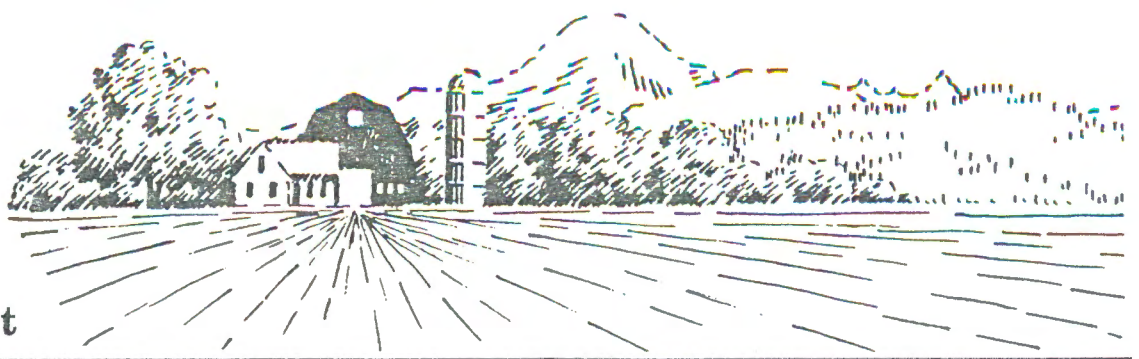


# Whatcom County Land Trust



Volume 1, Number 2.

Newsletter

Fall 1991

## LAND TRUST OBTAINS OPTION ON TEDDY BEAR COVE

In June 1991 the *Whatcom County Land Trust* obtained an option to purchase Teddy Bear Cove. This extraordinary beach with beautifully wooded uplands immediately south of the city limits has long been a popular swimming and sunning area for residents of Bellingham and Whatcom County. The property on which the *Land Trust* has taken an option includes approximately ten acres and 1400 feet of waterfront, plus adjacent tidelands. Under the option the *Land Trust* can hold the property until January 10, 1992. The sole purpose in obtaining the option is to transfer the property to Whatcom County so that it can be made into an exquisite park accessible by the Interurban Trail.

The *Land Trust* began its quest to obtain the property in reaction to the fact that Teddy Bear Cove property had been listed for sale. In January at the request of County Executive Shirley VanZanten, County Parks Director Roger DeSpain convened a meeting of representatives from state and local government as well as from the private sector. Participants at the meeting quickly agreed that the best plan for the property was as a public park with access by foot and by small boat. Everyone also agreed that it was very unlikely that the \$1.1 million asking price could be found to purchase the property. In the closing minutes of the meeting, the *Whatcom County Land Trust* was asked to explore the possible purchase of the property, including all of the waterfront. What resulted was a long and delicate negotiation with the property owners which culminated five months later in an option to purchase the waterfront and a substantial trail corridor for \$275,000. It is hard to find anyone who does not agree that this is an extraordinary piece of property at a very good price.

Since city dwellers will be among the primary users of Teddy Bear Cove, Tim Douglas, Bellingham mayor, has pledged \$50,000 toward the purchase price. The County hopes to obtain a large portion of the remaining purchase price through grants from the State Interagency Recreation Commission. The County Council has given authority to County Executive Shirley VanZanten to proceed with the purchase.

Obtaining the option has been an exceptional team

effort which came about only through the cooperation and assistance of a large number of people -- Craig Cole, Sharon Schayes, Shirley VanZanten, Roger DeSpain, Chet Mathison, Pat Scott, Russ Pfeiffer-Hoyt, the County Planning staff, particularly Carl Batchelor, the property owners David Ireland, Judy Ireland and John Cox and many others, including those generous individuals who had agreed to make interest free loans to the *Land Trust* to purchase the option. Such cooperation and enthusiasm to obtain a community goal has been an encouraging part of this whole process.

By Rand Jack



Teddy Bear Cove (Photograph by David Scherrer)

## ANSLEY CONSERVATION EASEMENT

On the fifth of May, 1991 Hugh and Judy Ansley granted a conservation easement to the *Land Trust* on their 30 acre property located at the confluence of the Middle and North Forks of the Nooksack River. The berm of an abandoned railroad divides the property. To the north of the berm the Ansley's home and a second building site rests amid pasture land, adjacent to Mosquito Lake Road. Under the conservation easement all future development will stay north of the railroad berm.

Property south of the berm will be left undisturbed. Here the land is laced with small water channels and covered with a thick growth of big leaf and vine maple which overhang a labyrinth of animal trails. In

(Continued on Page 3)





The Nessel Farm (Photograph by David Scherrer)

## LAND PROFILE: The Nessel Story

In the spring of 1902, Lars and Anna Nessel left their native Norway. The Nesses had no land in Norway, as it is the custom there that the oldest son should take over the family farm. Leaving Sirdal, the small farming community high in the mountains of Norway, the Nesses sought a new life along the South Fork of the Nooksack. Three children accompanied their parents, Alice the oldest, Gertrude and Tom. (Olga, George and Ingeborg were born in Whatcom County.) Tom, who is the last surviving Nessel, was three at the time his family traveled first by boat across the Atlantic, then by train across the U.S. arriving at their destination and stepping off with their worldly belongings at the Saxon Spur.

In 1905, after living three years in Acme, the Nesses purchased the land that their cousin Louis Sinnes had homesteaded in Saxon since 1887. However, before moving, Louis sold the timber on the property and the Ferguson Logging Camp was established there while the logging operation was under way.

Faced with a sea of stumps, the Nesses went to work. With hands and backs using simple tools and two strong horses the Nesses slowly reshaped the stumpland into a farm. They built up a dairy of Guernsey cows and made a living milking twenty head by hand. Resourcefulness was the watchword. Using native materials, the Nesses constructed many of the buildings and tools for the farm. The Nessel farm is a place where one can recognize that humans really do belong to this earth.

Tom Nessel, who still lives on the farm, vividly recalls as a young boy watching the big timber come down. The image of the bare, burned over hillside has stuck with him all his life. As the trees grew back, he and his brother George would salvage log in their

woods, but never wanted to see the whole hillside cut again. The desire to preserve the big trees was a major factor in prompting him and his sister Ingeborg to protect their land for future generations to admire and enjoy. With the help of the *Whatcom County Land Trust* the Nessel legacy will live on.

For Tom, salmon have always been a source of strong fascination. As a boy, he frequented the Nooksack Indian encampment located at the Saxon bridge where the Nooksack's caught and dried salmon. The annual return of silver salmon to Nessel Creek has long been a source of pride and enjoyment for Tom. Chief Cooper, of the Nooksack's told Tom about the silver run stating, "They are the dependable ones." Tom and George placed log structures in Nessel Creek improving spawning beds long before the term *habitat enhancement*. Each summer when the creek got low, they would dip-net out the salmon fry, moving them to deeper pools. One to two hundred silvers return to tiny Nessel Creek each fall as a living memorial to the Nessel's efforts. Protection of the salmon and other wildlife is the second key element of the Nessel conservation easement.

People have always been welcome on the Nessel farm. Together with the surrounding farms of Norwegian families this corner of the valley has been a little *Sirdal*, home to all the Norwegians so far from home. But the Nessel's welcome never stopped with Norwegians. People of all nationalities and opinions have been welcome here, as the Nesses sought to stress our common bonds as people. Visitors quietly absorbed the lessons of harmonious life learned on the farm, while enjoying a bowl of canned plums covered with cream and honey. In an effort to carry on this tradition of sharing their way of life with others, the conservation easement and other documents make provisions for the farm to eventually become a county park. The purpose of the park is to keep the tradition of the early settlers alive and to show how people can live in harmony with this earth.

Imagine the sense of the importance of the family farm developed through centuries of life in a Norwegian valley. The farm is a thread of life weaving together the family and the land over a span of generations. This sense of the family farm came over in the boat with the Nessel family.

With none of the Nesses having children, the family farm seemed doomed. Establishing a conservation easement was a great relief for Tom and Ingeborg. The provisions of the conservation easement will help preserve both the land and the fruits of much of the labor to which the Nessel lives have been dedicated.

By Russ Pfeiffer-Hoyt



## THE WHATCOM COUNTY LAND TRUST

### THE BEGINNING

It started ten years ago when Roger Van Dyken, a young state legislator from Whatcom County, read an article about land trusts. He was a farmer and interested in preserving farmland from encroaching development in his home county. The article suggested a way.

Later at a conference at WSU, Roger met Jennie Gerard, Land Trust Program Director for the *Trust for Public Land* (TPL), and shortly after, he contacted the San Francisco office of TPL. TPL transferred Craig Lee from San Francisco to Washington State as the area's new field representative. Aware of Roger's inquiries, Craig initiated a meeting in Lynden with Roger and other interested community members.

Stimulated by that first meeting, Ron Polinder, Director of Concerned Christian Citizens, and Bob Muenscher, an interested farmer, arranged for TPL's Gerard and Lee to facilitate a seminar. Held on March 22, 1983, at the Dutch Mothers Restaurant, the seminar directed the participants in land trust functions and conservation easements.

Efforts to create a local land trust ensued. One month later, again in Lynden, a gathering of eighteen dedicated individuals proceeded by selecting an executive committee. The committee members included Fred Colvin, Chair; Hilda Bajema, Secretary; Herman Miller, Bob Muenscher, Henry F. Polinder, John Vanderhage, Jim Wynstra and Cornie Noteboom. The committee then advanced by formulating its Bylaws, incorporating and planned for a twenty-seven member Board of Directors.

Organizing the *Whatcom County Land Trust* into a working body took nearly two years. During this time the group secured its non-profit 501 (C) (3) status, received start-up monies from Lynden Transfer Inc., Peoples State Bank and Rainier Bank and gained a graphic identity with a new logo and promotional brochure. The group also worked long hours formalizing its first conservation easement, for the farm of Herman and Diane Miller and obtaining a farmland preservation policy statement from the Whatcom County Council. Additionally, new members joined the group, offering further leadership, these were: Phyllis Graham, Rand Jack, Pat Milliken and Kerry Thalhofer.

The first business meeting of the twenty member board was November 19, 1984 at the home of Bob and Joan Muenscher. On May 14, 1985, Craig Lee led a workshop on Financing a Land Trust held, as is so often the case in our history, at Dutch Mothers. The first annual business meeting in December 1985 saw the election of Roger Van Dyken, President. Rand Jack became Vice-President, Hilda Bajema, Secretary and Gerben De Boer, Treasurer. By now, *WCLT* was a position to carry forward its missions to preserve farm land, retain scenic and recreational areas, sustain wild life habitats and safeguard open spaces for future generations.

By Hilda Bajema

## ANSLEY EASEMENT (Continued from page 1)

several places the forest opens, creating small glades where elk graze in the winter. The river bottom is also frequented by bald eagles, Canadian geese and other animals for whom wetland and river are natural habitat.

In recent history the property was the site of a logging camp. The berm of a related railway siding and a wood lined well are the only remains of those busy days.

Hugh and Judy Ansley have owned the property for many years. As owner operators for Mayflower Moving Company, they drove hundreds of thousands of miles through every state in the country. They did a lot of sightseeing, but nothing compared to the land on the Nooksack.

The Ansley's granted the *Land Trust* this easement with commendable foresight. In the near future they intend to divide their property, and sell a parcel containing a second homesite. The conservation easement will cover the new parcel, thus allowing someone to purchase property already protected by a conservation easement. This action highlights the advantage of using conservation easements to conserve natural or agricultural lands.

Entering a conservation easement is entirely a voluntary act by the property owner. It places no restriction on the property owner's ability to sell the property, yet it insures that the property will perpetually retain the natural, agricultural or other values protected by the easement.

Likewise, any prospective purchaser of a property protected by a conservation easement is made fully aware of its details and by purchasing the property embraces its goals. The Ansleys feel that protecting their land with a conservation easement has actually increased its value and marketability to conservation minded buyers.

By Chris Moench

### ESTABLISHING A CAPITAL FUND

The *Whatcom County Land Trust* took the lead in negotiating a plan that will place one of Chuckanut's signature beaches into public ownership. The process of securing the Teddy Bear Cove option required hundreds of volunteer hours and personal loans totalling over \$30,000.

In an effort to build a capital fund for future projects like Teddy Bear Cove, the *Land Trust* is requesting your support. Working capital is essential for the *Land Trust's* continued success. A contribution of \$300 is requested, more or less depending on your means is appreciated. Please send your tax deductible contribution to:

WHATCOM COUNTY LAND TRUST  
P.O. Box 4455 - Bellingham, WA 98227  
Thank You



P.O. Box 4455  
Bellingham, WA 98227



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	Shirley Van Zanten	Lynden
Coordinator	Ann Eissing	Bellingham

### WHATCOM COUNTY LAND TRUST

#### NEWSLETTER

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# WHATCOM COUNTY LAND TRUST

Newsletter

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Spring 1991


DEAR FRIENDS,

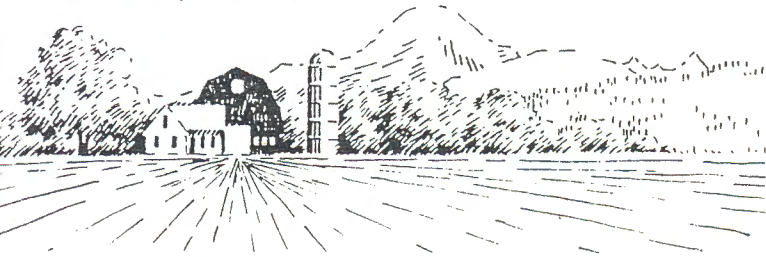
This is the first issue of our Whatcom County Land Trust (WCLT) newsletter. You are receiving it because you have shown an interest in the preservation of the natural environment in Whatcom County. Our organization is dedicated to the protection of the outstanding natural heritage we find all around us - on the farm, in the woods and on the shore.

The WCLT has made tremendous progress since its beginning in 1984. Properties including Clark's Point, two county farms, a pocket beach on Lake Whatcom and Plover Island are now protected by conservation easements. We often work closely with the Bellingham and Whatcom County Park Departments when donations involve potential park land.

The WCLT responds to inquiries and actively researches special areas for preservation. We need your support to continue our work. Through your donations and involvement the Land Trust will continue as one of the most effective efforts in preserving the unique natural lands of Whatcom County.

Sincerely Yours,

  
Sue Webber, President



## WHAT IS THE WHATCOM COUNTY LAND TRUST?

In the early 1980's a group of Lynden area residents concerned with the threat of development on agricultural lands, formed the Whatcom County Land Trust (WCLT). That threat remains. As the 1990 census data will show under 2% of our nation's population are engaged in agricultural activity compared to 50% at the turn of the century. The urbanization of Whatcom County creates increased conversion pressures not only on ag lands for non-agricultural uses, but on other valuable lands. These include forest lands, shorelines, watersheds, wetlands, wildlife habitat and scenic areas. The WCLT in response

Continued on page 2.

JOIN US FOR OUR OPEN HOUSE

The 1st Annual Whatcom County Land Trust OPEN HOUSE is set for Saturday, June 1st from 5 to 9 p.m. at Bellingham's historic Roeder Home, 2600 Sunset Drive. This is the perfect opportunity to meet members of the Board of Directors and learn more about the Land Trust's activities. The open house will include live folk music, informational displays, delectable deli delights, a door prize and a special guest speaker.

Mark Bergsma has generously donated one of his exceptional photographs of Clark's Point for the door prize. Tickets for this beautiful framed triptych are available at the door or in advance from any board member for \$5.00 each. The winning ticket will be drawn at the open house following our guest speaker.

Shirley Van Zanten, Whatcom County Executive and WCLT board member will appear as our guest speaker. At 7:30 p.m., Shirley will discuss the WCLT's potential role in addressing the goals set forth by the Whatcom County Natural Heritage Task Force.

Join us for an eventful evening. Everyone is welcome and it's FREE! See you there...For more information phone: Sharon Schayes 733-2540 or Ann Eissing 676-0848.

## LAND PROFILE: The Miller Farm

Driving east on the Ten Mile Road today you might notice the newer homes dotting the landscape where pastures and dairy cows once dominated the scene. Then suddenly the random homes are left behind and a stretch of country opens up off both sides of the road. 160 acres of productive agricultural land, pasture and occasional woods buffer the Miller's farm from the encroaching sprawl. But, the land itself cannot fend off the pressures of development. The Millers as responsible stewards recognized the threat in time and transformed it into an opportunity.

Herman Miller recalls growing up on the farm. His parents moved to the Ten Mile Rd. in 1911. At that time they lived on the north side of the road where Herman was born in 1918. In 1924 the family moved across the way into a white two story farmhouse which was moved by draft horse team from Hemmi Road to the present homesite. Relocating from the north to the south side of

Continued on page 2.



to this trend has expanded its original scope and diversified its Board of Directors, as a means of expressing its commitment to the county as a whole.

Since its founding, the WCLT formalized easements totaling 390 acres county wide. Among the land owners granting easements are:

Herman and Diane Miller, were the first residents of Whatcom County to protect their agricultural land with a conservation easement. Located on rich soils near Laurel, the Miller easement sets a positive role model for those concerned with farm land preservation.

Tom and Ingeborg Nasset, worked with the WCLT and Whatcom County Parks to provide a future park. The Nasset Homestead near Saxon is nestled in a setting of towering firs and hemlocks, open meadows, clear streams and wildlife.

Douglas and Peggy Clark, concerned with the ecology of their shoreline property signed a conservation easement to guide the future use of their land known as Clark's Point. Located south of Bellingham the Point flaunts intricately carved sandstone bluffs, pocket beaches and a wind swept forest cover. Once highly sought after real estate the point is now a scenic backdrop for all to enjoy.

Bill Herb, Frank Brooks, Murray Haskell and David Rhea deeded Finkbonner (Plover) Island to the WCLT and the North Cascades Audubon Society. Situated at the mouth of Lummi River, the island provides an important salt marsh/mud flat refuge for an abundance of shorebirds, ducks, herons and wintering raptors.

Robert and Patricia Brown provided a much needed public access to Lake Whatcom by donating a pocket beach to Whatcom County Parks.

At the heart of the WCLT's mission is the act of stewardship. As expressed by Aldo Leopold, "We abuse the land because we regard it as a commodity belonging to us. When we see the land as a community to which we belong, we may begin to use it with love and respect." This effort to see the land as not a mere commodity but as a community of which we are members is what the WCLT is all about. Many, feeling the truth and necessity of such an effort have joined us to "love and respect" the incomparable land of Whatcom County. We invite you to do the same.

Mike Finger & Henry Bierlink

## NEW DIRECTOR NAMED

*Recognizing that volunteer labor alone cannot keep up with the growing workload generated by our organization, the Whatcom County Land Trust has selected Ann Eissinger as its first Executive Director. The director's position is part-time, requiring a pioneering spirit and a love for challenges such as coordinating a twenty seven member board. Ann thrives on such challenges and brings with her a broad base of experience with non-profit organizations, business management, volunteer coordination, grant writing and community education. Growing up in Whatcom County on a small farm, Ann has developed close ties with the land and its inhabitants and has continued to cultivate those ties through the years. Outside the Land Trust, Ann works as a field biologist researching a small tree-nesting seabird known as the Marbled Murrelet and devotes her spare time to wildlife and habitat preservation.*

## LAND PROFILE Continued from page 1.

the road, Herman refers to as his "big move in life." Herman's father was a logger in the early years, using draft horses he followed the logging industry to the foothills, then turned to farming.

Starting with a small herd of Guernseys and a flock of laying hens the Millers made a go of it, Herman claims, "in those days if you had 15 to 20 cows and 500 laying hens you could make a living." Over the years the Millers did well by gradually expanding their herd and eventually replacing it with Holsteins. During those years Herman learned to run the farm and ultimately, was handed the reins of the business by his father. For about 35 years Herman didn't miss more than a dozen milkings and according to Diane, "nothing has changed." Herman sold his dairy herd in 1980 and now manages 150 head of beef and 100 heifers along with a few dairy animals for their domestic milk supply.

Herman's bond with the land is uncompromising. When he and Diane requested wording in their wills restricting the future use of their land to agriculture, the lawyer responded with the statement "you can't control it from the grave." Dismayed with the lawyer's remark Diane and Herman agreed to search for the means to perpetuate their stewardship role, beyond the grave.

As members of the Concerned Christian Citizens (CCC), Diane and Herman had received notification that Craig Lee from the Trust For Public Lands (TPL) was scheduled to



speaking. The description of TPL and the conservation easement concept appealed to the Millers and in Diane's words they thought "...this may be what we were looking for." As a result of that meeting, the Millers and others learned that a conservation easement was the answer they were seeking and the Whatcom County Land Trust was conceived.

On the 11th day of February, 1986 the Miller's signed a conservation easement with the purpose of preserving and protecting in perpetuity the scenic and agricultural features and values of their land by fostering the continuation of responsible agricultural practices and limiting residential uses. Herman hoped by taking the lead more land owners, friends and neighbors would follow his example similarly to ensure their property's agricultural future. The response has been slow despite efforts by Herman, Diane and members of the Land Trust. Diane speculates that fear has held back prospective easement grantors. "It's a complicated concept to understand" Diane remarked, "some people who don't understand the Land Trust see it as a threat...but, it's not a threat, it's an opportunity!"

Ann Eissinger

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## THE CONSERVATION EASEMENT:

### A Unique Tool

The most versatile preservation tool available to the land trust is the conservation easement. The legal basis for a conservation easement is the fundamental property law concept that ownership of land is like possession of a bundle of sticks. Each stick in the bundle represents specific legal rights, and the sticks, or rights in the land, can be separated and owned by different people.

A conservation easement transfers ownership or control of certain specifically-defined rights to develop or use the land. When the property owner grants those rights to the land trust, the owner and anyone later acquiring the land is denied the right to use the land in ways prohibited by the conservation easement.

In all cases, preservation of property with a conservation easement requires three essential elements: 1) land appropriate for protection, 2) a conservation-minded property owner, and 3) a land trust.

Land is appropriate for protection if it has unique scenic, agricultural, wildlife habitat or recreational qualities. Because that general description covers a lot of territory, the land trust's board of directors must determine whether the particular parcel fits into the trust's preservation policies.

The land trust discovers appropriate land in several ways. Often landowners seek out the land trust because they have serious personal values about preserving their land. Often estate tax considerations encourage a landowner to reduce the "market value" of land by restricting future development. Sometimes a trust member learns about an important site and initiates contact with the owner.

The details of each easement are carefully worked out with the owner, and are tailored to meet the desires of the owner and the needs of the property. For example, restrictions may concern the cutting of trees, and the location or number of additional homesites.

The land trust is a non-profit corporation, and actually owns the development rights granted to it in the conservation easement. It has the power to enforce the protections of the easement, in court if necessary, and monitors the property to make sure the easement is observed. Because the land trust is recognized by the Internal Revenue Service as a charity, a gift of a conservation easement often qualifies the landowner for a charitable deduction.

The grant of a conservation easement to a land trust offers the landowner a flexible and increasingly popular method of land preservation. Currently more than 3000 acres in the United States are held under conservation easements by more than 800 land trusts.

Bruce Smith & Phyllis Graham

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## BECOME A FRIEND OF THE LAND TRUST

*The Whatcom County Land Trust needs your support to continue its work to protect the special places of our county. We invite you to become a friend of the Land Trust and offer whatever help you can. As a friend you will receive a copy of the WCLT Newsletter and the satisfaction of contributing to an on-going preservation effort.*

*Please, send your tax-deductible donation to:*

**WCLT**  
**P.O. Box 4455**  
**Bellingham, WA 98227**

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	Roger Van Dyken	Lynden
	Shirley Van Zanten	Lynden

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