

Land for Maine's Future Program  
Proposal Workbook  
**Board Adopted Policy & Guidelines**



January 2011  
Maine State Planning Office, 19 Union Street, Augusta, Maine 04333-0038  
207-624-6213 [www.maine.gov/spo/lmf](http://www.maine.gov/spo/lmf)

# About This Workbook

This is the eighth edition of the Proposal Workbook since the Land for Maine's Future Board initiated its grants program in 1988.

Much has changed since the Program's first call for proposals in 1988. The passage of the \$50 million bond in 1999 brought both policy and process in line with the public's thoughts on what types of lands should be acquired for current and future citizens of Maine. In January 1996, Governor Angus King issued an Executive Order calling for the establishment of the Land Acquisition Priorities Advisory Committee to help chart the course for future public land acquisitions. In November of 1997, this Committee presented its final report to the Governor outlining a comprehensive set of goals and recommendations to guide public land acquisitions. These goals and recommendations were reviewed and confirmed in 2004 as part of an independent program evaluation conducted by the Edmund S. Muskie School of Public Service and the Margaret Chase Smith Center for Public Policy. This Proposal Workbook reflects this previous work and the experience of the program during its six rounds of funding since 1999.

In 2005, Governor Baldacci supported passage of a new pilot program for the protection of working commercial waterfronts along Maine's coast. The pilot program is now being implemented by the Maine Department of Marine Resources with LMF support. A separate proposal workbook has been developed and the program is not discussed further in this workbook.<sup>1</sup>

In 2010, following a year of study, the Board adopted new scoring criteria for conservation projects that encourages applicants to more explicitly consider economic potential benefits to the communities within which the proposed projects are located. The board hopes to cultivate and support closer working relationships between the land conservation and business community.

This workbook contains four sections plus appendices.

**Section I** contains vital information on a wide range of Land for Maine's Future topics. Applicants should read this section first to get background information on the Board's policy and process and Program's background.

**Section II** is for projects appropriate for the Conservation and Recreation Land category, which includes lands of statewide, regional, and local significance. This is the category under which most proposals will fall.

**Section III** is for water access projects appropriate for the Public Access to Maine Waters Fund. Managed by the Board, this Fund is generally earmarked for smaller parcels that provide mainland water access for boating, fishing and swimming.

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<sup>1</sup> For further information contact Deirdre Gilbert, Department of Marine Resources (Tel # 624-6576, email [deirdre.gilbert@maine.gov](mailto:deirdre.gilbert@maine.gov)). More information is also available at [www.wvapp.org](http://www.wvapp.org).

**Section IV** is for projects designed to protect farms and farmland. If a proposal's primary purpose is to protect a working farm, then the project falls under the farmland category.

**Appendices** include important background information for projects.

The Land for Maine's Future Program Proposal Workbook is available in Portable Document Format (PDF) on the Internet. It can be downloaded from the web site of the Land for Maine's Future Program. The address is [www.maine.gov/spo/lmf](http://www.maine.gov/spo/lmf). If you would like additional paper copies of this Proposal Workbook, please contact the Land for Maine's Future Program, 38 State House Station, Augusta, ME 04333-0038; telephone (207)624-6213; fax (207) 287-6489.

## Acknowledgements

The Land for Maine's Future Board wishes to acknowledge key individuals and organizations that assisted in the development and production of this edition of the *Land for Maine's Future Program Proposal Workbook*.

Special thanks go to all of the Board members, especially those private citizen members who give so generously of their time and knowledge to make the Land for Maine's Future Program an enormous success. Their tireless work and attendance at many meetings are reflected in the outstanding public lands funded through the Program.

In addition to Board members, hundreds of Maine citizens and organizations provided essential input to the earlier versions that provided the foundation of this edition.

State agencies also provided input. The staff of the Departments of Conservation, Inland Fisheries and Wildlife, and Agriculture contributed significantly. Special thanks are extended to Alan Stearns, Buster Carter, and Stephanie Gilbert.

Finally, thanks to the staff of the Land for Maine's Future Program and other State Planning Office personnel who researched, coordinated, drafted, and finally published this new edition of the Proposal Workbook. They include Tim Glidden, Program Director, Steve Brooke, R. Collin Therrien and Aline A. Lachance.

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# **Section I**

**Introduction to Land for Maine's  
Future Board & Program**

# Land For Maine's Future Board & Staff

## Public Members

Ray Owen  
Orono, Maine

Diane Doyle  
Saco, Maine

Ben Emory  
Salisbury Cove, Maine

Leon Gorman  
Yarmouth, Maine

Don Marean  
Hollis, Maine

Jeff Thaler  
Portland, Maine

## State Agency Members *(as of 2.8.11)*

Norman Olsen, Commissioner  
Department Marine Resources  
State House Station #21  
Augusta, Maine 04333

Walt Whitcomb, Commissioner  
Dept. of Agriculture, Food & Rural Resources  
State House Station #28  
Augusta, Maine 04333

Tim Glidden, Acting Director  
State Planning Office  
State House Station #38  
Augusta, Maine 04333

Col. Joel Wilkinson, Acting Commissioner  
Dept. Inland Fisheries & Wildlife  
State House Station #41  
Augusta, Maine 04333

William Beardsley, Commissioner  
Department of Conservation  
State House Station #22  
Augusta, Maine 04333

## Program Staff

Tim Glidden, Director  
Steve Brooke, Senior Planner  
R. Collin Therrien, Senior Planner  
Aline A. Lachance, Support Staff  
State Planning Office  
184 State St., State House Station #38  
Augusta, Maine 04333

# Program Background & New Developments

The Land for Maine's Future Fund was refunded in the Fall of 2010 when Maine voters approved a \$7.5 million bond to finance the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, fish and wildlife habitat, and farmland. In addition, voters approved \$1.75 million for preservation of working commercial waterfronts. The fund is managed by an 11-member board, of which six are private citizens, four are state agency commissioners, and one is the Director of the State Planning Office. The Land for Maine's Future Program, housed administratively at the State Planning Office, is responsible for all activities relating to acquisitions.

In addition to the new 2010 Bond, the Legislature enacted several requirements that affect the LMF program specifically and land conservation generally.

- As part of the 2007 Bond, the Legislature has directed the LMF Board to give preference “to acquisitions ... that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space or farmland.” As has been the case from 1999 on, sites of local and regional significance may now be considered and payments may be made directly to cooperating entities with title remaining with the cooperating entities, subject to terms and conditions in a project agreement that is enforceable by the State to ensure the lands are used for the purposes for which they were acquired.
- The LMF Board was also authorized to consider conservation projects that include “significant, undeveloped archeological sites” (PL 2007, c. 64) and “public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes” of the LMF program (PL 2007, c. 353). See the footnotes on pages 30, 33 and 44 to understand how these new elements are incorporated into the application and scoring system.
- The 2010 Bond increased LMF's match requirements. At least \$1 of matching value is now required for every dollar of LMF support.
- In 2010, following a year of study, the Board adopted new scoring criteria for conservation projects that encourages applicants to more explicitly consider economic potential benefits to the communities within which the proposed projects are located. The board hopes to cultivate and support closer working relationships between the land conservation and business community.

# Needs Assessment

The Board conducted its original needs assessment in 1988, which consisted of public participation/outreach and the establishment of priority land categories, including the legislatively mandated land types found in the LMF statute. This list created the foundation of the Land for Maine's Future Program's detailed land classification types:

- Recreational Lands
- Water Access Lands
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat
- Areas of Scenic Interest and Prime Physical Features
- Farmland and Open Space

In 1996, Governor King established by Executive Order the Land Acquisition Priorities Advisory Committee (LAPAC). This committee performed a new needs assessment and its recommendations form the basis for some of the updates in this workbook, most notably what is referred to as the "LAPAC Multiplier" found in the Conservation and Recreation Lands Scoring System on page 32 of this workbook. LAPAC's final report is available from the Maine State Planning Office and on the LMF website. These goals and recommendations were reviewed and confirmed in 2004 as part of an independent program evaluation conducted by the Edmund S. Muskie School of Public Service and the Margaret Chase Smith Center for Public Policy. Experience in the six funding rounds under the 1999 bond issue has demonstrated the continued validity and value of the LAPAC priorities.

# Policy - Guidelines - Process

The Land for Maine's Future Board follows well-established policies and guidelines as it conducts its business. The following is a brief summary of the most important of these. Please contact LMF staff with any questions.

**Primary Purpose of the Program** - The primary purpose of the Land for Maine's Future Program is to conserve land in its undeveloped state. In 1999, the Legislature via funding categories, added the protection of public recreational water access and productive farms and farmlands.

**Willing sellers only** - A Board policy since 1987. The Board requires signed consent from the owner(s) of land being proposed for consideration in advance of any Board discussion of a property.

**Matching Funds** - A proposal is expected to have a match greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds expended, there must be at least \$1 of match funds. The Board considers the level of matching funds in evaluating projects and in making funding allocations. (Descriptions of match guidelines are in each of the following sections of this workbook under Policy, Guidelines and Threshold Criteria.)

As a related matter, non-LMF funds of up to 20% of the appraised value of the acquired land put into the stewardship account of the state agency or cooperating entity holding title to the land may be counted as matching funds for the project. Use of stewardship funds as match requires the recipient of LMF funds to make a firm commitment of these funds for the purpose in a form acceptable to the Board.

**Purchase Price Determined by Appraised Value** - Board policy is to determine fair market value of a property or a conservation easement through a qualified appraisal and to base acquisition price on appraised value. Appraisals should follow the Appraisal Standards found in Appendix E and F.

The Board will typically require appraisals with a valuation date no more than a year old. The appraisal valuation date should be less than a year old at the time of the expected closing unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Purchases Above Appraised Value Strongly Discouraged** - The Land for Maine's Future Board's basic rule is that it will not participate in a transaction where the purchase price exceeds fair market value based on an independent appraisal.

However, it is recognized that the market will, on rare occasion, offer opportunities that may require exceptions to the basic rule. **Applicants should be aware that this exception is seldom invoked and consult immediately with program staff prior to making any commitments that would require an exception.**

**Providing Public Recreational Access** - Public recreational access is a core purpose of the Land for Maine's Future Program. All lands acquired through the LMF are open to the public. Exceptions include farms and commercial working waterfronts, where public access may not be feasible or desirable. LMF may make grants of up to 5% of the appraised value of any project to develop public access facilities, including trails, boat launching sites, parking, camping and picnicking facilities. When development rights on a farm are purchased, up to 5% can be available for business plan development and implementation.

**Hunting, Fishing & Trapping** – Pursuant to the terms of the 2010 bond, hunting, fishing, trapping and public access may not be prohibited on conservation and recreation lands acquired with bond proceeds, except to the extent of applicable state, local and federal laws and regulations. Exceptions include farms and commercial working waterfront properties.

**Public Notice of Intent to Purchase** - The Board publishes a ten-day advance notice of a vote to acquire property. Notices are placed in a general circulation newspaper and a local newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.

**Public Participation Welcome at All Meetings** - All Board meetings are open to the public and include opportunity for public input. The meetings are almost always attended by people with an interest in land conservation. Meetings are publicly announced well in advance, including on the LMF website ([www.maine.gov/spo/lmf](http://www.maine.gov/spo/lmf)).

**Municipal and County Approval** – Municipal approval is required for LMF funding when property interests representing more than 1% of a municipality's state valuation are considered for acquisition. Board policy is to encourage applicants to seek municipal input on all acquisitions. Within unorganized territories, approval of the appropriate county commissioners is required if the land value of a proposed project constitutes more than 1% of the state valuation within that county.

**No Fee Acquisition of lands for Timber Production Lands** - By statute, LMF is prohibited from funding the fee acquisition of land for which the primary use value will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the rights to harvest timber are retained by the land owner.

**Addressing Land and Easement Management Costs** - The Board now requires all applicants to address stewardship and management costs as part of an application. LMF statute requires that applicants provide preliminary estimates of the management costs associated with the project over the first 10 years of ownership.

**Press releases** - All press releases or advisories announcing any phase of an acquisition with LMF funds must be coordinated by the LMF staff.

**LMF signage** – Appropriate signage acknowledging LMF support must be located on all conserved properties.

**Project Ownership** - As part of the proposal, the applicant must specify how the project’s ownership will be held. Ownership by a party other than a state agency is possible for local and regional projects. The LMF statute requires that all projects of statewide significance be held by an agency of the state to receive LMF funds.

Where a project creates an easement that is held by a local entity (a “cooperating entity” in the words of the LMF statute which includes land trusts and municipalities), language should typically be added to the easement giving the State of Maine third party enforcement rights on the terms of the easement. If this is not done, a project agreement between the cooperating entity and the State of Maine will define the terms of the project and be recorded with the easement (see Appendix H). Because all projects have differences, the description of project goals and management expectations will change from project to project.

Similarly, where a project is owned in fee by a cooperating entity, a project agreement is signed between the entity and the State of Maine to define the terms of the project and recorded with the deed. The deed itself should also include reference to the fact that the parcel has been acquired as part of an LMF project.

**Process used in reviewing conservation and farmland proposals** - The Board establishes the deadline by which proposals must be postmarked and received. A potential applicant must be in contact with the appropriate sponsoring state agency well in advance of this deadline. A copy of the proposal must be sent to the sponsoring agency. The process of application review culminating in project finalists being selected by the full Board, includes the following:

- Staff review and preliminary scoring of proposals.
- Board Scoring Committee review and final scoring.
- Board Nominations Committee review of all proposals, identification of issues for full Board discussion, and recommended project finalists with funding allocations.
- Full Board reviews all proposals, selects finalists and makes funding allocations.

**Closing Process Required on All LMF Projects** - Once the Board selects finalists, a series of due diligence steps that must be completed to the satisfaction of the Board. In addition to

these steps, the Board may place specific conditions which must be addressed before Land for Maine's Future funds are made available. Committees of the Board oversee this process, make recommendations to the Board, and determine if any new developments or information requires additional full Board review.

- Appraisal to determine fair market value. (All appraisals for acquisition of fee or easement must be reviewed and accepted by the Appraisal Review Committee of the Board and its recommendation must be approved by the full Board. The Appraisal Review Committee may expend reasonable funds if, in its opinion, supplemental appraisal information is required in order for the Committee to proceed to a recommendation regarding appraised value.) See above for policies on Appraisal.
- Determine legal interest to be held by the State (e.g. fee, conservation easement, project agreement).
- Elected officials approve (organized townships) if project represents more than 1% of state valuation or County Commissioners approve (unorganized townships) if more than 1% of county valuation.
- Publish public notice of intent to purchase and schedule Board vote, for the purpose of taking public comment.
- Draft Purchase and Sales Contract with all appurtenant conditions. If acquisition involves easement purchase, easement is drafted and finalized.
- Complete title work (including title insurance). The property may not be encumbered by any lien, mortgage or other obligation that in the Board's exclusive judgment, could interfere with the conservation purposes of the project. This includes outstanding mineral rights.
- Conduct environmental survey assessment. The ESA should be scheduled so that it is no more than 1 year old at the time of release of LMF funds. ESA reports older than one year will need an update.
- Complete an acceptable boundary survey and provide GIS-compatible electronic version of survey (so called "Shape" or ".SHP" files).
- Close on project.
- Typically after closing, ecological and archeological surveys are undertaken to assess any features of the property that may require special management.
- Evidence of Cooperative Authority to accept LMF funds (if other than state agency).
- Certificate of good Corporate Standing (if non governmental entity).
- Vendor Form to facilitate payment to recipient of LMF funds.
- Joint Ownership Release (if needed)

# Answers to Commonly Asked Questions

**Q1. What types of land can be acquired through the Land for Maine's Future Program?**

A. Lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland protection. Commercial working waterfront protection along Maine's coast is accomplished under a program jointly administered with the Department of Marine Resources.<sup>2</sup>

**Q2. Who can be a "cooperating entity"?**

A. Private nonprofit charitable organizations, private foundations, municipal conservation commissions, and local governments are considered cooperating entities. In addition, the Land for Maine's Future Board may designate other groups to assist the State in the acquisition and management of public lands. In cases of regionally or locally significant projects, the Board may also accept a cooperating entity as title holder for a given acquisition.

**Q3. Who will own the land or conservation easements acquired by the Program?**

A. Title for projects of state significance as determined by the Board will be held by the appropriate state agency. In the case of projects of regional and local significance, an approved cooperating entity may hold title providing that entity can demonstrate to the Board their ability to manage the land for the purpose for which it was acquired.

**Q4. Who will manage the land acquired by the Program?**

A. Management responsibilities for the acquired lands and interests in lands will be the responsibility of the State agency or cooperating entity holding title. Management of lands held by the State may be accomplished through a partnership with a cooperating entity through a management agreement. When a cooperating entity holds the land or interest in land it will execute a project agreement with the sponsoring state agency that contractually binds the terms of the project's management. This agreement is recorded with the deed or easement. A model of the Project Agreement is included in Appendix H.

**Q5. What are "matching funds" and what guidelines apply?**

A. All projects are expected to have matching funds of at least 50% of the total eligible project costs. This means that for every \$1 of LMF funds there must be at least \$1 of match funds. At least 70% of the match must be in the form of land, cash, or other tangible assets. The value of lands or interest in lands acquired within 2 years of the

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<sup>2</sup> For further information contact Deirdre Gilbert, Department of Marine Resources (Tel # 624-6576, email [deidre.gilbert@maine.gov](mailto:deidre.gilbert@maine.gov)) or visit [www.wvapp.org](http://www.wvapp.org).

date of project application maybe used as tangible match when the property interests have a direct relationship to the project. No more than 30% of the match can be the value of services customarily associated with land or interest in land acquisitions (appraisal, survey, title work, legal work, ecological and archeological inventory) defined by the LMF statute as “intangible” match. Match is discussed further under each proposal type.

**Q6. When is municipal or county approval of a land acquisition required?**

A. Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition with funds from the Land for Maine's Future Program. Similarly, approval by the county commissioners is required if the land proposed to be conserved lies within unorganized territory and constitutes more than 1% of the state valuation within that county.

**Q7. What interests in land may be purchased by the Program?**

A. The LMF can support acquisition of a full range of interests in land including:

- fee simple acquisition; and
- less-than-fee simple interests including, but not limited to, permanent conservation easements, access easements, working waterfront covenants and other permanent interests in land.

**Q8. Can the LMF fund be used to fund capital improvements?**

A. The LMF Fund can only be used to fund minor capital improvements on acquired lands to improve public access, as long as these improvements do not exceed 5% of appraised value of the acquired property and as long as these improvements do not compromise the original intent for which the property was purchased. In practice the Board limits most of its grants under this provision to 5% of the LMF project contribution. The Board will make a larger grant under this program to the extent the additional amount is based on the costs of providing access specifically for disabled or handicapped persons. In the case of the purchase of development rights on farms, up to 5% of the appraised value may be used to develop a business plan and capital improvement for the farm.

**Q9. What does the law exclude from consideration?**

A. The law specifically excludes using bond funds to acquire any of the following:

- buildings or other structures unrelated to the intended use of the property,
- land for facilities or organized recreational activities; (e.g. ballparks, tennis courts, or playgrounds).
- capital improvements on any publicly owned facilities; and
- land of which the primary use value will be as commercially harvested or harvestable forest land.

**Q10. What types of land are identified by the law as eligible for potential acquisition?**

A. Eligible lands include:

- recreation lands;
- prime physical features of the Maine landscape<sup>3</sup>;
- areas of special scenic beauty;
- farmland or open space;
- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- habitat for plant or animal species or natural communities considered rare, threatened, or endangered in the State;
- public access to recreation opportunities or those natural resources identified above; and
- lands with other conservation, wilderness or recreation values<sup>4</sup>.
- Working waterfront serving commercial fisheries

Potential applicants are strongly encouraged to review the LAPAC report for further discussion on conservation priorities among these resources (see Appendix D). The report is available from the LMF staff and is on the LMF website ([www.maine.gov/spo/lmf](http://www.maine.gov/spo/lmf)).

**Q11. What is a Farmland Protection Project?**

A. A Farmland Protection Project can provide Maine farmland owners with an alternative to selling farmland to other land development use and preserve prime agricultural lands. The Land for Maine's Future Program works in partnership with the Maine Department of Agriculture, nonprofit cooperating entities, towns and farmers to develop proposals focused specifically on farmland protection for consideration by the LMF Board. In addition, federal funds are available through the USDA Farm and Ranch Lands Protection program to be matched with LMF Funds. LMF typically supports the acquisition of agricultural easements (also known as conservation easements or the purchase of development rights). However, LMF may also support the acquisition of farmland in fee by a project partner (town or land

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<sup>3</sup> In 2007, the Legislature authorized the Board to consider protection of "significant, undeveloped archeological sites". Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission (Arthur Spiess 287-2132) that describes the significance of the archeological resources on the site. An application for which the "Major Land Category" is based primarily on archeological values must be sponsored by the Commission.

<sup>4</sup> Among other conservation values, the Board may consider whether the proposed project provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter. In practice this means that the protected land must be available for public recreational use.

trust) if there is a clear commitment to keeping the land in agricultural production. In the case of an easement, all current and future agricultural uses of the land are protected by prohibiting all conflicting, non-agricultural uses (i.e. subdivision, housing development, etc.) through the terms of the conservation easement. The easement is held by the State or an approved cooperating entity (e.g. town or land trust). The landowner is fully compensated for this restriction on a willing buyer - willing seller basis. This can help an existing farm landowner to maintain the availability of his or her farmland for agricultural production, forever. Agricultural conservation easements allow farmers to retain all other ownership rights; they can sell or continue to farm and they can diversify their agricultural enterprise and operation, they just can't grow houses. If they do sell, their land will be valued as farmland, which often makes it much more affordable for the next generation of farmers.

**Q12. Who can propose land for acquisition by the Program?**

A. Anyone can nominate or propose land for acquisition by LMF Program with the sponsorship of a suitable state agency as long as the threshold criteria, the criteria of the sponsoring state agency, and basic information requirements are met. This must include full knowledge and agreement of the owner of the proposed property that his/her property is being proposed to the LMF Program.

**Q13. When can proposals be submitted?**

A. Whenever the Board issues a call for proposals. Contact the Program Director for the opening and closing dates of the current proposal period. In 2011, the deadline for Conservation, Recreation and Farm proposals will be April 1, 2011.<sup>5</sup> Proposal inquiries can be submitted any time during the year for a staff review and feedback (see Inquiry Forms in Appendices A and B). Anyone who has submitted an inquiry during the year will be notified when full proposals will be accepted. There is a separate application process for water access projects which may be processed at any time (see Section III).

**Q14. How will the proposed properties be scored?**

A. After the information in a proposal is reviewed by the Program staff, the Board's Scoring Committee will review and assign scores and the Nominations Committee will identify any issues and important proposal components and bring the top scoring projects in each land category to the full Board for action. See Scoring System in Sections II, III and IV for the detailed scoring procedures.

**Q15. Who will appraise the lands proposed for acquisition?**

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<sup>5</sup> For further information on the deadline for Working Waterfront Projects contact Deirdre Gilbert, Department of Marine Resources (Tel # 624-6576, email [deidre.gilbert@maine.gov](mailto:deidre.gilbert@maine.gov)) or Tom Miragliuolo, State Planning Office (Tel. 624-6224, email [tom.miragliuolo@maine.gov](mailto:tom.miragliuolo@maine.gov)) or visit [www.wwapp.org](http://www.wwapp.org) .

- A. If an appraisal has been conducted by or is available to an applicant it should be included as part of the proposal process. The Board may decide to accept an existing appraisal or may commission a new appraisal for the purpose of establishing a property's fair market value. Board appraisals will be undertaken only for properties that have been selected as finalists by the Board. If an applicant provides an appraisal to the Board and it is accepted, he/she may apply the documented cost of the appraisal as match. Any appraisal must be an arm's length appraisal conducted by a Maine certified appraiser and must conform to the standards outlined in Appendices E & F. Appraisals solely commissioned by the landowner or with the landowner as the sole client will not be accepted.

**Q16. Will LMF support projects when the landowner wants a price higher than the appraised value?**

- A. The LMF Board will not typically participate in purchases which exceed fair market value as established by independent appraisal. This policy applies even where the extra funds are drawn from other sources. Such sales can create inflationary pressures and make future conservation projects even more expensive. In rare cases, the Board will consider exceptions to this policy. Applicants should consult program staff if this is an issue.

**Q17. Who will negotiate for the Program?**

- A. The Land for Maine's Future Board will designate a lead negotiator for each property. The negotiator may be a representative of the state agency that will hold title or of a designated cooperating entity.

**Q18. How will an applicant know the status of his/her proposal?**

- A. All applicants will be notified by mail as to the status of their proposals when the scoring and evaluation process is complete. If an applicant submits an Inquiry Form, he/she will receive a letter that invites the submission of a full proposal. The letter may also provide guidance on whether the proposal is aligned with the Program's priorities. An applicant may call the Program staff at any time and inquire about the status of his/her proposal.

**Q19. What considerations does the Board want to see reflected in conservation easements proposed for consideration?**

- A. The Board may fund acquisition of conservation easements on parcels of land to protect key public values. Any easement proposal considered by the Board is expected to address the following elements:
1. Conservation purpose of the easement and description of concerned natural resources,
  2. Restrictions on development and subdivision (building, mining, road construction, etc.),

3. Provisions for public access (pedestrian, water access, vehicle access, etc.),
4. Accommodations for public use/recreation,
5. Private uses to be maintained/continued, and
6. See also Guidance for Working Forest Easements (*Appendix I and [www.maine.gov/spo/lmf](http://www.maine.gov/spo/lmf)*)

**Q20. Are pre-acquired properties eligible for reimbursement?**

- A. Lands or interest in lands acquired within 2 years of the date of project application maybe considered for reimbursement when the pre-acquisition was conducted on behalf of the sponsoring agency **or** the sponsoring agency was aware of and supported the pre-acquisition. Reimbursement will be capped at the actual purchase price or appraised value which ever is less. Any duly appraised value in excess of actual purchase price may be used as match.

# State Agency Land Acquisition and Access Programs

## Department of Conservation - Bureau of Parks & Lands

The Maine Bureau of Parks and Lands was created in 1995 when the former Bureaus of Parks & Recreation and Public Lands merged. The new Bureau oversees approximately 575,688 acres of Public Reserved Lands, 84,465 acres of state park and historic site lands, 3,736 acres of Non-reserved Lands, 304,742 acres of conservation easements, 2,300,000 acres of the State's marine and freshwater Submerged Lands, and 1,325 public coastal islands containing approximately 1,109 acres. The Bureau is responsible for the following:

- 1 Acquiring and managing state parks, historic sites, certain snowmobile and ATV trails, boat launching sites, and public reserved lands and non-reserved lands;
- 2 Acquiring other interests in lands (e.g., conservation and recreation easements), and receiving gifts, to be managed as state parks, historic sites, public reserved lands and non-reserved lands, boat launching sites, and certain trails;
- 3 Managing some former institutional (non-reserved) lands, such as Pineland, Mackworth Island and Hebron, submerged lands beneath Great Ponds and the coastal waters, and more than 1,300 coastal islands;
- 4 Managing the Allagash Wilderness Waterway and lands within the Penobscot River Corridor Easement;
- 5 Coordinating management of the privately and publicly owned sections of the Appalachian Trail in Maine (in cooperation with the Maine Appalachian Trail Club and the Appalachian Mountain Club); and
- 6 Acting as a Designated State Agency to monitor management of lands acquired with LMF funds by Cooperating Entities.

### **BP&L LAND ACQUISITION CRITERIA**

To make the most of limited funds and limited staff for planning, negotiation, and resource management, the bureau will use the following criteria to establish priorities for initiatives to acquire land or conservation easements, by gift or purchase.

### **PROPERTY CHARACTERISTICS**

Properties proposed for acquisition by the bureau should:

1. Qualify as a land type authorized to be owned and/or managed by BP&L as described in statute.

2. Be an inholding or abut land owned and/or managed by BP&L that will enhance or protect the values and/or opportunities of the parent property and/or reduce management costs or conflicts.
3. Contain natural/cultural resources and/or recreation opportunities of statewide or regional significance.

*Statewide (including international) significance:* the resources are documented as rare and/or exceptional in Maine or the recreational activities associated with the parcel will frequently and routinely attract users from across the state/out-of-state to enjoy the resource or recreational opportunity offered by the parcel.

*Regional significance:* the resources are documented as rare and/or exceptional in a region, or the recreational activities associated with the parcel will frequently and routinely attract users from a regional area (an area that is greater than the area included by the towns abutting the town(s) where the land is located), to enjoy the resource or recreational opportunity offered by the parcel.

(Multiple resources/opportunities: greater significance is attached to properties with multiple natural/cultural resources and/or recreation opportunities of statewide or regional significance.)

4. Have state or regionally significant resources and/or opportunities that need protection due to a documented threat of degradation or loss; or have significant recreation opportunities that should be secured to address a documented need. (Documented need from SCORP, LAPAC, *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (IF&W & DOC), *Coastal Water Access Priority Areas for Boating and Fishing* (DMR), and other recognized sources)
5. Demonstrate the inadequacy or potential inadequacy of non-acquisition measures (e.g., regulation or voluntary agreements) to protect/secure the state or regionally significant public values and/or opportunities associated with the property.
6. Include public vehicular access to the property or parent property; or can be reached via a public trailhead if access will be by trail; or can be reached via public boat launching site if access will be by water. In some cases, it may be more cost effective to identify key access roads and include them in future negotiations with landowners who control access between public roads and the property.
7. Have anticipated management responsibilities that are within the capability of the bureau and its partners.
8. Have anticipated uses and facilities that are consistent with municipal plans and ordinances meeting Growth Management Act standards.

9. Additional Criteria for Boat Access Facilities:
  - a. Location of the water body in relation to population centers and other water access sites,
  - b. Size of the water body and the diversity of recreational opportunities it offers,
  - c. Value of fisheries opportunities based on IF&W and DMR evaluations, and
  - d. Expected demand and diversity of uses of the site, current or anticipated.

**10. Additional Criteria for Trails**

- a. Includes a variety of landscapes,
- b. Provides connections to existing trail routes or trail facilities,
- c. Provides connections to other public recreation areas or community facilities, and
- d. Provides connections to needed services (parking, food, water, shelter, fuel, repair services).

**PROJECT CHARACTERISTICS**

LMF Acquisition projects undertaken by the bureau should include the following:

1. Willing Seller
2. Property available at appraised value or lesser amount
3. Clear title or title insurance
4. BP&L staff available for negotiation/support, or contracted negotiation/support services
5. Funds may be available for pre-acquisition costs (usually nonfederal sources):
  - Negotiation/support services
  - Legal Services (title search, option agreement, PSA, closing, closing pkg., etc.)
  - Appraisal
  - Environmental Assessment
  - Survey
6. Funds available for purchase:
  - Bureau Funds
  - Grants
  - Other
7. Easement review by Attorney General
8. Acceptable resource management strategy
9. Purchase approval by:
  - Director
  - Commissioner
  - Governor
10. Payment arrangements started 2 months prior to closing:
  - Financial order(s) signed
  - Allotment(s) established
  - Check arrangements made

## Maine Department of Inland Fisheries & Wildlife

The primary mission of the Department of Inland Fisheries and Wildlife (DIF&W) is to conserve and enhance the fish and wildlife resources of Maine, and to provide reasonable public access for use and enjoyment of these resources. DIF&W's programs are primarily funded by self-generated revenues, Federal Aid to Sport Fish and Wildlife Restoration, and other sources of federal funds.

DIF&W has been actively involved in the acquisition of land and conservation easements for wildlife conservation, management, and public use beginning in the late 1940s and early 1950s with Federal Aid in Wildlife Restoration funds (Pittman-Roberston Act of 1937). The major thrust of early acquisitions was to improve waterfowl nesting habitat. The passage of the Maine Coastal Island Registry, which went into effect in July of 1973 also had an influence on DIF&W's acquisition program, as more than 200 islands and halftide ledges with unique wildlife values were transferred to the Department for management.

In 1974, a \$4 million bond issue was approved by Maine citizens for the purchase of wildlife habitat by DIF&W. A second bond issue for the acquisition of habitat, in the amount of \$5 million, was approved by Maine voters in 1986.

Since the early 1990s, the Department has received about \$10 million in grants from the National Wetlands Conservation Act to acquire habitat within three major focus areas (Cobscook Bay, Pleasant Bay, and Merrymeeting Bay/Lower Kennebec River Estuary) identified as Maine's highest priorities in the North American Waterfowl Conservation Plan. In addition, nearly \$5.4 million has been acquired from the Coastal Wetland Grant Program for coastal island and wetland acquisitions.

DIF&W currently owns and manages approximately 106,000 acres of land. These lands represent a variety of fish and wildlife habitat and recreational values, including large upland parcels, small marshes, coastal woodlands, seabird nesting islands, shorebird staging areas, and endangered and threatened species habitats. The primary management objective for each parcel is to restore, maintain, or create the highest quality upland or wetland habitat possible.

The agency also owns and manages approximately 120 boating water access sites for recreational use of Maine's public inland and coastal waters and to enhance fish and wildlife resource management.

DIF&W's lands are utilized by the public for many recreational pursuits. The agency has a policy to allow reasonable public access and recreational activities on these parcels when they do not conflict with the primary wildlife management objectives. Public recreational activities include but are not limited to "consumptive" wildlife uses such as hunting, trapping, and fishing, and numerous "nonconsumptive" uses such as wildlife watching, wildlife photography, hiking, canoeing, and providing open space for the public. DIF&W's lands

also serve as demonstration areas where the public can learn about fish and wildlife and their habitats along with habitat management techniques necessary to support their populations.

Current acquisition initiatives are being funded with programs such as Land for Maine's Future, Maine Outdoor Heritage Fund, Federal Aid in Wildlife Restoration and Sportfish Restoration National Wetlands Conservation Grants, Boating Facilities Program Funds and DIF&W funds dedicated to non-game and endangered species conservation. The overall direction established by Commissioner and his Advisory Board in 1986 is still followed today; however, it was updated in 1999 to reflect broader department responsibilities and new funding opportunities. Specific projects are pursued in order to accomplish the following goals:

- Enhance the effectiveness of existing wildlife management areas by expanding current boundaries;
- Acquire from willing sellers, in-holdings or parcels abutting existing Department-owned wildlife management areas;
- Acquire from willing sellers, parcels that contribute to an identified "Focus Area" to meet the needs of species on a landscape scale, including travel corridors
- Acquire habitats essential to the management of State and Federal endangered and threatened species;
- Acquire habitats essential to fish and wildlife species to help preclude the listing of a species on the Endangered and Threatened lists
- Acquire from willing sellers privately owned coastal islands that are critical to populations of colonial nesting seabirds;
- Establish new wildlife management areas, "Focus Areas", where needed to protect important inland/coastal wetland and upland ecosystems;
- Provide reasonable public access and use along with an opportunity for demonstration areas where the public can learn about fish and wildlife, their habitats and habitat management techniques necessary to support their populations; and
- Acquire land to allow the public to access bodies of water and coastal waters throughout the state.

In addition to the above, the Department is responsible for the administration of Federal Aid in Sport Fisheries Restoration (Dingle-Johnson Act of 1950), and the more recent Wallop-Breaux amendment to the Act, which expanded the funding base and requires a minimum expenditure of 15 percent of all monies apportioned to a state be used for motor boat access. This program is critical to help provide access for the public to Maine's lakes, ponds, rivers, and coastal waters.

Specific acquisitions are based upon input from Department personnel, public and private groups, and suggestions from individuals. A Department Land Acquisition Committee --- consisting of regional and research biologists and supervisors --- prioritizes proactive and reactive land acquisition opportunities and make recommendations to the Deputy Commissioner and Director of the Bureau of Resource Management.. This group then makes final recommendations to the Commissioner.

## Department of Agriculture, Food & Rural Resources

The Maine Department of Agriculture, Food and Rural Resources is the State's lead agency dealing with all aspects of the food system from the field to the table. In recent years, the Department's Farmland Protection Program has assisted landowners, community conservation groups, land trusts and town officials with figuring out how to save Maine's best farmlands from non-agricultural development. The solutions vary in different parts of Maine. Some communities adopt agriculture-friendly policies and sponsor "buy local" campaigns. Some landowners enroll in the current-use property tax programs. Some farmers divide their land into smaller units to allow each family member to specialize with producing for niche markets. Some families enter into a partnership with a land trust to permanently protect the farm with a conservation easement. While most of these easements are donated, some are purchased.

Currently, the Land for Maine's Future Program (LMFP) is the only state program that provides funds for the purchase of a conservation easement on working farmland. The Department of Agriculture is the only state agency that can sponsor a farmland project to the LMFP.

Since 1990, when the Department of Agriculture and the Land for Maine's Future Program initiated the first farmland protection project on a dairy farm in Richmond, twenty-two projects have protected 6,567 acres of prime and important farmland in 12 Maine counties. Another four projects (1,045 acres) are underway as of November 2007.

Preparing for a successful LMF Farm Project takes time. It typically takes 6-12 months for the farm family and the Department to explore ideas, determine a property's eligibility, and form a project team with an entity (land trust or town) that will hold the conservation easement. The team writes a pre-proposal for the Department of Agriculture's Farmland Advisory Panel to review and prioritize for submission to the Land for Maine's Future Program. Once the Department submits a proposal to the Land for Maine's Future Program, it takes 3 months for the Land for Maine's Future Board to review proposals and make preliminary commitments. If a farmland project is recommended as an LMF Finalist, it may take an additional 12 to 24 months to secure Federal matching funds (through FRPP) and to develop, review and approve appraisals, surveys, title commitments, the conservation easement itself and other documents before closing on the sale of the development rights and grant of a conservation easement. From start to finish, this process can take three years.

**Please note that as of January 1, 2011, the Department had successfully reviewed and prioritized all farmland projects that will be sponsored to LMF in 2011.**

Please visit <http://www.maine.gov/agriculture/mpd/farmland/index.html> to learn more about the Department of Agriculture's Farmland Protection Program.

## **Maine Department of Marine Resources**

The Department of Marine Resources (DMR) mission is “to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; and to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to enforce the laws and regulations necessary for these purposes...”

DMR has identified coastal water access as an issue of rising concern, especially in the southern part of the state. As waterfront property becomes increasingly valuable for summer homes, restaurants, marinas, and hotels, water access for commercial and recreational fishermen is harder to find. The Public Access to Maine Waters Fund funded by The Land for Maine’s Future set-aside for water access sites provides one avenue for preserving and developing coastal recreational access sites.

DMR doesn’t currently have a formal program for acquiring, holding, and managing coastal access sites and properties. However, DMR takes an active interest in coastal access issues and is working collaboratively with other agencies to identify areas of need and to encourage project proponents to apply for LMF funds. While the Department doesn’t formally sponsor LMF proposals, it is ready to assist and advise on any proposals that create or improve access for salt water commercial or recreational fishing. The Commissioner of Marine Resources sits on the Land for Maine’s Future Board. Coastal property proposals will be referred on a case-by-case basis to the most appropriate agency or cooperator for sponsorship and proposal development work.

The 2010 bond includes funds for the Working Waterfront Pilot Program that is aimed at the protection of strategically significant properties whose continued availability to commercial fisheries businesses is essential to the long term future of this economic sector. This pilot program is run by DMR with the assistance of the State Planning Office and others to identify and ready projects for funding by the LMFB. A separate proposal workbook is available for this type of project, please contact Deirdre Gilbert (624-6576) for further information or visit [www.wwapp.org](http://www.wwapp.org).

## **Maine Coastal Program/State Planning Office**

Established in 1978 and administered by the State Planning Office, the Maine Coastal Program is a partnership among local, regional, and state agencies and nonprofit organizations. Its mission is to balance conservation of the coastal environment with human demands and activities. The Coastal Program receives its funds under the federal Coastal Zone Management Act, a law administered by the National Oceanic and Atmospheric Administration.

Over the past 20 years, the Maine Coastal Program has assisted municipalities with creating, or improving, access to the shoreline of the state’s tidal waters. The Coastal Program defines

access broadly. Its intention is to get people to coastal waters or lands adjacent to them for an array of activities, whether it is to pursue their livelihoods, enjoy views, launch a boat, walk along a path by the shore, or view wildlife. For example, from 1985 to 1991, the Coastal Program awarded grants to more than 70 communities for projects such as boat launching sites, wharfs and piers, and land acquisition. Since 1994, it has offered Right of Way Discovery Grants to communities -- small grants with which towns have researched and inventoried public access ways to the coast.

The Coastal Program has, from time to time, a small matching fund to assist certain projects that apply for Land for Maine's Future funds. The Program also provides technical assistance to the Land for Maine's Future Program, and to municipalities or other cooperating entities that seek to acquire coastal properties.

The Maine Coastal Program represented the State Planning Office as a key partner in the Maine Coast Protection Initiative, a coalition of land trusts, conservation organizations, and others working to increase the pace and quality of land conservation in the coastal zone. This Coalition has identified high priority resources for conservation that can be funded through the Coastal Estuarine Land Conservation Program (CELCP) a federal funding program under the National Oceanic & Atmospheric Administration. The CELCP in Maine is administered by the Maine Coastal Program. Contact Matt Nixon (624-6226) for further information.

## **Maine Atlantic Salmon Commission**

The Bureau of Sea-Run Fisheries & Habitat within the Department of Marine Resources (formerly the Maine Atlantic Salmon Commission) works to "protect, preserve, enhance, restore and manage the Atlantic salmon and its habitat; to secure a sustainable recreational fishery in the State; and to conduct and coordinate all projects involving research, planning, management, restoration or propagation of the Atlantic salmon".

In addition to conducting basic research, BSFH/DMR now monitors spawning activity by adult salmon, parr densities, smolt migration analysis, and returns to natal rivers by trapping adults at several locations. The Bureau now conducts cooperative research and management activities with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. The Bureau also remains responsible for all Atlantic salmon stocking while the fish used for stocking are reared at the USFWS facilities at Green Lake and Craig Brook.

The Bureau currently holds properties and easements on several Downeast rivers to protect riparian and aquatic habitat and to provide recreational access to these rivers as appropriate. To learn more about the ASC go to their web site: <http://www.maine.gov/asc/> .

# List of Contacts/Cooperating Entities

As any applicant begins to develop an application, he/she may seek information sources, conservation partners, and the required sponsorship from State agencies associated with the acquisition and management of public lands. The organizations listed below will assist you in this effort. If you need any further guidance, contact the Land for Maine's Future Program at (207) 624-6213.

Dept. of Agriculture, Food & Rural Resources  
28 State House Station  
Augusta, Maine 04333  
tel: (207) 287-7520  
Stephanie Gilbert

Maine Natural Areas Program  
93 State House Station  
Augusta, Maine 04333  
tel: (207) 287-8045  
Molly Docherty

Maine Dept. of Conservation  
Bureau of Parks & Lands  
22 State House Station  
Augusta, Maine 04333  
tel: (207) 287-4911  
Alan Stearns

Maine Dept. of Inland Fisheries & Wildlife  
41 State House Station  
Augusta, Maine 04333  
tel: 287-8670  
Sarah Demers

Maine Dept. of Marine Resources  
21 State House Station  
Augusta, Maine 04333  
tel: (207) 624-6576  
Deirdre Gilbert

Maine Coastal Areas Program  
State Planning Office  
38 State House Station  
Augusta, Maine, 04333  
tel: (207) 624-6226  
Matt Nixon

Maine Historic Preservation Commission  
65 State House Station  
Augusta, Maine 04333  
Tel: (207) 287-2132  
Arthur Spiess

## **Non-Profit Organizations**

The Nature Conservancy  
Fort Andross  
14 Main Street, Suite 401  
Brunswick, Maine 04011  
tel: (207) 729-5181

Maine Coast Heritage Trust  
1 Bowdoin Mill Island; Suite 201  
Topsham, Maine 04086  
tel: (207) 729-7366

The Trust for Public Land  
Maine Field Office  
30 Danforth Street  
Portland ME 04101  
tel: (207) 772-7424  
Wolfe Tone

Maine Land Trust Network  
Warren Whitney, Coordinator  
c/o Maine Coast Heritage Trust  
Bowdoin Mill, One Main Street  
Topsham, Maine 04086  
tel: (207) 729-7366

Maine Farmland Trust  
97 Main Street  
Belfast, Maine 04915  
John Piotti, Executive Director  
tel: (207) 338-6575

*Note:* For the name of your nearest land trust, please contact the Maine Land Trust Network ([www.mltn.org](http://www.mltn.org)) or the Land for Maine's Future Program.

# **Section II**

## **Conservation & Recreation Land**

# Overview

The Land for Maine's Future Board has established a process for the public to nominate lands for acquisition in a broad category called **Conservation and Recreation Lands**. Most proposals will fall under this category. If your project is a small parcel of land specifically for boating and fishing water access, please first review Section III. If it is related to farmland protection, please first review Section IV. If you are interested in developing a working waterfront project, visit [www.wvapp.org](http://www.wvapp.org).

## Proposal Process

This section of the Proposal Workbook provides you with all the information you need to apply for funds in the Conservation and Recreation Lands category. This process is open to everyone. If you have any questions about your proposal or the Land for Maine's Future process, please call (207) 624-6213 and speak with a member of our staff.

### Proposal Inquiry Form

The form (found in Appendix A) provides the Land for Maine's Future Program staff with information they need to determine if a project meets established threshold criteria.

### Final Full Proposal Review Process for Recreation and Conservation Lands

**Proposal Period** - Proposals must be received by the closing date of a proposal period. Proposal forms must be complete with responses to all the numbered subject headings found in the Format and Instruction Section. Incomplete proposals will be returned for additional information and may not be considered further at the Board's discretion. Contact the Program Director for the dates and other information on the next Proposal Period. (Please note there is an expedited process for proposals for water access projects appropriate for the Public Access to Maine Waters Fund, and they may be received at any time. See Section III for information on the process for this category.)

Please note that for a proposal to be complete, it must have a State Agency sponsor. You must contact the appropriate sponsoring agency well in advance of the application deadline – the next application deadline is April 1, 2011 (see page 22 for agency contact information).

**State, Regional or Local Significance** - Projects supported by the LMF Program may be of state, regional, or local significance. It's important that applicants indicate which of these sub-categories the proposal fits based on the definitions found on pages 31-32 in this section. Proposals will compete with other proposals within the same sub-category. Staff will correct the sub-category if it is inaccurate based on proposal information. The applicant will be notified if this is done.

**Scoring & Nomination Procedure** - Once the proposal is reviewed by LMF Program staff and judged to be complete, it will be scored using the scoring system summarized on the next page. The scoring criteria evaluates the land itself and includes the following: an assessment of the naturalness of the land; relative state, regional, or local significance; access to the site; any "single exceptional values"; proximity to and relationship to other public conservation holdings; and the need to conserve the proposed property.

At the close of the Proposal Period, all scores will be reviewed by the Board's Scoring Committee. The full list of scored proposals will then be given to the Board's Nominations Committee, which reviews the top proposals identified in the state, regional, or local land sub-categories. The Nominations Committee flags any issues or attributes and proposes a list of finalists and fund allocations, to the full Board for consideration. The Board will review the proposals, select the finalists, and allocate funding. Proposals that are not selected will be returned to applicants.

If the application envisions that the land or easement will be held by an organization other than the State, the Nominations Committee and the Board will also consider the capacity of the organization to bring the project to a successful conclusion including, without limitation, fund raising capacity, project management experience, land stewardship experience, and general organizational capacity.

All applicants will be contacted and notified of the status of their proposal after final Board decisions. Please note that the scores serve as a guide for the Board.

# Scoring System for Evaluating Conservation and Recreation Land Proposals

This scoring system has been devised as a guide to enable the Land for Maine's Future Board to sort through a diversity of proposals of state, regional, and local significance and identify those that are most aligned with the state's land acquisition priorities. It is designed to highlight proposals that bring high public value projects to the Board. In addition to applications receiving a numerical score, the Board established threshold and other criteria that are also used in evaluating proposals. These can be found on pages 36-39.

The scoring system assigns points according to the relative value of six criteria associated with an acquisition proposal. These are:

	<b>Maximum Points</b>
<input checked="" type="checkbox"/> Naturalness of the Land	(12 points)
<input checked="" type="checkbox"/> Accessibility of the land	( 8 points)
<input checked="" type="checkbox"/> Proximity to Other State Lands or Component of a Larger Conservation/Recreation Effort	(16 points)
<input checked="" type="checkbox"/> Major Land Type	
- Significance	(30 points)
- Need	(20 points)
- LAPAC Multiplier (see page 32)	
<input checked="" type="checkbox"/> Single Exceptional Value	(50 points)
<input checked="" type="checkbox"/> Additional Land Types	(50 points)
<input checked="" type="checkbox"/> Economic Benefit	( 5 points)

The scoring system uses those factors stressed by the Legislature in "An Act to Establish the Land for Maine's Future Fund," the findings of the Land Acquisition Priorities Advisory Committee's Final report (Nov. 1997), and public input received by the Board.

Please note that Farmlands and many Water Access Lands are their own categories, and proposals that are specifically for water access or farm preservation should review sections III and IV.

## The Scoring System

### Points

1. **Naturalness of the Land (Maximum Points = 12)**

The land is essentially natural with little or no discernable human impact..... 12

The land is moderately natural, with some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property..... 8

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 ..... 8

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..... 4

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

SCORE \_\_\_\_\_

2. **Accessibility of the Land (Maximum Points = 8)**

Access roads can accommodate, without substantial improvement, the traffic that will be associated with the intended use of the property ..... 8

or

Access is by water to an island and there is adequate water depth to land or moor recreational boats ..... 8

or

The parcel is inaccessible by vehicles; however, because of the intended use of the property this is not a limitation or in fact may be an advantage in protecting the resource values of the property ..... 8

Access to the parcel will require modest improvements to existing roads which will be a minor cost factor in developing the property for its intended use ..... 6

Access to the parcel will require substantial improvements to existing roads which will be a major cost factor in developing the property for its intended use ..... 0

SCORE \_\_\_\_\_

3. **Regional Considerations, Proximity to Other Public Lands or Component of a Larger Plan (Maximum Points =16)**

The project will achieve benefits for multiple towns, will address regional conservation needs and has one or more of the following attributes:

- 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.
- Connects existing public holdings or private conservation lands (state, federal, town, land trust, etc.).
- Is immediately adjacent to existing State holdings or is an inholding.
- 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.
- Serves as a stopping off point on a recognized route such as an “island trail” that includes other publicly or privately owned lands.

These attributes generate significant benefits that accrue statewide..... 12 - 16

These attributes generate modest benefits that accrue to the multi-town region surrounding the host community..... 6 - 11

These attributes generate benefits that accrue principally within the host community ..... 0 - 5

SCORE \_\_\_\_\_

4. **Major Land Category - Significance and Need Ranking (Maximum Points = 90)**

The proposal will be scored based on the major land type under which it has been identified by the applicant. They are: 1) Recreational lands, 2) Water Access Lands, 3)

Lands Supporting Vital Ecological or Conservation Functions and Values<sup>6</sup>, 4) Rare, Threatened, or Endangered Natural Communities, Plants or Wildlife Habitat, 5) Areas of Scenic Interest and Prime Physical Features<sup>7</sup>, 6) Farmland and Open Space. The scoring will take into account two factors: the relative significance, in terms of demand from a statewide, regional, or local perspective for the value of the resource or recreational activity; and the relative need, based on a deficiency determination (i.e., the excess of demand over supply for the resource or recreational activity in that area).

Please note that while lands of state significance score higher than lands of regional and local significance and lands of regional significance score higher than those of local significance, proposals will be judged only against other proposals of like significance.

**Significance Rating** (Maximum Points = 30)

State Significance

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective (Note 1) ..... 22 - 30

Regional Significance

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective (Note 2)..... 12 - 20

Local Significance

The land contains a resource or provides a recreational opportunity that is substantiated

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<sup>6</sup> Among other conservation values, the Board may consider whether the proposed project provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter. In practice this means that the protected land must be available for public recreational use.

<sup>7</sup> In 2007, the Legislature authorized the Board to consider protection of "significant, undeveloped archeological sites". Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission (Arthur Spiess 287 2132) that describes the significance of the archeological resources on the site. An application for which the "Major Land Category" is based primarily on archeological values must be sponsored by the Commission.

as being significant from a local perspective (Note 3)..... 0 - 10

SCORE \_\_\_\_\_

Notes:

- (1) Significant from a statewide perspective means that the resource is rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony or the recreational activity associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to avail themselves of the resource or recreational opportunity offered by the parcel.
- (2) Significant from a regional perspective means that the resource is rare and/or exceptional in a region based on published report(s), database(s), or credible testimony, or the recreational opportunity associated with the parcel will frequently and routinely attract users to travel to the land from a regional area (that is, from an area that is greater than the area included by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.
- (3) Significant from a local perspective means that the resource is rare and/or exceptional in a town or group of towns based on published report(s), database(s), or credible testimony, or the recreational opportunity associated with the parcel will attract users to travel to the land primarily from a local area (that is, from an area that is primarily encompassed by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

NEED & LAPAC MULTIPLIER

**Need Rating** (Maximum Points (20) \* LAPAC multiplier = up to 40)

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 Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a state or greater than state perspective ..... 14 - 20

Moderate Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a or regional (sub-state) perspective ..... 8 - 12

Minor Importance is when a need cannot be adequately substantiated as being of state or regional significance it will be assumed that the need is of minor importance

due to the fact that the resource or recreational opportunity offered by the land can only be considered rare, threatened, or deficient from a local perspective..... 0 - 6

SCORE \_\_\_\_\_ \* LAPAC multiplier below = \_\_\_\_\_

**LAPAC Multiplier**

If the proposal contains one or more of the following “focus” or “other important” areas (as identified in the Land Acquisition Priorities Advisory Committee final report), multiply the total Major Land Category Need Rating by that multiplier. If the project addresses more than one focus area, choose the highest value multiplier. Definitions of the following “focus” areas and “other important land acquisition priorities” are found in Appendix D.

	MULTIPLIER
Southern Maine Conservation Lands.....	2
Ecological Reserve.....	2
River System.....	2
Undeveloped Coastline.....	2
Northern Forest Conservation Land.....	1.5
Trail System .....	1.5
Island.....	1.5
Significant Mountain.....	1.5

**5. Single Exceptional Statewide Value Scoring Procedure**

If the land proposed for acquisition is thought to contain a single exceptional value that is exceptionally rare and of outstanding significance in a statewide context then it shall be evaluated to determine if it will be awarded 50 points. An award of points in this category will be infrequent. This is an “all or nothing” point score.  
(Maximum Points = 50)

The land has a single exceptional value recognized as being the best or among the best in the state of its type, and this value is supported by a comprehensive published report(s), data base(s), or credible testimony..... 50

SCORE \_\_\_\_\_

**6. Multiple Land Categories (Maximum Points = 50)**

Some proposals will represent more than one land category and those proposals bring a wider range of resource values and hence a wider range of value to the public. As a response, up to 50 additional points can be awarded by offering up to 10 points each for as

many as 5 land categories other than the Major Land Category under which the proposal is being submitted. 1) Recreational lands, 2) Water Access Lands, 3) Lands Supporting Vital Ecological or Conservation Functions and Values<sup>8</sup>, 4) Rare, Threatened, or Endangered Natural Communities, Plants or Wildlife Habitat, 5) Areas of Scenic Interest and Prime Physical Features<sup>9</sup>, 6) Farmland and Open Space. Please note that the scoring will consider the significance of each land category independent of the overall project designation as a state, regional or local project. Up to 10 points for each land category may be awarded based on the following:

**The scores will be awarded on the following criteria:**

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective; 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 when considered from a state or greater than state perspective ..... 8 - 10

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective; 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 when considered from a statewide or regional (sub-state) perspective..... 4 - 7

The land contains a resource or provides a recreational opportunity that can only be substantiated as being significant from a local perspective; or the resource , or recreational opportunity of the type offered by the land, is only of minor importance because the resource is not considered rare or the recreational opportunity is not considered deficient, except from a local perspective ..... 0 - 3

SCORE \_\_\_\_\_

<sup>8</sup> Among other conservation values, the Board may consider whether the proposed project provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter. In practice this means that the protected land must be available for public recreational use

<sup>9</sup> In 2007, the Legislature authorized the Board to consider protection of "significant, undeveloped archeological sites". Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission (Arthur Spiess 287 2132) that describes the significance of the archeological resources on the site.

## 7. **Economic Benefit (5 points)**

Board encourages applicants to explicitly consider potential economic benefits of conservation projects to the communities within which the proposed projects are located. The board seeks to cultivate and support closer working relationships between the land conservation and business community. Given the wide range of avenues for economic benefit for land conservation, points will be awarded on the basis of an overall assessment of the applicant's responses to this section.

**General:** Describe the economic activities already supported by this landscape, or conducted on this landscape, and ways in which the conservation initiative you are proposing would enhance these activities or would create opportunities for new activities. In developing this discussion, consider the following questions as prompts. Not all will be applicable to any single project. Do not feel compelled to address every question.

### **Significance to State, Regional and Local Economy**

How does this project provide economic development opportunities on a local, regional, or state-wide scale? For example:

- Will it benefit a large (vs. small) number of individuals?
- Will it support economic activity in disadvantaged regions of the state?
- Will it support activity throughout all four seasons?

What is the economic significance of the industry supported by this project in the region? For example, to what extent does the region's economy rely on tourism or forestry (i.e. number of people employed, number of visitors, value of goods and services)?

### **Economic Contribution and Public Benefits**

Please provide a list of businesses and/or private contractors (e.g. guides) with whom you have consulted in the design of your project and who stand to benefit from this project, especially businesses that are critical cornerstones of the affected area's economy.

How does this project protect or support a critical mass of economic activity in a given area? For example:

- Does it increase foot traffic to local businesses providing services to individuals who utilize the sites?
- Does it increase the value of products or services sold by local businesses?

How important are recreation and tourism as a planned use for the land conserved by this project?

- To what extent will the project create or enhance tourist amenities?
- Is the project part of a route that is popular with tourists, or enhances the attractiveness of such a route?
- How will this land be promoted to tourists or recreationists?

How important is fiber and timber production as a planned use for the land conserved by this project? How will the land be conserved as a productive timber resource?

**Community Planning and Economic Development Support for Project**

Is this parcel part of a larger community planning effort such as a downtown redevelopment or mixed-use plan, open space or recreation plan, or comprehensive land use or economic development plan for the region?

- If so, please cite such plans and describe how the project supports those plans.
- Provide contact information for an agent who can provide additional information.
- Provide a letter of endorsement from those responsible for implementation of the plan that discusses how the proposal contributes to the plan's success.

Please provide documented support, as relevant, from recreational organizations, chambers of commerce or other business organizations, trade and civic organizations, or local and regional governments that discuss how the proposal supports the local or regional economy.

SCORE \_\_\_\_\_

# Threshold Criteria Relating to Conservation and Recreation Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

## **Threshold Criteria**

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

**Willing Seller:** The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

**Appraised Value:** The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). The appraisal valuation date should be less than a year old at the time of the expected closing unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Match :** A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)<sup>10</sup>; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

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<sup>10</sup> Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

**Ownership & Sponsorship:** An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

**Applicant's Capacity:** An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)<sup>11</sup> that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

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<sup>11</sup> This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's the current financial condition.

In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Relationship to local comprehensive planning efforts:**

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

**Other criteria to be weighed by the LMFB:**

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

Level 1 - 4 items completed  
Level 2 - 3 items completed  
Level 3 - 2 items completed  
Level 4 - 1 item completed  
Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal  
Final easement or fee acquisition conditions completed  
Cost Share commitment established  
Signed option or purchase and sales agreement  
Preacquired and held by a third party in coordination with the sponsoring state agency.

# Application Format and Instructions for Conservation and Recreational Land Proposals

General Guidelines for Applicants - All applicants are required to provide good maps (Delorme or USGS), visual aids (e.g. photos) and as much supporting information as they feel is necessary for the Board to better understand the project and the values it addresses. Digital copies of any maps and photos are greatly appreciated. Carefully read through this section to learn what the Board wishes to see in a well-rounded proposal. Program staff can make available examples of successful applications that may provide useful models. **All applicants are required to use the following application structure and numbering sequence and to provide complete information. If not applicable, indicate so by placing a N/A.**

Eight copies of your proposal should be sent to:

*Land for Maine's Future Program  
State Planning Office  
38 State House Station  
Augusta, Maine 04333-0038  
Telephone #: (207) 624-6213*

One additional copy of your proposal should be sent to your sponsoring state agency.

1) **Application Summary page** (limit to one page)

**a) Project Title/Name of Project:** This is the name by which your proposal will be catalogued by Program staff.

**b) Significance:** Indicate whether your project is of statewide, regional, or local significance (see description of #8 on page 44 for guidance)

**c) Applicant Name:** Provide the applicant's name, address, email, and phone number of the primary contact person.

**d) Location of Project:** Provide the name of the township and county. Please include the affected senate and house districts.

**e) Size:** Indicate how many acres your project encompasses and identify fee vs. easement acres if appropriate.

**f) Funding request:** Indicate the amount of your request for LMF funding (full budget in section 16 below)

**g) Agency Sponsor & Proposed Ownership:** Possible agency sponsors are the Department of Conservation, the Department of Inland Fisheries & Wildlife, the Department of Marine Resources or Maine Historic Preservation Commission. Please be sure that you have contacted the agency and it supports your proposal (see page 22). A letter to this effect from the sponsoring agency must be included in the application. The letter must state that the sponsoring agency is prepared to hold the real estate interest proposed for protection either directly or via a project agreement.

**h) Current landowner(s):** Include address, phone number, fax and e-mail (if available) of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the application.

**i) Partners:** Other entities supporting this project. Include address, phone number, fax and e-mail (if available).

**j) Date of Application:** Indicate the date you submitted your application.

Applicants should review the previous section on Threshold and Other Criteria considered by the Board. Use the project description to address any of these that are not part of other sections of the application.

## 2) Summary Project Description

Include a narrative description that provides a clear understanding of the entire project, as well as the context surrounding it. Use this section to provide a broad overview of the Project's objectives and the benefits it will provide. Please discuss the conservation and/or recreational assets that the project seeks to protect, along with the other potential benefits to the community which may include economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits to the surrounding community in addition to open space and wildlife habitat. Subsequent sections provide opportunity for more detailed discussion of specific aspects of the project that correspond to the scoring criteria. Do not feel obligated to repeat these details in the summary.

The narrative should identify whether the project intends to acquire fee or easement interests in the property, identify who will hold the ownership interest, and describe why that interest is the most appropriate to conserve the public conservation values on the property.

Photographs of the property can be very effective. If these are incorporated in the text electronically, please provide the images on a CD in JPEG or TIFF format.

If the project is proposed as a working forest easement, the project description must include an easement plan. **The applicant is strongly encouraged to refer to the Guidelines for Working Forest Conservation Easements published in July 2002 by LMF and available on the LMF website and from LMF staff (see appendix I for a discussion of these easements).**

### 3) Location Information

Project boundaries of all parcels included in the proposal must be delineated on:

Maine Atlas Base Map - showing project location and regional perspective

USGS Topographic Base Map - showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands.

Aerial Photo (if available)- showing project location and boundaries

Other Maps as Appropriate - showing endangered species, significant natural communities soils, outstanding physical features, proposed public access, trails, camping sites, etc., context of the project within a greenbelt plan, trail system, river corridor, comprehensive plan, etc.

Note: Please no maps larger than 11” by 17”.

**If possible, please include a base map in electronic format (e.g. a GIS-compatible “shape” file)**

### 4) Naturalness

Describe how natural or disturbed the land is and comment on disturbance by using one of the following categories:

- The land is entirely natural with little or no discernable human impact.

or

- The land is moderately natural, with some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property.

or

- In the case of a rails-to-trails project, the site is significantly disturbed but the disturbance does not negatively affect or impede the intended uses of the property.

- 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.

or

- The property has extensive site disturbance or improvements that 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.

## 5) **Accessibility of the Land**

Describe the plans for public use of the property and the degree to which access to the proposed property is currently available, is suitable for the intended use, or needs to be developed to accommodate the intended use, using the categories below and supplementing them with specific descriptions.

Access roads can accommodate, without substantial improvement, the traffic that will be associated with the intended use of the property;

or

Access is by water to an island and there is adequate water depth to land or moor recreational boats;

or

The parcel is inaccessible by vehicles; however, because of the intended use of the property this is not a limitation or may be an advantage in protecting the resource values of the property;

or

Access to the parcel will require modest improvements to existing roads, which will be a minor cost factor in developing the property for its intended use;

or

Access to the parcel will require substantial improvements to existing roads, which will be a major cost factor in developing the property for its intended use.

## 6) **Regional Benefits, Proximity to Other Public Lands or Component of Larger Plan**

The narrative for this section should demonstrate how the applicant is affirmatively working to connect the proposed project to larger local and regional (multi-town) conservation efforts. Describe how the proposed land has one or more of the following attributes:

- Is linked to a regional conservation effort to protect open space, recreational opportunities or other natural resource values such as a greenbelt, regional public water supply protection, trail hub or river corridor.
- Connects two or more existing public holdings or private conservation lands (state, federal, town, land trust, etc.).
- Is immediately adjacent to existing State holdings or is an inholding.
- Is part of a locally adopted comprehensive plan and implementation strategies to protect open space and/or rural areas that are consistent with the State's Growth Management Act.
- Serves as a stopping off point on a recognized route such as an "island trail" that includes other publicly or privately owned lands.

## 7) **Major Land Types**

Which single land type does the proposed area have as its primary value? (see Appendix C)<sup>12</sup> Describe why.

- Recreation lands
- Water access lands (Note: See Section III. Your proposal may be appropriate for the Public Access to Maine Waters Fund if the primary feature of your proposal is to provide water access for fishing, boating or swimming.)
- Lands supporting vital ecological or conservation functions and values
- Rare, threatened or endangered natural communities, plants or wildlife habitat
- Areas of scenic interest and prime physical features
- Open space including farmland (Note: If the primary objective of your proposal is to protect farmland see Section IV.)

## 8) **Significance**

Using the Major Land Type you chose above, identify the level of significance of this Major Land Type using the definitions provided below. Be sure that you provide

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<sup>12</sup> Note additions to Appendix C to accommodate 2007 legislative enactments adding "significant, undeveloped archeological sites" and some public water supply protection lands under certain conditions.

information (reports, database information, credible testimony, etc.) that supports your selection. Be consistent with your Project Category identified in #1(b).

- Significant from a **statewide perspective** means that the resource is rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony or the recreational activities associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to avail themselves of the resource or recreational opportunity offered by the parcel.
- Significant from a **regional perspective** means that the resource is rare and/or exceptional in a region based on published report(s), database(s), or credible testimony, or the recreational activities associated with the parcel will frequently and routinely attract users to travel to the land from a regional area (that is, from an area that is greater than the area included by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.
- Significant from a **local perspective** means that the resource is rare and/or exceptional in a town or group of towns based on published report(s), database(s), or credible testimony, or the recreational activities associated with the parcel will attract users to travel to the land primarily from a local area (that is, from an area that is primarily encompassed by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

## 9) **Need**

Using the Major Land Type you chose above, identify the associated level of need for this Major Land Type using the definitions provided below. This need must be substantiated by a published report(s) data base(s), or credible testimony as being of:

Great Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a state or greater than state perspective

Moderate Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a or regional (sub-state) perspective

When a need cannot be adequately substantiated as being of state or regional significance it will be assumed that the need is of:

Minor Importance due to the fact that the resource or recreational opportunity offered by the land is only considered rare, threatened, or deficient from a local Perspective

**10) LAPAC**

Identify the LAPAC “focus areas” / “other important areas” addressed in your proposal using the definitions found in Appendix D. Please be sure to state clearly your justification for those included and provide documentation as appropriate.

**11) Single Exceptional Value**

Indicate whether the land proposed supports a single exceptional value recognized as being the best or among the best in the state of its type, and provide citations for the comprehensive published report(s), data base(s), or credible testimony that support this conclusion.

**12) Multiple Land Type**

List every land type category you feel is reflected in your proposal other than the one you selected as the “major land type”(see Appendix C). Please be sure to state clearly the basis for your choice(s).

**13) Economic Benefit** Be sure to read the discussion of this new section in the preceding chapter of the Workbook

**General:** Describe the economic activities already supported by this landscape, or conducted on this landscape, and ways in which the conservation initiative you are proposing would enhance these activities or would create opportunities for new activities. In developing this discussion, consider the following questions as prompts. Not all will be applicable to any single project. Do not feel compelled to address every question.

**Significance to State, Regional and Local Economy**

How does this project provide economic development opportunities on a local, regional, or state-wide scale?

What is the economic significance of the industry supported by this project in the region?

**Economic Contribution and Public Benefits**

How does this project protect or support a critical mass of economic activity in a given area?

Please provide a list of businesses and/or private contractors (e.g. guides) with whom you have consulted in the design of your project and who stand to benefit

from this project, especially businesses that are critical cornerstones of the affected area's economy.

### **Community Planning and Economic Development Support for Project**

Is this project part of or complementary to a larger regional or community planning effort? (e.g. downtown redevelopment or mixed-use plan, open space or recreation plan, or comprehensive land use or economic development plan for the region)

- If so, please cite such plans and describe how the project supports those plans.
- Provide contact information for an person who can provide additional information.
- Provide a letter of endorsement from those responsible for implementation of the plan that discusses how the proposal contributes to the plan's success.

Generally, please provide documented support, as relevant, from recreational organizations, chambers of commerce or other business organizations, trade and civic organizations, or local and regional governments that discuss how the proposal supports the local or regional economy.

#### **14) Estimate of monitoring and management costs**

Every applicant submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State and/or a cooperating entity;
- Preliminary estimates of the costs to the State and/or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when a partial interest in land is acquired.

#### **15) Project Readiness**

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 – 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
- Level 5 – 0 items completed

Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Preacquired and held by a third party in coordination with the sponsoring agency

**Also include a description of the plan for and status of fund-raising efforts for matching funds.**

## **16) Organizational capacity**

Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board will consider all relevant factors including without limitation level of debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)<sup>13</sup> that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Be sure to describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

## **17) Proposal Budget**

Use the form in Appendix G. Note: the Board will not consider an application with an incomplete budget.

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<sup>13</sup> This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's current financial condition.

**18) Names of Individuals Knowledgeable about the Site/Proposal**

List the names of individuals who can speak directly to the various values which your proposal will protect and include a telephone number at which they can be reached.

# **Section III**

## **Public Access to Maine Waters Fund**

# Overview

## **History and Need**

The Public Access to Maine Waters Fund was created in 1993 by the Maine State Legislature and funded for the first time in the fall of 1999. Managed by the Land for Maine's Future Board, the Fund is designed to address the following needs: to preserve, provide, or expand citizen access to public waters and to support Maine's recreation-based businesses and economy.

## **Appropriate Use of the Fund**

In addition to public access to Maine waters, the Board also considers proposals that fall under the categories of Conservation and Recreation Land (Section II) and Farmland (Section IV). Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project truly fits under the narrow and well-defined purpose of the Public Access to Maine Waters Fund or if it is more appropriate in the Conservation and Recreation Land category. The purpose statement found below in this section should be your primary guide in making this distinction and determining which proposal category you should use.

## **State Agency Involvement**

The majority of public water access sites are acquired, developed, and managed by -- or with assistance from -- the Department of Conservation's Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife. These departments often need to act quickly to acquire water access sites for the following reasons: the scarcity of good sites; the high level of competition created by the market for the sites; and the time required to carry out appraisals and site suitability assessments. Recognizing these factors, the Board created an expedited process allowing State agencies and cooperating entities to take quick action to secure water access sites. State agencies will use established priority lists and other qualifying criteria to select sites. The Board will review funding requests and determine the amount of funds it will contribute to the project. See page 55 for a list of State agency sponsors for water access projects.

## **Who Can Apply**

The Departments of Conservation and Inland Fisheries and Wildlife have the primary responsibility for public water access projects. However, this process is open to any party qualified to receive LMF funding. Any applicant (municipality, land trust or other cooperating entity) wishing to take advantage of this expedited process must work with one of these State agencies in advance of their application to the Board. An applicant may still take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

# Purpose

## **Purpose**

The Public Access to Maine Waters Fund is designed “to get people to the water.” The Board will accomplish this by acquiring fee simple or public access rights on small parcels of land to create or enhance access points to lakes, ponds, rivers, and coastal waters. Lands for access could support a facility for trailered boats and/or small, hand-launched craft (canoes, kayaks, for example) and provide bank fishing (shoreline angling and wading), swimming, clamming, worming, or other water contact opportunities. Access is primarily intended for general public use but may be used by those requiring it for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

# Proposal Process

The Departments will use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (IF&W and DOC, 1995) and *Coastal Water Access Priority Areas for Boating and Fishing* (SPO and DMR, 2000). These lists are updated periodically as new information becomes available. Applicants should consult with the appropriate agency to determine if the potential water access site is in one of the priority areas or otherwise meets the Agency criteria for water access needs (LMF staff can assist in this process.).

Priorities for inland and coastal water access sites are determined based on the following:

- \* Location of the water in relation to population centers and other water access sites;
- \* Size of the water body and the diversity of recreational opportunities it offers;
- \* Level of and proximity to existing public access sites and access needs;
- \* Value of fisheries opportunities based on IF&W and/or DMR's evaluation;
- \* Expected demand and diversity of uses of the site, current or anticipated; and
- \* Threat of conversion to other uses, especially private development.

When a good access acquisition opportunity becomes available and it conforms to the guidelines and criteria found in this document, the agency or cooperating entity will notify the Program Director. The Program Director will advise the agency of the next scheduled Board meeting, which allows for a 10-day advance public notice of the Board's intent to consider the water access purchase. This notice allows the public an opportunity to comment in writing on the proposed acquisition in advance of the meeting, or to appear in person to offer comment to the Board.

The agency or cooperating entity will provide information to the Board by following the Application Format and Instructions beginning on page 60. This information must be submitted along with other supporting documentation at least 30 days in advance of the scheduled meeting to allow Board members an opportunity to review the information prior to their meeting discussion. At the meeting, the agency or cooperating entity will present the proposal in its entirety to the Board, and outline the entire financial package including acquisition funds, reimbursement for allowed acquisition costs, and the required match.

## **BASIC GUIDELINES FOR APPLICANTS UNDER THE PUBLIC ACCESS TO MAINE WATERS FUND - EXPEDITED PROCESS**

- Complete appraisals well ahead of negotiations and make the appraisal available to the Appraisal Review Committee (ARC) for review, so that if issues arise, they can be addressed prior to an offer. This review can be done even before the project becomes a proposal to the Board.
- Whenever possible, use an appraiser whose work is familiar to the Board.
- Be sure the appraiser follows the Land for Maine's Future Appraisal Standards.
- If a Purchase and Sales contract must be in place before committee and board discussions take place, make sure it is conditioned on ARC and Board approval. It's also important, if you have chosen to approach the Land for Maine's Future Board for funding, that you make it clear to the seller that it is the Board's policy not to participate in projects where the purchase price exceeds fair market value as determined by an appraisal.
- When presenting a proposal to the full Board, be fully familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal and your presentation. Staff can assist you in anticipating questions and designing proposal materials all of which will contribute to an expeditious Board review.

### **Proposal Inquiry Form**

This short form can be submitted at any time (see Appendix A). It provides the Land for Maine's Future Program staff with the information they need to determine if your project meets the criteria for the Public Access to Maine Waters Fund.

# Maine State Agency Contacts

Maine Department of Conservation  
Bureau of Parks & Lands  
22 State House Station  
Augusta, Maine 04333  
George Powell  
tel: (207) 287-4952 [www.maine.gov/doc/parks](http://www.maine.gov/doc/parks)  
E-mail: [george.powell@maine.gov](mailto:george.powell@maine.gov)

Maine Department of Inland Fisheries & Wildlife  
41 State House Station  
Augusta, Maine 04333  
Sarah Demers  
tel: (207) 287-54975260 [www.maine.gov/ifw](http://www.maine.gov/ifw)  
E-mail: [sarah.demers@maine.gov](mailto:sarah.demers@maine.gov)

Maine Department of Marine Resources  
21 State House Station  
Augusta, Maine 04333  
Deirdre Gilbert  
tel: (207) 624-6576 [www.maine.gov/dmr](http://www.maine.gov/dmr)  
E-mail: [deirdre.gilbert@maine.gov](mailto:deirdre.gilbert@maine.gov)  
*Note:* DMR does not typically sponsor conservation projects but may be a source of useful information.

Maine Coastal Program/ State Planning Office  
38 State House Station  
Augusta, Maine 04333  
Matt Nixon  
Tel: (207)624-6226 [www.maine.gov/mcp](http://www.maine.gov/mcp)  
E-mail: [matt.nixon@maine.gov](mailto:matt.nixon@maine.gov)  
*Note:* SPO does not typically sponsor projects but may be a source of useful information.

# Threshold Criteria Relating to Water Access Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

## **Threshold Criteria**

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

**Willing Seller:** The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

**Appraised Value:** The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). The appraisal valuation date should be less than a year old at the time of the expected closing unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Match :** A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)<sup>14</sup>; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF

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<sup>14</sup> Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

**Ownership & Sponsorship:** An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

**Applicant's Capacity:** An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)<sup>15</sup> that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Relationship to local comprehensive planning efforts:**

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<sup>15</sup> This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's current financial condition.

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

**Other criteria to be weighed by the LMFB:**

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

Level 1 - 4 items completed

Level 2 - 3 items completed

Level 3 - 2 items completed

Level 4 - 1 item completed

Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal

Final easement or fee acquisition conditions completed

Cost Share commitment established

Signed option or purchase and sales agreement

Preacquired and held by a third party in coordination with the sponsoring state agency.

# Application Format and Instructions

Please use the following application structure and numbering sequence to provide information. If not applicable, please indicate by placing a N/A.

Eight copies of your proposal should be sent to:

*Land for Maine's Future Program  
State Planning Office  
38 State House Station  
Augusta, Maine 04333-0038  
Telephone #: (207) 624-6213*

In addition, one copy of the application must be sent to the sponsoring agency.

**1) Applicant**

Name, address, and phone number of the applicant and the primary contact person.

**2) Agency Sponsor**

Indicate which of the following the project sponsor is and include a sponsoring letter from the agency:

Department of Inland Fisheries & Wildlife  
Department of Conservation

**3) Date of Application**

Indicate the date you submitted your application.

**4) Project Title/Name - Body of Water**

This is the name by which your proposal will be catalogued by Program staff.

**5) Location of Project**

Provide us with the name of the township and county.

**6) Interest to be acquired**

Indicate if your project is an outright acquisition in fee, an easement or a combination.

**7) Size**

Indicate how many acres your project encompasses and identify fee versus easement acres if appropriate.

**8) Owner(s)**

Include address, phone number, fax, and e-mail (if available) of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the application.

**9) Partners**

Other entities participating in this project. Include address, phone, fax, e-mail

**10) Names of Individuals Knowledgeable about the site/proposal**

List the names of individuals who can speak directly to the access benefits that the proposal will provide.

**11) Total Financial Summary**

Use the form in Appendix G. Note: the Board will not consider an application with an incomplete budget.

**12) Project Description**

Include a narrative description of the entire project that provides a complete image of the project itself as well as the context surrounding it. Photographs of the property can be very effective. If these are incorporated in the text electronically, please provide the images on a CD or floppy disk in JPEG or TIFF format.

**13) Location Information**

Provide a selection of easy-to-read locator maps including:

- a) Maine Atlas Base Map - showing project location and regional perspective;
- b) USGS Topographic Base Map - showing entire boundary of proposed project, legal access and proximity to other public and private

conservation lands (if possible please include this information in electronic form (a GIS-compatible “shape” file);

c) Other Maps as Appropriate

**14) Demonstration of Need**

Indicate whether the project has been designated as a priority water access site (contact LMF staff or the sponsoring agency for further information); or, if it is not, provide documented, credible evidence that supports the need for public access to the associated lake, river or coastal area as determined by the priorities described under the Proposal Process in this section (page 51). The sponsoring agency must support this need.

**15) Suitability for Intended Use**

Demonstrate that the property has no legal constraints preventing its development and use for the intended proposed access and that the physical characteristics of the site are suitable for the intended access.

**16) Impact on Natural Resources**

Describe what, if any, impact the proposed access will have on the natural and cultural resources of the water body and the surrounding land. This assessment is to be performed by the appropriate natural resource agency (DOC, IF&W, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

**17) Existing Public Access on Proposed Water Body**

List and describe all other public access sites that exist on the lake or pond along which your parcel is located. If the site is along coastal or riverine waters, list the closest public water access site and the type of site (e.g., boat launch site, place for shoreline angling).

**18) Value of Fisheries Opportunities**

List and document any high value or outstanding fisheries that are currently or will be enjoyed by future users of this access site.

**19) Expected Demand and Diversity of Uses**

Describe the type of use -- either current if it is an existing privately owned site, or anticipated -- at the proposed site and the number of different user groups that will benefit from the proposed site.

**20) Threat of Conversion to Other Uses Especially Private Development or Non-Water-Dependent Uses**

Indicate the degree of threat to development, or the conversion to other non-water dependent uses, of the proposed site.

**21) Estimate of monitoring and management costs**

A person submitting a proposal to acquire property or an interest in property with funding from the Public Access to Maine Waters Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

**22) Project Readiness**

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 – 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
- Level 5 – 0 items completed

Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established

- Signed option or purchase and sales agreement
- Preacquired and held by a third party at the request of the State

**Also include a description of the plan for and status of fund-raising efforts for matching funds.**

**23) Organizational capacity**

For applicants other than the Department of Conservation or the Department of Inland Fisheries & Wildlife, please describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)<sup>16</sup> that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

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<sup>16</sup> This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents organization's the current financial condition.

# **Section IV**

## **Farmland**

# Overview

## **History and Need**

The Land for Maine's Future Program protects farmland through the purchase of development rights and other methods. The Program works with the Department of Agriculture, Food and Rural Resources and cooperating entities to bring farmland protection proposals to the Land for Maine's Future Board.

## **Appropriate Use of the Fund**

The Land for Maine's Future Program assists in the acquisition of conservation easements or in some instances, fee simple rights on farmland with a goal of protecting Maine's productive farm assets from conversion to non-agricultural use(s). The Program seeks to protect prime and statewide important farmland soils as well as unique farmlands that are productive for important crops that do not rely on prime farmland soils.

# Purpose

The purpose of the LMFP farmland investment is to protect Maine's prime and statewide importance farmlands from conversion into non-agricultural uses. This does not preclude those unique farmlands that do not rely on prime agricultural soils, but do produce important crops such as blueberries and cranberries.<sup>17</sup>

The LMF seeks to protect properties with these soils that also support farming operations in areas that currently retain a viable agricultural economy.

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<sup>17</sup> If the primary purpose of a proposal is to protect a working farm -- and it has a secondary or minor conservation or recreation component -- then the project may fall under the farmland category. On the other hand, if the primary purpose of the proposal is conservation or recreation -- and it has a secondary or minor component that involves the protection of agricultural values -- then the project should be submitted under the Recreation and Conservation Land category.

# Proposal Process

The proposal process outlined below is for farmland owners and cooperating entities, who must work with the Department of Agriculture, Food & Rural Resources. Title to easement or fee may be held by a cooperating entity providing the entity has the demonstrated ability to own and manage land. If you have any questions about your proposal or the LMF process, you can call (207) 624-6213 and speak to a member of the Land for Maine's Future Program staff.

## How does a farmer apply?

The Department of Agriculture, Food and Rural Resources is the only agency that can sponsor a farmland project to the Land for Maine's Future Program. The Department's screening process allows it to continually respond to landowner's and cooperating entity inquiries and prioritize eligible farmland projects for state and/or federal funding as those funds become available. The typical process is as follows.

- A farmer contacts the Department to schedule several site visits to his/her farm.
- During these visits the Department staff and the farmland owner review the property's soil maps, discuss the landowner's objectives and to begin to determine if the sale of development rights may be a workable option.
- If the Department and farmland owner agree to move forward, they assemble a project planning team to research local fundraising options. This project team must include a conservation partner that will hold and steward the conservation easement. The partner may be a local or statewide land trust, a non-profit conservation organization, a town or other eligible entity that is a "qualified organization" under Title 33 M.R.S.A, Section 476(2)(A) and an "eligible donee" under Internal Revenue Code Section 170(h) (3). In certain circumstances the Department itself may be the easement holder.
- If the team determines that: 1) the landowner is a willing seller; 2) the conservation partner is a willing buyer; and 3) matching funds required by LMFP cannot be raised locally; then the Department will assist the conservation partner in applying for matching funds through the USDA Farm and Ranch Lands Protection Program (FRPP). To be eligible for FRPP funds, the farm must be comprised of at least 50% prime farmland or statewide important farmland soils as determined by the USDA - Natural Resources Conservation Service State Conservationist.

- The farmland owner and conservation partner submit a pre-proposal to the Department of Agriculture on a schedule announced by the Department<sup>18</sup>.
- A 5-member Farmland Advisory Panel appointed by the Department of Agriculture reviews and prioritizes pre-proposals. Only the highest ranked proposals are guaranteed Department sponsorship to the LMFP.

The LMFP, FRPP and local funding cycles are not synchronous. It can therefore take up to three years to plan and successfully complete a farmland protection project. The first year is devoted to planning; the second to securing funds; and the third to complete the funder's and buyer's due diligence and close. It is important to note that the FRPP requires all projects close within 18 months of the allocation of federal funds.

Many Maine farms merit permanent protection, but are not currently eligible for public funding. Some farms are owned by individuals who do not want to enter into a permanent partnership with the "public" through state and federal investments. Thus to achieve success, the farmland owner and the conservation partner are encouraged to work closely with the Department of Agriculture, Maine Farmland Trust and other land conservation groups to fully explore any and all viable opportunities to protect the farm.

Please visit <http://www.maine.gov/agriculture/mpd/farmland/index.html> to learn more about the Department of Agriculture's Farmland Protection Program.

## Farm Inquiry Form

This form (Appendix B) can be submitted at any time. It provides the Department of Agriculture with the information they need to consider the possibility of developing an LMF application.

### Proposal Review Process for Farmland Protection Proposals

- 1) Proposal Period:** Proposals must be received by the Land for Maine's Future Program at the closing date of the Proposal Period. Proposal applications must be endorsed by the Department of Agriculture and be complete to be accepted<sup>19</sup>. Incomplete proposals will be returned for additional information. Applicants are advised to contact the Department of Agriculture substantially in advance of the actual deadline. Contact the Program Director for dates of the next Proposal Period.
- 2) Scoring Procedure:** Once your proposal is reviewed by Program staff and determined to be complete, it will be scored using the system found on page 71-76. As an applicant, it is important

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<sup>18</sup> The Department conducts this process periodically as funds for farmland conservation become available. The Department has already screened potential LMF applicants for funding in 2011. However, persons interested in pursuing new farm protection projects are still encouraged to contact the Department to begin planning for future funding opportunities.

<sup>19</sup> The Department has already screened potential LMF applicants for funding in 2011. However, persons interested in pursuing new farm protection projects are still encouraged to contact the Department to begin planning for future funding opportunities.

that you carefully review both the five primary scoring criteria and the “threshold criteria,” which will be used by the Land for Maine’s Future Board in considering your proposal.

All proposals will be reviewed and scored by program staff and the Board’s Scoring Committee. The full list of scored proposals is then given to the Board’s Nominations Committee. The Nominations Committee flags any special issues or attributes and presents a list of recommended finalist projects with suggested funding allocations to the full Board. The Board reviews the proposals, selects the finalists, and determines funding. Please note that scores are a guide for the Board; the Board will make the final decision.

Proposals that are not selected will be returned to applicants. All applicants will be contacted and notified of the status of their proposal after final Board decisions.

# Scoring System for Evaluating Farmland Proposals

Developed in Partnership with the  
Maine Department of Agriculture, Food and Rural Resources

Each farmland protection proposal will be scored using this system. The scoring system assigns points according to the relative value of criteria associated with a farmland protection proposal. The “other criteria” found at the end of the scored criteria are considered by the Board when it compares and considers the top farm proposals.

The five scored criteria and the maximum points that can be awarded for each are:

1. Productive farm assets including soils, tillable land, pasture land, water resources, woodland, buildings, etc. (25 Points);
2. Documented current and emerging threats from conversion that would reduce or eliminate the farm’s productive potential (25 Points);
3. Significance to regional and local markets, both existing and emerging including service providers to farms (25 Points);
4. Open space and public benefits as they contribute to the scenic and landscape values, character of the town/region where it is situated and where public access/protection can be secured for conservation, recreation, wildlife, and education use/values (10 Points); and
5. Community planning and support, both local /regional for farming and farmland protection (15 Points).

## PRIMARY SCORING CATEGORIES

Category	Total Possible Points for Each
• Productive Farm Assets .....	25
• Current and Emerging Threats to Conversion .....	25
• Significant to Regional and Local Markets.....	25
• Open Space, Cultural, and Other Public Benefits .....	10
• Community Planning and Support .....	15
Total Points	100

### The Scoring System

1. PRODUCTIVE FARM ASSETS (Maximum Points = 25)

Explanation: The focus is prime agricultural soils; however, it is also recognized that other factors influence the productivity of a farm. These include, but are not limited to, the following: lands that are productive for crops that do not rely on prime agricultural soils; other types of natural resources available on a farm currently devoted to or having the potential for income-generating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, and farm infrastructure (barns, buildings, processing facilities, etc.). Collectively, these serve as indicators of the existing and potential productivity of a farm’s assets. The applicant must have a conservation plan for the farm approved by the USDA Natural Resource Conservation Service.

	Points
The land has <b>highly</b> productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a variety of agricultural enterprises.....	18 - 25

The land has **moderately** productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a limited number of agricultural enterprises..... 9 - 17

The land has **limited** productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a relatively few agricultural enterprises..... 0 - 8

SCORE\_\_\_\_\_

2. CURRENT AND EMERGING THREATS TO CONVERSION  
(Maximum Points = 25)

Explanation: The degree of threat to farmland can be reflected in the patterns and trends of development within a town or region. In some parts of Maine, little or no development pressure exists and farming is the basis of a stable or growing economy. In other parts of Maine, sprawl and development pressures are consuming irreplaceable and productive agricultural assets at an ever-increasing pace. Being able to recognize where loss of valuable farmland is imminent is an important step in determining where funds should be applied.

Points

The farm is **highly** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area..... 18 - 25

The farm is **moderately** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area. .... 9 - 17

The farm is **not currently** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area..... 0 - 8

SCORE\_\_\_\_\_

3. SIGNIFICANCE TO AND CONDITION OF REGIONAL AND LOCAL AGRICULTURAL ECONOMY  
(Maximum Points - 25)

Explanation: The contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and providing for employment are factors that help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Also considered in this category is the vitality and viability of the agricultural economy of the region in which the project is located and the proximity of the project property to other active farms and farmland.

Points

The farm is highly viable or has the potential of becoming highly viable. The farm sells or has the potential to sell a **significant** quantity of products to meet local consumer demand, or the needs of other farmers, and is highly important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is viable and stable..... 18 - 25

The farm is moderately viable or has the potential of becoming moderately viable. The farm sells or has the potential to sell a **moderate** quantity of products to meet local consumer demand, or the needs of other farmers, and is moderately important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is threatened and/or declining..... 9 - 17

The farm's viability, and its potential to become viable, is low. The farm can only produce a **small** quantity of products to meet local consumer demand, or the needs of other farmers, and is unimportant to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy had declined to a low level and no longer can maintain a service infrastructure..... 0 - 8

SCORE \_\_\_\_\_

4. OPEN SPACE, CULTURAL AND OTHER PUBLIC BENEFITS  
(Maximum Points = 10)

Explanation: Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or may contribute to the tourism economy by

providing a scenic value. The relationship among the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for various forms of outdoor recreation. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, historic viewscapes), while others require the establishment of public rights of access or management rights. Whenever a landowner is willing to include a component of public access for any of these, this additional public value, along with open space and cultural values, will be awarded points.

Points

The farmland protection proposal will provide **significant** public educational, recreational, including guaranteed public access, and wildlife benefits or the farm makes a **highly** important contribution to the cultural and open space landscape values of the region or town..... 7 - 10

The farmland protection proposal will provide **moderate** public educational, recreational, and wildlife benefits or the farm makes a **moderately** important contribution to the cultural and open space landscape values of the region or town..... 3 - 6

The farmland protection proposal will provide **slight** public educational, recreational, and wildlife benefits or the farm makes a **slightly** important contribution to the cultural and open space landscape values of the region or town..... 0 - 2

SCORE \_\_\_\_\_

5. COMMUNITY PLANNING AND SUPPORT FOR AGRICULTURE  
(Maximum Points = 15)

Explanation: Level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine’s Future Program’s farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity, adoption of land use ordinances designed to protect prime farmland soils, property tax incentives that encourage/help farmers

stay in farming, or zoning that encourages development to take place in growth areas. Other initiatives may also include support for locally produced produce such as its local distribution to institutional buyers, the establishment of farmers markets, and strong relationships between local farmers and school programs.

Points

The farmland protection has **significant** community support as evidenced by numerous measures, including an adopted comprehensive plan that is consistent with the State’s Growth Management Act with one or more protective measures related to protection of rural areas and/or farmland implemented as recommended in the plan, established farmers’ markets, and similar measures.....11 - 15

The farmland protection has **moderate** community support as evidenced by some measures, including recognition in an adopted comprehensive plan with one or more protective measures implemented as recommended in the plan, established farmers’ markets, and similar measures.....6 -10

The farmland protection has **minimal** of community support. No comprehensive plan exists or a comprehensive plan exists but no protective measures have been implemented .....0 - 5

SCORE \_\_\_\_\_

# Threshold Criteria Relating to Farmland Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

## **Threshold Criteria**

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

**Willing Seller:** The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

**Appraised Value:** The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). The appraisal valuation date should be less than a year old at the time of the expected closing unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Match :** A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)<sup>20</sup>; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF

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<sup>20</sup> Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

**Ownership & Sponsorship:** An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

**Ownership & Organizational Capacity:** An applicant must have sponsorship of the Department of Agriculture and have reached agreement with the agency regarding ownership and management of the property or easement. The Department is typically seeking to acquire or support the acquisition of agricultural conservation easements on viable, working farms. The Department will support the acquisition of fee interest in a working farm by a town or qualifying non-profit organization when there is a commitment to transfer ownership to a new farmer or lease the land to a farmer. If this model is anticipated, the applicant is strongly encouraged to consult with the Department of Agriculture staff. If ownership of the conservation interest acquired is to be held by a party other than the Department (e.g. under a project agreement -see Q #4 on page 8 and Appendix H) the Board will require an applicant to demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board may consider all relevant factors including without limitation level of debt, fund raising, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. In addition,

the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Relationship to local comprehensive planning efforts:**

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

**Other criteria to be weighed by the LMFB:**

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

Level 1 - 4 items completed  
Level 2 - 3 items completed  
Level 3 - 2 items completed  
Level 4 - 1 item completed  
Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal  
Final easement or fee acquisition conditions completed  
Cost Share commitment established  
Signed option or purchase and sales agreement  
Preacquired and held by a third party in coordination with the sponsoring state agency.

**The Board will also consider the fund-raising plan for the proposal and the status of fund-raising efforts for matching funds.**

# Application Format and Instructions

## General Guidelines for Applicants

All applicants are required to provide good maps, aerial photos, and as much supporting information as you feel is necessary for the Board to better understand your project and the values it addresses. Carefully read through this section, to learn what the Board wishes to see in a well-rounded proposal. All applicants are required to use the following application structure and numbering sequence and to provide complete information for categories. If not applicable, indicate so by placing a N/A.

A template for the application is available from the Department of Agriculture (call Stephanie Gilbert at 287-7520). If a category is not applicable please indicate by using the words “not applicable” in the appropriate location.

Eight copies of your proposal should be sent to:

**Land for Maine’s Future Program  
State Planning Office  
38 State House Station  
Augusta, Maine 04333-0038  
Telephone #: (207) 624-6213**

In addition, one copy of the application must be sent to the Department of Agriculture, Food and Rural Resources.

1) **Applicant**

Name, address, and phone number of the land trust or other proposed easement holder and the primary contact person.

2) **Agency Sponsor**

In this case it will be the Department of Agriculture, Food and Rural Resources. Please be sure that you have contacted the agency and they support your proposal.

3) **Date of Application**

Indicate the date you submitted your application

4) **Project Title/Name of Farm**

This is the name by which your proposal will be catalogued by Program staff.

5) **Location of the Project**

Provide us with the name of the township and county.

6) **Size**

Indicate how many acres your project encompasses.

7) **Owner(s)**

Include address, phone number, fax and e-mail (if available). A letter from the landowner(s) to the applicant indicating their willingness to be considered in the project must be included in the application.

8) **Partners**

Other entities supporting this project. Include address, phone number, fax, e-mail (if available)

9) **Names of individuals knowledgeable about the farm site and proposal.**

List the names of individuals who can speak directly to the various farm values which your proposal will protect and include a telephone where they can be reached.

10) **Total Financial Summary**

Use the form in Appendix G. Note: the Board will not consider an application with an incomplete budget.

11) **Project Description**

Include an introductory narrative description of the entire project.

12) **Location Information**

Provide a selection of easy to read maps including (no larger than 11”X17”)

- a) Maine Atlas Base Map - showing project location and regional perspective
- b) USGS Topographic Base Map - showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands.
- c) Aerial Photo - showing project location, boundaries, buildings, land use types

- d) Other Maps as Appropriate – showing, for example, significant wildlife habitat, endangered species, significant natural communities, outstanding physical features, proposed public access, trails, etc., the context of the project within a greenbelt plan, comprehensive plan, etc.
- e) NRCS County Soil Survey map or with property located on a Soil Conservation Plan map

13. **Productive Farm Assets**

List and describe every productive farm asset that contributes to the productivity of the farm. These include, but are not limited to, the following: prime or unique soils, or soils of statewide importance; lands that are productive for crops that do not rely on prime agricultural soils; and other types of natural resources available on a farm that are currently devoted to or have the potential for a diversity of income-generating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, types of farm structures available, etc. Collectively, the Board seeks indicators of the existing and potential productivity of a farm’s assets. Include the farm’s conservation plan and note when it was last updated by the Soil & Water Conservation District or Natural Resource Conservation Service (USDA). Also note if the farm has a forest management plan and when that was last updated.

14. **Current and Emerging Threats to Conversion**

Indicate the degree of threat to farmland as reflected in the patterns and trends of development within a town or region. The Board is seeking indications that the farm is **highly, moderately, or not at all** threatened by conversion to other uses because of development pressure in the adjacent or surrounding area, and development for nonagricultural uses. Indicate the time frame in which these threats are going to become imminent and include one or more of the following to document the potential for conversion to non-farm uses of the lands proposed for protection: a) full fair market value appraisal, with, if applicable, before easement and after easement values; and/or (b) during the previous two years, the number of subdivision permits issued, the number of new house lots approved, the number of building permits issued in the town or township within which the proposed easement is located. A good source for this information is your town office.

15. **Significance to Regional and Local Markets**

Document the farm’s economic viability or its potential for economic viability, as defined by current or potential markets. Document the farm’s contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and provisions for employment. These are factors which help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Using **Significant, Moderate** or **Slight** as terms of measure, indicate whether the farm sells, or has the potential to

sell, a quantity of products to meet local or regional consumer demand, or the needs of other farmers, and is important to maintaining the local services infrastructure because of its use of these resources.

16. **Open Space, Cultural and Other Public Benefits**

Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or it may contribute to the tourism economy by providing a scenic value. The relationship between the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for recreational use such as: hiking, bird watching, snowshoeing, cross-country skiing or a setting for natural resource education activities. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, and historic viewsapes) while others require the establishment of public rights of access or management rights. Where ever a landowner is willing to include a component of public access or permanent protection for any of these, these additional public values along with open space and cultural values will add to the project's score.

Please be specific when indicating which of these values are part of your proposal, and how they will benefit or be permanently protected through your proposal. Be sure to provide documentation and good descriptions for any of the values you indicate are present.

17. **Community Support**

The level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine's Future Program's farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity [the local plan itself should be consistent with the State's Growth Management Act], adoption of land use ordinances designed to protect prime farmland soils and/or farming activity, property tax incentives that encourage/help farmers stay in farming, or zoning that encourages development to take in growth areas or the like. Other initiatives also include support for locally produced produce such as its local distribution to institutional buyers; the establishment of farmers' markets and relationships between local farmers and school programs.

Indicate the level of community support (significant, moderate, or minimal level of support) and be specific with the examples you associate with your proposal. Provide documentation in the form of letters of support, copies of town zoning ordinances, excerpts from a comprehensive plan, etc.

**18) Estimate of monitoring and management costs**

An entity submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

**19) Project Readiness**

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 - 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
- Level 5 – 0 items completed

Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Preacquired and held by a third party at the request of the State

**Also include a description of the plan for and status of fund-raising efforts for matching funds.**

- 20) Organizational capacity:** For applicants other than the Department of Agriculture, please describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)<sup>21</sup> that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

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<sup>21</sup> This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's the current financial condition.

# List of Contacts/Cooperating Entities

**NOTE:** When contacting these agencies and organizations, include a base map with the proposed area clearly outlined on a USGS topographic map or on a DeLorme Atlas map, with the map number identified. Also include your name, address and phone number along with specific questions you would like them to respond to. Remember that these agencies may be receiving many such requests and your requests should be legible and concise.

## State & Federal Agencies

State Planning Office  
State House Station # 38  
Augusta, ME 04333  
Tim Glidden, Director  
Land for Maine's Future Program  
tel: (207) 624-6213

Dept. of Agriculture, Food & Rural Resources  
State House Station # 28  
Augusta, Maine 04333  
Stephanie Gilbert  
Farmland Protection Program Manager  
tel: (207) 287-7520

Natural Resource Conservation Service  
967 Illinois Avenue, Suite 3  
Bangor, Maine 04401  
Bill Yarmartino, Assistant State Conservationist for Program Delivery  
USDA Farm and Ranch Lands Protection Program  
Tel: (207) 990-9100

## Non-Profit Organizations

MAINE FARMLAND TRUST  
97 Main Street  
Belfast, Maine 04915  
(207)338-6575  
[info@mainefarmlandtrust.org](mailto:info@mainefarmlandtrust.org)

THE TRUST FOR PUBLIC LAND  
Maine Field Office  
30 Danforth St., Suite 106  
Portland, Maine 04101  
(207) 772-7424  
FAX (207) 772-7420  
[wolfe.tone@tpl.org](mailto:wolfe.tone@tpl.org)

MAINE LAND TRUST NETWORK  
*A program of Maine Coast Heritage Trust*  
Bowdoin Mill, One Main Street  
Topsham, ME 04086  
(207) 729-7366, 729-6863 (fax) 207-729-7366  
[www.mltm.org](http://www.mltm.org)

**NOTE:** For the name of your nearest land trust, please contact one of the above non-profits or visit [www.mltm.org](http://www.mltm.org).

# Appendices

Conservation & Water Access Inquiry Form .....	Appendix A
Farm Inquiry Form .....	Appendix B
Major Land Types .....	Appendix C
LAPAC Definitions .....	Appendix D
Appraisal Standards for Fee Simple.....	Appendix E
Appraisal Standards for Conservation Easements.....	Appendix F
Form for Proposal Budget .....	Appendix G
Model Project Agreement .....	Appendix H
Guidance for Working Forest Easements .....	Appendix I

# Appendix A

## Inquiry Form

### Conservation and Recreation Lands and Water Access Projects

#### POTENTIAL PROJECT INFORMATION:

**Property name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Location:** Municipality: \_\_\_\_\_ County: \_\_\_\_\_

**Landowner:** *(please list full name and mailing address of landowner):*

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town & State: \_\_\_\_\_

(Tel. #) \_\_\_\_\_ (Fax #) \_\_\_\_\_ (E-Mail) \_\_\_\_\_

**Inquiry Contact Person:** *(please list full name and mailing address)*

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town & State: \_\_\_\_\_

(Tel.#) \_\_\_\_\_ (E-Mail) \_\_\_\_\_

**Potential Partners** *(e.g. Conservation Commission, Federal Agency, local Land Trust or Non-profit Org.)*

*(Mailing Address, telephone #, fax #)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Project Size** *(Total acres)* \_\_\_\_\_ with Shoreland *(Length of frontage)* \_\_\_\_\_

**Major Land Categories:** *(Please check all of the land categories that apply.)*

- Recreation Land
- Water Access Land - Inland  Coastal
- Areas of Scenic Interest and Prime Physical Features
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat
- Farmland and Open Space \*

**Level of Project Significance:**

State Significance       Regional Significance       Local Significance

**Type of Project:** Acquisition in Fee       Conservation Easement       Combination of Both

**Proposed State Agency Sponsor (Conservation and Recreation Lands):**

Inland Fisheries & Wildlife       Conservation       Not Yet Confirmed

**Proposed State Agency Sponsor (Water Access):**

Inland Fisheries & Wildlife       Conservation   
Marine Resources   
Not Yet Confirmed

**PROJECT DESCRIPTION:**

Brief Description of the Property: (Provide information regarding the suitability for public acquisition, special features, and proximity to existing public lands and anticipated ownership of project lands.)

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**Note:** Please attach the following:  Site Location Map  
 Property Boundaries on USGS Topographic Map

**Important Note:** The Land for Maine's Future requires that all owners of land being proposed to LMF are willing sellers and have full knowledge that their property is being presented to the Land for Maine's Future Board for consideration. Please have the owner(s) of the land proposed on this form sign below. This in no way represents an obligation to sell or creates any financial liability on the part of the landowner. *(A signed letter stating the above is also acceptable.)*

---

(owner)

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(date)

**\*Note:** If the primary purpose is to protect farmland/ a working farm, use the **Farm Project Inquiry Form.**

# Appendix B

## FARM INQUIRY FORM

### FARMLAND PROTECTION INQUIRY FORM:

Farm Name: \_\_\_\_\_ Date: \_\_\_\_\_

Type of Farm Operation: \_\_\_\_\_

**GENERAL INFORMATION:** County: \_\_\_\_\_ Town: \_\_\_\_\_

Landowner(s) *[please list full name of all owners]:*

\_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

### POTENTIAL CONSERVATION PARTNERS

*(Please list the name, mailing address, telephone #, and email address of the Land Trust, Town or other conservation partner)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LAND DESCRIPTION:** Tax Map/Lot # \_\_\_\_\_ / \_\_\_\_\_ Zoning: \_\_\_\_\_

Total Acres: \_\_\_\_\_

Fields: \_\_\_\_\_

Forest: \_\_\_\_\_

Soil Classification by the USDA Natural Resources Conservation Service:

Prime Farmland \_\_\_\_\_ acres

Farmland of Statewide Importance \_\_\_\_\_ acres

Other working farmland not classified as Prime or Statewide Important \_\_\_\_\_ acres

Crops grown: \_\_\_\_\_

Building(s): \_\_\_\_\_

Does the farm have an NRCS Conservation Plan? Y / N (circle)

Does the farm have a Forest Management Plan prepared by a licensed forester? Y / N (circle)

Have you participated in a farm business planning program (i.e. The Maine Farms for the Future Program, NxLevel Tilling the Soil of Opportunity, FasTrack, etc)? Y / N (circle)

**LAND OWNERSHIP:** Deed type: \_\_\_\_\_ Book/**PAGE** #: \_\_\_\_\_

When was the property purchased by the current owner? \_\_\_\_\_

Is there a mortgage, second mortgage or equity loan on any portion of the property? Y / N

If Yes, what is the balance due on the note? \$ \_\_\_\_\_

Is there an existing boundary survey?: Y / N (circle)

Significant wildlife habitat or other natural features (if any known, please describe): \_\_\_\_\_

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**Important Note:** The Land for Maine's Future requires that all owners of land being proposed to LMF are willing sellers and have full knowledge that their property is being presented to the Land for Maine's Future Board for consideration. Please have the owner(s) of the property described above sign below. This in no way represents an obligation to sell or creates any financial liability on the part of the landowner.

\_\_\_\_\_  
(owner)

\_\_\_\_\_  
(date)

# Appendix C

## Major Land Types

The major land categories are established in the Act and are listed here with additional logical sub-categories. Those specifically identified by the Act are noted with an asterisk (\*). Those subcategories not listed in the companion legislation are those logical components of the major categories.

### Land Types

#### Recreational Lands

- Lands offering hunting and fishing opportunities \*
- Lands having trail corridors or hiking trails
- Lands offering opportunities for nature study
- Lands having cross-country skiing opportunities
- Lands having snowmobile trails
- Lands offering traditional camping or picnicking areas

#### Water Access Lands

- Coastal beach access for swimming or sunbathing
- Inland beach access for swimming or sunbathing
- Fishing access on streams and lakes
- Fishing access on oceanfront (including clamming and worming)
- Coastal boat launching sites
- Inland boat launching sites
- Canoe access sites (rivers, lakes, ocean)
- Recreational sites (camping or picnic sites) on streams, lakes
- Recreational sites (camping or picnic sites) on the coast

#### Lands Supporting Vital Ecological or Conservation Functions and Values

- Wildlife habitat \*
- Wetlands \*
- Lands providing public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter.\* (new 2007)<sup>22</sup>

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<sup>22</sup> Among other conservation values, the Board may consider whether the proposed project provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter. In practice this means that the protected land must be available for public recreational use

- Lands of importance to fish and wildlife because of their limited occurrence or biological diversity/productivity (e.g., coastal islands, salt marshes, inland wetlands, riparian areas)
- Lands of special importance to specific species in Maine (e.g. deer wintering areas, blue heron rookeries, fish spawning areas)
- Lands essential to maintaining wildlife migration corridors, or shore and seabird nesting habitats
- Lands representative of ecosystem types of Maine and essential to the preservation of the range of natural biological diversity

Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat \*

- Habitats which are naturally rare due to range limitations
- Habitats of special importance to the restoration of endangered and threatened species (e.g. bald eagle nesting territories, least tern nesting beaches)
- Fragile mountain areas \* (e.g. alpine tundra vegetation)
- Peatlands (certain types)
- Old-Growth Forests (representatives of common & rare types)
- Rare wetland types (e.g. fens, cedar swamps, patterned bogs)

Areas of Scenic\* Interest and Prime Physical Features\*

- Undeveloped shorelines\* (coastal, rivers, & lakes)
- Significant, undeveloped archeological sites\* (new 2007)<sup>23</sup>
- Mountain viewsheds
- Visual access to water (rivers, lakes, ocean)
- Areas along state highway system
- Headlands
- Waterfalls
- Gorges
- Whitewater rapids
- Mountain ridges
- Beach-dune systems
- Eskers
- Cobble beaches

Farmland and Open Space\*

- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- Lands geographically and physically capable of being multi-community parklands
- River corridor greenways

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<sup>23</sup> In 2007, the Legislature authorized the Board to consider protection of "significant, undeveloped archeological sites". Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission (Arthur Spiess 287 2132) that describes the significance of the archeological resources on the site.

# Appendix D

## LAPAC Definitions - Land Acquisition Focus Areas and Other Important Priorities

### Focus Areas

Please note: Not all of the original “Focus Areas” or “Other Important Priorities” are reflected in the LAPAC Multiplier on **PAGE 32** because they are addressed in other parts of the scoring system.

\* **Southern Maine Conservation Lands:** The southern portion of the state (south of Bangor) is richest in biological diversity. It is also the part of the state where development threats to plant and wildlife resources are the greatest and where existing public land holdings are most limited, particularly larger holdings. There are still opportunities to acquire significant public lands protecting critical natural resources while also providing Maine's largest population centers with greater access to expanded recreation opportunities closer to home.

\* **Ecological Reserves:** Maine is a state of enormous natural variety. A State Planning Office study and follow-up efforts by the Maine Forest Biodiversity Project (a collaborative effort involving State agencies, landowners, scientists, and environmentalists), have documented that Maine’s existing conservation ownerships do not protect the full range of Maine’s native plants, animals, and natural communities. In order to establish an ecological reserve system that protects all of the natural communities and species found in the State, additional lands will need to be acquired to complement existing sites. Special attention should be given to those areas that include rare species, as well as unique or exemplary natural communities. Ecological reserves can serve as benchmarks which will provide important information about changes to our environment. These sites can be used for scientific research, long-term environmental monitoring, education, and in most cases can also provide important outdoor recreation opportunities.

\* **River Systems:** Maine possesses some of the finest river systems in the Eastern United States, many of which remain largely undeveloped. These rivers are important fisheries, possess critical riparian habitat, and provide unparalleled outdoor recreation opportunities. Future acquisition efforts should protect extended corridors on the state's most valued river systems.

**\* Undeveloped Coastline:** Maine is famous for its coastline. However, only a small percentage of the coast is in public ownership. In particular, there are significant undeveloped stretches of shore, including coastal wetlands and estuaries, that provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation. It is important to take advantage of remaining opportunities before large ownerships become fragmented.

### **Other Important Land Acquisition Priorities**

**Northern Forest Conservation Lands:** The expanse of undeveloped forest, rivers, lakes, mountains and wetlands that comprise the north woods of Maine is truly unique, providing a sense of wildness and remoteness that is becoming increasingly rare in today's world. It is the part of the State where the majority of public ownership currently exists, and yet many of the region's finest natural treasures and recreational lands have been maintained in private ownership. Some of these areas, most notably the shorelines of lakes and ponds, are coming under increasing development pressures.

The future of the north woods is the subject of great public interest that will likely increase in the years to come. Several large-scale acquisition proposals put forward by conservation groups have precipitated a debate over the appropriate role for public land acquisition in the northern forest. The State has both the opportunity, and the responsibility, to work cooperatively with forest landowners and other interests to develop workable acquisition models that protect the economic, ecological and recreational values of this region. Conservation easements should play an important role in this effort.

In the near term, acquisition efforts in the northern forest should focus on those lands that possess a high concentration of wildlife, recreation, and scenic values and are most threatened with fragmentation and development. Planning efforts coordinated by LMFB should seek to identify these priorities and to develop successful acquisition strategies that could then be utilized in these areas and elsewhere. If large northern forest tracts come on to the market, LMFB should evaluate both the threat and opportunity presented by the land sale, and respond accordingly. The conservation goal for Northern Forest Conservation Lands should be to maintain their natural character, preserve public recreation opportunities, and protect important habitat especially deer habitat. To acquire, even conservation easements, over large tracts of northern forest land will likely require federal funding assistance. The Forest Legacy program is well suited to Maine's working forest landscape and allows for state control over acquisition projects. This program, and other appropriate federal funding opportunities, should be actively pursued to achieve the state's northern forest goals.

**Trail Systems:** A number of trail development efforts in Maine--including the State snowmobile trail network, the Appalachian Trail, and the recently established island trail network--have proven very successful. However, there are additional recreational trail needs and opportunities that require attention including the development of extended loop hiking

trails (2-5 days), as well as the creation of extended interconnected multi-use trail systems for uses such as hiking, biking, skiing, and snowmobiling and ATV riding. In particular, acquisition efforts should focus on opportunities to link existing public land holdings by trail corridors and to acquire ready-made trail corridors such as abandoned railroad beds. Additionally, expanded inland and coastal water trail systems are needed to accommodate small boat use.

**Islands:** Maine's coastal and inland islands are one of the state's most unique and threatened resources. Islands, particularly coastal islands, have become increasingly sought after for development, threatening bird nesting habitat and other sensitive ecological values. The State, private conservation organizations, and the federal government have successfully protected many valuable islands in recent years. However, additional acquisition efforts are needed to protect those islands identified as having important resource values that remain vulnerable to development and habitat loss.

**Significant Mountains:** While many of the state's highest peaks are currently in the public domain, there are still a number of significant mountains in private hands that are worthy of public acquisition. Acquisition efforts should focus on those mountain areas with outstanding vistas, established recreational uses, or significant ecological values, as well as those that are in close proximity to population centers.

# Appendix E

## Appraisal Standards: Fee Simple

### SPECIFICATIONS FOR FEE SIMPLE APPRAISALS OF LMF PROJECTS

#### General Requirements

The Land for Maine’s Future Board requires that all appraisal reports adhere to the Uniform Standards of Professional Appraisal Practices (USPAP). For proposals using other sources of funding (e.g. federal), additional appraisal standards may be required.

#### **The Appraisal Approach**

The Direct Sales Comparison Approach should be utilized as the primary method in valuing the property. The Cost Approach and Income Approach should only be used as the primary method of valuation if they are applicable to a specific property. A discussion of why they are being utilized should be included. If any secondary approach to value is used, the results should be compared against the Direct Sales Comparison Approach. If values do not closely agree, the reason for the divergence should be explained fully.

*Note: The Board requires that any direct sales comparison valuation be accomplished primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government conservation agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or non-profit “conservation” buyers, the use of the sale must conform to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA – the so-called “Yellow Book”).*

#### Direct Sales Comparison Approach

- a) Comparable sales should be summarized (at least three and preferably five comparables should be utilized).
- b) A comparable sales location map should be included.
- c) Sales should be presented in table or grid form, showing adjustment for times, size, location, appeal, soils, improvements (buildings, etc.) and circumstances of the transaction that may affect value (as applicable to type of subject).
- d) Each sale must be discussed in the narrative.

- e) Differences between the regulatory restrictions among comparables must be addressed.
- f) Appraisal practice generally recognizes the principal of a volume discount, i.e. larger parcels sell for less per acre (or front foot) than smaller parcels. Appraisers should strive to find comparables of similar size and when they are not available they should determine from paired analysis or other means an appropriate volume discount.
- g) Appraisers should be sure to pick comparables sales that are similar in size, quality potential and amenity value. In addition to making adjustments for the presence/absence of utilities, appraisals should address qualitative factors such as privacy, quiet, view and usability of water frontage.

### **Specifications**

The following specifications pertain to all appraisals performed for the Land for Maine's Future projects except for conservation easement appraisals, which have separate specifications (see Appendix F). The specifications listed here are minimums; LMF staff may impose greater requirements for properties with unique or special features that present unusual appraisal difficulties.

Applicants must submit six copies of each appraisal.

Appraisal reports must be presented in narrative rather than in "form" style. At a minimum, appraisal reports should contain the following:

1. Title Page
  - a) land area of subject property
  - b) street and town location
  - c) name of property owner(s)
  - d) effective date of appraisal
  - e) name and address of appraiser
2. Letter of Transmittal
  - a) Standard transmittal letter with specification that landowner or designated represented has had the opportunity to participate in the field inspection of the property.
3. Table of Contents
4. Summary of Important Facts and Conclusions

5. Purpose of Appraisal and Definition of Market Value
6. Area and Neighborhood Analysis (avoid itemization of facts and figures not pertinent to value). Include:
  - a) Description of community (rural, suburb, resort, etc.)
  - b) Population trend
  - c) Reasons for trend, i.e, new industries, outward migration, etc.
  - d) Rate of construction activity in town
  - e) Utilities available in the area
  - f) Brief description of relevant municipal planning
  - g) Immediate neighborhood: enhancing or detrimental factors
7. Area Map
  - a) Must show roads leading to subject to facilitate inspection by LMF staff or Appraisal Review Committee member. Please delineate project boundaries on all maps.
8. Site Map
  - a) A photocopy of a survey map is best. In the absence of a survey, a tracing of the property boundaries from an orthophoto is preferred. Other types of maps provided by the landowner are less reliable but may be accepted if better maps are unavailable.
9. Land Description as Appropriate for Type of Subject Property
  - a) total land area and acreage being appraised
  - b) shape of parcel
  - c) total road frontage
  - d) land cover and topography, ie., wooded, wetlands, mountain summit, etc.
  - e) brooks, rivers, ponds, etc.
  - f) brief soil description and analysis based on USDA Soil Survey, if appropriate
  - g) utilities available to site (how far sewer/water lines)
  - h) is there a local septic ordinance?
  - i) easements and title encumbrances affecting the value
  - j) existing state or local permits?
  - k) gravel, loam, sand, etc. -- commercial value?
  - l) adjacent landowners
  - m) access
  - n) flood hazard
  - o) view/visibility
  - p) when timber is a significant component of the value of the land, appraisers are expected to offer an informed discussion of timber values.

10. Improvements
  - a) Describe those that are present, discuss condition, present use, and contribution to highest and best use.
11. Assessment
  - a) Current assessed valuation (state if property in Tree Growth/Open Space Program) tax rate, and annual tax bill.
12. Zoning
  - a) Describe zoning of subject property, including dimensional requirements of applicable zone.
13. Legal Description
  - a) Include deed copy in Addenda
  - b) Indicate registry and book and page
  - c) Note any deed restrictions or easements which would affect value
  - d) Note a five year history of conveyance of the property
14. Highest and Best Use
  - a) The report shall state the highest and best use that can be legally made of the property for which there is a current market.
15. Certificate of Valuation
16. Addenda
  - a) comparable sales maps
  - b) photographs of subject and comparable recent sales
  - c) applicable portion of zoning by-laws
  - d) wetlands or flood plain map (delineate boundaries within project boundaries)
  - e) Site plan sketch if income (Development Approach) is used
  - f) appraiser's qualifications
  - g) limiting conditions

# Appendix F

## Appraisal Standards: Easements

### The Appraisal Process

Standard definitions should be used to explain the appraisal process. The methods that are utilized should be explained and a discussion of why they are being utilized should also be included.

*NOTE: The Board requires that any direct sales comparison valuation be accomplished primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government conservation agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or non-profit “conservation” buyers, the use of the sale must conform to the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA – the so-called “Yellow Book”).*

#### I. Before Value Analysis

The Direct Sales Comparison Approach should be utilized as the primary method in valuing the unencumbered property. The Cost of development Approach and Income Approach should only be used if they are applicable. A discussion of why they are being utilized should be included. If any secondary approach to value is used, the results should be compared against the Comparable Sales Approach. If values do not closely agree, the reason for the divergence should be explained fully.

#### Direct Sales Comparison Approach

- a. Comparable sales (lots and acreage) should be summarized including perimeter sketches (include in Addenda) At least three and preferably five comparables should be utilized.
- b. A comparable sales map should be included
- c. Sales should be presented in table or grid form, showing adjustment for times, size, location, appeal, soils, improvements (farm and residential) and circumstances of the transaction that may affect value.
- d. Each sale must be discussed in detail in a narrative including such factors as: time, location (desirability, view, etc.), zoning, other regulatory restrictions, frontage, topography (including soil type), utilities, financing, etc.

## II. After Value Analysis

The Highest and Best Use (HBU) of property subject to the proposed restriction should be carefully considered. While agricultural use may often be the highest and best use of the encumbered land, the after value should not be assumed to be synonymous with “Farm Value” due to the potential HBU of encumbered properties as non-farm “estates”. A careful discussion of the proposed restrictions should be included in the after value analysis. Make sure that the proposed restrictions including any reserved building rights or access easements are carefully considered as they may affect highest and best use. Again the Direct Comparable Sale Approach is considered to be the best indicator of value. An Income Approach should be used only as a secondary approach.

### a. Description of land to be subject to Grant of Development Rights and Conservation Restrictions.

1. A map showing land to be encumbered and all lands to be excluded from the Grant of Development Rights and Conservation Restrictions must be included. Any reserved building rights allowed under the proposed Grant of Development Rights and Conservation Restricts must be included. Any reserved building rights allowed under the proposed Grant of Development Rights and Conservation Restrictions must also be indicated in the appraisal and shown on the map of encumbered land.

### b. Direct Sales Comparison

1. Sales should be legally encumbered with similar easements or adjusted to best reflect the easement to be imposed on the subject property.

2. Physically restricted properties such as flood plain land should be adjusted for soil productivity and any factors associated with the proposed easement on the property which affect value. For example, consider the diminution in value to the property by any Right of First Refusal (if applicable), review and approval of grantee requirements, loss of timber, sand and gravel rights and other mineral rights, etc. Also note any specific conservation practices which may be included in the easement that may affect value.

3. Enhancement value accruing to reserved lots, abutting land or lands in the same neighborhood under related ownership must be considered. Due to limited market transactions involving restricted land, greater adjustments for time and location may have to be made.

4. Include a discussion of the comparable sales and point out any circumstances that could have an affect on value. All comparables should be carefully confirmed with knowledgeable parties. This is especially true if the transaction included the sale of conservation restrictions to the Board or an applicant of the Board.

### ***SPECIFICATIONS FOR NARRATIVE APPRAISAL REPORTS FOR VALUING CONSERVATION RESTRICTIONS***

Applicants must submit six copies of each appraisal.

Components of narrative “before and after” conservation restriction appraisal reports should include but not be limited to, the following. In addition, the reports should be to the standards of the Uniform Standards of the Professional Appraisal Process and of Section 1.170 A-13(c)(3) of the Internal revenue Code.

1. Title Page
  - a) land area of subject property and area to be restricted, identify any reserved building rights
  - b) street and town location
  - c) name of property owner(s)
  - d) effective date of appraisal
  - e) name and address of appraiser(s)
2. Letter of Transmittal
  - a) Standard transmittal letter with specification that landowner or designated representative has participated in the filed inspection of the property.
3. Table of Contents
4. Summary of Important Facts and Conclusions
5. Purpose of Appraisal and Definition of Value
6. Area and Neighborhood Analysis

The appraiser should present all findings and conclusions about the external influences (social and economic) which could affect the value of the subject. The presentation should be analytical and related to the valuation problem at hand. Avoid itemization of facts and figures not pertinent to value.

Include:

- a) Description of community (rural, suburb, resort, etc.)

- b) Population trend
  - c) Reasons for trend, i.e. new industries, outward migration, etc.
  - d) Rate of construction activity in town
  - e) Utilities available in the area
  - f) Comprehensive Plan for the town?
  - g) Immediate neighborhood - dominating influence/detrimental factors?
7. Area Map
- a) Must indicate location of subject property as exactly as possible (a DeLorme map is suggested) Delineate approximate parcel boundaries on map.
8. Location Map
- a) Must show roads leading to subject to facilitate inspection by LMF Staff or review appraiser (a USGS topographic map or DeLorme map is suggested)
9. Land Description
- a) Total land area and acreage being appraised
  - b) Shape of parcel
  - c) Total road frontage
  - d) Land cover and topography i.e.. Wooded, pasture, wetlands, croplands
  - e) Streams, rivers, etc.
  - f) Soil description and analysis from USDA Soil Survey, include NRCS Farm plan if available.
  - g) Utilities available to site (how far from sewer/water lines)
  - h) Is there a local septic ordinance?
  - i) Easements
  - j) Gravel, loam, sand, etc. - commercial value?
  - k) Adjacent landowners
  - l) Access
  - m) Flood hazard
10. Improvements - include agricultural and residential improvements - condition, present use and contribution to highest and best use.
11. Other components being appraised - public access rights, hunting and fishing rights, etc.
12. Assessment
- a) Current assessed valuation (state if property is in Tree Growth/Farmland & Open Space Program) tax rate and annual tax bill.

13. Zoning
  - a) Zoning of subject property, including dimensional requirements
  - b) Include pertinent section from by-laws, if possible (in Addenda)
14. Legal Description
  - a) Include deed copy in Addenda
  - b) Indicate registry and book and page
  - c) Note any deed restrictions or easements which would affect value
  - d) Note a five year history of conveyance of the property
15. Highest and Best Use
  - a) The report shall state the highest and best use that can be legally made of the property for which there is a current market. In the appraisal of vacant land, the terms “highest and best use” and “feasible use” should be synonymous. Highest and Best Use should be applied to both the Before and After Analysis.
16. Certificate of Valuation of Before and After and the resultant Value of the Conservation Restriction.
17. Addenda
  - a) Comparable sales maps
  - b) Photographs of subject and Comparable sales.
  - c) Zoning By-Laws
  - d) Wetlands or Flood Plain Map
  - e) Site plan sketch
  - f) Appraiser’s qualifications
  - g) Limiting conditions
  - h) A copy of proposed conservation easement (note reserved building rights)

# Appendix G

## Form for Proposal Budget

The following form should be used to present the budget for the proposed project. Please consult with LMF staff with any questions and prior to modifying the form. Proposals with incomplete budget information will not be accepted for Board consideration.

	\$
<b>Total Project Costs</b> (including Match)	
Value of fee lands to be purchased or if preacquired, value of land already purchased ( <i>w/in 2 yrs</i> )	_____
Value of easements to be purchased or if preacquired, value of easements already purchased ( <i>w/in 2 yrs</i> )	_____
Stewardship endowment contribution (if any)	_____
All other costs	
Appraisal	_____
Title, legal and closing	_____
Land survey	_____
Environmental hazard survey	_____
Baseline documentation ( <i>easement only</i> )	_____
Natural resource survey	_____
Other ( <i>specify</i> )	_____
<b>TOTAL</b>	_____
<b>Match</b>	
Value of interest in land to be contributed	
Purchased fee/easements	_____
Fee/easement Donations	_____
Bargain sale components	_____
Cash contribution	_____
Stewardship endowment contribution	_____
<b>Total Tangible Match</b> ( <i>must be =&gt;70% of total match</i> )	_____ (____%)

All other costs *(see above - specify)* \_\_\_\_\_

**Total Intangible Match** *(must be <30% of total match)* \_\_\_\_\_ (\_\_\_\_%)

**TOTAL MATCH** *(tangible + intangible)*

Percent of Total Project Costs *(must be =>50% of total project costs)* \_\_\_\_\_ (\_\_\_\_%)

**Amount requested from LMF**

Percent of total *(must be <50% of total project costs)* \_\_\_\_\_ (\_\_\_\_%)

---

**NOTES:**

1. Be clear if land values are based on estimates or appraisals. Discuss the basis in the narrative of the application. Values on parcels offered for match must be based on an appraisal.
2. Some costs are outside of “Total project costs” and will be covered by the LMF. Do NOT include these kinds of items in Total Project costs:
  - Natural areas survey by MNAP
  - Archeological survey by MHPC
  - “5%” grants for minor capital improvements and farm business planning
  - LMF’s legal costs
3. Identify costs as actual incurred or estimated. Discuss the basis in the narrative of the application
4. If applicant anticipates requesting LMF support for “all other costs”, contact LMF staff for reasonable estimates of specific line items (e.g. appraisal, legal)
5. The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project. This value must be validated by an independent appraisal.

# Appendix H

## Model Project Agreement

LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT  
(Pursuant to P.L. 2007 c. 39, Sec. E-5)  
*[Conservation Easement Version]*

Cooperating Entity: \*

Project Name: \*

Parcel Name: \*

Location: \*

Designated State Agency: \*

---

**Premises Covered by this Agreement:**

(1) The \* Property, being a conservation easement over lands located on the \* side of \*, Town of \*, \* County, Maine, hereinafter called the "Protected Property", and as more fully described in a \* Deed from \* and \* to the \*, dated \* and recorded \* in the \* County Registry of Deeds in Book \*, Page \*; and see also plan by \*, File No. \*, dated \* and recorded in said Registry in Plan Book \*, Page \*.

***[Delete Item 2 if no match lands]***

(2) Match Lands: The \* Property by deed dated \*, and recorded in the \* County Registry of Deeds ("\*") on \* in Book \*, Page \*, and depicted on a Plan of Land \* prepared by \*, dated \*, a copy of which is on file with the Land for Maine's Future Fund application and with the Maine Department of \* and \*. This parcel is offered as Match Land. See Item 4 below for other conditions pertaining to this parcel.

All of the foregoing hereinafter referred to as "the Premises".

---

**Scope (Description of Project): \***

---

**Project Cost:**

LMF Contribution to Cooperating Entity: \$\*  
Cooperating Entity: \$\*

---

The following are hereby incorporated into this Agreement:

1. General Provisions
2. Project Application and Attachments by reference
3. Project Boundary Map
4. Other: **[Delete following language if no match lands. Substitute applicable language]**

That portion of the "Premises" designated as the Match Parcel above is subject to the management restrictions and covenants of this Project Agreement, but is not subject to the Project Agreement General Provisions Part II, section Paragraph H subsection (iv).

The Land for Maine's Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of **[insert agency name]**, represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2005 c. 462, Sec. B-5, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

1. Under the terms of the Conservation Easement, the Protected Property, including any structures located thereon, must remain as a



Its Commissioner

COOPERATING ENTITY  
\*

By: \_\_\_\_\_  
Print Name:  
Title:

STATE OF MAINE

County of \*

Date: \*

Then personally appeared the above-named \*, duly authorized \*  
(title) of \*

[Insert name of Cooperating Entity] and acknowledged the foregoing  
to be his/her free act and deed in his/her capacity and the free act  
and deed of said \*.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

My Commission Expires:

Seal:

**LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

Part I – DEFINITIONS

1. The term "DSA" or "Agency" as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term "Director" as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term "Premises" as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term "Project" as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term "Cooperating Entity" as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

Part II – CONTINUING ASSURANCES

The Cooperating Entity specifically recognizes that Land for Maine's Future Fund project assistance creates an obligation to acquire, use and maintain the conservation easement described in this Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2007 c. 39, Sec. E-5, and the following requirements:

**A. LEGAL AUTHORITY:** The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Conservation Easement on the Protected Property or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and

authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:** The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine's Future Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:** The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:** The Cooperating Entity shall assure that the Protected Property shall be forever used, operated and maintained as prescribed in the Conservation Easement and this Agreement and all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2007 c. 39, Sec. E-5. Permits and licenses necessary for the implementation of this Agreement or use of the Protected Property shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Conservation Easement shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Protected Property subject to the Conservation Easement in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:** The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA..

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:** On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:** Under the terms of the Conservation Easement, the DSA, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

**H. PROVISIONS IN THE EVENT OF TRANSFER:**

**i. PRIOR NOTICE AND APPROVAL:** In the event of any intended sale or transfer, in whole or in part, of the Conservation Easement or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

**ii. DISSOLUTION:** In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Conservation Easement shall be obtained from LMFB as with a conveyance of the Conservation Easement under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under Subsection I(d).

**iii. SUCCESSORS AND ASSIGNS:** Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest in all or a portion of the Conservation Easement. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

**iv. SHARE IN PROCEEDS:** In the event of any sale, transfer, termination or condemnation of any or all of the Conservation Easement or disposal of the Conservation Easement pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund

designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Conservation Easement as a whole as of the date of this Agreement, hereby established as \_\_%, multiplied by
- (b) the appraised value of the Conservation Easement, or portion thereof, which value shall be determined as the amount by which the fair market appraisal value of the Protected Property unrestricted by this Conservation Easement is reduced by the terms and conditions imposed by this Conservation Easement as of the date of transfer.

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation or dissolution.

**I. ENFORCEMENT ALTERNATIVES:** In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Conservation Easement, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the Conservation Easement;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State's share of proceeds as defined in Section H (iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for

its costs of enforcement and collection, including reasonable attorneys fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable trust entitled to all the protections thereof under state law.

**J. AMENDMENT:** This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:** Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:** *[insert name & address]*

**To DSA:** *[insert name & address]*

**To LMFB:** c/o Director, Land for Maine's Future Program  
State House, Station #38  
Augusta, Maine 04333

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the "State", and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity's last known address on file with the tax assessment records of the municipality of *[insert name of town where project land is located]*, Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity's notices must include sufficient information to enable the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the conservation purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written

application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT  
(Pursuant to P.L. 2007 c. 39, Sec. E-5)  
[Fee Version]

Cooperating Entity: \*

Project Name: \*

Parcel Name: \*

Location: \*

Designated State Agency: \*

---

**Premises Covered by this Agreement:**

(1) The \* Property, being fee ownership of lands located on the \* side of \*, Town of \*, \* County, Maine, and as more fully described in a \* Deed from \* and \* to the \*, dated \* and recorded \* in the \* County Registry of Deeds in Book \*, Page \*; and see also plan by \*, File No. \*, dated \* and recorded in said Registry in Plan Book \*, Page \*.

**[Delete Item 2 if no match lands]**

(2) Match Lands: The \* Property by deed dated \*, and recorded in the \* County Registry of Deeds ("\*") on \* in Book \*, Page \*, and depicted on a Plan of Land \* prepared by \*, dated \*, a copy of which is on file with the Land for Maine's Future Fund application and with the Maine Department of \* and \*. This parcel is offered as Match Land. See Item 4 below for other conditions pertaining to this parcel.

All of the foregoing hereinafter referred to as "the Premises".

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**Scope (Description of Project): \***

---

**Project Cost:**

LMF Contribution to Cooperating Entity: \$\*

Cooperating Entity: \$\*

---

The following are hereby incorporated into this Agreement:

1. General Provisions
2. Project Application and Attachments by reference
3. Project Boundary Map
4. Other: **[Delete following language if no match lands. Substitute applicable language]**

That portion of the "Premises" designated as the Match Parcel above is subject to the management restrictions and covenants of this Project Agreement, but is not subject to the Project Agreement General Provisions Part II, section Paragraph H subsection (iv).

The Land for Maine's Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of **[insert agency name]**, represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2007 c. 39, Sec. E-5, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

1. The Premises, including any structures located thereon, must remain as a single parcel, under one ownership, and may not be divided into parcels or lots, except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers the conservation purpose and objectives of the project as defined in this Agreement and its attachments.



**COOPERATING ENTITY**

\*

By: \_\_\_\_\_

Print Name:

Title:

STATE OF MAINE

County of \*

Date: \*

**Then personally appeared the above-named \*, duly authorized \*  
(title) of \***

*[Insert name of Cooperating Entity]* **and acknowledged the foregoing  
to be his/her free act and deed in his/her capacity and the free act  
and deed of said \*.**

**Before me,**

\_\_\_\_\_  
**Notary Public/Attorney at Law**

**Print Name:** \_\_\_\_\_

**My Commission Expires:**

**Seal:**

**LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

Part I – DEFINITIONS

1. The term "DSA" or "Agency" as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term "Director" as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term "Premises" as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term "Project" as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term "Cooperating Entity" as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

Part II – CONTINUING ASSURANCES

The Cooperating Entity specifically recognizes that Land for Maine's Future Fund project assistance creates an obligation to acquire, use and maintain the property described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2007 c. 39, Sec. E-5, and the following requirements:

**A. LEGAL AUTHORITY:** The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the

person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:** The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine's Future Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:** The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:** The Cooperating Entity shall assure that the Premises shall be forever used, operated and maintained as prescribed in this Agreement and all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2007 c. 39, Sec. E-5. Permits and licenses necessary for the implementation of this Agreement or use of the Premises shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Premises shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:** The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA..

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:** On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1)

the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:** The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

**H. PROVISIONS IN THE EVENT OF TRANSFER:**

**i. PRIOR NOTICE AND APPROVAL:** In the event of any intended sale or transfer, in whole or in part, of the Premises or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

**ii. DISSOLUTION:** In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Premises shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Premises to the DSA or a successor designated by the DSA under Subsection I(d).

**iii. SUCCESSORS AND ASSIGNS:** Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest (including leasehold interest) in all or a portion of the Premises. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

**iv. SHARE IN PROCEEDS:** In the event of any sale, transfer, or condemnation of any or all of the Premises or disposal of the Premises pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

(c) the ratio of the value of the LMF's contribution to the value of the Premises as a whole as of the date of this

Agreement, hereby established as XX%, multiplied by

- (d) the appraised value of the transferred Premises or portion thereof at the time of the transfer, unencumbered by this Agreement or other encumbrances recorded after the date of this Agreement (excluding value attributable to authorized improvements to the Premises made after the date of this grant and not paid for by the State).

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation or dissolution.

**I. ENFORCEMENT ALTERNATIVES:** In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Premises, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the Premises;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State's share of proceeds as defined in Section H (iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Premises to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable trust entitled to all the protections thereof under state law.

**J. AMENDMENT:** This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:** Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:**     *[insert name & address]*

**To DSA:**                     *[insert name & address]*

**To LMFB:**                   c/o Director, Land for Maine's Future Program  
State House, Station #38  
Augusta, Maine 04333

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the "State", and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity's last known address on file with the tax assessment records of the municipality of *[insert name of town where project land is located]*, Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity's notices must include sufficient information to enable the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the conservation purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant,

grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

# Appendix I

## Guidance for Working Forest Easements

In early 2001, an LMFB easement subcommittee was formed to identify

- the essentials for any easement funded by the Lands For Maine's Future Program (LMF)
- elements that are desirable but not always necessary, and
- cautions related to various elements

The following guiding principles were adopted by the LMF Board on May 9, 2001. The Board recognizes that this is a working document, and that amendments and refinements are likely as experience dictates. The Board has also adopted a set of drafting guidelines for this type of easement that every potential applicant should read before preparing the easement. The guidelines describe both the required process for developing these easements and the recommended provisions to implement the intent of the policy objectives below. A copy of the guidelines is available on the LMF website (<http://www.maine.gov/spo/lmf>).

There are two types of working forest easements – strip easements (primarily along water bodies), and landscape easements. Some elements are appropriate for one type and not the other. The Board further recognizes that in many cases, (e.g. ecological reserves, key recreation areas, boat launches and parking areas) fee purchase is probably a better tool and should be used alone or in concert with an easement.

It is our understanding that the basic intention of a working forest easement is to protect both the natural values and economic values of the forest, along with its potential to provide traditional recreation opportunities for the public. Each easement will vary depending on the property involved and the intentions of the grantor and grantee. However, each easement should define existing conditions, contain a clear statement of goals, remedies for non-compliance and outline a process by which the landowner and easement holder can meet to review the easement and its implementation, ideally annually. It should allow the parties to mutually determine acceptable amendments to the easement to reflect changes in science or society while remaining faithful to the original goals.

### **For working forest easements funded by the LMF, the Board will require:**

A-1. No additional (or very limited and clearly defined) additional non-forestry or non-recreation related development. Prohibition of commercial, industrial and residential uses except for forestry and recreational uses, while allowing for existing types and scales of non-forestry uses to continue when consistent with easement goals.

A-2. Strict limits on subdivision, with the goal of maintaining large enough parcels to be a) cost effective to manage for timber production and recreation and b) cost effective for the holder to monitor compliance with easement terms. Allowable subdivision may include limited divisions of very large tracts and small subdivisions to correct boundary issues with abutters.

A-3. Rights for the public to use the property for traditional pedestrian recreational uses such as fishing, hiking, hunting, snowshoeing and nature observation. Central to this is extinguishing the landowner's right to enjoy or provide exclusive, private use. (Certain areas may be designated off limits to the public to protect fragile ecological or archaeological resources, privacy related to buildings, or public safety. A process should be established to incorporate additional areas at the mutual consent of the landowner and holder and to identify and close areas such as active harvest operations that involve safety hazards.)

A-4. An enforceable commitment to maintain (or enhance) the property's potential to provide a perpetual yield of fiber and timber. Recognizing the duration (forever) of an easement and our inability to predict the future of current forest uses, the emphasis here is on *potential* to provide, not a requirement to provide. Clear language must be included that defines sustained yield (taking into account forest history, productivity and potential for natural catastrophe), stipulates specifically how it shall be measured, and provides for independent review to determine if ongoing forest management meets these requirements. Remedies for non-compliance should be clear, stringent and easily enforceable. Language should also stipulate that Best Management Practices (BMPs) be utilized in all forest management operations.

**On a case by case basis, depending on size of the easement, conditions on the land or other factors, additional easement elements may significantly strengthen the value to the public as listed below. Whenever additional protections of forest conditions or rights to provide public use are included in an easement, the Board will require of the holder an estimate of annual costs for monitoring or management and how it plans to cover them.**

B-1. The Board recognizes that protection of ecological sustainability is very important. Additional protection of sensitive, rare or representative ecological features may be desirable. As part of the LMF application process, the potential holder will have assessed the ecological values of the property. Grantor and grantee should consider fee acquisition of areas of high ecological value in addition to the easement, or more stringent protections of certain natural communities, habitats or ecological health.

B-2. Requirements to include additional protections of visual quality, recreational features and/or riparian zones, or restrictions on intensive forest management practices such as herbicides and plantations.

B-3. Limitation of mining on the property to surface deposits of gravel, sand and shale for purposes of road construction and maintenance on the property only. Include caps on the number and size of borrow pits and establish reclamation procedures. In some cases (e.g. large landscape easements) it may be appropriate to allow mining of subsurface minerals. In such cases, strict limitations on areas disturbed and associated development should be stipulated to protect the main values of the working forest, undeveloped forest land and traditional public recreation, including associated aesthetics.

B-4. Rights to manage public recreation on the property. Clear goals for such management should be stated in the easement.

B-5. The right to construct, maintain, relocate and/or limit trails on the property for motorized and/or non-motorized recreation.

B-6. The right to provide to the public vehicular use of certain roads across the property or to specific features (e.g. trail heads, water bodies) on the property. This may apply to motorized (e.g. snowmobile) trails, as well.

Such rights should not necessarily be required on strip easements. Since their primary aim is to keep water frontage undeveloped, water access is probably sufficient. Rights of way to the water or boat launches at specific locations may be stipulated or purchased in fee where appropriate.

When vehicular use is stipulated, rights and obligations to maintain roads and trails must be addressed. The easement should define standards to which private roads and trails will be maintained as well as how maintenance costs are to be divided between the landowner and the holder.

B-7. Road access to the property. The Board should keep in mind that in many cases in the Maine woods, vehicle access may be customary, but not guaranteed by law. The Board should acquire access to properties under easement whenever possible. However, it may be more cost effective for relevant state agencies to keep a list of key access roads and include them in future negotiations with landowners who control access between public roads and the property.

# Appendix J

## Post-award checklist of LMF project tasks *(aka "due diligence")*

# POST - PROJECT FINALIST SELECTION

## DUE DILIGENCE – Checklist – Cooperating Entities

# MILESTONES

This DRAFT checklist is for informational purposes only and does not supercede the requirements and conditions of the LMF Program, which may contain requirements not shown in the checklist.

### # 1 LMF Request for Funds



### # 2 LMF Check Released/ Disbursement of Funds

- "Arms Length" Appraisal approved by LMF Board
- LMF Public Notice Issued
- Executed Purchase & Sale Agreement
- Conservation Easement language approved by LMF, (and other project funders), and Sellers (if applicable)
- Preliminary title report and underlying title documents (reviewed and accepted by LMF legal)
- Evidence of Title insurance Commitment by Cooperating Entity and state agency named as an additional insured.
- Obtain subordination agreements, (i.e. mortgage, etc)
- Boundary Survey plan and updated Deed Description, & a digital GIS shapefile provided
- Completion of Environmental Site Assessment (Level 1)
- Submit completed State of Maine Vendor Form (Payee Data Record) or (Escrow Company)
- Joint Ownership Release (if applicable)
- Completion of Easement Baseline Documentation
- Certificate of Corporate Good Standing
- Confirmation of LMF Match Funding
- Execute Certificate of Corporate Authority
- Project Agreement language approved by LMF, Cooperating Entity, Designated State Agency
- Confirmation of Monitoring & Management Cost Estimates, (included in Project's LMF Application)
- LMF funds ordered for a Closing

- Recorded Boundary Survey plan and updated Deed
- Recorded Project Agreement
- Recorded Description Recorded Easement
- Recorded Subordination Agreements
- Update /Obtain Title insurance policy



### # 3 Post - Closing

- Updated Title Insurance Policy
- Closing Packages Prepared (provided to respective project principals)
- Ecological and Archeological Survey undertaken (if applicable)
- Installation of LMF Sign (sign provided by LMF & located in proximity to main public access location)
- Project Agreement Annual Reports to LMF