

Hon. Scott W. Cowger, P.E.

Home: 242 Long Reach Lane, Harpswell, Maine 04079

Mailing: 11 Inn Road, Hallowell, ME 04347

Email scottcowger1@gmail.com

TESTIMONY IN **OPPOSITION TO LD 1724**

RESOLVE, AUTHORIZING THE BAXTER STATE PARK AUTHORITY TO CONVEY CERTAIN LAND IN CUMBERLAND COUNTY

Senator Talbot Ross, Representative Pluecker, and Distinguished Members of the Committee:

Thank you for the opportunity to testify on LD 1724. I have owned property at the very end of Long Reach Lane in Harpswell since 2011, and it has been a delight to let any visitors know that they have to “pass through Baxter State Park” on the way to my property. After a puzzled look, I then have the pleasure of describing the Austin Cary Lot that is the subject of this legislation. Long Reach Lane is a private road that runs for one mile from Route 24 (the Harpswell Islands Road) to my property. While there are four other properties (for a total of five private landowners) that are served directly from this road, most of the road is wholly contained within the Austin Cary Lot.

I fully understand the Baxter State Park Authority’s (BSP) desire to have this land owned by someone with closer ties to the Harpswell area. In the 13 years of the Long Reach Lane Road Association’s meetings that I have attended, I have never met anyone directly representing BSP, but instead BSP was represented by their consulting forester. I support the idea of transferring this land to an entity that would have similar values as BSP but perhaps located a lot closer to Harpswell. But I have a number of concerns regarding this specific legislation.

1. Abandonment of Legislative Authority

It is a longstanding precedent that any transfer of state property to a new owner requires legislative approval, and this approval includes the specific owner who receives the property. BSP is requesting approval to find a new owner but the legislature should not surrender its legislative authority to determine or approve who that new owner is going to be. While I think it is fine to start looking for a new owner of the Austin Cary Lot, this legislation is premature since it does not specify the new owner. If BSP feels that they need legislative approval to start looking for a new owner, then **this could be turned into a resolve authorizing Baxter State Park to begin the process of searching for a new owner and requiring a return to the legislature for approval.**

2. Importance of Permanent Conservation

The Austin Cary Lot is a very special place on the coast of Maine. The 228 acres of undeveloped land is a large tract of unbroken habitat used by a wide variety of wildlife. The healthy forests, salt marshes, and coastal and inland wetlands provide a home for a vast array of species. Bald eagles are readily viewed in this area along with many other birds, mammals, and a broad variety of flora. A cooperative effort with the Maine

Department of Transportation in 2014 greatly improved the tidal flow to dozens of acres of saltwater wetlands that are within the Austin Cary Lot, and this project restored an additional area of valuable wildlife habitat.

Attached is a map showing the significant size of the Austin Cary Lot relative to other public conservation land in Harpswell.

The two deeds referenced in LD 1724 (Book 3496 Page 215 and Book 3524 Page 171) require that “the land be used for a demonstration forest, wildlife management area, or for other educational and scientific uses” but only for a period of 99 years, and these requirements end in 2073 – a mere 48 years from now.

I believe this property should be conveyed as a “forever wild” piece of property, much like Baxter State Park. BSP has been an excellent steward of this land, but the future owner needs to be selected carefully and should be determined *by the legislature* **and should have a requirement for permanent conservation.**

3. Inappropriate Requirement for Public Access

When the Austin Cary Lot was created by the Hamilton sisters, Maine Forest Service director Fred Holt understood that the land use envisioned by them was an area to “be held for management of game species, particularly waterfowl for reasons of the marshland habitat, and for a model or demonstration forest. These **uses will not be such as to encourage large crowds of people and we do not wish to develop any facilities which will concentrate people on the property.**” (I have added the emphasis.)

The deeds referenced in this legislation, as mentioned above, require “the land be used for a demonstration forest, wildlife management area, or for other educational and scientific uses” and this is not the language listed in Section 2 of LD 1724. **The proposed legislation should be corrected to reflect only these requirements.**

There is no requirement in the deeds that this property **MUST** be used for sustainable forestry or wildlife management, nor is there the option that the property **MAY** be used for other scientific and educational purposes related to sustainable forestry or wildlife management. Those are different words than what are contained in the property deeds, and these words also convey a different meaning.

Importantly, the deeds are silent on public use of the property, and while the public is not excluded from this parcel, there have not been any public facilities such as trails or parking areas developed as the focus has been exclusively on forestry and wildlife management.

The **language in Section 2 of this Resolve which states that public recreational use must be allowed should be deleted.** This has not been a requirement in any prior deeds, nor is it envisioned for the use of this parcel. Should public use of this land increase in the future, then the property owner needs to take a much larger role in the maintenance of the road, as discussed in the last section of my testimony.

4. Need to Clarify Share of Road Maintenance Costs

BSP has indicated to our Road Association that they don’t need to maintain a quality access road since their only need has been to access timber harvests with heavy equipment. But even though BSP’s representative

has voted against the Association's annual budgets at times, BSP has paid a share of the expenses, and I believe that has most recently been one-seventh of the cost of the road maintenance.

But the two deeds to the property, referenced above, have a predecessor deed (Book 2830 Page 242) and this deed references an agreement in Book 2604 Page 91 that clearly states that one-third of the cost of maintaining the majority of the road was to be borne by the Haws, and the other two-thirds was to be borne by the two other property owners. The land owned by the Haws was the land that eventually became the Austin Cary Lot, so I believe that **the future owner of the Austin Cary Lot should be responsible for a third of the cost of this road, and that should be included in any legislative transfer of this property.** I am happy to provide copies of these deeds and the connection between them for the work session.

To reiterate, while I understand that the Baxter State Park Authority would like to find a new steward of this special piece of land in order to focus more on their core mission at Baxter State Park, I believe that this particular piece of legislation is premature. The legislature needs to determine the specific new owner of the Austin Cary Lot and to put in appropriate safeguards and requirements, including those that I've listed here today.

Thank you for the opportunity to present these concerns to you today, and I'm happy to answer any questions that you may have.

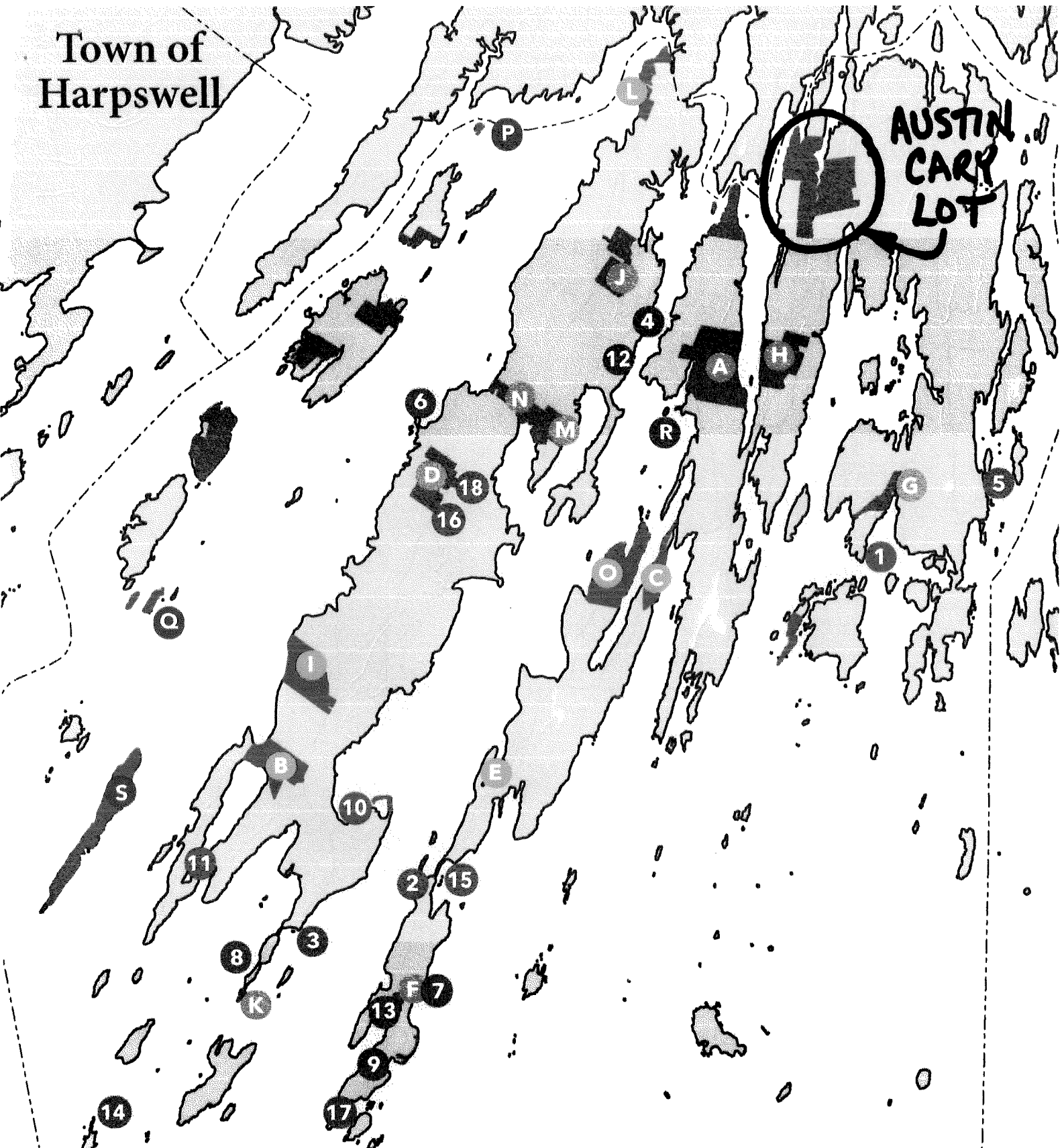
Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Cowger". The signature is fluid and cursive, with a large, stylized "S" and "C".

Scott Cowger

Town of Harpswell

**AUSTIN
CARY
LOT**



TRAILS

- A: Cliff Trail
- B: Curtis Farm Preserve
- C: Devil's Back Trails
- D: Hackett and Minot Trails
- E: Houghton Graves Park
- F: Johnson Field Preserve
- G: Little Ponds Preserve
- H: Long Reach Preserve
- I: Mitchell Field
- J: Potter Brook

K: Potts Point Preserve

L: Skolfield Shores Preserve

M: Widgeon Cove Trill

N: Wilson's Cove Trill

O: Schiller Coastal Studies Center

ISLANDS

P: Crow Island

Q: The Goslings

R: Stover's Island

S: Whaleboat Island

LANDINGS & HISTORICAL

- 1. Bethel Point
- 2. Garrison Cove Landing
- 3. Graveyard Point Landing
- 4. Hildreth Road Landing
- 5. Holbrook Street Landing
- 6. Lookout Point Landing
- 7. Mackerel Cove Lot
- 8. Potts Point Landing
- 9. Steamboat Wharf Lane Landing

10. Stover's Cove Road Landing

11. Tide Mill/ Grist Mill Landing

12. Wharf Road Landing

13. York's Landing/ Steamboat Rc

14. Eagle Island

15. Cribstone Bridge

16. Harp. Historical Society Museum

17. Lobsterman Statue

18. Old Meeting House