

LAND FOR MAINE'S FUTURE PROGRAM:

Increasing the Return on a Sound Public Investment



**Executive
Summary**

January 2004

Members of the Study Team include Richard Barringer and Jack Kartez, co-principal investigators, of the Muskie School's New England Environmental Finance Center; Jonathan Rubin and Catherine Reilly of the Margaret Chase Smith Center for Public Policy; and Hugh Coxe, independent consultant of Falmouth, Maine. In particular, Coxe assumed responsibility for the expert consultations, and Reilly, for the literature scan and case studies. Stephanie Gilbert of the Maine Department of Agriculture, with the assistance of Dennis Gilbert, developed the case study on the Lakeside Orchard according to the framework developed by Reilly.

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The Executive Summary and full Report are available to download from the Land for Maine's Future web site: <http://www.maine.gov/spo/lmf>

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**The Land for Maine's Future Program:
Increasing the Return on a Sound Public Investment**

A Collaborative Assessment

by

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&

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Executive Summary



Recent decades have witnessed an historic shift in how Maine's landscape is used, owned, and valued. Over the last five years alone, more than a quarter of all land in Maine has changed ownership, with much of that land broken into smaller pieces with multiple owners. In southern and coastal Maine, land values have experienced double-digit annual increases. These dramatic changes may slow, but there is broad recognition they cannot be stopped

or reversed. This recognition is pushing Maine people to reexamine their collective expectations for access, ownership, and development of the state's unique land resources.

In 1986, Governor Joseph Brennan's Special Commission on Outdoor Recreation recommended the creation of the Land for Maine's Future (LMF) program, with the charge of responding through land conservation to growing threats to Maine's natural heritage and traditions. Since then, LMF has protected over 192,000 acres (in fee and easement) in 115 projects, funded through two public bonds approved by Maine voters and a legislative appropriation. These assets of local, regional, and state significance will now be protected for the people of Maine to use wisely and enjoy forever.

By early 2004, virtually all of the funds from LMF's last bond will have been spent or allocated. This presents an opportune moment to reassess the program and identify needed changes. The Muskie School of Public Service at the University of Southern Maine and the Margaret Chase Smith Center for Public Policy at the University of Maine are pleased to present this joint report aimed at fostering understanding of the program's values, accomplishments, challenges, and opportunities.

Preparation of the report involved consultations with experts from various sectors of the state, both within and outside of state government, who have significant knowledge of land conservation and the LMF. We also conducted several case studies to get a better sense of how the program may affect participating Maine



communities and regions. We supplemented this program analysis with a review of current research on issues surrounding land conservation in general.

In all, our research finds that LMF is a well-conceived, wisely administered, and widely supported program. Participants and observers from across the state generally agree that its mission and practices are solidly grounded; that it has avoided becoming politicized; and that it has evolved thoughtfully to respond to new understandings of the role of land conservation and economic development in Maine. The general perception is that LMF well and truly serves the people of Maine. In general, we have found it a fine example of a public *learning organization* open and transparent in its processes; welcoming of public participation and input; careful and strategic in its investment of public monies to achieve the highest public values; and reflective and adaptive to changing circumstances and public needs.

We find that Maine people live in a time of historic change on the landscape, one that presents a singular opportunity to shape the character of the Maine landscape and the quality of Maine life for generations to come. In this context, Maine land conservation especially under LMF is rightly to be viewed as a *basic infrastructure investment* in the future of Maine's environment, economy, and cultural heritage. Like our rail and highway systems, it is a foundation upon which coming generations of Maine people will build their economy and culture, to reflect Maine values, needs, priorities, and diversity. To realize the greatest return on this investment, Maine people might best regard the LMF not as an end in itself, but as a tool or instrument of their larger, abiding purposes: sustainable economic development, environmental stewardship, and community building.

We find that **there continues to be urgent need for a state-funded land conservation effort in Maine, for which there is broad public support; that LMF both deserves and needs to continue its efforts for the foreseeable future, with the timely improvements recommended below; and that new funding is needed at this time, to continue this most important effort.** In particular, we recommend that LMF's purposes will best be served by the following:

1. **Outreach & Technical Assistance:** Increased outreach and technical assistance to potential project proponents and new constituencies, especially the tourism sector, similar to recent efforts made with Maine agriculture;
2. **Scoring Criteria:** Revision of the scoring criteria to consider how proposed projects may enhance local, regional, and state economic development goals and opportunities;



3. **Regional Approaches:** Promotion of a regional approach to proposed projects that involve partnerships and multiple benefits, possibly by providing incentives for cooperative regional inventories of natural and cultural resources.
4. **Targeted Needs:** Water access and farmland preservation represent focus areas that merit continued targeted efforts – in particular, targeted strategic planning to develop adequate water access projects; and continued targeted collaboration with the Department of Agriculture to address farmland preservation needs;
5. **Adequate Funding:** Adequate funding, out of bond revenues, for staff support of LMF's increasing number of projects and program duties, to include technical assistance in collaboration with other state agencies and long-term project stewardship. Ample precedent and statutory authority exist for this.
6. **Ongoing Support:** Consistent with the LAPAC report, establishment of an ongoing revenue source that does not rely exclusively on public bonds, to provide reliable, long-term funding for land acquisition and stewardship.



General Findings & Recommendations



General Findings

Widespread Support for LMF Program, with Qualifications:

Evidence from the case studies and consultations that inform this report indicates that the Land for Maine's Future program enjoys broad, though qualified support throughout the state. Perhaps some of the highest praise for LMF

is the acknowledgment that its goals, priorities, and procedures have been dynamic and evolutionary since its inception, and that it has adhered all the while to its core mission to conserve land for Maine people. A consistent message from both sources is that LMF has responded to the changes in Maine's landscape, culture, and economy in reflective and purposeful ways. The revisions to the program following the LAPAC report and the ongoing refinement of the scoring criteria are examples of this responsiveness.

Most of those consulted believe that LMF is an important program with a worthy mission, and that it is very effective in achieving that mission. They view LMF as having achieved an appropriate balance of project types and locations. There is general agreement that the LMF staff and Board are committed to maximizing the return from investment of public funds in Maine land conservation. Virtually all of the comments received about the staff confirm that they are hard-working, professional, and talented; and that they have built strong relationships on many fronts, while keeping the program from becoming politicized.

Such praise for LMF does not come without conditions. The consultations and case studies were designed to discover opinions about how the program might be improved and where it should be heading – questions that inevitably provoke critical thinking and commentary. These comments generally fall into four categories:

- There is a need for more resources in the state agencies for both program administration and land management. Funding for these resource needs is seen as a critical issue to address.



- The LMF program – and Maine land conservation efforts in general – need to be linked more closely to regional economic development prospects and priorities. Those consulted for this study observe that this connection is now being discussed, and believe that LMF needs to lead the discussion of how and where land conservation can advance local and regional economic development goals and opportunities. (We note that in recent years LMF has moved in this direction with the completion of several projects, notably its working farms and forests easements.)
- Some negative perceptions and fears persist in the public mind, concerning the benefits of land conservation efforts in Maine, especially in the more forested regions. The LMF program and land conservation interests need to continue to engage people of varying viewpoints, provide accurate and meaningful information, and demonstrate the many public values proceeding from the investment of LMF funds – including economic, recreational, and community values, as well as ecological.
- Some of those consulted believe that the program needs to consider taking a more strategic, “pro-active,” or intentional approach to land conservation; they have differing views, however, of what is meant by “strategic” in this context. Most feel that, in many ways, LMF does approach land conservation in a strategic manner; but they urged that this be a topic for increasing discussion. Many feel there may be some opportunity to develop *regional conservation strategies*, while others feel that greater consideration of economic opportunities related to land conservation would allow the LMF program to enhance the strategic approach to its investments.

Most of those consulted for this study discussed specific projects and the benefits they bring to the state or a region. Several of those projects are highlighted in the case studies; but people also discussed numerous other projects with enthusiasm and support for those of which they had first hand knowledge or experience.

Profound Changes on Maine's Landscape Challenge LMF's Mission: Since the inception of the LMF program, and even more since the publication of the LAPAC report, there have been profound economic and social changes throughout Maine that impact land conservation efforts. The program was conceived at a time when most of the land in the northern part of the state was owned by a relatively small number of corporate owners, who managed the land primarily for timber harvesting. The land was held in very large blocks and seldom changed hands. The coastal and southern portions of the state generally had relatively modest development pressure and fairly moderate annual increases in property values.



This stable landscape has changed, however, and the LMF has had to evolve by examining and restructuring its goals, priorities, and procedures to meet the associated challenges. Over the last five years, more than a quarter of all land in Maine has changed ownership, with much of that broken into smaller pieces among multiple owners. This trend toward smaller holdings and swift turnover poses a historic challenge to public access to these lands and their resource values.

Maine has also experienced rapid conversion of rural land over the last decade, accompanied by double-digit annual increases in land values in much of southern and coastal Maine. Accompanying this trend, many of the natural resource-based industries that make up the rural economy of Maine are experiencing historic structural change and pressures as a result of the globalization of finance, technology, production, and distribution systems.

Consumer demand for coastal and inland shoreline is at historic highs, resulting in increased development, rapidly rising shoreline property values, and reduced access to the shoreline. Meanwhile, demand for water-based recreation is creating increased demand for more water access points. Opportunities for public access to private land are diminishing, as well. The vast turnover and subdivision of properties throughout Maine threaten the traditional access enjoyed by the public for recreational activities, at a time when the demand for outdoor recreational opportunities is on the rise.

These dramatic changes create challenges for the LMF program, but also opportunities. Many of those consulted for this report feel that the program has done much to respond to change in the past, and now needs to continue reflecting upon its goals, priorities, and procedures in light of the profound changes afoot in the state.

Some Specific Findings

Timeliness & Priorities: The land use and landownership changes discussed above underscore the importance of conservation decisions now being made in our state. Changes in landownership have never occurred more quickly; in the past five years alone, twenty-five percent of Maine's forestlands have changed hands.¹ There is broad recognition that some opportunities for land conservation may never arise again. There is also a nearly universal view that LMF efforts have been primarily about conserving the natural values of the land, and that this should continue to be the driving priority.

¹Maine State Planning Office



Corridors and Trails: Threats to the continuity of undeveloped corridors or trail systems exemplify the high stakes of some ownership changes. When a piece of land that forms part of an undeveloped corridor is lost, the value of the entire corridor, for both recreational use and wildlife habitat, may diminish. When public access to one segment of a trail is restricted, the value of the entire trail system may be threatened. These examples illustrate the need to respond nimbly to opportunities as they arise, and to think about the broader impact of ownership changes on individual tracts of land.

Economic Impacts: In addition to recreational and ecological impacts, changes in land use can have important economic effects on Maine communities. Throughout the state, there is recognition that natural resources have economic value beyond their potential for extraction or development. Land conservation efforts should be recognized as opportunities for economic and community development, and at the very least, should avoid negatively affecting a region's economy. In particular, there is some concern that land conservation may reduce the viability of commercial timber operations. Dialogue on these issues would be aided by a greater ability to quantify the broad range of public benefits gained from natural amenities.

Fitting into a Plan: In the last five years, we have learned important lessons about the value of regional partnerships and the need to link conservation efforts to economic and community development. In light of their economic connections, land conservation projects should enhance local and regional goals for economic development, where these exist. Further, there is general agreement that land conservation efforts should advance local land-use and growth plans. While most observers do not suggest that the application process require the demonstration of consistency with a comprehensive plan, they generally support awarding extra points to projects that do.

Local Initiative and Access: Ensuring local "fit" is facilitated by LMF's efforts to draw heavily on local initiative to identify projects. Local stakeholders often carry the projects through the proposal phase and stay involved with long-term management. However, the reliance on local support leads some to worry that towns and non-profit organizations (NGOs) with greater planning resources may receive a disproportionate share of LMF funds. The process of securing LMF approval is lengthy and complex; some small communities and constituencies may not have the necessary experience or resources to initiate and complete the demanding task. Streamlining the process, perhaps by improving communication among state agencies or assigning one point of contact for the state, could make the program more accessible and effective.

Stewardship & Alternative Tools: Fostering long-term stewardship by local and regional organizations will help address concerns about the state's capacity to



manage its growing portfolio of public lands. There is some suggestion that LMF and, to a greater extent, the state agencies that hold the lands should give more consideration to long-term stewardship needs before approving a project. Others note that too many requirements for stewardship funding may inhibit the state from capturing fleeting opportunities. The LMF should continue, however, to consider the growing number of conservation tools that may supplement fee simple and easement acquisitions, and help address needs for ongoing management and stewardship.

Targeted Areas of Need: Water access and farmland protection opportunities pose uniquely difficult challenges for LMF. Shorefront property often sells quickly, and is very expensive. Special procedures for effectively securing and developing public water access points may be needed, and could involve identifying opportunities in a more proactive manner. Current practices of farmland valuation present another challenge; many claim that current appraisal methods generate prices that are too low to make selling development rights worthwhile for farmers.

Public Awareness: There is a general lack of public knowledge about Maine's public lands and landholdings. Many people suggest that the locations and permitted uses of state land should be more widely publicized. This knowledge could foster a better understanding of how and in how many ways conservation efforts fit into residents' daily lives. The degree to which certain lands are advertised should naturally reflect the level of use appropriate to each area.

Strategic Approach: There is a perception that the LMF might adopt an even more "strategic" approach to land conservation. It is our view that, in the absence of an overall state strategy for land conservation and protection, responsibility for this has fallen by default to the LMF, which has performed this role most admirably. By virtue of its sound procedures and substantial resources, LMF has become an indispensable forum for reconciling the strategic goals and objectives developed in various private and public planning efforts – most notably, the Department of Conservation's "Statewide Comprehensive Outdoor Recreation Plan," the Department of Agriculture's "Saving Maine's Farmland: A Collaborative Plan," and the Department of Inland Fisheries & Wildlife's "Beginning with Habitat" program.

Strengthening the LMF Program

We believe, from the totality of our assessment, that Maine people find themselves today in a time of historic change on the landscape; that this presents a singular moment of opportunity to shape the quality and character of the Maine landscape for generations to come; and that Maine land conservation especially under LMF is



rightly to be viewed as a *basic infrastructure investment* in the future of Maine's environment, economy, and cultural heritage. It is, like our rail and highway systems, a foundation upon which future generations of Maine people will build their economy and culture, to reflect Maine values, needs, priorities, and diversity. To realize the greatest return on this investment, Maine people might best look upon the LMF not as an end in itself, but as a tool or instrument of Maine's larger, abiding purposes: sustainable economic development, environmental stewardship, and community building.

The LMF arose in response to changes in Maine's economy, population, and land ownership patterns, with the aims of ensuring public access to the outdoor environment and protection of the landscape. Such change has only accelerated with time, and LMF has evolved thoughtfully in response. This evolution has enabled the program to move in a brief number of years from a largely state, fee-simple acquisition process, to one with:

- Increasing use of easements and management agreements to meet multiple resource objectives;
- Greatly increasing use of partnerships in acquisitions and future stewardship, with local governments and nonprofit organizations;
- Increasing numbers of locally-promoted projects encompassing multiple benefits and regional visions;
- Increasing multi-agency efforts among state departments; and
- Important refinements to the application process and project selection criteria, to reflect urgent areas of need such as water access and farmland retention, as well as the needs of applicants.

Given the profound changes in Maine – including the dislocation of industrial forestry and new ownership patterns in the north, intense development pressures on scarce coastal and shore lands, and dwindling working farmlands in the south – it is all the more remarkable that LMF enjoys unusually widespread public support. LMF expenditures are perceived as a major net benefit to virtually everyone. The evidence gathered for this report confirms that LMF acquisitions can have multiple-types of benefits, including the support of traditional local economies and the building of civic capacity, in addition to the aims of public access, ecological protection, and long-term stewardship.

The historic changes point to several needed directions for LMF's continuing evolution. Some of those providing input to this evaluation are concerned that the



LMF should be more strategic in its investments. We agree that limited land conservation funds must be used for projects that will have benefits as great and varied as possible, like those illustrated by the case studies in this report. These projects serve the economy, the environment, *and* community at the same time; and they demonstrate that strategic land conservation does *not* of necessity mean having a statewide “master plan”. Using the LAPAC framework of priorities and guidelines, the LMF has successfully responded to proposals that have arisen out of local vision, new partnerships, and multiple goals. Each of these proposals is attuned to the aspirations and values of the different regions of the state.

The current LMF decision process is open, inviting, and transparent; it is driven by clear mission, values, priorities, process and criteria that reflect the evolving needs and interests of Maine people in land conservation. Its genius is that projects that gain LMF funding today could *not* have been dictated from above; but they *are*, happily, promoted and enabled with LMF resources. Each region of the state has helped lead the way for LMF, with projects that are consistent with LMF’s mission, and reflect the most important emerging issues.

The strategic framework and approach developed by the LAPAC and LMF have served Maine people well, and may be made even more effective in the future by addressing several needs and issues:

- Lack of widespread knowledge of the purposes and benefits of LMF, especially among important constituencies such as the tourism sector;
- Obstacles to participation in LMF due to differences in specialized capacities and resources among potential applicants;
- Urgent need to respond in timely fashion to opportunities in the area of water access; and,
- Increasing need to promote partnerships among local governments, nonprofit organizations, and resource-based enterprises such as tourism, because these collaborations can result in multiple-benefit LMF projects and their long-term stewardship.

Governor John Baldacci’s recently proposed Maine Woods Legacy program is a good example of the potential of regionally-based, state-assisted projects to help Maine people use land conservation to advance important economic and community values, as well as ecological and recreational goals.

We conclude, therefore, that ***there continues to be urgent need for a state-funded land conservation effort in Maine, for which there is broad public***



support; that LMF deserves and needs to continue its efforts for the foreseeable future, with the timely improvements recommended below; and that new state funding is needed at this time, to continue this critical effort. Specifically, we recommend that LMF's mission and purposes will best be served by the following:

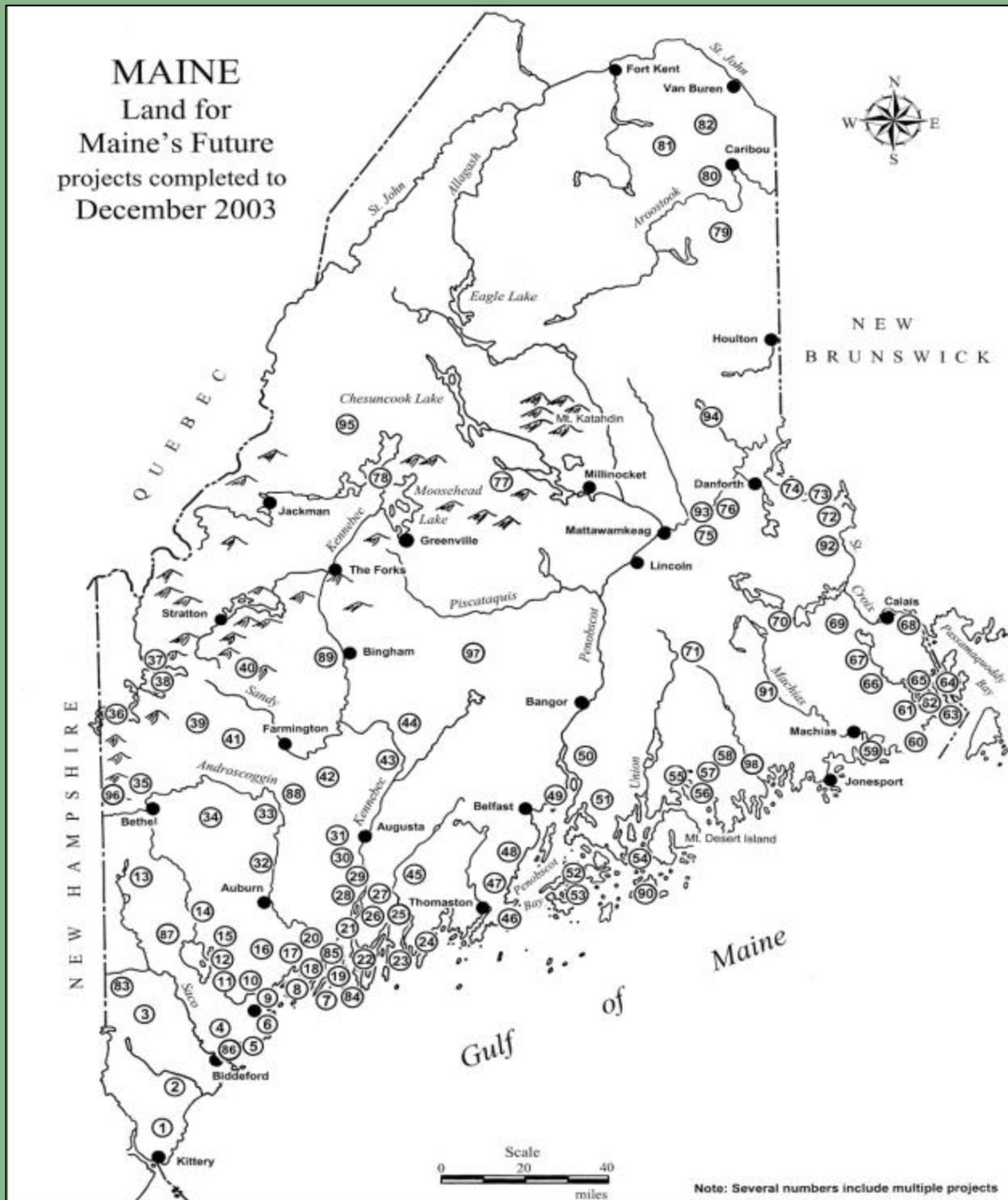
- 1. Outreach & Technical Assistance:** Increased outreach and technical assistance to potential project proponents and new constituencies, especially the tourism sector, similar to recent efforts made with Maine agriculture;
- 2. Scoring Criteria:** Revision of the scoring criteria to consider how proposed projects may enhance local, regional, and state economic development goals and opportunities;
- 3. Regional Approaches:** Promotion of a *regional approach* to proposed projects that involve partnerships and multiple benefits, possibly by providing incentives for cooperative regional inventories of natural and cultural resources.
- 4. Targeted Needs:** Water access and farmland preservation represent focus areas that merit continued targeted efforts – in particular, targeted strategic planning to develop adequate water access projects; and continued targeted collaboration with the Department of Agriculture to address farmland preservation needs;
- 5. Adequate Funding:** Adequate funding, out of bond revenues, for staff support of LMF's increasing number of projects and program duties, to include technical assistance in collaboration with other state agencies and long-term project stewardship. Ample precedent and statutory authority exist for this.
- 6. Ongoing Support:** Consistent with the LAPAC report, establishment of an ongoing revenue source that does not rely exclusively on public bonds, to provide reliable, long-term funding for land acquisition and stewardship.

Maine is well-served by the LMF today, and future generations of Maine people will be well-served by its continuing growth and development along these lines. Ongoing evolution of LMF through these measures will build on the program's success, creativity, and wisdom, and respond to the urgent present need to accelerate land conservation efforts in Maine.

List of LMF Projects Keyed to the Map

1. Mount Agamenticus
2. Kennebunk Plains
3. Little Ossipee River
4. Fuller Farm
5. Scarborough Beach
6. Robinson Woods
7. Mark Island
8. Whaleboat Island
9. Presumpscot River
10. Wilshore Farm/Blackstrap Hill
11. Black Brook Preserve
12. Sebago Lake Beach
13. Sabattus Mountain
14. Jugtown Plains
15. Morgan Meadow
16. Bradbury/Pineland Corridor
17. Florida Lake
18. Mere Point
19. Long Reach Forest
20. Brunswick to Ocean Trail
21. Thorne Head
22. Back River
23. Boothbay Harbor Wetlands
24. Crooked Farm
25. Dodge Point
26. Choice View Farm
27. Hiatt Farm
28. Alice Wheeler Farm
29. Kennebec River Access-Gardiner
30. Jamies Pond
31. Lakeside Orchards
32. Androscoggin River
33. The Pines
34. Little Concord Pond
35. Bear River Rips
36. Rapid River
37. Rangeley River
38. Bald Mountain
39. Tumbledown Mountain
40. Mount Abraham
41. Mount Blue
42. Kennebec Highlands
43. Kennebec River Access-Shawmut
44. Lake George
45. Clary Lake
46. Birch Point Beach
47. Beech Hill
48. Ducktrap River
49. Sandy Point Beach
50. Jacob Buck Pond
51. Bowden Farm
52. Burnt Island
53. Sheep Island
54. Tinker Island
55. Tidal Falls
56. Egypt Bay
57. Little Pond
58. Spring River Lake
59. Pettegrow Beach
60. Cutler Coast
61. Tide Mill Farm/Commissary Point
62. Morong Cove
63. South Lubec Sandbar
64. Shackford Head
65. Horan Head
66. East Ridge
67. Dennys River
68. Devils Head
69. Pocomoonshine Lake
70. Grand Lake Stream/Big Falls
71. Nicatous/West Lakes
72. Spednic Lake
73. Birch Island
74. Forest City
75. Mattagodus Stream
76. Mattawamkeag River
77. Nahmakanta Lake
78. Mount Kineo
79. Aroostook State Park
80. Aroostook Valley RoW
81. Salmon Brook Lake Bog
82. Bangor and Aroostook RoW
83. Leavitt Plantation
84. Flag Island
85. Skolfield Farm
86. Salt Bay Farm
87. Bass Falls
88. Jay to Farmington RoW
89. Tibbets Pond
90. Mill Pond Park
91. Machias River
92. St. Croix River
93. Page Farm
94. Mattawamkeag Lake
95. West Branch Penobscot River
96. Frenchmans Hole
97. Newport to Dover-Foxcroft Rail Trail
98. Little Falls - Narraguagus River

MAINE
Land for
Maine's Future
projects completed to
December 2003



Map by Richard D. Kelly, Jr., Maine State Planning Office

Map Key – Inside Back Cover

Land for Maine's Future Program

<http://www.maine.gov/spo/lmf>

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