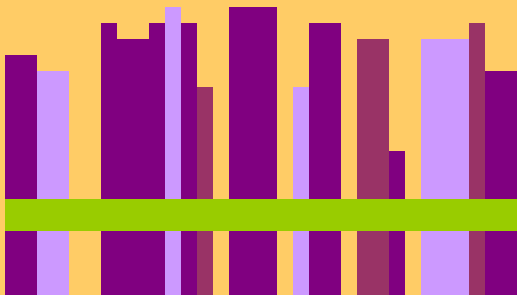


# A Brief (and selective) History: Conservation Easements and Public Access in Maine



# Conservation Easement

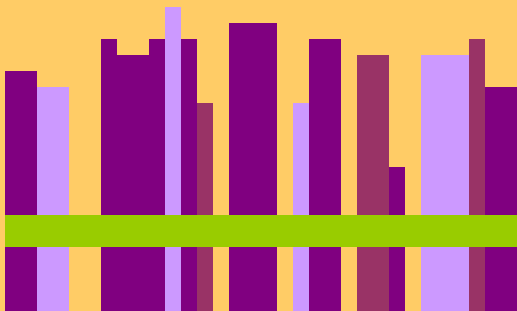
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**The holder of the easement  
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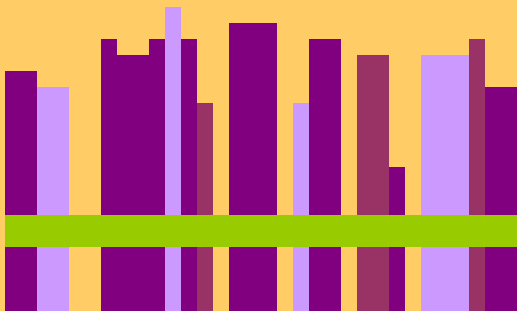


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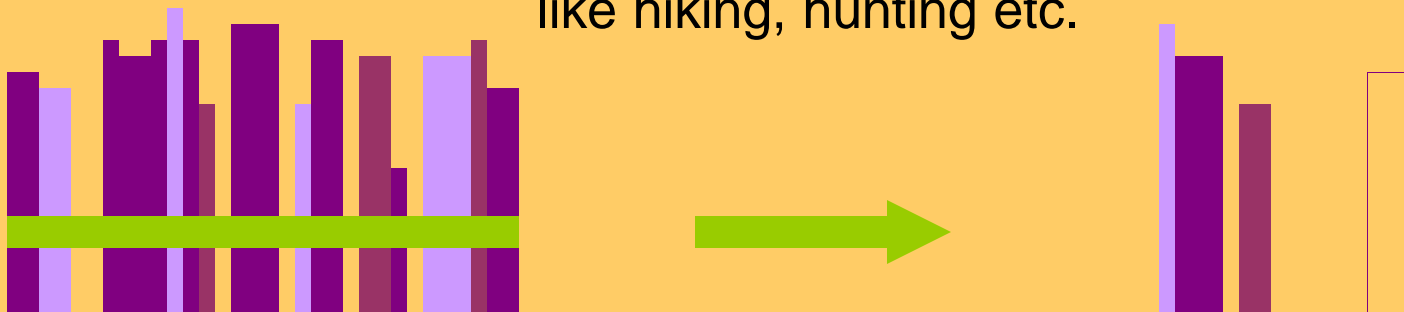
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# Attean Township

1984

18,067 acres

**Largest in country**

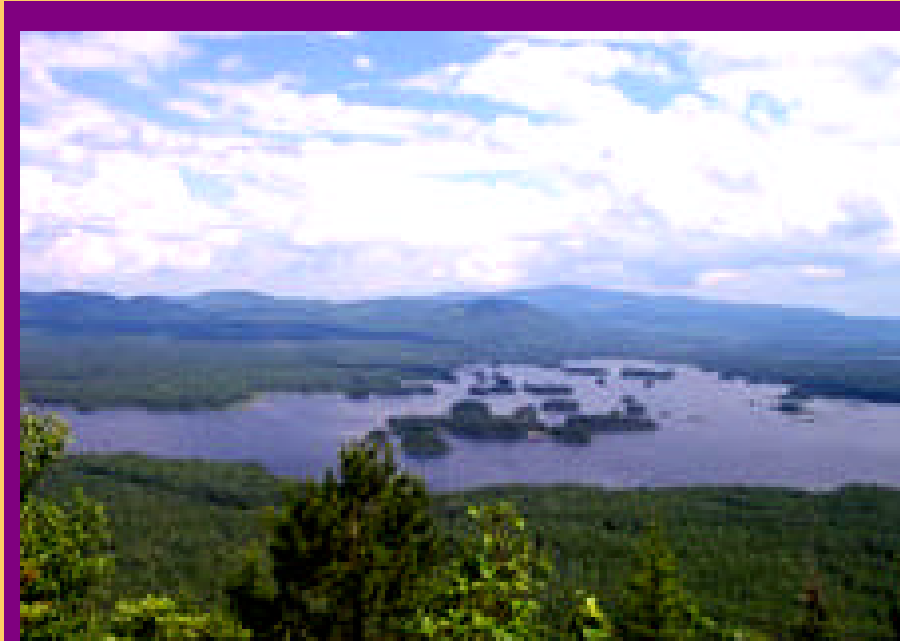
*- probably first in nation to address recreation*

**First in Maine to include multiple values** – recreational, ecological, economic

Public access: permanent **camping, hiking, canoeing**

Silent on motorized traffic and hunting

**Forest Society of Maine**



# Nicatous

1997

20,767 acres

Largest in country - *again*

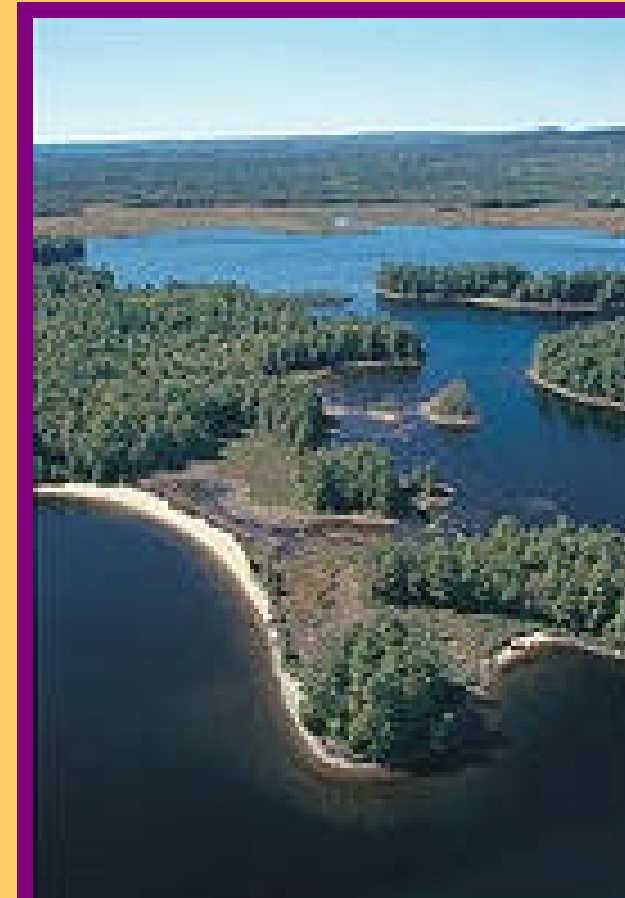
Public access: everything that Attean included plus: permanent **pedestrian access for hunting, fishing, cross country skiing, snowmobiling on identified trails; vehicle access on property on identified main arteries**

**State establishes camp sites**

Silent on ATVs

*Public funds*

**Trust for Public Land - Maine Coast Heritage Trust  
- State of Maine - Forest Society of Maine**



# St. John River

1998

185,000 acres

## Fee acquisition

*“First, I can **guarantee** the people of Maine that this land will remain open for hunting, fishing and traditional uses... “*

Kent Wommack at news conference announcing purchase.

All private funds

**The Nature Conservancy**



# Pingree

1999

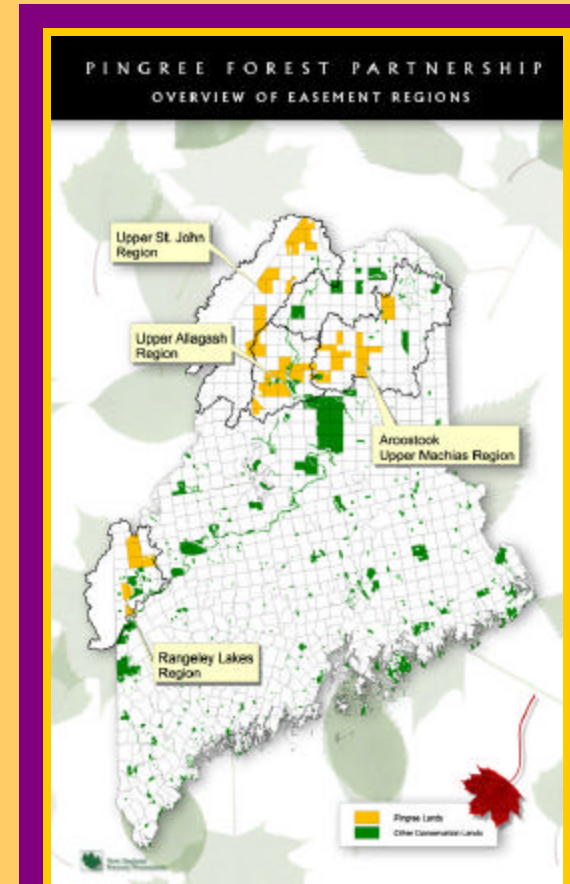
754,673 acres

Largest in country – *again*

“It is the purpose of this Easement to maintain the Property forever in its present and historic primarily undeveloped condition as a **working forest...**”

Public recreational **opportunities** on the Pingree easement lands include hunting, fishing, camping, hiking, boating, mountain biking, snowmobiling and even automobile racing. Currently, the tourism activity on these lands sustains more than 325 direct recreation and tourism jobs. Subject to logging safety, seasonal road considerations or specific requests from State of Maine biologists, *all Pingree easement lands are available for public use.*

**New England Forestry Foundation**



# West Branch

2003

282,000 acres

47,000 acres

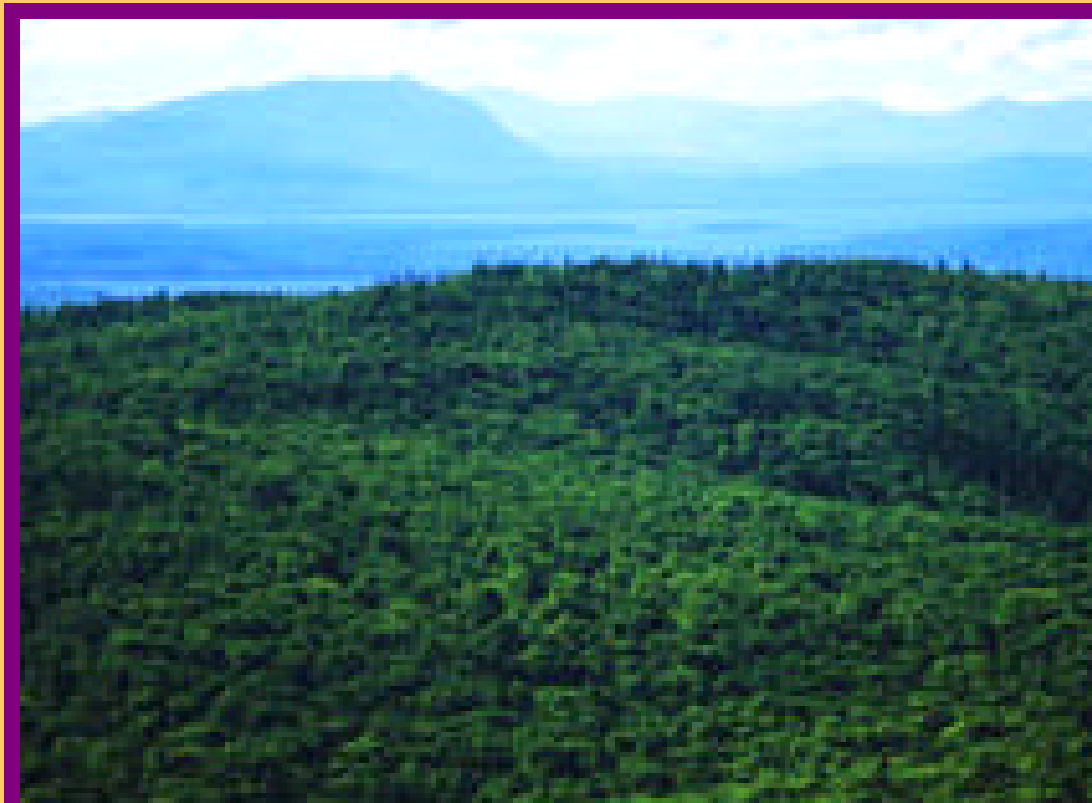
Public access: pedestrian access for hunting, fishing, cross country skiing, **snowmobiling on identified trails; motorized access on property on identified main arteries - whatever vehicle access owned by landowner to site included** (but there are no public roads)

Silent on ATVs

**Landowner reserves right to close land to public if Maine alters Landowner Liability protections/** mechanism kicks in to seek resolution.

Public Access management planning stakeholder process in progress.

**Forest Society of Maine**



# Leavitt Plantation

2003

8,600 acres

Sustainable forestry; Intact forest

Public access: permanent pedestrian access for hunting, fishing, cross country skiing, dog sledding, hiking etc.

Silent on snowmobiles, ATVs

**Goal was to adhere to evolving LMF public access standards**

Public and private funds

**The Nature Conservancy  
– State of Maine**



# Katahdin Forest

2002

195,000 acres

41,000 acres

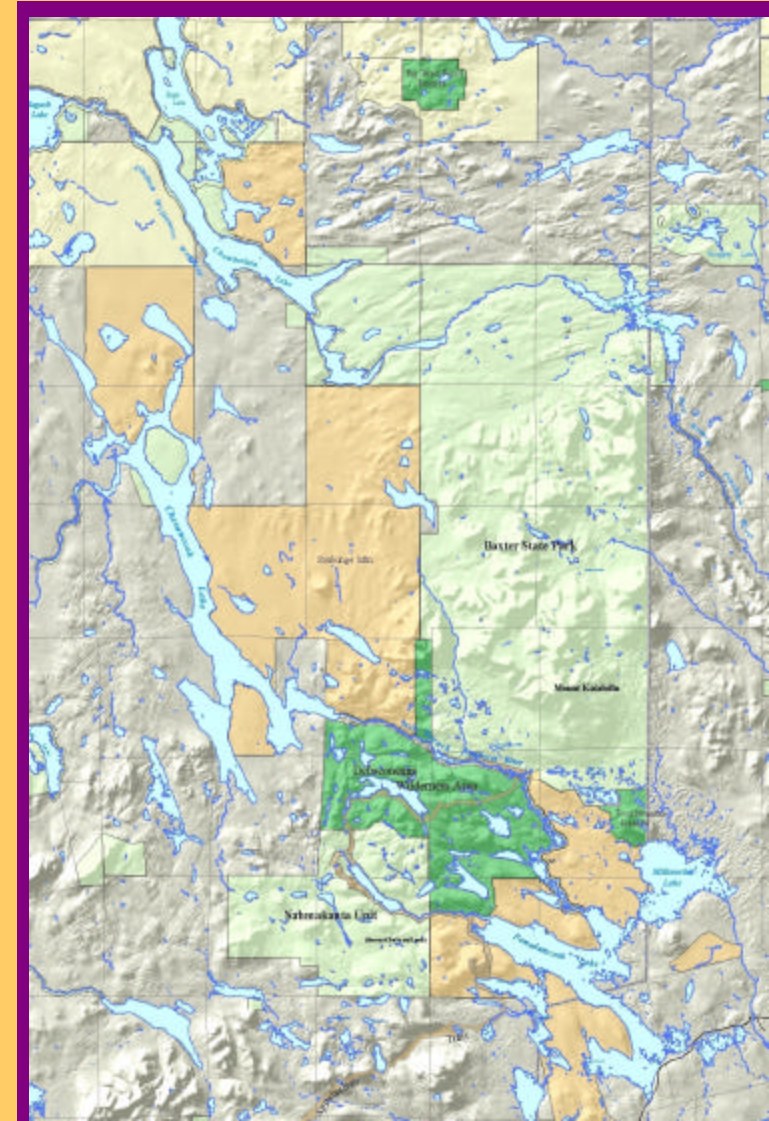
Sustainable forestry; Intact forest (commercial uses limited to forestry, with exception for Maine guides and outfitters); ten additional recreational structures

Public access: permanent pedestrian access for hunting, fishing, cross country skiing, dog sledding, hiking – **vehicle access guaranteed on landowner roads to and on property.**

Silent on snowmobiles, ATVs

**First easement to meet LMF public access standards**

The Nature Conservancy



# Downeast Partnership

200? 312,000 acres  
27,000 acres

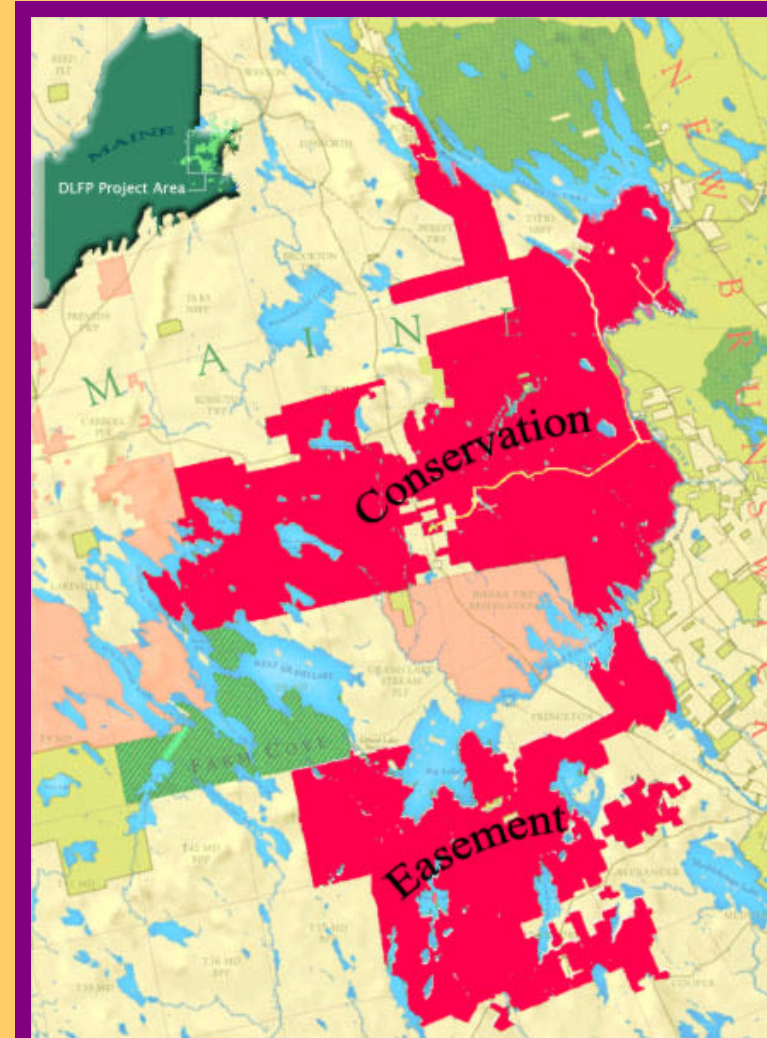
Conservation easement terms still under negotiation – expectation is that they will be similar to West Branch – all traditional uses including snowmobiles – grant of motorized access

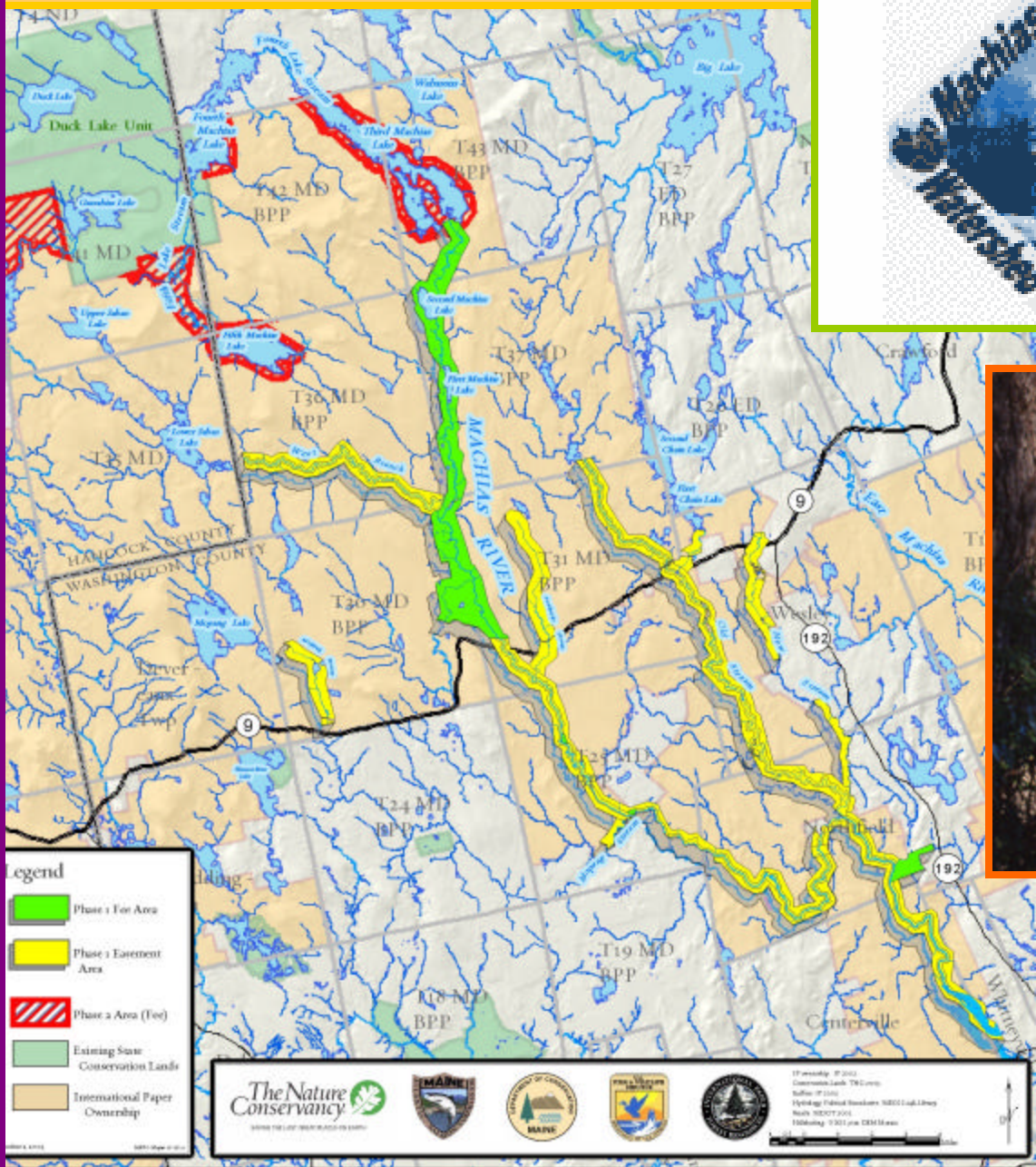
Likely to include Landowner Liability clause as well

ATV access on some fee lands

*In progress*

**Downeast Lakes Land Trust –  
New England Forestry Foundation**





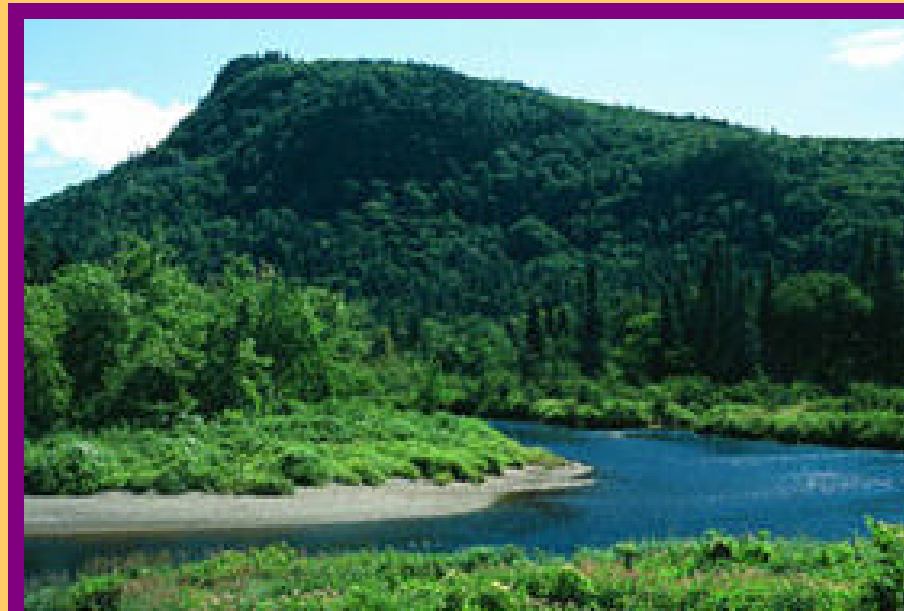
**Machias River**



**The Machias River Watershed Council  
Project SHARE  
Washington County Soil & Water  
Conservation District  
Maine Department of Conservation  
U.S. Fish & Wildlife Service  
Local ATV & snowmobile clubs**

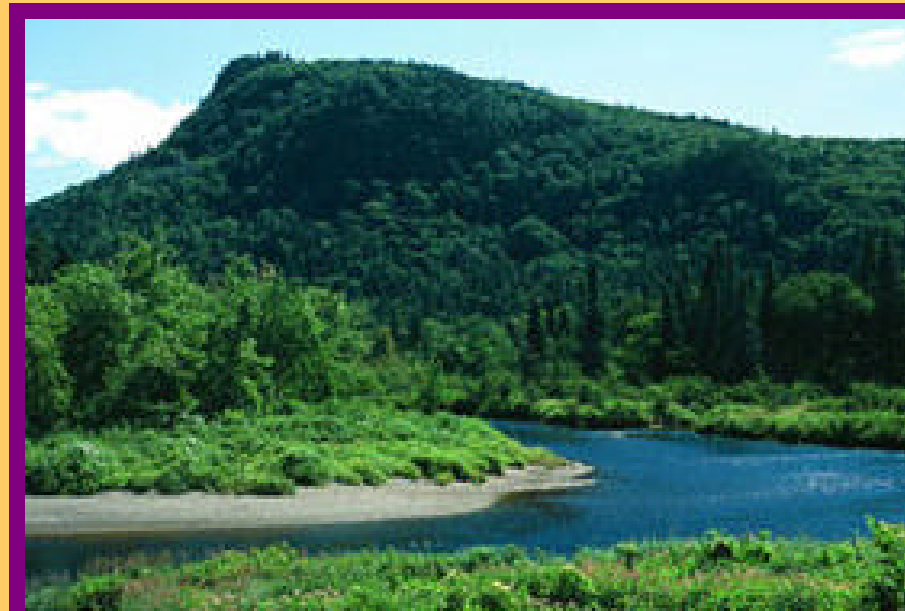
**Machias River**

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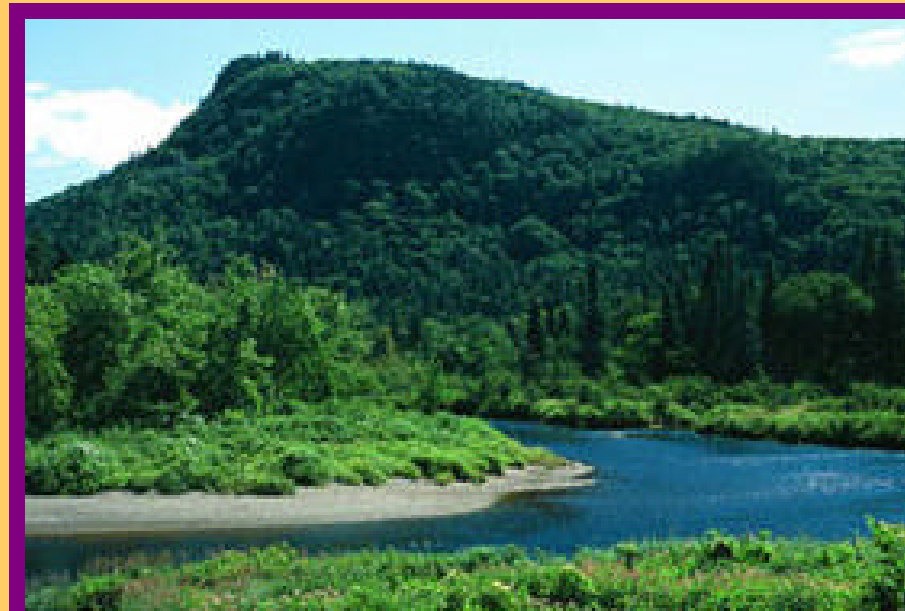
***Willingness to offer motorized use increases when users have a demonstrated record of respect for property***



*Not everyone wants to offer legal right for public access – even when they already generously welcome public use on their lands*

*Willingness to offer motorized use increases with demonstrated record of users to respect property*

***Faith in Maine's  
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shoring up***

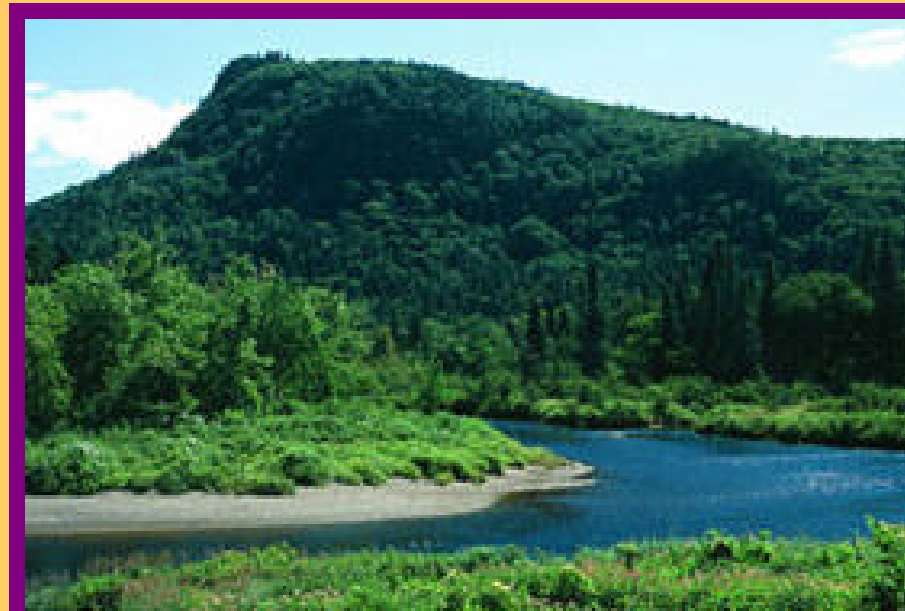


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*Faith in Maine's Landowner Liability protections needs shoring up*

***LMF funding provides leverage for public access***





Public access issues are complicated in Maine. Maine law, in the form of the Great Ponds Act, allows public access across undeveloped private land to all lakes and ponds greater than ten acres in size. There are numerous lakes and ponds in this proposed easement larger than 10 acres in size. However, the Pingree family was concerned about the future ramifications of incorporating public access into the Easement. Such a provision might entail obligations to provide access across other privately owned lands, since there are no public roads leading into the area. Furthermore, NEFF didn't want to buy public access, since our primary purpose was to protect the land by purchasing the development rights. Therefore, the document as written does not guarantee public access to the land.

At the same time, the Pingree family didn't want anything in the Easement to extinguish the current public recreational use of the lands, including hunting, fishing, camping, hiking, boating, snowmobiling, etc. Therefore, public recreation was incorporated into the purpose section of the document, which assures that "historic public recreation opportunities" will be maintained or enhanced. In recent years, the Pingree lands have seen about 90,000 visitor-days each year.

A conservation easement is a legally recorded agreement by which landowners and qualified organizations in which the landowner voluntarily restricts how their property may be used or changed. Landowners have many reasons for choosing to do this,

including

Preserving open space on minimally developed land.

Protecting wildlife and natural resources

Keeping land within the family

For the HHLT to accept and hold an easement, there must be an identifiable public benefit.

While public access is often highly desirable (and a great benefit for the community), it is not required as part of an easement.

Landowners retain all rights they have not specifically given up, including the right to sell their property. The easement protections, however, are permanent and apply to all future owners

