



Oceanside Conservation Trust of Casco Bay
P.O. Box 10404
Portland, Maine 04104

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Oceanside Conservation Trust of Casco Bay

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DEALING WITH DISASTER

THE PATRIOT’S DAY STORM:

This storm caused significant damage to the forest on Long Island. Immediately evident was the large number of downed and leaning trees; less obvious was the damage done to the majority of the trees, particularly the red spruce. Extended and severe rocking and shaking in the saturated soils made it possible to put one’s hand under the major roots of many of the standing trees. According to Rene D. Noel, Jr., American Certified Forester of Southern Maine Forestry Services, the survival time of these damaged 80 – 100 year old red spruces has been reduced to a few years. Essentially, they are uprooted and still standing ... until the next major storm. Noel recommended the removal of the red spruces. The Maine Forest Service concluded, after both ground and aerial inspections, that the downed trees and branches significantly increased the risk of forest fire on Long Island. The Town of Long Island Fire Chief, Dickie Clarke, declared the damage a fire hazard. The Town of Long Island applied for and received a grant from the Federal Emergency Management Agency (FEMA) to help pay a logging company to remove and process the damaged trees. The work began in July ... and so did the debate.

HARD CHOICES:

Among the many private and town-owned properties damaged was Wreck Cove, an 11.3 acre forest owned by Town of Long Island and managed under a conservation easement held by Oceanside Conservation Trust. The Town of Long Island sought guidance from OCT to determine the appropriate response to the disaster on conservation land. Several OCT board members visited the Wreck Cove property with Rene D. Noel, Jr. and Michael Lingley, the town’s manager for the FEMA/TOLI Patriot’s Day Storm Clean-up Project. The Town of Long Island and its fire chief urged OCT to allow an extensive clean-up using the already approved FEMA grant. At a special meeting of Oceanside’s board on September 11, directors explored the impact the removal of damaged and fallen trees would have on habitats, soil, and ecosystems.



OPPOSING VIEWPOINTS:

Everyone knew we faced a huge challenge. Several board members favored a minimalist approach of removing only what ...continued on page 2

WRECK COVE

DESCRIPTION & IMPORTANCE

The Wreck Cove Conservation Property, preserved by the voters of the Town of Long Island, has a rich diversity of habitats which makes this 11.3 acres an important resource for wildlife and recreation. Located on the southwestern shore of the island, it contains a mature forest, scattered wetlands, a seasonal stream, and an alder marsh which abuts a nearly 400 foot section of rock and cobble beach. A significant cattail marsh exists in the area behind the high rocky berm at the southern edge of the property.

The varying habitats of the Wreck Cove Conservation Property provide many niches for both resident and migratory wildlife. A diversity of insects, amphibians, mammals, and birds can be found in this relatively small area. The intact forest is of special importance to migratory birds. During the spring and fall migration, the Maine coast and especially its islands serve as an important refuge for neotropical migrants. Neotropical migrants breed in the United States and Canada and winter in Central America, South America and the Caribbean. These birds migrate mostly at night over the ocean and seek shelter and food during the day. Many species of neotropical migrants are experiencing population declines because loss of habitat including their migration stopovers.

The Wreck Cove Property offers limited ocean views toward Overset Island and Cape Elizabeth. From the waters off the southeastern corner of the island, Wreck Cove presents a bold, rocky and wooded shoreline with

...continued on page 3

was deemed essential for reducing the fire hazard; others favored a more aggressive approach involving extensive intervention to remove downed, precariously leaning, and partially uprooted trees, as well as related debris.

Minimalists view forest management as human intervention into a natural habitat which is altered to satisfy human needs. They prefer to allow forests to live and die, and hopefully regenerate, through a more natural process – even if severe weather causes serious destruction. At what point does forest management, despite good intentions, become so intrusive that it results in an engineered environment? A forest replanted with alternative plant species which are not native may become less hospitable to native animal species.

Board members favoring proactive forest management argued that the problems of a single age stand of trees began in the 19th century or earlier when our ancestors cleared the land for farming, grazing, and active forestry (logging and woodlot), and then abandoned it to “nature.” They viewed the current situation as an opportunity to create a forest with trees of diverse ages and species. The single species, single age, overage stand of trees at Wreck Cove is vulnerable to catastrophic damage and climate change. Isn’t it our responsibility as stewards of the land to do our thoughtful best for the long term health of the forests?

Whether individually we are proactive or minimalist, OCT is the conservation voice in this debate. Letting nature take its course may limit recreation and public access to the property and create a potential fire hazard and other possible future problems for the Town. What should be the priority, a natural ecosystem or human use and safety?

THE VOTE:

In the end, Oceanside voted, as requested by the Town of Long Island, to allow the cutting and removal of downed and standing damaged trees in the two areas of Wreck Cove which sustained the greatest blow-down from the storm. We asked the owners to leave as many limbs and “safely down” trees on the forest floor as prudent for fire safety. No cutting was allowed between the stone wall and the Cove, nor in the younger spruce and fir forest. The wetland area was preserved.

DID WE DO THE RIGHT THING?

In our lifetime we may never know the answer to this question. Our actions and decisions are human intervention, and they affect Nature in much the same way as the actions of earlier settlers on the property. However, Oceanside Conservation Trust has a responsibility to protect the conservation values of this land. The right choice for the forest at Wreck Cove is not necessarily the easiest, most convenient, most efficient, or most

cost-effective choice. Even if every tree we left standing falls down in the next windstorm, it doesn’t mean we made the wrong choice. The land is still preserved and protected, but only time will reveal the future of the Wreck Cove forest.

HINDSIGHT:

Oceanside’s first experience in dealing with a disaster of this magnitude on conservation land was difficult. What did we learn?

- **Be proactive. Get in discussions and debates early with owners and experts.**
- **Be prepared. Have baseline data ready and available.**
- **Provide and consult independent experts. There will be legitimate differences of professional opinions on any issue. We need to hire independent experts and listen to their counsel.**
- **Take the time needed to make and be comfortable with our decisions. Our responsibility to protect Wreck Cove or any of our conservation properties is too important to be rushed.**

Oceanside will work to be ready for Nature’s next challenge.



Wreck Cove

Oceanside welcomes your comments.

*Oceanside Conservation Trust
at Portland North
Land Trust Collaborative*

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Oceanside Conservation Trust of Casco Bay

**Board of Directors
2007-2008**

| | | |
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| Brenda Buchanan, Vice-President..... | 766-4403 | Peaks Island |
| Jane Laughlin, Secretary..... | 799-9285 | Great Diamond Island |
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| John Whitman..... | 766-2211 | Peaks Island |

MISSION STATEMENT

The mission of Oceanside Conservation Trust of Casco Bay is to facilitate the conservation of wild or undeveloped open space, scenic areas, and historic landmarks in the Casco Bay region and to foster low-impact and respectful access to these resources, as well as to enhance the cultural, economic, and civic well-being of residents and visitors. The Trust may acquire, hold, and transfer interests in land, including easements, in order to accomplish this mission and to assure that a diversity of ecosystems will be available to future generations. In addition, the Trust may hold charitable, cultural, and educational activities for the benefit of residents and visitors. (Adopted 10/24/96)

VISION STATEMENT

stewardship and land management, Oceanside Conservation Trust of Casco Bay will become a leader in coordinating and facilitating land conservation efforts among individuals, island organizations, and land trusts in Casco Bay.



Oceanside Conservation Trust of Casco Bay



| Property | Location | Owner | Date Acquired | Approximate Size |
|--------------------------------------|------------------------|---|---------------|------------------|
| Fowler’s Beach | Town of Long Island | Long Island Civic Association | 5/25/1987 | 6.38 acres |
| The Bluffs | Cliff Island, Portland | Robert & Josephine Belknap, Tenants in Common | 12/26/1989 | 18 acres |
| Daveis Sanctuary | Peaks Island, Portland | OCT | 5/14/1994 | 6.8 acres |
| College Island | Town of Long Island | OCT | 9/7/1994 | 1 acre |
| Battery Steele | Peaks Island, Portland | Peaks Island Land Preserve | 7/28/1995 | 14.3 acres |
| North Point | Cliff Island, Portland | Helen W. Kenefick | 12/1997 | 9 acres |
| ACE Ballfield | Cliff Island, Portland | Cliff Island Corporation for Athletics & Conservation Education | 1/31/2000 | 15.4 acres |
| Griffin’s Cove | Cliff Island, Portland | Cliff Island Corporation for Athletics & Conservation Education | 12/22/2000 | .75 acres |
| Everett & Mildred D. Skillings Woods | Peaks Island, Portland | OCT | 2001 | 2 acres |
| Wreck Cove | Town of Long Island | Town of Long Island | 7/29/2004 | 11.3 acres |
| Echo Pond | Peaks Island, Portland | OCT | 04/2005 | .4 acres |
| Memorial Woods | Little Diamond Island | Little Diamond Island Association | 09/2006 | .5 acres |

In addition, OCT has a cooperative role in the protection of Cow Island, Stockman’s Island, and Rose’s Point, Chebeague Island.

DEALING WITH DISASTER: *the Reality*



Approximately two-thirds of Wreck Cove Conservation Lands remains in its natural state after the damage from the Patriot's Day storm.



Nurse trees are moss-covered fallen trees from which new forest growth springs. As they decay, they nurture new growth and provide habitat for insects, amphibians, and other animals.



Although OCT agreed to have this logging done, we have tried to save a number of trees. Only time will tell if these trees will survive now that they stand alone in the newly cleared forest.



Although this mature tree like many others was marked to be cut, collaborative decisions made on site allowed this one to remain standing. A new tree grows at its base.



Although OCT voted to allow a significant degree of cutting, Mark Greene (pictured), Chris McDuffie, and Mike Johnson need to monitor the situation to prevent unnecessary removal of trees. These Long Islanders spent countless hours making the hard decisions on site.



Project co-ordinator Michael J. Lingley (pictured) and forester Rene Noel recommended the complete removal of all damaged trees from the island. They worked with OCT to ensure that some mixed age stands of trees remain in the heavily damaged areas.



Many pieces of heavy equipment, including a "feller-buncher," were barged to Long Island. Skidders, trucks, and other heavy equipment cause damage to the forest floor. Roads had to be cut across Wreck Cove forest for the equipment to be used on site.



OCT director Priscilla Doucette points out that even in a clear-cut area, new trees have survived.



The debris from all of Long Island needed to be trucked to one central location for processing and shipment to be recycled into three different products. Saw logs go to a mill in Canada for processing into lumber. Pulp logs go to a paper mill in Bucksport. Wood chips from old logs go to biomass mills to be burned to make electricity. Some hardwood trees have been set aside for residents of Long Island who heat their homes with wood.



ANNUAL MEETING and 25th ANNIVERSARY Celebration July 18th, 2007 *Cruise around Oceanside properties*



EXCERPTS FROM KEYNOTE SPEECH “ALLIGATORS OR ICEBERGS IN CASCO BAY” DRS. MARK GREEN AND JEANNE GULNICK

Casco Bay, an estuary that encompasses about 200 square miles, extends from Cape Small to Cape Elizabeth. It is home to a rich and diverse ecological community which includes 150 different species of waterbirds, 33 species of shorebirds, harbor seals, migrating whales, porpoises and dolphins, a large number of commercially and recreationally important fish and shellfish species, and important eelgrass habitat. The fisheries industry in Casco Bay is worth an estimated \$120 million per year and the recreation and tourism value of the bay is over \$250 million annually. Casco Bay is certainly a resource worth protecting.

However, due to the boom of the industrialized economy, by the mid- nineteenth century, parts of Casco Bay were an open sewer and the Presumpscot River had no measurable levels of oxygen.

The Clean Water Act of the 1970s began the path to protection of the Bay, mandating treatment of “point sources” of pollution to the Bay including sewage and industrial effluent. In 1987 the EPA identified Casco Bay as an estuary of “national significance.” As part of the National Estuaries Program, a protection plan has evolved for the bay.

To adequately protect this wealth, we must focus our efforts on the entire watershed—the 985 square miles of land extending as far north as Bethel that drains into the bay. Although the watershed is only 3% of Maine’s land area, it holds 25% of the state’s population. While the population of Portland and South Portland has remained relatively constant for the past 30 years, much growth and associated development has occurred in the “bedroom” communities. This development has increased impervious surfaces which now cover about 5.9% of the Casco Bay watershed. Largely due to the increase in non-point sources of pollution, impervious surfaces cause environmental deterioration of the streams and rivers flowing into Casco Bay. We are at a critical point because it is estimated that when the amount of impervious surface exceeds 6-10% of the overall watershed area, the ability of streams within that watershed to support aquatic ecological communities becomes compromised.

Other less obvious factors threaten the health of our Bay. Increased atmospheric levels of greenhouse gases are causing our planet to warm at rates unprecedented in Earth’s geologic history. This warming may have dire

WRECK COVE CONSERVATION PROPERTY...Continued from Page 1

maturing spruce-fir and mixed northern hardwoods forest. The Wreck Cove shore area is traditionally used by islanders as a remote picnic area for beachcombing and surf watching. It is one of few places on the island that is exposed to swells from the open ocean. This exposure has created a steep cobble beach and rocky intertidal zone with tide pools, beds of kelp and Irish moss, and many invertebrate and fish species. The high, wave-built cobble berm is the prominent beach feature. The upper part of the berm supports some rosa rugosa, bayberry, and poison ivy. The name Wreck Cove may reflect the large amount of debris, including logs, timbers, seaweed, fishing gear, and all manner of other detritus that washes ashore.

To the northwest behind the steep beach is a border of scrub shrubbery and emergent wetland. The dominant shrubs in these wetlands are speckled alder, winterberry, and arrowwood, and in the emergent wetland are common cattail and black-grass. Two upland forest types are found on the property. One is a mixed forest with red maple, balsam fir, yellow birch, and red spruce located north of the scrub-shrub wetland. The other is a mature softwood forest dominated by eighty to hundred year old red spruce with scattered balsam fir. The central portion of the property is divided by a forested wetland drainage that becomes a perennial stream west of the property. This is one of the few streams located on Long Island. Trees in the forested wetland include red maple, yellow birch and balsam fir. Sensitive fern, cinnamon fern, wild calla and patches of sphagnum moss grow on the forest floor. The land immediately back from the shore and berm is mostly stunted red maple, balsam fir, and alders with much standing water. Further inland, mature spruce and fir woods are interspersed with a mix of northern hardwoods including red maple, white and yellow birch, beech, and red oak. Many of the red oak and red maple are perhaps 100 or more years old. There is a fine example of a beech stand (near the footpath) on a higher, dryer rocky area in this larger deciduous forest area. The majority of the larger balsam firs are dying, as is the case along much of the Maine coast. Deer damage is evident to much of the balsam fir seedling stock. Extensive alder swamps along the access path are interspersed with winterberry, old high bush blueberry, and bayberry.

Sadly, the Patriot’s Day Storm of April 2007 caused significant blow down damage to many of the trees in the forested areas of the property. The softwood forest received the most damage as the prolonged winds and saturated ground conditions caused several blow downs. As of the first of November, logging has been completed on Long Island. On the Wreck Cove property, the lower third of the land closest to the beach has not been touched. The middle third of the forest suffered the most storm damage and has been almost completely. The upper third of the property saw minimal cutting and removal of trees. It was in this section that OCT board



November clean-up at Peaks Island

PEAKS ISLAND UPDATE

Battery Steele had minimal storm-related damage. Its location protected it from the howling easterly wind. The deciduous trees surrounding the Battery were able to withstand the gale.

The Daveis Sanctuary was another story. Its location at the northeasterly point of the island and its landscape of shallowly-rooted spruce added up to significant damage.

Shortly after the storm, board members inventoried the damage and made an action plan that prioritized the clean up with a focus on eliminating danger from leaning trees. Peaks Island arborist Stan Newell and his crew spent a week working at Daveis. They cut down leaners, cut free some tangles of uprooted large spruces and then limbed what was on the ground.

OCT has spent \$5,200 on this project.

The summer’s dry conditions stymied plans for a supervised burn of brush on the shoreline, leaving haul-out as the only option. On a very hot and humid morning in early August, a small but diligent



Summer clean-up at Peaks Island

volunteer work crew moved a considerable amount of brush from the northerly edge of the preserve to Reed Avenue. Tremendous assistance was provided by A.J. Alves, who used his four-wheeler to pull trailer-loads of brush up to the road. Helping out were Dick Reed, John Whitman, Stephanie Weaver and Brenda Buchanan. Stan Newell then chipped that brush to eliminate the fire danger. OCT spent \$5,200 on this project.

On November 10th, a crew of eight OCT board members and more than twenty Peaks Island volunteers of all ages worked to move the remaining brush and wood onto the northernmost beach for a supervised burn.

EXCERPTS FROM KEYNOTE SPEECH

consequences for Casco Bay. How the ecological community will respond to this is unknown. An increase in water temperature may increase the susceptibility of lobster to the pathogen that causes lobster shell disease, a disease that has decimated the lobster industry in southern New England. Loss of wetlands and important productive habitats are likely consequences of a warmer planet. Sea level rise from melting ice caps and increased ocean temperature would ordinarily cause wetlands to migrate inland. However, the steep slope that is characteristic of Casco Bay would prevent new wetlands from forming. Not only are wetlands important habitat, but they perform important ecosystem services, filtering run-off from the land and buffering the coast from storm action.



Speaker Dr. Mark Green



Speaker Dr. Jeanne Gulnick

What can we do to ensure that future generations can enjoy a Casco Bay of similar quality to that which we have? Land conservation is essential for a healthy watershed and a healthy bay. We must alleviate the non-point sources of pollution. Global warming is a much more difficult problem to solve. The fact that what happens halfway around the world can influence our local habitat is mind boggling. Each morning as we commute from our home on Peaks Island to

work on the mainland, the magic of Casco Bay captivates us. The morning light on the water, the fragrant bouquet of the fog, the lobsterman pulling his traps and the seal diving for some mackerel make us joyous that Casco Bay is our home. We hope to be able to share this glorious resource with our children as they grow up, but exactly what the future holds for Casco Bay is uncertain.

PORTLAND NORTH UPDATE

The Portland North Land Trust Collaborative has had a very eventful and successful summer and fall. As we enter our 11th month of partnership, our systems of communication, facilitation, and collaboration are becoming more clearly defined and efficient. Falmouth Land Trust, Chebeague & Cumberland Land Trust, and Oceanside are still committed to collaboration and further development of new ideas.

The Collaborative has received three grants to continue the work of administrative streamlining and conservation. The Davis Conservation Foundation awarded a second grant towards general operating expenses. A grant from the Maine Community Foundation will fund the creation of an Information Management System, a comprehensive database to collect and efficiently manage the membership information of all three trusts. And the Maine Coast Protection Initiative, a program of the Land Trust Alliance, is funding a Capacity Building Support project. This project will be facilitated by consultant Carol Wishcamper and will look at the Collaborative's potential for expanding programs and properties. The Collaborative is very thankful to all of these trusts for their vote of confidence and generous funding.

The Collaborative held its first annual Family Field Day in late September. Board members and their families explored the Blackstrap Hill Preserve in Falmouth. Members hiked a beautiful loop through the preserve which followed a stream bed in the diverse forest and passed the site of a significant vernal pool. Alan Donald, the Preserve Steward, led the hike and thoroughly entertained and taught children and adults about the natural history of the forest. The whole group then met at the home of Sean Mahoney, FLT board member, for cider pressing and fun. Sean's property is on the Presumpscot River and is protected with an FLT easement.

AN IMPORTANT STEP FORWARD FOR MAINE'S LAND CONSERVATION COMMUNITY

"Forever is a long time," said Rep. John Piotti, D-Unity. Piotti is part of a group of state officials and conservationists who were concerned about the longevity of conservation easements and what would happen if private contracts are neglected over time or ignored by future landowners. The result of the group's concerns is new legislation which includes the first statewide listing of private easements, more public oversight, and new legal guidelines for enforcing easements after the original parties are no longer around. Maine has pioneered the use of conservation easements, especially those that protect working forests. The 763,000 acre conservation easement signed in 2001 on Pingree family timberlands across northern and western Maine remains the single largest private conservation agreement in the nation. Maine has approximately 100 land trusts. The new legislation is not a result of an increase in easement violations or of any major abuse; its purpose is to ensure that easements remain a trustworthy conservation tool far into the future.

The Maine Legislature amended the Maine Conservation Easement Act (MCEA), effective September 20, 2007. The intent behind the changes was to strengthen Maine's conservation easement act – providing further assurance that conservation easements continue to provide the public benefits they are written to secure. The legislative changes that were accepted and incorporated into law include:

► *Establishment of a Conservation Easement Registry at the State Planning Office. All holders of conservation easements in Maine will report to the State Planning Office the book and page number at the registry of deeds for each easement they hold, the town in which the easement is located, the approximate acreage protected, and other information. The SPO will maintain records and report any failures to comply to the Attorney General. The AG's office will thus be better able to exercise its existing role of supervising charitable organizations' assets when they cease to exist, and ensuring that a conservation easement isn't orphaned.*

► *Requirement that a conservation easement executed on or after September 20, 2007 state explicitly its conservation purposes, the conservation attributes intended for protection, and the benefit to the general public intended to be served by the easement.*

► *Requirement that the holder of an easement abides by a minimum monitoring obligation of at least every three years and retains a monitoring report in its permanent records.*

► *Clarification of existing law to state that a conservation easement cannot be extinguished by the acquisition of the land for tax delinquency. The conservation easement will survive a property tax foreclosure.*

► *Clarification that the Attorney General may initiate a lawsuit regarding a conservation easement. This ensures that the AG may prevent wrongful termination of easements and may represent the public interest in conservation in a dispute regarding a conservation easement.*

► *Provision that an easement cannot be terminated or amended in such a way as to materially detract from the conservation values intended for protection without prior approval of a court, in an action in which the AG is made a party. The intent of this provision is to prevent the loss of public benefit intended to be served by the easement.*

► *Provision for confidentiality of records acquired by the AG that would otherwise not be subject to public disclosure.*

► *Confirmation that no comparative economic test will be used to determine if a conservation easement is in the public interest or serves a publicly beneficial conservation purpose.*

LEARN MORE ONLINE

For information on the Maine Department of Conservation: www.maine.gov/doc/

For more information on conservation easements: www.tinyurl.com/9o25w

Maine Land Trust Network www.mltm.org

Maine Coast Heritage Trust www.mcht.org

The Trust for Public Land www.tpl.org

THANKS GIVING TIME

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Owner: Dave White

On behalf of Oceanside Conservation Trust of Casco Bay, newsletter editors Priscilla Doucette and Jane Laughlin express thanks and gratitude to Bayside Print Services for their professional, patient, and friendly service.

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