



REGIONAL MAP

LEGEND

→ Views from Roadways

⊗ Bald Eagle Nests

△ Mountain View

⚓ Boat Launch

▨ Mainland

▩ Islands

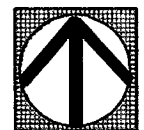
▤ ANP Lands

■ Conserved Lands

■ ANP Easements

▨ LONG ISLAND

Acadia National Park
National Park Service



Tim Case
College of the
Atlantic
1993

Long Island
Proposed Conservation Easement



ACADIA
National Park • Maine

United States Department of the Interior • National Park Service

Cover:

An aerial view captures the entirety of Long Island's 4,560 acres and 13 miles of shoreline, illustrating the magnitude and undeveloped character of the island. The southern tip of the Blue Hill Peninsula appears at the upper right, with islands of the Acadian archipelago beyond. *Chirs Ayers photo, 1992*

Long Island
Proposed Conservation Easement

September 1993

ACADIA

National Park • Maine

EXECUTIVE SUMMARY

Long Island in Blue Hill Bay, Maine, is a large (4,560 acres), essentially undeveloped coastal island. It is the largest primarily undeveloped Maine island that remains unconnected to the mainland by bridge or ferry. The island has significant conservation values including the largest unfragmented saltwater island habitat on the Eastern seaboard, endangered species habitat, valuable scenic resources, and recreational opportunities.

Long Island's features are outstanding and of significance on a local, state, and national level. Collectively, these features put the island in a class of its own; when combined with the current threat of development, they make Long Island the top priority for land conservation in coastal Maine and Acadia National Park.

Long Island's sheer size and unfragmented nature are an unlikely combination, given the island's proximate location to some of the East Coast's most desirable seasonal communities and New England's only national park. Long Island has survived intact due in large part to the Florian family's ownership of 95% of the island since 1949.

A conservation easement is proposed that would maintain most of the island in a "forever wild" state. If a conservation easement is not purchased, the family will likely implement plans to subdivide and sell their holdings. The future of the largest primarily undeveloped island along the Maine coast is clearly at a crossroads. The chance to preserve 4,350 acres on a Maine island will likely never come again.

Acadia National Park's land protection plan, derived from 1986 boundary legislation, identifies specific parcels for which fee simple title can be acquired from willing sellers. Long Island is not included. Instead, NPS has the authority to protect the island through conservation easements, either by donation or by purchase from willing sellers. NPS has determined that the purchase of a conservation easement is in the interest of the park and the public.

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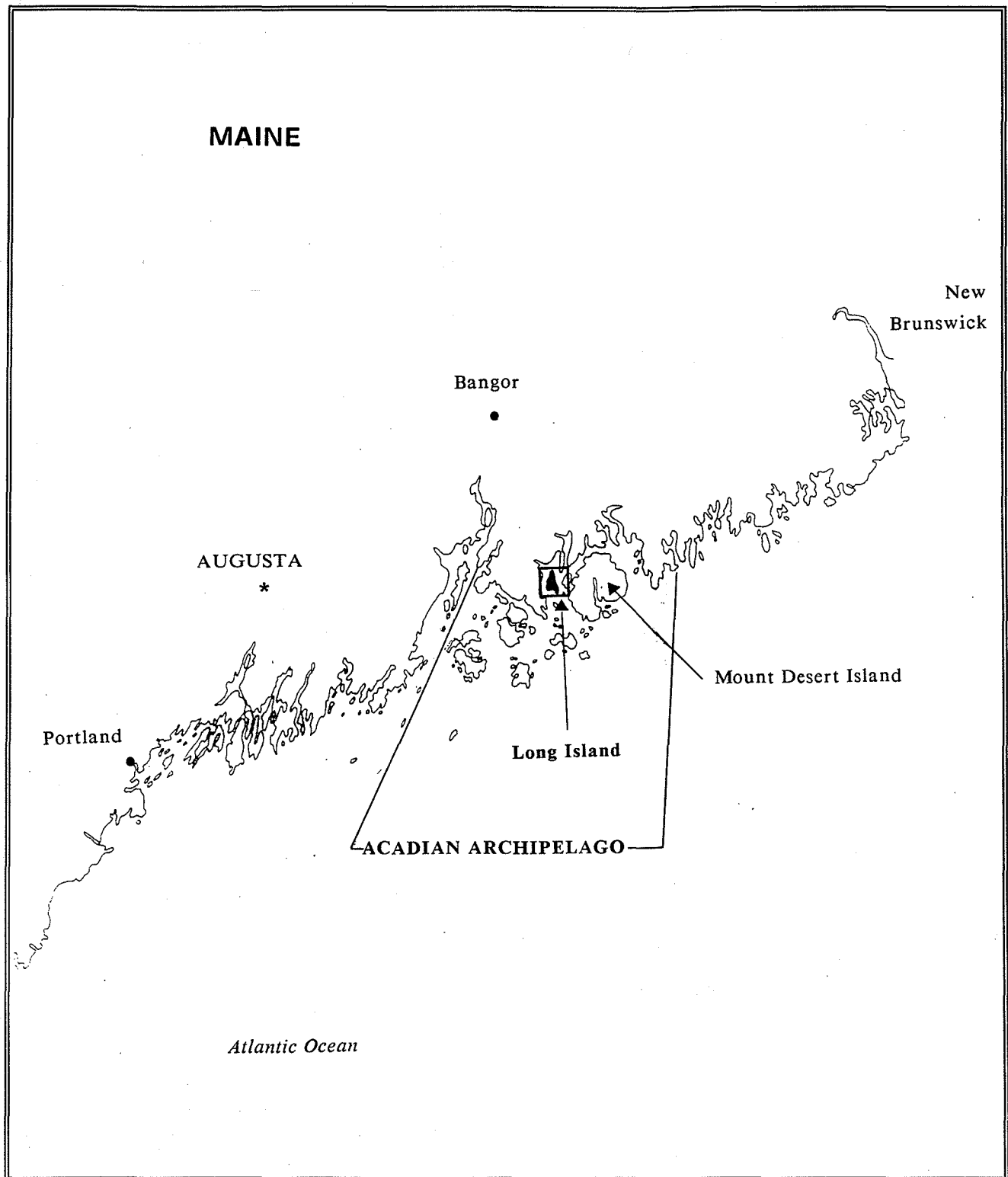
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The coast of Maine and the Acadian Archipelago, as defined by Congress in the 1986 Acadia National Park boundary legislation (Public Law 99-420), showing the location of Long Island.

BACKGROUND

Project History

The Florian family approached the National Park Service (NPS) in 1991 through Sen. George Mitchell about purchasing a conservation easement to protect their Long Island property. After discussions with family representatives NPS contracted in 1992 with Maine Coast Heritage Trust, a state-wide land trust, to document the island's natural and cultural features and recommend permanent conservation options.¹ NPS concluded that acquisition of an easement would be appropriate and, with the landowners' consent, proceeded in late 1992 to conduct title searches and an appraisal on the property.

On August 6, 1993, the Acadia National Park superintendent and the family agreed to a conservation easement that will preserve 4,200 acres in a "forever wild" state, and will limit residential development on approximately 150 additional acres. Allowed residential use will be limited by restrictions to preserve the conservation values of the island.

Private conservation organizations have attempted in past years to negotiate protection of the Florian property on Long Island. A mid-1970's effort failed when a purchase price could not be agreed upon; in the 1980's, a proposed donation of a conservation easement stalled because the landowners simply could not afford to give away the value that an easement would have represented. The current proposal of a purchased easement by NPS balances the landowners' needs with the conservation interests of the public.

Acadia National Park Conservation Easement Program

Encompassing the most spectacular part of the Maine coast, Acadia National Park preserves significant natural and cultural resources and is an increasingly popular recreational resource. The only national park in New England, Acadia is a mixture of scenic panoramas, coastal mountains, bold cliffs, cobble beaches, unusual flora and fauna, and cultural features. Acadia is unusual among parks in that it is an archipelago; hundreds of our nation's most exceptional islands lie within its jurisdiction.

Long Island features prominently in the Acadian archipelago, lying west of and adjacent to Mount Desert Island in Hancock County. Congress defined the archipelago in the park's 1986 boundary legislation (PL 99-420; Appendix B) as the islands of Hancock County and some of those of Knox County.

Acadia National Park administers 150 conservation easements that protect some of the most important island resources of the Acadian archipelago. These easements, which protect 6,300 acres and include 54 entire islands, reflect Acadia's evolution as a National Park and give it yet another distinction. It is the country's leading National Park with respect to use of the easement as a conservation tool. The largest entire island currently protected by park conservation easements is 800-acre Ironbound Island in Frenchman Bay.

¹ This document is based on the work by Maine Coast Heritage Trust for the National Park Service.



The mountains of Acadia National Park rise above a cobble beach on Long Island's eastern shore. Bartlett Island, protected by conservation easement, is at the left.

Congress established criteria for NPS to use in considering the acquisition of conservation easements at Acadia (PL 99-420) and the basic restrictions to be embodied within Acadia National Park easements. The proposed Long Island conservation easement meets all of those criteria and applicable restrictions. The five goals of the park's conservation easement program, based on the legislated criteria, are to:

- protect important ecologic resources,
- protect important scenic resources,
- protect important cultural resources, including historic and archeological resources,
- protect important island shorefront by preserving the open, natural, or traditional appearance of the shore when viewed from the water or other public viewpoints, and
- protect important entire islands by preserving the natural qualities and traditional, resource-based land use of largely undeveloped entire islands.

Public Support for the Conservation of Long Island

The 3,500 islands along the Maine coast are a resource of inestimable value. Their scenic beauty is exceeded only by their great diversity of natural ecosystems. The

people of Maine support island conservation and recognize the value of the precious few large islands that remain primarily undeveloped.

Long Island has captured the interest of public agencies in Maine. The U.S. Fish and Wildlife Service has identified the Maine islands as a preservation priority because of their outstanding ecological value. Prior to the 1986 ANP boundary legislation, the National Park Service considered acquiring the island outright. This concept was supported by the State of Maine, which, in a 1978 report, recommended NPS consider acquisition and development of Long Island for resource protection and recreational use. The State's interest in protecting this unique island continues today, although it lacks funding for new land protection initiatives (Appendix A).

Long Island, lying within the Town of Blue Hill, is cited in the town's comprehensive plan as a "...natural area...that many in the community feel should be protected for future generations." Diverse groups—picnickers, fishermen, hunters, boaters, hikers, historians, naturalists—all value this undeveloped block of open space, its ease of access and long tradition of public use. Neighbors and fellow taxpayers are also appreciative of the positive effect the island has on the community's quality of life as well as the contribution its several thousand acres make to the local tax base. A letter of support for conservation from the town's First Selectman is contained in Appendix A.

Private property owners around Blue Hill Bay enthusiastically support protection of the environment as witnessed by the many conservation groups serving this small area. Many landowners have expressed their commitment by granting conservation easements, thereby retiring development rights that, if exercised, would adversely affect the land. As can be seen on the Regional Map a great many islands in Blue Hill Bay and the Acadian archipelago have been protected over the past two decades and remain in private ownership. The landowners who own the 5% of Long Island not held by the Florian family know of the conservation effort under discussion.

Before acquiring a conservation easement at Acadia National Park, NPS will first consult with, and provide written notification to the town in which the proposed easement land is located and to the Acadia National Park Advisory Commission. The Selectmen of the Town of Blue Hill are aware of the general nature of the negotiations and are supportive. Local press coverage has been positive (Appendix A). The members of the advisory commission and its conservation easement subcommittee have also been briefed, though no formal action has been taken.

Several regional and statewide organizations are also supportive. Maine Coast Heritage Trust, the state's primary land conservation trust, has in the past discussed various protection scenarios with the Florian family. Protection of Long Island is the Trust's top conservation priority. The current effort is endorsed by the Maine Chapter of The Nature Conservancy, Friends of Acadia, and the Blue Hill Heritage Trust (Appendix A).

No opposition to the proposal has come to the forefront. A high level of public support exists for the permanent conservation of Long Island. The magnitude of this project is nonetheless beyond the reach of the State of Maine and its conservation organizations. There is both an appropriate role and an immediate need for participation by Acadia National Park.



A popular beach at the southern end of Long Island is appreciated by many segments of the public, from naturalists and picnickers, to boaters, and sportsmen from the mainland.

Ownership

Reference to the Conservation Plan map clearly illustrates the point: The Florian family holdings represent approximately 95% of the island's 4,560 acres². R.S. Florian purchased the property in 1949 and retained undivided ownership until passing it on to his children in 1974. The 4,350 acres on the island still owned by the family today are actually split into four separate tracts, each averaging 1,000-1,100 acres. David Florian owns the southwest quadrant; Roy Florian owns the northwest quadrant; David and Roy jointly own the northeast quadrant; and Diana (Florian) Chase owns the southeast quadrant.

A total of 7 other landowners hold the remaining 245 acres on Long Island in lots ranging in size from 1/2 acre to 50 acres. These parcels are all located on the western shore of the island and most include a seasonal residence. Because of the relative size and significance of the Florian family property (and the fact that the family stepped

² An estimate of 4,560 acres is used throughout the report. It was calculated by a geographical information system based on the USGS topographic maps. Town tax maps show approximately 4,589 acres.

forward and asked to work with NPS), the other landowners have not taken part in the current negotiations, though some have expressed support for the concept proposed.

Privately-owned tracts of more than 1,000 acres are rare on Maine islands; to have four such contiguous tracts on one island, all in one family's ownership is exceptional—and provides an unprecedented opportunity for conservation.

The financial pressures for the family that holds this unique property have increased considerably in recent years. Their annual property taxes are significant, despite enrollment in the state's program for current use tax assessment. In addition, the transfer of such a valuable asset to the next generation of the family would trigger estate or gift taxes that would likely force the sale of the property.

It is clear from the variety of options that the family is exploring—which include sale of the entire property, marketing smaller shorefront lots, and conservation strategies—that ownership of Long Island is at a significant crossroads. The family's strong attachment to the land and their desire to see it remain in a substantially natural state have been enough to counter the growing financial pressures in the past; it would appear that only through purchased conservation interest in the land will this rare resource remain intact for future generations.

PROPOSED LONG ISLAND CONSERVATION EASEMENT

Purpose

The purpose of the proposed conservation easement on the Florian family lands, the "Protected Property," is to:

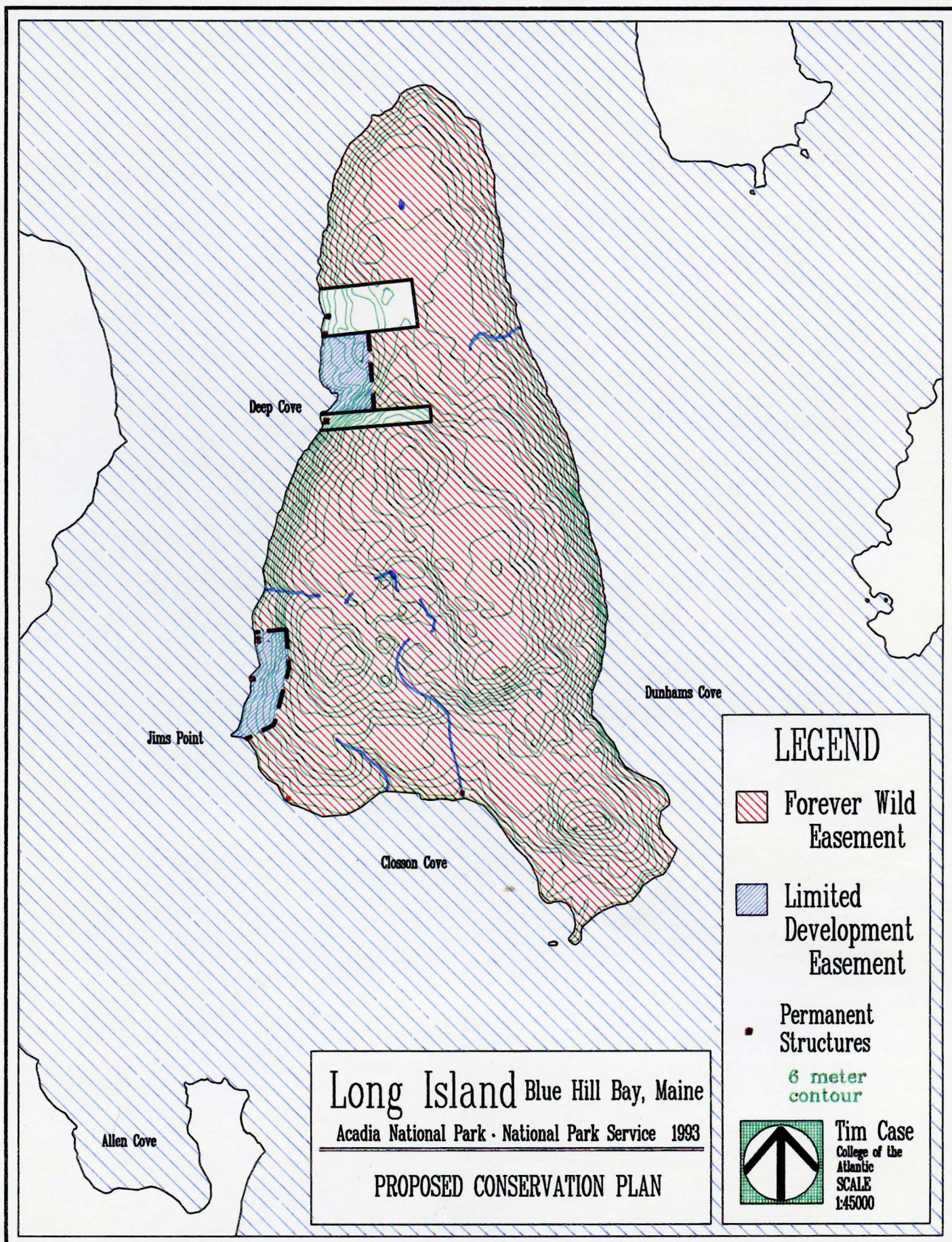
protect the natural, ecological, scenic and cultural resources, including historic and archeological resources, existing on the Protected Property; to protect the Protected Property's island shorefront by preserving the open, natural, or traditional appearance of shorefront property when viewed from the water or from other public viewpoints; and to limit year-round and seasonal residential and commercial development to activities consistent with the preservation of the natural qualities of the Protected Property and the traditional, resource-based land use (including, but not limited to hunting) of the largely undeveloped entire island that constitutes the Protected Property . . .

The proposed conservation easement addresses the purpose through granting certain rights to NPS and restricting use of the island property by the owners. It also will provide the opportunity for the general public to have access to the approximately 4,200 acres of the Florian family lands.

Protect Ecological Resources

Long Island stands out as an extraordinary ecological unit: A large and unfragmented coastal habitat perhaps unmatched anywhere else in Maine in that it is in private ownership and unprotected. A major goal of the proposed Long Island conservation easement is to protect the undeveloped, unfragmented nature of the island and protect wildlife habitat. It will prohibit the development of 4,200 acres of the island, including road development, and will limit development on another 150 acres. Commercial activities, including mining, forestry and agriculture, will be prohibited. Allowed residential use is directed away from areas used by bald eagles and marine mammals. To further reduce the threat of fragmentation, the ownership of the majority of the island can not be subdivided.

Unfragmented Island Habitat. Coastal islands are normally associated with marine influenced vegetative and wildlife communities such as nesting seabirds, and typically lack many land-based species. Long Island, however, has vegetation representative of that on the coastal mainland, and, in fact, is large enough and has the diversity to support virtually any of Maine's native species, including large mammals such as moose and bear. What makes Long Island different is that some land-based, human-related species may not occur on the island due to the barrier posed by the surrounding one to two miles of open water. The significance of this is that species such as raccoons, skunks, foxes, cats, and dogs are absent or occur in fewer numbers than on the mainland. These species typically occur in artificially high numbers on the mainland (and large islands, such as Mount Desert Island, connected to the mainland) due to the presence of humans. This results in high rates of predation and mortality on other species. So, Long Island, being free from these influences, may provide a "natural" setting unmatched on the mainland. As mainland communities grow and become more urbanized, the value of this feature will increase.



A second, related aspect is the significance of the extent of unbroken, unfragmented forest community found on Long Island: At 4,560 acres the tract is large by all standards on the coast of Maine. There is growing and well documented concern that habitat fragmentation, particularly forest fragmentation, is having a deleterious effect on many species of neotropical migrant birds adapted to nesting in forest interiors. Large, unfragmented blocks of forest, of the types associated with Maine's coastal mainland and as represented on Long Island, are becoming increasingly scarce as development increases in coastal towns and shores in the vicinity of Acadia National Park.



As mainland development pressures increase, Long Island's vast forest cover and miles of undeveloped shoreline provide a critical mass of unfragmented coastal habitat. The island's coves create sheltered habitat for waterfowl, shorebirds and seals, and provide acres of tidal flats that sustain soft-shell clam beds. *Bill Silliker photo, 1992.*

Our understanding of coastal ecosystems will be enhanced by the opportunity to study communities in their "wild" state. While no comprehensive ecological field studies have been conducted on Long Island, biologists rate the extensive shrublands and bog-type wetlands (Land Cover Analysis map) in the island's interior as worthy of further inventory work. Breeding bird surveys are needed. Long Island's ecological significance, however, transcends a species-by-species analysis; above all, it is an isolated and intact block of coastal Maine on a scale unlike any other.

Endangered Species Habitat. Long Island is critical to the recovery of the American Bald Eagle, a federally- and state-recognized endangered species. Bald eagles rely on Long Island's undeveloped shores for feeding and roosting. Nine pairs of nesting bald eagles

are found within a ten-mile radius of Long Island; three active eagle nests are within two miles of the island (Regional Map). In a 1989-90 survey by the Maine Department of Inland Fisheries & Wildlife (MDIF&W), 8% of all bald eagles sighted between Brooklin and Jonesport (a region comprising 20-25% of the Maine coast) were found on Long Island. With adequate protection, Long Island will become an even more important bald eagle habitat as its pine stands mature to appropriate nesting size.

The future of bald eagles in Acadia National Park depends on the availability of undeveloped off-shore islands, including Long. Neither of the two nests on Mount Desert Island listed as active by MDIF&W supported a successfully breeding pair of eagles in 1992. This is a trend evident throughout the state: As development pressure continues, the undeveloped islands become increasingly critical refuges for eagles. In recent years, five islands acquired by The Nature Conservancy to protect ecological features other than eagle habitat have now become active bald eagle nesting sites.

No comprehensive field investigation has ever been conducted on Long Island. It is possible, therefore, that some rare or unique feature is there to be found, particularly in the bog wetlands and scrub hilltops.

Marine Wildlife Habitat. Long Island's thirteen miles of varied shoreline range from productive clam flats, to sand and gravel beaches, to rocky ledges. Such broad diversity of shore type provides rich habitat for intertidal species, waterfowl, and shore birds.

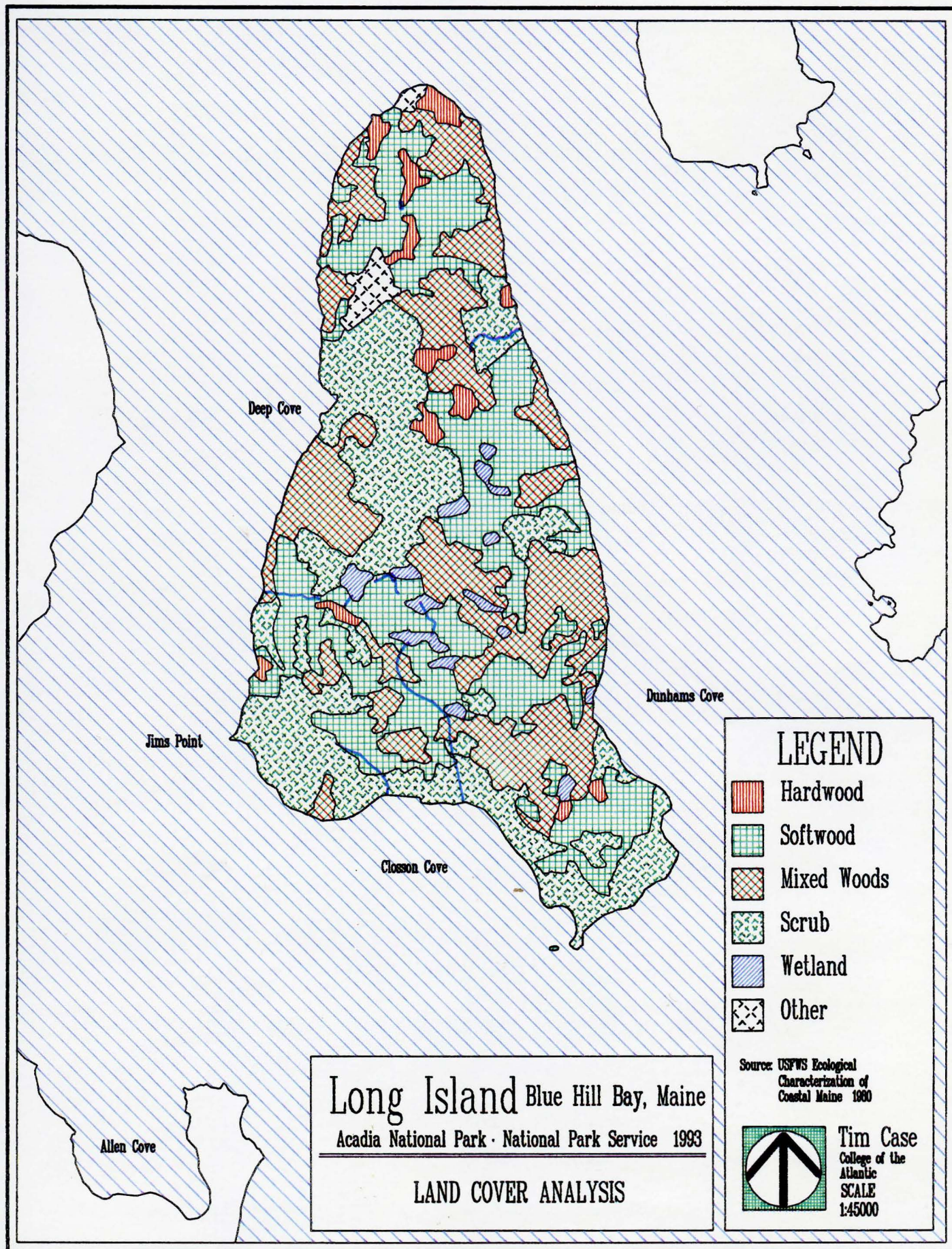
The MDIF&W ranks the waters around Long Island as regionally significant and worthy of special protection. Concentrations of 1% or more of a regional population in a singular location strongly mark that area as an important habitat. In the 1989-90 State survey, Long Island, while comprising only 1% of the study's shoreline, accounted for 3-9% of several key species, including 4-5% of all regionally sighted loons.

Harbor seals are often sighted on the ledges of Seal Rock in Closson Cove. Gray seals, a less common species, have also been observed in the area. These marine mammals require haul-out areas safe from human disturbance for resting, whelping, and moulting.

Fishing contributed to the prosperity on Long Island during the 1800s. Even after the island's community dwindled, the remaining residents still earned their living in part from the sea. The waters off the island are still fished by boats out of neighboring harbors such as Blue Hill, Bass Harbor, and Benjamin River. Lobsters are harvested just off the Long Island shore, and commercial scallop and mussel draggers and shrimpers fish in the Bay. More than half of the island has tidal flats supporting harvestable soft-shell clams. At a time when 40% of the mainland clam flats are closed due to threats from pollution, all the flats on Long Island are open.

Protect Scenic Resources and Island Shorefront

The proposed Long Island conservation easement will limit changes to the visual resources of the island. Residential development will be limited to two zones on the western shore of the island, leaving the entire eastern and northern shores undeveloped. Permitted residences will be limited regarding number, height, setback from shore, building materials, and screening. Waste disposal, introduction of non-native species, and the use of chemicals in the environment will be restricted.



While aesthetic values are often hard to quantify, the scenic importance of Long Island should not be underestimated: It is a critical part of the region's appeal to both residents and visitors. The long and varied stretches of undeveloped shoreline—13 miles around the entire island—offer a diversity of views when seen from different public vantage points around Mount Desert Island, the Blue Hill Peninsula, and Blue Hill Bay. From the 560-foot summit of Blue Hill, a celebrated hiking destination, Long Island stands out against a spectacular backdrop of Acadia's mountains. Twelve major public vantage points providing views of Long Island are depicted on the Regional Map.

Two components that add to Long Island's scenic significance are its elevations and the configuration of its shoreline. From its predominantly steep shores, the island's contours rise 375 feet to a point near the middle of the island—higher than any other island in Blue Hill Bay. At least 3 elevations on the island top 300 feet. The viewer's eye is always drawn to hills, especially in a distant view, and the profile of Long Island is visible to the west as one first enters Mount Desert Island and Acadia National Park when driving across the bridge from Trenton. The distinctive Hub at the southern-most tip is a landmark, even at a great distance.

While attractive from land-based vantage points, these scenic shoreline features may be especially appreciated by boaters exploring Blue Hill Bay. The Bay is considered one of the finest cruising grounds in Maine, due in part to the presence of Long Island's varied, undeveloped shores.

Views from Acadia National Park. From many of Acadia National Park's favored mountain-tops, such as Western, Beech, Acadia, Norumbega, Penobscot, Sargent, and Cadillac, Long Island is a key component of the view to the west. Along the entire span of Long Island's eastern shore, facing Mount Desert Island and Acadia National Park, no houses, clearings, or other signs of human activity appear. The island's unbroken forests stand in stark contrast to the checkered development pattern evident on nearby peninsulas in Brooklin, Blue Hill, Surry, and Trenton.

These westward views to Long Island can be gained not only from the mountain-tops, but also from significant stretches of Acadia's most popular trails and roads, among them the motor road to Cadillac's summit, the Beech Mountain hiking trail, and the Around-the-Mountain carriage path.

Acadia National Park, perhaps more than any entity in the State, has placed a premium on the protection of scenic islands and vistas. The breathtaking mountain-top panoramas of land and sea and islands are what many consider to be the essence of "the Acadian experience."

Protect Cultural Resources

The proposed conservation easement will protect the cultural resources of Long Island. Specifically the residential use is directed away from known historic and prehistoric archeological resources. All archeological, paleontological, or historical finds are protected. NPS will have the right to conduct archeological investigations.

The cultural significance of Long Island has its roots in each of the values described elsewhere; natural and ecological, scenic, and recreational. Taken collectively, these values reflect the long history of human interaction with the island. This history may

extend back many centuries: There is one known prehistoric site on the island's northern end and many other potential sites that scientists believe could be of state-wide significance.

A permanent settlement was established on the island by the early 1800s. Lumbering and quarrying fueled the growth of this island community bringing a general store, post office, boarding house, and private residences to serve over 150 workers. Small-scale fishing and farming enabled the community to continue on Long Island for several years after the quarries closed around 1898. By 1920 the community was all but gone—except for the many stone foundations that are of interest to archeologists and others concerned with reading the landscape for clues to Long Island's past.

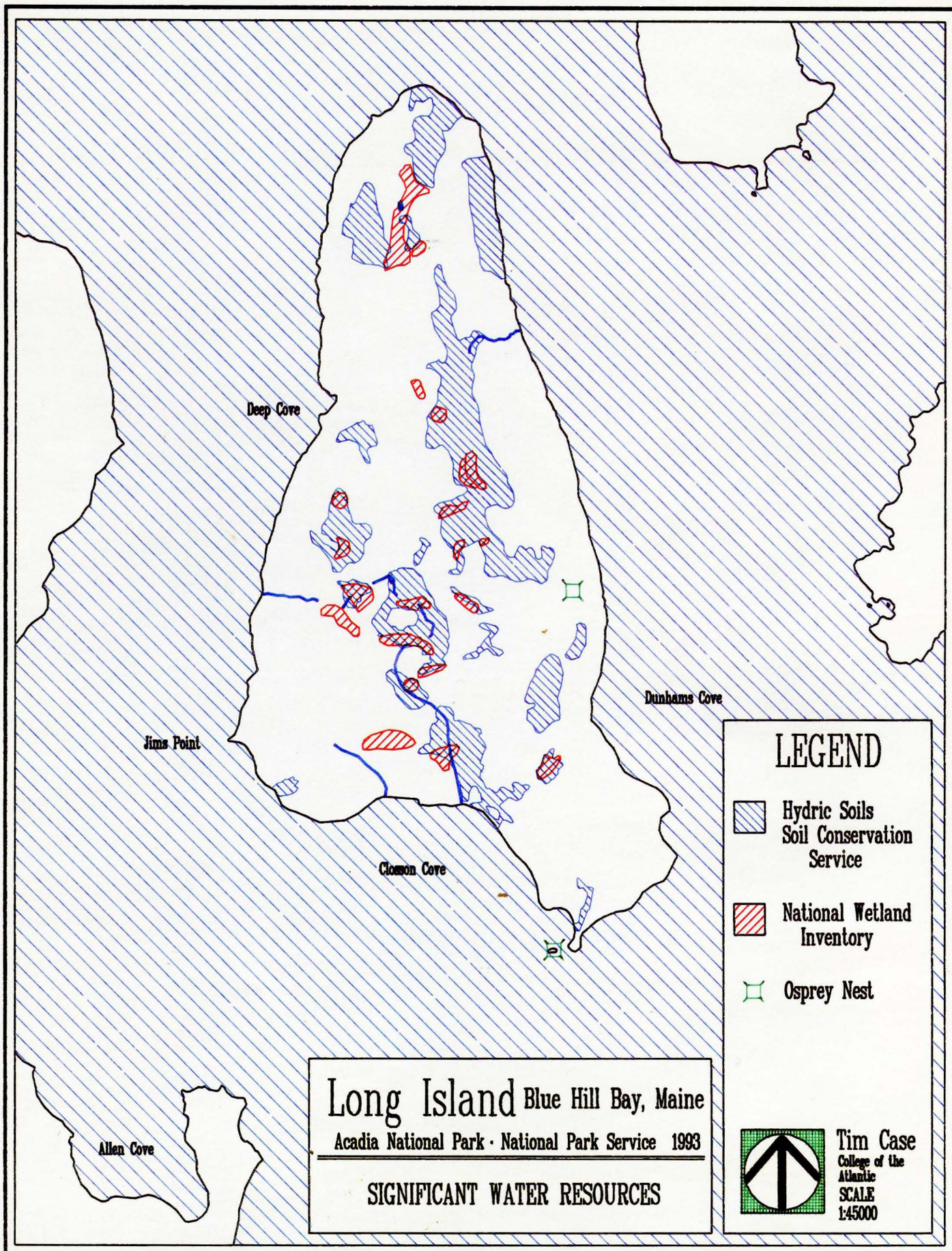
Today, Long Island possesses cultural value as a major tract of open space where traditional uses may continue. Local use of the island for hunting, clamming, and picnicking is still very much a part of life in Blue Hill and other nearby communities. As commercial, resort, and second-home development steadily erode traditional uses of the Blue Hill Peninsula's coastline, the importance of this island resource can only grow.



Residential development on nearby Oak Point exemplifies the small-lot fragmentation of the shore that is changing the natural character of Maine.

Limit Development

The Florian family holdings are almost entirely undeveloped. A few rustic wooden shacks occasionally used by deer hunters remain in the dense woods near the southeast shore. Additionally, two seasonal residences have been constructed recently along the shore in the Closson Cove and Deep Cove vicinities. The island's entire eastern and northern shores remain wild. As stated above, the proposed conservation easement



prohibits development on 4,200 acres and severely limits development on an additional 150 acres, thus preserving a relatively undeveloped, entire island in the Acadian archipelago.

Adverse Development Threats. Many of the attributes that make Long Island an important conservation resource also make it a likely candidate for development. With all of the Florian family holdings on the island recently listed for sale, the threat of adverse development is imminent.

The primary threat to Long Island is the seasonal residential development that has occurred the length of nearby peninsulas, as well as the western shore of Mount Desert Island. This second-home development could easily happen piece meal on Long Island, which has plenty of frontage on either shore for dozens of lots to be spread along the coast, thereby fragmenting—lot by lot—the island's magnificent undeveloped shoreline. The current shoreline ordinance for the town of Blue Hill regulates only that land on Long Island falling within 250 feet of the shore, leaving a vast majority of the island unrestricted. Within the 250-foot shoreland zone the ordinance permits 1-acre lots, and residential structures as close as 75 feet from the shore. As the accompanying photograph of Oak Point illustrates, the conventional patterns of seasonal development rarely take into account any attempt to site residences more sensitively in order to preserve the land's conservation values.

Steady improvements in technology have changed the way people think about the feasibility of developing an island; most development constraints or access inconveniences can now be overcome. For example, while soils on the Florian property on Long Island rate low for septic suitability, a developer could take advantage of a chemical toilet to get a building permit, or even air-lift a load of topsoil to the site, as was done recently on a small island in Penobscot Bay.



**Blue Hill
Long Island — Blue Hill Bay**

Approximately 1115 acres with about 21,000' of prime saltwater shore frontage on Long Island. Eighteen miles from Ellsworth and 41 miles from Bangor International Airport. Approximately 1 mile offshore from Blue Hill Neck in some of the most pristine sailing waters of the eastern coast. \$2,700,000.

Real estate advertisement for one of four Long Island parcels for sale in June 1991 - *Downeast Magazine*

Seasonal residential development could also come to Long Island in the form of a planned subdivision. One need look no further than Tinker Island, a neighboring island in Blue Hill Bay, where developers are trying to package the appeal of Maine islands in subdivided lots. The 200 acres subdivided on Tinker Island would represent only 1/20th of the Florian family lands on Long Island. Because of its "star" status as an island unique to the entire coast of Maine, Long Island could hold particular appeal to a major developer with commercial ambitions, such as a luxury resort, an island campground, or a marina.

Protect Traditional Public Use

The proposed conservation easement will assure the opportunity for recreation by and education of the general public on the island, except within two designated residential areas. NPS will be able to manage public use to assure protection of other conservation values associated with the conservation easement.

Centered between Mount Desert Island and the Blue Hill peninsula, Long Island lies at the heart of a popular recreation area. Several million visitors come to Acadia National Park each year, and more than 20,000 residents live in the surrounding communities year-round.

Long Island has been, quite literally, central to Blue Hill Bay's recreational activities. The owners of Long Island have to date been very generous in allowing this tradition to continue. Continuing the long-standing recreational uses is critical to local support for the conservation of Long Island.

Long Island is a frequent destination for boaters of all kinds, from sea kayakers to small boat operators to sailors. The islands of Blue Hill Bay are known as one of the best cruising grounds on the coast and are, naturally, a destination on their own. But as mainland properties are developed and posted, people are relying more on the Maine islands for picnicking, beachcombing, and hiking.

Several public boat launches along the Blue Hill Peninsula and the western shore of Mount Desert Island provide access (Regional Map). Duffy and Closson coves on the western side of the island and Dunham and Fogg coves provide popular day anchorages. While much of Long Island's coast is rugged and steep, the island provides the hiker with miles of beach for easy exploring. The northern point has long been a favorite picnic and blueberrying spot with Blue Hill residents. The sand beach at this same end is also a popular daytime destination for small boaters, as is the striking sand and gravel spit of Jim's Point on the western shore.

The currently un-posted island is very popular deer hunting territory with local residents, who face increased residential development and posting of private lands. Fall hunting parties, primarily from the Blue Hill area, are a well established presence on the island. (The proposed conservation easement will allow hunting to continue.)

The Town of Blue Hill has explored over the years the possibility of acquiring a parcel at the north end of the island for recreational use. As a complement to NPS acquisition of a conservation easement, it may be possible to plan for a separate transaction between the Florian family and the Town of Blue Hill. Such transferred land would be subject to the proposed conservation easement to be held by NPS.



John R. McKernan, Jr.
Governor

C. Edwin Meadows, Jr.
Commissioner

DEPARTMENT OF CONSERVATION

Telephone (207) 289-2211

Fax # (207) 289-2400

May 14, 1992

Mr. Robert Reynolds, Superintendent
Acadia National Park
P.O. Box 177
Bar Harbor, ME 04609

Dear Superintendent Reynolds:

I am writing to express the interest of the Department of Conservation in the protection of Long Island in the Town of Blue Hill. It is my understanding that the National Park Service is working cooperatively with the majority owners to devise a permanent conservation strategy.

Long Island is unquestionably a resource of statewide importance. It is remarkable that, ranking as one of the largest islands on the Maine coast, Long Island has retained its relatively undeveloped character. This is a testament to the power of private stewardship.

If the owners are unable to consider a charitable donation of either the property or an easement, the Park Service is perhaps the only entity now capable of helping to protect this unusual and highly significant island. The state has been successful in carrying out several significant land acquisition projects but the current available funds are insufficient to achieve a project of this size. The Land for Maine's Future Program, of which I serve as a member, is the major current state source of funding for land acquisition and the majority of its bond monies are allocated to existing projects.

It is encouraging that the National Park Service is giving serious consideration to the purchase of a conservation easement. As you may know, the State of Maine has recently increased purchases of easements after several decades of relying on donations of easements as a component of its land protection programs. On several outstanding properties, a purchased easement has enabled the state to fill the gap between outright ownership of property and no permanent protection at all. The fact that the island will remain in private ownership and on the tax rolls will no doubt be an important consideration for the Town of Blue Hill.



Superintendent Robert Reynolds
Page two
May 14, 1992

This project is especially exciting since the use of easements would help maintain the "working landscape," and thereby foster objectives seen as important in coastal communities. As Conservation Commissioner, charged with not only protection, but wise use of the state's natural resources, I applaud this effort to accommodate scenic and amenity protection, with the sound management of the island's land.

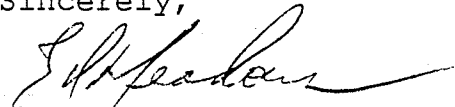
Long Island's prominent place in one of Maine's most popular and scenic bays adds to its significance. The island is also a favorite destination for area hunters and picnickers, and it would be the department's hope that provision could be made to assure the continuation of these traditional uses.

While the majority of the island is still in family ownership and comprised of large parcels, the National Park Service has a unique conservation opportunity that--if successful--will be of great benefit to Maine citizens, as well as to the large number of the nation's citizens who come to enjoy the Acadia Park region.

If the state may be of assistance as the protection strategy moves forward, please let me know.

Thank you.

Sincerely,



C. Edwin Meadows, Jr.
Commissioner

gr

cc: Caroline Pryor, Vice President
Maine Coast Heritage Trust

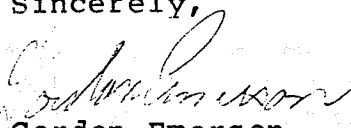
May 12, 1992

For Whom It May Concern:

Long Island has been used by the residents of Blue Hill for hunting, fishing, picnicking and general recreational use for many years. The Town would like to see these traditional and current uses by the public continue. As First Selectman, I support the placement of a conservation easement on the island, which would limit potential development but would allow this type of use.

It is my understanding that the property would continue to be privately owned and the easement would be held by Acadia National Park. The Town has been investigating the possibility of acquiring title to a small portion of the island, for public use. I believe such an acquisition would be a real asset to the Town of Blue Hill.

Sincerely,


Gordon Emerson
First Selectman
Town of Blue Hill



P.O. Box 725 Bar Harbor, Maine 04609 207-288-3340

COPY

May 4, 1992

MAY 05 92

Mr. Robert Reynolds
Superintendent
Acadia National Park
Box 177
Bar Harbor, ME 04609

Dear Bob:

I want to express this organization's support of any efforts and/or decision made by the National Park Service to secure a conservation easement for Long Island in Blue Hill Bay. We fully support Acadia National Park's mission of protecting important scenic and ecologic resources within the Acadian Archipelago.

It would be wonderful if Acadia National Park could acquire this island but since it is outside ANP's fee acquisition boundary we strongly recommend the acceptance of a conservation easement. Due to the immense importance of conserving this property we believe it entirely appropriate that Acadia National Park purchase an easement if this is the best course of action.

Acadia National Park has a long and impressive record of protecting land through easements. The purchase of an easement in this case (rather than an outright acquisition) would serve to protect the property, maintain the property within the private domain, and extend the utility of limited appropriations for land conservation.

We look forward to the successful granting of a conservation easement on this island. Once again we compliment you and your staff for your excellent work and stewardship in protecting important pieces of land within your legislated jurisdiction.

Sincerely,

Duane R. Pierson, Ph.D.
President

cc: David MacDonald
Field Representative
Maine Coast Heritage Trust

Maine Chapter The Nature Conservancy

122 Main Street, Post Office Box 338
Topsham, Maine 04086-0338
Tel. (207) 729-5181 FAX (207) 729-4118

May 13, 1992

Mr. Robert Reynolds
Superintendent
Acadia National Park
P.O. Box 177
Bar Harbor, ME 04609

Dear Mr. Reynolds:

This is to encourage Acadia National Park to consider protection of Long Island (Blue Hill Bay) through a conservation easement, as I understand has been proposed by the landowners.

I believe Alan Hutchinson's ecological assessment of Long Island represents a thorough and fair assessment of Long Island with respect to its known biological values. While it is not currently known to harbor species and/or natural communities of national significance (the *caveat* is important in the absence of a comprehensive field evaluation), it would certainly appear to be suitable potential habitat for bald eagles because of the large number of nesting pairs in the area and the continuing development near existing mainland nesting sites.

As you are no doubt aware, wildlife biologists and conservation ecologists have recently been putting increasing emphasis on so-called "buffer zones" and/or alternative habitats that provide "redundancy in the system." Long Island would appear to be particularly well suited to both purposes.

As you are probably also aware, The Nature Conservancy has invested heavily in the protection of islands on the perimeter of Mount Desert Island, including Great Duck and Placentia Islands. In the past few years, a new eagle nest has been established on Great Duck and a nesting pair has returned to Placentia after an absence of several years. (Eagles have been nesting on Long Porcupine Island since we acquired it in 1977.) In fact, The Nature Conservancy owns five islands in Maine, originally acquired for other biological values, which have become active bald eagle nesting sites in the past few years.

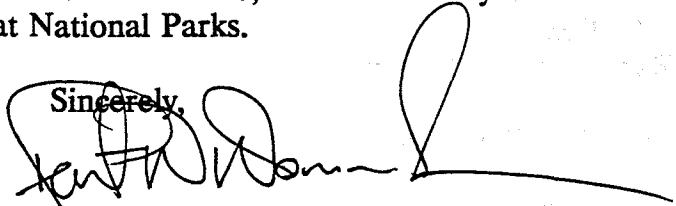
Given the size, location, isolation, forest cover and essentially undeveloped status of Long Island, it would appear to have excellent potential as bald eagle habitat. It was primarily for that reason that The Nature Conservancy made an (unsuccessful) effort to purchase Long Island from the current owners almost 15 years ago. If there now exists an opportunity to bring an effective level of protection to Long Island through a conservation easement, I would strongly urge you to pursue it.



Mr. Robert Reynolds
May 13, 1992
Page two

Please feel free to call or write if you would like to discuss Long Island, or any other property of interest to Acadia National Park. I look forward to an opportunity to meet you, perhaps some time this summer. Meanwhile, best wishes as you undertake the management of one of America's great National Parks.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent W. Wommack", with a long horizontal flourish extending to the right.

Kent W. Wommack
Executive Director

KWW/jpa

WEEKLY PACKET

7/29/93

Postage paid at Blue Hill, Maine 04614

50 cents per copy

Conservation easement may keep Long Island undeveloped forever

Park service, landowners
negotiating; town may
own some acreage

By ELLEN BOORAEM

BLUE HILL—After two or three years of highly visible real estate ads and rumors of visiting National Park Service assessment teams, the Florian family's plans for Long Island went public Tuesday during a meeting in Town Hall.

According to David and Roy Florian, who were at the meeting, the family is negotiating the sale to Acadia National Park of a conservation easement on well over 4,000 Long Island acres. The Florians also are willing to consider selling or giving the town about 60 acres on the island's northeast tip.

Park service officials said at the meeting that they hope an easement can be concluded by the end of this year. The draft easement would be presented to the selectmen for comment before being passed along to the Acadia National Park Advisory Commission for ratification. Selectman Gordon Emerson said the town probably would hold a public hearing before commenting.

A conservation easement is a legal

agreement through which a landowner signs over certain development rights to a government agency or private land trust, like the local Blue Hill Heritage Trust. The idea is that the land itself continues in private ownership—to the extent that it can even be sold—but its use is forever restricted in whatever way the landowner wishes when he or she signs the easement.

Although the details of the Long Island easement are by no means firm, it most likely will permit each of the current owners' children a house-lot on the island, David Florian said. It also is expected to allow hunting and other traditional recreational uses.

All three selectmen were present at Tuesday's meeting, as were Blue Hill Heritage Trust board members Peter Clapp and Ellen Best, and citizens Dennis Rackliffe and Hugh Durgin. Patricia Ryan of the Maine Coast Heritage Trust also attended. Representing the park service were Bob Reynolds and Bruce Jacobsen.

Best said she and the other Blue Hill residents had been invited to attend in order to express opinions on the proposed easement. She said the heritage trust is "wildly enthusiastic," and will be happy to see the park service responsible for monitoring such a large and potentially complex easement.

Along with their sister, Diana Chase, David and Roy Florian own a total of about 4,430 acres on the island. Town records list another 245 acres owned by other individuals, which would not be involved in the transaction with the park.

Apart from eight or nine camps or small recreational buildings, the entire island is undeveloped. The public traditionally has used it for hunting and other recreation. In recent years the Florians have been raising bison on the island, eight of which survive.

Property tax concerns cited

"We're wrestling with trying to protect the island and maintain traditional use, but also not leave ourselves in the position where there's a huge tax liability for our children that they can't do anything with," David Florian told Tuesday's meeting.

"For 50 or 45 years the island has been in family stewardship," he added. "What happens in the next generation? There's no way they can keep it together. The island ultimately will be developed unless we do something."

Valuations on the four major family lots range from \$2.7 million to \$3.6 million. They are registered as Tree Growth lots, so their valuations are reduced under state law to a range of \$260,000 to \$690,000. Because of their size, the lots must be registered as "commercial" tree-growing lots. A law change several years ago

Continued on page 12

Long Island

Continued from page 1

means that the family must have a commercial harvesting plan in place by 1999 if the land is to remain in Tree Growth.

All four lots went on the real estate market three years ago, and in 1991 the family tried unsuccessfully to contest the base valuation before the town assessors and the county commissioners. A lower base valuation would reduce the penalty involved if a purchaser wished to remove some of the land from Tree Growth in order to develop it.

If the land were under easement to the government, it would qualify for valuation reductions ranging from 20% to 70% or more under the state's Open Space tax law. The amount of reduction would depend on the severity of use restrictions and amount of public access. It could be withdrawn from Tree Growth without penalty in that case, according to Larry Record of the state Bureau of Taxation.

David Florian said Tuesday that the family had been negotiating with the park

service for about a year.

Acadia National Park, meanwhile, has stopped seeking to expand its boundaries. But the staff has been authorized by Congress to seek conservation easements on land between Schoodic Point and the Penobscot River shipping lane that could have a scenic or other impact on the park, Bob Reynolds said. The emphasis is on islands.

According to Reynolds, the park now holds 150 easements, ranging from scenic shore setbacks to "forever wild" restrictions. The largest so far is an easement on 700-acre Ironbound Island in Frenchman's Bay, which allows the landowner to build two houses in addition to the existing four.

All but one of those easements was donated, Bruce Jacobsen said. The money to buy an easement on Long Island would come from the federal budget.

The rate paid for an easement "depends on what we're buying," Jacobsen said, adding, "We've never had an offer on an island like this one before."

Selectman Gordon Emerson asked for a list of towns in which the park holds

easements, so he could talk with their officials about potential concerns.

"The biggest concern has been restrictions on future development," Reynolds said. "Some towns view that as an opportunity lost. On the other side, they don't have to provide the services they'd have to if the land were developed."

Town may want Marks Field

One purpose of Tuesday's meeting was to give the Florians and park officials a sense of the town's interests in the island before the easement negotiations proceed further. Roy Florian said Emerson had approached him three years ago to say the town might be interested in land at the island's northern end, toward East Blue Hill.

Emerson said he'd like the town to own about 100 acres, to include the Marks Field and Sand Beach, both of which have been popular recreation spots in the past. The Florians said they were thinking about 60 acres, in the same area.

At the start of the meeting, the selectmen and heritage trust members let the word "gifting" escape their lips a couple of times.

"I didn't think about gifting," Roy Florian said, smiling. "I thought about selling."

"If we negotiate with the parks, it's important to know what the town's interest is, so we can think of a way for the town to be happy, too," David Florian said. "We never settled in our mind whether it would be a purchase or use transaction."

Emerson said maybe the town wouldn't need to own the land if the park had an easement on it.

Later, however, he agreed with Ellen Best that the town probably should own some land outright in case the park ever decided to place more restrictions on the easement area. "If the town owns it, it will always own it," he said.

Reynolds said the park service had no objection to the town owning part of the land, and in fact would welcome the idea of the town administering an area open to overnight camping while the park administered a more strictly controlled area.

He said part of the park's interest in the island would be for scientific purposes. "Long Island is the largest reasonably undeveloped island on the East Coast."

Long Island

Blue Hill has been fortunate that the Florian family which owns the four largest properties on Long Island has never been a privacy-seeker. Hunting, for instance, is still considered one of the island's "traditional uses," certainly the mark of a tolerant landowner in this day of "no trespassing" signs.

The town and the National Park Service, along with the Florian family, now have a chance to make sure that tolerant attitude continues as long as there are laws and pieces of paper to represent them. The park service is negotiating a conservation easement intended to preserve forever the island's natural features, and insure some level of public access to it.

The Florians have said that they are willing to negotiate transfer of some acreage to the town to ensure whatever level of public access it sees fit.

The selectmen took the first steps in the negotiation dance this week. As someone pointed out at that meeting, town ownership of some portion of the island would ensure public access to that portion at least, no matter what restrictions the park service or private landowners should impose on the rest of the island.

We heartily support the selectmen's efforts to make sure Blue Hill has a foot on Long Island long after the Florians' buffalo cease to roam.

E.B.

Blue Hill Weekly Packet
Editor
7/29/93

BLUE HILL HERITAGE TRUST, INC.

Box 222, Blue Hill, Maine 04614

BOARD OF DIRECTORS:

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May 11, 1992

To Whom It May Concern:

The Blue Hill Heritage Trust enthusiastically supports the acquisition of a Conservation Easement on Long Island in Blue Hill Bay, by the National Park Service. Long Island is a prominent feature of Blue Hill Bay, visible from many vantage points in the Town of Blue Hill and other surrounding towns. It has long provided a visual and recreational resource for this side of Blue Hill Bay.

ADVISORY COUNCIL:

Wesley K. Barton
John W. Brainerd
Diane T. de Sibour
Robert H. Meyer

We understand that the proposed easement would allow for continued traditional use of the Island, much as the current owners of the property have allowed such use. The preservation of these traditional uses provides a valuable asset to the local communities.

CONSULTANT:

Benjamin R. Emory

The Board of Directors of the Blue Hill Heritage Trust is excited and enthusiastic about the proposed easement.

Sincerely,



Ellen Walker
President

PUBLIC LAW 99-420—SEPT. 25, 1986

100 STAT. 955

Public Law 99-420
99th Congress

An Act

To establish a permanent boundary for the Acadia National Park in the State of
Maine, and for other purposes.Sept. 25, 1986
[S. 720]*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

TITLE I

SEC. 101. BOUNDARIES OF ACADIA NATIONAL PARK.

Conservation.
Public
information.
16 USC 341 note.

In order to protect and conserve the land and water resources of Acadia National Park in the State of Maine (hereinafter in this title referred to as "the Park"), and to facilitate the administration of the Park, the boundary depicted on the map entitled "Acadia National Park Boundary Map", numbered 123-80011, and dated May 1986 (hereinafter in this title referred to as "the map") is hereby established as the permanent boundary for the Park. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and it shall be made available to the Registry of Deeds for Hancock and Knox Counties, Maine.

SEC. 102. LANDS WITHIN BOUNDARIES.

Gifts and
property.
16 USC 341 note.

(a) The Secretary of the Interior (hereinafter in this title referred to as "the Secretary") is authorized to acquire lands and interests therein within the boundaries of the Park by donation, exchange (in accordance with this section), or purchase with donated or appropriated funds, except that—

(1) any lands or interests therein owned by the State of Maine or any political subdivision thereof may be acquired only by donation or exchange; and

(2) privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the scenic, historical, cultural, and other values for which the Park was established.

(b)(1) Not later than 6 months after the enactment of this Act, the Secretary shall publish specific guidelines under which determinations shall be made under subsection (a)(2). The Secretary shall provide adequate opportunity for public comment on such guidelines. The guidelines shall provide for notice to the Secretary prior to commencement of any proposed development within the boundaries of the Park. The Secretary shall provide written notice to the owner of the property of any determination proposed to be made under subsection (a)(2) and shall provide the owner a reasonable opportunity to comment on such proposal.

(2) For purposes of this section, except as provided in paragraph (3), development or proposed development of private property within

the boundaries of the Park that is significantly different from, or a significant expansion of, development existing as of November 1, 1985, shall be considered by the Secretary as detrimental to the values for which the Park was established.

(3) Reconstruction or expansion of a private or commercial building shall not be treated as detrimental to the Park or as an incompatible development within the meaning of this section if such reconstruction or expansion is limited to one or more of the following:

(A) Reconstruction of an existing building.

(B) Construction of attached or accessory structural additions, which do not exceed 25 per centum of the square footage of the principal structure.

(C) Construction of reasonable support development such as roads, parking facilities, water and sewage systems, and dock facilities.

Real property.

(c)(1) The owners of any private property within the Park may, on the date of its acquisition by the Secretary and as a condition of such acquisition, retain for himself and his successors or assigns a right to use and occupancy for a definite term of not more than 25 years, or ending at the death of the owner, or his spouse, whichever is later. The owners shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the right retained by the owner.

(2) Any such right retained pursuant to this subsection shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration of the Park or with the preservation of the resources therein. Such right shall terminate by operation of law upon notification to the owner by the Secretary and tendering to the owner the amount equal to the fair market value of that portion which remains unexpired.

(d)(1) In exercising his authority to acquire lands by exchange pursuant to this title, the Secretary may accept title to non-Federal property located within the the boundary of the Park and may convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which lies outside said boundary and depicted on the map. Properties so exchanged shall be approximately equal in value, as determined by the Secretary, except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection which is not exchanged within 10 years after enactment of this Act, shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless, within 10 years after enactment of this Act, lands within the Park boundary and owned by the town have been acquired by the Secretary.

(e) Notwithstanding any other provision of this section, lands depicted on the map referenced in section 101 and identified as 10DBH and 11DBH known as the "Bar Harbor Sewage Treatment Plant"; 14DBH known as the "New Park Street Ballfield"; and

15DBH known as the "Former Park Headquarters"; shall be conveyed by the Secretary, without monetary consideration, to the town of Bar Harbor, Maine, within 180 days following the enactment of this Act. The real property conveyed pursuant to this subsection shall be used and retained by the town for municipal and public purposes. Title to the properties conveyed pursuant to this subsection shall revert to the United States if such property or any portion thereof is conveyed by the town to another party or used for purposes other than those specified in this subsection.

(f) Notwithstanding any other provision of this section, land depicted on the map identified as 4DBH, located in the village of Town Hill, Maine, shall be conveyed by the Secretary without monetary consideration, to the town of Bar Harbor, Maine, as soon as practicable following the enactment of this Act, subject to such terms and conditions, including appropriate reversionary provisions, as will in the judgment of the Secretary provide for the development and use of such property by any town which so desires as a solid waste transfer station in accordance with a plan that is satisfactory to the town and the Secretary. The Secretary shall (subject to the availability of prior appropriations) contribute toward the cost of constructing such transfer station the lesser of—

(1) \$350,000, or

(2) 50 per centum of the cost of such construction.

(g) Notwithstanding any other provision of this section, the Secretary is authorized to acquire by donation or exchange lands or interests therein in the area identified on the map as "Schooner Head", which is outside the boundary of the park. The Secretary is further authorized to acquire conservation easements on such lands by purchase with donated or appropriated funds if he determines after written notice to the owner and after providing a reasonable opportunity to comment on such notice, that the property is being developed or proposed to be developed in a manner which is significantly different from or a significant expansion of development existing as of November 1, 1985, as defined in subsection (b) of this section.

(h)(1) The Secretary is authorized to acquire conservation easements by purchase from a willing seller or by donation on parcels of land adjacent to the Park on Schoodic Peninsula, the islands of Hancock County, and the islands of Knox County east and south of the Penobscot Ship Channel, except such islands as lie within the town of Isle au Haut, Knox County. Parcels subject to conservation easements acquired or accepted by the Secretary under this subsection must possess one or more of the following characteristics:

Conservation.

(A) important scenic, ecological, historic, archeological, or cultural resources;

(B) shorefront property; or

(C) largely undeveloped entire islands.

(2) Conservation easements acquired pursuant to this subsection shall—

(A) protect the respective scenic, ecological, historic, archeological, or cultural resources existing on the parcels;

(B) preserve, through setback requirements or other appropriate restrictions, the open, natural, or traditional appearance of the shorefront when viewed from the water or from other public viewpoints; or

(C) limit year-round and seasonal residential and commercial development to activities consistent with the preservation of the

islands' natural qualities and to traditional resource-based land use including, but not limited to, fishing, farming, silviculture, and grazing.

(3) In determining whether to accept or acquire conservation easements pursuant to this subsection, the Secretary shall consider the following factors:

(A) the resource protection benefits that would be provided by the conservation easement;

(B) the public benefit that would be provided by the conservation easement;

(C) the significance of the easement in relation to the land planning objectives of local government and regional and State agencies;

(D) the economic impact of the conservation easement on local livelihoods, activities, and government revenues; and

(E) the proximity of the parcel to the boundary of the Park and to other parcels on which the Secretary maintains conservation easements.

(4) For purposes of this subsection, the term "conservation easement" means a less-than-fee interest in land or a conservation restriction as defined in section 476 through 479-B inclusive, as amended, of title 33 of the Maine Revised Statutes of 1964, as in effect on the date of the enactment of this Act.

(5) No easement may be acquired by the Secretary under this subsection without first consulting with, and providing written notification to, the town in which the land is located and the Acadia National Park Advisory Commission established by section 103 of this title. In providing such notification, the Secretary shall indicate the manner and degree to which the easement meets the criteria provided in this subsection.

(i) Nothing in this section shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(j)(1) Notwithstanding any other provision of this section, the Secretary shall accept an offer of the following from the Jackson Laboratory (a not-for-profit corporation organized under the laws of Maine):

(A) Lands depicted on the map as 55 A ABH which are held in fee by the Jackson Laboratory.

(B) A conservation easement on lands depicted on the map identified as 55 ABH (the developed property known as "Highseas"). The easement shall prohibit subdivision of such land or any further significant development on such lands, except as permitted by the guidelines published under section 102(b)(1).

(2) Upon receipt of the lands and easement described in paragraph (1), the Secretary shall transfer to the Jackson Laboratory the lands depicted on the map as 8 DBH and 9 DBH. Any disparity in the fair market value of the lands and easement referred to in paragraph (1) and the lands described in the preceding sentence shall be equalized as provided in section 102(d)(1).

(k) For purposes of subsection (a)(2), the construction of one single family residence on Burnt Porcupine Island by the owner of the Island shall not be treated as detrimental to the scenic, historic, cultural, or other values for which the park was established if, before such construction commences, the Secretary has reviewed

and approved plans for the size, location and architectural design of the structure.

SEC. 103. ADVISORY COMMISSION.

16 USC 341 note.

(a) There is hereby established an Acadia National Park Advisory Commission (hereinafter referred to as "the Commission"). The Commission shall be composed of 16 members appointed by the Secretary as follows:

- (1) 3 members at large.
- (2) 3 members appointed from among individuals recommended by the Governor of Maine.
- (3) 4 members, appointed from among individuals recommended by each of the four towns on the island of Mount Desert.
- (4) 3 members appointed from among individuals recommended by each of the three Hancock County mainland communities of Gouldsboro, Winter Harbor, and Trenton.
- (5) 3 members, appointed from among individuals recommended by each of the three island towns of Cranberry Isles, Swans Island, and Frenchboro.

(b) The terms of the Commission members shall be 3 years except that, for initial appointments under each paragraph, one member shall serve for a term of one year, and one member shall serve for a term of 2 years.

(c) The Commission shall elect its own chairman and adopt its own bylaws. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, except that the Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this title.

(e) The Secretary shall consult with the Commission on matters relating to the management and development of the Park, including but not limited to each of the following:

- (1) The acquisition of lands and interests in lands (including conservation easements on islands).
- (2) Termination of rights of use and occupancy.

(f) The Commission established under this section shall terminate 20 years after the enactment of this Act.

SEC. 104. BEAR ISLAND.

16 USC 341 note.

(a) Notwithstanding any other provision of law, Federal property located on Bear Island in the town of Cranberry Isle shall, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of the title. Such Federal property shall not be developed by the Secretary in a manner which would provide for or encourage intensive visitor use.

(b) The Secretary is authorized to make improvements to the Federal property on Bear Island as he deems appropriate for the protection of adjacent private property.

SEC. 105. TOWN OF ISLE AU HAUT.

16 USC 341 note.

The provisions of this title shall not apply to those portions of the Park lying within the Town of Isle au Haut, Maine, which lands shall continue to be governed by the provisions of Public Law 97-335.

16 USC 341 note.

16 USC 341 note. SEC. 106. AUTHORIZATION OF APPROPRIATIONS.
Effective date.

(a) Effective October 1, 1986, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed \$9,100,000 for acquisition of lands and interests therein.

(b) For the purposes of paragraph 7(a)(3) of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 4601-9), the statutory ceiling provided in subsection (a) shall be deemed to have been enacted prior to the convening of the Ninety-fifth Congress.

16 USC 341 note. SEC. 107. PAYMENTS TO LOCAL GOVERNMENTS.

31 USC 6904.

(a) Notwithstanding the limitation in subsection 3(d) of the Act of October 20, 1976 (90 Stat. 2662) payments in the manner provided in section 3 of that Act shall be made to the appropriate units of local government having jurisdiction over lands with the boundary of the Park. Such payments shall be made only for a period of 12 years.

(b) Payments received by the units of local government pursuant to this section shall be used only for fire protection, police protection, solid waste management, and road maintenance and improvement.

(c) Payments pursuant to this section may be made only from funds appropriated therefor. Such payments shall be in addition to and not in place of any other funds or form of Federal assistance to which the units of local government are entitled.

TITLE II

SEC. 201. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

16 USC 459b-7. Section 8(a) of the Act of August 7, 1961 (Public Law 87-126; 75 Stat. 292) is amended by striking out "ten years" and substituting "30 years".

Approved September 25, 1986.

LEGISLATIVE HISTORY—S. 720:

HOUSE REPORTS: No. 99-572 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 99-198 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 131 (1985): Dec. 3, considered and passed Senate.

Vol. 132 (1986): May 5, considered and passed House, amended.

June 6, Senate concurred in House amendment with amendments.

July 24, House concurred in certain Senate amendments, in another with an amendment.

Sept. 11, Senate receded from its amendment.