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Gustavus City Council
Via email to liesl.barker@gustavus-ak.gov

Dear Gustavus City Council,

This letter concerns this Winter's kerfuffle over the **Gustavus Forelands Preserve** and its ownership. Specifically, I am responding to Mayor Owens' [January 29, 2024 message](#) to Ivy Sponholz of The Nature Conservancy (TNC) asking to open discussions about transferring ownership of the Preserve to the City. I have been silent until now, but as chair of the Gustavus Land Legacy – the Gustavus Community Association committee instrumental in creating the Preserve – I have knowledge of the issue, as well as a deep and abiding love of the Preserve.

My concern is that the Mayor is pursuing *unnecessary* action *contrary* to what was so emphatically requested by the community, namely, to **keep the status quo of TNC ownership**. In the vast majority of comments that I have seen, City of Gustavus ownership was requested *only* if ownership were to *change* from TNC. For example, a petition to TNC that was printed, posted, and distributed by email begins:

We, the undersigned, strongly support The Nature Conservancy (TNC) retaining title to, and management of, the lands that the TNC owns within the boundaries of the City of Gustavus.

That is the position that should be reflected by the community's elected representatives. It is the one TNC has unequivocally taken. Fears of anything else were **greatly overblown!**

- Indeed:
 - In 2021 HIA administrator Robert Starbard asked to *open a conversation* about transferring the Preserve to HIA.
 - TNC has moved away from owning and managing “special places” towards furthering its mission of preserving biodiversity through partnerships and cooperative sustainability projects. They have reviewed opportunities to transfer conservation holdings to trustworthy conservators, including the City of Gustavus, as documented by the city administrator.
- However!
 - Starbard never actually asked for title to be transferred.
 - Even so, he was way out ahead of his board in this and other matters. By the time TNC responded to Starbard's request in 2023, he was no longer the tribal administrator, and the organization had no memory of his request to TNC!
 - TNC told HIA then that no change in ownership could be considered without meaningful engagement with the community of Gustavus.
 - HIA is fine with TNC ownership now! There was never any serious discussion with HIA about transferring ownership!

- TNC has unequivocally [stated](#)
 - “The Nature Conservancy will retain title to the Gustavus Forelands Preserve for the foreseeable future,” and
 - committed that “The community of Gustavus will be involved at the beginning of any discussions about the preserve’s ownership, and that
 - “TNC remains steadfastly committed to ensuring the Gustavus Forelands Preserve remains open and accessible in perpetuity, in alignment with the original intent of the many donors including many from your community.”
- These were the exact requests and concerns expressed by most petitioners and letter writers. It was also the position (however informal and private) of TNC before the kerfuffle began!
- I disagree with Mayor Owens’ reply that “no decision has been made on land transfer.” That response to Sponholz’s statement “**I’ve decided** The Nature Conservancy **will retain title** to the Gustavus Forelands Preserve for the foreseeable future” (emphasis added) seems a willful and bad-faith misreading.
- Ownership and management of “special places” was never TNC’s main focus. They have always preferred facilitating transfer of conservation properties to appropriate conservators. That’s what was done with the Western part of the legacy lands, adjacent to the Dude Creek Critical Habitat area (transferred to the State of Alaska).
- Whenever TNC has transferred conservation properties, throughout their 73-year history, they have taken great care to assure the purposes for which the properties were acquired would remain foremost.

These fears were fomented during the kerfuffle:

- if HIA had the land, “[It is unknown](#) how this would affect our access to the Nagoon Berry Trail and the rest of the lands,”
- HIA might develop the land, and
- TNC might transfer the Gustavus Forelands Preserve without consulting or even notifying Gustavus!

My dear neighbors and elected officials: TNC has done nothing to justify these fears and suspicions (nor has HIA, really). Please take a few deep breaths, maybe a walk in the preserve. Even if the most feverish imaginings were true, the outpouring in response to this illusory threat makes one thing crystal clear: **the Forelands are safe. We need not fear** for the Preserve’s future. There is, and was, no threat. But if one arises, we are more than equal to it.

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Asking *now* to open a discussion with TNC about transferring title to the City of Gustavus is a **mistake**.

1. As stated above, the Mayor’s letter runs contrary to the wishes fervently expressed by the community.
2. Unless I missed something, it is also getting ahead of the City Council (just as Starbard did his board). Was there a resolution about this major initiative, open to public comment?
3. There is subzero urgency to the matter, given the stated position of TNC – and the readiness of the Preserve’s fierce defenders.

4. Bringing this up now, while tensions about the forelands apparently remain high, and while borough formation is on the table to confuse and inflame matters, and as we slide into the peak season for cabin fever, is asking for strife within and between our communities.
5. The council and staff time and legal expense of negotiating such a deal, and shouldering the ongoing responsibility of Preserve management, is unnecessary, wasteful and distracting, a misappropriation of public resources.
6. TNC has already decided to retain ownership for the “foreseeable future.” We are still in that timeframe! Why would they even consider a land transfer when they have so recently – under extreme community pressure – taken that off the table? They have ample evidence suggesting the city is acting against the community’s wishes in this matter. Any city request for discussion about the preserve should be broader than just ownership. That is not the subject to open a discussion with, as we should have learned from HIA. Such a big change should result from years or decades of fruitful collaboration and trust-building.

Nothing I have said should be taken as opposition to *eventual* City ownership of the Preserve. While I am dubious about the preserve being owned by *any* entity whose primary purpose is not conservation, the city has shown that it can manage public properties. It is the one and only democratically elected representative of the people nearest to and most affected by the Preserve’s management. It would not necessarily be wrong, and I do not dismiss the idea out of hand.

Nor am I necessarily opposed to HIA owning this slice of the tribe’s ancestral homeland. They too have shown their conservation and land management capability. I regard HIA as having a stake in all their indigenous territory. Even if that makes me a small minority of Gustavus residents, the property owner has due respect for indigenous claims. They will involve both HIA and the community of Gustavus in any major discussion of the preserve (having by now ascertained the risk of bilateral conversations).

So, fine, let’s have a discussion. Let it involve all stakeholders. Let it happen well after the borough discussion and outside the mountains-to-molehills season. My guess is by then it will be obvious to everyone that **no action is needed or wanted**.

Sincerely,



Nate

Cc: Ivy Sponholz, The Nature Conservancy
Hank Lentfer, The Nature Conservancy
Whitney Rapp, Petition Sponsor
Kimber Owen, Sample letter drafter
Leah Okin, Gustavus Visitors Association, petition distributor
Meadow Brook, Gustavus Land Legacy instigator
Gregory P. Streveler, Gustavus Land Legacy instigator

Ps: *In hindsight*, this entire kerfuffle could have been avoided. With greater transparency and better communication, instead of closed discussions and surprises, no threat would

have materialized. I appreciate that the City of Gustavus has done more than anyone to rectify that deficiency, by hosting a very well-attended work session with Ivy Sponholz, and by publishing on its website all the correspondence and background material on this subject. Thank you for following these best practices of open government. Well done! 👍 😊