should stay focused on the particular subject. Avoid overlap of select themes and restatement in section after section. (This is not a writing style unique to Geologic Resources.) Certain topics, notably development and primitive recreation in this case, find their way into every section. Under Uses of Soils and Surficial Resources, for example, a former paragraph on removal of topsoil for use in development became a paragraph on the increasing use of soil for development throughout the jurisdiction, and in so doing overstates development. Under Uses of Mountain Resources, primitive recreation is named as a “common use” of (implied all) mountain areas, while nothing is mentioned about even more common activities such as hunting and snowmobiling. Stay focused and keep it balanced.

CLUP – Plant and Animal Habitat Section Major Concerns of the MFPC

- Forestry is the most biodiversity friendly land use that can provide an economic return to the landowner. The CLUP should acknowledge this and portray a more factual and less negative tone than the current draft.

- While LURC regulations and programs of other state agencies have had a positive influence on the jurisdiction over the years, we were disappointed in the document's emphasis on them and the almost total lack of acknowledgement of landowner actions which work to protect the economic, cultural, ecological and recreational values of the jurisdiction.
 - Since the 1997 CLUP, hundreds of thousands of acres have been protected from development by conservation easements held by private organizations and state agencies.

 - Recent ownership changes have included conservation owners who have established large reserves that will eventually become mature forest surrounded by managed woodlands.

 - The Department of Conservation's Bureau of Parks and Lands has designated ecological reserves on their ownership throughout the jurisdiction. Baxter State Park, while not in the jurisdiction, biologically functions as a 200,000+ acre reserve in the middle of the jurisdiction.

 - In cooperation with the MNAP and TNC, many landowners have identified and protected unique natural areas through the Private Forest Reserves Program or by internal programs.

 - Maine landowners have participated in and financially supported many cooperative programs and research projects that have advanced the knowledge of biodiversity in the working forest. They include the Maine Forest Biodiversity Project, the Cooperative Forestry Research Unit, and research projects in conjunction with Manomet Center for Conservation Science, University of Maine, Maine Natural Areas Program and Maine Inland Fisheries & Wildlife. Today, forestry conferences are as likely to include biodiversity topics as they are to include silviculture, economics or forest policy.

 - Maine landowners use voluntary BMPs to protect such values as water quality and vernal pools.

 - Many forestlands are under third party certification systems such as the Forest Stewardship Council and the Sustainable Forestry Initiative which

mandate attention and protection of biodiversity and unique plant and animal habitats.

- While the LURC jurisdiction is indeed biologically unique, the draft includes too much emphasis on E/T species and a distorted picture of the richness and productivity of the jurisdiction. Most disturbing is that the assessment is not based on a complete analysis of the data and portrays species in jeopardy from recreation, development and forestry when in fact, they are well protected by existing LURC and Essential habitat regulations and voluntary protections of landowners. None of the recent major reviews of E/T, biodiversity or species richness were cited as information sources (see below).
 - Considering the most current list of E/T species in Maine compiled by MeIFW, who has statutory responsibility to manage for all species, there are a total of 45 species on the state list. Of these, only 16 are within LURC jurisdiction and 29 outside of the jurisdiction. Of 16 species in the LURC jurisdiction, 3 are coastal species, 4 are aquatic species, 4 wetland species, 3 occupy mountains and only 2 are associated with forests (bald eagle and Purple lesser fritillary butterfly with a single occurrence). Habitats for all but the bald eagle and fritillary are already protected by existing LURC protection zones and occur where foresters typically buffer and avoid the habitat. Eagles are protected by Essential habitats. In addition, most forest managers maintain a data base in cooperation with state agencies to locate and properly manage rare plants and ecosystems, not just the E/T species.
 - While northern Maine does have some unique habitats and species, based on the Maine GAP project, most of the species diversity in Maine is concentrated in southern and coastal Maine and declines as you move north. Diversity within the LURC jurisdiction is most influenced by the geographic spread from the western mountains to the coastal areas of Washington and Hancock County and not the inherent richness of northern Maine habitats. Past and present forest management with native species is as much responsible for the biological composition of northern Maine as anything.
- The impact of habitat fragmentation, especially by roads, crops up periodically in the document and is overemphasized. Most of the scientific literature dealing with fragmentation results from studies of forest blocks surrounded by agriculture and rural, settled areas and does not pertain to the LURC jurisdiction. Road densities are considerably less than in organized towns and many roads in the jurisdiction are very lightly traveled for most of the year, especially at night when most wildlife is active. Canopies often become closed over the road, brush grows up to the edge and grass and weeds occupy the middle of the road and present little or no physical or behavioral barrier to travel by animals of all sizes. Large blocks of forest habitat can contain roads and still be viable habitats for most species. For wide-ranging species requiring large blocks of the same successional

stage, such as lynx and marten, landowners are learning to apply habitat models for these species to long-term harvest plans.

- The comments listed above are overriding concerns. At some future time, we will have more specific comments related to these and other concerns including:
 - Deer wintering area
 - Vernal pools
 - Landscape scale habitat concerns

- It is inappropriate for LURC to assume responsibility for landscape level habitat planning. Unless the Commission can demonstrate a threat to public values (air, water and wildlife) in the jurisdiction, these complex issues should be left to the landowners and other appropriate agencies.

- A major change has occurred between the 1997 version of the CLUP and the current version. In the past plan emphasis was placed on identifying and protecting special habitats. The current goal has been broadened beyond statutory authority to include habitats for all species, setting no priority, and creating an impossible regulatory task.

Existing Goals in 1997 plan:

“Protect and enhance identified features and areas of natural significance”

“Conserve and protect the aesthetic, ecological, recreation, scientific, cultural, and economic values of wildlife and fisheries resources”

Goals in 2007 draft plan

“Maintain sufficient habitat to conserve all native plant and animal species currently breeding in the jurisdiction.”

- Notably absent from the current draft is reference to protecting *“wildlife habitat in a fashion which is balanced and reasonably considers the management needs and economic constraints of the landowner”* as stated in the 1997 CLUP.

References:

Gawler, S.C., J. J. Albright, P.D. Vickery, and F.C. Smith. 1996. Biological Diversity in Maine: An Assessment of Status and Trends in the Terrestrial and Freshwater Landscape. Report prepared for the Maine Forest Biodiversity Project. Maine Natural Areas Program, Department of Conservation, Augusta. 80 pp. +Appendices.

Krohn, W. B., et al. 1998. The Maine GAP Analysis Project, Final Report. US Geological Survey. October 1998.

Maine Department of Inland Fisheries and Wildlife. Maine's Endangered and Threatened Species List. May 31, 2006.

McCollough, Mark, C. Todd, B. Swartz, P. deMaynadier, and H. Givens. 2003. Maine's Endangered and Threatened Wildlife. MeIFW. 117 pp.

CLUP – Scenic Resources Section

Major Concerns of the MFPC

- Scenic Resources appears to be a new section within the CLUP. Scenic issues can be and have been adequately addressed under other sections within past CLUPs.
- The approach the Commission is taking with protecting the scenic features of the jurisdiction is of question and great concern. Within the *Purpose and Scope*; Title 12, Chapter 206-A, section 681. Scenic Resource is not even mentioned. Within section 685-A,3 and 3,C it states: “In addition to purposes set forth in section 681, the land use standards shall... protect and preserve significant natural, scenic, and historic features.” It is clear to us that the draft CLUP goes way beyond the legislative intent on scenic issues. The word significant in the various legal sections mentioned above can not be over-emphasized.
- Two examples used to emphasize areas of scenic beauty are Chesuncook Village and Monhegan Island. Both are the result of past development within the natural landscapes and development that would not be allowed under current regulations. Without those disturbances, it is likely neither would be considered as scenic or used as examples. The protection and conservation efforts of shorelines may have eliminated some areas that in the future would be considered significant scenic resources.
- As with many of sections of the CLUP, voluntary conservation measures, easements between willing parties as well as purchases by public entities are working well to accomplish many of the items, which are attempting to be regulated. This regulation will only lower property values and could in the long-term work against enhancing scenic qualities within the Jurisdiction.
- Under the Regulatory Approach, liberties are taken with the descriptions of various zones, emphasizing scenic, remote and recreation beyond the descriptions in LURC Standards (Chapter 10.) Keep scenery in perspective. It is one of many factors in the zones mentioned, never the driving one, and not even mentioned in the description of one.
- The emphasis ought to be protection of significant scenic features, not all scenery.

CLUP – Water Resources Section Major Concerns of the MFPC

- MFPC has a major concern over the suggestion in the draft CLUP to modify the lakes management program and the reclassification of lakes. The Commission needs to understand and honor of the commitment to retain landowner values on specific lakes. It was clearly recognized that development would be allowed on certain lake classifications to balance the lost value from other classifications. By restricting development on many lakes it should not come as a surprise to the Commission that development is occurring in permitted areas. The process agreed to is working.
- There are public versus private ownership differences between great ponds and other water bodies that should be clarified. The draft CLUP is blurring these distinctions.
- Avoid generalizations such as “growing appreciation” and “unprecedented in scale” and be factual whenever data is available. Use actual figures rather than percentages for development permits as percentages mask the real impacts.
- Eliminate the suggestion that LURC initiates concept plans.
- Remove multiple references to words such as such as ‘pristine’, ‘remote’, “backcountry” and “growing appreciation” that are subjective and shouldn’t be used as broadly as they have been to describe the entire jurisdiction

CLUP – Wetlands Resources Section Major Concerns of the MFPC

- The draft of the Wetland Resources Section is much improved over the current document. Several sections that are proposed for deletion are to be replaced by more concise and factual representations of the wetland issues needed to guide the Commission’s planning.
- The need for better mapping, consistency across the jurisdiction and flexibility with forest management activities remain.
- The continued use of the word “value” just brings an unnecessary level of ambiguity and subjectivity into the draft document.

CLUP – Natural and Cultural Resources Major Concerns of the MFPC

Agricultural Resources

- The draft CLUP sites development and fragmentation as an issue of greatest concern. We caution the Commission to provide factual data supporting this concern and to be mindful that development may be the only logical exit strategy for some farmers in the jurisdiction.
- The draft is also concerned with the compatibility of agriculture with residential or commercial uses. The “Right to Farm” law should be consulted as this law provides protection for agriculture activities.

Air Resources

- The CLUP should only review address issues that can be addressed through the LURC statutes. It is appropriate to confer with the appropriate regulatory bodies but the Commission should not exceed its authority.
- It is inappropriate to site regulated activities as pollution sources; this appears to be a biased attempt to influence public policy.

Cultural, Archaeological and Historical Resources

- Landowners are concerned that the draft CLUP is proposing restrictions for marginal sites resulting in lower land values.
- This section needs to be toned down as the perceived threats appear to be exaggerated unless better documentation can be cited.