



Land for Maine's Future Program

Minutes of the Meeting

April 11, 2017

32 Blossom Lane, Marquardt Building, Room 118

Augusta, Maine

Board Members Present:

Robert Meyers, Lisa Turner, Fred Bucklin, Harry Ricker, Brad Moll, Commissioner Patrick Keliher, and Commissioner Chandler Woodcock

Board Members Absent: Commissioner Walter Whitcomb

Staff Members Present:

Sarah Demers, Tom Miragliuolo and R. Collin Therrien

Others:

Aline Smith, DACF

Liz Petruska, Contractor, ME Dept. Agriculture, Conservation, Forestry

Mike Shepherd, Bangor Daily News

Kevin Miller, Portland Press Herald

Jeff Romano, Maine Coast Heritage Trust

Jerry Bley, Creative Conservation, LLC

Ian Stewart, Coastal Mountain Land Trust

Jim Mitchell, Mahoosuc Land Trust

Bob Iles, Mahoosuc Land Trust

Richard Stratton, Mahoosuc Land Trust

Bob O'Brien, Mahoosuc Land Trust

Bob Duplessie, Mahoosuc Land Trust

Eliza Donoghue, Natural Resources Council of ME

Tom Abello, The Nature Conservancy

J. T. Horn, Trust for Public Land

Betsy Cook, Trust for Public Land

Bethany Atkins, ME Dept. Inland Fisheries & Wildlife

Diano Circo, ME Dept. Inland Fisheries & Wildlife

Stephanie Gilbert, ME Dept. Agriculture, Conservation, Forestry

Reeve Wood, ME Farmland Trust

1. **Welcome and Introductions** - Commissioner Patrick Keliher, Chairman, called the meeting to order at 1:00 pm and welcomed everyone and asked for introductions from the Board and audience.

2. **Minutes - Motion:** A motion was made by Commissioner Woodcock and seconded by Robert Meyers to accept without objections the minutes of the February 14, 2017 meeting. Board vote was unanimous.

3. **Bond Balances**

Status of Funds		
Attachment A		
As of February 28, 2017		
Authorized	Bonds to Be Sold	Cash on Hand*
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PL 2007, Ch. 39		
C&R and Farmland	0	\$7,568
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PL 2009, Ch. 645		
C&R	\$1,250,000	\$3,382,607
Farmland	0	\$386,486
Working Waterfront	0	\$277,238
Funds Remaining	\$1,250,000	\$4,046,331
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PL 2011, Ch. 696		
C&R, Farmland and WWF	\$3,000,000	\$500,000
Funds Remaining	\$4,250,000	\$4,553,899
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*Subject to end of month reconciliation		

Project Allocations		
Active Projects		Allocations
C&R	11	\$2,472,675
Water Access	2	\$170,000
Working Waterfront	2	<u>\$411,500</u>
TOTAL	15	\$3,054,175
Projects Closed: Woodward Cove, Gulf Hugas, Raymond Community Forest, Brave Boat Headwaters, Howard Hill		

4. Access Improvement Grants

Presentation was made by Liz Petruska regarding grant availability to enhance public accessibility to land(s) acquired with LMF funds. Invitations were issued to 10 organizations who received LMF funding in Rounds 7 & 8. Six applications were received and reviewed by the LMF sub-committee for a total request of \$53,970.

The following 6 organizations have requested funds:

<u>Name</u>	<u>Amount Request</u>	<u>Planned Improvements</u>
• Knight's Pond,	\$4,500.00	new signage, picnic tables, fire pit
• Merritt Cove	\$3,890.00	new parking lot, access road upgrades
• Cold Stream	\$30,000.00	new bridge & culverts, road/trail improvements, picnic table & privy upgrades
• Crooked River Forest	\$4,440.00	new kiosk, gate at logging entrance, Trail improvements, stream crossing
• Central ME Sportsman's Access	\$10,000.00	2 new parking lots at Burnham & Detroit parcels
• Woodward Cove	\$1,140.00	relocate clamming access trail, install kiosk and signage and develop trail map

Sarah noted that the sponsoring agencies for each projects also reviewed the requests and found no problems.

Seeing no questions from the Board, it was decided that a simple motion combining all six requests would suffice.

Board Action:

Motion: Motion by Harry Ricker, second by Robert Meyers to approve amounts requested by the six applicants. Vote unanimous.

5. Scoring & Workbook Recommendations

Sarah stated that the objective was two-fold: (1) to review LMF Scoring Criteria and Point Allocations and (2) to review LMF process for Proposal Review and Scoring. Recommended changes would be provided to the Board consideration and adoption.

See below, slide presentation outlining potential changes for consideration to the Proposal Workbook.

Current vs. Proposed Scoring Recommendation:

Draft Scoring Options for LMF Scoring/Workbook Work Group	CURRENT	PROPOSED
Naturalness of the Land	12	10
Accessibility of the Land	8	15
Proximity to Other Conservation Efforts	16	10
Major Land Type/Asset	30	15
Need Rating	20	15
Additional Land Types/Assets	50	25
LAPAC	20	0
Project Structure (Fee or Easement)*	0	5
Economic Benefit	10	5
Base Score	166	100
Deer Wintering Area(s)	23	10
Public Water Supply*	0	5
Archaeological Resources*	0	5
Single Exceptional Value	50	20
Total Score	239	140 ²⁰

Sarah noted that maximum points for Naturalness of the Land changed from 12 to 10 points.

Naturalness of the Land (Maximum Points = 10)	
• The land has little or no discernible human impact	10
• The land has some disturbance but the disturbance does not negatively impede/affect the intended uses of the property	7-9
• In the case of rail-to-trails projects, the site is significantly disturbed but the disturbance does not negatively impede/affect the intended uses of the property	7-9
• The land has been significantly disturbed by human activity and restoration (or time) will be required to return the site to a more natural condition	2-6
• The property has extensive site disturbance or improvements which will severely impede the use of the property for its intended purposes, or the site does not have a high probability of being successfully restored	0-1

Focusing on 'legal' access to the land has become important to the scoring process. The intent is to have the applicant provide upfront validation that the public has legal access to the land.

Accessibility of the Land (Maximum Points = 15)	
• The property abuts and public access is provided by a public road (municipal, state or US), access to which is not restricted or limited.	13-15
• The property is located on all or part of an island, public access to which is by water and there is adequate water depth to land or moor recreational boats, and a public mainland boat launch is identified that provides appropriate boat access.	10-12
• The property abuts and will be accessed across adjacent existing conservation land held by the applicant and which is located adjacent to a public way.	8-10
• The property abuts and public access is provided by a private road, discontinued road or ROW with documented existing public access for all purposes of a public way.	4-7

Accessibility of the Land (Continued)

- The Property abuts a private road, discontinued road or ROW that does not provide access for all purposes of a public way but the Applicant has documented that it has a binding contract to acquire full public access rights to the property from the owners of the lands to be used for access. 1-3
- The property abuts a private road, discontinued road or right-of-way that does not provide access for all purposes of a public way. 0

Have added item # 2 linking it to a regional conservation effort, reflecting Bond preference for regional projects.

Proximity to other Conservation Lands & Conservation Efforts (Maximum Points = 10)

1. Is identified as part of an adopted strategic conservation plan that addresses regional or statewide conservation needs;
2. Is linked to a regional conservation effort to protect open space, recreational opportunities or other natural resource values such as a greenbelt, trail network or river corridor;
3. Connects existing conservation lands;
4. Is immediately adjacent to existing conservation holdings;
5. Is part of a locally adopted comprehensive plan and implementation strategies for the protection of open space, recreation, wildlife habitat and/or rural areas that are consistent with the State's Growth Management Act;
6. Serves as a stopping off point on a recognized route such as an "island trail" or "birding trail" that includes other publicly or privately conserved lands.

**Proximity to other Conservation Lands &
Conservation Efforts (Continued)**

The lands include more than 4 of the assets noted above	8-10
The lands include 2-4 of the items noted above	4-7
The lands include at least 1 of the items noted above	1-3
The lands include none of the assets noted above	0

Major Land Asset + Need (Maximum Combined Points = 30)

Major Land Asset (15 points)

1. Identify the Major Land Asset (choose just one) represented on the property and determine the significance in terms of demand from a statewide, regional, or local perspective for the value of the resource or recreational activity, regardless of the proposed ownership.

	Local	Regional	State
Recreation lands	5	10	15
Water Access Lands	5	10	15
Vital Ecological Functions & Values	5	10	15
Rare, Threatened, or Endangered Plants, Natural Community, Wildlife and Habitat	5	10	15
Scenic Interest & Prime Physical Feature	5	10	15
Farmland and Open Space	5	10	15

**Major Land Asset + Need (Maximum Combined Points = 30)
Need (15 points)**

2. Consider the need, based on a deficiency determination (i.e., the excess of demand over supply for the resource or recreational activity in that area). The need to protect the major land category addressed in the proposal and substantiated by a published report(s), data base(s), or credible testimony as being of:

- Great Need due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land **11-15**
- Moderate Need due to the relative rarity of the resource , the threat to the resource, or the deficiency of the recreational opportunity offered by the land **6-10**
- Minor Need due to the fact that the resource or recreational opportunity offered by the land can only considered rare, threatened or deficient from a local perspective **0-5**

Here we have LAPAC; multiple values. It was noted that LAPAC report is pretty old and does it still hold up today? Sarah replied that the committee looked at each of the LAPAC criteria and kept those that it felt were still relevant, and combined River and Trail Systems and Island or Undeveloped Coastline

Additional Land Assets (Maximum Points = 25)

	<u>Minor</u>	<u>Moderate</u>	<u>Great</u>
Recreational lands	1	2	4
Water Access Lands	1	2	4
Vital Ecological Functions and Values	1	2	4
Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and Habitat	1	2	4
Scenic Interest and Prime Physical Feature	1	2	4
Farmland and Open Space	1	2	4
Ecological Preserve	1	2	4
River or Trail System	1	2	4
Island or Undeveloped Coastline	1	2	4
Significant Mountain	1	2	4

Additional Land Assets (Maximum Points = 25)

Minor Significance = 1 point

If the land contains an asset that is of minor significance; or the resource, or recreational opportunity of the type offered by the land, because the resource is not considered rare or the recreational opportunity is not considered deficient.

Moderate Significance = 2 points

If the land contains an asset that is of moderate significance; or the relative rarity of the resource, or the deficiency of the recreational opportunity of the type offered by the land, is of moderate importance.

Major Significance = 4 points

If the land contains an asset that is of major significance; or the relative rarity of the resource, or the deficiency of the recreational opportunity of the type offered by the land, is of great importance.

Criteria changed from Economic Benefit to Community & Economic Benefit. Maximum points down from 10 to 5.

Community & Economic Benefit (Maximum Points = 5)

Substantial Benefit: **5**

The project will have a substantial community and economic benefit that will affect a large number of individuals. The proposal has documented that the project has or should preserve or increase community and economic benefits in all four seasons and engages a wide range of community partners.

Moderate Benefit: **3**

The Project will have a moderate community and economic benefit that will affect a moderate number of individuals. The proposal has documented that the project has or should preserve or increase community and economic benefits in all four seasons and engages a moderate number of community partners.

Minimal Benefit: **1**

The project will have a very minor economic benefit that will affect a small number of individuals. The proposal has documented that the project has or should preserve or increase community and economic activity to local businesses in at least three seasons.

New criteria for consideration.

Project Structure (Maximum Points = 5)

- Conservation easement **5**
- Fee acquisition by qualified organization or State of Maine with
With municipal letter of support **3**
- Fee acquisition by municipality with municipal matching funds **3**
- Fee acquisition with no municipal letter or no municipal
matching funds **0**

Bonus Points

Bonus Points

- Significant Archaeological Site 5
- Public Water Supply 5
- Deer Wintering Area 10
- Single Exceptional Value 20

Proposed Revised Process: Commissioner Woodcock preferred the term ‘allocate’ vs. ‘makes’ when referring to preliminary Board allocations.

Sarah stated that this revised process would eliminate the need for a Nomination Committee.

Sarah distributed a letter from Tim Glidden (MCHT) / Kate Dempsey (TNC) recommending that the Board focus of closing remaining projects approved by the Board in July 2014 and that the public have ample opportunity to review any proposed changes to the existing workbook.

Proposed Revised Process

- Staff revised Workbook. Board votes to adopt.
- Board issues call for proposals – 75 days for proposals to be submitted.
- Staff reviews and scores proposals (2 weeks)
- Board receives proposals and staff scores for review (2 weeks)
- Board hears presentations from applicants and provides adjusted scores to LMF staff (1day meeting).
- Board meets to review their adjusted scores as presented by staff and makes final adjustments to scores. Board enters Executive Session to select finalists and ~~make~~ allocate preliminary awards (1 day meeting).

Available Funds

Unallocated Funds	2009 Bond	2011 Bond
Conservation & Recreation	\$1,250,000	\$3,125,000
Farmland	\$386,486	
Working Waterfront	\$277,238	

Sarah noted that the amounts in the 1st row (*in chart below*) were allocations made by the Board in 2014.

Sarah recommends that the Board consider adjusting amounts from the “Currently Available” to “2017 Staff/Agency Recommendations”. The Board was in favor of revisiting fund allocations at a future meeting.

Sarah reminded the Board that with the 2011 Bond, they can move funds from C&R, Farmland, Water Access and Working Waterfront from one category to another, but that the funds from the 2009 Bond cannot be moved to different funding categories. Lisa Turner indicated she would like to see more money from the 2011 Bond made available for Water Access.

Farmland applicants will compete for 2009 Bond funds using the Conservation & Recreation category using the Farm & Open Space Major Land Asset category.

Some members of the audience indicated that they would like to know the amount of funds that will be available for each category when a call for proposals is issued. This would help them in their application funding request. Some board members wondered if this would be a good idea.

Once a final decision has been made on fund allocations, the Board will also need to make a decision on set aside funding for C&R fee (*legal/all other 3% + access improvements 2% = 5%*) and C&R Easement (*legal/all other = 5% (no access improvements for CEs)*).

Fund Allocations

	Conservation & Recreation	Water Access	Farmland	Working Waterfront
2011 Bond – Board Allocations	\$2,500,000	\$500,000	\$1,000,000	\$1,000,000
Funds Remaining				
2011 Bond	\$675,000	\$500,000	\$1,000,000	\$1,000,000
2009 Bond	\$1,250,000	\$192,500	\$386,486	\$277,238
Currently Available for Awards	\$1,925,000	\$692,500	\$1,386,486	\$1,277,238
2017 Staff/Agency Recommendations	Conservation & Recreation	Water Access	Farmland	Working Waterfront
2011 Bond	\$2,125,000	\$250,000	\$0	\$750,000
2009 Bond	\$1,250,000	\$192,500	\$386,486	\$277,238
Available for Awards	\$3,375,000	\$442,500	\$386,486	\$1,027,238

Proposed Workbook Changes

Staff Recommendations:

- Incorporate scoring, process and “other criteria” changes adopted today.
- Remove Farmland portion of the workbook – farm projects to use C&R criteria.
- Clarify that an opinion of value is ok for application, to be confirmed with appraisal meeting LMF standards.
- Clarify “Environmental Concerns” reflecting current practice (bldgs. & trash removed) and standards for ESA.
- Update “Access Improvement Information”.
- Update appraisal standards to include LMF as intended user (naming DACF, BPL, IF&W, MHPC, or SOM OK).
- Review and potentially revise project budget format.
- Add “no discriminatory user fees” statement in Workbook

Comments and Discussion:

- Priority Deer Wintering Area points reduced; Commissioner Woodcock is comfortable with this slight decrease which is less than a 10% reduction of the total points available.
- Jerry Bley was wondering how parcels in unorganized territories would score under the new “Project Structure” criteria. He also asked whether state, local and regional applications would be compared against each other.
- Points for Access will be a larger proportion of the score.
- Jeff Romano asked if the Board would make good on commitments made for ‘old projects’ in the pipeline. Yes. Sarah noted that we continue to close on past projects with reduced staff capacity and in some cases, the applicant is holding up the process.
- Ian Stewart, asked if ‘state agency’ partnership is required. Sarah stated yes, applicants must have a “Designated State Agency” sponsor their projects.
- Working waterfront is considered separate from other categories.
- Farmland proposals are encouraged to offer public access when it does not conflict with farming practices.
- Water Access projects may come in at any time; this will not change.
- Commissioner Keliher recommends that we continue to review and finalize recommendations and vote on the Workbook at the next meeting. This will also allow time for public comments, as well.
- Once finalized and adopted by the Board, the revised LMF Workbook will be posted on the LMF web page.

Board Action:

No Board action was taken. Board Members overall liked the recommendations and suggested they be incorporation into a draft Proposal Workbook for final review and approval at the May meeting.

6. Ellis River

The Board received a request from Mahoosuc Land Trust (MLT) to replace their easement match parcel (Starr easement) with two fee match parcels (lots 36 and 37) for the Ellis River to Whitecap project. The revised proposal will achieve the conservation goals of the original proposal and is expected to simplify and expedite project completion.

The 2 abutting, undeveloped land parcels border the Mahoosuc Land Trust's pre-acquired "deFrees/Ellis River" parcel and provide public access connection with existing hiking trails and potential for future hiking loop trail. The 2 proposed parcels also allow for this project to move forward, protecting the conservation purposes of the project, providing public access to the Ellis River, and completing the desired connection from the Rumford-Whitecap Mountain Preserve to the river.

Jim Mitchell, Mahoosuc Land Trust, stated it was a struggle negotiating terms and conditions for the Starr conservation easement and the ability to substitute two fee simple parcels as match lands allows this project to move forward, protecting the conservation purposes of the project including public access to Ellis River and completing the connection from Rumford-Whitecap Preserve to the river.

When asked, Jim mentioned that yes the new match parcels were on the market and MLT pre-acquired them in hopes that the LMF Board would approve them as match parcels for this project. Lots 36 & 37 have not yet been appraised. Once parcels have been appraised, the AOC will review the appraisal along with LMF staff.

No new LMF funding going into the project; these parcels will be provided as project match to the LMF contribution toward the acquisition of the "deFrees/Ellis River" parcel.

Harry Ricker inquired about the field portion of the "deFrees/Ellis River" property and whether agricultural uses would be prohibited. Jim Mitchell stated that MLT has arranged with local farmer for haying the field and MLT would like to keep the field open as it retains and improves the view.

A letter of support from Senator Lisa Keim was distributed.

Board Action:

Motion: Fred Bucklin, seconded by Lisa Turner, to approve the substitution of the Starr easement with Lots 36 & 37 as project match lands for the Ellis River to Whitecap Mountain Conservation and Recreation project. Vote unanimous.

7. Staff Updates

- Maine Natural Areas Program survey report was passed around for Board members to review. This survey and surveys by Maine Historic Preservation are required by statute
- Distributed to the Board was a memo inviting Governor LePage and members of the LMF Board to join in celebrating the official Howard Hill property dedication on October 21, 2017 at 1:00 p.m.

- Also distributed was a flyer announcing the **10th Annual Private Lands Partners Day**, October 3-5, 2017 in Bangor, Maine, showcasing Public-Private conservation partnerships.
- Keeping Maine Forest's (KMF) easement review sub-committee has previously reviewed and made recommendations regarding LMF and Forest Legacy conservation easements, and is considering undertaking a new review.
- KMF recent study looked into Carbon Credit programs for forest lands. Consider having a future presentation to the Board.

Adjourn

At 2:45 p.m. a motion was made by Lisa Turner and seconded by Harry Ricker to adjourn. Vote was unanimous.

Next Board meeting May 16, 2017