

ACADIA NATIONAL PARK
RESOURCE MANAGEMENT DIVISION

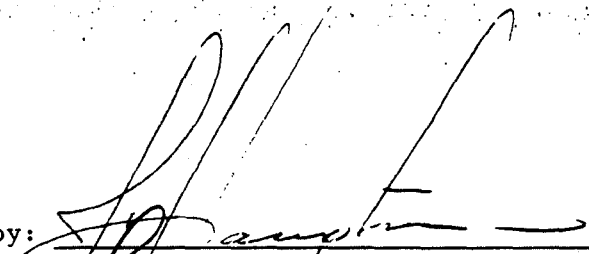
Land Protection Plan

Acadia
National
Park

ACADIA NATIONAL PARK
RESOURCE MANAGEMENT DIVISION

LAND PROTECTION PLAN
Acadia National Park
MARCH 1988

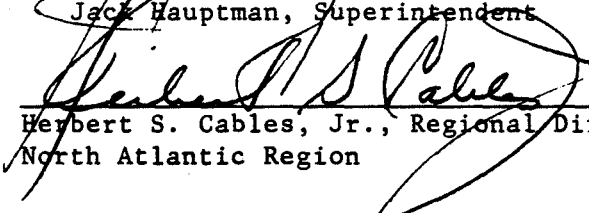
Recommended by:


Jack Hauptman, Superintendent

3/25/88

Date

Approved by:


Herbert S. Cables, Jr., Regional Director
North Atlantic Region

4/5/88
Date

Acadia National Park
National Park Service
U.S. Department of the Interior
P.O. Box 177
Bar Harbor, Maine 04609
207-288-3338

The United States presently owns 94.7 acres of Baker Island. With the acquisition of the 70-acre tract, three small inholdings remain to be acquired at a later date. The person who made the firm offer of [REDACTED] intends to construct a dwelling on the property and probably additional dwellings for his children. The remainder of Baker Island not owned by the United States is proposed for acquisition under the draft master plan.

Approximately 9.1 acres of land fronting on the Schooner Head Road designated as Tract 12-120 is on the market for [REDACTED]. This tract could be subdivided into seven homesites with frontage on the Schooner Head Road. The land is relatively flat and well drained. Present forest cover is a mixture of mature hardwood trees that survived the 1947 fire. Subsequent growth since the fire has been hardwoods with oak as the predominant species. This tract is presently surrounded on three sides by the park. The owner, John Baer, Schooner Head Road, Bar Harbor, Maine, has an offer to purchase a lot out of the 9.1 acres. The tract is included in the boundary proposal of the draft master plan. The owner has offered to sell the property for the inclusion in the Acadia National Park.

The owner, Annie Selieski, 72 Ledgeland Avenue, Bar Harbor, Maine, contacted a representative of the National Park Service to offer Tract 12-118, containing 1.8 acres of land, for sale to the Government. This tract is located adjacent to and with access to State Highway #3. The property has a gradual slope suitable for construction of a residence. Old foundations would indicate a previous structure. The area is primarily open field with three or four apple trees and some encroachment on the sides of the lot from the surrounding forest. This tract is completely surrounded by the Acadia National Park. The owner is asking [REDACTED] for the property and has contacted a local businessman, offering to sell the tract to him.

The owner of a 1/5's interest in Tract 04-145 has offered to sell her interest in a 5-acre tract of land for [REDACTED]. The owner, Mrs. Gerald Mosley of Bar Harbor, Maine, expressed an intent to conduct logging operations on the tract. The owner of the remaining 2/5's interest cannot be located.

13AT

The owner of a 20-acre tract of land situated between Tracts 10-115, 10-116 and 10-117 visited the park headquarters on April 3, 1975 and advised that he does not agree with our boundary of the adjoining property. The owner, Roger McFarland, Bar Harbor, Maine, has the tract of land on the market for sale and expressed an intent to cut the timber to his alleged line and sell the property after logging operations were completed. The owner has not indicated an asking price for the property.

Enclosed is one copy each of Land Status Maps 04, 10, 12 and 14 delineating the above tracts of land.

It is requested that the National Park Foundation acquire the above tracts of land in their present state pending enactment of legislation and appropriation of funds for the purchase of the properties. If funds are not available for the acquisition of all tracts, it is requested that priority be given to the acquisition in the order listed above. Appraisal and title reports will be obtained as soon as you indicate you are in a position to proceed with the acquisition.

If you have any questions relating to the above, please contact Mr. Coleman at 617-223-3780.

Sincerely yours,

(Sgd.) DAVID A. RICHIE

David A. Richie
Acting Regional Director

Enclosures

TRColeman:dr 5/2/75

cc: Chief, Division of Land Acquisition, WASO
Superintendent, Acadia NP

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SUMMARY

CURRENT OWNERSHIP (Acres)

	<u>Tracts</u>	<u>Acres</u>
Federal - National Park Service		35,057.86
Other Federal Agencies		
(U.S. Coast Guard)		27.65
State		8.50
Local Governments		101.25
Private		<u>1,925.62</u>
		37,120.31
Conservation Easements		<u>5,854.42</u>
TOTAL ACADIA NP ACREAGE		42,975.30
TRACTS TO BE ACQUIRED	182	2,063.02
TRACTS TO BE DELETED	23	722.91

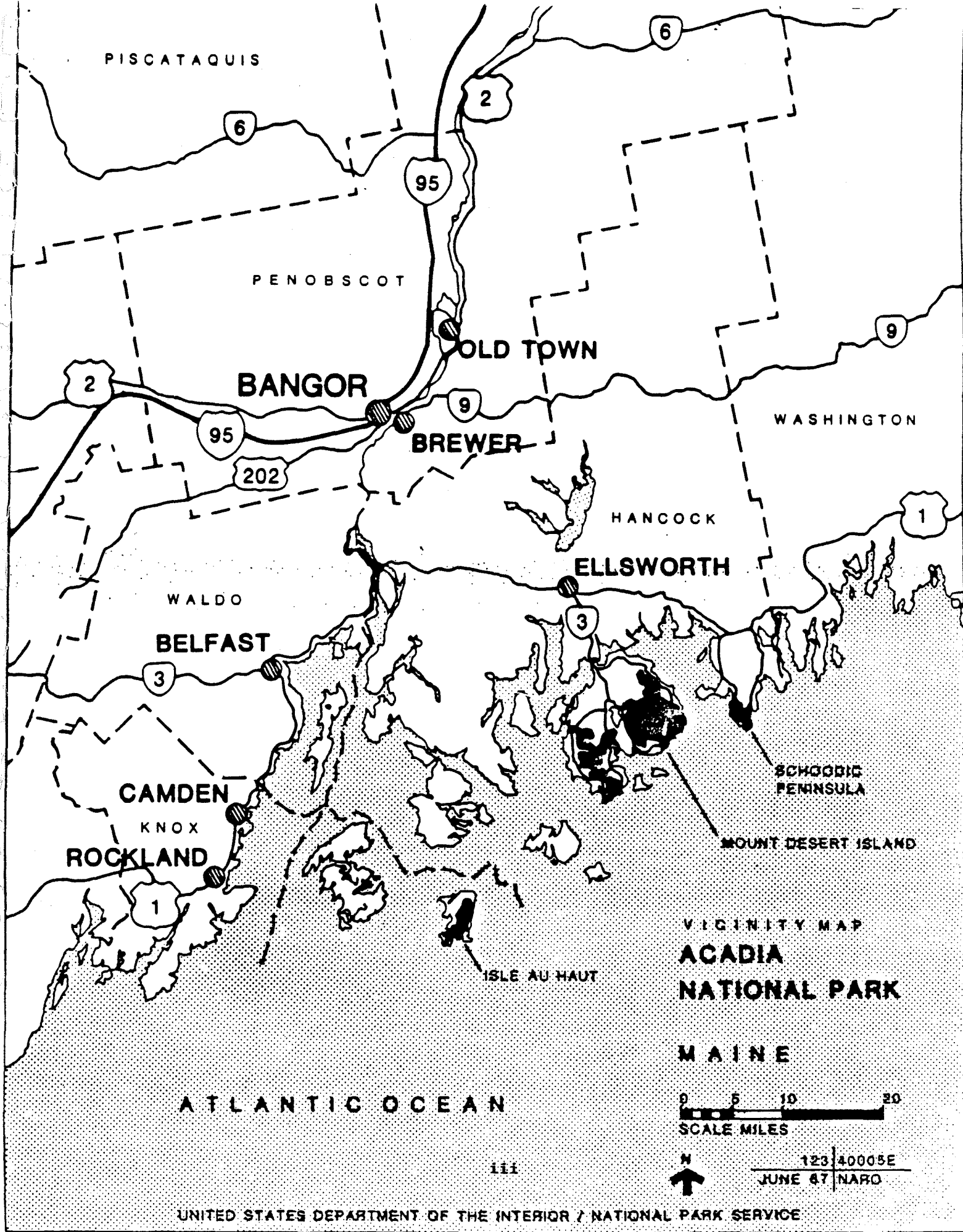
PARK BOUNDARY

The Park boundary as specified in Public Law 99-420 is depicted on the map entitled "Acadia National Park Boundary Map," numbered 123-80,011, dated May 1986. The Act established a permanent Park boundary and authorized acquisition of land within the boundaries and conservation easements 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.

[The boundary for that portion of Acadia National Park that lies within the Town of Isle au Haut is depicted on the map entitled "Boundary Map, Acadia National Park, Town of Isle au Haut, Maine," numbered 123-80003, and dated October 1981.]

FUNDING STATUS

Authorized acquisition ceiling	\$9,100,000
Appropriated to date	3,500,000
Obligated to date	0
Unobligated balance	3,500,000



I. INTRODUCTION

This plan has been prepared in response to the 1982 Department of the Interior policy requiring each park with non-Federal land within the authorized boundary to prepare a Land Protection Plan. It has been prepared in response to Public Law 99-420 enacted on September 25, 1986, which established a permanent Park boundary and required guidelines to be prepared outlining the conditions that determine when property is being developed or proposed to be developed in a manner which is detrimental to the scenic, historical, cultural or other values for which the Park was established. In addition, P.L. 99-420 authorized the Park Service to acquire conservation easements for lands outside the boundary which have important natural, cultural, and scenic resources.

The major issues to be addressed by this Land Protection Plan include:

1. Criteria the National Park Service will use to insure that non-Federal property within the authorized boundary is used in a manner which protects the scenic, historical, cultural, natural and other values for which the park was established.
2. Criteria to determine when reconstruction or expansion of a private or commercial building is compatible with Park values.
3. Priorities for acquiring lands to assure that available funds are used to protect the most important resources.
4. Criteria the National Park Service will use to guide decisions about acquisition of conservation easements outside the boundary within the area known as "Schooner Head," lands 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.

NOTE: This plan is not an offer to purchase or exchange interests in land. It does not diminish or expand the rights of landowners to use their property in accordance with any applicable laws, regulations, or restrictions of record.

II. PURPOSE OF THE PARK AND RESOURCES TO BE PROTECTED

A. Purposes

Acadia National Park was created for "the topographic configuration, the geology, the fauna, and the flora . . . that are of great scientific interest." Congress stated that the Park "be a national park and dedicated as a public park for the benefit and enjoyment of the people . . ." Situated off the coast of Maine in the heart of the old region of Acadia, Acadia National Park conserves mountains and rugged islands that are unequaled along the Atlantic coast.

B. Significance of the Park

Set along the Maine coast, north of the heavily populated eastern seaboard, Acadia National Park is a unique natural reserve as well as a heavily used recreational resource with a wide range of physiographic and biologic features.

The northern coniferous and temperate deciduous forests meet and overlap, bringing together nearly 1,500 species of trees, shrubs, and herbaceous plant life. Approximately 50 species of mammals and 327 species of birds, as well as numerous amphibians and reptiles, have been reported here. Acadia National Park conserves panoramas and scenic vistas of mountains, rocky coasts, islands, and the ocean. Most of the Park's 50 miles of rocky shoreline is characterized by cliffs, boulder beaches, and tidal pools. Cultural resources range from structures echoing the region's historic traditions to a 43-mile system of carriage roads and bridges built from the mid-1920's to early 1930's.

These natural, cultural, and scenic resources of Acadia National Park provide present and future generations with outstanding values of the Mount Desert archipelago.

C. Special Legislative, Administrative or Congressional Directives

Acadia National Park originated from the Sieur de Monts National Monument, which was established on July 8, 1916, by Presidential Proclamation Number 1339 under authority of the Act of June 8, 1906, "An Act for the Preservation of American Antiquities." Sieur de Monts National Monument was approximately 5,000 acres in size and included the summit of Cadillac Mountain, then called Green Mountain.

In 1919 legislation was enacted changing the name from Sieur de Monts National Monument to Lafayette National Park and again in 1929 to change the name to Acadia National Park. The 1929 Act authorized the Secretary of Interior to accept property by donation on Mount Desert Island and throughout the archipelago of Acadia within Hancock County and such islands in Knox County that lie east and south of the main ship channel through Penobscot Bay. With the exception of the Schoodic Peninsula

on the mainland in Hancock County, the National Park Service directed its management and land acquisition efforts towards the islands within this 1929 Park boundary.

From 1929 to 1985, fourteen additional pieces of legislation were enacted for purposes of adjusting the Park boundary. With additional lands acquired through either donation, transfer from another Federal agency, or exchange, by 1985 the Park expanded to approximately 41,000 acres including nearly 6,000 acres protected by conservation easements.

On September 25, 1986, P.L. 99-420 was enacted establishing a permanent Park boundary. This legislation is intended to limit future development within the Park boundary and authorizes the Secretary of the Interior to acquire lands and establish an advisory commission. The Secretary is authorized to acquire conservation easements outside the Park boundary according to specific criteria. A land acquisition ceiling of \$9.1 million was established. A copy of P.L. 99-420 is in the appendix.

Since the passage of P.L. 99-420, Congress has appropriated \$3.5 million for land acquisition.

D. Resource Management

Land classification and resource management zones published in the 1978 Statement for Management consist of:

1. Natural Environment Zone - This zone comprises the major portion of lands within the Park. Approximately 28,800 acres fall under this classification. This zone includes the predominantly forested lands of the Park except for areas within the Outstanding Natural Zone. Development and use is limited to a network of 120 miles of trails which enable visitors to experience a variety of natural habitats and environs.
2. Outstanding Natural Zone - These lands, approximately 4,000 acres, contain the areas of scenic splendor, natural wonder, or scientific importance and are the heart of the Park. These lands receive the highest order of attention to monitor different levels of use and activities. Areas classified in this category on Mount Desert Island include Cadillac Mountain, Acadia Mountain and the adjacent shoreline of Somes Sound, the Big Heath area in Southwest Harbor, the Fresh Meadow of Northeast Creek, all of the shoreline along Ocean Drive and in the Seawall and Bass Harbor areas, and the Porcupine Islands located in Frenchman's Bay. At Schoodic, Schoodic Island, Rolling Island, Little Moose Island, Pond Island, and all of the Park-owned shoreline fall into this zone. Development and use in this zone is limited to trails, off-trail hiking or climbing, and interpretive activities.
3. Historic and Cultural Zones - This category includes areas and structures of historical or cultural significance. Areas falling within this zone, approximately 500 acres, include all of the carriage roads,

the Carroll Farm, Islesford Museum, Baker Island, Egg Rock Island, Bear Island and Bass Harbor Light.

4. Development Zone - Approximately 1,100 acres are reserved for the visitor center, administrative and maintenance facilities, campgrounds, picnic areas, motor roads, parking areas, developed beach areas and concession operated facilities.

III. LAND OWNERSHIP AND USES

A. General Description

The area within the permanent Park boundary as established in P.L. 99-420 is 42,252.62 acres within the towns of Bar Harbor, Mount Desert, Southwest Harbor, Tremont, Gouldsboro, Winter Harbor, Trenton, Cranberry Isles, Swans Island and Frenchboro. The Park owns 35,057.86 acres as well as 117 conservation easements covering 5,854.42 acres; 2,063.02 acres are in private, other Federal, State or town ownership. The boundary legislation authorized 722.91 acres to be deleted from the Park.

1. Private Property - The private property located within the Park consists of:

a) Undeveloped Property - One hundred twenty-three tracts of undeveloped private land consisting of 1,534.11 acres are within the Park. These tracts vary in size from 123 acres to .70 acre. The characteristics of these tracts vary from scenic coastal areas to forested interior areas, uplands and wetlands, and areas along roads or accessible only by foot.

b) Developed Property - Thirty-eight developed tracts consisting of 370.11 acres of residential tracts and 21.4 acres of commercial tracts are within the Park. The residential tracts vary in size from 62 acres to .07 acre. The two commercial tracts are 9 and 12.4 acres.

2. Public Lands - The public lands located within the Park include:

a) Other Federal Lands - The U.S. Coast Guard has jurisdiction over four tracts of land which include three operating lighthouses located on Egg Rock Island - 1AWH; Baker Island - 3ACI; and Bass Harbor Head - 1AT. The remaining tract includes a non-operating lighthouse on Bear Island - 6ACI. These tracts total 27.65 acres and vary in size from 11.75 to less than one acre.

b) State Lands - State-owned lands include three tracts: Green Islands - 1SI, 2SI; and Drum Island - 3SI; and consist of 8.5 acres.

c) Town Lands - Eight tracts owned by the local towns and totalling 101.25 acres are within the Park. Three tracts, 70ABH, 28AT and 28ASW, are existing town roads. These tracts vary in size from .50 acre to 40 acres.

B. External Influences

Both seasonal and year-round populations of Mount Desert Island are increasing. From 1970 to 1980, year-round population on Mount Desert

Island increased by 15%. This population increase, which was shared by few other areas along the Maine Seaboard, triggered the construction of new homes throughout Mount Desert Island.

Between 1983 and 1986, the Town of Bar Harbor experienced a 50% increase in overnight units from 1,500 to 2,256 units. Throughout Mount Desert Island many residences are converting to bed and breakfast establishments.

All of the towns on Mount Desert Island have some form of land use zoning. The Towns of Bar Harbor and Mount Desert have detailed and well-tested ordinances. In all four towns on the Island, land abutting the Park is sought for development.

C. Protection Alternatives

Several alternate methods of protecting land are usually considered in National Park Service plans. These include local zoning, environmental regulation, easements, and cooperative agreements. Some of these methods will be useful for protecting land outside of the boundary. However, the long legislative history of P.L. 99-420 only considered acquisition of fee title as the appropriate method for protecting land within the Park boundary. Alternatives to acquisition of fee title may be useful to provide interim protection, but this plan will detail different methods of acquiring the necessary interests rather than alternative protection strategies.

D. Other Considerations

The Park boundary established by Congress was the result of negotiations seeking an acceptable compromise since the early 1960's. The tracts within the boundary have been consistently identified throughout these negotiations for acquisition by the National Park Service. During this period most landowners did not develop their tracts, despite intense development pressures throughout Mount Desert Island. However, several significant tracts identified for Park acquisition were developed and subsequently were excluded from the boundary.

IV. RECOMMENDATIONS

A. Protection Methods

1. Lands Inside the Park Boundary - At Acadia National Park lands inside the Park boundary have been identified, analyzed, and justified for inclusion within the Park since the early 1960's. Due to strong public and private interest over the years, only lands of outstanding significance were included in the Park. In order to provide for long term protection of these specific lands, acquisition of fee simple title estates by purchase, donation, exchange, or condemnation (subject to the limits established in the authorizing legislation) eventually will be required. The National Park Service recognizes that acquisition may take decades or even generations, but this level of land protection is necessary and appropriate to protect natural and cultural resources and provide opportunities for public use.

The preferred method of fee acquisition will be exchange, or donation from governmental agencies, non-profits and those willing to donate. The National Park Service will seek to acquire by purchase all other lands within the legislated boundary, subject to availability of funds. The decision of donation or purchase lies solely with the landowner.

The National Park Service will purchase lands only on a willing seller basis unless proposed development is inconsistent with the Compatibility Guidelines (refer to page 24).

2. Lands Outside the Park Boundary - When establishing a permanent Park boundary, Congress recognized that important natural, cultural, and scenic resources throughout the archipelago could receive additional protection through the use of conservation easements, and authorized the Secretary to acquire conservation easements "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." Lands outside the Park boundary will be protected by the donation or purchase of conservation easements from willing grantors or sellers. However, donation of easements on lands outside the boundary will continue to be the preferred method of conservation easement acquisition. (See an additional provision of lands on Schooner Head under Compatibility Guidelines.)

Conservation easements acquired or accepted by the National Park Service which are outside the Park boundary must possess one or more of the following characteristics:

1. important scenic, ecological, historic, archeological, or cultural resources;
2. shorefront property; or
3. largely undeveloped entire islands.

No easements will be acquired by the National Park Service without first consulting with, and providing written notification to, the town in which the land is located and the Acadia National Park Advisory Commission. In providing such notification, the National Park Service shall indicate the manner and degree to which the easement meets the criteria set forth above and its relationship to other easement parcels outside the Park boundary.

As authorized in P.L. 99-420, conservation easements on lands upon Schooner Head shall be acquired without the consent of the owner only if future development is inconsistent with the Compatibility Guidelines (see page 24).

In administration of Acadia's conservation easement program, the National Park Service will continue to recognize and accept conservation easements negotiated with assistance from organizations such as the Maine Coast Heritage Trust, the National Park Foundation, and other interested conservation organizations and landowners using the above defined criteria to assess easement compatibility.

3. Notification - The National Park Service shall consult with the towns and the Acadia National Park Advisory Commission on matters relating to:

- the acquisition of lands and interests in lands, including conservation easements on lands outside the Park boundary;
- the termination of rights of use and occupancy.

B. Priorities for Protection

1. Lands Inside the Park Boundary - During the years of negotiations to establish a permanent Park boundary, lands throughout the Acadia archipelago were evaluated for natural, cultural and scenic resource values and for administrative requirements. The results of these evaluations identified significant resource lands to be added and lands to be deleted from Acadia National Park.

Responding to the House Committee Report that encourages the acquisition of land from willing sellers in an expeditious manner, and realizing that land acquisition funds may be limited, this Plan will apply resources value criteria along with existing and potential development to establish land protection priorities.

The following characteristics were used to evaluate tracts within the Park boundary to determine relative resource significance.

- important habitat, especially for rare and endangered species
- important cultural resources
- wetlands and shorelines of high ecological value
- scenic quality
- potential to impact adjacent Park lands

- public and private access and use conflicts
- resources management, enforcement and administrative requirements

The following table is an analysis of the tracts identified in P.L. 99-420 as they relate to these characteristics.

EVALUATION OF TRACTS WITHIN THE BOUNDARY

	Important Habitat, especially for rare/ endangered species or resources of significant cultural value	Wetlands or shoreline with high ecological value	Landscapes hillsides or shoreline with high scenic value	Potential to develop landlocked tracts	Private vs. Public conflict for use of shoreline, trails, roads or other access	Res. Mgmt. Admin. and Law Enforce- ment needs to straighten irregular boundaries	Need for site re- clamation/ rehabilita- tion
BAR HARBOR							
1ABH			*			o	
2ABH-29ABH	*	o	o		o		
30ABH (D)						*	
31ABH (D)						*	
33ABH		*	o	o			
34ABH			*	o			
35ABH	*	o	o		o		
36ABH	*	o	o		o		
37ABH	*	o	o		o		
38ABH	*	o	o		o		
39ABH	*	o	o		o		
40ABH						*	
41A-ABH			*			o	
41B-ABH (D)			*			o	
42ABH (D)			*			o	
43ABH (D)						*	
44ABH			*	o			
45A-ABH			*			o	
45B-ABH			*			o	
45C-ABH			*			o	
45D-ABH			*			o	
45E-ABH (D)			*			o	
46A-ABH (D)			*			o	
46B-ABH			*			o	
46C-ABH			*			o	
47ABH		*	o				
47A-ABH		*	o				
48ABH	*	o					
49ABH	*	o					
55A-ABH		*	o				
56ABH		*	o				
57ABH			*			o	
58ABH			*	o	o		
62ABH		*	o			o	
64ABH			*			o	
65ABH			*			o	
66ABH			*			o	
67ABH		*	o				
68ABH						*	
70ABH	*					o	o
71ABH	*	o	o				

(D) Denotes developed tract as of November

* Denotes Major Tract Characteristic

EVALUATION OF TRACTS WITHIN THE BOUNDARY contd.

	Important Habitat, especially for rare/ endangered species or resources of significant cultural value	Wetlands or shoreline with high ecological value	Landscapes hillsides or shoreline with high scenic value	Potential to develop landlocked tracts	Private vs. Public conflict for use of shoreline, trails, roads or other access	Res. Mgmt. Admin. and Law Enforce- ment needs to straighten irregular boundaries	Need for site re- clamation rehabili- tation
<u>MOUNT DESERT</u>							
1AMD			*	o			o
1A-AMD						*	
4AMD			*	o			
5AMD							*
6AMD							*
7AMD (D)						*	
9AMD			*		o	o	
10AMD (D)			*		o		
11AMD (D)		*	o			o	
12AMD (D)			*		o	o	
13AMD (D)			*			o	
14AMD (D)			*			o	
15AMD (D)			*			o	
16AMD (D)			*			o	
17AMD (D)			*			o	
18AMD (D)			*			o	
19AMD			*		o	o	
20A-AMD (D)			*			o	
20B-AMD (D)			*			o	
21AMD			*			o	o
21A-AMD (D)			*			o	
21B-AMD (D)			*			o	
22AMD (D)			*	o			
23AMD (D)		*	o	o			
24AMD		*	o	o			
25AMD		*	o	o			
26AMD			*	o			
26A-AMD			*			o	
27AMD		*	o				
28AMD		*	o				
28A-AMD		*	o				
29AMD (D)		*	o				
30AMD		*	o	o			
31AMD (D)		*	o	o			
32AMD	*		o				

SOUTHWEST
HARBOR

1ASW	*	o	o			o	
2ASW			*	o			
3ASW (D)	*	o	o			o	
4ASW	*	o				o	
5ASW						*	
6ASW						*	

(D) Denotes developed tract as of November 1, 1971

* Denotes Major Tract Characteristic

o Denotes Minor Tract Characteristic

EVALUATION OF TRACTS WITHIN THE BOUNDARY contd.

	Important Habitat, especially for rare/ endangered species or resources of significant cultural value	Wetlands or shoreline with high ecological value	Landscapes hillsides or shoreline with high scenic value	Potential to develop landlocked tracts	Private vs. Public conflict for use of shoreline, trails, roads or other access	Res.Mgmt. Admin. and Law Enforce- ment needs to straighten irregular boundaries	Need for site re- clamation rehabilita- tion
SOUTHWEST HARBOR							
7ASW	*	o	o	o		o	
8ASW		*				o	
9ASW	*	o	o			o	
10ASW	*	o	o			o	
11ASW (D)						*	
12ASW	*	o	o	o		o	
13ASW			*	o	o		
15ASW (D)			*			o	
16ASW			*				
18ASW			*	o		o	
19ASW			*	o		o	
20ASW			*	o			
21ASW			*	o			
22ASW			*	o			
23ASW			*	o			
24ASW (D)			*	o	o		
25ASW (D)			*	o	o		
26ASW (D)			*			o	
27ASW			*			o	
28ASW						*	
29ASW		*	o				

TREMONT

1AT (D)			*			o	
1A-AT	*	o	o		o	o	
2AT	*	o	o		o	o	
3AT	*	o	o		o	o	
4AT	*	o	o	o			
5AT	*	o	o	o			
6AT	*	o	o	o			
7AT		*		o			
8AT				*		o	
9AT			*			o	
10AT		*	o			o	
11AT			*			o	
12AT						*	
13AT				*			
14AT				*			
15AT (D)			*		o	o	
16AT			*		o	o	
17AT (D)			*		o	o	
18AT			*		o	o	
18B-AT			*		o	o	

(D) Denotes developed tract as of November 1, 1965

* Denotes Major Tract Characteristic

EVALUATION OF TRACTS WITHIN THE BOUNDARY contd.

	Important Habitat, especially for rare/endangered species or resources of significant cultural value	Wetlands or shoreline with high ecological value	Landscapes hillsides or shoreline with high scenic value	Potential to develop landlocked tracts	Private vs. Public conflict for use of shoreline, trails, roads or other access	Res.Mgmt. Admin. and Law Enforcement needs to straighten irregular boundaries	Need for site reclamation rehabilitation
<u>TREMONT</u>							
19AT			*		o	o	
20AT			*		o	o	
21AT		*	o			o	
21A-AT (D)			*			o	
22AT			*	o			
23AT		*	o				
24AT	*	o	o		o	o	
25AT	*	o	o		o	o	
26AT	*	o	o				
27AT	*	o	o				
28AT						*	

GOULDSBORO

1AG	*	o	o		o		
1A-AG (D)	*	o	o		o		
2AG	*	o	o				
3AG The Hop	*	o	o				
4AG Burnt (Potential D)	*	o	o				
5AG Rum Key	*	o	o				

WINTER HARBOR

1AWH (D)	*	o	o				
2AWH		*	o				
3AWH	*	o	o				

CRANBERRY ISLE

1ACI (D)			*			o	
2ACI (D)			*			o	
3ACI (D)			*			o	
4ACI		*	o			o	
5ACI (D)		*	o			o	
6ACI (D)		*	o				

SWAN ISLAND

1ASI	*	o	o				
2ASI	*	o	o				
3ASI	*	o	o				

42/176

64/176

127/176

33/176

29/176

53/176

5

(D) Denotes developed tract as of November 1, 1985

* Denotes Major Tract Characteristic

o Denotes Minor Tract Characteristic

The priorities for acquisition are based primarily upon the degree of development on each parcel and the potential for parcels to be subject to development pressure in the future. The priorities for acquisition are:

- 1st Priority - Undeveloped Property - any property without a building located on the property as of November 1, 1985.
- 2nd Priority - Developed Property - any property with a building located on the property as of November 1, 1985.
- 3rd Priority - Safeguarded Property - property that will not be reasonably subject to development due to ownership by public entities where acquisition method is by donation or by conservation organizations espousing resource protection except when the organization has been specifically requested by the NPS to purchase property and hold it until Federal funds become available.

The rationale for establishing these acquisition priorities is based upon the need to insure that available acquisition funds are used in a manner which best protects resources, that is, protect undeveloped parcels from being developed. The intent also is to provide an opportunity for all private landowners owning unimproved property within the boundary to exercise their option to sell before funds are used to purchase more expensive developed property.

The tables described below detail acquisition priority in relation to resource significance, Table A having a higher resource value than Table D.

TABLE A - Tracts containing important habitat, especially for rare and endangered species, resources of significant cultural value, and wetlands or shorelines with high ecological value have the highest priority for land protection. These lands have the highest resource value due to their sensitivity to impacts and critical relationships to Park flora and fauna. Also included in this table are nine undeveloped properties which do not have exceptional resource value but have specific characteristics making them highly suited for development. Therefore, giving the owners of these properties the first opportunity to sell to the National Park Service would be mutually beneficial.

TABLE B - Tracts characterized as landscapes, hillsides, or shoreline with high scenic value. While nearly as sensitive to impacts as lands in the first Table, development and impacts from private use may affect the visitor experience more so than Park flora and fauna.

TABLE C - Tracts that are interior lands surrounded by Federal lands or that exhibit conflicts between private and public use of shoreline, trails, or roads are the third priority for protection. These tracts

are less likely to be impacted by development and are not located in highly visible locations. While these tracts are important for long range resource protection objectives, due to their existing use or location, they have a lower resource value.

TABLE D - Tracts that straighten an irregular boundary for resource management or law enforcement purposes or are required for site reclamation or rehabilitation.

PRIORITY 1, TABLE A

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-A	2ABH	MDI Marine Lab	2.00
1-A	8ABH	John Hodgkins	3.50
1-A	9ABH	Elizabeth Hodgkins	5.00
1-A	10ABH	Robert Wilcomb	6.00
1-A	13ABH	Mervin Manring	14.00
1-A	15ABH	Chauncy McFarland	6.50
1-A	16ABH	Robie Palmer	5.00
1-A	18ABH	Leon Liscomb	3.00
1-A	20ABH	Margaret Rockefeller	10.00
1-A	22ABH	Harry Owen	22.70
1-A	23ABH	Margaret Rockefeller	9.80
1-A	24ABH	Roger Emery et al	50.00
1-A	25ABH	Ralph Miro	35.00
1-A	26ABH	Mervin Manring	4.00
1-A	29ABH	Shirley Carter	20.50
1-A	35ABH	John Hodgkins	1.50
1-A	36ABH	Charles Hadley	0.70
1-A	37ABH	Eugene King	0.30
1-A	38ABH	Susan Jackson	5.20
1-A	39ABH	Estate of H. B. Gilbert	8.30
1-A	40ABH	Jackson Lab	6.50
1-A	41A-ABH	Charlotte Bordeau	15.00
1-A	45A-ABH	Mary Dunham	3.60
1-A	45B-ABH	MDI Astro. Lab.	6.85
1-A	46B-ABH	William Plissner	5.00
1-A	46C-ABH	Johnson Frazier	5.00
1-A	47ABH	Ina Salisbury	27.00
1-A	47A-ABH	John Kauffmann	5.00
1-A	48ABH	Roy McFarland	80.00
1-A	49ABH	Shepard Harris	47.50
1-A	55A-ABH	Jackson Lab	12.50
1-A	56ABH	Estate of Pauline Palmer	58.00
1-A	62ABH	Jordan Prince et al	8.00
1-A	68ABH	Earl Gooch	0.70
1-A	67ABH	Edwin Garrett	3.00
1-A	71ABH	Estate of Pauline Palmer	0.57
1-A	1A-AMD	TNC of Pine Tree State	0.70
1-A	9AMD	C. Jay	0.98
1-A	24AMD	W. Apel	6.00
1-A	25AMD	L. Kaskell	26.00
1-A	26-AMD	National Parks & Conservation Assoc.	3.50
1-A	27AMD	L. Smallidge	25.00
1-A	28AMD	S. Fox III	9.00
1-A	30AMD	Unknown	
1-A	32AMD	R. Rockefeller	32.00

PRIORITY 1, TABLE A (continued)

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-A	1ASW	Stanley Grierson	3.50
1-A	4ASW	Charles Rich II	2.75
1-A	7ASW	Gladys Butler, Sally Hewlett, Charles Morehouse	4.00
1-A	8ASW	Island Land Corp.	8.50
1-A	9ASW	Ava Gott	2.30
1-A	10ASW	Ben Worcester	14.00
1-A	12ASW	Leslie King	5.50
1-A	1A-AT	Avis Higgins	1.90
1-A	2AT	Janet Earl	5.50
1-A	3AT	Harriet Lunt	0.50
1-A	4AT	S. R. Clark	4.50
1-A	5AT	William Abbott	1.90
1-A	6AT	Mary Benson	2.08
1-A	7AT	Harvey Kelley et al	4.67
1-A	9AT	Douglas Gott	17.00
1-A	10AT	Lisa von Borowsky	49.00
1-A	13AT	National Park Foundation	5.00
1-A	23AT	William Willock, Jr.	1.00
1-A	24AT	Robert Rice	1.00
1-A	25AT	W. W. Commerdinger	1.40
1-A	26AT	The Nature Conservancy	0.25
1-A	1AG	Fred Rulison	21.00
1-A	3AG	Atwater Kent, Jr.	7.00
1-A	4AG	Jonathan Sprague	32.00
1-A	5AG	C. Wiseman and Jonathan Sprague	3.00
1-A	3AWH	Sue Ellen Monroe	61.00
1-A	4ACI	Greening Island Trust	1.90
1-A	17-104	Secor	24.79 (Easement)
1-A	17-109	Nowee	24.00
1-A	17-110	Hamilton	0.25

PRIORITY 1, TABLE B

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-B	1ABH	Bernard Dowd	0.76
1-B	44ABH	Bernard Cough	20.00
1-B	45C-ABH	Harold Gibbs	8.28 (Exchanged)
1-B	45D-ABH	Terrance Kelly	1.30 (Purchased)
1-B	57ABH	Estate of Pauline Palmer	9.40
1-B	58ABH	Estate of Pauline Palmer	9.40
1-B	64ABH	Virginia Shaw	3.50

PRIORITY 1, TABLE B (Continued)

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-B	65ABH	John Rowley	0.60
1-B	66ABH	Anne Liscomb	6.00
1-B	1AMD	College of Atlantic	13.83
1-B	19AMD	Kimball Corp.	4.60
1-B	26A-AMD	C. Atcherson	3.50
1-B	13ASW	Lena Mitchell	18.00
1-B	16ASW	Island Land Corp.	40.00
1-B	18ASW	Charles Morehouse	22.50
1-B	19ASW	Wendell Gilley	2.00
1-B	21ASW	National Park Foundation	10.00
1-B	23ASW	National Park Foundation	16.00
1-B	27ASW	Parker Fernald	4.50
1-B	11AT	Lisa von Borowsky	28.00
1-B	12AT	Island Land Corp.	12.50
1-B	16AT	John Hodgdon, Jr.	0.92
1-B	18AT	Lisa von Borowsky	2.50
1-B	18B-AT	John F. Hodgdon, Jr.	0.20
1-B	19AT	Lisa von Borowsky	1.17
1-B	20AT	Steven Keiser	1.20
1-B	22AT	National Park Foundation	14.00
1-B	2AWH	Ping Sun and Marvel C. Chun	4.50

PRIORITY 1, TABLE C

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-C	8AT	Eva Benson	2.08
1-C	14AT	Suzanne Mадiera	5.30

PRIORITY 1, TABLE D

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
1-D	5AMD	D. Rockefeller	3.00
1-D	6AMD	D. Rockefeller	3.75
1-D	5ASW	Island Land Corp.	7.00
1-D	6ASW	Timothy Gott	5.00

PRIORITY 2, TABLE A

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
2-A	11AMD	Northeast Harbor Water Co.	6.00
2-A	23AMD	Mrs. Anna Maria Black	6.00
2-A	28A-AMD	C. Zimmerman	5.70
2-A	29AMD	Richard Irvin, Jr.	16.70
2-A	31AMD	Unknown	
2-A	3ASW	Charles Rich	60.00
2-A	1A-AG	J. Perkins	12.00
2-A	1AWH	U.S. Coast Guard	11.75 (Transfer)
2-A	5ACI	Dunbar	13.60
2-A	6ACI	U.S. Coast Guard	3.40 (Transferred)

PRIORITY 2, TABLE B

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
2-B	41B-ABH	Wesley Matthei	3.20
2-B	42ABH	Francis Howard	1.00
2-B	45E-ABH	Gary Dermott	5.36
2-B	46A-ABH	Steve Hulbert	27.00
2-B	10AMD	F. Baltzell	1.40
2-B	12AMD	Appalachian Mtn. Club	11.00
2-B	13AMD	Lisa McQuinn	0.29
2-B	14AMD	Robert & Cynthia Aiken, Jr.	0.16
2-B	15AMD	Robert Neuman	0.25
2-B	16AMD	V. Pomroy et al	0.60
2-B	17AMD	M. Gilley	0.80
2-B	18AMD	P. Bordeaux	0.85
2-B	20A-AMD	John Cochran	5.00
2-B	20B-AMD	Charlie & Sheila Cochran	4.06
2-B	21A-AMD	T. Reath	1.30
2-B	21B-AMD	H. Reath	1.464
2-B	22AMD	M. Atherton	9.00
2-B	15ASW	Gordon Mosley	15.00
2-B	24ASW	Helen Madiera	2.00
2-B	25ASW	Alexandra Wright	0.50
2-B	26ASW	Southwest Harbor Water Co.	0.50 (Transfer)
2-B	1AT	U.S. Coast Guard	2.50
2-B	15AT	Rose Edna Gallant	2.00
2-B	17AT	Robert Coler	0.74
2-B	21A-AT	Audrey Auchincloss	62.00
2-B	1ACI	Nadya, Bettina & Arn Pearson	0.24
2-B	2ACI	Elizabeth Kolm	0.07
2-B	3ACI	U.S. Coast Guard	10.00 (Transfer)

PRIORITY 2, TABLE D

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
2-D	30ABH	George and Diana Strawbridge, Jr.	0.37
2-D	31ABH	Delores Gower	0.12
2-D	43ABH	Horace Liscomb	4.50
2-D	7AMD	A. Menzietti	0.289
2-D	11ASW	John Stetson	12.40

PRIORITY 3, TABLE A

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
3-A	3ABH	Downeast Audubon	5.70
3-A	4ABH	Downeast Audubon	114.00
3-A	5ABH	Downeast Audubon	55.00
3-A	6ABH	Downeast Audubon	9.50
3-A	7ABH	Downeast Audubon	6.00
3-A	11ABH	Downeast Audubon	7.00
3-A	12ABH	Downeast Audubon	30.00
3-A	14ABH	Downeast Audubon	8.00
3-A	17ABH	Downeast Audubon	3.40
3-A	19ABH	Downeast Audubon	2.50
3-A	21ABH	Downeast Audubon	4.60
3-A	27ABH	Downeast Audubon	6.00
3-A	28ABH	Downeast Audubon	57.00
3-A	33ABH	Bar Harbor Village Improvement Assoc.	36.00
3-A	29ASW	Hancock Co. Trustees	2.00
3-A	21AT	The Nature Conservancy	15.00
3-A	27AT	The Nature Conservancy	10.73
3-A	2AG	The Nature Conservancy	123.00
3-A	1ASI	State of Maine	3.00
3-A	2ASI	State of Maine	5.00
3-A	3ASI	State of Maine	0.50

PRIORITY 3, TABLE B

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
3-B	34ABH	Hancock Co. Trustee	34.00
3-B	4AMD	Lawrence	0.86
3-B	21AMD	Town of Mount Desert	15.00
3-B	2ASW	Town of Southwest Harbor	4.25
3-B	20ASW	Town of Southwest Harbor	40.00
3-B	22ASW	Town of Southwest Harbor	26.00

PRIORITY 3, TABLE C

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
3-C	70ABH	Town of Bar Harbor	5.00

PRIORITY 3, TABLE D

<u>Priority</u>	<u>Tract No.</u>	<u>Owner</u>	<u>Acreage to be Acquired in Fee Simple Title</u>
3-D	28ASW	Town of Southwest Harbor	2.00
3-D	28AT	Town of Tremont	8.00

NOTE: The parcels in the preceding lists are in numerical order by tract number as depicted on the Park boundary map. Priorities for acquisition identified in the left column of each Table are based on current conditions. Adjustments may need to be made in response to owner hardship or imminent danger of adverse impact to Park resources. Prompt consideration will be given to offers to sell based on owner hardship regardless of priority. In addition, parcels that are to be acquired by exchange in return for deletion tracts will be acquired on an opportunity basis.

2. Lands Outside the Park Boundary - Lands outside the Park boundary will be protected by conservation easements as authorized in P.L. 99-420. Conservation easements will be acquired by donation or purchase from a willing seller. However, donation of easements on lands outside the boundary will continue to be the preferred method of acquisition. (See an additional provision for lands on Schooner Head under Protection Methods.) Conservation easements acquired 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.

In determining whether to accept or acquire conservation easements, the following factors shall be considered by the National Park Service:

- (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.

3. Deletion tracts, land outside the Park boundary that were determined to be no longer important for Park purposes, may be used for exchange purposes. While these lands are to be deleted, on the following tracts we will seek to retain certain interest in the land to protect the resource characteristics (wetlands, habitats, etc.) that are important to the Park.

Tract No.

2DBH No development on a portion of the tract.

3DBH No development on a portion of the tract.

5DBH No development below 100 foot contour line on Long Heath and adjacent to Kitteredge Brook.

3D3H No development within 100 feet of Bear Brook.

3DMD No commercial development along State Highway 102.

5DMD Single family residential use only.

1DT No construction within 200 feet of Park boundary and no commercial development on the parcel.

2DT No commercial development.

4DT No structure within 200 feet of the Park boundary and no commercial development on the parcel.

Lands inside and outside of the Park boundary that become threatened by development or other resource damage will require prompt consideration and appropriate protection under available authorities and may include acquisition outside of the established priority. Any purchase of land or interest in land is subject to the availability of funds.

C. Compatibility Guidelines

In adopting a permanent fee boundary for Acadia, Congress indicated that the level of private use and development existing as of November 1, 1985, was compatible with the purposes of the Park. At the same time, by providing authority to acquire these lands on an opportunity basis, Congress recognized the need to preserve natural conditions and provide for public use to meet long-range management goals of the Park.

These guidelines reflect the legislative intent concerning compatible and incompatible uses of lands within and outside the Park boundary as authorized.

1. Lands Inside the Park Boundary - Under P.L. 99-420 all development existing as of November 1, 1985, is compatible and may expand within specific limits. The following guidelines outline compatible and incompatible uses of undeveloped and developed properties within the Park and will be used by the National Park Service to determine when property is being used in a manner which protects the scenic, historical, cultural, and other values for which the Park was established.

a) Undeveloped Property - The development of undeveloped tracts after November 1, 1985, shall be considered detrimental to Park values. The clearing of vegetation or alterations to the surface of the property will be considered compatible if for the following reasons.

1. Maintenance and operation of roads and foot trails that existed as of November 1, 1985.

2. The gathering, use, or removal of dead wood. Live, standing trees may be cut by the owner only according to a plan approved by the Park Superintendent.

Other land use activities such as dumping or storage of any trash, refuse, or non-registered vehicles shall be considered incompatible.

b) Developed Property - The reconstruction of buildings shall be considered compatible if the rebuilding is substantially as these structures existed as of November 1, 1985, and is consistent with the following criteria:

1. The development and use must comply with all applicable Federal, State and local laws and regulations, and all necessary permits must be obtained prior to commencement of reconstruction.

2. The exteriors of all structures shall be: finished with wood, suitable wood-appearing substitutes, or stone; have non-reflective roofs and sidings, and be colored to blend with their surroundings.

3. When possible structures shall be screened as to be unobtrusive from existing roads, trails and viewpoints. This screening may be accomplished by planting native vegetation and the color of materials used.

4. Size of reconstruction shall conform to the 25% square footage restriction set forth under "new construction."

5. Total height of reconstruction and any additive shall not exceed 32 feet as defined in more detail in Appendix A.

New construction must follow the guidelines for reconstruction and shall be considered compatible if it is either attached structural additions or accessory structures that do not exceed an accumulative total of 25% of the square footage of the principal structure as it existed as of November 1, 1985.

The construction of reasonable support development, such as roads, small parking areas, water and sewage treatment systems, and docks shall be considered compatible if they are essential to the support and maintenance of the property.

The clearing of vegetation shall be considered compatible for:

1. Prudent management of wooded areas and fields, and the cultivation and maintenance of lawns and personal gardens, in a manner consistent with preserving scenic character of the property.

2. Excavation in connection with maintenance, reconstruction, or construction either of compatible structures or of utility services related to the use of the property.

3. Maintenance of the existing roads and foot trails.

4. The gathering, use, or removal of dead wood. Live standing trees may only be cut by the owner according to a plan approved by the Park Superintendent.

The dumping or storage of any trash, refuse, or non-registered vehicles shall be considered incompatible.

c) Notification - The notification process for any proposed development shall consist of:

1. The landowner shall notify the Park Superintendent in writing as soon as possible prior to the proposed development. Appropriate drawings, i.e. plans, elevations, and surveys as necessary are to be included in the notification.

2. The Park Superintendent will review the proposed action and within thirty days will determine in writing if the proposed development is compatible with these guidelines or if additional information is needed for a determination. The landowner will have a reasonable opportunity to comment in writing on the determination.

3. If the proposed development is determined to be detrimental to Park values, the Park Superintendent will notify the owner of his specific objections. The landowner may revise the proposal for reconsideration.

If the property is being developed in a manner detrimental to the scenic, historical, cultural, and other values, P.L. 99-420 provides the authority for the National Park Service to acquire lands without the consent of the owner. Before this authority would be used, the National Park Service will provide written notice to the owner of the property. Only after the owner has been given reasonable opportunity to amend the actions considered detrimental to Park values would the National Park Service seek to acquire the lands without consent of the owner.

2. Lands Outside the Park Boundary - Although the area known as Schooner Head is outside of the Park, P.L. 99-420 stated that the Secretary is authorized to acquire conservation easements if "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." The compatibility guidelines for developed properties inside the Park boundary will be used by the National Park Service in determining compatible uses of these lands.

If proposed development on Schooner Head is detrimental to Park values, the National Park Service may acquire adequate interests to protect those values.

3. Property Certification - Landowners are encouraged to cooperate with the National Park Service to document the development existing as of November 1, 1985. Owners may request the Superintendent to provide a letter certifying that the development now in place is compatible with the Park. This certification will be supported by photographs and site plans documenting existing development in order to avoid any future disagreements about what constitutes significantly different or significant expansion of development within the Park.

D. Assessment of Impacts

The actions proposed in this Plan have no potential either individually or accumulatively for causing significant environment impact. The Plan is thus categorically excluded from compliance with the National Environmental Policy Act.

APPENDIX A

Definitions Referring to Land Use Within the Park Boundary

1. "Undeveloped property" shall mean any property without a building located on the property as of November 1, 1985.
2. "Developed property" shall mean any property with a building located on the property as of November 1, 1985.
3. "Development" shall mean any activity, action, or alteration which changes undeveloped property into developed property.
4. "Principal structure" shall mean the largest residential structure on a residential property. Relating to a commercial property, it shall mean the largest commercial structure on the property. Relating to a commercial property where both a residential structure and a commercial structure exist, it will mean the larger of the two.
5. "25 per centum of the square footage of principal structure" shall be calculated by the measurement of all primary habitable space.
6. "Attached structural additions" shall mean any development connected on at least one building side to the principal building and customarily incidental and subordinate to principal building or use.
7. "Accessory structure" shall mean any development which is located on the same lot as the principal building, use of which is customarily incidental and subordinate to the principal building or use, and which use is not for overnight habitation. Accessory structure may include storage sheds, docks, decks, garages, and patios. Accessory structure shall also include guest houses used for overnight habitation without cooking facilities.
8. "Building" shall mean an enclosed structure having a roof supported by columns, walls, or cantilevers; and if separated by a party wall without openings, it shall be deemed a separate "building."
9. "Guest house" shall mean an accessory structure without cooking facilities, on the same lot as the principal building. Its purpose being for the temporary accommodation of guests of residents living in the principal building.
10. "Building height" for reconstructed or new constructed buildings shall be limited to no more than 32 feet above average ground level. The building height includes gables, dormers, stairwells, chimneys or other protrusions in excess of two square feet in base area but does not include vent stacks or such protrusions less than two square feet in base area. The ground is the surface of the earth and does not include walkways, decks, vegetation, artificial fill, retaining walls, or other man-made alterations from the natural state.

APPENDIX B

Land Protection Overview

The following is a summary of the history of land protection within the Park.

1. Method and amount of Federal Acquisition as of December 31, 1986.

<u>Method</u>	<u>Acreage</u>	
Donation and Transfer	35,057.86	
from other Federal agencies		
Easement Donation	5,854.42	
<u>Total Acreage</u>		
Acreage acquired in Fee Title	36,653.55	
Acreage acquired in Easement	5,854.42	
Acreage Disposed		<u>1,595.69</u>
Total Federal Acreage Retained	40,912.28	

2. Summary of Retained Uses December 31, 1986.

<u>Type of Retained use</u>	<u>Number</u>
Limited Term Use and Occupancy	0
Life Estate	0

Land Protection Program Status

<u>Date</u>	<u>Authorized Ceiling</u>	<u>Appropriations</u>	<u>Unobligated</u>
December 31, 1986	\$9,100,000	\$3,500,000	\$3,500,000

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.

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.

Conservation.
Public
information.
16 USC 341 note.

SEC. 102. LANDS WITHIN BOUNDARIES.

(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—

Gifts and
property.
16 USC 341 note.

(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.

APPENDIX E

LI425 (NAR L)

ACAD

Mr. John L. Bryant, President
National Park Foundation
1825 K Street NW - Suite 712
Washington, DC 20006

Dear John:

A parcel of land having an area of approximately four acres identified on the proposed legislation Land Status Map of January 1983 for Acadia National Park as Tract 26 A&D has been offered for sale by the representation for the Estate of Sadie Marcus. The parcel is completely surrounded by Park property and should be part of the Park.

As you know we lack both the necessary authority and funds to purchase lands at Acadia National Park at this time. The nine residuary legatpes under the Will of the late Sadie Marcus are not receptive to a donation of these lands. The value of the parcel is estimated at [REDACTED].

I would appreciate it greatly if the National Park Foundation could assist us by acquiring and holding this parcel at this time with the understanding that it will be acquired by the National Park Service after the requisite legislative authority is enacted. It is understood that should the National Park Service be unable or decline for policy reasons to purchase the parcel at a future date disposition of the parcel by the National Park Foundation would be without liability to the Government.

Thank you for your consideration in this matter.

Sincerely,

[REDACTED]

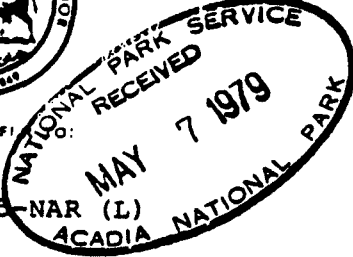
Herbert S. Cables, Jr.
Regional Director

PKCOTTER:pts 1/18/85



IN REPLY REF. TO:

L1425-NAR (L)
ACAD



United States Department of the Interior

NATIONAL PARK SERVICE

NORTH ATLANTIC REGION
15 STATE STREET
BOSTON, MASSACHUSETTS 02109

May 3, 1979

CONTENTS NOTED	Initials	Date
Subst.		
Admin. Officer		
Ch. Park Cond.		
E. Dist. Ranger		
W. Dist. Ranger		
Naturalist		
Park Ranger		
Park Ranger		
Master Spl.		
B & U Foreman		
R & G Foreman		
Mechanic		
Trellise		
Admin. Tech.		
File		

Memorandum

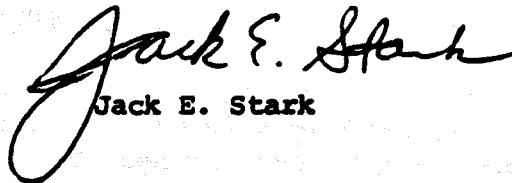
To: Superintendent, Acadia National Park

From: Regional Director, North Atlantic Region

Subject: Acadia National Park - Acquisition of Land - Marjorie Bragg, Tract 26 AT

Reference is made to your memorandum of April 3, 1979, concerning the acquisition of the above tract of land by The Nature Conservancy.

Enclosed is a letter of April 26, 1979, from Acting Associate Director Surles to Mr. David Morine, The Nature Conservancy. The letter to Mr. Morine indicates the intent of the National Park Service to acquire the property from The Nature Conservancy when legislation is passed.


Jack E. Stark

Enclosure

LI425-NAR (L)

May 5, 1975

Mr. John L. Bryant, Jr.
President
National Park Foundation
Washington, DC 20240

Dear Mr. Bryant:

By Proclamation No. 1339 of July 8, 1916 (39 Stat. 1785) the Sieur de Monts National Monument was authorized. The name was changed to the Lafayette National Park by Act of February 26, 1919 (40 Stat. 1178) and to the Acadia National Park by Act of January 19, 1929 (45 Stat. 1083). Numerous boundary revisions have been authorized since 1929 to provide for transfer, exchange and acquisition by donation. There is no acreage limitation or authorization for appropriation of funds under existing legislation. We have authority to accept land by donation only within Hancock County and the islands in Knox County to the ship channel.

The master plan for the Acadia National Park is in the final stages of preparation and in house review is scheduled during the next three to four months. Public review and comment is proposed in early Fall of this year. After public review and comment, the plan should be approved and legislation initiated to establish a permanent boundary. Legislative support data is scheduled in 1976. It is proposed to acquire certain tracts for development and to provide more manageable units by eliminating certain inholdings.

The major portion of the other half of Baker Island, consisting of 70 acres, is in imminent danger of development. Property is available for sale and the owner, Winifred Coulter, Garter Notch Road, North Conway, New Hampshire 03860, has had a firm offer of [REDACTED]. Mr. Coulter has indicated he will be willing to accept payment for the property based on a three-year plan. Total would be [REDACTED] for the property plus \$4,700 for interest that would accrue in the second and third year at 8% plus closing expenses. The first payment is estimated at [REDACTED] to be applied to the purchase price plus the [REDACTED] interest and expenses.

L1425-640

APR 26 1979

Mr. Dave Morine
The Nature Conservancy
1800 North Kent Street
Arlington, Virginia 22209

Dear Dave:

The National Park Service has identified 10 islands on the proposed Master Plan for Acadia National Park that should be acquired because of their exemplary scenic or ecological significance. Trumpet Island is one of these, primarily because of its interpretive value for seal and gull habitat.

Should the Nature Conservancy be able to purchase this island from the present owner, Mrs. Marjorie Bragg, the National Park Service will make every effort to purchase the island from the Conservancy, when legislation is passed enabling Acadia National Park to acquire lands.

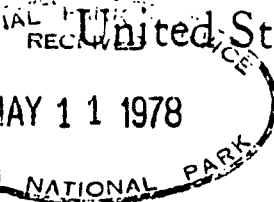
The efforts of the Nature Conservancy to preserve lands important to future National Park management are deeply appreciated.

Sincerely yours,

[Rsgd] L. E. Surles

Acting Associate Director

cc:
Regional Director, NANO



IN REPLY REFER TO

L1425-NAR (L)
ACAD

United States Department of the Interior

NATIONAL PARK SERVICE

NORTH ATLANTIC REGION
15 STATE STREET
BOSTON, MASSACHUSETTS 02109

May 8, 1978

CONTENTS NOTED	Initials	Date
Supt.		
Admin. Officer	RAA	5/11
Ch. Park Opns.		
E. Dist. Ranger		
W. Dist. Ranger		
Naturalist		
Park Ranger		
Park Ranger		
Maint. Spl.		
B & U Foreman		
R & G Foreman		
Mechanic		
Trainer		
Admin. Tech.		
File		

Memorandum

To: Superintendent, Acadia National Park

From: Regional Director, North Atlantic Region

Subject: Acadia National Park - Acquisition by Nature Conservancy,
John E. Smith

Land and Water Conservation funds available to our Land Acquisition Division can be provided to clear the title if the property is conveyed to the United States of America. At this time, the only method of acquisition is by donation. If The Nature Conservancy is willing to convey this property at this time by donation, funds will be requested to clear the title through a title insurance company.

If The Nature Conservancy is not willing to convey the property by donation at this time but will hold the property until funds are available for acquisition by the United States, we will pay the fair market value at the time of conveyance to the United States. It should be noted that the appraisal of this tract of land obtained by this office is in the amount of [REDACTED] which is on the basis that the title is free and clear of all liens and encumbrances. To obtain the amount of [REDACTED] for this tract, the owner should clear the title.

Jack E. Stark
Jack E. Stark

Note: Property was acquired by Nature Conservancy on May 5, 1978

W. Miller

(1A-AMD)