

In the Beginning..



FOR RELEASE:
October 25, 1995

CONTACT:
Deborah R. Marshall
907-586-3100

Ms. Deborah Marshall represents the newly formed
South East Alaska Land Trust (SEAL Trust)
and Ms. Cynthia Johnson CBJ Lands and Resources Officer
At the NATIONAL LAND TRUST RALLY
America's largest land conservation conference
Held October 15 to 18 in Pacific Grove, California

Deborah Marshall and Cynthia Johnson joined nearly one thousand other volunteers and professionals at the 1995 National Land Conservation Conference. During the conference we toured California Land protection projects, attended workshops that build skills needed in land conservation, and shared ideas with members of other local and regional conservation groups from across the country.

The Land Trust Alliance, conference sponsor, is the national membership organization of land trusts, working to ensure these local and regional conservation groups have the information, skills, and resources they need to save land through voluntary action.

Jean Hocker, President of the Alliance, said, "Land trusts have been tremendously successful because they have a common sense approach to conservation. Land trusts tell people what they *can* do with their land, not what they can't do. Land trusts show landowners that they can protect their property for conservation, and in way that makes good financial sense for them and for their children."

that they can protect their property for conservation, and in way that makes good financial sense for them and for their children."

There are close to 1,100 land trusts in America, and the number is growing at the rate of over one a week. They have helped protect about 4 million acres, usually through land donations, purchases, or conservation easements. (A conservation easement is an agreement between a landowner and a land trust or government agency in which the landowner permanently restricts development and use of his land. Conservation easements allow landowners to protect their land while continuing to own and use it, and to sell it or pass it along to their children.)

"With government steadily reducing its role in protecting land, and development pressures growing on farmland, forests, and all open space, land trusts are more important than ever," said Hocker. "Seeing the dedication of so many people from across the country here at the conference, I have no doubt that land trusts will play an ever-increasing role in helping landowners and communities protect open land for future generations."

South East Alaska Land Trust will be holding its first informational meeting on Wednesday, November 15th, at 5:00 pm upstairs at the Fiddlehead Restaurant. Videos on "What is a Land Trust" will be shown and information shared on starting Southeast Alaska's first Land Trust! Deborah and Cynthia will be there to answer questions and encourage volunteer participation from the community.

First Southeast land trust forms

■ *Organization to help property owners protect their landholdings*

By LORI THOMSON

THE JUNEAU EMPIRE

It's a landowner's worst nightmare: The pristine waterfront where a family camped and hunted for years is sold outside the family and transformed into a cluster of dingy condos.

A handful of Southeast residents are forming the South East Alaska Land Trust so landowners can make sure that nightmare never becomes a reality.

"The land trust offers the opportunity for private landholders to dictate the future of their parcel of land," said Deborah Marshall,

one of the trust's founders.

Popping up across the nation, land trusts are organizations that help property owners protect land through donations, purchases or conservation easements.

Under a conservation easement, the property owner still keeps the deed to the land, but the easement restricts the type and amount of development on the property, even after it changes hands. Each easement is tailored to the owner's interests and may be to preserve wildlife habitat, scenic views or cultural heritage.

The South East Alaska Land Trust, referred to as SEAL Trust, will be the first one in Southeast, Marshall said. Land trusts have been formed in Homer, Anchorage and Fairbanks.

The land trust will hold its first

meeting, open to the public, at 5 p.m. Nov. 15. at the Fiddlehead Restaurant.

"I've got six different pieces of property in Southeast in which the people are seriously interested in land trusts," Marshall said. Those parcels are in Juneau, Haines, Angoon, Sitka and Craig.

Conservation easements have gained popularity in part because of shrinking government funds.

For instance, some people would like to give their land to a park, but state officials may refuse it because they don't have maintenance money, Marshall said.

"What people don't always realize is to hold land is expensive," she said.

With conservation easements, the land can stay on the tax rolls

and provide benefits to the public, said city-borough land and resources officer Cynthia Johnson.

However, conservation easements can be drawn up so the public may not necessarily have access to the land.

The land trust plans to educate Southeast residents and recruit volunteers in the next several months, as it puts together a board of 12 to 15 directors, Marshall said. By next summer, the organization hopes to hire a full-time staff person.

Five or six volunteers are also needed for a land selection committee.

Within two or three years, the land trust hopes to build up to an annual budget of \$100,000, Marshall said.

South East Alaska Land Trust

119 Seward St. Suite #9 Juneau, Alaska 99801 • 907-586-3100

PRESS RELEASE:

SEAL TRUST HOLDS TWO EVENTS

Bob Myhr, 10 year executive director of the San Juan Preservation Trust , San Juan Islands, Washington, will visit Juneau.

**Sunday, May 19th
Fireweed Room, Fiddlehead Restaurant
5 to 7 pm**

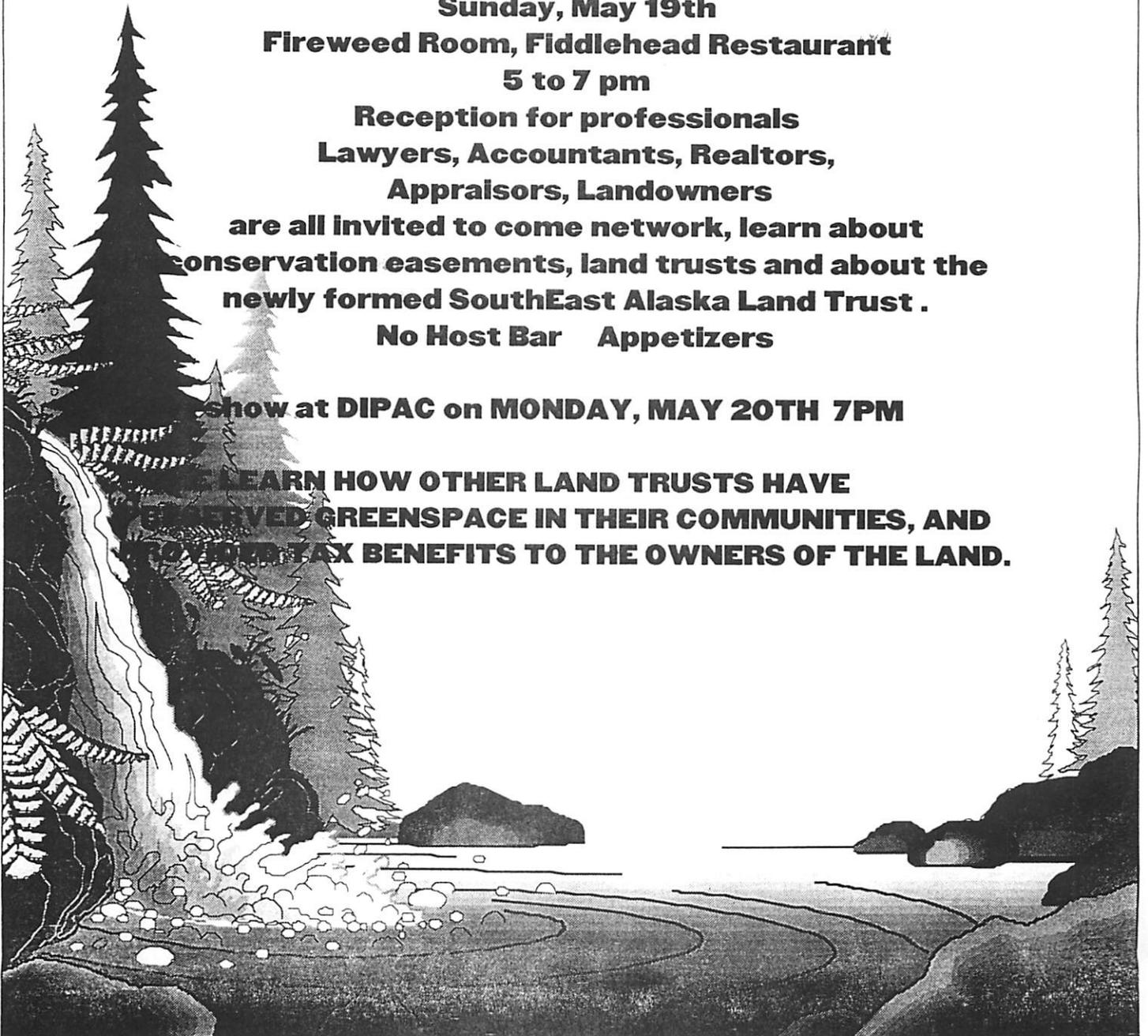
**Reception for professionals
Lawyers, Accountants, Realtors,
Appraisors, Landowners**

**are all invited to come network, learn about
conservation easements, land trusts and about the
newly formed SouthEast Alaska Land Trust .**

No Host Bar Appetizers

show at DIPAC on MONDAY, MAY 20TH 7PM

**LEARN HOW OTHER LAND TRUSTS HAVE
PRESERVED GREENSPACE IN THEIR COMMUNITIES, AND
OBTAINED TAX BENEFITS TO THE OWNERS OF THE LAND.**



FOR IMMEDIATE RELEASE
SOUTHEAST ALASKA LAND TRUST
ANNOUNCES EXCITING NEW PROJECTS
AT ANNUAL HOLIDAY OPEN HOUSE

Southeast's own community Land Trust has been working hard to provide the private land owner with opportunities to protect their land and often receive tax benefits in lieu of development rights. Come hear about our current projects on

THURSDAY, DECEMBER 18th 4:30 --7:30 pm
603 East Fourth 586-2046

Join other land owners and SealTrust volunteers and donors, as we discuss the preservation of pristine islands off our coast, bear habitat on Admiralty Island, unique patches of rejuvenating yellow cedar on the Calvin family land near Thimbleberry bay in Sitka, preserving old growth forest on Goldbelt's development projects on West Douglas Island, scenic waterfront properties on the Juneau road system, conservation easement potential in Haines and Petersburg, and the prospects of acquiring easements on accreted private lands within the Mendenhall Wetland Game Refuge among many other exciting applications of conservation easements in our communities in Southeast Alaska.

Deborah Marshall, Founder of SealTrust, attended the national rally in Savannah, Georgia, in late September sponsored by the Land Trust Alliance. She joined 1000 other volunteers and professionals in an intensive three day workshop and rally, America's largest land conservation conference.

Board and staff members of SealTrust, Pat Harris, Judy Sherburne and Virginia Arvold attended the first Alaska statewide conference with the three other Alaskan Land Trusts in Anchorage in mid November. Discussions of the new tax laws, conforming model conservation easement language, and the prospect of a coalition of Alaskan Land Trusts for marketing and educational purposes were explored.

There are over 1100 land trusts in America, and the number continues growing. They have helped protect about four million acres, usually through land donations, purchases, or conservation easements. A conservation easement is a voluntary agreement between a landowner and a land trust in which the land owner permanently restricts development and use of his or her land. Conservation easements allow landowners to protect their land while continuing to own and use it, and to sell it or pass it along to their heirs.

SOUTHEAST ALASKA LAND TRUST (SealTrust) ANNOUNCES: SEMINAR FOR LANDOWNERS AND THEIR ADVISORS--Friday, March 21, 8:00 am to Noon, Fireweed Room, Fiddlehead Restaurant, with PROFESSOR WILLIAM T. HUTTON, ATTORNEY

Southeast Alaska Land Trust was formed in 1996 to work with willing landowners in Southeast Alaska to protect our natural, recreational and cultural legacy for future generations. Board Members include Tom Stewart, Bart Watson, Deborah Marshall, Jim King, Dave Koester, Cynthia Johnson and Pat Harris.

This seminar, will explore the tax consequences of donations of land and interests in land. It will begin with an overview of the federal income and estate and gift tax systems, with emphasis on the "tax benefit" impacts of charitable gifts and bequests. Also covered will be charitable giving, donative intent, income tax rules and conservation easement transactions.

William T. Hutton is a professor of law at the University of California and in private practice in San Francisco. For the past twenty-five years, his practice has emphasized land conservation transactions. He serves as tax counsel to many national and regional preservation organizations. He also represents, landowners for whom preservation transactions meet important income and estate planning objectives.

Eric Kueffner, an Alaska attorney, will discuss issues related to Alaska probate and asset transfers. He has practiced trust and estate law with Faulkner Banfield in Juneau for the last twelve years.

SealTrust, Southeast Alaska's first Land Trust, is proud to cosponsor this event with Goldbelt, Inc. and Faulkner, Banfield, Doogan and Holmes. They invite conservationists, landowners, government land managers, attorneys, accountants, appraisers and interested citizens from all over southeast to attend and learn more about how conservation easements apply to Southeast Alaska.

SealTrust is located at 119 Seward St., #9 upstairs, in the Valentine Building. Call 586-3100 for more information or an appointment to come in and check out our library, videos and model conservation easements, or to request a registration form for our seminar.

Article for The Raven, Juneau Audubon Society,
slightly edited for Audubon readership (about 450
members throughout Southeast).

Jim King

P.S. Will be mailed about March 5 so timing is good.

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SEAL Trust land conservation group Saving green by going green

By Larry Hurlock

If something sounds too good to be true, it usually is. On the other hand, it might be a "Land Trust," and they are for real. Deborah Marshall, founder of the SEAL (South East Alaska Land) Trust in Juneau, says private persons as well as non-profit groups can reap tax benefits for keeping property in a natural state.

Marshall's group is vigorously promoting "land trusts" as a conservation option. They will be holding information meetings next week, and are still on the lookout for members of their board of directors.

How It Works

Land trusts are a type of non-profit conservation groups eligible for tax exemption under 501(c)(3). Owners of property promise an eligible trust not to fully develop their site, in return for which the federal and local governments may offer tax breaks. The promise is called a conservation easement.

Conservation easements are legal agreements between land owners and "holders." The owner retains use of the property, but subject to limitations or obligations imposed by the easement. Limitations that qualify as creating a conservation easement include those which "retain or protect natural, scenic, or open space values."

The number of trusts are swelling. Advocates claim "one a week" as the national growth figure. Here in Alaska, Anchorage, Kenai, Homer, and now Juneau have local trusts. According to Marshall, SEALTrust has recently

been recognized by the federal government as being a non-profit agency qualified to hold conservation easements.

Just A Minute

A "land trust" is not a trust in the legal sense. And, unlike a traditional easement which grants access for use, a conservation easement serves primarily as a limitation on use. Owners may choose to allow public access to their property, but may also post their protected land as private property. Certain existing structures and partial future development is permitted.

But beyond those initial confusions, land trusts and conservation easements enjoy firm legal foundations. State statute refers to the trusts as "holders" of conservation easements. The land is said to be "subject to" and "limited by" the easement. In fact, state law requires that for purposes of creation, recording, and conveyance, they be treated as any other easement.

Benefits

SEALTrust's Marshall points to three primary ways in which an easement to restrict property use for conservation purposes can benefit the actual owner of the property. The easement will cause the property assessment to drop by some amount from market value to a restricted-use value.

The following benefits might occur: 1) the federal government might allow you to count the drop in value against taxable income

Continued on page 4

SEAL Trust...

Continued from front page

over a period of five years; 2) the federal government might use the lower assessment as its value to an estate for inheritance purposes, enabling land to stay in the family; and 3) the local tax assessment will be at the lower value.

Non-profits might also benefit. Southeast Alaska Guidance Association wants to purchase property near Eagle River Landing. Their director, Joe Parrish, says they hope to see the land kept as an outdoor education and recreation area. He says they are exploring the option of a conservation easement with SEAL Trust.

Marshall also points to benefits to adjacent property owners: one person's property value, and therefore personal wealth, can increase because another's land is held in pristine condition by an easement.

The conservation easement is designed to protect the land forever. Owners may come and go, but the trust retains the easement.

Land trusts describe conservation easements as a "non-adversarial conservation method" because property owners only

volunteer, they are never forced, to act in the interest of land conservation.

Possible Downsides

There are problems with giving people tax options to protect the land. Some are social. If one person doesn't pay a tax, someone else must to maintain government services. Under conservation easements, the trusts do not. Of course, undeveloped areas may need less services.

Easements enable developable land in Alaska to be more cheaply taken out of use, even by non-residents. Some people maintain such land is already scarce.

For an owner to enjoy the full tax benefits, the easement must be forever. Boroughs carry two assessments on the books: the value subject to easement and a full market value. Should the land be put to uses incompatible with the

Easements enable developable land in Alaska to be more cheaply taken out of use, even by non-residents. Some people maintain such land is already scarce.

easement, back taxes with interest are collectable from the owner. Adjacent owners to property under easement might not be grateful. When their property increases in value due to guarantees of a scenic neighborhood, their tax bill will rise accordingly.

Assessment Particulars

No one in Juneau has yet applied for an assessment on property limited by a conservation easement, according to CBJ Assessor Shane Horan. In fact, phone calls to municipal assessors throughout the state failed to find one who has experience dealing these easements. Kenai Borough reputedly does, but assessment officials are on vacation.

However, Horan and an official from another borough talked about the section in state statute called "Land Subject To A Conservation Easement," and agreed that it appears their offices must recognize the lower limited-use value of property rather than full market during assessments.

One assessor did warn that there can be a "spill-over effect" of

value from the undeveloped to the developed portion of property. Assessed value might not drop as dramatically as hoped. Everyone likes seclusion, and guaranteed seclusion for a dwelling on a large site may make the dwelling more valuable. The assessment will reflect that fact.

How To Join The Action

SEAL Trust is bringing two experts on conservation easements to Juneau to demonstrate how existing trusts are operating. Professionals in law, accounting, property appraisal and related fields are invited to the Fiddlehead Restaurant on Sunday, May 19, between 5-7pm. A slide show and discussion open to all interested parties will be held at DIPAC on Monday, May 20, starting at 7pm. SEAL Trust's office phone is 586-3100. Our organizational strategy is to generate a community commitment, thereby insuring a larger pool to pick our board, says Marshall. SEAL Trust is still on the lookout for members of the board of directors. ■

Land Trusts In a Nutshell...

Alaska State Law

Conservation easements are legal agreements between land owners and "holders." The owner retains use of the property, but subject to limitations or obligations imposed by the easement. Limitations that qualify as creating a conservation easement include those which "retain or protect natural, scenic, or open space values."

Legal holders of the easement limiting the owner may be either a government or non-profit corporations.

Municipalities are required to honor conservation easements and assess property with the limitations considered. This can lower yearly taxes.

Federal Law

Land trust advocates claim that the value lost by conservation easement limitations may entitle the owner to: 1) Receive a credit against taxable income over a five year period; 2) Pass the property on to heirs at a assessed value which considers the limitations — rather than the higher full market value. This enables heirs to afford to hold property in the family during estate settlements.

FOR IMMEDIATE RELEASE

11/1/96

Contact: Deborah Marshall
Southeast Alaska Land Trust 586-3100
119 Seward Street #9 Juneau

Bart Watson and Deborah Marshall of Juneau, representing the **Southeast Alaska Land Trust**, joined 1,000 other professionals at **America's largest land conservation conference; the National Land Trust Rally '96**. The rally was held from October 17 - 20 at Burlington, Vermont, and was sponsored by the Land Trust Alliance. The Land Trust Alliance is the national membership organization of regional land trusts. Land Trusts are private, non-profit organizations that work to protect important lands in their community or region. They provide voluntary, non-regulatory options to help landowners protect their land for future generations. The nations 1200 land trusts have protected over 4 million acres and are supported by over 1 million members.

During the Land Trust Rally '96, Watson and Marshall toured Vermont land protection projects, attended workshops that build skills needed in land conservation, and shared ideas with members of other local and regional conservation groups from across the country.

The **Southeast Alaska Land Trust (SEALTrust)**, formed by Marshall and Watson in 1995, has been selected as one of six land trusts in the Northwest to participate in a year-long **Mentor Program**, sponsored by the **Land Trust Alliance**. This alliance is the national membership organization of land trusts.

The Mentor Program will help SEALTrust become stronger and more effective in accomplishing its **mission of conserving privately owned lands for habitat, recreation, cultural heritage, or views**. The Mentor Program will focus on board development, short and long range planning, fundraising and other essential components of a successful land trust.

If you are interested in learning more about the concept of land trusts for your property, contact the SEALTrust office at **586-3100**.

Group seeks land preservation

■ *Development restrictions may exchange for tax breaks*

By MIKE ROGOWAY
THE JUNEAU EMPIRE

A Juneau organization working on land preservation in Southeast Alaska has caught the attention of Juneau's urban Native corporation. Now the group hopes to attract interest from more Southeast businesses and landowners.

The Southeast Alaska Land Trust, a fledgling nonprofit group based in Juneau, wants to give landowners a way to permanently protect their land from development — even if they someday sell it or pass it on to heirs. Owners who place conservation ease-

ments on their land also become eligible for tax breaks.

The combination of conservation and potential tax savings is what attract Goldbelt.

"Something like that would be a win-win — public benefit and benefit for the corporation," said Dave Goade, Goldbelt's vice president of lands. "It's definitely interesting, very interesting."

Goldbelt, SEALTrust and the Juneau law firm Faulkner, Banfield, Doogan & Holmes are sponsoring a presentation on land trusts by a California specialist on the subject. Bill Hutton, a professor at the Hastings College of Law in San Francisco will speak at the Fiddlehead Restaurant at 8 a.m. Friday.

Conservation easements permit landowners to place conditions on the land that apply to

“

Something like that would be a win-win — public benefit and benefit for the corporation.

Dave Goade,
Goldbelt's vice president of lands

”

their own use and to all future owners.

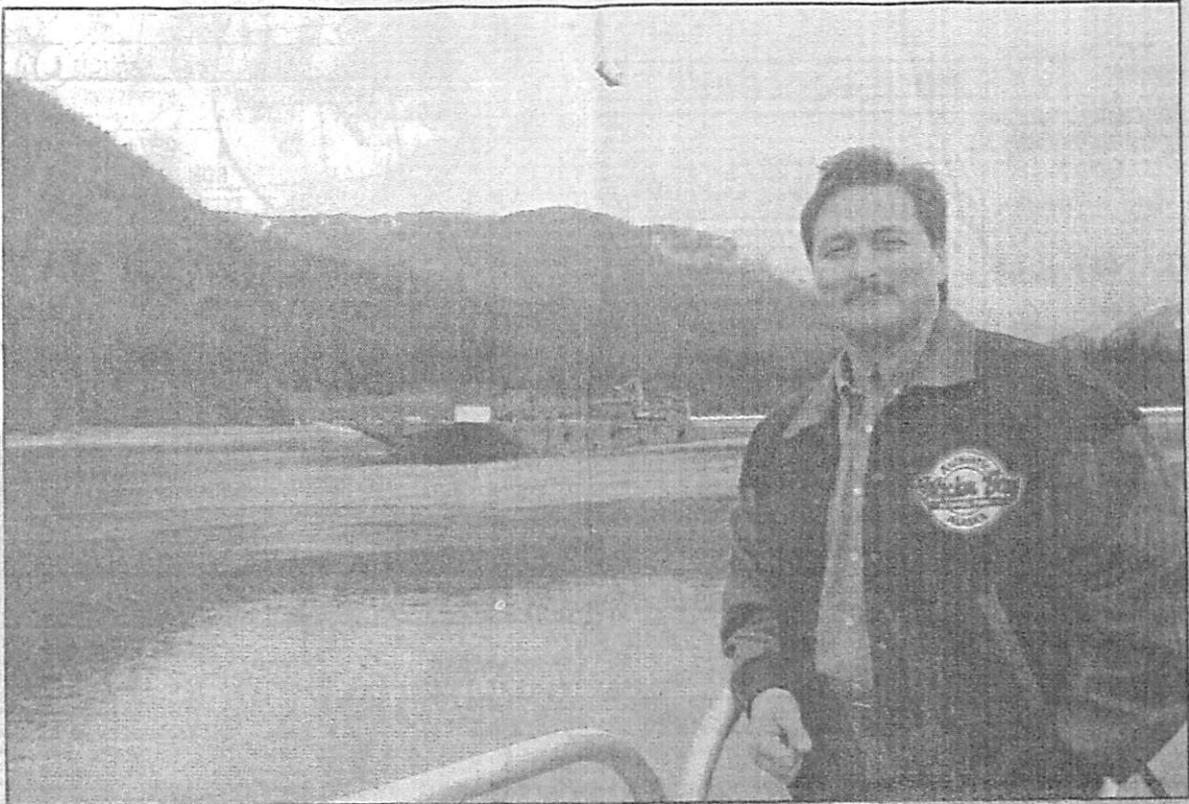
Organizations like SEALTrust hold copies of the written easements and work to enforce them. For example, if a property owner stipulates his or her land may never have a hotel built on it, the land trust holding the easement will check to make sure no property owner ever builds one there.

"We hold and steward conser-

vation easements, which means that we make sure the terms of the easement are being met," said Deborah Marshall, one of SEALTrust's founders.

Marshall said she is not aware of any conservation easements now in place in Southeast Alaska, but said about two-dozen landowners have been in contact with SEALTrust about placing an

Please see Land trust, Page 10



BRIAN WALLACE / THE JUNEAU EMPIRE

Airborne cargo: Dave Goode, vice president of lands for Goldbelt, observes as a VERTOL helicopter loads timber onto a barge anchored in Echo Cove last month.

Goldbelt's selective logging at Echo Cove receives praise

By LORI THOMSON

THE JUNEAU EMPIRE

From the water, the only sign of logging at Echo Cove was a helicopter carrying four logs through the air.

The 7,000 to 8,000 pounds of logs dangled over a 350-foot barge, where orange-clad crew members in hard hats waited for the logs to be laid down on deck for stacking.

Spectators aboard Goldbelt Inc.'s catamaran, the Sit' Nu, on Friday eyed the mountainsides around Echo Cove, where Juneau's urban Native corporation is selectively logging its 1,400-acre property. The timber operation, about 35 miles north of downtown Juneau, is the first selective timber cut in the Juneau

“The good news is Goldbelt is taking extra precautions to protect marine resources . . . The bad news is they're transferring pollution discharge to Hobart Bay.”

Chris Meade, EPA scientist

“Our primary goal here is to set it up so you cannot see the timber harvest whatsoever,”

said Eric Nichols of Rayonier International Forest Products' Ketchikan office. Goldbelt hired Rayonier to log the area.

Logging has been completed on much of the land seen from the water by passengers of the Sit' Nu last week.

“It looks like they're successful,” said Steve Torok, senior representative for the U.S. Environmental Protection Agency in Juneau. “You can't see any logging.”

“I was impressed with what I saw,” said Deborah Marshall, a founder of the South East Alaska Land Trust. The trust works with landowners to limit development on land by putting it in conservation easements, which can result

Please see Logging, Page 8

Logging . . .

Continued from Page 1

in tax benefits.

Marshall, however, said she hoped the corporation will set aside some of its land in a conservation easement to protect portions from future development.

About \$1.2 million to \$1.5 million from the \$3 million logging operation will be spent on a road and dock at Echo Cove, said Joe Beedle, Goldbelt president and CEO. Among other Goldbelt plans for Echo Cove are tourism facilities, housing and the base for a ferry to Haines and Skagway.

At Echo Cove, helicopters allow logs to be moved without dragging them along the ground and without entering the water. That prevents problems associated with log-transfer sites, where bark and dirt may blanket the bottom of a bay, smothering marine life and reducing oxygen for bottom-dwellers.

Logs from Echo Cove are barged to Hobart Bay, about 70 miles southeast of Juneau, where Goldbelt bundles 20 logs together before putting them into the water. According to Beedle, helicop-

ter logging leads to cleaner logs, reducing the amount of bark and dirt that gets into water. Also because of the bundling, much less bark falls off when placed in the bay.

Those were provisions required in Goldbelt's permit for the operation, said Chris Meade, environmental scientist for the EPA.

Meade had mixed reactions to the timber operation, particularly about how moving logs through the water affects marine life.

"The good news is Goldbelt is taking extra precautions to protect marine resources in Echo Cove," Meade said. "The bad news is they're transferring pollution discharge to Hobart Bay."

However, a U.S. Forest Service inspection within the last year concluded flushing action in Hobart Bay kept bark accumulation at a minimum, and there was not a problem with the log-transfer facility there, said Doug Stockdale for the Forest Service in Sitka.

Dave Goade, vice president of lands for Goldbelt, said he had

been unaware the EPA thought there was a problem at Hobart Bay and questioned what research the EPA had to back up its comments.

Goldbelt has logged about 1.5 million of the 10 million board feet of timber it plans to cut at Echo Cove, Goade said.

Rayonier is removing about 25 percent of the timber volume at Echo Cove, Nichols said. But that may mean one large tree is taken while 10 smaller trees are left behind.

Some have criticized the practice of "high-grading," because the best trees are removed.

Nichols said he thinks the process used at Echo Cove doesn't cause problems because it mimics nature, in which trees die at different times. And the company is taking no more than one out of four high-quality trees.

"We're not just leaving junk timber," he said.

Nichols said his company is trying to show there is middle ground in logging:

"You don't have to take it all or not take anything."

Juneau Empire
12/18/97

Group to share conservation info at open house

■ *Easements allow owners to keep land, even as values rise*

By KRISTAN HUTCHISON

THE JUNEAU EMPIRE

From inches to acres, the Southeast Alaska Land Trust is working to preserve valuable property.

SealTrust is helping landowners develop conservation easements for bear habitat on Admiralty Island, old-growth forest around Peterson Creek on West Douglas Island, private land encroaching into the Mendenhall Wetland Game Refuge and other properties in Sitka, Haines and Petersburg, said Deborah Marshall, one of SealTrust's founders.

"Right now where we're at is we have a half a dozen conservation projects in the pipeline," said Marshall, who is hosting an open house Thursday afternoon where several of the landowners and SealTrust board members will discuss the projects.

Among them are Jim and Mary Lou King, who want to conserve the Mendenhall Wetlands, an inch at a time. They and other waterfront land owners have rights to the land that rises slowly from the sea as area glaciers melt.

"Your property right keeps moving out into the channel as the land lifts," Mary Lou King said today, "which means the refuge gets smaller and smaller."

To keep it from shrinking, Jim King is working on a conservation easement, voluntary restrictions on development enforced by the land trust, for that expanding strip of land. If it works, other waterfront landowners could easily

adopt the model, Mary Lou King said.

The King easement is in its early stages, but Natasha Calvin is almost finished with a conservation easement to preserve more than half of a 10-acre yellow cedar stand she and her siblings inherited from her father.

"My father didn't even know about land trusts but he was attempting to keep the property in that shape and this is a vehicle by which we can keep his wishes," said Calvin, who lives on part of the property three miles from Sitka.

Rising property values make the land too expensive to hold onto without a conservation easement, Calvin said. Because conservation easements restrict future development of the property, they can reduce property value. That lowers property taxes and allows landowners to take an income tax deduction for the charitable contribution.

Calvin's land will be the first property to be part of a trust in Southeast Alaska, but it's not the first in Alaska, Marshall said. The Kachemak Heritage Landtrust

has enforced conservation easements for several Homer area properties, said director Barbara Seaman.

"Each covenant is tailored to the land and the landowners' wishes," she said.

The SealTrust open house will be from 4:30 to 7:30 p.m. Thursday at 603 East Fourth St. on Star Hill. Call 586-2046 for directions.

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Community

Green spaces and greenbacks: the SEALTrust Seminar

Imagine putting developers, land owners, conservationists, and attorneys in a room together and having them agree on what should be done with a piece of land. Sound farfetched? It may not be, according to Deborah Marshall of the Southeast Alaska Land Trust (SEALTrust).

"There is a way to give landowners a tax break and conservationists more green space," she said about the concept of land trusts. "It's a win-win situation."

Land trusts focus on conservation easements, which allow the landowner to trade some of the land's development value for conservation value and tax benefits. The landowner still owns the land under easement and is free to live on it, sell it, or pass it on to heirs. But once in place, the easement is a permanent part of the land and is passed on from owner to owner. Today, there are over 1,000 land trusts, including four in Alaska.

"There is a homestead in Homer," said Marshall, "that's 600 acres of prime beachfront real estate. The six children of the owner couldn't afford to inherit the land - the inheritance taxes would have forced them to sell. But with the easement put on, the kids could still build homes on the acreage, the land stays in the family, the property taxes are less, and the owner gets a gift tax donation for the difference in the value of the property appraised with development costs and without."

It is these tax implications and the

Bill Hutton will be speaking at a seminar for landowners and their advisors from 8 a.m. to 12 p.m. in the Fireweed Room of the Fiddlehead Restaurant. The seminar is free, though participants can also buy a 50-page packet explaining land trusts in more detail for \$25.

"Professor Hutton is a specialist from California," said Eric Kueffner, a partner in Faulkner/Banfield. "I'll be there to see how these trusts fit in with Alaska law, and try to fill in any gaps that I can."

SEALTrust has been in existence for two years, and expects to begin doing easements following the seminar. The Trust does not buy the land, but holds the legal documents for the easement, and makes sure that all the conditions are met. They currently have over 20 landowners interested in obtaining

easements.

"Before we hold our first easement, we wanted advisors, like accountants, assessors, and lawyers to have all the information," said Marshall. "We've spent our first couple of years trying to show Southeast how it works."

"We exist to work proactively with developers and land owners to make deals," she continued. "This is an opportunity for 'tree huggers' and developers to communicate in an area that benefits them both." ■

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Simple lifestyle changes can

ability to preserve valuable land resources that caught the attention of Goldbelt, Inc., Juneau's urban native corporation. According to David Goade, vice-president of lands, the corporation is interested in exploring both conservation and cultural easements.

"There are certain areas of our land that have high biological and habitat value," he said. "For example, the Peterson Creek watershed on North Douglas is on Goldbelt land. It's a very valuable fish habitat and a wetland area, and there may be a way to work with SEALTrust to use these lands. SEALTrust may also be able to facilitate cultural easements."

Cultural easements are similar to conservation easements in that an area of significant cultural value could be kept from development while the owners still enjoyed tax benefits.

"We have the ability to develop all of our lands," said Goade. "The question is whether or not we should."

Goldbelt, SEALTrust and the law firm of Faulkner, Banfield, Doogan and Holmes are working in conjunction to bring a leading conservation tax attorney to town this Friday. Professor

CHINA GARDEN

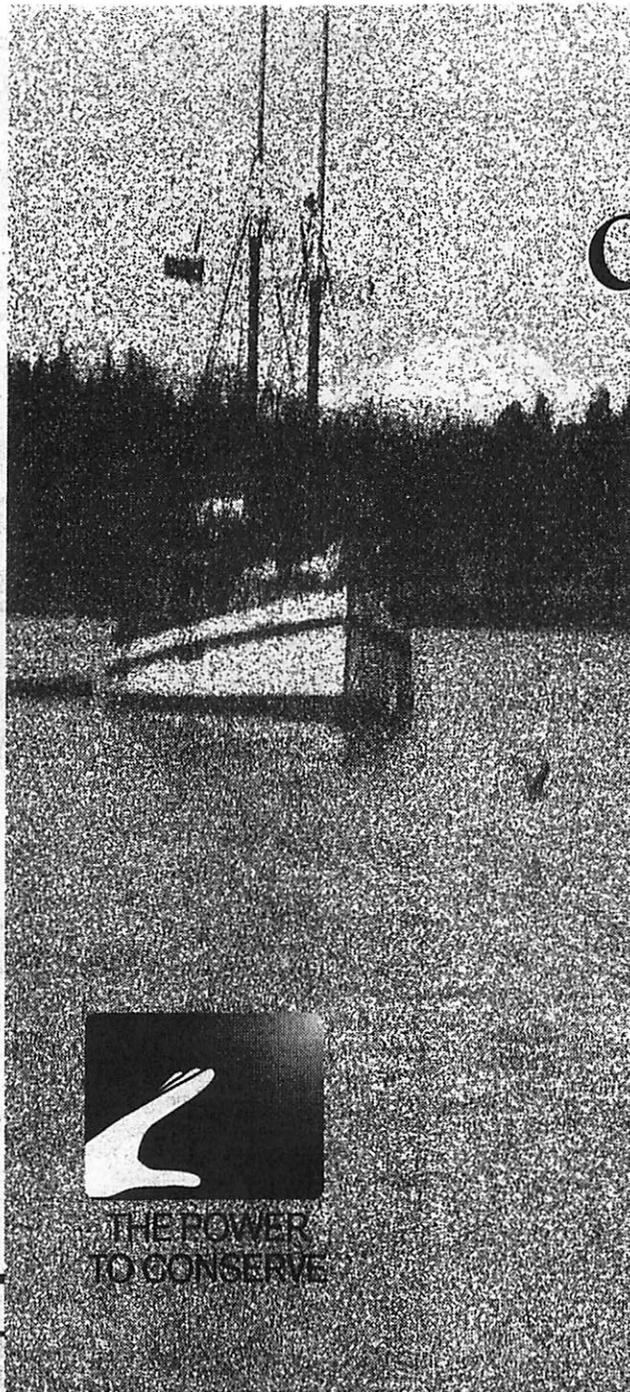


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MAD AT YOU. YOU
CAN'T WORRY ABOUT
STUFF LIKE THAT; IF
YOU DO, YOU'LL LOSE
YOUR COUNTRY,
YOU'LL LOSE YOUR
FREEDOMS.

—FRANK PORTILLO,
BROWN'S CHICKEN
& PASTA

Englewood—another high-crime area—to a local minister who works with teenagers and provided the training to get it up and running. Portillo even proposed a “safe retail” bill to his state senator, a bill that would stiffen penalties for crimes committed on retail properties. “I was so proud; I was so happy that all you have to do is know how the system works in America” to make a safer community, he recalls.

But the bill died in committee—not because legislators didn’t like it, says Portillo, but because of party politics. “It all boils down to the fact that there’s a lack of accountability on the part of our legislators,” says Portillo, and American citizens, he says, are standing by and letting that crime happen right before their eyes.

When he spoke to groups, Portillo began taking surveys to find out how much people knew about their local government. Fewer than 5 percent knew the names of their state legislators. Knowledge of their voting records was “not even measurable,” he says, “and no one knew what the [state] budget was. Our responsibility as citizens is to elect a legislator, get a report card on him or her and hold him or her accountable.”

In 1997, Portillo started the Citizens Lobby, which is now known as GAIN. The group meets once a month and is working with an alliance of more than 75 diverse political groups with a total of more than 500,000 members. A newsletter called *Grassroots America* details who legislators are and how they vote on bills, what the total state budget is and how it’s spent, and—most important—how to contact government leaders and follow their actions. Portillo also hosts a weekly call-in radio show that spreads the group’s message to a coverage area of 11 million listeners. GAIN recently convinced Illinois legislators to establish a state-maintained Web site where citizens can get a report card on all their representatives, including who their campaign contributors are and how they vote on bills.

“The most important thing we have [in this country] is the democracy and freedoms that we have,” says Portillo. “Our system of government will not work unless we citizens get involved.”

Lending the land a helping hand

While Portillo focuses his activist energies on people and government, other restaurateurs turn their attention to protecting the planet that those

people live on. Nora Pouillon, chef/owner of Washington DC’s Restaurant Nora and Asia Nora, has always put environmental issues at the center of her plate. She recently led the “Give Swordfish a Break!” campaign among East Coast chefs to boycott North Atlantic swordfish for a year, in order to give the declining fish population a chance to rebound. Pouillon has not served swordfish in either restaurant for five years. “For me, food is life,” she says, and when she finds a food that is polluted or endangered, she simply doesn’t use it.

But Pouillon’s commitment to serving clean, healthy food and preserving the earth goes way beyond a single species of fish. Both her restaurants use as many organic products as she can find, including not only vegetables and meat and poultry, but also staples like coffee and sugar. “I’m interested in more than just feeding the people. I want to feed them good, clean food,” she says.

Pouillon is also concerned with how the way food is grown affects the earth as well as customers. She works closely with farmers who practice sustainable agriculture methods, which help protect the land for future generations. Through her membership in a group called Chefs Collaborative 2000, she works to educate both consumers and other chefs about damaging farming practices and sustainability. “So many chefs don’t realize where the food they’re serving customers comes from,” she notes.

Protecting the land for future generations is also key to the environmental efforts of Deborah Marshall, owner of the Fiddlehead Restaurant & Bakery in Juneau, Alaska, but it’s saving scenic lands rather than farmlands that tops her agenda. She wants to make sure that the wilderness she loves stays just that way—wild. “I started thinking about our grandchildren and what Alaska would be for them. I wanted to do something to preserve the wilds of Alaska,” she says. One day someone left some information about land trusts on her desk, and she knew she had found her calling.

The South East Alaska Land Trust (SEALTrust) works with willing landowners to find ways to protect their scenic lands from development. When a private landowner wants to preserve his land, he puts a “conservation easement” on it, which is unique to that property and its natural attributes,

such as habitats, views, resources, etc. If the Trust determines that the land is worth preserving, it accepts the easement and agrees to steward the property through the development process forever. "It's a private-sector approach to land conservation," Marshall explains. The Trust is especially critical in Alaska, where private land is so scarce. Much of the state is owned by the federal government, the state or Native American tribes, so "the development pressures on the small amount of private land there is are enormous," she notes.

Although land trusts are not new—they exist in communities all over the country—organizing one is no easy task. It took Marshall nearly three years to get the SEALTrust up and running, doing "everything from paying bills to talking to landowners." Today, the Trust has a board of directors, and it recently had its first annual meeting. Marshall hopes soon to hire an executive director and an office staff to take over some of her duties, although she never wants to give up the personal satisfaction she gets from being involved with the Trust.

A mix that makes a difference

Some restaurants and restaurant chains put no limits at all on their activism, supporting social issues and environmental issues side by side. Hard Rock Cafe restaurants around the world have supported a wide array of causes since the company was founded in 1971. "It's been a philosophy that we have moved by since Day One," says Lisa Thornton, programs coordinator for the chain based in Orlando, Florida. "We're backing up our motto—'Save the Planet.'"

The company's campaigns have ranged from the nearly invisible—installing condom machines and donating the proceeds to AIDS charities—to the hard-to-overlook—installing an electronic billboard outside the Beverly Hills, California, location to count down the acres of disappearing rainforest. An elaborate recycling program at the Hard Rock Cafe in Stockholm composts everything it can and then uses the energy from that compost to heat nearby homes. Employees at the Acapulco unit pamper not only tourists but endangered turtles as well. And in 1997, every Hard Rock Cafe in America opened its doors to the hungry on Thanksgiving—donating more than \$72,000 worth of food in one day. The company's recent "Crank It Up For Kids"

program raised \$228,000 worldwide for Give Kids the World, which provides free vacations to terminally ill children and their families.

Thornton says the company recently identified four major areas of concern where its activist energies will be directed in the future: 1) global warming and the greenhouse effect; 2) erosion of and polluting of waterways and the animals that live in those habitats; 3) the plight of our society (such as homelessness, unemployment and welfare) and life-threatening diseases (such as cancer and AIDS); and 4) the care and nurturing of children.

"The ultimate aim of all of these things is to educate the public and to get them to follow our lead," says Thornton. If the restaurants' efforts can get one person to act, to change, to help, then the mission has been a success, she says. But Thornton has even higher hopes. "If we can get millions of people to do these things, then we'll make a real dent in the issue."

Restaurants reach the people

Restaurants, say these operators, are in a unique position to help make those dents in many issues. "We have a really strong interface with the customer. Because we're the Hard Rock Cafe, we get a lot of traffic in our restaurants, and we have the ability to create a lot of awareness about global problems," says Thornton. "We need to capitalize on the strength of the Hard Rock Cafe brand to get those messages out there."

According to Thornton, staff participation in Hard Rock Cafe's social and environmental efforts is critical. "We're lucky that our employees share our philosophy and live by this idea of 'Save the Planet.' They're doing the leg work; they're out there volunteering; and they're very committed to it," she says.

Pouillon believes that restaurateurs are natural promoters of food-related causes, such as



Nora Pouillon serves mostly organic products at her Washington DC-based operations, Restaurant Nora and Asia Nora, and works to protect the land for future generations through Chefs Collaborative 2000.

Chefs Collaborative 2000

JUNEAU EMPIRE

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NEIGHBORS

WEDNESDAY, MARCH 25, 1998 13

**Former Gov. Hammond
to speak at dinner**

Former Governor Jay Hammond will be speaking at the Southeast Alaska Land Trust (SEALTrust) dinner at the Fiddlehead Restaurant on March 26. The dinner is a fundraiser for SEALTrust.

For more information about SEALTrust and/or the dinner, contact the office at 586-3100.

Opinion/Viewpoint

Southeast land trust on the road to success

No – Jay Hammond will not be talking about seals or financial trusts. He will be speaking Friday in support of the Southeast Alaska Land Trust (SEALTrust) a nonprofit corporation dedicated to helping willing landowners protect the natural, recreational and cultural values of their holdings through conservation easements. He has donated such an easement on his own homestead, an in-holding in Lake Clark National Park. Future generations will benefit. Other colorful stories will emerge, no doubt.

Land trusts are not a new idea. The first is more than 100 years old, protecting Walden Pond in Concord, Mass. Immortalized by Henry David Thoreau, this place is forever saved in its present form. The concept is that by donating development rights, but not title, to a nonprofit conservation organization, owners can protect the natural qualities of their land while reducing the assessed value, thus the amount of property and inheritance taxes they and their heirs will have to pay. The land trust and ultimately the IRS must decide if the public does, in fact, receive sufficient benefit to warrant forgoing tax receipts. Farms,

ranches, standing timber, wetlands, waterfront and such generally qualify. Land protection is primary, of course, and taxes may not always be a factor.

As of 1998 there were 1,213 nonprofit land trusts in the U.S. supported financially by more than 1 million members and volunteer workers. Some 4.7 million acres of private open lands have been protected from subdivision, exploitation or other actions that would contribute to community sprawl and reduce quality of life. Owners often live on the land and in some cases continue farming or other historic activities.

SEALTrust was originally the idea of Sam Skaggs of Juneau. He seeded his concept of a land trust for all of Southeast Alaska by supporting an instate seminar at Homer with Skaggs Foundation funds. Sam encouraged Deborah Marshall, Juneau restaurateur, to attend. At that time, 1995, there were already three brand new Alaska land trusts: Kachemak Heritage Land Trust in Homer, Great Land Trust in Anchorage and Interior Land Trust in Fairbanks. Deborah returned convinced and put her shoulder and her purse to the wheel. SEALTrust was born.

Among the volunteers that she has recruited are Pat Harris, Judy Sherburne, Jim Powell, Judge Tom Stewart, Mike Grummett, Jim King, Lisa Weissler, Greg Cook, Bart Watson, Clayton Hawks, Joe Mehrkens and others. Some of these are listed as directors, others as volunteers, but all are prominent Juneau residents and seem devoted to the SEALTrust cause.

The technical, legal and financial details behind the idealism of a land trust can seem overwhelming at first, but some help is available. Several members have attended the national land trust rallies, workshops put on each year by the Land Trust Alliance. The enthusiasm and successes reported by land trust representatives from all parts of the United States is most encouraging. The alliance has several times sent people to Juneau to provide much-appreciated help in getting things going.

And things are going. The basic documents have been developed and nonprofit status awarded by the IRS. Communication has been established with some 40 interested landowners in Juneau, Haines, Gustavus and Sitka. SEALTrust has received donated funds from nearly 200 Juneau residents, as

well as grants from the Skaggs Foundation, the Leighty Foundation, the Wilburforce Foundation and the Land Trust Alliance. These funds have allowed SEALTrust to establish an office, hire Yvonne Muchmore as a part-time office manager, send people to view potential projects and send people to attend regional and national meetings. At the end of 1998, SEALTrust signed its first conservation easement agreement with a willing landowner. A stewardship endowment was established.

Gov. Jay Hammond was invited to be the keynote speaker for a fund-raising dinner in 1998, to tell us about his experience in establishing a conservation easement. Unfortunately, his plane was unable to land, so he missed the dinner, but he promised to try again this year. The current plan is that he will be here for an event at the Hangar Ballroom, 6:30-8:30 p.m. on Friday to help launch SEALTrust into the next millennium on a solid base and in a state of high hopes.

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Jim King is a 35-year Juneau resident, a retired wildlife biologist/pilot and board member of SEALTrust.

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MICHAEL PENN / THE JUNEAU EMPIRE

Jim King is placing rising wetlands in front of his Sunset Point home into a land trust to protect it from future development.

A refuge from development

A refuge from development

By ERIC FRY

THE JUNEAU EMPIRE

Retired waterfowl biologist Jim King enjoys the view from his home at Sunny Point, a virtual island of tall trees and lush greenery between Egan Drive and the Mendenhall Wetlands State Game Refuge, south of the Juneau Airport.

King and his wife Mary Lou want to preserve the natural qualities of their waterfront property, including new uplands created as weighty glaciers recede and the earth springs back up. They're working on an unusual conservation easement to do that.

"Right now they're wetlands. But in 20 years they might not be, and the federal protections probably will be gone," said Ralph Thompson, field manager for the U.S. Army Corps of Engineers in Juneau.

Sitting under models of air-

planes he once flew to survey bird populations, King looks through picture windows onto the rich bird life of the Mendenhall Wetlands.

King and his wife walk in the refuge summer and winter. People train their dogs and hunt there. Ducks dabble in waterways and deer pass by. But the Kings can also see the gravel pit near the airport that provided some of the fill for Egan Drive. Geese once fed there.

That makes them wonder what people will see 50 years from now as the tidelands shrink through sedimentation and rising uplands and development pressures grow.

"We've been here 35 years and we really enjoy the tide flats. That's really our front yard here," King said.

Conservation easements such as the one the Kings are seeking are voluntary legal agreements between the landowner and a land

trust to limit a property's development and use. The land remains in private ownership, but the restrictions stay with the land no matter who owns it. A land trust monitors the agreement.

"I think people are very emotionally attached to their land, and they are very interested in preserving the natural values they attach to their land," said Deborah Marshall, spokeswoman for the South East Alaska Land Trust, which would monitor the Kings' agreement.

The Kings own property above the meander line of the wetlands, as surveyed in the 1930s. They have property rights up to the mean high water of Gastineau Channel.

But as local glaciers retreat, land in Juneau is rising about half an inch a year. At the low gradient of the wetlands, that makes quite a bit of difference over decades,



MICHAEL PENN / THE JUNEAU EMPIRE

A marker gives the location of an older property line on the land that Jim and Mary Lou King are placing in protected status.

King said. He figures his original 3½-acre site has nearly tripled in size.

Through the land trust, the Kings are trying to develop a pattern that other landowners near

Please see Land Trust, Page 8

Land Trust...

Continued from Page 1

wetlands can use to create similar conservation easements.

"We'd be agreeing, in legal terms, not to disturb the natural area, or use it for motorized access to the tidal flats, or for access to a gravel pit," King said.

"It would cut off access beyond here. That's what we're hoping + it would preclude someone 50 years from now buying the property so he could dig gravel out here," he said.

The Kings also want to stop future owners of their property from claiming more of the tidelands as they become uplands.

The survey, appraisal and legal

work to prepare the easement will be expensive. But the land trust may be able to tap into an account set up through the Corps of Engineers.

People who seek Corps permits to disturb wetlands sometimes have to pay compensation. Last year, the Corps agreed with the land trust to make those funds available for land-trust projects that benefit aquatic resources.

The Corps looked at the King property last week to see if it's a suitable recipient for compensation funds.

"It looked like a site that would work fine for us," Thompson said.

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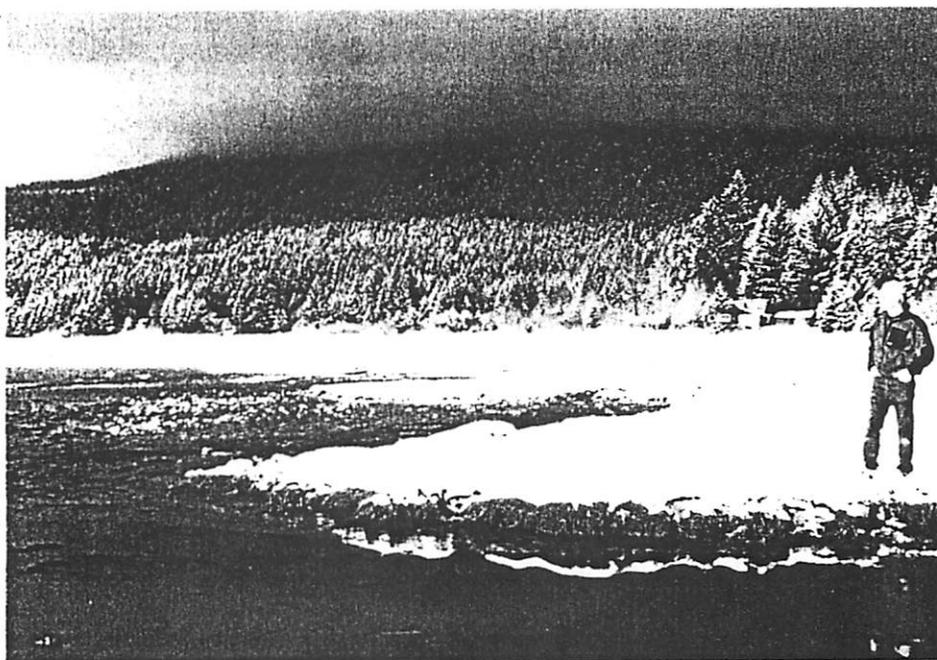
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Seating is limited. Please call SEAL Trust at 586-3100 to reserve a place. SEAL Trust appreciates the generous charitable sponsorship from Kathryn Kolkhorst, Tom Findley, and Tony Strong.

James G. King



Some of this snow-covered treeless land was once part of Mendenhall State Game Refuge near Juneau, AK. Due to a combination of plate tectonics, glacial deposits and glacial retreat, land has essentially been pushed out of the park in some locations where boundaries determined by high tide have moved hundreds of feet. Southeast Alaska Land Trust is taking steps to protect these "accreted" lands using wetlands mitigation funds.

Three-of-a-Kind in Alaska

In a different twist on in lieu fee agreements, three Alaska land trusts have similar but separate agreements with the Corps' Alaska District regulatory office both to administer wetlands mitigation trust funds fed by in lieu fee payments and to execute the mitigation projects.

Great Land Trust, which works in Southcentral Alaska, and Juneau-based Southeast Alaska Land Trust completed their agreements in 1998, followed in early 1999 by Kachemak Heritage Land Trust on the Kenai Peninsula.

The program is compelling to these coastal area land trusts that operate where much of the developable land is wetlands, noted Ms. Silverberg. "Having acquisition dollars for wetlands conservation is particularly helpful because we can protect very critical coastal habitats for migrating birds and waterfowl, and a number of regionally rare species."

Under the agreements, the land trusts set a per-acre charge for Corps-permitted wetlands eligible for in lieu fee mitigation. Developers are not obligated to pay the charge; they can present an alternative mitigation plan to the Corps. Conversely, the land trusts have the right to decline a fee payment, giving them an exit strategy should a particular mitigation permit look problematic or objectionable.

The Alaska land trusts make annual accounting reports on their in lieu fee funds to the Corps. So far, no conservation transactions have been completed through the fledgling programs, although the land trusts report that a number are in negotiation. 🌿

JUNEAU EMPIRE

Neighbors

Mapping out a plan for the 'Green Zone'

By JIM KING

There is an area of Juneau that some call the "Juneau Green Zone."

It stretches from Tee Harbor to Berners Bay. Within it lies a beloved spiritual center, several recreational camps owned by nonprofit organizations and churches, and well-used public recreational areas.

Land ownership in the Green Zone includes 54 homeowners in five clusters, four camps, one Native corporation and several branches of federal, state and local government.

The City and Borough of Juneau's Comprehensive Plan includes the recommendation to "develop a comprehensive, interagency plan for Tee Harbor to Berners Bay which recognizes, protects and enhances the multiple recreational and educational programs found in that area." (Comp. Plan CBJ, 1966, pp. 144). With pressing demands in other areas, the Community Development Department has not yet been able to do this planning.

Through a monetary award from the Alaska Conservation Foundation, Mary Lou King presented funding to the Southeast Alaska Land Trust (SEALTrust) to develop an ownership map and a report of possible land use alternatives for the Green Zone. The map is designed to help the general public better visualize the make-up of the area and as an aid for the agencies that will do the recommended "Interagency Plan."

A preliminary draft of a color map il-

lustrating Green Zone land ownership patterns has now been prepared. Designed in seven colors to differentiate among them, it shows private camps, other private lands, state recreation lands, state parks, CBJ lands, CBJ parks and Tongass National Forest lands. While all agencies know where their own boundaries are, these boundaries have never before been included on a single map.

SEALTrust has sent letters to each of these owners/managers asking what they do now and what is their vision for the future. SEALTrust is a recently formed nonprofit corporation, one of some 500 Land Trusts nationwide and four in Alaska. The mission of Land Trusts is to help land owners achieve their own goals for their property.

Often landowners would like to preserve portions of their properties, but they feel pressured by urban sprawl, strip development and local tax structures into relinquishing treasured lands.

Land trusts can often help land owners through legal strategies, tax breaks and the sort of land use visioning of this project. Southeast Alaska Conservation Council, the Juneau Audubon Society and Taku Conservation Society are also providing SEALTrust with financial support for this effort.

Response to these letters to property owners has been slow so far. Those who wish to be included in the final report need to get their responses to SEALTrust. In most cases a one- or two-

page letter will do.

SEALTrust's final report will not include recommendations.

It will include what people and agencies of the area want the community to know about what they are doing, what their future plans are and how they would like the Green Zone to be managed in the future.

The report will try to identify future management alternatives among which the community will need to make some selections, such as more or less park development, more trails, needs for CBJ land sales, road changes and sewer or water management.

Those who worry that this might be an anti-development exercise should consider that the world class spiritual/educational/recreation camps of the Green Zone form one of the few CBJ economic engines with an unlimited potential for attracting independent travelers and residents seeking the quality of life it provides. Thus this effort is worthy of support from business interests as well as conservationists.

It is the hope of SEALTrust that better understanding of the Green Zone will help the people of Juneau manage its unique values for maximum benefit. SEALTrust can be reached at 586-3100.

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Jim King is a member of SEALTrust. Juneau Audubon Society will resume monthly meetings in September. Field trips continue through June. E-mail Audubon members at ckent@alaska.net.

Preserving land across generations

SEAL Trust gives land owners a way to ensure their property remains undeveloped even after they're gone

Posted: Sunday, December 10, 2000

By RILEY WOODFORD

THE JUNEAU EMPIRE

Deborah Marshall remembers when her family lost its land.

"My family came out from Philadelphia in the late 1880s. They had this beautiful piece of property on the Washington side of the Columbia River," Marshall said.

When her grandparents died, her mother and aunts inherited the land. But they couldn't hold on to it.

"My family couldn't afford to keep the property because of the property taxes," she said.

Marshall, a Juneau businesswoman, helped found the nonprofit South East Alaska Land (SEAL) Trust, five years ago. She said she didn't want families in Southeast to suffer the fate that befell her relatives.

Marshall worked with Bart Watson, who said he didn't initially think a land trust was appropriate for this area because of the abundance of public land.

"But much of the accessible land near town is private, more than most people realize," said Watson, a self-employed business consultant. "I looked into land trusts and what they can do and I felt it was worth pursuing."

SEAL Trust is one of five land trusts in Alaska and 1,500 in the United States. Contrary to a frequent misconception, land trusts don't buy land to protect it. Their goal is to help landowners establish conservation easements on their property to protect the land from future development, even if the property changes hands. A conservation easement is a legally binding document, connected to the deed, that has nothing to do with public access. SEAL Trust has one conservation easement in place and at least half a dozen in progress. The regional group is working with a Juneau family on a 92-acre parcel in Excursion Inlet, and on another large acreage on Admiralty Island across from West Douglas. Land in Haines, Gustavus and Kake also is slated for protection.

In the already-completed conservation easement, the landowner, who wishes to remain anonymous, wanted to donate land to the city of Juneau with certain public uses in mind. Now the land is protected in accordance with those plans, assuring the city will not sell or develop the property in the future.

Adding to the wetlands refuge

Seal of protection: A Mendenhall Wetlands State Game Refuge marker is staked at the edge of Jim King's Sunny Point homestead.

MICHAEL PENN / THE JUNEAU EMPIRE

Jim King is in the process of placing a conservation easement on part of his property at Sunny Point. His land borders the Mendenhall Wetlands Wildlife Refuge and is about a mile east of the runway at the Juneau Airport. King wants part of his property to remain as wetlands and function as part of the refuge. He saw a conservation easement as the best protection for the land.

"Properly done, it's a legal document that will prevent a future owner, or myself, from destroying the natural characteristics," he said.

King, a retired waterfowl biologist who helped establish the refuge years ago, simply could have donated the land to the refuge. But he was concerned that wouldn't be enough.

"When the refuge legislation was written, it had all kinds of provisions allowing road-building and airport expansion, so really, contributing land to the refuge is not really protecting land. So that's where it's nice to work through SEAL Trust. It's additional protection," King said. "I think we're pretty close to finalizing."

When King puts his waterfront land under the restrictions of a conservation easement, the potential for lucrative development is eliminated and the land won't be worth as much. That provides a break on his property taxes. And down the road, the property his heirs inherit will not have the same dollar value.

That's the kind of tax break that would have helped Marshall's relatives keep their land.

"This is often the most compelling place for most landowners estate or inheritance tax," Watson said. "On the death of the owner, it can be as high as 55 percent of total assets. So for example, someone who acquired land long ago at a low rate, like a homestead, that's common in Southeast, at death that land has full development value."

Watson said families that find themselves land-rich and cash-poor don't have the money to pay the inheritance tax. They're forced to sell.

"That's been a powerful force in developing and subdividing land, even if the family wishes to keep it in its pristine state," Watson said.

Heirs who want to inherit a valuable piece of property could resent restrictions that reduce the value and sale potential. But Jim King's son James said he agrees with his father's decision.

Wetlands refuge: Jim King looks out over his property at Sunny Point. King has claimed uplifted wetlands and is protecting them from future development through a local land trust.

MICHAEL PENN / THE JUNEAU EMPIRE

"I look at it as that's his land, and for him to do as he wants," he said. "I share a similar value to the wetlands, to have that space to duck hunt and see the birds out there and to have that so close to town," James King said.

The conservation easement is applied to about an acre, the strip that borders the state refuge. The upland 3 acres, where King's home sits, is not restricted.

"He was very conscious of his kids and their desire to maybe live out there. So his actual land could be developed," James King said. "I have two sisters, and there's room for all three of us to build a home out there and he hasn't done anything to prevent that."

Not just cutting taxes

Land trusts and conservation easements are not about tax breaks, said Barb Seaman. Seaman is the executive director of Kachemak Heritage Land Trust in Homer. Established 11 years ago, it was the first land trust in Alaska.

She said while tax cuts may be an incentive for some property owners, conservation easements are intended to protect property from major development, not simply provide tax cuts. Sometimes, they don't even provide tax breaks.

uch was the case with Yule Kilcher of Homer, a former state senator and grandfather of pop singer Jewel. He was the first person in Alaska to place a conservation easement on his land. Kilcher's 660 acres on Kachemak Bay is a working farm and spectacular waterfront property. About 10 years ago, when he was in his mid 70s, Kilcher worked with Kachemak Heritage Land Trust to preserve a way of life on his land.

"Yule's purpose was to make sure it was always there for his kids to farm and live on. He

wanted them always to have that place," Seaman said. "The property taxes weren't reduced significantly because they allowed for a lot of development."

That included farming, home-building potential for his eight kids, expanding farming fields, building new tractor trails, some logging, establishing grazing fields and constructing farm buildings. But land subdivision outside the family and commercial development are not options.

"It's a controlled plan, but they are able to do quite a bit," Seaman said. "The landowner makes the choices about the prohibitive uses and reserved rights those two encompass everything that can happen or will never happen on the property."

Plans to preserve: Matt Regan explains his family's plans for a conservation easement on an 87-acre former cannery site, which his father, Dickerson Regan, purchased years ago in upper Excursion Inlet.

MICHAEL PENN / THE JUNEAU EMPIRE

Rejecting proposals

A conservation easement doesn't simply serve a landowner; it must serve the public good as well. When a landowner approaches a land trust with a proposal, four aspects are considered: cultural, scenic, habitat for wildlife and recreational value to the public.

Marshall, the trust founder, said a Sitka developer recently approached SEAL trust with a proposal to place a conservation easement on 10 acres of land, to be subdivided into 1-acre parcels and developed as housing.

"It was just for the tax break," Marshall said. "We turned it down."

Seaman said she was listening to a call-in radio show in which a listener characterized land trusts as, "Scams for rich people to avoid paying taxes." She was outraged.

"The IRS looks pretty closely at scams," said Seaman. "If an easement is attempted that will enhance the value of a development, that probably won't fly with the IRS."

Bruce Baker, a natural resource consultant who works with SEAL Trust, said there are cases in which a conservation easement can increase, not decrease, the value of land. If a landowner has 10 acres, a conservation easement on 9 acres of the property could create a valuable package: a small, developable piece of land guaranteed to neighbor permanent wildland.

Baker said the trust would have to see major benefits to the public to justify helping that landowner with a conservation easement.

"The first and foremost reason is protecting the conservation values," Baker said.

The federal government keeps an eye on land trusts like SEAL Trust for just those reasons. Watson said the IRS has been very stringent in how land trusts are formed.

"They want to see a solid and diverse board of directors, a certain level of public support, and if anything should happen to a land trust, those conservation easements will be transferred to another trust for monitoring," he said.

Marshall said property that has high recreational value and public access is the easiest to establish conservation easements on. But landowners don't have to open their private property to the public and usually do not. The land trust may believe that a scenic viewshed along the Mendenhall River, for example, is still in the public good even if it's closed to public access.

Property that provides usable habitat for wildlife is often a good candidate for a conservation easement, but often landowners overestimate the habitat value of land.

"People have come to us frequently with small parcels of land in the middle of a development, and we turn them down because we can't guarantee that we can protect the conservation values, or there really aren't conservation values on the property," Seaman said.

Land stewards

Protecting the owners' interest in land preservation over time and monitoring the conservation easement is the other major duty of the land trust. Baker said the land trust enters into a legal obligation with the landowner to ensure the terms of the conservation easement are adhered to.

"There could be someone down the line who sees these as a nuisance to be circumvented," he said.

Baker's duties include site visits to properties to check up on the land.

Marshall said in one case a land trust in Vermont discovered someone had built a house in violation of the terms of a conservation easement. The land trust took them to court and forced them to move the house off the property.

"The restrictions with conservation easements have a good track record across the country of standing up in court," Baker said. "They are a powerful legal instrument for protection."

Trust critics

"There are a few ultraconservative forces that have attacked land trusts as just another lock-up," Watson said. "That's on the national scene. I don't know of anything like that locally."

Watson said some people could be concerned about the loss of tax revenue to the public coffers, although again, he hasn't heard of any direct complaints.

"It generally does not follow that there's a net reduction to the community. Generally, other (neighboring) land becomes more valuable. It adds at least as much value to the neighborhood."

Juneau City Assessor Tom Pitts agreed.

"The surrounding property can go up in value, because there's this big greenbelt around it," Pitts said.

Some land trusts in Colorado have been criticized for this reason, as a ploy for investors to drive up the value of the developable land in areas where such land is limited. In some of these cases, land trusts have paid ranchers to place conservation easements on their property. The ranchers continue to raise cattle on the private land, get a cash payoff, and development of the land is restricted.

SEAL Trust has not paid any landowners to place conservation easements on their land. Baker said SEAL Trust does not endorse any particular land use agenda. That's up to the property owners.

"We're neither advocates nor opponents of building," he said.

The future of SEAL Trust

Establishing a conservation easement is a slow process. Jim King has been working on his for more than two years.

"Turns out these things are a little more complicated," King said. "We're working on it but haven't finalized it."

Building public awareness is a long process as well.

"A lot of people hear about land trusts and conservation easements, and it's in the back of their head. Then a few years later they call and we do a site visit," Baker said. "It can take years before an individual property owner decides to go through with it. And there are upfront costs."

Generally, the landowner pays for surveys and legal work, and the land trust asks for money that goes into a fund for the long-term monitoring of the property. SEAL Trust received some money from the U.S. Army Corps of Engineers for wetlands protection, and was able to use that to help cover the expenses with the King project. King said lawyers also donated time for much of the legal work. But every case is different. Marshall said

SEAL Trust plans to develop a fund to help offset some of the upfront costs to landowners.

Watson said the land trust could have major applications for Native corporations.

"There's this built-in tension with Native corporations, with respect to shareholders' desire to preserve traditional uses on land—cultural, subsistence, or sacred—and the desire of shareholders to make money," Watson said. "A conservation easement may be a way to address that."

Riley Woodford can be reached at rileyw@juneauempire.com

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Sunday, May 20, 2001

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Juneau family preserves historic land at Excursion Inlet

■ *Easement will protect wildlife habitat and Tlingit cemetery*

By ERIC FRY
THE JUNEAU EMPIRE

A Juneau family has created a conservation easement to protect about 90 acres of prime wildlife habitat on Excursion Inlet, and will deed a Native cemetery there to a Tlingit clan whose ancestral homelands included the area.

The Regan family's parcel, across from Glacier Bay National Park, has been selectively logged and it housed a shoreside cannery that operated from 1909 to 1931, according to a report by the Southeast Alaska Land Trust.

Caretakers have seen brown and black bears, wolves, coyotes, moose, mink and otters. Harbor seals, Steller sea lions and whales use the inlet.

"So it's got a history in the 20th

century of quite a bit of activity yet it's still natural," said Bruce Baker, a natural resource consultant to the land trust.

The land belongs to the estate of Dickerson Regan, a Juneau attorney who died in December 1999. His widow, Judy, and his sons, Juneau attorney Mark and Anchorage attorney Matt, created a conservation easement this spring to preserve the land's character.

The easement, which excludes several acres around a family cabin, prohibits subdivision, new buildings, docks or roads, logging, mining, dredging and filling. Some people who own homes further inland will retain access by two roads.

The family continues to own the land, but the conditions of the easement would pass to any new owners in the future. The Juneau-based land trust, one of five in Alaska, monitors the easement to be sure its conditions are followed.

"It does establish some rules



PHOTO COURTESY OF THE SOUTHEAST ALASKA LAND TRUST

Gift of land: Judy Regan, left, and Tom Abel walk in a Native cemetery in Excursion Inlet which is being deeded to a Tlingit clan.

for how the property will be used," Mark Regan said. "It keeps things the way they are for everyone's

benefit, for us, for people in Hoonah and for people who live nearby."

In the Regans' case, the process of creating the easement also allowed them to think about other issues with the land. Tlingits from Hoonah buried some people at a cemetery there in the 1900s.

"It's kind of been on my conscience for a while," said Mark Regan. "This wasn't clearly something that people in the clan could do."

Once the land is deeded, the clan's right to bury people there will be clear as a matter of property law, Regan said.

"I think it comes from all the bottom of our hearts to have something like this and we really appreciate it," said Cynthia Creekpau of Hoonah.

"It's a place of rest for our clan, and that land has been designated to Woosh-Kee-Tawn from time immemorial," said Sam Hanlon, chieftain of the clan, whose name means Eagle Shark.

Please see Land, Page A10

Land...

Continued from Page A1

"I was born over there. When my time comes, I've suggested that I'd like to go back to my place of birth," he said from Hoonah.

"The Woosh-Kee-Tawn have

lived in Excursion forever," said Sam's daughter, Ernestine Hanlon. "That's their land. When the flood was over long ago, the Woosh-Kee-Tawn said they would go back to their old stomping grounds, Excursion."

.....

Eric Fry can be reached at efry@juneauempire.com.

• **KODIAK:** Since 1994, the Conservancy has bought inholdings within the Kodiak National Wildlife Refuge for brown bear habitat and turned them over to the refuge.

KACHEMAK HERITAGE LAND TRUST

Date founded: 1989

Alaska staff: One full time, three part time

Membership: 500

Annual Operating Budget: \$130,000

Number of deals: 20 conservation easements, eight donated properties.

Acres protected since founding: 1,800

Key deals:

• **EAST END ROAD IN HOMER:** Yule Kilcher donated a conservation easement in 1989 ensuring that his 660-acre homestead will not be subdivided. His children will develop small homesites and continue the agricultural and ranching activities Kilcher began in the 1950s. The land, at Mile 10 on East End Road, preserves historic, scenic, agricultural and habitat values.

• **KENAI RIVER:** Calvin and Martha Jane Fair donated a conservation easement on 46 acres of riparian habitat next to the Kenai River. Dale Bondurant, in a separate deal, put a conservation easement on his property, including an island valuable for rearing juvenile fish. The Mullen family, an old homesteading family, also donated a conservation easement protecting riverside habitat at the confluence of Soldotna Creek and the Kenai River.

• **HOMER:** Author Shelley Gill in 1999 donated a conservation easement on the Rueben Call homestead below Diamond Ridge Road above Homer. The land is valuable habitat and is used for recreational trails.

• **FOX RIVER VALLEY:** A member of a former commune known locally as the Barefooters commune donated 160 acres at the head of Kachemak Bay close to the Fox River Critical Habitat Area. The land trust retains ownership.

• **HOMER SPIT:** The Kachemak Heritage Land Trust pulled together the Trust for Public Land, a national trust, and the city of Homer to protect over 100 acres on the Homer Spit and in Beluga Slough for shorebird habitat. The deal was funded with Exxon Valdez Trustee Council money.

GREAT LAND TRUST

Date founded: 1995

Alaska staff: One full time, one part time

Membership: about 200

Annual Operating Budget: \$106,000

Number of deals: Three

Acres protected since founding: about 100

Key deals:

• **MOON HOMESTEAD:** In 1996, Kenn Moon donated a conservation easement on his 45-acre Eagle River homestead to the Great Land Trust.

• **HILLSIDE EASEMENT:** In 1999, Glenn and Denice Ellison and their neighbors donated a conservation easement on 3½ acres in their Hillside subdivision.

• **FURROW CREEK:** In December, the trust purchased the 41-acre South Anchorage parcel and donated it to the city for park land. The city will own it, but the trust will hold an easement that keeps the property from being developed, even for ball fields or tennis courts.

SOUTHEAST ALASKA LAND TRUST

Date founded: 1995

Number of staff: Three part time

Membership: 100

Annual Operating Budget: \$80,000

Number of deals: Four

Acres protected: 2,664

Key deals:

• **CONSERVATION EASEMENTS:** The trust has signed four conservation easements, protecting 17 acres around Juneau, 90 acres along Excursion Inlet plus two more large easements: one for 1,430 acres and another for 1,127 acres on Kupreanof Island.

INTERIOR ALASKA LAND TRUST

Date founded: 1995

Number of staff: One volunteer staff

Membership: 100

Annual Operating Budget: None

Number of deals: One

Acres protected: 20

Key deals:

• **TANANA VALLEY STATE FOREST:** Last year, Mary Shields, a dog musher, writer and guide, donated an easement on 20 acres inside the Tanana Valley State Forest.

NUSHAGAK-MULCHATNA/WOOD-TIKCHIK LAND TRUST

Date founded: 2000

Number of staff: three volunteer staff at Chogglung Ltd

Membership: None

Annual Operating Budget: None

Number of deals: None

Acres protected: None

Key deals:

• **WOOD-TIKCHIK STATE PARK:** The trust has not yet completed any deals but will have responsibility for an easement inside Wood-Tikchik State Park. The trust is raising money to manage the easement.

Web posted Sunday, July 1, 2001

Easements protect Kake water supply

**By ERIC FRY
THE JUNEAU EMPIRE**

Part of the watershed that is the source of drinking water for the 700 people of Kake will be protected from logging under conservation easements signed this summer.

The easements, and a related land exchange and financial compensation package authorized by Congress last year, bring to a close a 17-year effort to protect the competing interests of the city of Kake and Kake Tribal Corp.

"I think (the watershed) is saved just in time by this land easement," said Mike Jackson, the realty and trust officer for the Organized Village Of Kake, the nonprofit tribal organization, which supported the easements.

"When it rains, it floods. When it stops raining, it dries up. It never used to be this way when it was a real watershed. Just in my lifetime it's started to do this stuff," he said.

Kake Tribal, a for-profit Native corporation for about 650 shareholders, received land in the Gunnuk Creek watershed in the early 1970s as part of its allotment to be developed, under the Alaska Native Claims Settlement Act. But the city got an injunction in 1984 to stop Kake Tribal from logging on its watershed holdings because logging threatened the city's water supply.

Conservation easements maintain private ownership of land, while prohibiting some or all development. The Kake easements, signed in May, protect about 2,400 acres in the watershed from commercial development, while continuing to allow subsistence hunting, fishing and the gathering of berries and materials for baskets.

"These are historical activities that we wanted to guarantee into the future," said Kake Tribal President Sam Jackson.

The easements also allow for the replacement of a dam on Gunnuk Creek that was punctured by a waterborne tree in July 2000. The dam was part of the town's reservoir. Under the agreement, Kake Tribal has given 1,430 acres in the upper watershed, protected by a conservation easement, to the city in exchange for 1,389 forested acres at Jenny Creek, also in Kake. The Jenny Creek parcel is on National Forest land that will be counted as part of Alaska's statehood selections of federal land.

Kake Tribal has received \$5 million from Congress to compensate for the timber revenues it has lost by not logging its watershed land since 1984. The Alaska Congressional delegation is seeking more money for Kake Tribal this year, according to U.S. Sen. Frank Murkowski's office.

Meanwhile, Kake Tribal retains ownership of 1,127 acres in the lower watershed, and those too are protected by a conservation easement. The measure also trades Sealaska Corp.'s subsurface rights on the land under the conservation easements for the same rights on other land. Sealaska is the regional for-profit Native corporation.

The watershed is the community's primary source of drinking water, provides water for a hatchery, and "it's just an important habitat for the wildlife, flora and fauna, in the Kake area in general," said Karl Potts, executive director of the Southeast Alaska Land Trust, which will monitor the easements.

Gunnuk Creek Hatchery Manager Brock Meredith said the easements are a good thing, but they protect only about one-third to one-half of the watershed. The rest of the watershed, in private ownership, "could easily be on the chopping block."

Timber harvests have clearcut two-thirds to three-quarters of the watershed, Meredith said. It's made it hard to run a hatchery because high levels of sediment in the creek degrade the water quality. The hatchery mostly produces chum salmon for the commercial seine fleet.

High water flows in the stream are higher now after logging, Meredith added, and they cause erosion that puts more sediment in the stream. Low water flows are lower, leading to temperatures dangerously high for salmon and to a sheer lack of water, he said.

The Organized Village of Kake is using federal funds to develop a watershed management plan together with the city, Kake Tribal, Sealaska, the hatchery, the land trust, the U.S. Forest Service and the public, said Mike Jackson. The plan will identify areas, such as old logging roads and unstable slopes, that need restoration.

Meanwhile, Kake Tribal is still assessing the value of the timber on the Jenny Creek land. Sam Jackson said the parcel holds an estimated 19 million board feet of salable timber, but the company doesn't plan to log it right away.

Congress, as part of the deal, won't allow Kake Tribal to sell the logs whole for export, a lucrative market. Murkowski, an Alaska Republican who cosponsored the land exchange measure, has said that provision was important to him to maintain a timber-processing industry in Southeast.

Instead, the company is required to have the logs processed locally before it can sell them. Jackson said Kake Tribal would like to build a processing plant in Kake, but he's concerned that the high cost of electricity would be prohibitive.

"As it is now we're just allowing the timber to stand until we can determine the feasibility of the whole thing," Jackson said.

He said Kake Tribal, which has reorganized after declaring bankruptcy in 1999, will use about \$2.3 million of the \$5 million from Congress to pay down some of its \$14 million in debt to business creditors and to shareholders who won a court judgment in a lawsuit that alleged discrimination in the offering of insurance benefits.

Kake Tribal will use the rest of the federal money to pay for operations and to improve its seafood processing plant, fuel facility and construction company, Jackson said.

"The intent of our reorganization plan is to pay creditors 100 percent over time, including shareholder creditors, and we're fairly confident we'll be able to do that," Jackson said.

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Eric Fry can be reached at efry@juneauempire.com.

Land...

Continued from Page 15

With such a complex patchwork of land owners, each public agency has its own legal mandates and maps. But no one agency knows all that is happening within this 20-mile stretch. Not even the various land owners. When any one of them plans for development of their land, it often comes as a surprise to their neighbors and the entire community.

The new map, spearheaded by the Southeast Alaska Land Trust (SEALTrust), consolidates boundaries of all land owners and management agencies in a single document. Now there is a visual, tangible document of a region that is Juneau's major playground as well as a source of often unrecognized economic benefit, according to SEALTrust member Jim King.

Because of the great recreation potential on public lands in the area, SEALTrust calls this area the Green Zone.

Housed on the computer system of the City and Borough of Juneau, the map can be printed in virtually any size for local owners and agency planners, and used as a visual aid for meetings seeking public comment.

Development of the map has opened vital communications between the land owners and managers, and pointed up the need for area planning, according to King.

This spring an all-day workshop with land managers and citizens focused on the Amalga/Eagle River portion of the Green Zone. The dialogue will continue this month with a meeting between the State Parks advisory board and CBJ recreation advisory committee. Open to the public, the meeting is scheduled 5:30 to 7 p.m. Sept. 25 in the Municipal Building, room 224 (next to the Parks and Recreation office at 155 S. Seward).

Another hue of green comes from the economic impact of many visitors who come from around the country to use the area's private camps, virtually unnoticed by the rest of the community, King says. Economic studies of tourism virtually ignore the impact of these camps.

In addition to developing the map, SEALTrust has focused on posing questions to be addressed as the area develops further. The organization is not making recommendations, King says, but rather attempts to present the current status, and options and opportunities that may warrant community-wide attention.

The SEALTrust report includes 21 matters meriting further discussion, including the following:

- Glacier Highway's shoulderless highways and confining guardrails in an area used primarily

for recreation are already recognized as dangerous in DOT and CBJ documents. Reduced speeds, bike lanes and increased parking are among suggested improvements.

- An off-road, paved, multi-use trail connecting the Shrine of St. Therese and Eagle Beach picnic area is already recommended in the CBJ non-motorized recreation plan. It could be connected further along the coast.

- Private camps, rental cabins, trails and beach parks are a growing element of Juneau's visitor industry, but there has been no effort to evaluate how much growth is possible before conflicts emerge.

- The value of Green Zone parks in preventing the sort of urban sprawl that catches so many communities in an endless struggle to pay for ever increasing sewer, water, fire, police and school services has not been recognized or assessed.

- There may be more ways to do more to encourage the existing and possible future camps.

- There is one property in the Green Zone protected by a conservation easement now and there may be other places where a private property owner and the public could benefit from a conservation easement.

- The impact of new heliports on the Green Zone needs careful consideration.

- A vision document for the Green Zone is needed that attempts to accommodate as many present and future users as possible. Commercial uses of public land, user fees, zoning of private lands and so forth need to be dealt with so all enhance rather than degrade or conflict with each other.

- A Green Zone advisory board has been suggested as a means to help ensure that all interests are represented as the Juneau population continues to grow.

Juneau is fortunate to have miles of public lands for recreation while many other communities have sold or given away their lands to private owners, King says. The SEALTrust land status report, Juneau's Wonderful Green Zone, can be a reference to guide its future.

Complete copies of the report, with map, are at all Juneau libraries. For more information call SEALTrust at 586-3100 or setrust@ptialaska.net.

Monthly meetings of Juneau Audubon Society resume at 7:30 p.m. Thursday (Sept. 13) at Dzan-tik'I Heeni Middle School Library. Kim Titus, Alaska Department of Fish and Game biologist, will report on the results from several years of research on the Queen Charlotte Goshawk. This hawk had been considered for Endangered Species status.

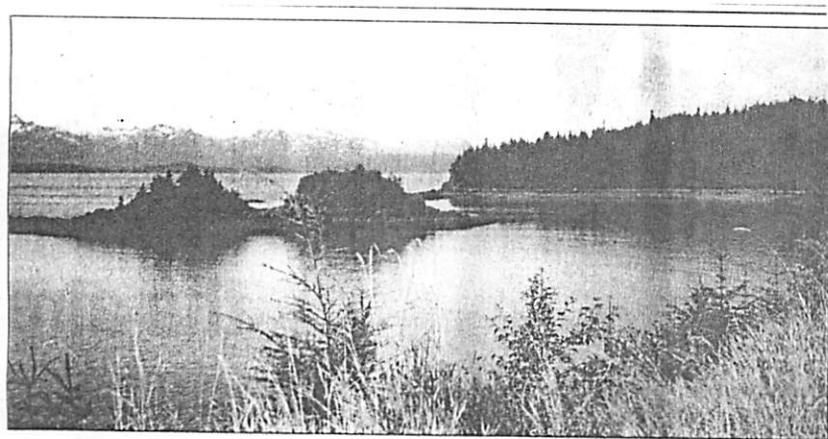


PHOTO COURTESY OF JUDY SHULER

Cove out the road: Sunshine Cove, a favorite spot for picnickers and scuba divers, has been used by Tlingits for generations.

9/6/01

Planning the future out the road

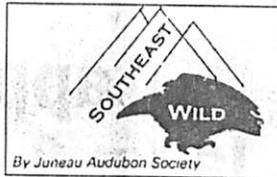
By JUDY SHULER

Traveling out the road beyond Tee Harbor, amid stands of spruce and hemlock, beaver ponds, salmon streams, patches of muskeg and few signs of development, it's easy to assume you're surrounded by National Forest.

But a new color-coded map may surprise you.

You're really traveling an access route for five small neighborhoods with 44 homes; five private wild lands camps; two public boat launch ramps; three state parks; 15 natural area parks owned by the City and Borough of Juneau; and assorted Forest Service recreational facilities. Even some public lands must be accessed by walking through private lands, though users are often not aware of those boundaries.

As Juneau grows and develops, a mosaic of public agencies and private landowners will determine how this area looks in the future.



Please see Land, Page 16

Out Glacier Highway and on the trail

Parks advisers seek north-south trail from Amalga Harbor to Eagle Beach

By **ERIC FRY**

THE JUNEAU EMPIRE © 2002

Someday when Juneau residents talk about going "out the road" it may be to go on the trail.

A subcommittee of state and city park advisers, and other residents, talked Saturday at the University of Alaska Southeast about how to enhance recreation in the green area from about Peterson Creek to the Eagle and Herbert rivers.

It's a quilt of city, state and private land mostly west of Glacier Highway that includes Boy Scout and church camps, a harbor used by anglers, some homes, a state recreation area to the north, and trailheads leading to national forest land to the east.

Please see **TRAIL**, Page A10

Trail: Parks advisers ponder the development of area trails

Continued from Page A1

"Today we see this as a unit," said Jim King, a retired federal biologist. "But others see it as spots of opportunity. It's important to encourage the view of the whole thing as a mega-park that provides something for everyone."

A developer might want to build a hotel next to a pond in the area and it would need only the approval of most Juneau Assembly members, King said. "So we need to have a constituency that is using the area."

Attendees Saturday focused on a main trail that would stretch from Peterson Creek to the Herbert and Eagle rivers, with smaller trails looping from it. But they also talked about avoiding habitat that is important to wildlife, from otters in the ocean to bears in the meadows.

Karla Hart, of the Juneau state parks advisory board, said separate areas should be identified that would be managed for more intensive human use, such as with cabins or campgrounds; easily accessible backcountry experiences such as on less-developed trails; and wildlife.

"We should protect it for wildlife first," she said.

"It would be a wonderful statement if we made a trail that takes wildlife into account. It's almost never done," said Richard Carstensen of Discovery Southeast, a nature educational organization.

Residents, agency managers and area landowners last year identified sensitive wildlife areas as the confluence of the Herbert and Eagle rivers, a pond near Amalga Harbor that is fed by salt and fresh water, wetlands east of Amalga, and the Amalga Meadows. Nancy Waterman, a city parks advisor, added Saturday that stream corridors are sensitive areas.

The group's work comes at a time when some recreational areas out the road have been built up and others are slated for work. Those developments are likely to draw more people to the area.

State Parks unveiled new shelters, rest rooms, barbecues and paved trails at Eagle Beach State Recreation Area this summer. The state Department of Fish and Game plans to add parking at Amalga Harbor, add a kayak launch, and dredge the harbor basin so boats can be launched at low tide. The state Department of Transportation is considering widening Glacier Highway in the area and paving or expanding trailhead parking lots.

Improvements provide more opportunities for recreation - and for conflicts among different kinds of users and for abuse of the land, attendees noted.

The Boy Scouts would welcome an improved access road to its camp so it could offer a supervised mountain bike program, said Lane Stumme of the Scouts. But the road also would carry unsupervised cyclists to the wetlands, where bikes could tear up the land.

"A lot of that control can come through education," said James King, executive director of the trail

We have a very clear inverse relation of dogs to everything else (near trails). The most important thing we can do to protect wildlife is think about where dogs go.

RICHARD CARSTENSEN

Discovery Southeast

maintenance organization Trail Mix and the son of Jim King.

Carstensen warned that pet dogs on trails are the enemy of wildlife.

"We have a very clear inverse relation of dogs to everything else" near trails, he said. "The most important thing we can do to protect wildlife is think about where dogs go."

The subcommittee is expected to meet in January and February. The group's discussions could lead to recommendations to the public by spring.

• Eric Fry can be reached at fry@juneauempire.com.

SUNDAY
DECEMBER 8, 2002

Grant secures access to scout camp trail, wetlands

By JOANNA MARKELL
THE JUNEAU EMPIRE © 2002

A federal grant should help put 148 acres of private land near the head of the Boy Scout Camp Trail and the Herbert River into public hands.

The U.S. Fish and Wildlife Service is providing a \$553,000 grant that will allow the city to buy land at the head of the Boy Scout Camp Trail near the Herbert River and Eagle Beach, according to a press release. The nonprofit Southeast Alaska Land Trust, the Alaska Department of Natural Resources and other groups helped obtain the

funding, which will be used to acquire property from Juneau businessman William "Shorty" Tonsgard, said Pat Harris, president of the Southeast Alaska Land Trust's board of directors.

"In the next couple of months we'll be drafting a conservation easement to protect the values people want to see out there," she said. "Definitely public access will be one of the things in the easement and as part of the city's natural area park, it will have that protection, too."

The Fish and Wildlife Ser-

vice grants will benefit 21 projects nationwide and are aimed at safeguarding coastal wetlands. About two-thirds of the property is wetlands and supports numerous fish species, migratory and coastal birds and the threatened Steller sea lion, according to the agency. The parcel also leads to a popular trail, the Boy Scout camp and a nearby beach.

"It includes a wetland that goes along the road and crosses the highway," Harris said. "It's the whole triangle from the logged area, out to the road and

Please see **TRAIL**, Page A8



BRIAN WALLACE / JUNEAU EMPIRE

erving access: Kate Savage, right, Cameron Cunningham and dog Max finish a Saturday along the Boy Scout Camp Trail. The Southeast Alaska Land Trust won't acquire 148 acres of private land near the property.

Trail: Purchase to protect wetlands

Continued from Page A1

to the Herbert River."

While the Southeast Alaska Land Trust works on the conservation easement, the city will be in charge of finalizing the purchase with Tonsgard, City Lands Manager Steve Gilbertson said.

The grant funding will go before the state's legislative Budget and Audit Committee and the Juneau Assembly in the next couple months, Gilbertson said. Plans call for the city to match 25 to 30 percent of the federal funding, using a combination of money and gravel to complete the purchase, Gilbertson said.

"Once negotiations are finalized, we will present it to the Assembly," he said. "We anticipate doing that in January. We're at substantial agreement on terms, but it hasn't been finalized."

Tonsgard and his attorney couldn't be reached for comment by the Empire's midday deadline.

Public access to the area was put into limbo when Tonsgard placed a locked gate across Boy Scout Camp Road for a couple of months in fall 2000 as a legal dispute about easements and road repairs in the area stewed. The state and Tonsgard's company, Channel Construction, resolved the dispute in February. Under the terms of the agreement, public access was maintained and the state agreed to make road improvements.

Along with the Southeast Alaska Land Trust and the city, the Alaska Department of Natural Resources, Discovery Southeast and the Juneau Audubon Society helped acquire the grant funding, according to the Fish and Wildlife Service.

The property is part of the so-called "Juneau Green Zone," which stretches from the Shrine of St. Therese to Eagle Beach. The city, state, federal government, local groups and private landowners are engaged in a long-range planning effort for the area.

In Alaska, the federal wetlands grants also will benefit the Palmer Hay Flats State Game Refuge, coastal habitat on Afognak Island and 1,072 acres on the Gustavus Flats near the Dude Creek Habitat and Glacier Bay National Park, according to the Fish and Wildlife Service.

• Joanna Markell can be reached at joannam@juneauempire.com.



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47°

Light Rain
7 day forecast

Photo by Spotted user: M. Goese-Goble . Submit yours!

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Wind, cold to continue

JUNEAU - A large high-pressure system in northwest Canada is pushing cold air into the Juneau area, causing the current cold, windy weather.

Forecaster Aaron Jacobs of the National Weather Service said freezing temperatures with winds gusting to 30 to 50 mph could continue for a few days. Snow is a possibility for the weekend, but it's too soon to tell, he said. A high-wind watch is in effect through Wednesday night.

"A watch means conditions are favorable for the development of a serious threat to life and property," according to the forecast. "People are encouraged to closely monitor this weather situation."

Wind chills could go below zero, although the effect will be less with gusts than with ongoing winds, Jacobs said. The forecast calls for winds up to 60 mph in some areas.

City bond sale Saturday

JUNEAU - The city's Finance Department will sell \$1 million in general obligation bonds on Saturday.

The so-called "mini-bonds" are part of a \$15 million bond package approved by voters in October for harbor and utility projects in Juneau. The bonds range in maturity from one to 20 years with a minimum size of \$1,000, according to the city.

Preliminary interest rates will be published in the Juneau Empire on Friday; final interest rates will be posted the day of the sale. The interest is tax-exempt, with some limited exceptions.

It is the fourth time the city has sold bonds over the counter. Previous sales were offered in 1996, 1997 and 2000. The sale is at 9 a.m. Saturday in Assembly chambers at City Hall downtown.

More information is available from the city's Treasury Office or on the city's Web site at www.juneau.org under "news items."

Panel to discuss Herbert River land

JUNEAU - The Juneau Assembly's Lands Committee will meet Thursday to discuss the acquisition of 148 acres of property near Herbert River and the Boy Scout Camp.

The Southeast Alaska Land Trust has received a \$553,000 federal grant to obtain the private parcel, owned by William "Shorty" Tongsgard of Juneau. The city would contribute another \$250,000, and SEAL Trust would put a conservation easement in place to protect the parcel's wetlands.

City Lands Manager Steve Gilbertson has suggested the city's contribution come from a fund established to acquire waterfront land with cruise ship passenger fees. The money would be repaid with revenue from city land sales, he said.

At a meeting last week, Assembly member Dale Anderson noted "tremendous support" in the community for the purchase. He said he wanted to move ahead, but with assistance from local groups to put more city land into private hands.

Lands Committee Chairman Randy Wanamaker said Thursday's work session will include a discussion about funding and how to put more city lands into "taxpaying status."

"We're trying to get ideas and support to identify alternative funding sources so the cost doesn't all have to come from the city," he said. "The other part is we have an approved land-disposal policy and we'd like to get their support for that."

? January 21, 2003

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City seeks funds for Herbert River land

One Assembly member wants to link land purchase to support for construction of a second crossing

By **JOANNA MARKELL**

JUNEAU EMPIRE © 2003

The Juneau Assembly on Monday agreed to prepare a funding ordinance to buy 145 acres of private property near Herbert River and the Boy Scout Camp.

The Southeast Alaska Land

Trust and other local groups acquired a \$553,000 federal grant to purchase the land from Juneau resident William "Shorty" Tonsgard. The funding needs approval from the city and the state.

As part of the arrangement, the land trust would add a conservation

easement to the property to protect the site's wetlands. The property is near state, city and federal parkland, two private youth camps and several popular trails. It borders the Herbert and Eagle rivers and features habitat for migratory birds, four species of salmon, Dolly Varden, cutthroat and steelhead trout.

The Assembly's ordinance would accept the federal grant and

provide a \$250,000 match for the property acquisition. But Assembly members want city staff to work with local groups to cover half of the local match with non-city money, Lands Committee Chairman Randy Wanamaker said.

The Lands Committee sponsored two public discussions in the past week about the city's lands-disposal program and other sources of

Please see **HERBERT**, Page A8

Herbert: City wants local groups to match funds

Continued from Page A1

funding for the Herbert River land acquisition.

At the meetings, Assembly member Dale Anderson asked groups in favor of the land acquisition to support the city's subdivision plans at Lena Point and a second crossing over Gastineau Channel. He also asked them to look for other grants and funding for the property.

"I'm struggling with the amount of property that will be taboo to touch," he said last Thursday. "If we're going to make these lands a park and take them out of developable hands, we need your financial support."

Anderson said he would be willing to contribute his own money to a fund-raising effort.

The city owns 23,000 acres in Juneau. Of that, 7,000 acres are used for city buildings, parks and facilities such as the airport and the Eaglecrest Ski Area, said City Lands Manager Steve Gilbertson. If the city acquires the property, it would be designated as a natural area park, he said.

Diane Mayer, executive director for the land trust, said the Assembly's decision to prepare the funding ordinance is a positive step. And she said the discussion about the city's land base was valuable.

"It's extremely encouraging and we don't see this as a battle," she said. "I'm really glad the city is taking action to come up with their piece of the partnership."

Mayer, though, did express some concern about trying to raise \$125,000 from local nonprofits. The

amount exceeds the annual membership contributions for six or seven local groups, she said.

In addition, the Southeast Alaska Land Trust needs to go back to its members to raise another \$10,000 for a stewardship fund to assure the Herbert River property is protected in perpetuity, she said.

City staff members had suggested the city's portion of the funding come from a waterfront land-acquisition fund and be repaid with the city's main lands fund.

Deputy Mayor Ken Koelsch said Monday he wanted the money to come from the lands fund, not the downtown waterfront acquisition fund. The waterfront fund is supported with cruise ship passenger fees, while the lands fund is supported with revenue from city land sales.

Juneau Empire
WEDNESDAY

Jan. 29, 2003

Conservation projects get funds

ANCHORAGE - Fifteen conservation projects in Southcentral and Southeast Alaska will receive a total of about \$200,000 in federal grants.

The U.S. Fish and Wildlife Service's Region Coastal Program provides technical expertise and funds for partnerships that identify, restore and protect coastal areas in Cook Inlet and Southeast.

Program funds will allow the Southeast Alaska Land Trust to craft a conservation strategy for popular coastal habitats north of Juneau.

Yakutat will investigate the economic benefits of designation of a non-regulatory shorebird reserve on the Yakutat Forelands.

2006

Marsh Madness

Scientists laud Mendenhall wetland's values

By ELIZABETH BLUEMINK **JUNEAU EMPIRE** Only a handful of spots in the Panhandle are critical for the survival of water-feeding birds, and Juneau's urban wetlands is one of them.

Just this month, the Mendenhall wetlands was ranked an Important Bird Area for Alaska - the first spot in Southeast Alaska to get the designation.

While the designation has no legal force, "it plants a flag" on the wetlands indicating its incredible value for birds, said Ian Stenhouse, of the Audubon Alaska chapter.

On a single spring day, Juneau birders have counted up to 5,000 migrating western sandpipers lighting on the Mendenhall Wetlands State Game Refuge, looking for little bugs.

The refuge is a Juneau birder's paradise. Only 16 percent of the birds who use it reside in Juneau year-round, and the rest stop by on their way to and from other places, such as the Arctic or the tropics, says Robert Armstrong, a Juneau birder and biologist.

Not just a hot zone for birds, the Mendenhall wetlands also shelters and feeds Dungeness crab, coho salmon, flounder, harbor seals, hooligan, sand lance, innumerable small bugs and clams, mink, river otters, bats ... and the list goes on.

To celebrate the ecological values of the wetlands, the Alaska Department of Fish and Game will conduct an April lecture series to offer the public some of the wealth of knowledge gained by Juneau scientists who study the wetlands.

"There's a lot of community interest in the wetlands," said Kristen Romanoff, an education specialist with the department, who helped organize the upcoming series. "Given that it is such an important place for wildlife, people are curious to learn more and have a better understanding," Romanoff said.

Another reason the refuge has captured local interest is because of its fluid boundary lines. Due to a collision of geological forces and property interests, the refuge is getting smaller.

The shrinking is underway because the refuge's only formal boundary is the mean high tide line. That line is moving out further and further into the refuge while the ground - lifting after the release of pressure from melting glaciers - rises at a rate of nearly six inches every 10 years.

Property owners can request the "new" land. Upwards of 16 acres already have been pulled from the refuge and additional acres are pending, according to Fish and Game. Some landowners are working with the Southeast Alaska Land Trust to designate their land for conservation.

Conservation or not, the wetlands will gradually become a different kind of wetlands, scientists say.

In 1962, the wetland contained about 1,400 acres of low-marsh sedges, an important sheltering area for cohos and source of food for ducks and geese. By 2025, the sedges will likely be limited to 400 acres, said Richard Carstensen, a Juneau ecologist.

Carstensen said the sedge grasses will still form thin belts around sloughs, and they will likely colonize new areas such as the Sunny Point and Lemon Creek area, which might be beneficial in drawing waterfowl away from the airport.

Over time, though, the wetlands will become a high-marsh grass-dominated place, with markedly less salt marsh for aquatic species but more space for land animals, Carstensen said.

Because of the shifting tide lines, much of that high-marsh grass land will be in private hands. "We're seeking ways to work with property owners to maintain the integrity of the refuge," Romanoff said.

- Elizabeth Bluemink can be reached at elizabeth.bluemink@juneauempire.com.

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Mendenhall Wetlands slideshow, booksigning to be held tonight

Posted: Friday, May 08, 2009

In celebration of International Migratory Bird Day and in recognition of a recent award for the Mendenhall wetlands, a slideshow and booksigning by Robert Armstrong will be held at 7:30 p.m. tonight at the Mendenhall Glacier Visitor Center.

The book, titled "The Mendenhall Wetlands: A globally recognized Important Bird Area" by Bob Armstrong, Richard Carstensen, Mary Willson and Marge Hermans Osborn, has just been published and will be available at the visitor center's Alaska Geographic bookstore.

Juneau's Mendenhall Wetlands recently achieved a significant distinction as a globally recognized "Important Bird Area." The designation is based on several requirements established by an international committee.

"In order to qualify for a globally or continentally significant IBA," the authors write, "a site must support a significant portion of the flyway population of a particular species." Generally, the site must support over one percent of the North American population of a species at one time, or more than five percent of the population for the season. Fifteen species contributed to the Wetlands' qualification.

The Wetlands provide a valuable resting and feeding area for 256 species of birds. Because of Southeast Alaska's rugged mountain and ocean terrain, flat grassy zones like the Mendenhall Wetlands are rare and vital to the survival of migrating birds.

Tonight's event is sponsored by the Mendenhall Refuge Citizens Advisory Group of the Alaska Department of Fish and Game, Juneau Audubon Society, Southeast Alaska Land Trust and US Forest Service. The visitor center's fee will be suspended after 7 p.m.

For details, call Laurie at 789-0097.

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As land rises, the refuge has shrunk

If city allows, landowner will donate parcel to Mendenhall refuge

Posted: Thursday, May 14, 2009

By KATE GOLDEN

When Jim and Mary Lou King bought their Sunny Point house in 1964, it had seaweed underneath it, and they encouraged a spruce to grow as a hedge on the shore side of the house to keep the water from thumping the house at high tide.

Since then the land has risen about two feet. The driftlogs are still visible on their property, though covered with moss; the tide hasn't been in that far in years. What was then the Mendenhall wetlands is now the Mendenhall Wetlands State Game Refuge, and it is slowly shrinking because of a state law that says shoreside landowners can claim adjacent land that rises from the sea.

The land here is springing back because it is no longer weighed down by Little Ice Age glaciers, the theory goes. Its progress is blindingly fast, in geological terms: a half-inch a year, which translates to different acreage depending on the slope.

Data from the Department of Natural Resources, which owns the refuge, shows that 14 landowners have already claimed 32.8 acres of the (now) 3,764-acre refuge. Another 20 acres of claims aren't finalized. Diane Mayer of the Southeast Alaska Land Trust says perhaps 70 acres of new land available to claim have appeared since surveys conducted in the 1950s.

Shoreside property rights are often defined by the mean high tide mark, also called the meander line. That line is set by an official survey. If it is surveyed again and the line has moved, the landowner can go to court and claim whatever land has appeared up to that line. The idea is that their property includes a right of access to water.

Some of the Mendenhall's accreted land, as it's known, is now being used as a gravel pit.

The Kings' property, in the 1960s, hadn't been surveyed since the 1930s. So once they learned they could claim their accreted land, and that their neighbor wanted to build a road through it, they did. They claimed 2.3 acres that had popped up to protect the wetlands.

Jim King was a U.S. Fish and Wildlife Service waterfowl biologist and pilot who wrote a book on Alaska's birds. He was a key player in the formation of the Mendenhall refuge, known as a [world-class place for birds](#).

"We thoroughly enjoy having that refuge in front of us," said Mary Lou King.

In 2002 they turned a one-acre strip of that land next to the refuge into a conservation easement that protects the [land from development](#).

Since the 1960s survey, the meander line has meandered farther out, and another 11 acres has appeared.

The Kings are trying to claim some of that land, too - how much they can get is contested - so they can chop it into its own 3.4-acre parcel and donate it to SEALTrust. Jim Kim is a member of its board.

"That is, if we ever have anything to donate," he said lightly. "I'm glad I'm not betting my future on digging gravel out here."

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The latest catch, he said, is that one can't create a parcel in Juneau that lacks road access. The Assembly on Monday will hear about an ordinance specific to accreted lands in the refuge that would allow King to do this.

The refuge in King's spot is already protected by the conservation easement. But the donation is important, King said, partly because it may inspire other conservation-minded citizens to donate their accreted lands.

For SEALTrust, which is doing legal work on King's accreted parcels, it's the beginning of a big project to [fix the boundary of the refuge](#).

Mayer is not expecting that everyone will donate their land, so this could be expensive. The land trust is negotiating with the Juneau Airport now to get money that will formally mitigate the airport's runway expansion into the wetlands, and this will launch the project.

• Contact reporter Kate Golden at 523-2276 or by e-mail at kate.golden@juneauempire.com.

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Thursday, June 11, 2009

Story last updated at 6/11/2009 - 10:01 am

Land trust works to conserve property near Point Hilda

City would own 36 acres slated for private development

By Kim Marquis | JUNEAU EMPIRE

A land deal in the works could get a valued piece of Douglas Island out of the hands of a private property owner and into the public's.

The property at Hilda Cove was subdivided last year into 10 lots the owner said he intended to sell for individual residences accessible only by boat.

The deal being worked by Southeast Alaska Land Trust for the city would preserve 36 acres located at the halfway point on the west side of Douglas Island.

The property's value is in its two salmon spawning streams, Hilda Creek especially, and its recreational opportunities. Hilda Cove is the most sheltered anchorage on the west side of the island and is a popular spot with kayakers, hikers, hunters, trappers and fishermen, a state Department of Fish and Game biologist wrote last year when the property was subdivided.

The property falls under the West Douglas Conceptual Plan, the city's long-term development plan for the area. The plan calls for an extension of North Glacier Highway and other development on the west side of the island. The land would be managed as a natural area and a park similar to the Auke Village Recreation Area, ensuring recreational opportunities amidst other development likely to happen in future decades, city Lands Manager Heather Marlow said.

The property was part of the Tongass National Forest until 1923, when John F. McDonald homesteaded it. It is bordered by Goldbelt Corp. and U.S. Forest Service land and is near a large city-owned parcel.

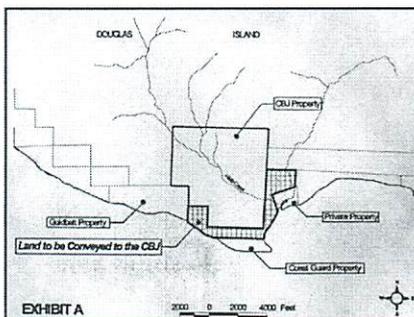
An agreement the city and Goldbelt signed in 1999 leaves open the possibility of a trade that would connect the city's two parcels surrounding Hilda Creek. In exchange, the Native corporation would acquire property farther northwest along the island that it wants to develop into a port facility, among other things.

The agreement remains active but large development pieces need to fall into place before parties are likely to act on it, Marlow said, including a North Douglas crossing and extending the road around the island.

The current deal is the land trust's first of several to be paid for with \$6 million that Juneau International Airport is paying in wetlands mitigation for airport projects.

Marlow said the city looks forward to future opportunities to acquire wetland and park land with the money.

• Contact reporter Kim Marquis at 523-2279 or by e-mail at kim.marquis@juneauempire.com.



Courtesy Of The City Of Juneau

The Southeast Alaska Land Trust is working with a private landowner to convey 36 acres at Hilda Point on the back side of Douglas Island to the city.

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More land in public's hands

Posted: Tuesday, June 30, 2009

By michael penn / juneau empire

A valuable piece of private property on Douglas Island considered for development is one step closer to becoming a city park.

The Juneau Assembly approved a resolution at its regular meeting Monday night that accepts the donation of nearly 36 acres of land in the Hilda Creek area from the Southeast Alaska Land Trust.

SEAL Trust has a purchase-sale agreement on the table with the landowner and intends to buy the property using part of the \$6 million that Juneau International Airport is paying in wetlands mitigation for airport projects. Executive Director Diane Mayer said the trust has offered appraised value for the property, adding that the figure is between the nonprofit and the buyer.

SEAL Trust will donate the property to the city if the sale is completed. Mayer said she hopes it will be set in stone by the end of July.

"We'll let the public know when the transaction is complete and people can start enjoying that area," city Lands Manager Heather Marlow said.

The land, located at the halfway point on the west side of Douglas Island, was part of the Tongass National Forest until John F. McDonald homesteaded it in 1923. The land has two salmon spawning streams on it and nearby Hilda Cove is known as a popular recreation spot for kayakers, fisherman and hikers. Last year the property was subdivided into 10 lots that the owner intended to sell for individual residences, accessible only by boats.

The Hilda Creek area is an important piece of property in the community, Mayer said.

"You look at Douglas Island, and Hilda Creek and Peterson Creek are the two richest drainages on the island," she said. "Given that this has this uniquely positioned private ownership in the heart of the flood plains of Hilda Creek, it makes it a pretty good candidate for conservation."

SEAL Trust is also hoping an ordinance approved Monday night that amends the Land Use Code will allow it to use more of the airport's wetland mitigation funds to add acreage to the Mendenhall Wetlands State Game Refuge.

Due to isostatic rebound, where the land is slowly rising due to glacial retreat, the seaward property boundaries on land near the refuge has been moving. The landowners are able to go to court to claim land that has essentially risen from the sea to ensure their right of access to water.

SEAL Trust and property owners had approached the city and asked to have some of the accreted lands turned into stand-alone lots for conservation purposes, but the Land Use Code required that individual lots have at least 30 feet of frontage on roads maintained by a government agency. The Assembly approved an ordinance that amends the Land Use Code to allow "conservation lots" around the Mendenhall wetlands refuge that don't require a road.

"We found that there was a bunch of regulation standing in the way that wasn't needed," Marlow said. "So in pretty quick order we were able to craft a solution that allows for the activities and transaction to go forward."

SEAL Trust has been working with three separate landowners with accreted land adjacent to the refuge that Mayer said are interested in selling to the nonprofit, which she says would

then ideally be transferred to the state. This is important because it could help maintain a fixed boundary around the refuge and add possibly 60 acres to it, Mayer said.

The first transaction for a parcel of land could take place by mid-August, she said.

The Assembly also approved the first reading of an ordinance that would approve \$21.1 million in grant funding from the Federal Aviation Administration for the Juneau Airport runway safety area capital improvement project. It is the third grant from the FAA for the \$48 million renovation of the airport underway.

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Sunday, December 27, 2009
Story last updated at 12/27/2009 - 1:12 am

12/2009

Funds to preserve refuge boundary

Newly accreted lands face threat of development

By Kim Marquis | JUNEAU EMPIRE

To some, it's just acres of mud. But for many who live along them, Juneau's tidal flats provide a special connection with nature.

There's a fresh view with each changing tide, a multitude of birds that show up every season and an array of sunsets all through the year. Many who live nearby know what they have is special, said Mark Rorick, who has lived on Mendenhall Peninsula Road since the 1970s.

A narrow strip of Rorick's steep property abuts the wetlands. Like his neighbors, he's considering a proposal to preserve some of the land in perpetuity.

Rorick, a leader of the local Sierra Club, is a full-time environmentalist. But it's not just a penchant for conservation that could entice landowners into preservation. **There's money, too, made available by mitigation funds paid by the Federal Aviation Administration for Juneau International Airport's expansion projects. It will affect more than 80 acres of wetlands.**

The Southeast Alaska Land Trust is managing nearly \$6 million in mitigation funds. The trust wants to focus spending to protect the Mendenhall Wetlands State Game Refuge, Executive Director Diane Mayer said.

The wetlands, which were internationally recognized in 2006 as an Important Bird Area, are threatened by a state law that allows property owners to lay claim to land that is uplifted due to glacial retreat. These "accreted" lands remain above the mean high tide line after glacial rebound lifts the earth.

"People who might have started out with an acre can end up with five," Mayer said.

As a result, the refuge boundary is shrinking and newly accreted lands pose a threat of development.

The refuge was established in 1976 at 3,764 acres. Since then, about 50 acres were claimed by upland property owners, Mayer said. Claims of one or two acres at a time are typical but 15 acres have been claimed in a single case.

Mayer contacted 130 property owners by mail to explain the potential for placing these lands into conservation, which removes future potential for development.

SEALTrust plans to use the mitigation funds to help owners through paperwork, set up land trusts or purchase property outright. The idea is to work with willing landowners to fix as much of the refuge boundary as possible and avoid urbanization, Mayer said.

Reasons for participation usually have to do with an interest in conservation, since landowners give up property value when they relinquish future development rights. Decisions affect property values now and for future generations.

Rorick and his family have not made a final decision whether to participate, but there's only a small piece of property in play. He's interested in protecting the tidal flats near his home because he wants the area to stay the same.

"I don't want to see development on there, don't want to see houses going onto it, don't want to see 'No Trespassing' signs," he said. "I just like it the way it is and want to keep it the way it is."

• Contact reporter Kim Marquis at 523-2279 or kim.marquis@juneauempire.com.



Michael Penn / Juneau Empire

Mark Rorick looks out over the water at high tide last week from his property along Mendenhall Peninsula Road. Rorick is considering an offer by Southeast Alaska Land Trust to preserve "accreted lands," land added to his property by the glacier rebound effect in the area.

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Know and go

What: Presentation, "Glaciers of Southeast Alaska: Ice Loss, Glacial Rebound and Sea Level Rise," by glaciologist Roman Motyica.

When: 7-9 p.m., Jan. 20.

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Glaciologist to lecture on glacial loss, rebound in Southeast

Posted: Friday, January 15, 2010

JUNEAU - Roman Motyka, a world renowned glaciologist and professor, will present a lecture on "The Glaciers of Southeast Alaska: Ice Loss, Glacier Rebound, and Sea Level Rise" on Wednesday, Jan. 20 from 7 to 9 p.m. at the Thunder Mountain High School auditorium.

Southeast Alaska is a region where isostatic rebound is active and visible. Organizers are inviting the public to attend and learn about a "phenomenon occurring in our backyards."

Admission is free. The lecture is presented in conjunction with Southeast Alaska Land Trust. For more information call 586-3100.

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