



Land for Maine's Future Program
Minutes of the Meeting
March 17, 2015

DACF Deering building room 319
90 Blossom Lane, Augusta ME

Board Members Present:

Jim Norris, Neil Piper, Chairman Bill Vail, Commissioner Chandler Woodcock, James Gorman, Commissioner Patrick Keliher

Board Members absent:

Walter E. Whitcomb, Commissioner
Ben Emory

Staff Members Present:

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Sarah Demers

Others:

Kimbalie Lawrence, DACF, assistant to LMF program
Robert Marvinney, DACF
Kathy Eickenberg, DACF
Sarah Demers, DACF
Dick Clime, Costal Enterprises Inc.
Diane Circo, Trust for Public Land
Wolfe Tone, Trust for Public Land
Bill Bayreuther, William A. Bayreuther Grant Writing
Jerry Bley, Creative Conservation LLC
Karin Tilberg, Forest Society of Maine
Steven Walker, Maine Coast Heritage Trust
Angela Twitchell, BTLT
Katrina Van Dusen, FCT
Liz Petruska, Medomak Valley Land Trust
Christine Bennett, Kittery Land Trust
Lance Gorham, USDA-NRCS
Karen Herold, CCLT
Penny Asherman, CCLT
Ben Townsend, Clifton Climbers Alliance
Rich Bard, Downeast Coastal Conservancy
Warren Whitney, Maine Coast Heritage Trust
Donna Bissett, Maine Coast Heritage Trust
Carrie Kinne, Kennebec Estuary Land Trust
Carrie Walia, Loon Echo Land Trust
Lee Dassler, Western Foothills Land Trust
Keith Fletcher, Maine Coast Heritage Trust
Kevin Miller, Portland Press Herald
Theresa Kerchner, Kennebec Land Trust
Jim Dow, Blue Hill Heritage Trust

Cheri Domina, Great Pond Mountain Conservation Trust
Bethany Atkins, MDIFW
Steven Hufnagel, Damariscotta River Association
Bob Stratton, MDIFW
Jeff Romano, Maine Coast Heritage Trust
Courtney Marchelletta, DACF
Wolfe Tune, Trust for Public Land
Gregg Caporossi, Trust for Public Land
Hugh Cowperthwaite, Coastal Enterprises, Inc
Kaitlyn Bernard, AMC
Pete Didisheim, NRCM
David Trahan, SAM
Beth Ahearn, Maine Conservation Voters
Mike Little, Island Heritage Trust
Steve Wright, Mahoosuc Land Trust
George Smith, public member

1. Welcome and Introductions

Chairman Vail called the meeting to order at 1:12pm and welcomed everyone, asked for attendees to sign in, gave directions to the bathrooms, and asked for introductions.

2. Minutes of the September 16th 2014 meeting

Sarah Demers presented minutes from November 18th meeting.

Motion: by Commissioner Woodcock, 2nd by James Gorman to approve the minutes of the meeting on November 18, 2014. Board votes unanimously.

3. Update on Availability of Funds – LMF Director

Attachment A
Attachment A-1

- Funding Update: Sarah presented the funding update showing cash on hand and bonds to be sold. Sarah explains fund balances to Neil Piper. James Norris asks what the expiration date is. Sarah says 5 years since date of approval. Sarah will get exact date for future – reminds that 2009 bonds had specific allocations and 2011 bonds were allocated by board for water access. Sarah explains the Governor is not selling any bonds until further notice. Chairman Vail states that without selling any more bonds, there is \$2.2 million available as cash on hand.
- Project Update: A project update is presented listing in chronological order of projects. Sarah explains the list is subject to change. Three projects are ready to close pending the fund allocation. James Norris asks about Kimball Pond and Cold Stream Forest appraisals pending. Tom states that what is depicted on the power point presentation is a small portion of all of the projects funded. Audience members asked about how many to close this year? Sarah answered 10 or more.
- Operations and due diligence items going forward: Sarah states Land for Maine's Future projects are not being funded at this time, but business will move forward as if it were. Chairman Vail explains that funds are not being released by the Governor and asks Commissioner Woodcock to speak on his behalf. Commissioner Woodcock welcomes Sarah on behalf of Inland Fisheries and Wildlife. He states that the Governor is not interested in selling more bonds right now and is interested in making sure that State's

people have their heating needs met. He reports that the Governor is willing to look at money available for the projects pending. Chairman Vail says that in the past the board and the Program have been separate from politics and the notion of holding funds hostage for a political agenda is not how LMF is set up. Commissioner Woodcock says the priority for the Governor is to meet the needs of heating for Maine's people. Neil Piper asks if he will look at pending projects on a case by case need. Commissioner Woodcock states that he will look at all projects. James Norris asks if he is going to cherry pick projects. Commissioner Woodcock says that he will continue to look at all projects. Chairman Vail asks if the Governor will have a decision on handling bonds at the end of legislative session. Commissioner Woodcock is not sure if that will happen or when. Neil Piper asks if he will look at the money needed for pending projects. James Gorman asks which projects are being looked at. Sarah answers that the Governor has received the project information for current projects. Neil Piper asks how many that is. Sarah answers the Governor has been provided info on projects that anticipate closing by the end of the 2015 fiscal year which is 8 projects. Commissioner Keliher says that obviously applicants are hesitant to continue but the Governor is not going to cash any other bonds and from his perspective LMF should not stop the process regardless of this fact. Chairman Vail requests to meet with the Governor to present LMF's case and asks for comments from the public on this to be held until later in the meeting.

4. Policy Decisions – LMF Director

- Agency Third Party Enforcement: **Attachment B**
Sarah presents the State Agency Third Party Enforcement Rights on Conservation Easements. Three options are presented for the board to consider: A. Revert to the language of the 2011 LMF Workbook, B. Eliminate all reference to 3rd party enforcement rights, C. Approve exceptions to the current 2013 language on a case by case basis. James Norris asks if any projects have been stopped due to this policy. Neil Piper queries the policy and LMF's responsibility with a typical easement. Sarah explains the Attorney General can enforce ANY easement, regardless of whether a sponsoring agency has third party enforcement rights.
Motion: Neil Piper motions to accept Option A. Commissioner Keliher seconds the motion. **Board votes unanimously**
- Access Improvement Funds: **Attachment C**
Sam explains how the access improvement funds work in LMF. Neil Piper asks how long they have to request this funding. Sam says they have up to a year after the project's completion. Neil Piper asks if the money for this is held separate from the allocation. Sarah explains the calculations and Sam explains that once approved an accounting procedure is set up for the allocated funds.
Motion: Commissioner Keliher motions to accept the recommendations of the updated Access improvement fund guidelines. James Norris seconds the motion. **Board votes unanimously**
- Accepting Water Access Proposals **Attachment D**
Sarah explains that the board has set aside funds for water access projects but they are not being funded by the Governor right now. The Board needs to decide how to proceed with these projects. Chairman Vail asks of the board if they prefer to continue to receive water access proposals or wait until we have a clearer path on funding. Commissioner Keliher points out that 2 projects are about to come before the board. He recommends not limiting these proposals and continuing to proceed. Sarah explains that 30 projects are approved and competing for the funds. James Norris asks if we are in a position to decide

to take these projects out of order. Is it reasonable to assume that we'll have an opportunity to pick and choose projects? Sarah says no we will not. Neil Piper suggests that we let them know of the funding limitations as they apply. Collin presents that the water access fund has a balance of \$282,000 balance. Sam reminds the board that there are 2 steps to accepting the proposals: appraisal review and allocation of funds.

Motion: Neil Piper motions to continue to accept water access projects. James Gorman seconds the motion. **Board votes unanimously.**

5. Forest Legacy Projects Update –Kathy Eickenberg, Bureau of Parks & Lands, DACF
Kathy Eickenberg, explains the status of each of the Forest Legacy projects and updates the board per Jim Norris' request during the November 18th board meeting. Neil Piper asks how the funding allocations are determined with these projects. Kathy explains that FLP pays up to 75% of cost and the rest is worked out by project partners. Chairman Vail asks about the process with the Governor on these projects. A question from the public asked if these projects have contributed revenue to the State of Maine through proceeds from timber harvesting. Kathy says they have.

6. C&R Projects to be Acted On – LMF Staff

Chairman Vail explains to the Board members they are going to do 2 separate votes: 1. Vote to accept the recommendation of the Appraisal Oversight Committee. 2. Vote to confirm the LMF allocation to the project. Commissioners Woodcock and Keliher inform the board they will be voting in the negative for vote 2 on each of the projects.

High Island, 20± acre island, located in St. George, Knox County Attachment E
Sponsored by Department of Agriculture, Conservation and Forestry

- Project Summary and Appraisal Oversight Committee Recommendation

Collin presents the project summary and Jim Norris presents the AOC recommendation.

Motion: James Norris motions to accept the LMF AOC recommendation to accept the appraiser's value for subject property of \$1,000,000. Neil Piper seconds the motion. **Board votes unanimously.**

- Chairman Vail announces the public notice for the High Island project was advertised in the Kennebec Journal on March 4th and the Village Soup (Currier Gazette/Camden Herald) on March 5th. Chairman Vail states that no written comments have been received prior to the board meeting and invites the public for comment: Steve Larker thanks the Board for their consideration of the project.

Motion: Neil Piper motions to confirm the allocation of \$262,500 in LMF Conservation & Recreation funding to support the fee simple title acquisition of High Island subject to standard conditions. James Gorman seconds the motion. **Board votes 4 in favor and 2 opposed.**

Central Maine Sportsman's Access Project Attachment F
2,763.84± acres, 5 properties in Embden (2), Ripley, Somerset County,
Burnham, Detroit, Waldo County

- Project Summary and Appraisal Oversight Committee Recommendation

Sam presents the project summary and Jim Norris presents the AOC recommendation.

Motion: James Norris motions to approve the recommendation of the LMF AOC to accept the amended appraiser's value of \$1,899,000. **Board votes unanimously.**

- Chairman Vail announces the public notice for the Central Maine Sportsman's Access Project Parcels was advertised in the Kennebec Journal on March 3rd and the Bangor Daily News on March 4th. Chairman Vail states that no written comments have been

received prior to the board meeting and invites the public for comment. No comments heard.

Motion: Neil Piper motions to confirm the allocation of \$500,000 in LMF Conservation and Recreation funding support to the fee acquisition of central Maine Sportsman's Access Project parcels, subject to standard conditions. James Gorman seconds the motion. **Board votes 4 in favor and 2 opposed.**

**Crow Island, 2.9± acre island, located in South Bristol, Lincoln County Attachment G
Sponsored by Department of Inland Fisheries and Wildlife**

- Project Summary and Appraisal Oversight Committee Recommendation
Sam presents the project summary and Jim Norris presents the AOC recommendation.

Motion: James Norris motions to approve the recommendation of the LMF AOC to accept the appraiser's value of \$220,000. Neil Piper seconds the motion. **Board votes unanimously.**

- Chairman Vail announces the public notice for the Crow Island project was advertised in the Kennebec Journal on March 4th and the Lincoln County News on March 5th.
Chairman Vail states that no written comments have been received prior to the board meeting and invites the public for comment. Steven Hufnagel thanks the Board for considering the project.

Motion: Jim Norris motions to confirm the allocation of \$75,000 in LMF Conservation and Recreation funding support to the fee acquisition of Crow Island, subject to standard conditions. James Gorman seconds the motion. **Board votes 4 in favor and 2 opposed.**

**Lower Weskeag Fields and Forests, 220.62± acres located in Attachment H
South Thomaston, Knox County.**

Sponsored by Department of Inland Fisheries and Wildlife

- Project Summary and Appraisal Oversight Committee Recommendation
Tom presents the project summary and Jim Norris presents the AOC recommendation.

Motion: James Norris motions to approve the recommendation of the LMF AOC to accept the appraiser's value of \$710,000. Neil Piper seconds the motion. **Board votes unanimously.**

- Chairman Vail announces the public notice for the Lower Weskeag project was advertised in the Kennebec Journal on March 4th and the Village Soup (Currier Gazette/Camden Herald) on March 5th. Chairman Vail states that no written comments have been received prior to the board meeting and invites the public for comment. Steve Walker thanks board for their consideration and updates that Firth parcel has been acquired.

Motion: Neil Piper motions to confirm the allocation of \$350,000 in LMF Conservation and Recreation funding support to the fee acquisition of the Lower Weskeag parcels, subject to standard conditions. James Gorman seconds the motion. **Board votes 4 in favor and 2 opposed.**

**7. Winterwood Farm, 45.7 ± acres, Freeport, Cumberland County Attachment I
Sponsored by Department of Agriculture, Conservation and Forestry**

- Project Summary and Appraisal Oversight Committee Recommendation
Collin presents the project summary and Jim Norris presents the AOC recommendation.

Motion: Neil Piper motions to approve the recommendation of the LMF AOC to accept the appraiser's value for the agricultural conservation easement of \$265,000. James Norris seconds the motion. **Board votes unanimously.**

- Chairman Vail announces the public notice for the Winterwood Farm farmland protection project was advertised in the Kennebec Journal on March 4th and the Portland Press

Herald on March 5th. Chairman Vail states that no written comments have been received prior to the board meeting and invites the public for comment. Freeport Land Trust thanks board for their consideration.

Motion: James Norris motions to confirm the allocation of \$105,000 in LMF Farmland funding to support the agricultural conservation easement acquisition of Winterwood Farm, subject to standard conditions. William Vail seconds the motion. **Board votes 4 in favor and 2 opposed.**

**8. Woodward Cove Water Access Proposal, 25 acres, Attachment J
Brunswick, Cumberland County, Sponsored by Department of
Agriculture, Conservation and Forestry**

- Acquisition in fee to the Brunswick Topsham Land Trust.
Sam presents the Woodward Cove Water access proposal. Angela Twitchell of the Brunswick Topsham Land Trust thanks the board for consideration and updates that the appraisal has been submitted.

Motion: James Norris motions to accept the Woodward Cover Park Water Access project as a finalist. Commissioner Keliher seconds the motion. Board votes unanimously

9. Staff Updates – LMF Director & Staff

- Biennial Report
Sarah reports that the biennial report has been given to the legislation ACF Committee and will be online within the week. Chairman Vail asks that the board be present for the ACF committee meetings. Neil Piper asks for figures of profit to the state for the committee.
- Meeting with Attorney General’s Office – Sarah will wait for new appointments before setting up this meeting. Chairman Vail agrees with waiting and feels that it is important to have this conversation for the information of the board.
- Work Group updates: Sam reports that the Conservation Easement Policy on LMF Funded Land workgroup has been developing the easement language into a template. Tom reports that the C&R scoring and proposal process workgroup has 12-15 decisions to make and will address this at the group meeting on the 24th with Sarah available. They will then wait for a full board to present these process decisions.

Chairman Vail welcomes the audience to comment:

Ben Townsend, Clifton Climbers alliance submitted a signed project agreement and expected to pay off the bridge loan. Given the clarification from the commissioners today he would ask that the board proceed in a timely fashion. Asks that the board to move forward non-politically on this project.

Wolfe Tone, Trust for Public Land asked whether there is a process to clarify the list of projects working with the board to see that applicants are heard? Sarah says the list was developed with input from staff and applicants and LMF plans to proceed with reviewing projects as they are ready. If applicants have more information they are welcome to provide it.

Karin Tilberg, Forest Society of Maine reiterates the need for knowing the rules, that the board continue to give stability and accountably without political involvement. Not knowing is detrimental to good business practices.

Lee Dassler, Western Foothills Land Trust, appreciates that board's diligence to move forward as needed and performing the due diligence need for these projects and shared letters for a project that is threatened by the funds being frozen by the Governor.

Steve White, Mahoosuc Land Trust, representing an approved project in the funding phase. Headlines are troubling because public fundraising is affected by the news that the State is not making good on its commitments.

Theresa Kerschner, Kennebec Land Trust, has a closing date in 2015 for the Howard Hill project. Thanks the Board for your good work.

Mike Little, Island Heritage Trust has concern for their important island public access project and wants to close but funds have been frozen.

Jeff Romano, Maine Coast Heritage Trust says energy efficiency projects and these LMF projects have nothing to do with each other. Governor needs to be reminded that these commitments have been made and he is pulling the rug out from under landowners and Maine businesses. Governor needs to keep his word and not freeze LMF bonds.

Chairman Vail spoke to Commissioner's difficult positions and appreciates the staff and Sarah's work during a difficult time for the board.

Meeting Adjourned – 3:43pm

Next Board meeting:	May 19, 1:00 pm
Next AOC meeting:	April 14, 8:15 am
Scoring & Process Work Group:	March 24, 2:00 pm