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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

**Sixth Procedural Order
In the Matter of
Zoning Petition ZP 768**

**Allagash Timberlands LP, Aroostook Timberlands LLC, and
Maine Woodlands Realty Company (Irving)**

May 11, 2018
Commissioner E. Worcester, Chair and Presiding Officer

This Sixth Procedural Order addresses a change in venue for a portion of the public hearing and sets the deadline for post-hearing briefs.

I. UPDATED HEARING LOCATION

Prior procedural orders and hearing schedules had stated that the May 22 portion of the hearing would be held in New Canada. Based on feedback that the New Canada location is no more convenient for parties or the general public and that it may not provide sufficient space for the number of anticipated attendees, all portions of the public hearing – May 22 through 24 – will be held at the Caribou Inn & Convention Center, 19 Main Street, Caribou, Maine.

The final hearing schedule is included as Attachment A. Other than the change in location for May 22, the schedule remains unchanged from the prior version.

II. POST-HEARING BRIEFS

The deadline for submission of post-hearing briefs shall be the same as the public comment deadline. Any brief submitted by the Petitioner or Intervenors must be filed by noon on June 22, 2018. Any rebuttal brief must be filed by noon on July 13, 2018. Post-hearing briefs shall state the party's reasoning, including the facts relied upon and the laws and regulations providing the legal grounds for the party's position. Rebuttal briefs shall be limited to directly responding to arguments presented in the post-hearing briefs.

If you have any questions on this *Procedural Order*, please contact Tim Beaucage (call (207) 287-4894; e-mail Timothy.Beaucage@maine.gov).

DONE AND DATED AT AUGUSTA, MAINE THIS 11th DAY OF MAY 2018



A handwritten signature in black ink, reading "Everett Worcester", is written over a horizontal line. The signature is enclosed in a light gray rectangular box.

Everett Worcester, Chair and Presiding Officer

Attachment A

Sixth Procedural Order In the Matter of Zoning Petition ZP 768

Allagash Timberlands LP, Aroostook Timberlands LLC, and
Maine Woodlands Realty Company (Irving)

FINAL HEARING SCHEDULE

TUESDAY, MAY 22

Location: Caribou Inn & Convention Center, 19 Main Street, Caribou, Maine

Afternoon (1:30 to 5:00 PM): Technical Session

- Introductions, opening statement by Presiding Officer, and swearing in of those testifying [5 minutes]
- LUPC staff statement, administrative history, overview of hearing process, and submitting the file to the record [15 minutes]

- Opening statement and project summary by Petitioner [30 minutes]
- Opening statements by Intervenors and Interested Persons
 - Intervenors (Fish River Lakes Leaseholders Association (Leaseholders Association), Forest Society of Maine (FSM), Natural Resources Council of Maine (NRCM)) [10 minutes each]
 - Interested Persons (Ms. Pierson, Sandy Point & Connection Lane Road Association (Road Association)) [5 minutes each]
- Topic One: Access and Potential Impacts to Existing Camp Owners:
 - *Means of access to proposed and existing development*
 - *Road ownership, associations, and maintenance*
 - *Impacts to roads*
 - *Impacts on existing camp owners (e.g., traffic, common water access for subdivisions, proximity of proposed development areas to existing camp/dwellings)*

- Commission staff introduction of topic and related review standards [10 minutes]
- Testimony
 - Petitioner [25 minutes]
 - Governmental Agency (Town of Van Buren) [10 minutes]
 - Intervenor (Leaseholders Association) [25 minutes]
 - Interested Persons (Road Association, Ms. Pierson) [10 minutes each]
 - Petitioner [5 minutes]
- Commissioner and staff questions [25 minutes]

- Note: Commissioners and staff may ask questions throughout the delivery of testimony. During their allotted time, the Petitioner, Intervenor, and Interested Persons may identify questions they would like the Commission to ask; questions must be asked through the Presiding Officer. Additionally, the Intervenor and each Interested Party with allotted time during the topic will have an opportunity to identify questions to be asked through the Presiding Officer after the conclusion of the Petitioner's closing remarks on the topic area. The Presiding Officer, at his discretion, will ask the questions raised.

BREAK (approximately 5:00 PM)

Evening (6:00 PM): Public Comment Session

- Introductions, opening statement by Presiding Officer, and swearing in of those testifying [5 minutes]
- Project summary by Petitioner [15 minutes]
- Public testimony [3 to 5 minutes each; may be adjusted based on number of individuals interested in offering testimony]
 - Note: Witnesses offering testimony during the technical sessions may not provide public comment; affiliates (e.g., employees, members) of the Petitioner, Intervenor, and Interested Persons may participate in the public comment session, but only in their individual capacities and not on behalf of a party; members of the public may only be directly questioned by the Commission and its staff; the Petitioner and Intervenor may ask for clarification through the Presiding Officer
- Recess and closing statement by Presiding Officer [2 minutes]

WEDNESDAY, MAY 23

Location: Caribou Inn & Convention Center, 19 Main Street, Caribou, Maine

Morning (8:30 AM to 12:00 Noon): Technical Session

- Introductions, opening statement by Presiding Officer, and swearing in of those testifying [5 minutes]

- Topic Two: Potential Resource Impacts, Impact Minimization Efforts, and Conservation:
 - *Extent and location of proposed development areas*
 - *Public resource impacts associated with location of development and service provision*
 - *Outcome based forestry and certification – what these processes involve*
 - *Resource impacts (e.g., brook trout habitat, vernal pools) Note: Any discussion of potential phosphorus impacts at the hearing as part of Topic Two should focus on potential impacts generally. Technical assessment of phosphorus impacts will be*

conducted through submission and review of phosphorus calculations, written comments, reports, and other record materials.

- *Conservation easement – identified conservation values and manner in which values are promoted/ensured; easement area and activities allowed within easement area; certainty that desired conservation will be achieved*
- Commission staff introduction of topic and related review standards [15 minutes]
- Testimony
 - Petitioner [30 minutes]
 - Government Agencies (Maine Forest Service (MFS) and Aroostook County) [15 minutes each]
 - Intervenors (FSM, NRCM) [30 minutes each]
 - Intervenor (Leaseholders) [20 minutes]
 - Petitioner [5 minutes]
- Commissioner and staff questions [25 minutes]
 - Note: All witnesses are subject to cross-examination by the Commission, Commission staff, governmental representatives, the Petitioner, and Intervenors. Commissioners and staff may ask questions throughout the delivery of testimony. Cross-examination by other participants will be in the order identified in Chapter 5. The time allotments listed above capture both direct testimony and cross-examination. How a participant allots its time is up to them.

BREAK (approximately 12:00 Noon-1:30 PM)

Afternoon (1:30 PM to 5:00 PM): Technical Session

- Introductions, opening statement by Presiding Officer, and swearing in of those testifying [5 minutes]
- Topic Three: Anticipated Use of Lakes and Lake Character:
 - *Types and location of public access to lakes*
 - *Anticipated change in intensity and types of use of lakes*
 - *Anticipated effect on recreation uses and experiences*
 - *Public expectations regarding use of and experience on different lakes*
 - *Effect on character of lakes (including scenic impacts of hillside development) and user experience*
- Commission staff introduction of topic and related review standards [15 minutes]
- Testimony
 - Petitioner [30 minutes]
 - Government Agencies (Bureau of Parks and Lands (BPL) and Aroostook County) [15 minutes each]
 - Intervenors (NRCM, Leaseholders) [30 minutes each]

- Petitioner [5 minutes]
- Commission and staff questions [25 minutes]
 - Note: All witnesses are subject to cross-examination by the Commission, Commission staff, governmental representatives, the Petitioner, and Intervenors. Commissioners and staff may ask questions throughout the delivery of testimony. Cross-examination by other participants will be in the order identified in Chapter 5. The time allotments listed above capture both direct testimony and cross-examination. How a participant allots its time is up to them.

BREAK (approximately 5:00 PM)

Evening (6:00 PM): Public Comment Session

- Introductions, opening statement by Presiding Officer, and swearing in of those testifying [5 minutes]
- Project summary by Petitioner [15 minutes]
- Public testimony [3 to 5 minutes each; may be adjusted based on number of individuals interested in offering testimony]
 - Note: witnesses offering testimony during the technical sessions may not provide public comment; affiliates (e.g., employees, members) of the Petitioner, Intervenors, and Interested Persons may participate in the public comment session, but only in their individual capacities and not on behalf of a party; members of the public may only be directly questioned by the Commission and its staff; the Petitioner and Intervenors may ask for clarification through the Presiding Officer
- Recess and closing statement by Presiding Officer [2 minutes]

THURSDAY, MAY 24

Location: Caribou Inn & Convention Center, 19 Main Street, Caribou, Maine

Morning (8:30 AM to 10:45 AM): Technical Session

- Introductions and opening statement by Presiding Officer [5 minutes]
- Closing statements
 - Interested Persons (Ms. Pierson, Road Association) [10 minutes each]
 - Intervenors (Leaseholders, FSM, NRCM) [20 minutes each]
 - Petitioner [20 minutes]
- Recess and closing statement by Presiding Officer [5 minutes]