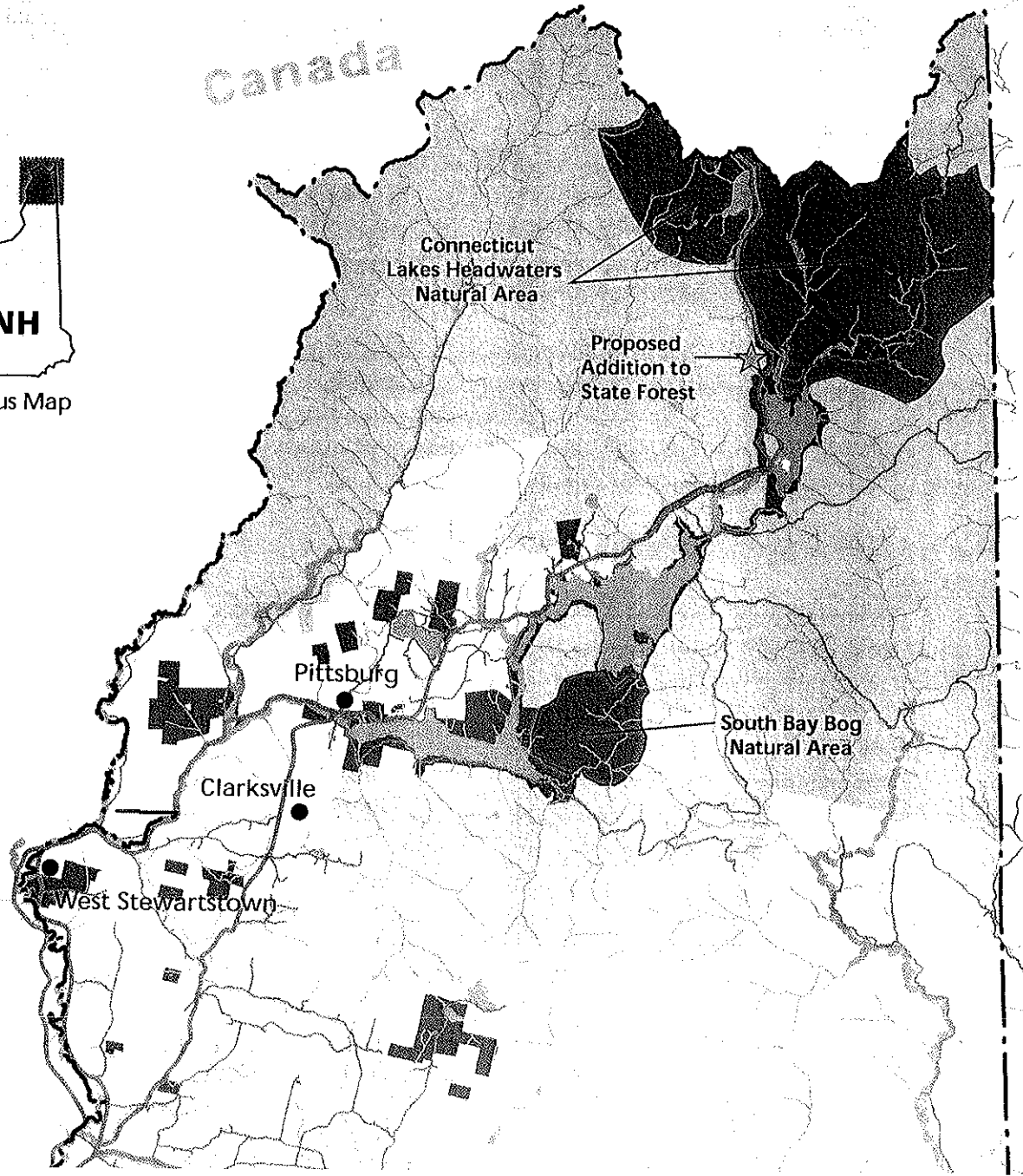






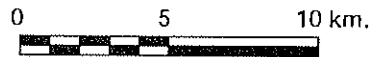
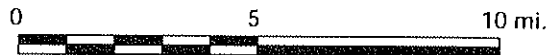


Locus Map



-  Existing conservation land
-  International Paper land
-  Proposed Natural Areas
-  Proposed Addition to State Forest
-  Roads
-  Waterways



Map by Cave Dog Studio. Printed on recycled paper.

### the Connecticut Headwaters campaign

A Conservation Partnership for  
New Hampshire's North Country

# CONNECTICUT HEADWATERS CONSERVATION INITIATIVE

## A ONCE-IN-A-LIFETIME OPPORTUNITY

At 171,500 acres, the Connecticut Headwaters property in Pittsburg, Clarksville, and Stewartstown is the largest unbroken tract of privately owned forestland in New Hampshire. With the property's sale by International Paper, New Hampshire citizens have a once-in-a-lifetime chance to guarantee that this land continues to provide the economic, recreation, and ecological benefits that it has provided for generations.

The Trust for Public Land, a national nonprofit land conservation organization, has an agreement to purchase the property from International Paper by March 29, 2002. To conserve the property permanently, elected officials, the Trust for Public Land, the Society for the Protection of New Hampshire Forests, and The Nature Conservancy of New Hampshire are working to raise a minimum of \$40 million from public and private sources.

## AN INVESTMENT IN NEW HAMPSHIRE'S FUTURE

### RECREATION

- Popular destination for boating, birdwatching, hunting, hiking, and moose viewing
- One of New England's most popular trout stream areas
- One of the two major centers for snowmobiling in New Hampshire

### WILDLIFE HABITAT

- 67 rare and endangered plants and animals
- More than 840 miles of streams and brooks
- Highest density of moose on record in New Hampshire and several large deer wintering areas

### FOREST PRODUCTS

- New Hampshire's forest products industry provides \$1.5 billion worth of shipments annually
- As the state's largest privately owned tract of forestland, this property is important to the forest products economy of both the North Country and the entire state
- This project will continue the tradition of private timberland ownership in the North Country

## PROJECT STRUCTURE

The Connecticut Lakes Headwaters Partnership Task Force, a coalition of public officials, North Country residents and nonprofit organizations, held regular public meetings to solicit input from North Country and New Hampshire residents through the late summer and fall of 2001, and released the following final recommendations for the property in early December:

- The purchase of a conservation easement over 146,400 acres by the State of New Hampshire using state and federal funds. The easement will prohibit development, provide for sustainable timber harvesting, and guarantee permanent public access.
- The purchase of these 146,400 acres, subject to the easement, by a private timber investor.
- The purchase of approximately 25,000 acres of the most ecologically significant habitat by the New Hampshire Fish and Game Department to be set aside as natural areas. In addition, the State will add 100 acres to the Connecticut Lakes State Forest.
- The formation of a citizens committee to oversee the public interest in these lands.

For more information, please contact:

Deborah Smith, The Trust for Public Land, (603) 224-0103, [deborah.smith@tpl.org](mailto:deborah.smith@tpl.org)

# **Final Report**

of the

## **Connecticut Lakes Headwaters Partnership Task Force**

Office of  
Governor Jeanne Shaheen  
State House  
Concord, NH 03301

Office of  
Senator Judd Gregg  
99 Pease Blvd.  
Portsmouth, NH 03801

December 7, 2001

## Acknowledgements

We wish to thank the forty-two members of the Connecticut Lakes Headwaters Partnership Task Force Steering and Technical Committees for their exemplary efforts in the development of a Recommended Protection Plan for the 171,500 acre International Paper property in Pittsburg, Clarksville and Stewartstown, New Hampshire. Thanks are also due to the citizens of these three communities for working with this complicated process to guide a future for themselves and other citizens of New Hampshire. We also thank the hundreds of people who came to the meetings of the Task Force Committees, attended the public hearings and provided comments in writing or verbally to us about the future fate of this property.

And thanks are extended to the people at the Pittsburg School and Pittsburg Fire Department for allowing the Task Force to use space for numerous meetings and hearings over the duration of this process from August to November, 2001.

Lastly, we also wish to thank The Trust for Public Land for stepping forward and assuming a tremendous risk in securing the property to allow this thoughtful public process to occur. Citizens today and in the future will look back on this courageous step as critical to the lasting benefits that will accrue to New Hampshire from the protection of the IP lands.

Governor Jeanne Shaheen

Senator Judd Gregg

December 7, 2001

# CONNECTICUT LAKES HEADWATERS PARTNERSHIP TASK FORCE

## FINAL REPORT CONTENTS

- I. Executive Summary
- II. Introduction
- III. Task Force members
- IV. Charge
- V. Process Overview
- VI. Technical Committee work products
- VII. Steering Committee interim agreements
- VIII. Final Recommendations

### Appendix

Work Plan

Meeting Minutes

Technical Committee memos

Technical Committee Issue Briefs

## I. Executive Summary

Appointed by Co-Chairs Governor Jeanne Shaheen and Senator Judd Gregg, the Connecticut Lakes Headwaters Partnership Task Force, consisting of a diverse group of 24 individuals in a decision-making Steering Committee and 18 experts on a Technical Committee, completed the development of a Recommended Protection Plan for the 171,500 acre International Paper lands in Pittsburg, Clarksville and Stewartstown, New Hampshire during the period from August 9, 2001 to November 30, 2001.

The purpose of the Plan was to advise and direct The Trust for Public Land, a national non-profit land conservation organization with offices in Concord, NH and Montpelier, VT, that had secured a purchase and sale agreement with International Paper to purchase the north country property, on a desired protection approach. In cooperation with the State of New Hampshire, the Society for the Protection of NH Forests, The Nature Conservancy and other partners, The Trust for Public Land intends to carry out the Recommended Protection Plan during calendar 2002, once it acquires the property on or after December 31, 2001. The Trust's ability to carry out the Plan rests on successfully seeking the various sources of funding identified by the Steering Committee.

The Recommended Protection Plan envisions:

- a conservation easement owned by the State of New Hampshire (DRED, working with Fish & Game, to be the holder of the easement) covering the entire property (with a possible non-profit easement holder on the natural area portion of the property),
- a private timberland investor purchasing 146,500 acres of the land,
- a natural area covering 25,000 acres of the property (State to be the owner of the Natural Area and Fish and Game, working with DRED, to be the lead management agency). Of the 25,000 acres, 15,000 acres will be a no-harvest zone and 10,000 acres will be a wildlife management area where some timber harvesting will be contemplated for wildlife habitat purposes), and
- The State will retain a right-of-first-refusal on the 146,500 property purchased by the private timberland investor.

In order to fulfill this Vision and plan, funding must be secured from a variety of sources over the next year. These sources (and acquisition budget) include:

<u>PROJECT COST</u>	<u>Low</u>	<u>High</u>
IP Land Purchase Price	33,000,000	35,000,000
Community Income Fund	750,000	750,000
Project costs	3,000,000	4,000,000
Stewardship	2,000,000	3,000,000
Road Maintenance Fund	750,000	1,500,000
<b>TOTAL COST</b>	<b>\$39,500,000</b>	<b>\$44,250,000</b>
<u>Potential PROJECT REVENUE</u>		
Private Landowner	11,000,000	13,000,000
State (for C.Easement/rec.rights)	9,000,000	10,000,000
Federal (for C. Easement/rec.rights)	12,000,000	13,250,000
Private contributions	7,500,000	8,000,000
<b>TOTAL Potential REVENUE</b>	<b>\$39,500,000</b>	<b>\$ 44,250,000</b>

This report does not conclude the process for the protection of the International Paper lands in northern New Hampshire. It provides a template for fulfilling a future for these lands to benefit the most people over time. During 2002, many more people need to become engaged to fulfill that vision.

## II. Introduction

On July 26, 2001, Governor Jeanne Shaheen and Senator Judd Gregg announced the creation of the Connecticut Lakes Headwaters Partnership Task Force on the heels of the announcement earlier in July that International Paper (IP) had decided to put its 171,500 acre north country forest ownership up for sale. A week before, The Trust for Public Land (TPL), a national non-profit land conservation organization with offices in Concord, New Hampshire and Montpelier, Vermont, had announced a verbal agreement with IP to purchase the property. TPL had decided to step in to purchase the property in order to provide the time to allow local, state and federal officials and other interested citizens the opportunity to develop a conservation plan for the property.

Governor Shaheen convened the first meeting of the Task Force Steering Committee, its decision-making body, on August 9, 2001 in Pittsburg, NH and presented its charge and timeline. Senator Gregg chaired the second meeting of the Committee on August 29, also in Pittsburg.

The Task Force Technical Committee, charged with assisting the Steering Committee by developing data and information about the IP lands and conservation options for the property, met for the first time on August 16. Over the course of four months, the Committees received hundreds of comments from interested individuals and organizations at regular meetings, public hearings, e-mail, mail, meetings and phone calls.

The Steering Committee developed its final recommendations to Co-Chairs Governor Shaheen and Senator Gregg at its final full meeting on November 1, 2001 and at two sub-group meetings on November 13.

This report outlines the process, findings and recommendations of the Task Force.

Note: A website, [www.nhdfi.org](http://www.nhdfi.org), (click on the Task Force button) contains all the documents associated with this process, including a copy of this report.

### III. Task Force members

Governor Shaheen and Senator Gregg appointed the following individuals to the Task Force's decision-making Steering Committee and information-providing Technical Committee:

#### Steering Committee

Co-Chairs, New Hampshire **Governor Jeanne Shaheen** and United States **Senator Judd Gregg**  
**Speaker** of the New Hampshire House **Gene G. Chandler**, Bartlett  
**New Hampshire Senate President Arthur P. Klemm, Jr.**, Windham  
State **Senator Harold W. Burns**, Whitefield  
State **Representative Eric G. Stohl**, Colebrook  
**Representative Peter Burling**, House Democratic Leader  
**Senator Beverly Hollingworth**, Senate Democratic Leader  
**Executive Councilor Ray Burton**, Woodsville  
United States **Senator Robert Smith**  
United States **Congressman Charles Bass**  
United States **Congressman John Sununu**  
Pittsburg Selectman **Jean Burrill**  
Coos County Commissioner **Burnham Judd**  
**Andy Buteau**, Chair, Clarksville Board of Selectmen  
**Connie Coviello**, Chair, Stewartstown Board of Selectmen  
**Fred King**, Colebrook  
**Jasen Stock**, Executive Director, NHTOA  
**John Harrigan**, former Northern Forest Lands Council member and North Country publisher, land owner and farmer  
**David Atkinson**, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill  
**David Houghton**, Field Office Director, Northern New England, Trust for Public Land  
**Jane Difley**, President/ Forester, Society for the Protection of New Hampshire Forests  
**George Bald**, Commissioner, Department of Resources and Economic Development  
**Wayne Vetter**, Executive Director, Department of Fish & Game

#### Technical Committee:

Chairman, **Phil Bryce**, Director, Division of Forests and Lands, DRED  
Vice Chairman, **Charles Bridges**, Habitat and Diversity Programs Administrator, NH Fish & Game  
**Paul Bergeron**, President, Pittsburg Ridge Runners  
**Mary Brown**, Executive Director, NH Wildlife Federation  
**Daryl Burnett**, New Hampshire State Director, The Nature Conservancy  
**Darrell Covell**, UNH Cooperative Extension Wildlife Specialist  
**Paul Doscher**, Society for the Protection of NH Forests  
**Kevin Evans**, Dartmouth College Woodlands Manager, Milan  
**Walter Graf**, Vice President, Appalachian Mountain Club  
**Ronald J. Hughes**, Lease Holder, Colebrook  
**Michael King**, Executive Director, North Country Council  
**Richard Moore**, President, Audubon Society of NH



**Deirdre Raimo**, US Forest Service State and Private Forestry, Forest Legacy Coordinator

**Lisa Savard**, Lopstick Lodge and Cabins, Pittsburg

**Tom Thomson**, Chair of Policy Committee for National Tree Farm System and owner of Thomson Family Tree Farm, Orford

**Jim Tibbets**, President and CEO, First Colebrook Bank

**Rick Tillotson**, Tillotson Corporation and Tillotson North Country Foundation, Dixville

**Malcolm R. Washburn**, Logging Contractor and founder of the NH Timber Harvest Council, Colebrook

**Will Staats**, NH Fish & Game; **Johanna Lyons**, Division of Parks and Recreation; and **Robert Macgregor**, NH Division of Forests and Lands served as state agency support staff to the Technical Committee.

Task Force facilitator/coordinator – **Charles Levesque**, President, Innovative Natural Resource Solutions LLC and consultant to The Trust for Public Land.

#### IV. Charge

At the first meeting of the Steering Committee on August 9, 2001, Governor Shaheen and John Cavanaugh, representing Senator Judd Gregg, presented the Steering and Technical Committee charges:

“Steering Committee charge – The Steering Committee will develop a consensus approach and vision and funding mechanism(s) for the protection of the International Paper lands in Pittsburg, Clarkesville & Stewartstown that assures these lands continue to provide the many economic, recreation and natural resource benefits they have provided New Hampshire citizens for generations. The Committee will recommend this approach and vision to Governor Shaheen and Senator Gregg. The approach will pay particular attention to the needs of citizens local to these lands.

The recommended protection approach and vision, and the Committee recommendation will include, at minimum:

- principles/benefits for which the protection is sought, including, but not limited to: timber, ecologically sensitive resources, snowmobiling, hunting, fishing, motorized recreation, hiking, walking & wildlife viewing
- desired ownership mix
- protection methods including conservation easements, recreation rights, fee ownership and leases
- sources and relative amounts of funding to assure the protection
- approach for ongoing oversight of the property
- other

The Committee will deliver its initial recommendation by no later than September 25, 2001 and a final recommendation by no later than December 1, 2001.

Technical Committee charge – The Technical Committee will serve the Steering Committee in an advisory role to provide timely information on the natural resource attributes, economic data and protection methods for the IP lands to assist the Steering Committee in fulfilling its charge. The Committee will receive its initial charge and request from the Steering Committee before proceeding with its work. The Committee will work under the leadership of Chair Philip Bryce and Vice-Chair Charles Bridges and will provide assistance according to the timeline of the Steering Committee work.”

## V. Process Overview

The Steering Committee and Technical Committees completed their work over a short period of time. This provided the confidence The Trust for Public Land Board of Directors needed to continue its purchase and sale agreement to closing through a decision to provide a million dollar payment to IP in early November. In order to complete its work, the Steering and Technical Committees followed a rigorous meeting schedule to fulfill a workplan agreed to at the initial meeting of the Steering Committee. The meeting schedule included:

### Steering Committee meetings –

- August 9, 2001 – Pittsburg High School, Pittsburg, NH
- August 29, 2001 – Pittsburg High School, Pittsburg, NH (also a Public Hearing)
- September 11, 2001 – Unitarian Church Fellowship Hall, Concord, NH
- October 4, 2001 – NH Vocational Technical Institute, Concord, NH (& Public Hearing)
- November 1, 2001 – Pittsburg High School, Pittsburg, NH (& Public Hearing)

### Technical Committee meetings –

- August 16, 2001 – Pittsburg Fire Station, Pittsburg, NH
- August 23, 2001 – Div. of Forests & Lands/Fish & Game, Lancaster, NH
- September 4, 2001 – Pittsburg Fire Station, Pittsburg, NH
- September 25, 2001 – Div. of Forests & Lands/Fish & Game, Lancaster, NH

In addition to these meetings, subcommittees of both the Steering Committee and Technical Committee met numerous times in order to facilitate the meetings of the Committees.

## VI. Technical Committee work products

The Technical Committee produced numerous products during and between its four full Committee meetings. Produced by all the committee members and gathered, edited and coordinated by the Committee Chair and Vice-Chair, Philip Bryce and Charles Bridges along with extra efforts by Carol Foss, Paul Doscher and many other members, the committee produced:

- An Initial Information Overview of the IP Lands – This set of briefs brought together early collected information and data on the natural resource and economic attributes of the IP lands.
- Protection Options for International Paper Co. Lands – An overview of the technical options available for the protection of the IP lands.
- Options Considerations – A pro/con review of the options for protection of the IP lands.
- Ecologically Sensitive Resources and Places – A review of the various sensitive resources likely to be found on the IP lands and options for protecting these various resources.
- Briefing Papers – IP Lands – Culmination of the Technical Committee research on a series of subjects related to the natural resource, economic and social issues surrounding the IP lands. Based on a series of longer reports on the subjects produced by the members of the Technical Committee. There are 21 briefing papers and a series of maps associated with the briefing papers.
- The Tourism Economy of Pittsburg – 2001 – Produced by Plymouth State College Institute for New Hampshire Studies at the urgings of the Technical Committee and request of DRED Commissioner George Bald, this report updates the economic overview of Pittsburg, NH from a similar report done in 1993.
- Summary of NH CE terms – Produced by Technical Committee members Philip Bryce and Paul Doscher.
- Maps – The Technical Committee produced a series of maps for use by the Steering Committee. These include: Road System, Forest Types, Timber Size and Density; Land Cover; IP management designations; protected land in Coos County.

Also produced by the Division of Forests and Lands Natural Heritage Inventory program under contract to The Trust for Public Land, was a Natural Heritage Inventory Interim Report resulting from a series of field investigations on the IP property by the Natural Heritage Inventory program.

## VII. Steering Committee interim agreements

The Steering Committee made numerous consensus agreements during their five meetings. The major agreements include:

✍ August 9, 2001 meeting – key agreements were –

- a. that TPL should sign the purchase and sale agreement with IP at the soonest opportunity
- b. a workplan for the work of the Task Force
- c. a series of principles (draft) which the protection plan for the IP property should conform to. These included:

- Timber
- Ecologically sensitive resources & places
- Snowmobiling
- Hunting, Fishing and Trapping
- Motorized recreation
- Hiking and Walking
- Wildlife Viewing
- Leasing
- Sustainable Forestry
- Camping
- Links to existing parks
- Tourism and Hospitality balanced with
- Economic Vitality
- Revenues for local municipalities
- Local control of management
- Maintaining tax base
- Maintaining local jobs
- Enjoyment of visitors
- Single ownership
- Base decisions of best available data
- Private ownership
- A system of protection that will work in perpetuity
- local quality of life

- d. A list of issues requiring resolution before the project was complete:
  - what direction will accomplish the principles and vision;
  - how to amass the resources to achieve the goal;

- remain flexible for the future;
- management of the lands once they are acquired;
- adequate resources for the oversight and management of the lands;
- local control of management after the final acquisition (several members suggested this);
- timber harvesting in the short term (several members);
- snowmobiling and leases in the short term (several members);
- if the state owns, finding a way for multi-agency management;
- not letting other issues get in the way of the task at hand on this project;
- transition period is critical to the future of the management of the property;
- who will monitor the land and monitor the conservation easement;
- finding a permanent solution that deals with the interest of private owners to accelerate the harvest levels on the land and possibly restricts the re-sale of the property.

✍ August 29, 2001 meeting – key agreement was – organizing and keeping entire list of principles:

Ownership/Management/Process Principles

Local control of management

Single ownership

Private ownership

A system of protection that will work in perpetuity

Links to existing parks

Tourism and Hospitality balanced with local quality of life

Base decisions of best available data

Natural Resource Values Principles (3 categories)

Timber

Ecologically sensitive resources & places

Sustainable Forestry

*Recreation:*

Snowmobiling

Hunting, Fishing and Trapping

Motorized recreation

Hiking and Walking

Wildlife Viewing

Leasing

Camping

Enjoyment of visitors

*Economic Vitality:*

Revenues for local municipalities

Maintaining tax base

Maintaining local jobs

September 11, 2001 meeting – key agreement was on a Vision Statement:

“We see the International Paper Connecticut Lakes lands in New Hampshire continuing to provide the many economic, recreation and natural resource benefits they have provided New Hampshire citizens and visitors for generations. These lands will remain as a large block of largely undeveloped productive/working forest while continuing their substantial contribution to the local and regional culture and economy. Public access for recreation will be assured as will the conservation of ecologically sensitive resources and places.

Achieving this vision for the permanent conservation of the IP lands will result in the protection of resources and benefits identified in the following principles:

*Forest and Water:*

Timber  
Ecologically sensitive resources & places  
Sustainable Forestry

Wildlife Viewing  
Leasing  
Camping  
Enjoyment of visitors

*Recreation:*

Snowmobiling  
Hunting, Fishing and Trapping  
Motorized recreation  
Hiking and Walking

*Economic Vitality*  
Revenues for local municipalities  
Maintaining tax base  
Maintaining local jobs”

October 4, 2001 meeting – key agreement was:

- Selection of a preferred alternative –

**“Private Ownership with Conservation Easement and Possible Natural Area –** This option envisions a private owner purchasing the fee on most of the IP ownership as a timberland investment with a conservation easement covering that land and held by the state. The easement would prevent most development, assure for sustainable forestry and include the perpetual right for the public to use the property for hunting, fishing, trapping, hiking, walking, wildlife viewing, camp leases, snowmobiling and other motorized recreation. The easement could also contemplate more leases and limited locations for value added forest products manufacturing. The conservation easement would incorporate specific standards of stewardship for the forest and property. A natural area, which includes some areas where timber is not cut and other areas where the forest is managed for wildlife and other purposes that would include limited timber management, could be included in this option.

It is anticipated that public funds would go to purchasing the conservation easement while the private timberland investor would purchase the fee interest in the property. Funds would also be sought for a permanent easement stewardship fund. Funds from other non-governmental sources might also be sought.”

## VIII. Final Recommendations

The final recommendations from the Steering Committee came through decisions made at the November 1, 2001 meeting of the Committee, November 13 sub-group meetings and subsequent telephone polling. These recommendations included:

### a. A budget for the protection project --

<u>PROJECT COST</u>	<u>Low</u>	<u>High</u>
IP Land Purchase Price	33,000,000	35,000,000
Community Income Fund	750,000	750,000
Pittsburg      \$622,500		
Clarksville    112,500		
Stewartstown   15,000		
Project costs	3,000,000	4,000,000
Stewardship	2,000,000	3,000,000
Road Maintenance Fund	<u>750,000</u>	<u>1,500,000</u>
<b>TOTAL COST</b>	<b>\$39,500,000</b>	<b>\$44,250,000</b>
<u>Potential PROJECT REVENUE</u>		
Private Landowner	11,000,000	13,000,000
State (for C.Easement/rec.rights)	9,000,000	10,000,000
Federal (C. Easement/rec.rights)	12,000,000	13,250,000
Private contributions	<u>7,500,000</u>	<u>8,000,000</u>
<b>TOTAL Potential REVENUE</b>	<b>\$39,500,000</b>	<b>\$44,250,000</b>

### b. Recommended Protection Plan --

"The *recommended protection plan* envisions a conservation easement owned by the State of New Hampshire covering the entire property (with a possible non-profit easement holder on the natural area portion of the property), a private timberland investor purchasing most of the land, and a natural area covering a portion of the property (State to be the owner of the Natural Area and Fish and Game, working with DRED, to be the lead management agency for the NA.) The State will retain a right-of-first-refusal on the 146,500 property purchased by the private timberland investor.

#### The conservation easement will:

- Cover the entire 171,500 acres of current IP lands;
- Govern the property forever, no matter who the owner is;
- Include language that provides for continued timber harvesting using sustainable forestry practices;
- Secure permanent rights for the public to have access to the 171,500-acre property for snowmobiling, hunting, fishing, trapping, motorized recreation, hiking and walking, wildlife viewing, and camp leases;
- Maintain continued vehicular access to major portions of the property through state control over the vast road network that currently exists;
- Include monitoring and enforcement of the easement by the State of New Hampshire.



The sale to a private timberland investor will:

- Maintain a North Country tradition of private timberland ownership;
- Keep the majority of the land on the tax rolls;
- Allow the land's private owner to manage the timber on the 146,500 acres of land it will own, under the terms of the conservation easement.

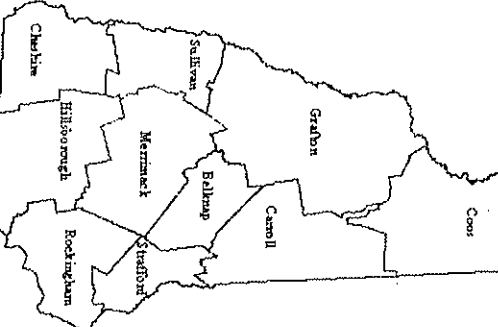
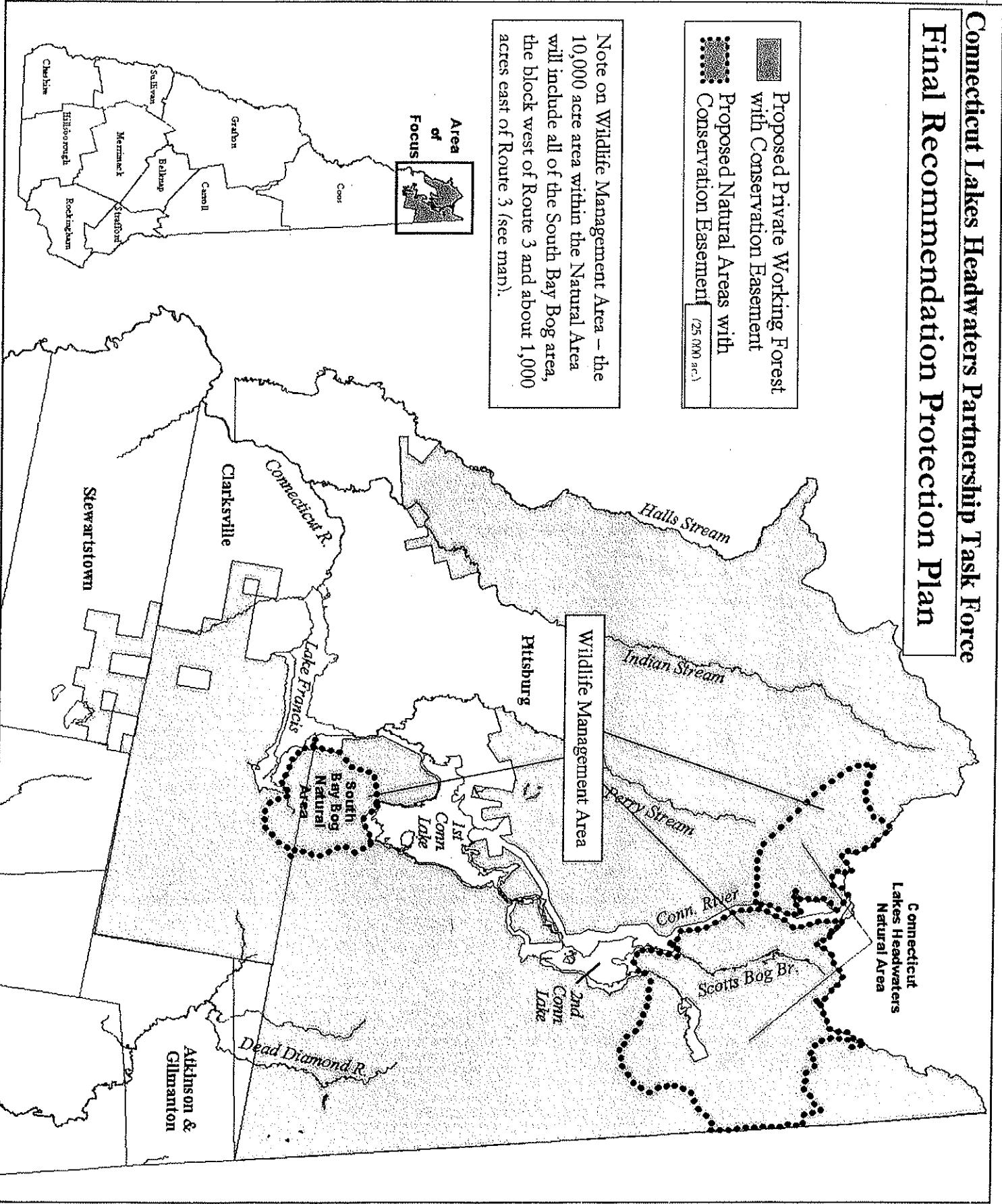
The natural area will:

- Include approximately 25,000 acres in total: about 21,000 acres in the headwaters area to the north (all in Pittsburg), and around 4,000 acres in the South Bay Bog area to the south (most in Pittsburg, some in Clarksville);
- Require that 10,000 acres of the 25,000 acres be managed for wildlife habitat as the focus, including appropriate timber harvesting to encourage wildlife;
- Provide public access—the permanent public access rights secured by the conservation easement also apply to the natural area, including vehicular access over the existing road network;
- Reduce timber harvesting on the most ecologically sensitive portions of the property: 17,900 acres of the 25,000 acres are currently managed for timber, and as part of the natural area a large proportion of these acres will no longer be harvested for timber in order to allow natural processes of the land to continue without intervention.”

# Connecticut Lakes Headwaters Partnership Task Force Final Recommendation Protection Plan

	Proposed Private Working Forest with Conservation Easement
	Proposed Natural Areas with Conservation Easement (25,000 ac.)

Note on Wildlife Management Area – the 10,000 acre area within the Natural Area will include all of the South Bay Bog area, the block west of Route 3 and about 1,000 acres east of Route 3 (see map).



c. Advisory Committee description –

Connecticut Lakes Headwaters Citizens Advisory Committee (CLHCAC)

**Note: This document is intended to guide language that will be included in funding legislation for the IP lands protection project.**

Summary: The authority to manage the Connecticut Lakes Headwaters conservation project rests with the State of New Hampshire and its administrative agencies. This authority cannot be delegated or shared with outside individuals or organizations. It is recognized that any and all management decisions made by the state will affect everyone with an interest in these lands. Therefore, in the interest of the public involvement, a 13-member broadly representative public advisory committee, the Connecticut Lakes Headwaters Citizens Advisory Committee (CLHCAC), shall provide oversight and guidance to, and work in partnership with, the Department of Resources and Economic Development and the Department of Fish and Game, for aspects of the Connecticut Lakes Headwaters conservation project in which there is a substantial public interest.

Duties:

The duties of the CLHCAC will include, but not be limited to:

- Providing advice to the monitoring entity in monitoring of compliance with terms and conditions of a conservation easement or easements covering the Connecticut Lakes Headwaters project area;
- Providing advice to DRED and Fish & Game in the management of public recreational use of the Connecticut Lakes Headwaters project area, including, but not limited to: the siting of new leases that may be contemplated; which roads should be open to the public at which times of the year; which trails shall be used for snowmobiling on the property and where and when ATVs should be allowed to run;
- Providing oversight in the management of state park and natural areas owned in fee by the Department of Resources and Economic Development and/or the Fish and Game Department.

The legislation under which the CLHCAC is created will also specify:

- the committee objectives;
- the scope of activity;
- the terms of committee members;
- how a chair will be elected; and
- the minimum number of times the committee should meet per year.

CLHCAC membership: The CLHCAC shall consist of 13 members, and at least 7 shall always be residents of communities located in the Great North Woods Region Association's area (GNW) as established by the State in February, 1998\*. All members shall be voting members. The chair shall be elected by the members from one of the public members and shall be a resident of the GNW.

The CLHCAC shall be comprised of the following:

- Two residents of the Town of Pittsburg, appointed by the selectmen.

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\* The GNW includes all communities in Coos County with the exception of Shelburne, Gorham, Randolph, Jefferson and Carroll.

- One resident of the Town of Clarksville, appointed by the selectmen.
- One resident of the Town of Stewartstown, appointed by the selectmen.
- A person who shall demonstrate expertise in forestry and timber harvesting, appointed by the Speaker of the House of Representatives.
- A person who shall demonstrate expertise in monitoring of conservation easements, appointed by the Speaker of the House of Representatives.
- A person who shall have demonstrated expertise in outdoor recreation and tourism, appointed by the President of the Senate.
- A person who shall have expertise in forest ecology and management of natural areas, appointed by the President of the Senate.
- Two persons appointed by the Governor.
- A Coos County Commissioner, or designee.
- The commissioner of DRED, or designee.
- The executive director of Fish and Game, or designee.
- A representative of the private landowner as an ex-officio (non-voting) member.

CLHCAC meetings will be open to the public and a notice of such meetings will be properly made. The committee will meet at least twice in each year and annually will meet to review the management plan as prepared by the state agencies. Special meetings will be held as determined by the Chair. Interested persons will be allowed to speak before, or submit statements to the committee. Records, reports, working papers generated and/or used by the committee will be made available to the public.

Administrative attachment: The CLHAC shall be jointly administratively attached to the Departments of Resources and Economic Development, and Fish and Game. A designated state employee from one of the agencies will also be appointed as the committee's administrative officer and will attend each meeting as well as ensure the above procedures are established and efficiently followed.

#### d. Conservation Easement Terms

##### **Purposes**

- To preserve and conserve open spaces and scenic values, particularly the conservation of the 171,500 acres more or less of productive forest land of which the Property consists, for the enjoyment and education of the general public; and
- To provide for the continuation of traditional forest uses including forest management and outdoor recreation; and
- To preserve and conserve waterfront, streams, riparian areas and the quality of groundwater and surface water resources, fish and wildlife habitat, native biodiversity, rare and exemplary plants and natural communities and cultural resources on the Property; and
- To guarantee public access, which will allow the general public to hike, hunt, fish, snowmobile and participate in other low impact outdoor recreational activities on the Property; and
- To retain the property in perpetuity as an economically viable and sustainable tract of land for the production of timber, pulpwood, and other commodity and non-commodity forest products.

##### **Open Space**

The Property shall be maintained in perpetuity as open space without any industrial or commercial activities, except Forestry and outdoor recreation activities.

##### **Forestry**

Forestry on the property will be conducted in a sustainable manner in accordance with the purposes above. For example the easement will:

- Require a management plan to be submitted to and approved by the easement holder and to be updated regularly.
- Require forestry that is practiced in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" (State of New Hampshire, Department of Resources and Economic Development, 1998) and "Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire" (Division of Forests and Lands, Department of Resources and Economic Development and Society for the Protection of New Hampshire Forests, 1997).
- Promote long rotation harvests for the sustainable production of high quality wood products including sawlogs and veneer.
- Promote forest management that creates a diversity of age classes.
- Protect ecologically sensitive resources and places such as land above 2700 ft, land within 100 - 600 ft of streams, rivers, ponds, non-forested wetlands; known deer wintering areas; and other fragile areas.

#### **Subdivision**

The easement will allow one subdivision, the smaller tract resulting will be no larger than 100 acres. The purpose of this subdivision is to allow for a value-added wood products manufacturing facility.

#### **Miscellaneous Provisions**

- There shall be no structures built except those that serve the purposes of the Conservation Easement.
- There shall be no removal or filling of soil except where necessary for forestry and outdoor recreation and where it does not threaten any rare, threatened, or endangered species.
- There shall be no new outdoor advertising structures such as signs and billboards except those that serve the purposes of the Conservation Easement.
- There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, or topsoil. The removal of gravel for the maintenance of roads on the property related to forestry and outdoor recreation will be allowed.
- There shall be no dumping, injection, burning, or burial of manmade materials or materials then known to be environmentally hazardous.

#### **Recreation**

- The Easement Holder working cooperatively with the landowner will have the right to provide public pedestrian access to, on, and across the property for hiking, hunting, fishing, cross country skiing, snowshoeing and other low impact outdoor recreational activities. Public access to certain parts of the property may be temporarily limited if circumstances require. For example, the public will not be able to enter areas with active timber harvesting.
- The Easement Holder shall have the right to permit the use and operation of snowmobiles on designated trails on the property and to maintain those trails and to permit other motorized recreation (ATVs) subject to a plan and agreement by the landowner designating the location of such use.
- The Easement Holder shall have the right to permit and manage vehicular access to all season roads provided that such access does not interfere with the forestry operations of the landowner. Road maintenance will be done cooperatively by the easement holder and the landowner.
- Separate agreements to further define and govern recreational activities will accompany the easement. These agreements may be revised from time to time.

#### **Camp Leases**

- The lease will be modeled after the current lease so that the private landowner could terminate the lease if the lease terms are not followed by the lessee.

- At the discretion of the landowner (with siting approval by the agencies with advice from the advisory committee), up to 10 more leases will be allowed over the current active inventory of leases (those with structures on site).
- Lease terms will be 99 years (legal equivalent of "perpetuity").
- Possible practices and/or mechanisms to encourage affordability of the leases over time will be explored.

# Appendices

# Appendix A

## Work Plan

CONNECTICUT LAKES HEADWATERS PARTNERSHIP TASK FORCE

Adopted 8/9/01

1. **Organization** – Appoint Steering Committee and Technical Committee and issue charge.

Completion date: July 26, 2001

Who: Governor Shaheen and Senator Gregg

2. **Public outreach and press** – Develop a plan for public outreach and media contact. Implement plan according to agreed upon schedule. (see plan)

Completion date: Plan discussion at initial Steering Committee meeting. Initial public meetings to be held before September 6 (ideally before second meeting of Committee); additional meetings once recommended plan is agreed to. Public meetings may be focused on issue areas such as: recreational values, timber values, ecological values etc.

Who: Steering Committee

3. **Development of principles for protection effort** – In order to properly frame a vision and protection approach for the IP lands, a set of principles need to be developed that embody the consensus set of values for the Steering Committee.

Completion date: Draft begun at first meeting of Steering Committee. Public outreach will provide additional info so that final principles are agreed to by September 6. Who: Steering Committee

4. **Issue and information needs identification** – Key issues for Steering Committee members should be developed early in order to help frame information/data gathering needs.

Completion date: Initially at first meeting of Steering Committee, completion at second meeting (no later than August 29). Public outreach should also inform the Committee on this.

Who: Steering Committee

5. **Funding source identification** – In order for a vision and protection approach to be realized, sufficient funding sources need to be identified.

Completion date: Discussions ongoing from start

Who: Steering Committee

6. **Data and information collection** – Based on issue identification and information needs developed by the Steering Committee, the Technical Committee will gather the information and data to provide the factual information from which the Steering Committee will make its decisions. Steering Committee must also provide guidance through its principles and other direction for analysis in the next phase.

Completion date: Initial information & data request at first meeting of Steering Committee. Technical Committee completes initial data collection by September 6.

Who: Technical Committee





2. **Press releases & other press contacts** – Prior to and after each Steering Committee meeting and public meeting, issue press releases (with follow up press contacts as needed) updating the work of the Task Force and opportunities for public involvement.

Date for completion: Before and after meetings Who: Offices of Gov. Shaheen & Sen. Gregg

3. **Public involvement at Steering Committee & Technical Committee meetings** – as time allows, each meeting of the Steering & Technical Committees will include an opportunity for members of the public in attendance to provide input.

Date for completion: At each meeting Who: Chairs of Steering & Technical Committees

4. **Public Meetings** – The Steering Committee will provide opportunity for members of the public to provide direct input and feedback to the Committee work and the development of the vision at public meetings around the state. Suggested initial schedule:

Wednesday, August 29, 2001 6:00 PM	location in Pittsburg
Thursday, September 6, 2001 6:00 PM	location in Concord

5. **Steering Committee member constituencies contact** – each member of the Steering Committee represents a large constituency and, through regular contact with those people, inform them of the work of the Steering Committee.

Date for Completion: ongoing Who: Steering Committee members

6. **Public Access Television** – make video tapes of Steering Committee meetings available to statewide public access television channels.

Date for completion: ongoing Who: Ralph Doolan and Littleton station

# Appendix A

## Meeting Minutes

### Steering Committee Meeting Minutes

August 9, 2001  
Pittsburg School auditorium

Attendance:

**Governor Jeanne Shaheen, Co-Chair**  
**John Cavanaugh for Co-Chair Senator Judd Gregg**  
**Rep. Gene G. Chandler, Speaker of the New Hampshire House**  
**Senator Harold W. Burns**  
**Senator Beverly Hollingworth, Senate Democratic Leader**  
**Representative Peter Burling, House Democratic Leader**  
**Representative Eric G. Stohl**  
**Burnham Judd, Coos County Commissioner**  
**Jean Burrill, Pittsburg Selectman**  
**Andy Buteau, Chair, Clarksville Board of Selectmen**  
**Connie Coviello, Chair, Stewartstown Board of Selectmen**  
**Neil Levesque for Congressman Charles Bass**  
**Jeff Rose for Senator Robert Smith**  
**Pam Kocher for Congressman John Sununu**  
**Jasen Stock, NH Timberland Owners Association**  
**John Harrigan, North Country publisher, land owner and farmer**  
**Fred King, Colebrook**  
**David Houghton, Field Office Director, Northern New England, Trust for Public Land**  
**Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests**  
**David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill**  
**George Bald, Commissioner, Department of Resources and Economic Development**  
**Wayne Vetter, Executive Director, Department of Fish & Game**

Not present:

New Hampshire Senate President Arthur P. Klemm, Jr.  
 Executive Councilor Ray Burton

1. **Opening and Welcome** - Governor Jeanne Shaheen opened the meeting, thanking the members of the Steering Committee for agreeing to participate and the members of the public who were in attendance. Members of the Steering Committee introduced themselves. Senator Harold Burns read a letter from Senate President Klemm who could not be present. Jean Burrill read a letter from the boards of selectmen in the region who had met on August 1. They asked that the protection of the IP lands include: keeping it as a working forest; maintaining the snowmobiling; hunting, fishing, trapping and leases; keeping it as one parcel; and keeping it on the tax rolls. John Cavanaugh read a letter from Co-Chair Senator Gregg that thanked the members for their participation.

The Governor asked the members of the Task Force Technical Committee to introduce themselves as well. Those present included: Philip Bryce, Chair; Charles Bridges, Vice-Chair; members Walter Graf, Daryl Burtnett, Paul Bergeron, Ronald Hughes, Kevin Evans, Malcolm Washburn, Rick Tillotson, Carol Foss (for Richard Moore), Jim Tibbets and Michael King.

2. **Charge to the Steering and Technical Committees** – Governor Shaheen read the charge to the Steering Committee and John Cavanaugh read the charge to the Technical Committee. Steering Committee members were asked for comments or questions of clarification and none were offered. Note: See text of charges at attachment A.

c/o DRED, Division of Forests & Lands, P.O. Box 1856, Concord, NH 03301 603-271-2214
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**3. Update on Status of International Paper land sale** – Governor Shaheen asked David Houghton of The Trust for Public Land (TPL) for an update of the pending sale of the IP lands to his organization. Houghton said that the purchase and sale agreement between TPL and IP has been 95% negotiated with only a few minor details being worked out. The signing is imminent. He said that once signed, the purchase and sale agreement will allow for a 45-day “free look” during which information will be gathered and the Steering Committee needs to make its recommendation. He said that TPL is very concerned with the economy of the area and that, if TPL owns the property, snowmobiling will continue. TPL will also do its very best to find a way to continue forestry and timber harvesting on the property during its ownership. Houghton also said that TPL and the Society for the Protection of NH Forests (SPNHF) had agreed to partner on the project.

Jane Difley also mentioned the partnership arrangement. She said that SPNHF was now 100 years old and has had a substantial presence in the north country with many properties owned in proximity to the IP lands.

**4. Issue identification, Principle building and idea sharing** – Governor Shaheen introduced Charles Levesque, a consultant to TPL, who she said would be facilitating much of the rest of this Steering Committee meeting and future meetings. Levesque thanked the Governor and Senator Gregg for asking him to assist the Task Force.

Levesque said that the Governor and Senator had suggested in the Task Force charge that the Steering Committee operate by consensus, which means there will be no voting and all members of the committee must agree to something in order for a decision to be made. He mentioned that he has worked with many groups using this form of decision making and that it is a very powerful method but he reminded members that, in essence, it gives any individual on the committee “veto” power and so members should use this power carefully and respect the rest of the committee members by listening carefully about what they have to say.

For this agenda item, Levesque asked members of the committee for three things: principles (or values) for the protection of the IP lands – the charge contained a number which were listed on a flip chart; issues that need to be resolved before the committee can fulfill its charge; and any other thoughts the member wanted to share. The members shared the following in addition to the principles and issue that follow:

Wayne Vetter - need to maintain the traditional uses and the economy. The challenge is how to get there - need to preserve the property and somehow limit future buyer's options.

Pam Kocher - Congressman Sununu wants to express his desire to assist in any way he can.

Sen. Harold Burns - we need to be flexible because the future needs may be very different than the present.

Andy Buteau - need to address the concerns of the leases.

Jean Burill - leases are a critical issue that needs to be addressed.

David Atkinson - the principles included within the charge to the committee cover the important issues.

George Bald - need to urge sustainable forestry; provide for adequate resources; look for connections with parks and camping.

Sen. Beverly Hollingworth - maintaining the quality of life of local residents and looking for links with tourism and hospitality sector.

Bing Judd - this is the biggest challenge faced in his lifetime and we need to be sure to get local input to determine the future.

Neil Levesque - people are saying they want to "keep things the way they are" but this may not be the same as protecting the property. We have a good opportunity with this and we need local control and need to maintain local revenue.

Governor Shaheen - local control of the future management of the property is important; need to maintain the local tax base and provide livelihood for citizens and opportunities for visitors.

John Cavanaugh - some key issues that must be addressed over the short term are snowmobile use and leases.

David Houghton - TPL needs three things decided by the Steering Committee in order to move ahead with the purchase of the property:

1. should TPL sign the purchase and sale agreement or should it back away and allow IP to put the property on the market;
2. agreement on a conservation strategy (i.e. private owner with a conservation easement; state ownership; other) that should be goal-based;
3. agreement on a fiscal approach - how much money and from what sources to reach the goal-based vision.

Speaker Chandler asked that the group decide on the first question immediately. He suggested that the Steering Committee agree to urge TPL to sign the purchase and sale agreement in order to provide the opportunity for the Steering Committee work. **The Steering Committee agreed by consensus to urge TPL to move ahead and sign the purchase and sale agreement, thereby securing the IP property.**

Rep. Eric Stohl - if the state ends up owning the property, he suggests multi-agency management. He urged that that the parcel be kept in one piece and that the tax base be secured.

Connie Coviello - maintaining the tax base is critical.

Jane Difley - this property is a large one. This gives rise to thinking about future opportunities that may be better than current opportunities. Need good data and science to help make decisions that will be important to the entire state.

John Harrigan - he re-affirmed what many have said, that maintaining the tax base is essential. He asked who was paying for the administrative costs of the effort so far. Levesque said that TPL is paying for his time and that DRED is supplying staff time for administration. He asked that Steering Committee members not let other issues get in the way such as Nash Stream. He appreciates the opportunity TPL is providing. Leases are critical to maintain (John said he was a lessee himself).

Jeff Rose - the key part of the charge to the committee is addressing the needs of local citizens. Sen. Smith can help to bring other dollars to the table.

Jasen Stock - need to continue the logging operations through the short term; private ownership should be a goal of the future ownership; need to be careful of who will monitor and manage the property.

Rep. Peter Burling - he thanked TPL for providing the opportunity and for working to assure the short-term needs are fulfilled. Key thoughts: keep focus on the future; don't create false expectations for anybody; don't be distracted from the essential issues; emphasis cooperation at every turn; pay attention to the transition period; try to keep it simple.

Fred King - a key principle should be to make the closure of this project permanent so it doesn't need to be addressed again. He said that private ownership is changing and that owners like Hancock Timber Resource Group are not holding land very long (Hancock is now selling land at Umbagog and in Cambridge that it hasn't owned long. We should be concerned with the re-sale of the property and think about restricting that somehow. Need to make sure local people are in control of the future of this property (he thanked the Governor and Senator for the make-up of this Task Force in that regard). He believes local people are capable of managing the land. He handed out the Coos County Zoning for unincorporated places that he was involved in developing as a testament to this.

Neil Levesque - added that Cong. Bass wants to make it clear that there will be no federal buyout of this property. Forest Legacy money can be used to do what local people want -- state ownership of a conservation easement.

The list of principles generated during this discussion (considered a draft list to go out to public comment) included:

- Timber
- Ecologically sensitive resources & places
- Snowmobiling
- Hunting, Fishing and Trapping
- Motorized recreation
- Hiking and Walking
- Wildlife Viewing
- Leasing
- Sustainable Forestry
- Camping
- Links to existing parks
- Tourism and Hospitality balanced with local quality of life
- Economic Vitality
- Revenues for local municipalities
- Local control of management
- Maintaining tax base
- Maintaining local jobs
- Enjoyment of visitors
- Single ownership
- Base decisions of best available data
- Private ownership
- A system of protection that will work in perpetuity

The list of issues resulting from the discussion included (issues that must be resolved in order for the vision to be reached):

- what direction will accomplish the principles and vision;
- how to amass the resources to achieve the goal;
- remain flexible for the future;
- management of the lands once they are acquired;
- adequate resources for the oversight and management of the lands;
- local control of management after the final acquisition (several members suggested this);
- timber harvesting in the short term (several members);
- snowmobiling and leases in the short term (several members);
- if the state owns, finding a way for multi-agency management;
- not letting other issues get in the way of the task at hand on this project;
- transition period is critical to the future of the management of the property;
- who will monitor the land and monitor the conservation easement;
- finding a permanent solution that deals with the interest of private owners to accelerate the harvest levels on the land and possibly restricts the re-sale of the property.

5. **Workplan** -- After a brief discussion and minor amendment, the Task Force Workplan (including the outreach plan) was adopted by consensus (see attachments B & C). Levesque reminded the group that each can be revisited and amended when the Steering Committee meets again.

6. **Future meeting dates** -- as part of the workplan discussion, the Steering Committee agreed to the following future meeting dates:

Wednesday, August 29, 2001

Pittsburg, location to be determined 1-4 PM  
**Public meeting 6 PM**

Tuesday, September 11, 2001	Concord, location to be determined	1-4 PM	
<i>Note: this is a changed date since the mtg.</i>	<b>Public meeting 6 PM</b>		
Tuesday, September 25, 2001	Pittsburg, location to be determined	1-4 PM	tentative
Thursday, October 25, 2001	Concord, location to be determined	1-4 PM	tentative
Tuesday, November 27, 2001	Pittsburg, location to be determined	1-4 PM	tentative

7. **Technical Committee charge and work request** – Levesque apologized to the Steering Committee for having asked Technical Committee Chair Phil Bryce to develop a draft workplan for Steering Committee discussion. He suggested that this would help move the discussion along. Chair Bryce handed out a draft work plan and reviewed its contents. Essentially it contained a list of possible information to collect (all existing sources) and a proposal for an immediate field inventory for natural heritage data (the final adopted plan is attached as Attachment D).

Fred King asked that the committee study the impacts of potential future scenarios including: a 25,000 acre set-aside; removing ½ the land from the timber-base.

Governor Shaheen asked that tourism benefits be quantified.

Rep. Stohl said that there is a UNH study on snowmobiling economics that should be sought. The logging economy and hunting and fishing economic data is also likely available and should also be sought.

Speaker Chandler reviewed the charge of the committee and wanted assurances that it would only seek out data and provide it to the Steering Committee and not make recommendations of its own. Phil Bryce assured him that this was the case. Speaker Chandler also voiced concern that this was a lot to comprehend in such a short period of time since the Steering Committee had not had the opportunity to review the memo and data list ahead of time. Particularly, he voiced strong concern about the collection of field data as proposed in the Natural Heritage Inventory memo. Bryce said that all other data on the list would be sought from existing sources but the Heritage data does not exist and, if this is to be collected to help decision making, it must be done immediately, while the trees and other plants still have leaves on them. If the Steering Committee agrees to this, outside funding will be sought to get people in the field.

After discussion, the **Steering Committee agreed by consensus to have the Technical Committee move ahead with the workplan for data and information collection as amended by the discussion. This agreement also included field inventory work to collect Natural Heritage data, assuming that IP will give permission for this and funding can be made available.**

8. **Comments from the public** – Governor Shaheen opened the meeting to comments from the members of the public present. Attachment E includes a listing of those speaking and key points covered.

9. Adjourn – 7:05 PM

Respectfully submitted,  
Charles A. Levesque

## 8/9/01 Minutes ATTACHMENT A

### Steering and Technical Committee Charges

Steering Committee charge – The Steering Committee will develop a consensus approach and vision and funding mechanism(s) for the protection of the International Paper lands in Pittsburg, Clarkesville & Stewartstown that assures these lands continue to provide the many economic, recreation and natural resource benefits they have provided New Hampshire citizens for generations. The Committee will recommend this approach and vision to Governor Shaheen and Senator Gregg. The approach will pay particular attention to the needs of citizens local to these lands.

The recommended protection approach and vision, and the Committee recommendation will include, at minimum:

- principles/benefits for which the protection is sought, including, but not limited to: timber, ecologically sensitive resources, snowmobiling, hunting, fishing, motorized recreation, hiking, walking & wildlife viewing
- desired ownership mix
- protection methods including conservation easements, recreation rights, fee ownership and leases
- sources and relative amounts of funding to assure the protection
- approach for ongoing oversight of the property
- other

The Committee will deliver its initial recommendation by no later than September 25, 2001 and a final recommendation by no later than December 1, 2001.

Technical Committee charge – The Technical Committee will serve the Steering Committee in an advisory role to provide timely information on the natural resource attributes, economic data and protection methods for the IP lands to assist the Steering Committee in fulfilling its charge. The Committee will receive its initial charge and request from the Steering Committee before proceeding with its work. The Committee will work under the leadership of Chair Philip Bryce and Vice-Chair Charles Bridges and will provide assistance according to the timeline of the Steering Committee work.



8/9/01 Minutes ATTACHMENT B

CONNECTICUT LAKES HEADWATERS PARTNERSHIP TASK FORCE

Workplan and Timeline outline

Adopted 8/9/01

Workplan

9. **Organization** – Appoint Steering Committee and Technical Committee and issue charge.

Completion date: July 26, 2001

Who: Governor Shaheen and Senator Gregg

10. **Public outreach and press** – Develop a plan for public outreach and media contact. Implement plan according to agreed upon schedule.

Completion date: Plan discussion at initial Steering Committee meeting. Initial public meetings to be held before September 6 (ideally before second meeting of Committee); additional meetings once recommended plan is agreed to. Public meetings may be focused on issue areas such as: recreational values, timber values, ecological values etc.

Who: Steering Committee

11. **Development of principles for protection effort** – In order to properly frame a vision and protection approach for the IP lands, a set of principles need to be developed that embody the consensus set of values for the Steering Committee.

Completion date: Draft begun at first meeting of Steering Committee. Public outreach will provide additional info so that final principles are agreed to by September 6. Who: Steering Committee

12. **Issue and information needs identification** – Key issues for Steering Committee members should be developed early in order to help frame information/data gathering needs.

Completion date: Initially at first meeting of Steering Committee, completion at second meeting (no later than August 29). Public outreach should also inform the Committee on this.

Who: Steering Committee

13. **Funding source identification** – In order for a vision and protection approach to be realized, sufficient funding sources need to be identified.

Completion date: Discussions ongoing from start

Who: Steering Committee

14. **Data and information collection** – Based on issue identification and information needs developed by the Steering Committee, the Technical Committee will gather the information and data to provide the factual information from which the Steering Committee will make its decisions. Steering Committee must also provide guidance through its principles and other direction for analysis in the next phase.

Completion date: Initial information & data request at first meeting of Steering Committee. Technical Committee completes initial data collection by September 6.

Who: Technical Committee

**15. Data and information analysis** – Analyze the data based on the principles and guidance provided by the Steering Committee.

Completion date: Initial analysis, September 6

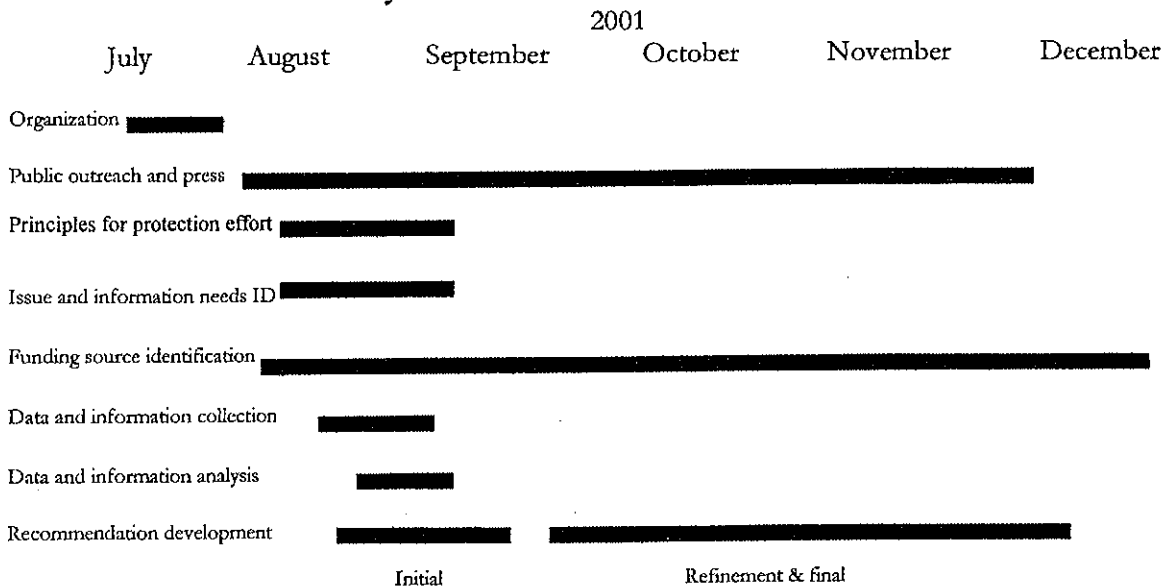
Who: Technical Committee and Steering Committee members

**16. Vision and protection approach recommendation development** – This is the focus of the Steering Committee’s work and discussions/decisions will be based on information gathered, principles developed, public outreach results and values of Steering Committee members. Recommendation will be consensus by Steering Committee.

Completion date: Initial recommendation by September 25. Final recommendation no later than December 1.

Who: Steering Committee

## Timeline Summary



8/9/01 Minutes ATTACHMENT C

## OUTREACH PLAN

Adopted 8/9/01

Objective of the Outreach Plan is to keep New Hampshire citizens informed about the work of the Task Force and to provide opportunities for public involvement regarding the work of the Task Force and the vision for the IP property.

1. **Website** – Initiate a website for the Task Force so that citizens who cannot or prefer not to attend public meetings can stay informed about the work of the Task Force and provide input.

Date for completion: August 3, 2001      Who: Thomas Miner, Div. of Forests and Lands

NOTE: website address is: **www.nhdf.org** (look for Task Force button)  
e-mail is: **IPNHlands@aol.com**

2. **Press releases & other press contacts** – Prior to and after each Steering Committee meeting and public meeting, issue press releases (with follow up press contacts as needed) updating the work of the Task Force and opportunities for public involvement.

Date for completion: Before and after meetings      Who: Offices of Gov. Shaheen & Sen. Gregg

3. **Public involvement at Steering Committee & Technical Committee meetings** – as time allows, each meeting of the Steering & Technical Committees will include an opportunity for members of the public in attendance to provide input.

Date for completion: At each meeting      Who: Chairs of Steering & Technical Committees

4. **Public Meetings** – The Steering Committee will provide opportunity for members of the public to provide direct input and feedback to the Committee work and the development of the vision at public meetings around the state. Suggested initial schedule:

Wednesday, August 29, 2001 6:00 PM	location in Pittsburg
Thursday, September 6, 2001 6:00 PM	location in Concord

6. **Steering Committee member constituencies contact** – each member of the Steering Committee represents a large constituency and, through regular contact with those people, inform them of the work of the Steering Committee.

Date for Completion: ongoing      Who: Steering Committee members

6. **Public Access Television** – make video tapes of Steering Committee meetings available to statewide public access television channels.

Date for completion: ongoing      Who: Ralph Doolan and Littleton station

8/9/01 Minutes ATTACHMENT D

Technical Committee Workplan Scope  
Information to be collected  
Agreed to by Steering Committee 8.9.01

**Resource Attributes:**

Forest Types/Timber  
Water/Wetlands  
Soils  
Wildlife  
Ecological  
Scenic  
Geological/terrain  
Access systems (roads and trails)  
Archeological  
Historical/cultural  
Developed sites

Concentrated/developed recreational uses  
(campgrounds)  
Carbon sequestration

**Land Protection Options**

Protection methods  
Sources of funding.

**Context for Evaluation and Decision Making**

- Information/summaries of public natural resource planning initiatives
- Compatibility of property uses
- Options and impacts of decision scenarios

**Recreational Uses** (dispersed and concentrated)

Snowmobiles  
Hunting  
Fishing  
Hiking trails  
Wildlife viewing  
Trapping  
Scenic driving  
Camps (lessees)  
Camping  
Cross Country Skiing/Snowshoeing  
Boating/Kayaking

**Economic Impact**

Timber taxes  
Property taxes

**Property Stewardship**

Property management and maintenance costs  
Public access/recreation costs  
Easement stewardship/monitoring

**Trends, challenges & opportunities**

Motorized recreational uses  
Non motorized/non-pedestrian  
(Mountain bikes, horses)  
Dispersed developed recreational use  
(Hut systems)

Wood products

Other forest products

Recreation/cultural

Tourism

Economic multipliers (e.g. service industries)

Economic benefit of the land (existing and capabilities)

## **Preliminary Landscape Analysis and Inventory of International Paper Lands in Northern NH**

**GOAL:** Locate ecologically significant areas on International Paper (IP) lands. These include rare plant populations, exemplary natural communities, and areas where several adjacent communities provide a good representation of natural features that are either typical of, or unique to, this geographic area.

**JUSTIFICATION:** Numerous state-supported plans and initiatives, representing a broad array of interests and expertise in NH, e.g., the NH Forest Resources Plan, Northern Forest Lands Council, Scientific Committee on Biodiversity, and the Ecological Reserve System (ERS), all indicate the need for identification and protection of the state's biodiversity. The benefits gained from protecting biodiversity include indirect and direct economic impacts, e.g., improved air, water, and soil quality, increased tourism revenue, and gene pool maintenance. Significantly, the ERS project has concluded that the current system of public lands does not adequately protect the full spectrum of biodiversity in the state. The IP lands in northern NH represent a unique part of NH's landscape, but very little biological inventory work has been done on these lands.

**TASKS:**

- (1) Landscape analysis using Geographic Information System (GIS) data and software, aerial photograph interpretation, and the expertise of NH Heritage ecologists.
- (2) Field work to confirm and refine conclusions reached through landscape analysis.
- (3) Analysis and interpretation, combining field results with GIS analysis to identify and evaluate ecologically significant areas.

**PRODUCTS:**

- (1) Report. Prepare maps and descriptions of each ecologically significant area identified, with justifications for why they are considered significant. Present a range of options for future protection or management, with an evaluation of their effects.
- (2) Data Management. Enter results of field observations into the NH Heritage database, allowing future conservation decisions to be made with a better understanding of the condition of biodiversity in the state.

**SCHEDULE:**

September 19, 2001 - Preliminary report on ecologically significant features on IP lands. This will include major, preliminary conclusions based on field and GIS data.

November 30, 2001 - Final report and Data Management, including completion of the more detailed analysis, documentation, and final report preparation tasks and products identified in the proposal.

NH Natural Heritage Inventory  
August 8, 2001

8/9/01 Minutes ATTACHMENT E

Comments from the public 8/9/01

Edith Tucker (Coos Cty Democrat) – Would like SPNHF map showing Coos ownerships for printing in the newspaper.

William Jahoda – Hopes some land will be protected for biodiversity.

Stephanie Lassonde – Wanted to know if any landowner is out there to buy the property to fulfill the needs described.

Sally Doehring – Add to principles – boating, canoeing & kayaking, cross-country skiing and maybe downhill. Should look at the town forest option.

Rick Tillotson – Add bicycling to the principles. What is motorized recreation – ATVs? Link sustainable forestry to sustainable local economic benefit. Need to make sure the border with Canada is staffed.

Mary Sloat – representing the Connecticut River Joint Commission – add water quality to principles list.

Heather Dowery – from the NE office of the Wilderness Society. Think of future as balance of ecological and economic benefits.

Carol Foss – David Field at the U. of Maine has done work on the economics of globalization – would be helpful.

Tom Van Vechter – Important to leave some of the land undisturbed so we can know what it is like to see a 400 year old spruce.

Anne Marie Marquis – What has been timber income on SPNHF properties in Coos? Will SPNHF purchase or be the holder of the conservation easement?

Gordon Covill – A 500 acre set aside on the then St. Regis lands by Fred Cowan was killed by spruce budworm.

Sue Collins – Anything to prevent a foundation from purchasing the lands come January 1 and putting it into wilderness?

Tim Frizzell – Seeds are being sown for a wilderness area here.

Nick Cowen – US is known abroad for having wilderness areas and this adds to the economics of the property so we should keep wilderness here and manage for it.

John Morrissey – the timber from this property is key to the Ethan Allen mill in Beecher Falls, VT. Want to continue to see timber come from this land.

Ronald Hughes – glad that leasing was added to principles list.

Roy Amie – need recreation but logging is what built the roads that allow so many people access to the property.

Lindsey Gray – hope whatever the outcome that things are not locked up so tight that they cannot be changed in the future.

# Steering Committee Meeting Minutes

## August 29, 2001

Pittsburg School auditorium

### Attendance:

Co-Chair Senator Judd Gregg  
 Susan Arnold for Co-Chair Governor Jeanne Shaheen  
 John Cavanaugh for Co-Chair Senator Judd Gregg  
 Rep. Gene G. Chandler, Speaker of the New Hampshire House  
 Senate President Arthur P. Klemm, Jr.  
 Senator Harold W. Burns  
 Executive Councilor Ray Burton  
 Representative Peter Burling, House Democratic Leader  
 Representative Eric G. Stohl  
 Burnham Judd, Coos County Commissioner  
 Jean Burrill, Pittsburg Selectman  
 Andy Buteau, Chair, Clarksville Board of Selectmen  
 Connie Coviello, Chair, Stewartstown Board of Selectmen  
 Neil Levesque for Congressman Charles Bass  
 Jeff Rose for Senator Robert Smith  
 Pam Kocher for Congressman John Sununu  
 Jasen Stock, NH Timberland Owners Association  
 John Harrigan, North Country publisher, land owner and farmer  
 Fred King, Colebrook  
 David Houghton, Field Office Director, Northern New England, Trust for Public Land  
 Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests  
 David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill  
 George Bald, Commissioner, Department of Resources and Economic Development  
 Wayne Vetter, Executive Director, Department of Fish & Game

### Not present:

Senator Beverly Hollingworth, Senate Democratic Leader

1. **Opening and Welcome** -- Senator Judd Gregg, Task Force Co-Chair, opened the meeting and thanked the members of the Steering Committee and Technical Committee for agreeing to participate in this important endeavor. He reminded everyone that the task is to think long-term about this property and what it means for the people of the region and state. It is one-third the size of the White Mountain National Forest.

Senator Gregg reviewed the agenda and asked if there were any changes needed. He thanked Speaker Chandler, Senate President Klemm, Senator Smith, Congressman Bass and Congressman Sununu for their efforts. He thanked Governor Shaheen for co-chairing the Task Force with him and for chairing the first meeting on August 9.

3. **Minutes** -- Senator Gregg asked if there were any changes to the minutes of the August 9 meeting. Jean Burrill noted that in her opening comments, on page 2, she said "management" not "leases". With that change, Senator Gregg declared the minutes adopted.

3. **Update on Status of International Paper land sale** -- Senator Gregg asked David Houghton of The Trust for Public Land (TPL) for an update of the pending sale of the IP lands to his organization. Houghton said that the signing of the purchase and sale agreement is imminent.

c/o DRED, Division of Forests & Lands, P.O. Box 1856, Concord, NH 03301 603-271-2214



There was one last issue negotiated regarding fire but the recent rains have made this concern moot. It should be signed any day.

4. **Principle prioritizing** – Senator Gregg introduced Charles Levesque, who would be facilitating the rest of this Steering Committee meeting. Levesque reviewed the work on the principles from the first meeting. He said that in order to better judge the options for protection that the committee is ultimately charged with agreeing to, it is necessary to prioritize the principles since they are not all completely compatible, depending on the option. He suggested that Steering Committee members each share their top 5 principles and then preference vote to see which are higher priority than others. Before doing that, however, he showed a flip chart page that separated out the original list since it contained a mix of resource type or resource-based principles and process principles. He suggested prioritizing each list. The categorized list included:

Ownership/Management/Process Principles

Local control of management  
 Single ownership  
 Private ownership  
 A system of protection that will work in perpetuity  
 Links to existing parks  
 Tourism and Hospitality balanced with local quality of life  
 Base decisions of best available data

Natural Resource Values Principles (3 categories)

Timber  
 Ecologically sensitive resources & places  
 Sustainable Forestry

*Recreation:*

Snowmobiling  
 Hunting, Fishing and Trapping  
 Motorized recreation  
 Hiking and Walking  
 Wildlife Viewing  
 Leasing  
 Camping  
 Enjoyment of visitors

IX. Economic Vitality  
 Revenues for local municipalities  
 Maintaining tax base  
 Maintaining local jobs

After discussion, the Steering Committee agreed by consensus that it was not possible to put any of the resource-based principles above into any order of priority. The group agreed that the entire resource list is the priority for the protection options.

Regarding the first process-based listing, David Houghton suggested that these principles represented a series of items that could guide how to get to protecting the principles in the resource

list. It was agreed to leave these items for the time being since they will come up again as the Committee discusses and then narrows the options.

After final comments by the Steering Committee members, Senator Gregg suggested moving to the Technical Committee report.

Levesque suggested, and the Steering Committee agreed, that he try to develop a draft vision statement for the protection of the property to bring to the next Steering Committee meeting.

**5. Technical Committee Report** – Phil Bryce, chair of the Technical Committee, introduced the presentation he, Vice-Chair Charlie Bridges and member Paul Doscher would deliver with Powerpoint slides. He said that the Tech Committee has worked very hard since the Steering Committee's first meeting. They met in two all-day meetings and individual members put in many more hours of work in-between and he thanked them all and introduce those who were present: Charlie Bridges, Walter Graff, Ron Hughes, Darrel Covell, Paul Bergeron, Paul Doscher, Carol Foss, Mike King, Lisa Savard, Johanna Lyons, Will Staats, Bob MacGregor. He also thanked Judi Klebe for taking minutes at the first meeting, Sandy Young for hosting at the Fire Station and Charles Levesque for providing support and guidance.

He said that the group would present in four pieces: the charge, questions for the Steering Committee, a synopsis of the data and information collected so far, and options for protection of the IP property. The entire PowerPoint presentation is included in Attachment A.

Steering Committee members asked questions during the presentation:

Data/information synopsis – some questions asked/comments made included-

- Jasen Stock asked what the data/information would ultimately be used for? Bryce suggested:
  - ▣ to show the impact of this property on the state and local communities;
  - ▣ the impacts and trade-offs of options
  - ▣ to guide future management of the property.
- Rep. Stohl wanted to make sure trends are identified and local data is collected where available and Senate President Klemm also said that statewide data is also important because the property has effects far beyond the boundaries of the region.
- Rep. Burling felt the Steering Committee needed to know the potential cash flow for the property.
- Speaker Chandler and Councilor Ray Burton said they believe this information will be most helpful for "selling" whatever the Steering Committee agrees to pursue to other audiences like the legislature & Congress.
- Jeff Rose wanted to know if any data from IP has been forthcoming. David H. said, not yet because of a confidentiality agreement but that this request has been made.
- Fred King wanted to make sure that the social impacts of reducing or eliminating timber harvesting were looked at.
- Jane Difley thanked the Technical Committee for all its hard work and related that, by having the Steering Committee all understanding the same information it would bring common wisdom to the discussions and make our decision making easier.
- Susan Arnold wanted to make sure the Technical Committee, in completing its work, go back to the list of principle resource values to see if there are any gaps in the data and then try to fill them.
- Pam Kocher said that she believes the economic study could frame the acquisition options to help with the decision making.

- John Harrigan said the information should facilitate convincing others in the state that there is something worthwhile here to act on.
- John Cavanaugh wanted to make it clear how the money coming from Forest Legacy would go to the state and that the outcome for this protection would be controlled by the state.
- Senate President Klemm urged the Committee to look at statewide economic impacts of this property because there are snowmobilers coming from south who stop in border town store like his.
- Speaker Chandler said that we should be able to get help from Dartmouth and UNH on the economic study. Commissioner George Bald said that DRED would take care of this. Director Wayne Vetter also suggested that DRA should be able to help with this.

After further clarification and comment, the Steering Committee agreed to further charge the Technical Committee in the following way:

- a. Complete the resource briefs (by October 4 meeting) -- they should include:
  - projections and trends (where possible)
  - local data (where possible – pro-rating statewide data is fine if no direct source)
  - statewide impact data
  - specific information to include:
    - sustainable harvest levels and cash flows attributed to this
    - historical trend tax information
    - predictability of PILT
    - Review of the cost of managing Nash Stream as a benchmark

The Technical Committee should seek out data from all sources (including getting help from Dartmouth and UNH etc.)

- b. Economic study – gather as much economic data as possible as part of completing resource briefs above. Seek out funding and way to get this work done and come back to Steering Committee with a plan before moving ahead with this.

Options for protection – questions/comments made during presentation by Paul Doscher:

- Bing Judd wanted to know if the terms of a conservation easement are set in stone forever or can they be re-visited. Doscher suggested that changing issues can be dealt with and anticipated as part of the reserved rights section of the easement.
- Fred King and Jasen Stock wanted to know if the fee owner could sell to anyone, if an easement is used. Doscher said yes unless the easement restricts that re-sale or if the state retains a right of first refusal.
- Commissioner Bald wanted to know if there was a way to make mandate that timber is cut. Yes, as in the Essex Timber easement of the former Champion lands in Vermont.
- Rep. Burling wants to make sure we know what the control or management mechanisms are, potentially, and what they will cost for this property.
- Jane Difley reminded the group that we may choose a mix of options.
- Fred King wanted to make sure we know the cost of managing Nash Stream as a benchmark.

The Steering Committee further charged the Technical Committee to do further work on the options piece:

Options paper – for the September 11 Steering Committee meeting:

- Pros and cons of the various options

- Identification of management mechanisms of fee versus easement (explain management options if own fee and monitoring options if easement)
- Answer a series of specific questions:
  - how flexible can a protection strategy be over time?
  - can timber harvesting be mandated in a conservation easement?
  - how can the future sale of the fee be limited if a private owner buys the fee?
  - review of liability issues for all options.

As part of the discussion about options, Speaker Chandler asked what the definition of "Assuring the integrity and conservation of *ecologically sensitive resources and places*" means, as written in the options paper. A detailed discussion ensued about this. Charles Levesque asked the Steering Committee if each member agreed with the principle so stated, even though it needed further definition. The Committee agreed by consensus that this was a principle to keep.

- Jasen Stock said he is ok with this idea of protecting special resources if it is based on science.
- Susan Arnold suggested that this is an issue of compatibility with other principles and the Tech Committee needs to explore that.

Phil Bryce reminded the group that the initial natural heritage field inventory will be complete and a draft report available for the next meeting. This is confidential information, however, and so we need to determine a way to share this.

- David Houghton said that IP and Champion before it had identified some key areas with sensitive resources and they were and are managing those in a special way. This data is also confidential at this time, however.
- Speaker Chandler wanted to make sure the Steering Committee knows the size needs of these areas.
- Fred King also wanted to see the Conte Refuge area placed on the map.
- Bing Judd mentioned that Champion's "Special Places in the Forest" effort and state law already protects some of these areas.

After further discussion, the Steering Committee charged the Technical Committee on the "ecologically sensitive resources and places" issue to:

Develop a definition for this and a discussion of "how much" is needed to fulfill this protection principle (for the September 11 meeting) Along with this, if possible for the next meeting too (or later):

- an overlay of the Conte Refuge on a map of the area;
- discuss what ecological values state law protects now.

7. **Future meeting dates** – due to some conflicts, the Steering Committee agreed to the following future meeting dates:

Tuesday, September 11, 2001

Concord, Unitarian Church, Fellowship Hall 1-4 PM  
Pleasant Street (past Concord Hospital)  
**Public hearing 6 PM, Unitarian Church**

Thursday, October 4, 2001

Pittsburg School, 3:00 – 6:00 PM

Thursday, October 25, 2001      Concord, location to be determined    1-4 PM    tentative

Tuesday, November 27, 2001      Pittsburg, location to be determined    3-6 PM    tentative

7. **Agenda for Sept. 11 meeting** – Charles Levesque suggested that the agenda for the September 11 meeting of the Steering Committee in Concord would focus on agreement on a vision for the property, and the narrowing down the options for protection (with help from the Tech Committee pros and cons piece), which is the core of the charge to the Committee. Also, the Technical Committee would present on the ecological issues.

8. Adjourn – 5:10 PM

Respectfully submitted,  
Charles A. Levesque

## Steering Committee Meeting Minutes September 11, 2001

Unitarian Church Fellowship Hall, Concord, NH

### Attendance:

Susan Arnold for Co-Chair Governor Jeanne Shaheen  
John Cavanaugh for Co-Chair Senator Judd Gregg  
Senator Harold W. Burns  
Senator Beverly Hollingworth, Senate Democratic Leader (part of meeting)  
Representative Peter Burling, House Democratic Leader  
Representative Eric G. Stohl  
Burnham Judd, Coos County Commissioner  
Connie Coviello, Chair, Stewartstown Board of Selectmen  
Jasen Stock, NH Timberland Owners Association  
John Harrigan, North Country publisher, land owner and farmer  
David Houghton, Field Office Director, Northern New England, Trust for Public Land  
Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests  
George Bald, Commissioner, Department of Resources and Economic Development  
Wayne Vetter, Executive Director, Department of Fish & Game

### Not present:

Rep. Gene G. Chandler, Speaker of the New Hampshire House  
Senate President Arthur P. Klemm, Jr.  
Executive Councilor Ray Burton  
Jean Burrill, Pittsburg Selectman  
Andy Buteau, Chair, Clarksville Board of Selectmen  
Neil Levesque for Congressman Charles Bass  
Jeff Rose for Senator Robert Smith  
Pam Kocher for Congressman John Sununu  
Fred King, Colebrook  
David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill

1. **Opening and Moment of Silence** – Sitting in for Governor Shaheen and Senator Gregg respectively, Co-Chairs Susan Arnold and John Cavanaugh opened the meeting and asked for a moment of silence for the victims of the terrorist tragedies in New York and Washington. Due to the events of the day, they

announced that the public hearing, originally scheduled for 6 PM that evening, was being postponed to a date to be determined later in the meeting. They also suggested that the Steering Committee meeting may be abbreviated as well. Members of the Steering Committee introduced themselves as did the Technical Committee members present in the audience (Philip Bryce, Charles Bridges, Richard Moore, Jim Tibbets, Darrell Covell, Mark Zankel, Ronald Hughes, Paul Bergeron, Carol Foss, Deirdre Raimo, Paul Doscher, Lisa Savard).

2. **Minutes** – John Cavanaugh asked if there were any changes to the minutes of the August 29 meeting. With none being offered, the minutes were declared adopted.

3. **Update on Status of International Paper land sale** – David Houghton of The Trust for Public Land (TPL) said that, while the document is complete, due to a three-week vacation of IP's key person in charge of the sale, the purchase and sale agreement has not been signed yet although it should be any day.

4. **Vision** – Susan Arnold introduced Charles Levesque, the Steering Committee facilitator, who reminded the group that at the August 29<sup>th</sup> meeting, he had agreed to take the materials produced so far by the Steering Committee and draft a vision statement. That draft had been mailed and he asked for comments or changes to the document. Rep. Stohl asked that "...undeveloped productive/working forest..." be amended to allow for certain uses. Levesque suggested adding "largely" to reflect that intent and all agreed. John Harrigan suggested a grammatical change and several other minor changes were agreed to. Once edited, the group adopted the following VISION STATEMENT by consensus:

We see the International Paper Connecticut Lakes lands in New Hampshire continuing to provide the many economic, recreation and natural resource benefits they have provided New Hampshire citizens and visitors for generations. These lands will remain as a large block of largely undeveloped productive/working forest while continuing their substantial contribution to the local and regional culture and economy. Public access for recreation will be assured as will the conservation of ecologically sensitive resources and places.

Achieving this vision for the permanent conservation of the IP lands will result in the protection of resources and benefits identified in the following principles:

***Forest and Water:***

Timber

Ecologically sensitive resources & places

Sustainable Forestry

***Recreation:***

Snowmobiling

Hunting, Fishing and Trapping

Motorized recreation

Hiking and Walking

Wildlife Viewing

Leasing

Camping

Enjoyment of visitors

### *Economic Vitality*

Revenues for local municipalities

Maintaining tax base

Maintaining local jobs

Jane Difley mentioned that the "principles" listed, were not really principles but since the Steering Committee had been calling them that, the group left the language.

5. **Technical Committee** – Charles Levesque reminded the group that the Technical Committee had been charged with a number of tasks at the August 29 meeting. Two in particular were on the agenda for this meeting: report on the what, why and scale of protecting "ecologically sensitive resources and places" and; presenting pros and cons of protection options.

Philip Bryce, Chair of the Technical Committee said that a PowerPoint presentation had been prepared on these two topics but, given the day's events, the presentation could be shortened to just a question and answer period. All agreed to that approach. Bryce handed out several addition items requested at the August 29<sup>th</sup> meeting: an updated graph of IP harvests on the property using data provided by IP; a one-page synopsis of Nash Stream State Forest annual costs of management; and a Geographic Information Systems map of the property using public domain data that shows buffers on water resources, high elevation data and other information.

Bryce said that the Technical Committee had met on September 4 all day and that a sub-group met for nearly two more days to complete the two briefs sent on Ecologically Sensitive Resources and Places and Options Considerations that had been mailed to the Steering Committee. He noted that the briefs sent are not really consensus documents of the whole Technical Committee since only a sub-group completed them. He said work is ongoing to complete the resource/economic information briefs originally begun in early August. Commissioner George Bald has also requested and confirmed that the so-called "Pittsburg Study" from 1993 would be updated by Mark Ochrane at Plymouth State. Susan Arnold asked if the field biologists were completing their work. Bryce said most of the field work has been completed and that their report, which is confidential unless IP agrees to its release, would be available later in September.

Ecologically Sensitive Resources and Places (see Attachment A for brief)– Before entertaining comments and questions on the brief, Bryce highlighted a few items: some data is available at this time to discuss this issue, but not all needed to properly assess the issue; resources are linked and the resources list in the brief must be looked at in that context; there are two major methods for "protecting" these resources, Sustainable Forestry – many of these techniques, such as riparian (water) area buffers and high elevation sensitive management, have been practiced for years on the property; Set-asides/Natural Areas – where at least some land is not used for timber harvesting to allow for natural processes to continue (he noted that certain activities such as hiking, hunting, fishing and trapping and some motorized access like snowmobiling would still occur in these areas. Steering Committee members had the following questions/comments on the subject:

-Jasen Stock – Some existing sustainable forestry tools address this issue, should these be incorporated into a conservation easement? Bryce said that some or most could be. Stock also asked if the field work going on would check the sustainable forestry activities – no they are focused on rare and exemplary species. Jane Difley mentioned that these lands recently were third-party

audited to the Sustainable Forestry Initiative standard, and, as she understands, passed the audit. This info might be helpful.

-John Harrigan asked that if TPL sells to a private owner, how would you assure the “natural areas” would be protected and how might that affect the tax base? Paul Doscher of the Technical Committee suggested that a conservation easement might have “zones” of protection and some areas could require special or no treatment. The lands would still be under current use assessment levels if a conservation easement is purchased. Charles Levesque also mentioned that natural areas might be owned by another entity, the state or non-profit sectors, as examples.

-Commissioner George Bald – He wondered if most of these sensitive resources could be protected with sustainable forestry. Bryce suggested that, yes, much would but certain of the special functions listed in the briefing paper might not.

- John Harrigan – wondered if deer yards are covered under sustainable forestry? Charles Bridges said they were and, in fact, deer yards need to be managed and trees harvested to maintain them over time. Natural areas are different – these are refuges for small mammals, insects, plants, lichens, amphibians where the vegetation isn’t manipulated by people. Commissioner Bald wondered where the benefits of sustainable forestry end and where natural areas must pick up.

- Jane Difley said that she felt another purpose for natural areas/set-asides is for “scientific observation”.

- Rep. Peter Burling felt the last point on these areas providing a special draw for tourism is very important for the future of these lands.

- Rep. Eric Stohl wondered if the Tech Committee was using this information to pick potential set-asides. Philip Bryce made it clear that this was not the role of the Tech Committee.

Discussion ensued about the section of the brief that read:

“Set-aside areas:

- provide habitat for species that are unable to survive or thrive on managed lands;
- prevent currently common plant and animal species from becoming endangered;
- provide insurance against known and unknown impacts of intensive management;
- provide a unique set of tourism and recreational opportunities.”

Specifically, several committee members asked about the second bullet, which for them was stretching the concept a bit. Charlie Bridges said it was an important function to make sure what is common today does not become rare. David Houghton said that some are “niche species” which require this undisturbed habitat even though they are not rare. Jasen Stock shared concern for this, given examples like the Indiana Bat on the White Mt. National Forest. There was agreement that this section needed clarification and change and Philip Bryce said the Tech Committee would make changes here to clarify.

Jane Difley and Rep. Peter Burling both thanked the Technical Committee for the work they did on this subject.

Options Considerations brief (see Attachment B) – Philip Bryce mentioned that, although the brief is structured based on the two broad categories of Conservation easements and Fee ownership, many combinations of the two are possible. Conservation easements don’t only apply to private land since a state ownership in fee may include a federal conservation easement, like on Nash Stream.



Steering Committee members had the following questions/comments on the subject:

- Rep. Peter Burling – wondered what the tax situation would be under the conservation easement alternative with a private owner? Charles Levesque explained that under state law, a separate taxing classification exists under RSA 79-B Conservation Restriction Assessment, which is like current use but was set-up to allow for landowners with permanent conservation easements to be recognized under the taxing statutes. Under 79-B, local assessing officials can simply assess at current use levels (which is what most if not all do today) but they have the authority to assess at less than current use levels if they want, given the reduced value of land with permanent restrictions through a conservation easement.
- Sen. Harold Burns voiced concern that if you don't allow anything to happen on certain parts of private land with a conservation easement, this may be grounds for court challenges to property taxation.
- Bing Judd asked how value of the land is determined with a conservation easement on it. David Houghton reviewed how a full market appraisal is done, and then, with the actual conservation easement to be applied, the appraisal is done again (this gives the "after" value). The difference between the two values is the value of the conservation easement. He said that current use taxes in NH are simply not affected by a conservation easement. Public land would be different.
- Commissioner Bald said that we should know how other states provide payment-in-lieu of taxes (PILT) for state owned property. Philip Bryce said that the Dept. of Revenue Administration says that no PILT is provided to communities for state park land but PILT is provided to communities at the mid-current use assessment level for state forests, assuming the legislature fully funds to that level. David Houghton said that it might be helpful for TPL to hire a consultant on taxes they have previously worked with to determine the effect on taxes of the protection scenario the Steering Committee decides on. There was a general agreement that this would be helpful.
- John Harrigan asked what the "mixed-use" considerations were about. Philip Bryce said that this might be if a scenario were agreed on that would include a conservation easement with a private owner on most of the land and then state ownership on some other, as an example.
- Jasen Stock asked about the "management agreements" section, which was not completed. Philip Bryce said that there was simply not enough time to complete this but that it included agreements like: snowmobile; high elevation or agreements to have a private firm manage the property.

6. **Option preferences** – Charles Levesque said that Senate President Klemm and Speaker Chandler had been working on a proposal to narrow down the options for protection – the key component of the charge to the Steering Committee. Given the day's events, they did not quite complete it and they were not present to review their thoughts. Levesque suggested, instead, as the last item for the agenda, to have each member of the Steering Committee present share their preferred option for protection. He suggested that since there were many Steering Committee members absent from the meeting, that the group not try to reach consensus but that these ideas simply be shared at this point and that closure occur at the October 4 meeting. The results of this exercise were:

Susan Arnold – She feels we should have at least a couple of options as discussions about the finances are pursued. The governor's preferences are: Private owner of the land with the state holding a conservation easement (thus maintaining the tax base); state fee ownership.

Rep. Eric Stohl – Private owner of the land with conservation easement is first choice; second priority would be state ownership.

Director Wayne Vetter – State fee ownership is his preference (management costs and taxes would be a concern here). Second choice would be private owner with a conservation easement.

Jane Difley – Conservation easement with a private owner would be fine but she believes the best choice would be this along with some state fee ownership of sensitive areas.

Bing Judd – Private owner with state conservation easement along with possible state ownership of sensitive areas (where wood would still be cut) is his preference. He believes all areas of these lands are special and we should work to keep it all open.

John Harrigan – Prefers a private owner with a conservation easement for most or all the property with the easement including: strict public access; special areas protection; some timber harvesting restrictions and uncut areas. This approach protects the tax base which is critical to the communities. He believes local folks will approve of this approach.

John Cavanaugh – he said that Sen. Gregg sees his role as that of bringing federal funding to go toward a state-based purchase of a conservation easement or state fee.

Commissioner George Bald – He is a bit torn about a preference. He is concerned about the 2<sup>nd</sup> or 3<sup>rd</sup> generation owner with a private owner and conservation easement. Not sure of his preference, as a result. He suggests included some small addition to existing state park land would make sense as part of the protection.

Jasen Stock – Prefers a private owner if the interest is in timber management (and sustained mgt./long term investment) is the objective. A conservation easement on such an ownership should limit development and be simple so as not to be too prohibitive on future timber management. Learn by Vermont Essex Timber example. He is concerned about public fee ownership.

Rep. Peter Burling – Prefers state fee ownership if can address: PILP and selling the timber rights. This option provides for the most future flexibility. Still will need to address the management costs. Either under state ownership or private ownership, there should be a conservation easement on the property.

Connie Coviello – Prefers private owner with a conservation easement with assures recreation use and continued timber harvesting.

David Houghton – Sees two alternatives as the likely arrangements that will meet the Steering Committee vision for the property:

#1 Private ownership with a conservation easement that includes restrictions to assure sustainable forestry occurs; includes a right-of-first refusal to the state so that the state has the option of purchasing if the private owner sells; a local community benefit (ex. Town forest, revenue stream, value added manufacturing component); recreation access guarantee

# 2 State fee ownership

Sen. Harold Burns – Feels strongly that the only alternative is for a private owner with a conservation easement. Concerned with state fee ownership because the legislature can undo everything every time they meet.

Charles Levesque asked Philip Bryce and Deirdre Raimo (of the Forest Service) if a Forest Legacy easement on a state owned land would address Sen. Burns concern. It would and the easement could be amended if the landowner and easement holder (state) agreed *and* the amendment was consistent with the purpose of the Forest Legacy program. Otherwise changes to the easement inconsistent with the program would require returning the federal grant.

7. **Next Meetings** – After further discussion in trying to re-schedule the public hearing, the Steering Committee agreed to hold the October 4 meeting (originally scheduled for Pittsburg) in Concord, at a location to be determined, from 3:00 PM to 5:00 PM with a public hearing starting at 6:00 PM. The meeting following that would be in Pittsburg.

Phil Bryce asked for closure on the Technical Committee charge from here on out which he believes is to complete the resource-based briefing papers previously begun. Also to up-date the Ecologically sensitive resources paper as per the meeting discussion. All agreed to this. He said, as a result, that the Technical Committee will now cancel its September 18 meeting and meet instead, at the Lancaster DRED/Fish&Game building on Tuesday, September 25 to complete that work.

8. **Public Comment** – Before adjourning, John Harrigan asked, since many people had come from the north country, if the Steering Committee would entertain public comments now, in lieu of the hearing. All agreed this made sense. A summary of the comments can be found in Appendix C of these minutes.

9. Adjourn – 3:30 PM

Respectfully submitted,  
Charles A. Levesque

## Attachment A

### Ecologically Sensitive Resources and Places – Briefing paper from the Technical Committee

#### ECOLOGICALLY SENSITIVE RESOURCES AND PLACES

The Steering Committee requested that the Technical Committee describe further the principle of ecologically sensitive resources and places, as it applies to these lands. When we began to explore this assignment, we quickly realized that this principle is inextricably linked with the principles of sustainable forestry and recreation. These three principles provide the foundation of the healthy forest and strong communities that this initiative is trying to maintain and assure.

Our list of ecologically sensitive resources includes eleven categories. These resources occur at multiple scales on the landscape, from a fraction of an acre to thousands of acres in size. The Technical Committee cautions that, due to the unavailability of data specific to the property, the short time frame, and the size of the property, our knowledge of the distribution and extent of these resources on the IP lands is incomplete, at best.

#### **TYPES OF ECOLOGICALLY SENSITIVE RESOURCES**

Ecologically sensitive resources on the IP lands for which we have some information, and the benefits associated with these resources, include:

##### **Ponds and streams**

- provide habitat for fish and other aquatic life;
- provide resources for terrestrial wildlife;
- and are highly valued for recreation.

##### **Riparian areas**

- moderate water temperatures with shade;
- contribute nutrients to water from riparian vegetation;
- filter pollutants, excess nutrients, sediment, and debris from runoff;
- slow surface runoff and facilitate groundwater recharge;
- stabilize streambanks and streambeds;
- maintain high water quality and habitat for fish and other aquatic life;
- provide habitat for animals that use both upland and aquatic resources;
- and provide recreational opportunities.

##### **Wetlands**

- are important for flood control, water storage, and water quality;
- provide critical habitat for waterfowl, furbearers, and many other wildlife species;
- and support rare and unique plant species.

### **High elevation areas**

- favor spruce-fir forests, which provide critical wildlife habitat;
- and serve as the origins of streams;
- provide visual quality.

### **Low elevation spruce-fir forests**

- are important to the winter survival of deer, and
- support bird populations important to spruce budworm and bark beetle suppression.

### **Beech stands**

- provide critical food sources for bear and other wildlife.

### **Enriched hardwood sites**

- have high biological productivity;
- often support rare plants;
- are rare in New Hampshire.

### **Steep slopes**

- provide visual quality;
- are very susceptible to erosion,
- which can reduce or destroy their ability to support plants,
- and cause harmful stream sedimentation.

### **Rare, threatened and endangered wildlife**

- Make unique contributions to biodiversity at the state scale,
- and have rare or declining populations.

### **Rare plants and exemplary natural communities**

- make unique contributions to biodiversity at the state scale,
- and are rare or declining in number.

## **TOOLS FOR PROTECTING ECOLOGICALLY SENSITIVE RESOURCES & PLACES**

Generally, there are two tools currently available to protect these resources: sustainable forestry and limited set-asides.

### **Sustainable Forestry**

Sustainable forestry has three central tenets:

- 1) To maintain an even flow of forest products over time;
- 2) To retain the land's capacity to be productive; and
- 3) To incorporating non-timber values into management.

Elements of sustainable forestry date back more than 50 years, when industrial forest landowners began to work with NH Fish & Game on the management of deer wintering areas. Best

management practices (BMPs) for erosion control were developed in 1996, and the Forest Sustainability Standards Work Team produced a manual of Recommended Voluntary Forest Management Practices in 1997. Many of these practices have since been adopted on ownerships throughout the state, including the IP lands. In addition, both Champion and IP had implemented internal sustainable forestry policies and practices on these lands, and ascribed to the Sustainable Forestry Initiative (SFI) of the American Forest and Paper Association. Examples of their practices include a comprehensive riparian management policy, a high elevation Memorandum of Understanding with the State, and a system of categorizing their lands according to forest productivity and ecological sensitivity.

The practice of sustainable forestry on these lands not only fulfills the Timber and Sustainable Forestry principles, but also significantly contributes to the ecological, economic, and recreation principals identified by the Steering Committee.

### SET-ASIDES

It is widely accepted that setting aside some lands in areas where natural processes can occur with minimal human intervention is an important part of a comprehensive approach to conserving a region's plant and animal diversity.

Set-aside areas:

- provide habitat for species that are unable to survive or thrive on managed lands;
- prevent currently common plant and animal species from becoming endangered;
- provide insurance against known and unknown impacts of intensive management;
- provide a unique set of tourism and recreational opportunities.

The Connecticut Lakes Region is ecologically different from anywhere else in the State because of its different bedrock, landforms, and climate. The IP lands dominate this unique ecological region, where there is currently very limited protection for the purpose of ecological conservation through natural processes.

Criteria for identifying and delineating potential set-aside areas include:

- Encompass a full range of physical features and terrestrial and aquatic communities representative of the Connecticut Lakes Region, including the dominant forest types;
- Are large enough to maintain the long-term viability of these features;
- Contain a broad range of environmental gradients (elevation, moisture, slope);
- Include known occurrences of rare species;
- Consider location of existing conservation lands;
- Conform to watershed and ecosystem boundaries as much as possible;
- Consider location of existing roads and other cultural features.

Establishing set-aside areas on these lands will significantly contribute to protecting ecologically sensitive resources and places, and will also help to fulfill the recreation and economic principles identified by the Steering Committee.

9/6/01

## Attachment B

### Options Considerations – Briefing paper from Technical Committee

#### IP Lands Protection Options Considerations

##### Conservation Easement

###### Financial

1. Funding required is limited to purchase of easement and costs of long-term stewardship of the easement (monitoring, enforcement, etc.) The fee owner pays for ongoing management costs (road and boundary maintenance, forestry staff, insurance, etc.).
2. An easement “buys down” the fee purchase price of the property allowing greater accommodation of public values in the management of the property.
3. The more rights and restrictions included in an easement, the closer the price of the easement may be to the fee value of the property. (Although there would not be the costs associated with ongoing fee stewardship)
4. An easement can allow for a private owner to invest in the property to provide them with a profit while providing public benefits (recreation, timber, etc.).

###### Management/Use

1. Private owner can be expected and/or required to harvest timber and pay timber tax.
2. Private owner would continue to pay property taxes.
3. Recreation easements would allow public use in cooperation with a private landowner.
4. For publicly held lands in fee, the permanent protection of the land would be assured against short-term decisions with a CE held by a second agency or land trust.
5. An easement could provide guidance and requirements for acceptable forestry practices.
6. If some areas are designated for “no timber harvesting” due to ecological concerns, private owners may not want to acquire these parts of the property
7. A private owner will have a certain amount of autonomy in making management decisions. Public input may be limited. Much of this discussion occurs during the easement negotiations. For example, will a landowner agree to committee review and approval of a stewardship plan?
8. Private owner may have substantial control over the future of camp lots on the property.
9. The cost of monitoring and enforcement of easements increase with the complexity of the easement restriction language, such as requiring timber harvesting and riparian area restrictions.

###### Terms/Negotiations

1. It may be difficult to find a private buyer if easement terms are especially restrictive in order to achieve expected or desired benefits.
2. The landowner wants to know specifically what they are expected and allowed to do and the public wants to know specifically what they are buying. Easements have limitations on future flexibility.
3. Ownership of underlying fee can change hands again in a few years. While easements are designed to encourage best-case ownerships, the terms of the easement must anticipate the worst-case future owners or easement administrator. A second or third generation owner or

administrator may not have the same objectives as the first owner who negotiates the easement.

4. Easement negotiations are much more complex than a fee purchase because the acquisition and management planning for the property are wrapped into one transaction.
5. The terms of an easement may be different if the property is under public ownership versus private ownership.

### State fee ownership

#### Financial

1. Income and expenses from the property would accrue to the State.
2. Opportunity for creative approaches to cost/income share with the communities.
3. Collectively, state agencies (Fish and Game, DRED) have a legal mandate to manage for multiple public values with a long-term view.
4. The State must come up with the funds for the cost of acquisition and the stewardship of the property, which is higher than the cost of purchasing and stewarding a conservation easement (public must pay for the full fee ownership).
5. Uncertainty about state financial commitment to long term improvement and maintenance of state owned lands, delaying or reducing the timber, wildlife or recreation management activities.
6. Uncertainty about legislative commitment to state payments in lieu of taxes (PILT's) on publicly owned lands.
7. No private buyer is needed for the property
8. Less potential for the land to be resold.

#### Management and Use

1. Public access would be guaranteed (subject to management objectives)
2. Public would have a say in how the land is managed for timber, wildlife, recreation, etc.
3. Given state agencies varying missions, there is potential for conflict among state agencies over management priorities for the property.
4. Future state government could decide to use or prevent uses of the property or parts of the property not originally intended (unless there is a conservation easement in place).
5. Management decision-making process on public lands is necessarily longer and more complex and requires dedication of public resources.
6. Implementation of management plans is more costly because of the integration of multiple public benefits over the long term and the higher degree of scrutiny of publicly owned lands.
7. Planned activities on the property are more likely to be delayed or stopped through administrative or legal actions.
8. There may be local concerns about additional public ownership in the area.
9. State is unlikely to harvest timber at the same levels as a private owner.
10. There is a concern about the long-term maintenance of the road system for recreation, which has traditionally been paid for primarily through timber harvesting.



## **Town Fee Ownership**

### Financial

1. Income and expense from timber management accrue to local communities
2. No private buyer is needed for the property
3. The Town must come up with the funds for the costs of acquisition and the stewardship of the property.
4. Loss of property tax dollars.
5. Investment in new/additional recreational facilities might be challenging for the towns, and require collaboration with public or private partners.

### Management/Use

1. Local citizens/government determines extent of all uses
2. Easement ensures long term compliance with overall protection goals
3. Future Town government could decide to use or prevent uses of the property or parts of the property not originally intended (unless there is a conservation easement in place).
4. The Town must have the social and political infrastructure to manage the property.

## **Mixed Ownership**

1. State ownership of developed recreation sites, key roads or trails and areas of ecological significance (non-timber areas) would ensure permanent public management and use of these areas.
2. A private buyer is needed for only a portion of the property
3. Removing public use and ecological sites might make the larger timberland tract more attractive to potential private buyers.

## **Management Agreements**

Under development

9/6/01

## Attachment C

### Public Comments

Malcolm Washburn – Is Pittsburg born and raised and a member of the Technical Committee. He believes private ownership is key to the success of this project. He hopes TPL will consider local folks who have shown an interest in purchasing the property. He is also concerned about the second owners under a private owner scenario. Fearful of the state being the second owner (or first) due to lack of resources and PILT.

Roy Amie – From Pittsburg. He said that in 1970 he began working as a logger on this property, has trucked from it and currently runs the log yard. He wants to see a private owner but the pulp and paper industry doesn't have the resources to see that happen today. The road system maintenance is key to success of the future ownership and management since there are 400 miles of roads – this is essential to fulfill the recreation component. He doesn't want the state to own but it may have the resources to do so to assure continued management. Local folks don't have the resources to purchase.

Don Gamel – Selectman from Columbia. He is originally from the south. Local folks manage the lands in the north country well. He likes the private owner and conservation easement option. Allow northern folks to have a say in the management of the land. In Vermont, that is not happening with former Champion lands. Please be our voices. Rep. Burling asked if Don preferred one owner – yes, as did the previous speakers.

Tim Frizzel – His vision for the land as was articulated by the hundreds who attended the original Pittsburg meeting before the Task Force was up and running is for timber uses, timber related jobs and the related recreation economies. He said the Bunnel tract TNC survey showed many rare plants and amphibians – on a property many said was over-harvested. Be wary of false reports of over-harvesting on this property. Diversifying the economy is not working – timber has been the only stable part. Many businesses like Sears and Bose have left but timber is still here. After 200 years we still have the land and 700 employees at Ethan Allen. Recreation depends on the land and all tourism is tied to the working forest. We need one contiguous parcel so we don't need maps. Don't want more set-asides besides those Champion and now IP have observed for BMPs and high elevation management.

Jamie Sayen – from N. Stratford. He said that there is more common ground here than many might think. People oppose public land due to concern for jobs, taxes and the economy but can make a strong economy around public ownership for timber, recreation and ecologically sensitive resources. People will come to see special places. Don't set ecological protection against jobs. In Pittsburg, very little property taxes come from this land. Median income here is in the lower 3<sup>rd</sup> for the country. Champion/IP lands have been overcut – what private owner would want to buy it? Need a cost/benefit analysis of conservation easement option – are acres really threatened? Instead of making decisions for the protection with a gun to our head, take time. Have a public discussion of economic options – folks will embrace the outcome if they are part of it.

Lewis Ruch – He is one of the former managers of the property and now a selectman in Stratford. He believes private ownership is the best option. Sensitive areas on this property have been treated well in the past. There was heavy harvesting in the 1980s due to the spruce budworm infestation. The forest has had nearly 20 years to grow back since that. The road system is key to all kinds of benefits this property provides. Timber is the tremendous part of the economy of the region and needs to be maintained as the focus.

Steve Weber – Dept. of Fish & Game employee. He supports the working forest. Believes that one landowner is key and as soon as you sell the fee to a private owner you lose control of the property.

Right of first refusal is good but not enough. The land could be sold and broken up. Concerns for public ownership are valid but public ownership might be supplemented with new statutes to make it work. Don't think private ownership is the best option.

Scott Mason – Stratford selectman and farmer. He is the second owner of a farm with a conservation easement on it and it has worked well. State doesn't have the resources to make economic use of this land with State ownership. Need private ownership with a conservation easement to do that and assure the easement is flexible. A conservation easement with private ownership can assure timber is cut and done so sustainably so this property can remain as a working forest.

Ronald Hughes – On Tech Committee and a lease holder. Lease holders he has talked with want private ownership with a conservation easement and continued leases. Leases provide a direct \$ 135,000 into the economy each year. Many a stranded hunter and logger have used camps for refuge. Lease camps are taken care of and these people protect the land and are good stewards.

Roy Arnie (speaking a second time) – The land has not been ripped apart by harvesting. Budworm has caused increased harvesting for a period but growth is still 1/3 cord per acre per year which gives about 40,000 cords of growth each year. Lots of oversize rotten and hollow wood comes to the log yard. Lease lots and timber pay for the roads which are key -- \$ 200,000 per year for road maintenance.

## Steering Committee Meeting Minutes

October 4, 2001

*Draft*

Fourth meeting, 3-5 PM

NH Vocational Technical Institute\*, Sweeney Tech Center,  
Room 308, Concord, NH

### Attendance:

**Governor Jeanne Shaheen, Co-Chair**

**John Cavanaugh for Co-Chair Senator Judd Gregg**

**Rep. Gene G. Chandler, Speaker of the New Hampshire House**

**Senate President Arthur P. Klemm, Jr.**

**Senator Harold W. Burns**

**Senator Beverly Hollingworth, Senate Democratic Leader**

**Representative Peter Burling, House Democratic Leader**

**Representative Eric G. Stohl**

**Burnham Judd, Coos County Commissioner**

**Jean Burrill, Pittsburg Selectman**

**Connie Coviello, Chair, Stewartstown Board of Selectmen**

**Neil Levesque for Congressman Charles Bass**

**Jeff Rose for Senator Robert Smith**

**Pam Kocher for Congressman John Sununu**

**Jasen Stock, NH Timberland Owners Association**

**John Harrigan, North Country publisher, land owner and farmer**

**Fred King, Colebrook**

**David Houghton, Field Office Director, Northern New England, Trust for Public Land**

**Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests**

**David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill**

**George Bald, Commissioner, Department of Resources and Economic Development**

**Steve Weber for Wayne Vetter, Executive Director, Department of Fish & Game**

### Not present:

Executive Councilor Ray Burton  
Andy Buteau, Chair, Clarksville Board of Selectmen

1. Executive Session *Closed to Public*

2. **Introduction and Opening**

Governor Shaheen opened the meeting and welcomed all who were present. Brief introductions are made.

3. **Meeting minutes from September 11 mtg.**

Motion was made and seconded to accept the draft minutes of the September 11 meeting. Minutes were unanimously approved as printed. Governor Shaheen turned the meeting over to facilitator Charles Levesque.

4. **Status of IP land sale**

Levesque asked David Houghton from the Trust for Public Land to update the Steering Committee on the status of the sale. He told the committee that TPL has signed the P&S which has a December 31 closing date. In early November, the substantial down payment must be made by TPL. Houghton told the committee that this gives a little more time to the committee -- that it has the full month of October to review the options and come to agreement.

5. **Technical Committee -- review of final data/information collection, closure on fulfilling its charge.**

Phil Bryce, co-chair of the Task Force Technical Committee, handed out an additional report, the updated "Pittsburg Report" that Plymouth State College had just completed. He thanked Commissioner Bald for urging the College to complete this report in an expedited manner.

Bryce asked the Steering Committee members to pay particular attention to the management issues section of the briefing papers. He asked for questions from the Committee.

David Houghton asked for a summation of the new economic report. He said that two major findings were that recreation is a bigger part of the economy than 10 years ago and the Canadian factor in the Pittsburg economy has been better described.

Jean Burrill pointed out that facilities (motels, etc) have added rooms suggesting that occupancy rates will be skewed due to these new additions.

Bryce stated that appendices of the briefing paper reports will be placed on the Task Force website. He noted that a Roads briefing paper has been added. Roads are a big issue and an important attribute of the land especially when reviewing the issue of access. He noted the various types of access presently in place for the different types of recreation.

Jane Difley asks what type of conclusion can they draw from these reports regarding taxes/forests products and the timber industry? Bryce stated different conclusions can be gained dependent at which time-scale the question is asked. On the short-term scale, the apparent trend is that there is a decrease in the timber tax fee; tax revenues from tourism is still an open question at this time.

Jasen Stock asked for clarification regarding the chart of timber harvests in the binder of briefing papers? Bryce replied that the new chart reflects the new IP data recently received.

The Steering Committee recognized the members of the Technical Committee present and gave them a round of applause for their hard work on the project. Levesque confirmed that the work of the Technical Committee was now complete.

#### 6. Reaching consensus on preferred protection Option

Levesque noted that the memo from Senate President Klemm and Speaker Chandler outlining two preferred options which was sent to the Steering Committee after the September 11 meeting, would be a good place to start that discussion.

Speaker Chandler suggested a language change in the last sentence of the option 1 so that the last sentence reads:

“A natural area would include some areas where timber is not cut and other areas where the forest is managed for wildlife and other purposes that would include limited timber management, could also be included in this option.”

Chandler also asked that the committee move forward on selecting a preferred option, today. He suggested that option 2, state full fee ownership, is not as viable an option as originally envisioned, and that option 1, private ownership, can work.

Governor Shaheen stated that she supported the approach suggested by Speaker Chandler and that by focusing on one of the two options, the committee can begin to look at specifics in more detail.

John Harrigan stated that he has never been a fan of state ownership, but questions who can afford to own this land especially if high end recreation use is required? He asked who can afford to own the land if there are easements placed upon it? How can the committee be confident that liquidation cuts will not happen? What about right of first refusal?

At Levesque's prompting, David Houghton reviewed the mechanics of easements, the bundling of rights and how the easement can limit or prevent subdivision. He offered that TPL will look to others (science, non-profits, and businesses) to establish the sustainable cutting rate(s) that will be included in the easement. Honoring these rates will build a sustainable harvest history and stabilize the industry in general. A liquidation cut would violate the conditions of the easement and open the owner to a legal suit. Sustainable timber practices will promote a continued interest in the land. Many potential private buyers have contacted TPL to express their interest in the property with the easements in place.

John Cavanaugh for Co-Chair Senator Judd Gregg offered that Senator Gregg continues to support this initiative. Senator Gregg has secured \$ 4 million from FY 2002 for this effort. Cavanaugh suggested that the committee needs to focus on the details, and to weigh in the perspectives of the North Country residents when drafting the final language of the easement. Senator Gregg supports option 1, private ownership.

Rep. Burling offers his thoughts on the language of the option and asks that the term stewardship be incorporated into the language of option 1. He suggested “The

conservation easement will incorporate specific standards of stewardship for the forest and property". The Committee agreed to this amendment.

Fred King asked to know who the owner(s) will be and to see the easement language prior to "voting" on the option. Levesque reviewed the fact that based on the recommendation of Co-Chairs Governor Shaheen and Senator Gregg, the committee agreed, early on, to move forward on a consensus basis. If the committee wants to change the format to where members "vote", they can do this. He offered that easement documents are legal documents of great length, and suggested that the committee does not want to begin reviewing these types of documents as a group but that, instead, a specific list of the terms could be reviewed by the Committee. David Houghton offered that the easement language will boil down to those principles initially agreed to by the committee. The group can review these principles, but the legal easement document will be constructed between the owner(s), DRED and TPL. Bing Judd also stated that he wants to see what the easement says prior to agreeing to anything.

Levesque asked Phil Bryce, as the lead for conservation easements in state government for Forest Legacy easements to review the process behind drafting an easement and negotiating and easement through his office. Bryce offered that the language of the easement will incorporate the principles of good forestry and the previously agreed to principles of the steering committee. There are certain "deal killers" such as if an owner demands to restrict public access in this case since the Steering Committee has already agreed this is an essential principle. No two easements are exactly alike in their language because they are all site specific, addressing the resource(s) of the site.

Speaker Chandler stated that in order to get to the point of easement language the committee needs to narrow their focus and come to one option.

Jane Difley thanked the Speaker and the Senate President for putting forth the option 1, and agreed with Rep. Burling that stewardship needs to be incorporated into the option 1 language and that stewardship easement costs needs to be included also. She asked that "Funds would also be sought for a permanent easement stewardship fund" to the second paragraph of the option 1. The Committee agreed to this language.

Rep. Stohl stated that at the first public hearing in the North Country, before the Task Force was organized, the residents were not happy to set aside any acres. He asked that the option 1 title be changed to read "Private Ownership with Conservation Easement and Possible Natural Area". After discussion the Committee agreed to this change which is consistent with the Chandler amendment.

David Houghton said that they will bring a "term sheet" for the easement back to the Committee at the next meeting. This will allow the committee to get a sense of this language.

Steve Weber suggested that some of the Technical Committee members be part of the drafting committee for the easement. After much discussion, it was agreed that this might be difficult but that the key players in the easement drafting, TPL and DRED, would take this suggestion under advisement. Houghton offered that TPL will look to and work with DRED on easement language.

Bryce offered that as long as the parties agree on the expectations and principles, then the easement language is more easily crafted. The difficulty arises when the parties do not, up front, agree on the principles and expectations. Houghton confirmed that a "term sheet" for the easement language will be brought to the committee for review at the next meeting.

Fred King suggested that the legislature will want to know what they are voting on when public funds are on the table. He asks that the committee begin to visit with the legislature to show that the Steering Committee is unified here.

John Harrigan asked if the committee is focusing only on option 1?

Levesque suggested that the committee come to conclusion on the option next meeting (November 1) and that it agree to a Draft Preferred Protection Option as has been amended at this meeting. This option can then be put forward for comment at the public hearing(s). Levesque asked if anyone could not live with that as a conclusion. All agreed to adopt the option 1 proposal, as amended, to read:

**"Private Ownership with Conservation Easement and Possible Natural Area** – This option envisions a private owner purchasing the fee on most of the IP ownership as a timberland investment with a conservation easement covering that land and held by the state. The easement would prevent most development, assure for sustainable forestry and include the perpetual right for the public to use the property for hunting, fishing, trapping, hiking, walking, wildlife viewing, camp leases, snowmobiling and other motorized recreation. The easement could also contemplate more leases and limited locations for value added forest products manufacturing. The conservation easement would incorporate specific standards of stewardship for the forest and property. A natural area, which includes some areas where timber is not cut and other areas where the forest is managed for wildlife and other purposes that would include limited timber management, could be included in this option.

It is anticipated that public funds would go to purchasing the conservation easement while the private timberland investor would purchase the fee interest in the property. Funds would also be sought for a permanent easement stewardship fund. Funds from other non-governmental sources might also be sought."

#### **7. Funding of the Preferred Option**

David Houghton said that once the specific option is agreed to, then the budget will need to follow. Different scenarios will dictate a different budget. Houghton will begin to draft a "working budget" to include land acquisition costs, stewardship costs, etc. for review at the next meeting.

**8. Public hearing format** - Levesque reviews the format of the public hearing.

**9. Next Meeting** – Due to committee member conflict, the October 25 scheduled meeting was changed to November 1 in Pittsburg at the Pittsburg School (subject to availability). Levesque suggested and the Committee agreed that a public hearing would be held from 5:00 to no later than 7:00 PM and then the Steering Committee would meet to agree to a protection option and a budget to fund it.

Respectfully submitted,  
Deborah Smith and Charles Levesque

Steering Committee Meeting Minutes  
November 1, 2001

Draft

Fifth Meeting, 6:45-8:45 PM  
Pittsburg School Auditorium

Attendance:

Susan Arnold for Co-Chair Governor Jeanne Shaheen  
John Cavanaugh for Co-Chair Senator Judd Gregg  
Jeff Rose for Senator Robert Smith  
Neil Levesque for Congressman Charles Bass  
Pam Kocher for Congressman John Sununu  
Representative Gene G. Chandler, Speaker of the New Hampshire House  
Senate President Arthur P. Klemm, Jr.  
Senator Harold W. Burns  
Senator Beverly Hollingworth Senate Democratic Leader  
Representative Eric G. Stohl  
Burnham Judd, Coos County Commissioner  
Jean Burrill, Pittsburg Selectman  
Executive Councilor Ray Burton  
Andy Buteau, Chair, Clarksville Board of Selectmen  
Jasen Stock, NH Timberland owners Association  
John Harrigan, North Country publisher, landowner and farmer  
David Houghton, Field Office Director, Northern New England, Trust for Public Land  
Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests  
George Bald, Commissioner, Department of Resources and Economic Development  
Wayne Vetter, Executive Director, Department of Fish and Game  
Fred King, Colebrook  
David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill

Not Present:

Connie Coviello, chair, Stewartstown Board of Selectmen  
Representative Peter Burling, House Democratic Leader

**1. Introduction and Opening**

Co-Chairs John Cavanaugh and Susan Arnold opened the meeting, welcoming committee members.

**2. Meeting minutes from October 4 mts**

The draft minutes of the October 4 meeting were accepted as printed.

**3. IP Negotiations Status**

David Houghton reported that the IP property continues to be evaluated in order to reach agreement on the volume of trees on the property for the purposes of the appraisal valuation. This volume number and the appraisal will be reviewed by the Federal appraiser and the State before movement is made. Houghton handed out the draft budget for the entire project and reviewed the numbers:



Respectfully submitted,  
Deborah Smith and Charles Levesque

Steering Committee Meeting Minutes  
November 1, 2001

**Draft**

Fifth Meeting, 6:45-8:45 PM  
Pittsburg School Auditorium

Attendance:

Susan Arnold for Co-Chair Governor Jeanne Shaheen  
John Cavanaugh for Co-Chair Senator Judd Gregg  
Jeff Rose for Senator Robert Smith  
Neil Levesque for Congressman Charles Bass  
Pam Kocher for Congressman John Sununu  
Representative Gene G. Chandler, Speaker of the New Hampshire House  
Senate President Arthur P. Klemm, Jr.  
Senator Harold W. Burns  
Senator Beverly Hollingworth Senate Democratic Leader  
Representative Eric G. Stohl  
Burnham Judd, Coos County Commissioner  
Jean Burrill, Pittsburg Selectman  
Executive Councilor Ray Burton  
Andy Buteau, Chair, Clarksville Board of Selectmen  
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David Houghton, Field Office Director, Northern New England, Trust for Public Land  
Jane Difley, President/Forester, Society for the Protection of New Hampshire Forests  
George Bald, Commissioner, Department of Resources and Economic Development  
Wayne Vetter, Executive Director, Department of Fish and Game  
Fred King, Colebrook  
David Atkinson, Vice President of Operations, Wausau Paper of New Hampshire, Groveton Mill

Not Present:

Connie Coviello, chair, Stewartstown Board of Selectmen  
Representative Peter Burling, House Democratic Leader

**1. Introduction and Opening**

Co-Chairs John Cavanaugh and Susan Arnold opened the meeting, welcoming committee members.

**2. Meeting minutes from October 4 mts**

The draft minutes of the October 4 meeting were accepted as printed.

**3. IP Negotiations Status**

David Houghton reported that the IP property continues to be evaluated in order to reach agreement on the volume of trees on the property for the purposes of the appraisal valuation. This volume number and the appraisal will be reviewed by the Federal appraiser and the State before movement is made. Houghton handed out the draft budget for the entire project and reviewed the numbers:

<u>PROJECT COST</u>	Low	High
IP Land Purchase Price	34,000,000	36,000,000
Community Income Fund	750,000	750,000
Pittsburg      \$622,500		
Clarksville    112,500		
Stewartstown   15,000		
Project costs	3,000,000	4,000,000
Stewardship	2,000,000	3,000,000
Road Maintenance Fund	<u>750,000</u>	<u>1,500,000</u>
<b>TOTAL COST</b>	<b>\$ 40,500,000</b>	<b>\$ 45,250,000</b>

*Potential* PROJECT REVENUE

Private Landowner	12,000,000	15,000,000
State (for C.Easement/rec.rights)	8,000,000	10,000,000
Federal (for C. Easement/rec.rights)	9,000,000	12,000,000
Private foundations	<u>6,000,000</u>	<u>8,000,000</u>
<b>TOTAL <i>Potential</i> REVENUE</b>	<b>\$ 35,000,000</b>	<b>\$ 45,000,000</b>

Also, Houghton reviewed that the conservation easement terms language is moving forward and that the Steering Committee would review the current easement terms thinking later in the meeting. Houghton said that, after careful consideration given to the criteria of NH-based company, one that understands and accepts the kind of easement terms being discussed along with the public recreation rights and the ability to bring assistance to the closing, that Lyme Timber of Lyme, NH is the selected private buyer for the 146,500 acres.

Jeff Rose asked for clarity on the timing of the appraisal. Houghton said that the appraisal should be ready by the week's end or in the next two weeks anyway.

**4. Review of Public Hearing results**

Steering Committee facilitator Charles Levesque reviewed the public comment received to date on the draft option for the protection of the property. He pointed out the public comment summary memo previously sent to committee members and also handed out a binder that houses all the public comments received since the October 4 steering committee meeting in Concord, NH. John Cavanaugh asked if there was any discussion needed on the public comment memo, or in general regarding public comments. He thanked those present who provided comment at the public hearing.

**5. Reaching Consensus on a protection recommendation**

Levesque asked members to reflect on the draft option, but first, based on thoughts from Steering Committee members, he suggested three other related agenda items:

- A. who will own the Natural Area (NA);
- B. determination of the configuration of the NA, and
- C. formation of an advisory committee.

Natural Area ownership - Speaker of the House Gene Chandler suggested that the State should own the NA, with the management conducted by the Department of Fish and Game. This agency is the best fit to own and manage the NA. John Harrigan asked how will local taxes shift if the State becomes owner of the NA?"

Houghton turned members attention to the budget, specifically to the community funds. These funds would be established, giving annual income from the principal to each of the three communities, to counter any loss in tax revenues and to address any impacts to community services resulting from increased visitorship to the towns. The principal wouldn't be spent so the fund would be perpetual. The breakdown ratio, he explains, is a function of geography. These community funds are, in fact, to make up for lost property taxes from the NA and from lost timber taxes.

John Harrigan further asked if Fish and Game (F&G) has the resources to manage the NA acres? Houghton pointed to budget line 4 which includes an income fund for management and an income fund for monitoring.

Harrigan asked both Jane Difley (SPNHF) and Daryl Burtnett (TNC) if either of their organizations are interested in owning the NA? Jane Difley replied that her organization supports state ownership. Burtnett replied that the goal is to see the creation a NA that has integrity and one that captures as many of those qualities of a NA as it can. TNC is not pressed to own the land.

Jasen Stock asked if the road maintenance costs are included in this stewardship figure? Houghton reviewed that the draft budget includes a separate funds to address roads and their maintenance. A question was raised by Neil Levesque about whether this road fund will be applied to all the roads, all the time? Houghton stated that the conservation easement will determine what party (State or private owner) has what interest on which roads. He suggested that some roads will be critical to the interests of the state (public access) versus other roads that will be more critical to the private landowner (access to timber). The relationship between who uses what road for what use will provide guidance as to who is responsible and to the degree of responsibility for maintenance. Some roads may be 100% the responsibility of the state, whereas other roads may be 100% the responsibility of the private landowner. Also, some roads may be a shared responsibility between the state and the private landowner. Fred King stated that the fee owner who uses a road to promote their business interests has the responsibility to maintain their roads. Houghton concluded by saying that the details of this will need to be worked out later between the State and the private owner.

Jeff Rose asked if F&G can promote an organized approach to tourism? Commission Bald replied that tourism promotion is DRED's responsibility and that NH residents don't see the brunt of the state's tourism campaign because it is primarily directed out of state, to a different audience. He stated that if the state becomes owner of the NA, DRED will play a role in management, as they are the state's land management agency because Fish and Game and DRED work closely to manage all state properties where Fish and Game is the lead agency.

Susan Arnold offered that the Governor's concern is that this NA will produce beneficial impacts and that these community funds are there to replace any loss of tax revenue due to state ownership. Neil Levesque stated that Congressman Bass hears local support for F&G and he supports F&G as the lead in the management of the NA. Senator Hollingworth stated that she would like to see a working relationship occur between F&G and DRED on this project. Speaker Chandler emphasized that F&G's responsibility over the NA will be to work closely with DRED as with other properties

and specifically on the management of the trail system and access. F&G and DRED will work well together. Director Vetter echoed the Speaker. Jane Difley asked Phil Bryce if there is not, already, a working relationship between DRED and F&G? Bryce replied that F&G supports DRED on many projects already. Fred King stated that it is important for the public to know which agency is the lead and responsible for what project(s).

Levesque affirmed that the consensus of the Steering Committee is that the State be the owner of the Natural Area and Fish and Game, working with DRED, be the lead management agency for the NA. All agreed.

Determination of the configuration of the NA. Levesque directed everyone's attention to the draft NA configuration previously received by all members. Bing Judd, with assistance from Don Tase (manager of the IP lands) introduced and circulated a different draft map of the NA's boundary lines. Don Tase explained that he and Bing had met and tried to tweak the boundaries to include more of the high elevation and remote sensitive areas in the NA and less of the high yield areas of timberland.

Questions are raised as to the specific demarcation lines of these new boundary lines and if the original 25,000 acres of NA are maintained. Bing Judd said that the intent is to keep the area at 25,000 acres but to simply try to adjust the boundaries based on the criteria Mr. Tase described. After further discussion, John Cavanaugh and Susan Arnold proposed that a sub-group of the Steering Committee be assembled to further investigate the boundary lines of the NA. He asked that F&G take the lead. The charge to the group would be to review the new proposal and the boundary specific details. Clarity and agreement regarding the NA boundaries must be achieved.

Jane Difley stated that the first draft of NA boundary lines was created using science and with the expertise housed on the technical committee. She asked that this second draft be compared to the original draft and that the science behind both drafts be reviewed. John Harrigan stated that the first draft's boundary lines delineated an inclusive watershed. He understood the first draft's boundary lines arose through science and the technical committee's work. This second draft splits the watershed in half. He questioned that if one of the initial principles determined early on by this committee was to protect the water resources does this second draft of NA boundary lines promote or neglect this principle? Jasen Stock asked if the 10,000/15,000 split is maintained in this second draft? Bing Judd replied that it does.

Susan Arnold asked for other volunteers for the work group to review the boundaries of the NA. Named were F&G as the lead, DRED, Speaker Chandler, Bing Judd, Senator Burns, David Houghton (TPL representative), Daryl Burnett (TNC representative) and Rep. Eric Stohl. The sub-group agreed to meet Tuesday, November 13<sup>th</sup> at noon in the Pittsburg Fire Station. Their charge is to report to the Task Force their findings and to share their recommendation publicly via the Governor's office. Charles Levesque will follow up via phone with the entire Steering Committee to determine if there is consensus on the recommendation of the sub-group on the NA boundaries.

Consensus on the draft option - Levesque then moved the group's attention to the option and asked if this is agreeable to all (assuming the boundaries of the natural area are agreed to). Levesque is asked to change the title to Recommended Protection Plan for IP. The Steering Committee agreed by consensus on the Recommended Protection Plan as was proposed in the draft option (subject to agreement on the natural area boundary). (See attachment for the full language).

Advisory Committee - Speaker Chandler handed out a draft proposal for the composition of the advisory committee as follows:

### Connecticut Lakes Headwaters Advisory Committee (CLHAC)

Summary: A 13 member broadly representative public advisory committee shall provide oversight and guidance for aspects of the Connecticut Lakes Headwaters conservation project in which there is a substantial public interest.

Duties:

- Provide oversight to monitoring entity in monitoring of compliance with terms and conditions of a conservation easement or easements covering the Connecticut Lakes Headwaters project area;
- Provide oversight to state agency(ies) in the management of public recreational use of the Connecticut Lakes Headwaters project area;
- Provide oversight in the management of state park and natural areas owned in fee by the Department of Resources and Economic Development and/or the Fish and Game Department.

Composition: The CLHAC shall consist of 13 members, of which at least 7 shall be residents of Coos County. All members shall be voting members. The chair shall be a resident of Coos County and shall be elected by the members. The CLHAC shall be comprised of the following:

- Two residents of the Town of Pittsburg, appointed by the selectmen
- One resident of the Town of Clarksville, appointed by the selectmen
- One resident of the Town of Stewartstown, appointed by the selectmen
- One representative who shall have expertise in forestry and timber harvesting, appointed by the Speaker of the House
- One representative who shall have expertise in monitoring of conservation easements, appointed by the Speaker of the House
- One representative who shall have expertise in outdoor recreation, appointed by the President of the Senate
- One representative who shall have expertise in forest ecology and management of natural areas, appointed by the President of the Senate
- One representative appointed by the Governor
- The commissioner of DRED, or designee
- The executive director of Fish and Game, or designee
- A Coos County Commissioner, or designee

Administrative attachment: The CLHAC shall be jointly administratively attached to the Departments of Resources and Economic Development, and Fish and Game.

Speaker Chandler stated that this composition for the committee should be part of the legislation funding this project.

Fred King commented that this was a good template for a committee and that he felt a public member should chair the group and that it should meet at least quarterly. The Speaker said that this was simply a draft and he asked that Fred King take the lead to fine-tune this with a subcommittee of the Steering Committee. Fred King, John Harrigan, Jean Burrill and Connie Coviello (appointed

in her absence) all volunteered to work on this committee. This subgroup agreed also to meet on Tuesday, November 13 at 11:00 AM at the Pittsburg Fire Station prior to the meeting of the Natural Area sub-group. The full Steering Committee agreed in concept with the proposed oversight committee.

Fred King noted that with the creation and submission of a legislative bill to fund this effort, the public will, again, have the opportunity for comment on the overall protection plan and the oversight committee.

#### 6. Conservation Easement Terms review

Charles Levesque asked David Houghton to review the conservation easement "terms" sheet that had been sent to the Steering Committee as was agreed to at the October 4 meeting in Concord. Levesque noted that the Steering Committee had also received a memo from Technical Committee Chair Phil Bryce and member Paul Doscher that described, generically, the terms contained in a conservation easement in NH. Houghton began the review of the specific terms sheet (attached) with brief review stating how the language of a conservation easement is generally a function of the initially expressed purposes. Management plans are usually updated every 5 years, but this could be different depending upon the land in focus and the interests of the easement holder and the landowner. He again stated that easements are negotiated between the holder (State of NH) and the landowner, or potential landowner. This negotiation is not a public process.

Senator Burns asked if there was the opportunity for expansion of the number of leases. Houghton said this was possible but complicated because of the appraisal process. There were questions raised and concerns expressed as to the legality of making leases be in perpetuity. Houghton said it is not appropriate for the advisory committee to be the definitive voice on the number of leases on the property, but rather the easement owner (State) would have this authority or in conjunction with the private landowner. Neil Levesque suggested that lease holders be allowed to rebuild structures in case of fires. All agreed this made sense. Susan Arnold and Fred King both suggest that guidance on how to address additional leases is needed. **David Houghton agreed to do more research on the subject before making any decisions and come back with a new proposal on these issues. The three key issues are: allowing more leases, rebuilding should structures burn or otherwise become demolished, allowance for transfer of leases, and term for lease in "perpetuity".**

Jasen Stock asked for a definition of "limited" as it relates to subdivision. Houghton offered that the language of the easement will keep one, large block but allow some flexibility to the landowners for other subdivisions. He again emphasized that any allowance for limited subdivision (that also conform to the easement's principles) will be reflected in the compensation that the private owner receives. Disallowing for any subdivision is viewed as removing a right, and the landowner will be compensated for this removed right in the purchase price for the property. Fred King wondered why a timber owner needed the subdivision right at all unless they already have plans to sell.

Jane Difley and Commissioner Bald agreed that this committee is making decisions today on a project that will be in effect for many, many years ahead. They suggested that there

be some safety valve, some flexibility for possible future subdivision. They suggest that the easement should have some room to shift, as current unknowns may become future factors.

The group agreed, on the subdivision issue: no subdivision except with the approval of the conservation easement holder and the town, for public purposes.

Phil Bryce (in audience) stated that easements can be altered through amendment and that this process is long, arduous and extensive. It would require agreement by the State, Federal government (due to federal funds being used) and the private landowner.

Stock asked if the last bullet on Forestry, which reads:

“Protect ecologically sensitive resources and places such as land above 2700 ft, land within 100 - 600 ft of streams, rivers, ponds, non-forested wetlands; known deer wintering areas; and other fragile areas.”

*will be via MOUs or BMP? Houghton replied that the idea is to follow what is in place now as listed in the bullet.*

Paul Doscher (in audience) offered that most management plans require that the management be drafted so as to protect those determined values. He stated that over time, with changes in science, the most effective practice may shift. So, you don't want to lock in on what type of tool you must use, but rather gear your management towards the value, resource or element(s) that is to be conserved.

Stock asked if easement language can be written so as to determine a minimum volume that the private landowner must cut? This has been attempted in VT with limited success. Houghton said yes and Phil Bryce said it is possible but not as easy to do as it sounds. Fred King suggests that F&G be employed to work out the specifics.

#### **7. Financing to complete protection recommendation**

Levesque reviewed the four sources of funding anticipated for the project: private (landowner); Federal; State, and foundations. He asked that the State make their commitment known. Susan Arnold (for Governor Shaheen), Senate President Klemm and Speaker Chandler said that they will work to bond up to \$10 million. Arnold stated that this is a most important project at both a local and state level.

John Cavanaugh (for Senator Gregg) reiterated that \$3.6 million has been secured in this fiscal year from the Federal Forest Legacy program, and for FY03, the additional \$ 9-12 million anticipated in the budget for the project is something the Senator will work towards. Pam Kocher (Cong. Sununu), Neil Levesque (Cong. Bass) and Jeff Rose (Sen. Smith) all stated they are comfortable with the stated numbers. Jeff Rose offered that of the \$3 million going to Land and Water Conservation Fund, some of this can be used for an easement. Senate Bill 990 – American Wildlife Enhancement Act, which Senator Smith has introduced, may have more money provisions to fund this particular project.

Houghton, speaking for TPL, TNC and SPNHF said they all appreciate the work of the Washington delegations. TPL is working to get the best price from International Paper and

with Lyme Timber. In addition, TPL is working hard to secure foundation and private funding resources.

Neil Levesque asked that DRED look into the gold panning issue brought up during the public hearing. Commissioner Bald said that his agency would review the issue.

Jasen Stock asked if the Steering Committee would see the conservation easement document. David Houghton said that yes, the committee would see it once the negotiations are completed.

8. **Other Meetings for the Steering Committee** – Charles Levesque suggested that there was not a need for scheduling additional meetings of the Steering Committee because the charge of the committee has largely been fulfilled except for the details of the natural area subgroup and advisory committee subgroup which will come back to the full Steering Committee via memo and follow up phone calls with the Steering Committee.

Susan Arnold and John Cavanaugh thanked the Steering Committee for all its work and suggested that, while there seemed to be no need to meet again, should issues arise, they wanted to reserve the possibility of additional meetings. All agreed.

Respectfully submitted,  
Deborah Smith & Charles Levesque



Connecticut Lakes Headwaters Partnership Task Force - Steering Committee  
RECOMMENDED PROTECTION PLAN -- IP Lands

**The *recommended protection plan* envisions a conservation easement owned by the State of New Hampshire covering the entire property, a private timberland investor purchasing most of the land, and a natural area covering a portion of the property.**

What the conservation easement will do:

- Cover the entire 171,500 acres of current IP lands;
- Govern the property forever, no matter who the owner is;
- Include language that provides for continued timber harvesting using sustainable forestry practices;
- Secure permanent rights for the public to have access to the 171,500-acre property for snowmobiling, hunting, fishing, trapping, motorized recreation, hiking and walking, wildlife viewing, and camp leases;
- Maintain continued vehicular access to major portions of the property through state control over the vast road network that currently exists;
- Include monitoring and enforcement of the easement by the State of New Hampshire.

What the sale to a private timberland investor will do:

- Maintain a North Country tradition of private timberland ownership;
- Keep the majority of the land on the tax rolls;
- Allow the land's private owner to manage the timber on the 146,500 acres of land it will own, under the terms of the conservation easement.

What the natural area will do:

- Include approximately 25,000 acres in total: about 21,000 acres in the headwaters area to the north (all in Pittsburg), and around 4,000 acres in the South Bay Bog area to the south (most in Pittsburg, some in Clarksville);
- Require that 10,000 acres of the 25,000 acres be managed for wildlife habitat, including appropriate timber harvesting to encourage wildlife;
- Provide public access—the permanent public access rights secured by the conservation easement also apply to the natural area, including vehicular access over the existing road network;
- Reduce timber harvesting on the most ecologically sensitive portions of the property: 17,900 acres of the 25,000 acres are currently managed for timber, and as part of the natural area a large proportion of these acres will no longer be harvested for timber in order to allow natural processes of the land to continue without intervention.

November 1, 2001

*Public Hearing October 4, 2001 6pm*

Richard Moore, President of NH Audubon, Deerfield, NH

Speaking in regards to the preferred option 1, and to the profoundness of the IP land.

Feels that the resolve to have a natural area was weakening. It is an area in its natural condition. It is a fundamental traditional use. He speaks in support of a natural area. Notes the tremendous amount of work done by the technical committee. This work needs to be compared to the option(s). Richard suggests that the technical committees work is not completely finished, and will be so perhaps after their work is measured and compared to each of the two preferred options.

Tim Frizzell, Forester Lemington, VT

One point ignored publicly is the financing scenarios. No time has been spent publicly discussion the sources other than 4 million forest legacy money. One has to wonder where the dollars are coming from what strings are attached. At 225 per acre the purchase price is 38 million and change, the North Country fabric of life, their economy is in the hands of TPL. Interest will accrue at a rapid rate, and I wonder if you don't already have an owner(s) in mind. If I just signed a P&S agreement, I would want to know who was going to buy this property from me. Is the deal already a done deal (in regards to owner(s))? We, people of the North Country commune with nature every day, not just on weekends. We work here, and our people make the finest work products. We live here, in the snowmobile capitol due to timber roads... (time up).

Tom Henderson, Forestry with IP (as individual) Madison, NH

Hasn't reviewed the draft but is the balance he's look for as the President of a land conservation organization. He looks to the land to see what it dictates as the correct use/management. Let the land tell you what to maintain. He suggests that the community and the environment are best served when you maximize private ownership; maximize partnership with local conservation organizations, and with local conservation easement program. Minimize government involvement because politics do not make for good land management.

John Morrissey, Pittsburg, NH

Involved with Ethan Allan Furniture. 675 people, 65% are from NH. Wasn't prepared to address he preferred options. Agreement with the option expect for the idea of a natural area. Questions the size of the natural area, how many restrictions will be placed on it. Doesn't understand why it needs protection now. After heavy utilization, natural areas are in place. Things have worked fine, up till now.

Fred Miller, member of the North Country advisory committee for the IP lands, selectman town of Colebrook, NH

Not originally from Colebrook. Immigrants are here because they like what they see, and stay. At issue is the idea of someone looking out for the North Country, others feel they need to protect our land source even through North Country residents have done fine. Private ownership with conservation easement held by the state seems to be one of the better alternatives looked at early on. Asks to add a principles to the original list of six listed in letter to the committee, maintain land as working forests snowmobile, access for hunting, fishing, hiking and other forms of recreation, continuation of reasonable longevity of existing leases, continue to keep the parcel in once piece, keep property on town roles. Ensure a mechanism for long-term, local input and control to what happens to these lands.

Jamie Sayen, North Strafford, NH

Sees option 1 designed to prop up a failed status quo, private ownership of this land (disagreeing with prior speakers) has lead to sever over cutting, no real value added 85% of the softwood saw logs exported, few job cutting on this land due to the previous history of over cutting if we perform sustainable practices, mills are closing, per capital income is 30-40% of the national average. Option 1 is the most expensive option for the lease return. The public is being asked to pay for this. The possible natural area seems to be eroding away, most of the public money will go to subsidizing a timber investor, who would not buy this land at the price IP is charging unless there is some subsidizing of a huge easement, easement will permit unsustainable cutting unless we put restrictions on it, which will drive the cost of the easement up, to approach 50 up to 70, 80%, at what point does it become pointless to do an easement and more sensible for the public to just buy it? The owner can also resell it in 10 – 15 years, make a fat profit thanks to the public subsidy, there are easements in Maine, where public access is at the discretion of the land owners, there are real problems here.

The problem with the condition of the land now is that we don't have the older age class and that will take time, there's no way around it. I question whose representing the other 40 states, I don't think anyone is. So, what we need is option 2, or 3, the conty.

Ronald Hughes, Colebrook, NH

Speaking for the lease holders, option 1 is the one most will agree is. We want to continue the leases; leaseholders have been there for at least 100 years. Want to see leases on a perpetual basis; it's not fair to pay town property taxes on something that will be eliminated. Leases in other areas of NH and VT have moved to a timed period thinks there is a process to convert these leases back to perpetual uses.

Logging. Disagree with the previous speaker. The land is logged, we all use wood products, we need to continue working forests. Hopes the new landowner will continue to keep the loggers and wood industry people working, continue to produce fine lumber.

Julie Wormser, Boston MA

September 11 showed us what can happen when people who feel strongly divide the world into us and them and write off the worth of the them. I want us to develop a vision for this land that see the all of us I don't think anyone in this room wants the local economy in Pittsburg to dry up and for the community to loose access to the land, I don't think there's a person in this room that doesn't use paper or wood products, I don't think there is a person in this room not glad to see wildlife whether to hunt or not, and to see thriving streams and lakes whether you fish or not, or who want to see endangered plants and wildlife disappear because of our actions, the people in this process worked very hard to strike a balance between the needs of the people, and the needs of the environment. I think it would have been a lot less hard, if we trusted each other more and listed to what we have in common instead of fearing our differences. I want to see this project succeed, I ask that in these last days of this process, that everyone is heard and that everyone can see themselves in the final outcome. I strongly agree with the 3 principles laid out at the start of this process, that this project should support recreation, forestry, and environmental values. I've listened carefully to scientists from the Audubon, the nature conservancy, the forest society, and others, and what I hear is that to protected habitat for native plants and wildlife we need to set some lands aside as natural area. I urge the steering committee to keep this natural area in the final proposal. Also, given the extra days you have here I ask that you not discard the idea of state ownership this early in the process. It's smart to start laying out easement principles but both of these alternatives include easement. It could either be written for private land, or for state ownership. I share John Harrigan's concern for private ownership...

Meg Kelly, NHPIRG, Concord, NH

Introduction, I am an environmental associate with New Hampshire Public Interest Research Group. We are a non-profit, non-partisan advocate organization with over 1000 state members. I applaud the Task

force's work. It is undeniable that the sale of the IP land is a huge opportunity for the state. I've spent some time up there; I've gone up hiking, taken my camera around and seen the splendor of this place. I've also seen the scars resulting from decades of high impact, high intensity logging. So, I think that the fact that Senator Gregg has already secured federal funding and that state officials are willing to work for state funding that that will make it possible to shape this conservation opportunity into a reality. By the same token, because public monies will be utilized to help finance the project, it is imperative that the public gets some thing of value in return. So, specifically NHPIRG supports a conservation approach that will preserve the wild, undeveloped character of the landscape that will protect wildlife habitat and water resources, that will allow for sustainable forestry, and that will ensure the traditional recreational access to the area. Two main points that need to be included in the final conservation easement. Preserving and protecting natural areas, sensitive such as Scott's bog, Dead Diamond River, that these areas be preserved. This will...

Pierce Beij, Ashland, NH

Maybe some safeguards can be built into side agreements, but based on what I've heard so far I ask, "What private buyer can hold off harvesting till those pole stands are valuable saw logs? How can sustainable harvest really be guaranteed and biological sustainability? Will a buyer be willing to forgo subdivision, will there be a significant acreage in natural areas? Perhaps you should just forget option 1 and try to add this land to the Silvio Conty national wildlife reserve.

Ann Marie Marquis, Pittsburg, NH

I grew up in Pittsburg. I grew up going into the woods with my grand father who logged with horses and I grew up watching my dad create and build a successful logging company. I'm also a reporter for the News and Sentinel, and my husband and I own a trucking company. I am a little confused and I will admit I don't know a whole lot about conservation organizations that are opposed to logging because most of those here representing conservation groups are writing with pencils, paper. I'm not sure where these people think these come from. I also think these people believe (maybe a misconception) that logging is an unregulated industry where we can just go down and mow down every tree in site and that's not the case. We are supervised, we are regulated. We add a great deal to the economy. Anyone who doesn't believe this is welcome to look at my taxes for the last five years and see how much money I've paid in fuel tax for all of you people to ride on these roads and timber tax my husband has paid for wood he has purchased. This is our livelihood, this is what pays my mortgage, this is what sends my children to school, and this is what pays the taxes to the state. Take away our livelihood and you will support us. How much of an effect will that have on the economy? And, the last comment is directed to the young lady who just spoke. You spoke about scars in the woods from over harvests and logging, how many of those scars are left in Pittsburg from the budworm that wiped out hundreds of thousands of acres of softwood, wiped it out faster than man could cut it. There are other scars up there. There are lots of scars from the ice storm of 98. You are just inviting more trouble.

John Morrissey, speaks again

Ethan Allan. We spend 60 million dollars a year in the factory that includes 20 million in payroll. If you look at a map and see where Beecher Falls is you'll notice it's a lot closer to NH than VT. It's a hell of a lot closer to NH than VT, so guess where we spend most of our money? It is vertically integrated management fact of the facility is that we use hard wood. We want the hard wood off that property. We use about 12 million board feet of hard birch, cherry, maple, soft maple, This all grows on the IP property and we are very interested in that. We are competitive, we manufacture furniture. We feel because of the proximity of this property and we have to stay competitive so far as the price of our timber. If we have to go miles and miles for our timber, this will be a big problem and guess what we become non-competitive. So we'd like to have the timber off this property, we'd like to see it continue to be timbered. It's not only the north country that suffers from removing a piece of property like this from the timber base there are

millions of acres throughout the US that have been locked up over the past several years. Maybe not just locked up, but converted to other uses, set aside for recreation, whatever. This just puts more pressure on the property that is left. And, of course the advocates of this set-aside said that the private sector will cover the differences. Well guess what we are talking about 177 thousand acres here, that a private owner may look to reduce the timber harvest on. I think we should leave this property open for timber harvesting.

Tom Van Vechten, West Lebanon, NH

Wants to address the issue about recreation and camping. Currently, it very difficult to camp the way I like to do it, which is to go out with a tent to camp in these lands, and there is a great deal of concern about forest fires which I think motivates this. But, if we look at the experience of the White Mountains where there is a fair amount of camping we could some new perspective on that. I think that it is not necessary to be quite as cautious as they are now and that I'd hope that there be some provision made at lease with some kind of permit so people could camp overnight along a trailside. I think that would bring in a new category of recreational user to this area. I think it is reasonable. With regard to the idea of setting aside natural areas, we should consider the amount of absolutism in our positions and it seems that there are very few people that want to set aside a natural area who want to set aside the entire area and never cut down a tree and make paper at all. I think there are a fair number of people who don't want to have any land of this area set aside as a natural area. I think this is probably a mistake.

Meg Kelly, NHPIRG, speaking for the second time

Include the two points that should be included in the final decision.

One is preserving and protecting natural areas and this is a critical part of the conservation package. So, that means these areas are protected from logging, and atv use. Natural areas will protect the diversity of the regions plants and animals, and it will also provide a unique recreational activity for all the people of NH and boost the tourism economy of northern NH.

The second piece is that the timber management that we expect on the majority of the area should be held to clear strong standards of sustainable forestry. This is in the best interest of the locals, for the long-term economy. The Task Force has the opportunity to serve as a model for the future. In finding common ground in a conservation project. So, creating a balanced package that included these natural areas and sustainable forestry, that will preserve the state's northern heritage the way that all of NH can benefit from and feel proud of for generations to come.

Julie Wormser, again for the second time. Northeastern regional director of the wilderness society. Just to finish up...

I share John Harrigan's concern regarding unstable private ownership. I also think that state ownership gives up the ability to look at management issues as they evolve over time in a much better way than an easement would. It also gives us a time to develop a management plan that we can see ourselves in not just over the next forty-five days, but also over the next 4-5 months. Such that everyone can see themselves in the future of this extraordinary place.

Tom Henderson, Madison, NH speaking for the second time

I'm not afraid of conservation easements, I've worked with them for many years, I feel that they are much more stable, I've heard some discussions about private ownership and their instability. Many of the easement I work under I am the third or fourth owner. I'm not concerned about the owner being unstable because the easements are stable and they are very sound and they hold up in court. So, if the easements are drafted properly we can all get what we want, I think. If we go back to the evaluation of the land base, back to the guidance I offered earlier, allow the land to dictate what its uses are this will also dictate the right mosaic of ownership. There are some areas of the property that would want to be owned by

government, there are some areas of the property that would want to be owned by conservation organizations, there are some areas of the property that you would want to be owned by a private owner, and you may want to strengthen your easements on certain parcels. So, my preferred option would be option 2 (State) they don't scare me a bit.

Paul Karxmarczyk, Brattleboro, VT

Northeast regional biologist for the Ruffed Grouse Society.

Wasn't prepared to give an opinion on the preferred options for the society, but I would like to encourage the steering committee to base any easement on sound science, not opinion and myth.

Jon Barrows, NH Sierra Club, Concord, NH

We have about 5000 members statewide. Sitting through the steering committee meeting today, it seemed like we went from a proposal that was relatively weak to one weaker. I don't believe contemplating having natural areas in the mix is good enough. If we are talking about having taxpayers pay for this, we need to get something in return and I don't think that if we remove natural areas from the mix that we are getting enough in return. It would essentially amount to a government bail out of IP. I don't think that's an appropriate use of public funds. I think that having natural areas in the mix is important, as is having sustainable forestry, too. You may be surprised by that coming from the Sierra Club but just like everyone else we use paper. We recognize the need to have forestry, we advocate anti-commercial logging on public lands but we still need to get wood products from other lands. As long as logging on private lands is done in a sustainable manner we are ok with this.

# Appendix C

## Technical Committee memos

DRAFT FOR DISCUSSION PURPOSES ONLY

Connecticut Lakes Headwaters Partnership Task Force

Technical Committee  
August 23, 2001

### *PROTECTION OPTIONS FOR INTERNATIONAL PAPER CO. LANDS*

#### I. Definition of "Protection"

"Protection" means (based on the Steering Committee charge and principles):

- Ensuring the continued status of the IP land as a large block of *undeveloped productive/working forest*, and;
- Securing its continued *contribution* to the local and regional culture and economy, and;
- Guaranteed *public access for recreation* such as snowmobiling, hunting, fishing, hiking etc., and;
- Assuring the integrity and conservation of *ecologically sensitive resources and places*.

#### II. Protection Options and Funding

Protection options are the legal tools and ownership methods used to protect the property.

Assuming that any protection option is dependent on sources of public and/or private funds that are available for protection, the available sources establish certain guidelines or limits on the available protection options

For example, the Forest Legacy program generally provides grants to states to acquire conservation easements on land that will remain in private ownership. There are exceptions however, when Legacy funds have been used to acquire fee ownership of lands by states.

State funding, assuming it is provided by a special act of the legislature, could be used either to purchase conservation easement or the fee ownership.

Private funding, to the extent needed, might be tied to a particular aspect of the project, such as protecting unique or sensitive ecological areas.

NH Fish and Game Department might use Federal grants through the US Fish and Wildlife Service or National Fish and Wildlife Foundation to acquire key wildlife habitat management areas.

Finally, it is assumed that local citizens do not support federal ownership of any significant part of this land, and therefore the following options do not include federal ownership.

#### III. Protection Options:

Various options exist for the potential ownership and management of the IP land. No single protection option is likely to meet all the principles established by the Steering Committee.

Options for protection are as follows:

**Fee ownership:**

State  
 County  
 Town  
 Private Industry  
 Private Investor  
 Private non-profit  
 Combination of above  
 Other

**Conservation easement:**

Federal  
 State  
 Private land trust  
 None

**Timber rights (may be part of conservation easement or separate agreement)\*:**

Held by landowner  
 Sold to private entity  
 Leased to private entity

**Recreation rights (may be part of conservation easement or separate agreement)\*:**

Held by landowner  
 Held by state  
 Held by private groups (for profit or non-profit)  
 Held by town

\*Note on Additional rights:

Certain rights can be handled within a conservation easement or in separate agreements. These include timber rights and recreation access rights but could also include, trail maintenance, recreational development, water rights, etc.

**The following are five protection scenarios for consideration by the Steering Committee:**

**A. Private ownership with State Conservation Easement**

- A conservation easement would be held by the State of NH to limit development and provide for stewardship of the land.



- Fee ownership would be by a private owner, investor or business.
- B. Combination of State and Private ownership with State Conservation Easement
- Fee ownership of most of the land by private owner, investor or business
  - Conservation easement (held by State held of NH) on the privately owned land
  - Fee ownership of some parts of the land (recreation sites, ecological sites, etc.) by State of NH
- C. State fee ownership/Conservation easement held by federal government or non-profit land trust.
- Fee ownership by State of NH
  - Conservation easement held by US Forest Service or private land trust
- D. State fee ownership with no conservation easement
- State owns land and manages it as state forest/wildlife management area/park
- E. Town/County Ownership with a conservation easement
- Fee ownership by local government.
  - Conservation easement on the lands held by US Forest Service, State of NH or private land trust.

### Options Considerations – Briefing paper from Technical Committee

#### IP Lands Protection Options Considerations

#### **Conservation Easement**

##### Financial

1. Funding required is limited to purchase of easement and costs of long-term stewardship of the easement (monitoring, enforcement, etc.) The fee owner pays for ongoing management costs (road and boundary maintenance, forestry staff, insurance, etc.).
2. An easement “buys down” the fee purchase price of the property allowing greater accommodation of public values in the management of the property.
3. The more rights and restrictions included in an easement, the closer the price of the easement may be to the fee value of the property. (Although there would not be the costs associated with ongoing fee stewardship)
4. An easement can allow for a private owner to invest in the property to provide them with a profit while providing public benefits (recreation, timber, etc.).

##### Management/Use

5. Private owner can be expected and/or required to harvest timber and pay timber tax.
6. Private owner would continue to pay property taxes.
7. Recreation easements would allow public use in cooperation with a private landowner.
8. For publicly held lands in fee, the permanent protection of the land would be assured against short-term decisions with a CE held by a second agency or land trust.
9. An easement could provide guidance and requirements for acceptable forestry practices.

10. If some areas are designated for "no timber harvesting" due to ecological concerns, private owners may not want to acquire these parts of the property
11. A private owner will have a certain amount of autonomy in making management decisions. Public input may be limited. Much of this discussion occurs during the easement negotiations. For example, will a landowner agree to committee review and approval of a stewardship plan?
12. Private owner may have substantial control over the future of camp lots on the property.
13. The cost of monitoring and enforcement of easements increase with the complexity of the easement restriction language, such as requiring timber harvesting and riparian area restrictions.

#### Terms/Negotiations

14. It may be difficult to find a private buyer if easement terms are especially restrictive in order to achieve expected or desired benefits.
15. The landowner wants to know specifically what they are expected and allowed to do and the public wants to know specifically what they are buying. Easements have limitations on future flexibility.
16. Ownership of underlying fee can change hands again in a few years. While easements are designed to encourage best-case ownerships, the terms of the easement must anticipate the worst-case future owners or easement administrator. A second or third generation owner or administrator may not have the same objectives as the first owner who negotiates the easement.
17. Easement negotiations are much more complex than a fee purchase because the acquisition and management planning for the property are wrapped into one transaction.
18. The terms of an easement may be different if the property is under public ownership versus private ownership.

#### State fee ownership

##### Financial

19. Income and expenses from the property would accrue to the State.
20. Opportunity for creative approaches to cost/income share with the communities.
21. Collectively, state agencies (Fish and Game, DRED) have a legal mandate to manage for multiple public values with a long-term view.
22. The State must come up with the funds for the cost of acquisition and the stewardship of the property, which is higher than the cost of purchasing and stewarding a conservation easement (public must pay for the full fee ownership).
23. Uncertainty about state financial commitment to long term improvement and maintenance of state owned lands, delaying or reducing the timber, wildlife or recreation management activities.
24. Uncertainty about legislative commitment to state payments in lieu of taxes (PILT's) on publicly owned lands.
25. No private buyer is needed for the property
26. Less potential for the land to be resold.

##### Management and Use

27. Public access would be guaranteed (subject to management objectives)
28. Public would have a say in how the land is managed for timber, wildlife, recreation, etc.
29. Given state agencies varying missions, there is potential for conflict among state agencies over management priorities for the property.
30. Future state government could decide to use or prevent uses of the property or parts of the property not originally intended (unless there is a conservation easement in place).
31. Management decision-making process on public lands is necessarily longer and more complex and requires dedication of public resources.
32. Implementation of management plans is more costly because of the integration of multiple public benefits over the long term and the higher degree of scrutiny of publicly owned lands.
33. Planned activities on the property are more likely to be delayed or stopped through administrative or

legal actions.

34. There may be local concerns about additional public ownership in the area.
35. State is unlikely to harvest timber at the same levels as a private owner.
36. There is a concern about the long-term maintenance of the road system for recreation, which has traditionally been paid for primarily through timber harvesting.

### **Town Fee Ownership**

#### Financial

37. Income and expense from timber management accrue to local communities
38. No private buyer is needed for the property
39. The Town must come up with the funds for the costs of acquisition and the stewardship of the property.
40. Loss of property tax dollars.
41. Investment in new/additional recreational facilities might be challenging for the towns, and require collaboration with public or private partners.

#### Management/Use

42. Local citizens/government determines extent of all uses
43. Easement ensures long term compliance with overall protection goals
44. Future Town government could decide to use or prevent uses of the property or parts of the property not originally intended (unless there is a conservation easement in place).
45. The Town must have the social and political infrastructure to manage the property.

### **Mixed Ownership**

47. State ownership of developed recreation sites, key roads or trails and areas of ecological significance (non-timber areas) would ensure permanent public management and use of these areas.
48. A private buyer is needed for only a portion of the property
49. Removing public use and ecological sites might make the larger timberland tract more attractive to potential private buyers.

### **Management Agreements**

Under development

9/6/01

## Ecologically Sensitive Resources and Places – Briefing paper from the Technical Committee

### ECOLOGICALLY SENSITIVE RESOURCES AND PLACES

The Steering Committee requested that the Technical Committee describe further the principle of ecologically sensitive resources and places, as it applies to these lands. When we began to explore this assignment, we quickly realized that this principle is inextricably linked with the principles of sustainable forestry and recreation. These three principles provide the foundation of the healthy forest and strong communities that this initiative is trying to maintain and assure.

Our list of ecologically sensitive resources includes eleven categories. These resources occur at multiple scales on the landscape, from a fraction of an acre to thousands of acres in size. The Technical Committee cautions that, due to the unavailability of data specific to the property, the short time frame, and the size of the property, our knowledge of the distribution and extent of these resources on the IP lands is incomplete, at best.

## **TYPES OF ECOLOGICALLY SENSITIVE RESOURCES**

Ecologically sensitive resources on the IP lands for which we have some information, and the benefits associated with these resources, include:

### **Ponds and streams**

- provide habitat for fish and other aquatic life;
- provide resources for terrestrial wildlife;
- and are highly valued for recreation.

### **Riparian areas**

- moderate water temperatures with shade;
- contribute nutrients to water from riparian vegetation;
- filter pollutants, excess nutrients, sediment, and debris from runoff;
- slow surface runoff and facilitate groundwater recharge;
- stabilize streambanks and streambeds;
- maintain high water quality and habitat for fish and other aquatic life;
- provide habitat for animals that use both upland and aquatic resources;
- and provide recreational opportunities.

### **Wetlands**

- are important for flood control, water storage, and water quality;
- provide critical habitat for waterfowl, furbearers, and many other wildlife species;
- and support rare and unique plant species.

### **High elevation areas**

- favor spruce-fir forests, which provide critical wildlife habitat;
- and serve as the origins of streams;
- provide visual quality.

### **Low elevation spruce-fir forests**

- are important to the winter survival of deer, and
- support bird populations important to spruce budworm and bark beetle suppression.

### **Beech stands**

- provide critical food sources for bear and other wildlife.

### **Enriched hardwood sites**

- have high biological productivity;
- often support rare plants;
- are rare in New Hampshire.

### **Steep slopes**

- provide visual quality;
- are very susceptible to erosion,
- which can reduce or destroy their ability to support plants,
- and cause harmful stream sedimentation.

### **Rare, threatened and endangered wildlife**

- Make unique contributions to biodiversity at the state scale,
- and have rare or declining populations.

### **Rare plants and exemplary natural communities**

- make unique contributions to biodiversity at the state scale,
- and are rare or declining in number.

## TOOLS FOR PROTECTING ECOLOGICALLY SENSITIVE RESOURCES & PLACES

Generally, there are two tools currently available to protect these resources: sustainable forestry and limited set-asides.

### **Sustainable Forestry**

Sustainable forestry has three central tenets:

- 1) To maintain an even flow of forest products over time;
- 2) To retain the land's capacity to be productive; and
- 3) To incorporating non-timber values into management.

Elements of sustainable forestry date back more than 50 years, when industrial forest landowners began to work with NH Fish & Game on the management of deer wintering areas. Best management practices (BMPs) for erosion control were developed in 1996, and the Forest Sustainability Standards Work Team produced a manual of Recommended Voluntary Forest Management Practices in 1997. Many of these practices have since been adopted on ownerships throughout the state, including the IP lands. In addition, both Champion and IP had implemented internal sustainable forestry policies and practices on these lands, and ascribed to the Sustainable Forestry Initiative (SFI) of the American Forest and Paper Association. Examples of their practices include a comprehensive riparian management policy, a high elevation Memorandum of Understanding with the State, and a system of categorizing their lands according to forest productivity and ecological sensitivity.

The practice of sustainable forestry on these lands not only fulfills the Timber and Sustainable Forestry principles, but also significantly contributes to the ecological, economic, and recreation principals identified by the Steering Committee.

### **SET-ASIDES**

It is widely accepted that setting aside some lands in areas where natural processes can occur with minimal human intervention is an important part of a comprehensive approach to conserving a region's plant and animal diversity.

Set-aside areas:

- provide habitat for species that are unable to survive or thrive on managed lands;
- prevent currently common plant and animal species from becoming endangered;
- provide insurance against known and unknown impacts of intensive management;
- provide a unique set of tourism and recreational opportunities.

The Connecticut Lakes Region is ecologically different from anywhere else in the State because of its different bedrock, landforms, and climate. The IP lands dominate this unique ecological region, where there is currently very limited protection for the purpose of ecological conservation through natural processes.

Criteria for identifying and delineating potential set-aside areas include:

- Encompass a full range of physical features and terrestrial and aquatic communities representative of the Connecticut Lakes Region, including the dominant forest types;
- Are large enough to maintain the long-term viability of these features;
- Contain a broad range of environmental gradients (elevation, moisture, slope);
- Include known occurrences of rare species;
- Consider location of existing conservation lands;
- Conform to watershed and ecosystem boundaries as much as possible;
- Consider location of existing roads and other cultural features.

Establishing set-aside areas on these lands will significantly contribute to protecting ecologically sensitive resources and places, and will also help to fulfill the recreation and economic principles identified by the Steering Committee.

9/6/01

### Summary of Conservation Easement Terms and Restrictions

Prepared for the

## CONNECTICUT LAKES HEADWATERS PARTNERSHIP TASK FORCE

By Philip Bryce and Paul Doscher

### Overview:

A conservation easement is primarily a set of restrictions on the use of land. What a conservation easement does is separate some of the rights of ownership from the land (such as development rights), and place them with a “grantee” or easement holder. The easement holder then has the responsibility to ensure that the rights it holds are never again used by the landowner who gave them up. Conservation easements can also grant specific rights to the public through the easement holder such as public recreational access.

Conservation Easements are authorized by state law (RSA 477:45-47) and donated easements are regulated by IRS (Section 170h). When conservation easements are purchased using public funds (such as through the NH LCHIP or federal Forest Legacy programs) the easement must achieve program objectives. There are specific provisions that must be contained in the conservation easement in order to qualify for funding through these programs. Thus, there are some restrictions in conservation easements that are effectively mandatory, and others that are negotiable or optional.

Conservation easements are permanent. This means that it is important to put only those restrictions into an easement that are unlikely to be changed over time. For example, it is often recommended that while a conservation easement can require public access to a property, the actual specific details of how that access is managed is best written into a separate public access agreement that is reviewed and amended periodically.

### Components of a Conservation Easement:

Easements have the following major components. They are:

- “Whereas” clauses
- Purposes
- Use Limitations (or restrictions)
- Exceptions to Restrictions & Reserved Rights
- Affirmative Rights of the Easement Holder
- Administration and procedures

WHEREAS:

These clauses provide background information about the property including historic uses, specific features of significance, and consistency with local planning goals. Sometimes this information is included with the purposes.

PURPOSES:

The purposes section of a conservation easement establishes the “why” of the easement. It identifies the natural resource values of the land that the easement seeks to conserve or protect. Those purposes that are generally required to be included within an easement are:

- The conservation of open space.
- The protection of the natural habitat of important wildlife and plant species. This could include deeryards, rare plants, exemplary natural communities, osprey nests, wildlife corridors, etc.
- The protection of undeveloped waterfront on public waters.
- The scenic enjoyment of the general public.

Easements can also include the following additional purposes:

- The preservation of historically important lands and/or structures.
- Guaranteeing opportunities for public outdoor recreation and/or education. (hunting, fishing, boating, hiking, snowmobiling, etc.).
- Providing for the production of wood products through long-term economically viable and sustainable forest management.

It is important that the purposes be reflected in the specific terms and requirements of the easement. For example, if the easement contains the purpose of providing public hunting access, it would be contrary to the purposes of the easement for the owner to be allowed to post the property against hunting.

It is assumed that if any easement is ever challenged in court, that the court will look to the purposes of the easement to attempt to resolve any dispute over the interpretation of the detailed restrictions in the easement. A clear, concise, carefully worded but complete list of purposes is essential to crafting a good conservation easement.

USE LIMITATIONS (ALSO KNOWN AS RESTRICTIONS):

This is the part of the easement that contains the “dos and don’ts”. It defines exactly what use rights the owner is giving up and which rights the owner is not giving up.

In general, if a conservation easement takes away a right of land use (such as subdivision or development) it must be stated clearly in the easement. If a specific right is NOT restricted by the easement, the law is that the right remains with the landowner.

These restrictions also have exceptions (see below). For example, most conservation easements state that there shall not be any commercial or industrial activities conducted on the property. However, an exception to this restriction is provided for forestry and agricultural activities.

The restrictions in the easement are designed to achieve the purposes of the easement. For example, the restrictions are designed to prevent inappropriate activities that would impair wildlife habitat, cause erosion, or diminish the ability of the property to grow timber.

Restrictions that are standard in all conservation easements include:

1. The property must be kept as open space.
2. Commercial and industrial uses (except agriculture and forestry) are prohibited
3. Activities on the property must be conducted in a manner that:
  - a. Maintains soil productivity
  - b. Protects water quality, wetlands and riparian zones
  - c. Maintains or improves the overall quality of forest products
  - d. Conserves scenic quality
  - e. Protects unique or fragile natural areas
  - f. Protects unique historic and cultural features
  - g. Conserves native plant and animals species
4. There must be a written forest management plan, prepared by a licensed professional forester. The content of the plan can be spelled out in the easement. NH Forest Legacy easements require that this plan must be approved by the easement holder.
5. Management of the property must be performed in accordance with:
  - a. "Best Management Practices" for erosion control
  - b. Good Forestry in the Granite State
  - c. Other BMP's (for trails and agriculture)
6. The property cannot be subdivided.
7. No structures or improvements (except ancillary to forestry and outdoor recreation)
8. No dredge and filling or changes in topography (except those commonly necessary for forestry and outdoor recreation)
9. No signs or billboards (except for forestry, conservation, outdoor recreation or outdoor conservation education purposes)
10. No mining or quarrying (except as necessary to conduct forestry or provide for public recreation)
11. No dumping, burning or burying of hazardous materials

Generally, the more restrictive the easement the higher the cost. Not all restrictions can necessarily be assigned a specific value through the appraisal. And certain types or degrees of restrictions may not be for sale by the landowner.

#### RESERVED RIGHTS OF THE LANDOWNER & EXCEPTIONS TO LIMITATIONS:

This section of the easement specifies EXCEPTIONS to the limitations and restrictions listed above. For example, some easements might allow an exception to the "no subdivision" restriction and allow the property to be divided into two or three smaller parcels. This section also clarifies any rights the landowner is retaining that otherwise may be unclear. However these exceptions cannot unduly affect the grantee's purposes for acquiring the conservation easement.

Reserved rights are generally tailored to the specific property and the property owner. The number and extent of reserved rights can, and do, affect the monetary value of a conservation easement. Generally, the more reserved rights, the less costly is the purchase of a conservation easement.

Some *possible* reserved rights:

1. The right to construct and maintain paths and trails for education and recreation.
2. The right to erect signs to direct public users and provide information about the property.
3. The right to excavate for archeology research.
4. The right to build parking lots for recreational users of the property.
5. The right to construct and maintain campsites and structures for recreation.
6. The right to subdivide into a maximum number of tracts.
7. The right to charge fees for certain developed recreational facilities such as campsites, roads, equestrian facilities, etc.



8. The right to withdraw a small portion of the land from the easement for future developed uses. For example the easement might allow a tract of a certain number of acres to be withdrawn for the construction of a sawmill or wood manufacturing plant.
9. The right to continue camp leases for existing privately owned camps.

#### AFFIRMATIVE RIGHTS OF THE GRANTEE:

These are rights that the grantee (easement holder) acquires with the easement. The most common is the right for the public to have access to the property for recreational purposes. The right of access for the grantee to monitor the property and carry out its responsibilities is another example. This is often included in the Benefits, Burdens, and Access section below.

When the easement creates public access to the land it is also advisable for there to be a "public access agreement" that specifies how public use of the land is to be managed and by whom. It could cover hunting, fishing, cycling, hiking, road use, snowmobiling, and ATV use, and is usually a term agreement that must be renegotiated and revised from time to time to reflect changing public uses and recreation trends.

#### ADMINISTRATION:

There are a series of paragraphs in a conservation easement that describe how the easement holder and landowner are to communicate with each other, the rights of the holder to monitor and enforce the easement, etc. These sections of the easement vary very little from easement to easement. They include the following:

- Notification of Transfer, taxes and maintenance  
This section says the landowner must notify the easement holder if the land is to be sold. It also says the landowner continues to pay the property taxes. It makes it clear that the landowner is responsible for property maintenance.
- Benefits, Burdens and Access  
This section states that the easement is perpetual and stays with the property, no matter who owns the land. It gives the easement holder access to the land for monitoring compliance with the easement.
- Breach of Easement  
This section describes what happens if there is a potential violation of the easement. It also states that the owner isn't responsible for changes or injury to the property caused by natural disasters, unauthorized actions by third parties, etc.
- Notices  
This section prescribes the method through which the holder and owner conduct their "official" communications under the easement.
- Condemnation  
If the unlikely event occurs that a public agency (such as the DOT) condemns a part of the property for a public works project, this section describes how that is to occur and how much "compensation" goes to the landowner and the easement holder.
- Additional easements and Rights  
This states that the landowner cannot grant additional easements on the property unless the easement holder agrees that the additional easements are in keeping with the purposes of the conservation easement.

- Disputes  
If there are disagreements between the landowner and the easement holder, this section describes the procedure to resolve them.
- Signatures  
There is a signature page for both the landowner and the easement holder to sign.

SUMMARY:

A conservation easement is a permanent document that runs with the land regardless of who owns the land. It is an enforceable set of restrictions designed to keep the land as open space and achieve certain stated conservation goals or purposes.

For more information on the advantages and disadvantages of conservation easements, please refer to *IP Land Protection Options Considerations* dated September 6, 2001 and presented to Steering Committee by Technical Committee. These are available on the Forests & Lands website, [nhdfl.org](http://nhdfl.org).