



The NLC NEWS

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SUCCESS!

THANK YOU!

► Donors Contribute \$14 Million to NLC to Purchase Conservation Restrictions

In January 2007, the Land Council announced that during the 31 month-long Loring Campaign, donors contributed \$14 million, including \$5 million still outstanding in pledges, to buy Conservation Restrictions on 270 acres. The tract to be preserved extends from Madaket Road to Eel Point Road and around most of Head of Long Pond.

More than 1,880 generous people achieved this largest ever Nantucket conservation goal! The NLC is grateful for such broad community support. A list of donors will be published in the spring. **THANK YOU!**

► NLC Exercises Options with Linda Loring & The Linda Loring Nature Foundation, Inc.

Time was running out on the Option agreements which were set to expire on January 31, 2007, when the NLC sent notices to The Linda Loring Nature Foundation, Inc. and Linda Loring of its intention to exercise the Options. Donors are being asked to accelerate pledge payments, if possible, as the NLC must borrow to buy the restrictions. **Purchase of the Conservation Restrictions and their recording in the Registry are scheduled for mid-April.**

Congress Increases Tax Benefits in 2007 for Gifts of Conservation Restrictions (see next page)

For more information on the Land Council's ongoing work to protect Nantucket's natural resources, such as drinking water supplies and rare species habitat, see **www.nantucketlandcouncil.org**

► Congress Greatly Expands Tax Benefits for Conservation Restrictions Donated in 2007

Preserving family land in 2007 with conservation restrictions (also called easements) now gives donors a narrow window for expanded tax benefits. A conservation restriction (CR) is a permanent legal contract between a landowner, who still owns the land, and a conservation group. The CR preserves a property's conservation values while it benefits the public by protecting public resources, such as drinking water supply, rare species, natural wildlife and plant habitats, and scenic landscapes.

A contribution of a conservation restriction to a non-profit organization is a valuable, tax-deductible gift. The value, calculated as the difference between the value prior to the restriction and the value after the CR is recorded, must be determined by an appraiser. The Pension Protection Act, which Congress enacted last summer and the president signed, greatly increases tax benefits for 2007 donors.

In 2007, a CR gift will be deductible up to 50% of the owner's adjusted gross income (AGI) up from 30%, and unused value for a 2007 CR gift will be able to be carried forward for 15 more years (up from 5 years.)

If your family has been considering when to preserve your Nantucket land, you should seriously consider the substantial tax benefits of giving a CR in 2007.

Contact Lynn Zimmerman at the Land Council by phone 508-228-2818 or at lynn@nantucketlandcouncil.org for information on conservation restrictions and the added tax benefits in 2007 of the Pension Protection Act.

► Defending Squam Road's Rural Character

Squam Road is an unpaved, private, historic rural road. Although it has been considered "inadequate" for further subdivision, most residents like it that way. Most of them supported a 2006 Town Meeting vote which decreased subdivision potential by increasing minimum lot size to two acres. The NLC holds four CRs along Squam Road, and we support the neighborhood's rural character. When a two lot subdivision at 17 Squam Road was submitted by the Clawson family (Nason Nanco) in January, the NLC and neighbors were concerned about new subdivision off the narrow rural road, and we urged the Planning Board to approve subdivision only if their decision were to prohibit both future subdivision and new secondary dwellings.

► Developers Propose 19 Lots in Miacomet

Island developer Billy Cassidy and several investors, who call themselves Bluefin, Inc., have filed a subdivision for a 19 lot cluster with the Planning Board on 29 acres east of Miacomet Pond. Last fall they bought the land for over \$15 million from Planning Board Chairman Donald Visco and his family. About half the site was used for mining sand, but, unfortunately, the cluster fails to utilize these previously disturbed areas for infrastructure and housing. Instead, the developers propose to destroy much of the remaining intact open space for housing and to "restore" and re-plant the sandpit. **The NLC and some Miacomet neighbors have urged the Planning Board to require alternative cluster designs which are more consistent with the purpose of Nantucket's zoning cluster bylaw—to preserve existing natural vegetation as open space.**

► 8 Lot Subdivision Proposed for Gardner Road

What was once a hopeful conservation sale between the Nantucket Land Bank and owner Katharine C. Nasser at 12 Gardner Road is now an 8 lot subdivision proposal at the Planning Board. Several years ago, the Land Bank and several neighbors discussed purchasing this 21 acre parcel for more than \$5 million. The lot then sold to a private developer for just over \$3 million. The subdivision still faces legal hurdles regarding its right to subdivide off an easement which separates some land from Gardner Road. **The NLC has hired Scott Horsley of the Horsley & Witten Group to review the potential impacts of the proposed development lots on fragile water resources, particularly the effects of nitrogen from septic systems on groundwater, wetlands, and Nantucket Harbor.**



Students of The Lighthouse School present an enormous check for \$6,000 to the Nantucket Land Council for the Loring Campaign. They raised the money creating, publishing, and selling a 2007 Nantucket wildflower calendar.

► Preserving Loring Land Ensures Biodiversity

Thanks to the Land Council's extraordinary effort, the 270 acre Linda Loring property now will be protected in perpetuity with a Conservation Restriction (CR). Because this expansive tract contains a variety of natural habitats, which vary depending on soil type and plants, and usually the richest environments biologically are those at the edges of habitats, the Loring land ensures that a level of biodiversity will be preserved on the island and the world.

One third of the property is sandplain grasslands and heathlands, designated by the Mass. Natural Heritage and Endangered Species Program as a "critically imperiled" rare plant community.

It exists only in areas of coastal outwash plain left by the last glacier some 50,000 years ago. Outwash plains are made up of fine sandy soils and exist primarily in the northeast U.S. from Cape Cod to Long Island. However, extensive coastal development has destroyed most of this habitat, leaving approximately 90% of the world's sandplain grasslands on the islands of Nantucket, Tuckernuck, and Martha's Vineyard. This threatened habitat and many of its plants and animals are designated "globally rare."

In addition to sandplain grasslands, the Loring land holds other significant habitats. The property nearly surrounds Head of Long Pond, with a shoreline that transitions from an extensive mosaic of wetlands and bogs to uplands of heath and grasslands. Several of the kettlehole ponds and old cranberry bogs are connected by ditches that probably were dug to irrigate the historic bogs active in the early 1900's but which are no longer commercially harvested. It is in this section of the property where Spotted Turtles crawl and that isolated vernal pools are scattered about.

This unique variety of side by side habitats creates a dynamic diversity of interrelated plant communities and animals throughout the property. The Loring land is the largest privately-owned tract remaining on Nantucket, and, because it also abuts other permanently preserved land, it serves to interconnect an even greater network of open space. Because of the extraordinary biological significance of this land, its protection through a Conservation Restriction is the most significant and exciting conservation story on Nantucket in a long time. It is an enormous success for biodiversity.



NLC's Emily Molden (with the Land Council bag) leads a nature walk for a group on the Loring land in summer of 2006.

► Spotted Turtle Population Investigated in 2006

During summer of 2006, NLC Resource Conservationist, Emily Molden, continued her research on Spotted Turtles, *Clemmys guttata*, on the Loring property. Two box traps and two interruption traps were used in several wetlands and man-made ditches. Molden took her research a step further when she attached a radio-transmitter to a male turtle trapped on the property in June. Radiotelemetry allows an animal to be tracked on a regular basis in order to gather information on patterns of habitat use. Further data still is needed to make estimates on the size and demographics of the spotted turtle population on the Loring land. However, it is clear that extensive suitable habitat is available. Specifically, the turtles seem to use the old man-made ditches used to irrigate the historic cranberry bogs which are no longer commercially grown or harvested. As part of the baseline documentation for the CR, Molden is preparing a biological inventory for the property and noting its biological significance, such as providing Spotted Turtle habitat.

If you see a Spotted Turtle, please do not move it. Please call Emily at the NLC at 508-228-2818. We will record its location and add it to our map/database.

NLC Seeks Donation of Vehicle

Whether for science and research projects, visits to check development sites, or as part of land protection efforts, we drive around Nantucket as part of our work, and we need a vehicle. Call 508-228-2818 if you can donate a good vehicle.

► **Conservation—Creatively!**

From eye-catching “Burma Shave” signs and red-flagged developers’ poles, to a Tennis Tournament and Opening Party at **Westmoor**, a gala dinner at **The Galley Beach**, and two art exhibits, the NLC had a high-profile season. **The Brigham Galleries** exhibit, *Love of the Land*, featured the works of 38 artists inspired by the Loring property, and was attended by hundreds of people. In the fall, *From the Wetlands to the Wall*, was supported by a grant from the **Nantucket Arts Council** and featured art works made from beach debris. **Susan Whelihan** rounded up local artists to join *The Clean Team* on Saturday mornings to help clean beaches, and the nonprofit **Artist Association** donated space for the show. **Thanks to all!**



Top—Left to right: Hannah Stone, Heather Peroni and Lisa Lothian at the Brigham Galleries. Middle: Paul and Eileen Arsenault. Bottom: Susan Whelihan at Wetlands to the Wall. Photos by Gene Mahon.

► **NLC “Rallies” with Land Trusts in Nashville**

In mid-October, Cormac Collier, Emily Molden, and Elisabeth Hazell flew to Nashville, TN for the national meeting of land trust professionals organized by the Land Trust Alliance. Workshops ranged from fundraising tools and event planning to biological inventories and habitat protection. New tax incentives for charitable donations were discussed during a presentation by Stephen Small and Russell Shay. Networking with others and sharing professional experiences made the trip very worthwhile.



◀ At the NLC sponsored Tennis Tournament at Westmoor: Linda Loring, center, with Lauren and Paul Gudonis to the right and Denise and Bill Welsh to the left.

► Left to right at the NLC’s Tennis Tournament at Westmoor: Edie Ray, who is on the Board of The Linda Loring Nature Foundation, Linda and John Johnson, and Richard Ray.



► **Inspired by Loring Campaign, Many Pitch In**

Many friends took their own initiative to help raise funds and awareness. **Paul and Eileen Arsenault** requested gifts at private dinners they cooked at home; **Robbie Behrman** organized a concert; **Jeff Land** and **Elizabeth Lowrey** held a film screening, and **Fred Cowles** told his family to make gifts because all he wanted for Christmas was to keep the Loring land as open space. Lighthouse School and *The Nantucket Independent* created calendars; Nantucket New School students sold concessions; and many others, including **Dan Driscoll** and **Grant Sanders** volunteered time, homes, skills, businesses, products, and energy. Thank you one and ALL for helping!

► **NLC Awards Over \$5,600 in School Grants**

For the 14th year, the NLC awarded project grants in science and environmental awareness to local students and teachers. \$5,617.46 supported seven projects, which include water quality test kits for teacher Matthew Liddle, a science fair study on osphradium and the distribution of glycogen in Bay Scallops, materials for construction of a stream/erosion table for elementary teacher Mike Girvin, field equipment for Strong Wings, support for Nantucket New School’s ecology course,

support for a Lighthouse School study and book production on Nantucket's marine mammals, and support for the High School Science Fair. The NLC's goal in providing school grants is to expand educational opportunities for local students, specifically in areas of science and the local natural environment.



Nantucket school children walk the beach below Sankaty Bluff. SBPF's "duneguard" fence can be seen at the toe of the bank.

► **Efforts to Stop Sankaty Bluff Erosion Ongoing**

This winter, Siasconset Beach Preservation Fund (SBPF) filed a Final Environmental Impact Report (FEIR) with the state for extensive beach nourishment. Work is to extend south from Sesachacha Pond, past Sankaty Head Lighthouse to Codfish Park. It is also projected to restore coastal dunes at Codfish Park and the Town's sewer beds.

Interested parties, including the NLC, reviewed SBPF's reports and have submitted comments to the state. The project has changed since it was first filed, and the NLC applauds SBPF's elimination of geotubes and groins.

Work still includes nourishment of beaches with 2.6 million cubic yards of compatible sand, which, if approved, would be dredged from a borrow site landward of Bass Rip Shoal, three miles offshore from Sconset. To move forward, SBPF will need permits or decisions from no fewer than ten governmental agencies, including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Mass. Coastal Zone Management, Mass. Board of Underwater Archaeological Resources, and Natural Heritage and Endangered Species Program.

SBPF recently received an Amended Order of Conditions and an 18 month extension of the Amended Order, which would have expired in February 2007. It permits terracing on the bluff along Baxter Road and in front of Sankaty Lighthouse. The January '07 Amendment issued

by the Conservation Commission allows a new terracing design using jute, which is expected to biodegrade faster in sea water than coconut fiber. The Amended Order requires removal of all remaining duneguard fencing and requires ongoing nourishment and monitoring of the work site.

► **Town Updating Municipal Harbor Plan**

This winter, the Board of Selectmen will consider adopting a proposed update of the Town's 1993 Harbor Plan for Nantucket and Madaket Harbors drafted by the Harbor Plan Committee. NLC Executive Director Cormac Collier attended the Harbor Plan Committee's meetings and advocated for additional protection of fragile marine resources. The proposed Plan addresses water quality, docks and piers, public access, and future development in the commercial waterfront areas. The final plan must be approved by the Department of Environmental Protection.

► **Urging Great Harbor Yacht Club to Proceed with Environmental Protections for Harbor**

Two years ago, the Land Council joined ten commercial scallopers who appealed the Conservation Commission's decision to permit Great Harbor to build docks and piers, and dredge significant eelgrass in Nantucket Harbor. The group has requested a Superseding Order of Conditions under the State's Wetlands Protection Act. The appeal under the local Wetlands Bylaw was remanded by the court back to the Conservation Commission, stating that the Commission acted in an arbitrary and capricious way. Because only one of the Commission remains from those who first reviewed the Notice of Intent, the NLC has asked that it be reviewed again in its entirety by the new Commission to allow for a well informed decision.

In December 2006, Great Harbor Yacht Club applied to the Massachusetts State Waterways Program for a Chapter 91 license to permit construction of docks, a clubhouse, and piers in jurisdictional tidelands. The purpose of a Chapter 91 review is to ensure that public interests are protected. The NLC is concerned that this private project will impact a significant fishing and shellfish nursery area within a public domain with public benefits. The proposed relocation of the travel lift will require additional dredging in significant eelgrass habitat. In our comment letter, we petitioned the State to reduce the clubhouse footprint and/or to reorient it, which would allow the travel lift to remain in its current location, and to reduce the docks and piers footprints and to remove the floats in their entirety to best protect eelgrass beds and shellfishing resource habitats.



NLC staff, toasting in the office after the Notice of Exercise of the Options was mailed to Linda Loring. From left: Cormac Collier, Elisabeth Hazell, Emily Molden, Linda Holland & Lynn Zimmerman.

SAVE THESE DATES

July—Creating Art Work on Conservation Land
Open to Artists, Call 508-228-2818 for Information

August 9th—NLC Annual Meeting, Egan Institute

September 9th—Gala Benefit Dinner, Galley Beach

September 22nd—Nantucket Biodiversity
Initiative Conference

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