

MEMORANDUM

TO: Durham Town Council
Todd Selig, Town Administrator

FROM: Durham Conservation Commission

DATE: October 8, 2012

RE: Sprucewood Forest conservation proposal (aka, Oyster River Forest):
Request to accept legal interest

As the Town Council is aware, since 2009 the Sprucewood Forest conservation proposal has continued to be of strong interest to the Conservation Commission. It now has funding support from the Commission, which turns to the Council with a request to accept legal interest in the property on behalf of the Town of Durham.

In its memoranda to the Council dated January 20, 2010 and February 12, 2010, the Durham Conservation Commission expressed strong support for the conservation of the property now known as Sprucewood Forest and requested that the Town Council lend its support for the submission of a CELCP (NOAA's Coastal and Estuarine Land Conservation Program) grant application to further explore this possibility.

In the intervening two and a half years, the Proposal evolved: Majority federal funding anticipated through CELCP was replaced with majority funding through the USDA Natural Resources Conservation Service's (NRCS) Wetlands Reserve Program (WRP). Additionally, the DCC voted earlier this year to support a complementary conservation project, Amber Acres, thereby enhancing the conservation values of the Sprucewood Forest property by providing additional protection for the Oyster River and contributing acreage to an unfragmented wildlife corridor.

On October 3, 2012 a duly noticed site walk was held on the Sprucewood Forest property. That evening the Conservation Commission held a public hearing related to the expenditure of monies from the Conservation Fund in support of this Proposal. Three members of the public spoke strongly in favor. The Commission confirmed that this project has been its *highest priority* for the past few years. It then determined that use of the Conservation Fund for the proper utilization and protection of the natural resources and the protection of watershed resources of the Property was justified and made the following motion:

Jamie Houle MOVED that the Durham Conservation Commission allocate \$375,000 from the Conservation Fund towards the purchase by The Trust for Public Land (TPL), of a 176-acre property located along Mill and Packers Fall Roads known as the Sprucewood Forest, aka Oyster River Initiative (Tax Map 13, Lots 14-2 and 6-3), and recommend that the Town thereafter accept the fee title in said property, subject to an easement owned by the USDA Natural Resource Conservation Service, and to

authorize the Town Administrator to sign a purchase and sale agreement and other related documents with TPL; this was SECONDED by Derek Sowers. The motion was APPROVED unanimously.

The Town's *Land Acquisition Guidelines*, Section 8(B), stipulates, "When reviewing proposed projects, the Conservation Commission and Town Council shall give special attention and consideration to proposed projects that attract non-Town funds for the purchase and/or maintenance of the land in question." The funding requested by the Town toward the purchase of the property represents approximately 1/10th (one-tenth) of the purchase price. NRCS will maintain the easement at no cost to the Town.

In its memorandum to the Town Council dated January 20, 2010, the Commission specified the following benefits of the Proposal to the Town of Durham:

1. Protection of the Town's current and future water supply;
2. Cost avoidance associated with impacts of development in these sensitive areas to water quality and quantity;
3. Preservation of the Town's rural character and quality of life; and
4. Expansion of recreational opportunities and access to public lands.

The Commission further notes that this natural resource area has been identified as a conservation priority in the Town's Master Plan, by the Oyster River Watershed Association, and by various local and State agencies.

In light of these benefits, the Proposal's alignment with established conservation goals, the non-Town funds, and the considerable work contributed to the project by TPL and NRCS staff to date (and anticipated in the future), the members of the Conservation Commission officially recommend that the Town accept fee title in the Sprucewood Forest property, subject to the NRCS-owned easement.

Respectfully,

James Houle
Acting Chair, Durham Conservation Commission

cc: Durham Conservation Commission
Gregg Caporossi, The Trust for Public Land
Jeremy Lougee, Natural Resources Conservation Service