Section III

Public Access to Maine Waters Fund

Overview

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 for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

Use of the Fund

Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project 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. Refer to the purpose statement above to make this distinction and determine 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 Agriculture, Conservation and Forestry 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 demand 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 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 17 for a list of Contacts and Cooperating Entities.

Who Can Apply

DACF and MDIFW 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 proposal to the Board. An applicant may take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

Access to Maine's Waters Fund Proposal Process

The Departments use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (MDIFW 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 MDIFW and/or DMR's evaluation;
* Expected demand and diversity of uses of the site, current or anticipated;
* Threat of conversion to other uses, such as development.

When a good access acquisition opportunity becomes available and it conforms to the LMF criteria, the agency [or cooperating entity] will notify the LMF Program Director. The Program Director will advise the agency of the next scheduled Board meeting. The agency or cooperating entity will provide information to the LMF Director following the Proposal Format and Instructions beginning on page 51. This information must be submitted along with other supporting documentation at least 30 days in advance of the scheduled meeting and will be provided to the Board to provide 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 to the Board, and outline the financial package including acquisition funds, reimbursement for allowed acquisition costs, and the required match.

Expedited Process Guidelines For Applicants

▪ Applicant complete appraisal(s) ahead of negotiations and makes the appraisal(s) available to the Appraisal Oversight Committee (AOC), 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.

Use an appraiser who 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 AOC and Board approval. It is also important 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 familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal. Staff can assist you in anticipating questions and designing proposal materials 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.

Water Access Proposal Format and Instructions

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

Submit an electronic PDF and eleven printed copies of your proposal to:

Land for Maine's Future
22 SHS / 18 Elkins Ln. / Harlow Building
Augusta, ME 04333-0022

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

2) Agency Sponsor
Indicate which of the following is the project sponsor and include a letter from the sponsoring agency:
Department of Inland Fisheries & Wildlife
Department of Agriculture, Conservation and Forestry

3) Date of Proposal
Indicate the date you submitted your proposal.

4) Project Title - Body of Water
This is the title by which your proposal will be catalogued by Program staff.

5) Location of Project
Provide the name of the township and county. Provide the numbers of senate and house districts. Include a copy of the recorded deed, including book and page reference of subject property.

6) Status of Title
Clear title is required prior to closing. Provide a brief status of title and documentation if available.

7) Interest to be acquired
Indicate if your project is an acquisition in fee, an easement or a combination.

8) Size

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

9) Owner(s)

Include address, phone number, 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 proposal.

10) Partners

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

11) Names of Individuals Knowledgeable about the site/proposal

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

12) Financial Summary

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

13) Project Description

Include a narrative description of the project as well as the context surrounding it.

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

14) Location Information

Provide a selection of easy-to-read 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
d) Copy of the recorded deed, including book and page reference of subject property.

15) Demonstration of Need

Indicate whether the project has been designated as a priority water access site, and by which agency. Contact the sponsoring agency for further information. If it is not, provide documented, credible evidence that supports the need for public access to the lake, river or coastal area as determined by the priorities described under the Proposal Process on page 51. The sponsoring agency must support this need.

16) Suitability for Intended Use

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

17) 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 (DACF, MDIFW, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

18) 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).

19) 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.

20) 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.

21) Threat of Conversion to Other Uses, Especially 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.

22) Estimate of monitoring and management costs

Provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the proposal involves acquiring an interest in property, the proposal 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;

- Estimates of the costs to the State or cooperating entity of managing the land for the uses proposed in the proposal; and
- Estimates of the costs associated with monitoring compliance with an easement when an easement is acquired.

23) Project Readiness

To ensure that the project can be completed in a timely manner, the LMF Board considers how many due diligence items are completed at the time the proposal is submitted.

Readiness items include:

- Current appraisal (acceptable for Board review)
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Pre-acquired and held by a third party in coordination with the sponsoring state

Readiness scale.

- 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

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

24) Organizational capacity

Describe the applicant's 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 that accurately 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.