



# The Legacy

The Life and Times of the Lakes Region Conservation Trust

## Squam Issue

### Conservation of Squam Range Property of Burleigh Land Limited Partnership

*Mt. Webster and Squam Lake from Mt. Morgan*

*Don Berry Photo*

The Squam Range is one of the largest unfragmented wild areas in central New Hampshire, and its rich wildlife habitat and well-managed forests, connecting the White Mountains and the pristine waters of Squam Lake, are an extraordinary conservation resource for present and future generations. Permanent legal protection of these lands is of critical importance to preserving the natural character and ecological values of the Squam Watershed and of the Lakes Region as a whole. Thankfully, we now have the opportunity to move forward on this essential task. Protection of the Squam Range is truly one of the most important conservation initiatives in the region since commencement of efforts to protect Squam and its environs over 100 years ago.

A unique combination of factors make the Squam Range a premier conservation resource – the quantity and character of the wildlife habitat of the Range, its vital role as a water source, diverse forests ranging from old growth to well-managed timberlands, a tradition of low-impact recreational uses and thoughtful public access to a wealth of trails, a history of private ownership by conservation-minded families, the linkage with previously protected conservation lands, and the value of the Range to the viewshed of Squam Lake. These

characteristics make the Squam Range one of the most critical resources between Boston and the North Woods.

The effort to protect Squam and its environs was among the earliest conservation initiatives in America. In recent years, the Lakes Region Conservation Trust, the Squam Lakes Conservation Society, and the Squam Lakes Association have worked diligently and collegially to conserve the natural beauty, peaceful character, and natural resources of Squam and surrounding areas. These efforts have resulted in extraordinary accomplishments, particularly those involving the uplands surrounding the Lake – the LRCT's acquisition of Red Hill properties totaling 2,500 acres, SLCS's acquisition of the Green Acre Woodlands and Fowler Trust properties in the Squam Range and a conservation easement on the Koenig property on Red Hill, and SLA's assistance with the acquisition of the Ford Property on Red Hill and its acquisition of the Cotton Mountain parcel in the Squam Range.



*The Squam Range and Squam Lake from Mt. Morgan*

*Don Berry Photo*

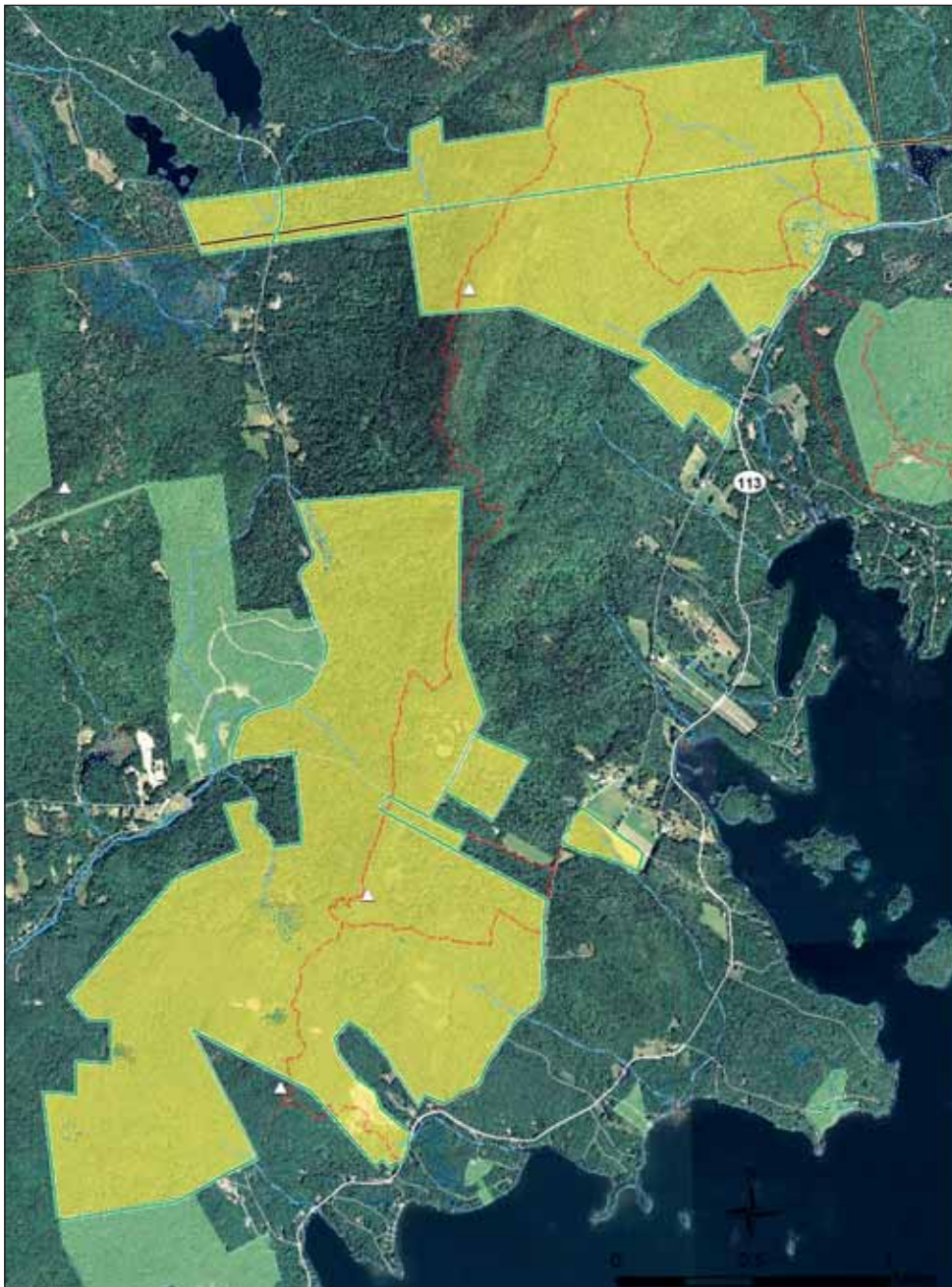
In the summer of 2005, the Lakes Region Conservation Trust and Burleigh Land Limited Partnership announced that the Trust would acquire a conservation easement covering 2,471 acres of Burleigh Land property in the Squam Range. This land, encompassing

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**Burleigh Land Limited Partnership**  
*Continued from page 1*

the summits and slopes of Mount Webster and Mount Livermore, upper elevations of Cotton Mountain, and slopes of Mount Percival and Mount Morgan, provides extraordinary wildlife habitat and recreational resources. The conservation easement represents the largest single conservation project ever undertaken in the Squam Watershed. The LRCT is extremely grateful for the thoughtful stewardship of this land by its owners over many years and for their efforts and willingness to ensure that the land is not left to an uncertain future but is instead permanently legally protected, now, for the benefit and appreciation of generations to come.

The future of the Squam Range is of vital importance to the many people who have contributed time and resources to protect the conservation resources of the Watershed, as well as to all others who love Squam. Permanent legal protection of the Range has long been an aspiration for the entire Squam community, and the time to take this major step toward that goal has now come. The Lakes Region Conservation Trust needs your generous support in this effort.



**LEGEND**

-  Land to be subject to LRCT conservation easement
-  Other conservation land



# Conservation Profile

## Squam Range Property of Burleigh Land Limited Partnership Conservation Easement to Be Acquired by Lakes Region Conservation Trust

**Acreage:** 2,471 acres

**Location:** Holderness and Campton; two portions –1,572 acres bordered generally on the southeast by Old Highway, and 899 acres bordered generally on the southeast by Route 113, both extending up to and over the ridgeline to Perch Pond Road and extending approximately 5 miles from southwest to northeast

**Mountains:** Summits and slopes of Mount Webster (elev. 2,076') and Mount Livermore (elev. 1,500'); upper elevations of Cotton Mountain; slopes of Mount Percival and Mount Morgan

**Trails:** More than 11 miles, including significant parts of the Crawford–Ridgepole Trail, Cotton Mountain Trail, Prescott Trail, Old Mountain Road, Prospect Trail, Cascade Trail, Mt. Morgan Trail, Mt. Percival Trail, and Old Highway, including trailheads of several of these trails

**Water Resources:** Brooks and wetlands that are tributaries to Cotton Cove, Shadbush Cove, Livermore Cove, Bennett Cove, and Squaw Cove of Squam Lake on the south and east, including Bennett Brook and Smith Brook, as well as Chocolate Swamp, Owl Brook, and Ryan Brook and their tributaries on the north and west

**Acquisition Price:** \$2,561,000 (2004 appraised value of the easement)

**Use of Land:** Conservation, forest management, and public access to trails

**Conservation and Community Values:** Key Squam Range trails, providing extraordinary recreational, educational, and scientific study opportunities; thoughtful forest management contributing to the maintenance of working forest and to the local economy; high scenic value as the dominant element of the landscape to the north and west of Squam Lake; spectacular vantage points with views of the White Mountains, Squam and Little Squam Lakes, Lake Winnepesaukee, Red Hill, the Ossipees, the Belknaps, and Mt. Cardigan

### Key Elements of Conservation Easement:

#### *Restrictions:*

- No residential, industrial, or commercial uses; forest management and agriculture are allowed.
- No structures, except in connection with forest management, agriculture, and low impact recreational activities.
- No cutting of trees other than in connection with sound forest management, agriculture, recreational activities,

wildlife or invasive species management, and public health and safety measures.

- No excavation or removal of soil, rock, other natural deposits, or stone walls.
- No storage or dumping of fill, waste, debris, or hazardous materials.

#### *Owner's Permitted Uses and Activities:*

- Sound forest management activities in accordance with a forest management plan prepared by a licensed professional forester or other qualified individual.
- Agricultural activities in accordance with generally accepted best management practices; LRCT would have the right to mow the fields to maintain them for agriculture and to preserve scenic views if the owner chooses not to do so.
- Low-impact, non-motorized recreational activities.
- Construction and maintenance of trails, fences, bridges, gates, and stone walls; access and structures associated with forest management.
- Installation of signs describing restrictions and permitted uses.
- Use of existing trails for snowmobile groups if authorized by the owner.
- Archaeological investigations subject to specified standards.
- Other uses of the property that do not materially impair its conservation values.

#### *Access by the Public and LRCT:*

- Public access to trails for non-motorized, non-mechanized recreational and educational activities, including hiking, snowshoeing, cross-country skiing, picnicking, and nature observation.
- LRCT access to monitor for compliance with the conservation easement.
- LRCT and public access, subject to specified standards, for scientific and educational projects.

#### *Perpetuity:*

- The conservation easement runs with the property in perpetuity; its terms must be incorporated by reference in any deed or other legal instrument by which an interest in the property is conveyed.
- If LRCT ever ceases to exist or to qualify as a conservation easement holder, the conservation easement would be transferred to SLCS or another qualified organization.
- Any amendment of the conservation easement must be consistent with the easement's conservation purposes and not result in a net degradation of the property's conservation values.

# LRCT Perspective on the Conservation of the Squam Range

In 1994 the Lakes Region Conservation Trust began the development of a strategic plan for its land conservation work. A key factor underlying that planning effort was that, in the Squam, Newfound, and Winnepesaukee watersheds, we were looking at environments that were simultaneously blue-chip conservation assets as well as prime real estate investments. At the time, real estate markets were still depressed, but the financial markets were beginning to rebound; it was clearly only a matter of time before the significant undeveloped acreage in the Lakes Region, or at least the most desirable portions of that acreage, “tipped” into either immediate development or ownership patterns that would make development likely and would make both conservation and public access difficult, if not impossible, to maintain.

The LRCT made two strategic assumptions that have held true. The first was that shorefront conservation would have to be pursued on a case-by-case basis, working quietly with landowners to secure gifts of easements and fee title, since the cost of shorefront purchase would likely be prohibitive, public access would in many cases be an inappropriate goal, and at least a certain amount of shoreline development was already regulated. Thus began a slow, steady, and productive process of landowner contacts that continues today. On Squam, much of this shorefront work has been carried out by the Squam Lakes Conservation Society, which has already accomplished much and will continue to do so in the future. It should be noted as well that other key quality of watershed life issues on Squam were and are being addressed skillfully by the Squam Lakes Association.

The LRCT’s second assumption was that the real vulnerability was in the uplands, where “view” lots could be purchased less expensively, developed more quickly and with less regulation, and marketed readily for a higher degree of profit than shorefront lots. In addition, as was first demonstrated on Winnepesaukee, then on Newfound, then later on Squam, the development of a

single “view” lot has enormous impact – both on the persons whose natural viewshed is suddenly marred and on the development potential, and thus the market value, of adjoining “view” lots.

Thus was born a quiet coalition of interest and action whose immediate concern was Red Hill. Twelve years and numerous transactions later (Mt. Holyoke College, Ford, Conley, Dane, Wiggin, Lingelbach, the parcels between Wiggin and Eagle Cliff, and now, thankfully, Koenig), the work on Red Hill is, for all intents and purposes, nearly complete. Approximately 3,300 contiguous acres are permanently protected, important wildlife habitat and water resources are conserved, public access for thoughtful recreation is established, and the eastern wall of the Squam viewshed is now secure. Had the effort occurred in the 1940’s it would have required far less money and would have involved fewer landowners. Had it all waited until 2006, it would have been much more expensive and much, much more difficult to accomplish. Had it been delayed until

2010 or later, it might never have happened at all, and the eastern viewshed of Squam could have eventually come to look like developed hillsides and mountain slopes in other areas with which we are all familiar.

The Red Hill victory is all the more significant when several factors are taken into consideration – at the outset, the conservation community had no capital on which to draw, at least a half-dozen developers were known to be attempting to enter the Squam market, and any lack of confidentiality or discretion would have led to an inflationary spiral of prices.

Thus Red Hill.

There remained three other significant and vulnerable flanks on the northern lake landscape – the Newfound viewshed, the Ossipees (barely visible from Squam, but dominating the northern Winnepesaukee viewshed), and the Squam Range.



*Red Hill from Mt. Morgan*

*Don Berry Photo*

Newfound had experienced upland development pressure early on. This is an issue for which the conservation community is continuing to develop responses, while the towns surrounding Newfound grapple with the issues and implications of steep slope development.

In the Ossipees and in the Squam Range, upland properties with a total area of approximately 15,000 acres were owned by a very small number of families, all established, all secure, all conservation-minded. LRCT made the decision that these lands were worth permanently protecting for the following reasons:

- rare and endangered species existed in significant numbers on the properties;
- the sheer size of these properties and their connection to other conservation lands made them enormously important to all species, not only those of scientific concern;
- these lands protected vast clean water resources;
- the parcels contained miles of excellent hiking trails that had been used by generations of summer visitors and year-rounders alike;
- given the profit potential and the development of new construction methods, major (and very visible) portions of these mountainous lands were quite developable, as has been unhappily, but amply, demonstrated in several localities in the region; and
- these were “statement” properties in the mind’s-eye vision of the northern landscape – if protected, they would secure the visual integrity of the region; if developed, they would send a very different, but no less unmistakable, message; either way, the fate of these properties would have a profound and irrevocable influence on the properties around them and, more important, on the properties that looked upon them.

It thus became our job to discuss the preservation of these properties with the families involved, to ascertain the potential for their protection, and to advocate for their permanent

conservation. Interestingly, there were key similarities among these properties and families:

- the families owning these lands were conservation-minded and, in fact, came from generations of conservation-minded persons;
- the members of the families had, as individuals, provided significant financial support for the region’s conservation organizations and had participated in other important ways in conservation efforts in the region;
- the properties were either held in trusts (negating the tax benefits of land donations), encumbered by mortgage or other arrangement, or otherwise connected with family asset management decisions in a manner that was, understandably, not known to the public;
- the value of these properties (including timber liquidation and development values), located as they were, was likely to increase steadily over time and was likely to remain stable (and possibly to increase) even in times of economic insecurity; and
- the number of decision-makers in the families owning these properties had been only a handful in the previous generation, had now more than doubled, and would more than triple in the next generation.

Given the increase in the number of possible stakeholders and spouses and the potential for individual family circumstances or changes to force decisions on asset management, it would be impossible for us to predict the character or timing of, or likelihood of consensus on, future stakeholder action regarding these properties.

Similarly, given the individual circumstances and structures under which properties are held, and the considerations that those entrusted with those properties must take into account, it would be impossible and inappropriate for us to judge or dictate how the owners should manage or dispose of the properties. In addition to



*On the Mt. Morgan Trail*



*On the Mt. Morgan Trail*



*On the Ridgpole Trail*

Don Berry Photos

being a practical impossibility, such an exercise would, we fear, lead us into disregarding the “do unto others” rule that we all, particularly in New Hampshire, treasure greatly.

Just recently, the conservation of the Koenig property has shown us that unexpected family events, as well as individual tax considerations and burdens, can have significant implications for the timing and the terms of a land conservation opportunity. Such matters are, of course, complexities shared by all families that hold assets jointly; they become critically important to the community when the assets are extremely valuable and regionally significant real property. What matters most is not what factors might bring about a particular conservation opportunity, but how we are prepared for and act on the opportunity when presented.

The LRCT’s consideration of all of these issues led us to the conclusion that we needed to be willing to purchase critical landscape-scale uplands in the Ossipees, around Newfound, and in the Squam Watershed, or easements thereon, for fair market value if they were to be conserved permanently. We also concluded that it is essential to the Lakes Region that these uplands be conserved. They cannot be looked at in isolation; while some are in the Winnepesaukee viewshed, others surround Newfound, and others overlook Squam, all are critical to the largely unspoiled northern landscape that has made the Lakes Region a special place in the hearts of its residents and seasonal sojourners for generations.

Between 1998 and 2003, with the extraordinary help of generous donors, LRCT purchased significant properties in the Ossipees, comprising more than 8,300 acres, for a total of \$6,250,000. Had those properties not been

purchased when they were, their permanent protection would be significantly more expensive, if not impossible, today.



*The Squam Range and Yard Island*

*Phil Preston Photo*

Now the opportunity is in the Squam Range. Protection of all or significant portions of the Squam Range would complete the last major conservation acquisitions in the Squam Watershed, securing the northern and western viewshed of Squam as well as access to miles of stunning trails, and completing a job that has taken just over 100 years to bring to the moment of possibility, and to our

consideration. The Burleigh Land property is an essential and significant part of this important goal, and the LRCT is fortunate and grateful to have the opportunity to ensure the permanent protection of these lands.

### **Additional Opportunities to Support Burleigh Land Campaign**

The original timetable for the Burleigh Land conservation easement transaction called for the completion of the project by December 31, 2006. Many donors have asked if they can spread their contributions

for the project over 2006 and 2007, primarily because of their significant charitable gifts already made in 2006 for the Koenig Forest conservation easement project. In response to these requests, the LRCT and Burleigh Land Limited Partnership have decided to

modify the project schedule and to complete the protection of the northern portion of the property in 2006 and the southern portion of the property by mid-2007. The LRCT is grateful for the strong support already shown for the Burleigh Land project, and we look forward to the possibility of completing the first phase of the project ahead of schedule, before the end of this year.



*The Squam Range from Eagle Cliff*

*Phil Preston Photo*

### **IN MEMORIAM**

We note with appreciation and with sadness the life and passing of Robert P. Hopewell. Bob was one of the Incorporators of the Lakes Region Conservation Trust, and he served the Trust with great dedication and distinction as a Trustee, Advisor, and generous supporter for many years.

## New Incentives for 2006 and 2007 Charitable Giving and Land Protection

The Pension Protection Act of 2006, enacted in August, provides two incentives for charitable giving in 2006 and 2007 that are of particular significance to the LRCT's land conservation work.

1. The Act allows eligible taxpayers to make **tax-free transfers from their individual retirement accounts for qualified charitable purposes**. In certain circumstances taxpayers may exclude from their gross income up to \$100,000 per year of otherwise taxable distributions from their traditional or Roth IRAs each year.

The following requirements apply:

- the distribution must be made directly from the IRA trustee to a public charity;
- the taxpayer must have reached age 70½ at the time of the distribution;
- the distribution must otherwise qualify for a full charitable contribution deduction; and
- the exclusion does not apply to distributions made in taxable years beginning after the end of 2007.

For a donor who has an outstanding pledge to the LRCT, this may be a beneficial way to fulfill the commitment, perhaps accelerating payments to benefit fully from the new provision. For others who may be contemplating gifts to the LRCT, this may present an advantageous and cost-effective way to make those gifts.

2. The Act significantly **expands the federal tax incentive for donations of conservation easements and other qualified conservation contributions**. The Act:

- raises the deduction that a landowner can take for making such a contribution from 30% of his/her adjusted gross income to 50%;
- allows a qualified farmer (gross income from farming, including timber management, is more than 50% of the taxpayer's gross income for the taxable year) to deduct up to 100% of his/her adjusted gross income for such a contribution; and
- extends the carry-forward period for a donor to take tax deductions for such a contribution from 5 to 15 years.

The provision applies only to donations of conservation easements and other qualified conservation contributions made in 2006 and 2007. A qualified conservation contribution includes any of the following contributions exclusively for conservation purposes – a conservation easement, a remainder interest, or the fee interest with a reservation of certain mineral rights.

The Pension Protection Act also establishes more stringent standards for appraisers and appraisals of donated property and higher penalties for misstatements of value.

*As with other tax and legal matters, donors should obtain their own professional and legal advice to determine the application of these new provisions to their circumstances.*

## LRCT Salutes SLCS on Conservation of the Koenig Forest Property

Earlier this year, the Squam Lakes Conservation Society completed the acquisition of a conservation easement on the Koenig Forest Conservation Area, encompassing 475 acres on Red Hill and on the east side of Squam. The Lakes Region Conservation Trust congratulates SLCS on this important achievement, which is extraordinarily good news for all who love Squam.

The conservation of the Koenig property represents the culmination of many years of work by SLCS, SLA, and LRCT to permanently protect Red Hill. The Koenig Forest Conservation Area brings to a total of approximately 3,300 acres of conservation land on Red Hill, including 2,500 acres owned by LRCT.

The opportunity to protect the Koenig property in 2006 was an unforeseen challenge that required rapid action due to the deadline for closing in late June, and through the hard work of SLCS and the tremendous generosity of the Squam community, the project was accomplished on time. Because of the time-sensitive nature of the Koenig effort, the commencement of the LRCT's Burleigh Land campaign was postponed until August. It is not often that a community has the challenge of attempting to complete two significant conservation projects in rapid succession. Now, the Squam community is faced with just such a challenge, and the LRCT looks forward to working with its Squam partners to ensure the success of that effort.



*The Squam Range from the LRCT's Center Harbor Neck property*

Don Berry Photo



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## **THE WORK OF THE LAKES REGION CONSERVATION TRUST IS IMPORTANT TO YOU BECAUSE:**

The Trust preserves key wildlife habitat and valuable watershed resources.  
The Trust provides public access for thoughtful recreational use  
of our forests and shorelines.

The Trust protects the natural character of the Lakes Region.  
Local volunteers and donors make this work possible through private initiative.  
Your support of the Lakes Region Conservation Trust  
will pay dividends in your community for years to come!

The Lakes Region Conservation Trust is a Section 501(c)(3) publicly supported charity, and gifts in support of its mission and operations are fully tax-deductible as allowed by law. LRCT's tax identification number is 02-0347918; IRS determination letter dated 8/81.

Gifts may be directed to Lakes Region Conservation Trust, P.O. Box 1097, Meredith, NH 03253. Gifts of securities may be directed to Lakes Region Conservation Trust, c/o RBC Dain Rauscher, P.O. Box 2334, One Beacon Street, Boston, MA 02108-3176; Account number 1011 14001672 DTC #235.

For additional information about the Lakes Region Conservation Trust, please visit our website at [www.lrct.org](http://www.lrct.org) or contact us at

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