

Gustavus Natural Lands Lease Project – An Introduction

The Ask: At the December 16, 2024 General Meeting, the Council will vote to accept or deny 1) a Scoping Document for the project and 2) a \$25,000 Endowment Fund Grant request to fund the first two years of the project. The Scoping Document simply describes the project and authorizes the project manager to develop the project. Project funding must be allocated separately.

The What: The long-term goal is to preserve, and secure for the future, public access to the 235 acres of privately-owned DeBoer property on both sides of the Dock Road, commonly referred to as the “golf course” and the Gustavus meadows, upland from the beach. The City’s role in the long-term goal is yet to be decided.

In the meantime, there is an opportunity now to secure the lands through a short-term conservation lease while two year negotiations for a permanent conservation easement or possible buyout evolve. This project proposes the Southeast Alaska Land Trust of Juneau “lease” the lands for the next two years to:

- 1) Assure continuing public access, with a temporary conservation easement held by the Southeast Alaska Land Trust (SEALT) for the benefit of Gustavus, and purchased with two annual lease payments based on \$40/acre
- 2) SEALT will continue negotiations with the property owners and seek outside conservation funding to secure the undeveloped lands for the enjoyment of future Gustavus generations.
- 3) Form a Project Advocacy Team comprising representatives of the City, the landowners, the Land Trust, and the citizenry to plan for and pursue funding for a longer-term conservation agreement
- 4) Gratefully acknowledge the generosity of the DeBoer family in allowing public access for low-impact activities to date, and
- 5) Place a stay on sales or adverse property developments for the lease period.

After two years, the family would still own the property. A plan for permanent conservation will be developed in these first two years and then the Council and the landowners will be asked to decide if the plan is desirable, feasible, and achievable. Every three months (in accordance with the grant request timeline) the Council will have an opportunity to review project progress and provide input as the City of Gustavus Conservation Lands Advisory Committee (Committee) will serve as the liaison between the Project Advocacy Team and the Council in their regular quarterly reports. The Committee cannot make City decisions or appropriate funds, they simply exist to advise the Council on strategies and make recommendations to achieve the City’s mission “to sustain a safe, beautiful, and tolerant environment to live, work, and play”, particularly with respect to our surrounding lands.

Pros and Cons At this moment in time, the City of Gustavus has an exceptional and unprecedented opportunity to secure long-term public access to the DeBoer property by way of a partnership between the landowners, the fund-raising powerhouse of Southeast Alaska Land Trust, the City, and a citizenry that prizes access to these undeveloped lands. The family initiated and has been in discussions regarding the land for some years now but have not yet been able to move a conservation status forward. This current coming together of interests makes it an extremely promising time to take the initiative. Ben DeBoer has affirmed that the proposed amount of the lease payments would be acceptable. The Committee expects that the two-year period should be sufficient time to forge a long-term agreement acceptable to all parties. But there are no guarantees. Working toward achieving long-term public access to the DeBoer's private lands is not like buying a heat-pump or a firetruck.... this proposal is not perfect and there are some risks that the Council must consider:

1. Scope could be too large to be reasonably handled in one effort. This is a big dream and it will take big work to accomplish. Citizen volunteers will be necessary for both the short and longer-term goals to be accomplished. Will citizens have the will to tackle it?
2. Will citizens have sufficient notice of the current proposal? Both documents will be made available to the public through the City's regular posting of the agenda and materials 5 days ahead of the December 16th meeting and the Committee members will do their best to get the word out. Much further citizen participation will be sought through representatives on the Project Advocacy Team and through the Lease Agreement negotiation process.
3. Unanticipated demands on City resources. Again, approval of the Scoping document does not allocate new City resources to the project.
4. Unforeseen liability. There is money in the budget on both the City and the Trust sides for attorney review of any agreement.
5. Unanticipated costs. Through conversations with the Trust, the Committee has made a best effort at delineating costs, but these are estimates. The Trust has indicated that not only are they eager to provide leadership with fundraising, but they are also willing to share some of the project startup costs.
6. Unanticipated Stewardship expenses. Conserved lands come with annual stewardship fees to monitor, defend, and enforce the easement to ensure its protection. Long-term stewardship responsibilities may include maintaining land-related records, tracking changes in land ownership, monitoring conserved properties at least annually, photo documenting land uses periodically, answering landowner questions, interpreting or approving permitted activities, and correcting violations through voluntary compliance or, if necessary, legal defense proceedings. The Trust will carry the stewardship responsibilities for the first two-year period and has estimated these costs at \$4,914.17 per year, for a total of \$9,828.34. The Grant proposal requested only \$4,000, with the Trust providing the

remaining \$5,828.24, mostly to cover their field visits and legal requirements for a project startup. Subsequent stewardship will be an element of longer-term negotiations.

7. Undue restrictions on land use. Allowed activities, particularly historical low-impact activities, may be determined through the lease agreement negotiations

Council Members may have additional concerns, which they may raise with the quarterly Committee check-in. These current circumstances will not hold static for the future, so it's a good time for decision-making on this opportunity.

Respectfully submitted by

Susan Warner