

**PORTLAND WATER
DISTRICT POLICY FOR
WATERSHED LAND
CONSERVATION OUTSIDE THE
TWO-MILE LIMIT**

Adopted 2007

Amended 2013, 2016, 2019, 2020

Land Conservation Policy (2007): It is the policy of Portland Water District to support measures to preserve Sebago Lake watershed land in perpetuity and to provide open space for lake-friendly public access. The District acknowledges that it is neither feasible nor necessary to own all land in the watershed. Instead the District will cooperate and partner with organizations and individuals who seek to conserve and manage their watershed lands in a manner that protects water quality and therefore protects the health of drinking water consumers.

Land Conservation Program (2013): Toward the goal of supporting Sebago Lake watershed landowners who seek to conserve their land in perpetuity, the District's Board of Trustees will contribute between 0% and 25% of the estimated conservation value for qualifying projects. Proposed projects will be evaluated by staff for their water quality value and staff recommendation for financial support will be considered by the Board on a case-by-case basis.

I. PURPOSE

This policy describes the Portland Water District's (The District's) approach to protecting the long-term water quality of Sebago Lake, the source of drinking water for Greater Portland, through cooperative partnerships with landowners throughout the watershed. It furthers the lake protection principles that will guide the implementation of the policy.

II. BACKGROUND

IIA. MULTIPLE BARRIER APPROACH TO SOURCE PROTECTION

Water utilities nationwide employ a multi-barrier approach to protecting the health of their customers. These barriers include protecting the source, water treatment and disinfection, and monitoring and maintenance of the distribution system. The first and most cost-effective barrier is source protection. When the source is protected, all later protective barriers are more effective, less costly, and easier to establish and maintain.

IIB. MULTI-USE LAKES INVOLVE AN ELEMENT OF RISK

The most effective source protection strategy is to own and/or control watershed lands, particularly those closest to the water intakes. By owning land and/or keeping it in its natural state, hazardous chemicals and pathogens (disease-causing organisms) are not introduced to the watershed and therefore cannot contaminate the source. Other source protection strategies which do not include ownership or legal control of land, such as watershed and lake patrols or regulation of land uses, inevitably carry with them a higher element of risk than does direct ownership or legal protection. Allowing land to be developed and then regulating the

subsequent human activity can protect a water body but, because chemicals and pathogens are introduced to the watershed in the form of septic systems, heating and other fuels, etc., there is always a possibility that control measures could fail and contamination of the source could occur.

IIc. ACTIVITY ANYWHERE IN THE WATERSHED CAN CONTAMINATE

Chemicals and pathogens which are introduced to a drinking water source sometimes do and sometimes do not have a significant impact on water quality in the public water system. This is because some chemicals are diluted or degraded to the point that they are no longer detectable and some pathogens die or lose their ability to infect as they travel through the natural environment before reaching the water intakes. Whether or not this occurs depends on many factors including the characteristics of the chemical or pathogen; the amount introduced; the temperature of the water body; and the travel time and distance between where the contaminant is introduced and the location of the water intakes, etc. Maine's Source Water Assessment Program - a federally-mandated program designed to identify risks to water supplies - requires that threats to water quality be identified throughout the watershed of any surface water supply. This program underscores the fact that all land in the watershed contributes in some way to the overall quality of water in the source.

IIId. REASON FOR A "ZONED" APPROACH TO PROTECTION

Though activity throughout the watershed contributes to the quality of water in a lake, lands closer to the lake in general and closer to the intake in particular are more critical to protect. This is because runoff from nearby lands enters the lake with little opportunity for natural "cleaning." This principle suggests that, when all watershed lands cannot be absolutely protected, protective efforts should be strongest on lands closest to the point at which water is withdrawn from the lake. Lands further away are also important, but their preservation is less critical. The District has operated with this governing philosophy since its establishment almost a century ago. The District has purchased approximately 2500 acres of watershed land surrounding the Lower Bay of Sebago Lake, the site of the water intakes, and has maintained a Watershed Control Program to minimize the impact of development activities on lands further away.

IIe. PROTECTION IS POSSIBLE WITHOUT OUTRIGHT OWNERSHIP

In 1999 the District adopted a policy for acquisition of lands located within the two-mile, no-bodily contact zone around the water intakes. In summary this policy states that the District will seek to acquire, from willing sellers, lands located within the two-mile limit which are also within 500 feet of the shoreline and/or are environmentally sensitive. However, even if all these lands were acquired and returned to their natural state, a great deal of land around Sebago Lake is already developed other lands are highly desirable for future development. Therefore additional protection is needed.

It is not the goal of the District to own all or even a majority of the land around the lake. This is neither feasible nor necessary. The District is committed to the concept of multiple uses of Sebago Lake and the surrounding watershed while encouraging lake friendly practices involving responsible development and reasonable, low-impact recreational opportunities. To this end, it is deemed appropriate to encourage and facilitate the conservation of lands outside the two-mile limit by owners or organizations who will keep them as much as possible in their natural state. If it is the intent of the landowner, continued use of conserved land as active managed forest is consistent with the District's water quality goals.

III. LAND CONSERVATION PRINCIPLES

The protection of water quality, which benefits both customers of the District and all other users of Sebago Lake, can be furthered without direct ownership of land but rather through such methods as establishment of conservation easements by homeowners and support for land acquisition by groups and trusts whose mission it is to set aside land in its natural state. When land is purchased and activity restricted to low-impact, lake-friendly uses, most of the significant risks to water quality associated with typical development will be avoided. In addition to this direct benefit, establishment and maintenance of natural areas in the Sebago Lake watershed will have an incalculable educational benefit by bringing conservation-minded individuals into the area and raising public awareness about the value of the lake and watershed.

District support for conservation easements or other types of landowner agreements and contributions to conservation groups seeking to protect watershed lands should be governed by the following principles:

- Within the watershed, land closer to our intakes is a higher priority than similar land further away.
- Land with shoreline, either on Sebago Lake or on other lakes or rivers, is a higher priority than land with no frontage.
- Land that provides natural water treatment (forest/wetlands) is a higher priority than similar land that does not.
- Land that is underlain by significant sand and gravel aquifers is higher priority than similar land that is not.
- District support for properties that include agricultural easements will only be considered for the non-agricultural portions of the property.
- Land in the direct watershed of the lake is a higher priority than land in the indirect watershed.
- Land which is likely to be developed is a higher priority than land not likely to be developed.
- Land which is to be made accessible for lake friendly public access is a higher priority than similar land which is not to be made accessible.
- Support for the land preservation initiative by the municipality in which the land resides is an important consideration.
- Land which will be purchased for public education or naturalist purposes (nature trails, for example) is a higher priority than lands which will be simply preserved.
- Land with unique or rare natural features is a higher priority than more typical watershed land.
- Land which will be available for the District's and other regional environmental education programs is a higher priority than land which will not be accessible for this purpose.
- Land purchases which are mostly financed by non-District resources are a higher priority than those mostly or entirely paid for by the District.

IV. POLICY STATEMENT

It is the policy of Portland Water District to support measures to conserve Sebago Lake watershed land in perpetuity and to provide open space for lake-friendly public access. The District acknowledges that it is neither feasible nor necessary to own all land in the watershed. Instead the District will cooperate and partner with organizations and individuals who seek to conserve and manage their watershed lands in a manner that protects water quality and therefore protects the health of drinking water consumers.

V. LAND CONSERVATION PROGRAM

Toward the goal of supporting Sebago Lake watershed landowners who seek to conserve their land in perpetuity, the District's Board of Trustees will contribute between 0% and 25% of the conservation value of the transaction for qualifying projects.

Projects proposed by land trusts or individual property owners for consideration will be evaluated by staff for their water quality value using an approved evaluation methodology which is consistent with the land conservation principles outlined in Section III of this policy. Staff will assign a value and make a recommendation to the Board for financial support. A recommendation will be considered by the Board on a case-by-case basis. The Board reserves the right to choose not to support a project or support a project at a level different than that recommended by staff.

VI. WATER QUALITY-BASED CONTRIBUTIONS

The overarching goal of the District's Land Conservation Program is to protect the water quality of Sebago Lake. This is best accomplished by conserving forested lands and associated wetlands within the watershed. Forests naturally treat runoff and are especially important when they are adjacent to development and other nearby land uses that could harm water quality.

The District calculates a contribution to a conservation project based on the water quality value of the protected parcel(s). Using a method which considers characteristics important to protecting water quality, District staff evaluates each project and provides a recommended funding level to the Board. The contribution is a percentage of the appraised value, the District's calculated value, or the amount requested by the land trust, whichever is lowest. Higher percentages are recommended by staff for proposals with greater water quality protection value. For projects that will conserve land using an easement that permits agricultural activity on a portion of the property, the District will use the same method of calculating its contribution, which considers characteristics important to water quality, but will consider contribution for the non-agricultural land to be conserved as part of the transaction. The easement must indicate that the non-agricultural land will be conserved in its existing state (not cleared for fields). Preference will further be given to easements which are limited to organic practices and/or non-livestock activities.

VII. ACQUISITION OF REAL INTEREST

The overarching purpose of this policy is to conserve watershed lands because forested land is a critical public health barrier. Actions taken under the policy will result in District investment in conserved properties that will be owned and managed by others who agree to conserve the forests on them in perpetuity. The possibility exists that at some future date one or more of the organizations entrusted with this responsibility could become insolvent, cease to exist and/or be unable to meet their stewardship obligations for other reasons. In order that the District's investment in these properties is not lost, a condition of District contribution to certain projects is

that the transaction shall result in the District acquiring some form of real estate interest in the conserved property. This could include but not be limited to a conservation easement or a third party right of enforcement of a conservation easement. The guidelines for acquiring a real estate interest are outlined in Figure 1.

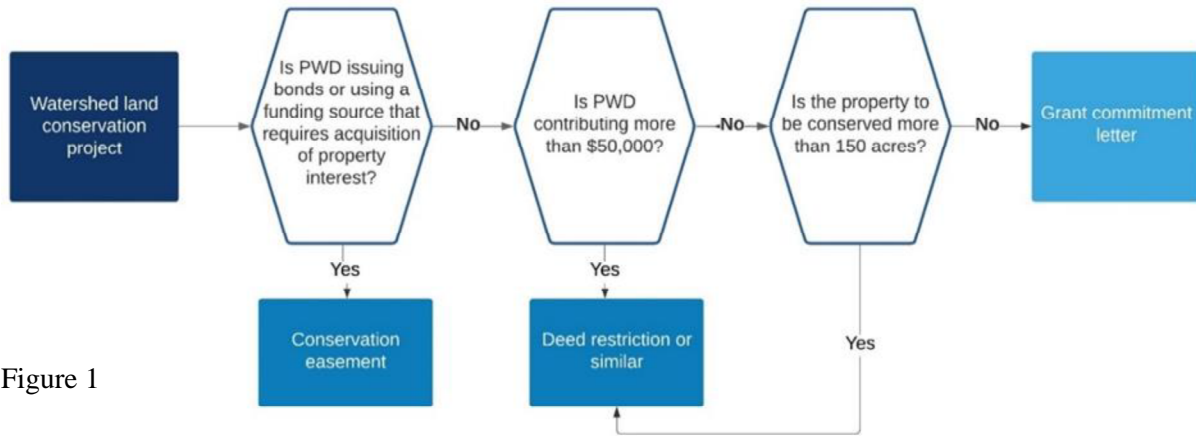


Figure 1