



Land for Maine's Future Program

Minutes of the Meeting

March 10, 2009

Pine Tree State Arboretum

Augusta, Maine

Board Members Present:

Commissioner George Lapointe
Commissioner Pat McGowan
Commissioner Seth Bradstreet
Martha Freeman, Director, SPO

Ben Emory
Diane Doyle
Bucky Owen

Leon Gorman
Jeff Thaler

Board Members Absent:

Commissioner Danny Martin

Jeanne Mattson

LMF Staff Members Present:

Tim Glidden
R Collin Therrien

Steve Brooke
Aline Lachance

Jim Connors

Others

David Corbeau, Town of Scarborough
Rodney & Elsie Mason, Ship-to-Shore Lobster Co-op, Owls Head
Don Marean, nominee to LMF Board
Hugh Cowperthwaite, Coastal Enterprises, Inc.
Dick Clime, Coastal Enterprises, Inc.
Dick Jarrett, Francis Small Heritage Trust
Hillary Wallis, Francis Small Heritage Trust
Jeff Romano, Maine Coast Heritage Trust
Doreen MacGillis, York Land Trust
Wolfe Tone, The Trust for Public Land
Vasco Carter, Dept. Inland Fisheries & Wildlife

Minutes of the Meeting

A motion was made by Commissioner Bradstreet and seconded by Commissioner McGowan to approve the February 9, 2009 Minutes of the Meeting. Vote was unanimous.

Review of the Working Waterfront Access Pilot Program

The purpose of this review:

:

- Inform and engage Board members in an evaluative discussion of the program, and
- Consider program adjustments and changes, including potential recommendations to the Legislature.

In 2005, the Legislative Appropriation Committee decided to create a working waterfront access pilot program. Responsibility for administering the program was assigned to the Commissioner of the Department of Marine Resources who as directed to form an advisory review committee and to work closely with the staff of the Land for Maine's Future Program. While there are similarities with the LMF Policies and Practices in other ways there are dissimilarities that make the WWAPP unique and different:

- small intensely developed working properties
- owned or held by or for commercial fishing businesses
- different selection criteria
- match 1:1 with retained value counting as match
- State holds Right-of-First Refusal WW covenant to assure future availability and price

The Board has flagged several issues for discussion and review including:

- Efficacy of the program in terms of the significance of the projects,
- Establishing the value of the Working Waterfront Covenant,
- Minimum value policy (25% of FMV) for a covenant, and
- Recruiting new projects.

After discussion the Board concluded that:

- Along the working waterfront, the coast of Maine continues to be at risk of loss thru conversion.
- The WWAPP is in the infant stage and more time is needed to asset how well the program is meeting its mandate; it should continue as a pilot program for now.
- The Board's practice of offering the 25% unencumbered FMV seems reasonable for the time being drawing upon past experiences with other natural resource based working properties; farms and working forest conservation easements.

As the pilot effort continues, the Board agreed to monitor trends in covenant valuation and the use of the awarded funds by the program participants.

Board members suggested that the LMF Chair and staff brief the Marine Resources Committee.

Working Waterfront Pilot Project New Proposal Selections

- Friendship Lobster Co-op

The wharf is one of the oldest in Friendship Harbor. Its location near the harbor mouth means that the fishermen benefit from all-tide access for their boats. Despite other commercial wharves in the same harbor, there would not be sufficient excess capacity at neighboring wharves to accept the displaced boats if this property were lost to alternative development. The Co-op's goal is to help ensure that those employed in commercial fishing and related industries continue to prosper now and well into the future. Financial assistance to the Co-op provides funds for capital improvements and maintenance of the facility to prepare for further expansion as other commercial fishing facilities and points of marine access become exploited by other development interests.

- Vote

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to allocate \$250,000 for this project and to move the project forward into the 'active' category for LMF Working Waterfront Program funding subject to Board's standard conditions. Vote was unanimous

- Pine Point Scarborough

This project is a sale of covenant on two abutting town-owned lots. All commercial lobstermen and clam harvesters with boats use this property to access near shore fishing grounds and the Scarborough River tidal flats. Bait and fuel are available nearby, but not directly on the property. This is the only commercial access property with a substantial pier paired with boat launch ramps in the area. In addition, the coast south of Portland has higher property values and development pressures with fewer natural harbors than other mid-coastal and eastern shorefront in Maine. The Town intends to build a larger pier that will extend into deeper water for all-tide access. Float area will increase by 50 percent as will linear berthing footage. The planned addition of 2 mechanical hoists, power, fresh water, and security cameras will enhance the usefulness of the property. Vehicular traffic will be able to access the pier.

- Vote

A motion was made by Bucky Owen and seconded by Ben Emory to allocate \$278,750 for this project pending additional documentation of property size and value and to move the project forward into the 'active' category for LMF, Working Waterfront Program funding subject to Board's standard conditions. Vote was unanimous

- Vinalhaven Fisherman's Co-op

Founded in 1974, the Coop has consistently been a strong contributor to the island's economy where approximately 50 percent of the population earns its living from fishing. The property is

one of the most important access points in Knox County. From 55-60 boats use the facility to land lobsters and crabs depending upon the season. The Co-op supports the fishermen by selling them bait, salt, fuel and other fishing supplies, buying their lobsters and crabs, and providing the facilities for punt tie-up, parking, and a wharf for gear and trap loading and unloading. The Co-op also supplies gasoline for the vehicles on the island as bulk gasoline cannot be transported by the Maine State Ferry. It is the only gas station on the island. The Co-op proposes to construct a combination cooler/freezer, bait storage building on the vacant lot across the road from the waterfront. Enhanced bait storage would lower the costs of supplying bait to the fishermen.

- Vote

A motion was made by Ben Emory and seconded by Bucky Owen to allocate \$178,750 for this project and to move the project forward into the 'active' category for LMF, Working Waterfront Program funding subject to Board's standard conditions. Vote was unanimous

- **OLD BUSINESS** -

HEADS OF ESTUARIES, Long Creek parcel, Addison, Washington County, 12± acres in fee to the Pleasant River Wildlife Foundation under a Project Agreement with the Maine Department of Inland Fisheries & Wildlife.

A motion was made by Bucky Owen and seconded by Commissioner Bradstreet to remove this item from the Table. Vote was unanimous.

Staff recommends re-tabling this project. The applicant is still working out the appropriate sequence of closings in this multi-parcel project.

A second motion was made by Bucky Owen and seconded by Ben Emory to **RE-TABLE** this item until the next board meeting. Vote was unanimous.

HIGHLAND FARM, York, York County, 151 ± acres in fee to York Land Trust and the Kittery Water District partially under a Project Agreement with the Maine Department of Conservation.

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to remove this item from the Table. Vote was unanimous.

- Public Notice

On January 3, 2009 published in the Kennebec Journal and on January 2, 2009 in the Portland Press Herald.

- Request from Applicant

The York Land Trust is requesting that the LMF Board consider a change to the project structure whereby the 60 acres of restricted fee to be owned by the Kittery Water District not be subject to the LMF Grant Agreement. The Town of York will hold a conservation easement over the 60 acres protecting the project's conservation values.

- Scoring Committee Recommendation

After discussing the impacts of the new ownership arrangement on recreational values and public access, the role of significant vernal pools on the land value of the property, threats from development, and the unique aspects of incorporating surface water supply protection in this project, the Scoring Committee concluded that the conservation and recreation values of the project would still be achieved and would not materially change the original scoring of the project. The new configuration in ownership will still achieve the conservation results expected from the project and therefore should continue to receive LMF support.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$2,660,000 and further recommends LMF funding of \$ 477,000 for this parcel (not including all other costs).

Note: Original grant award was in the amount of \$484,000 but due to exclusion of the water district land from the project agreement, the Board felt justified in reducing the grant award by \$7,000.

- Public Comments

Doreen MacGillis, York Land Trust, thanked the Board and LMF staff for their excellent support. She noted that the project scored in the top third of the 'regional' category and is part of the overall Mt. Agamenticus to the Sea conservation effort. Highland Farm is the keystone conservation project in southern York County, linking the York River to the summit of Mt. Agamenticus and beyond. The property will also links 40 miles of trails already in existence.

Wolf Tone, TPL, also wished to thank the Board and LMF staff for their incredible guidance throughout the entire process.

- Vote

A motion was made by Bucky Owen and seconded by Diane Doyle to approve the request for reconfiguration of the project along with a \$7,000 reduction in the original LMF grant award for a total of \$477,000. Vote was unanimous.

- NEW BUSINESS -

— CONSERVATION & RECREATION PROJECTS —

EXPANDING WILDLIFE MANAGEMENT AREAS, Gervais parcel, Scarborough, Cumberland County, 45.6± acres in fee to the Maine Department of Inland Fisheries & Wildlife.

- Public Notice

On February 27, 2009 published in the Kennebec Journal and in the Portland Press Herald.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$910,000 and further recommends LMF funding of \$160,000 for this parcel (not including all other costs).

- Public Comments

Scott Lindsay, IF&W, thanked the Board for their consideration of this parcel which is surrounded on three sides by the Scarborough Marsh Wildlife Management Area. The parcel is an important addition to the wildlife management areas owned by the Department of Inland Fisheries & Wildlife. The people of Maine will benefit significantly from this acquisition and that much collaboration was done in order to move this project forward.

- Vote

A motion was made by Bucky Owen and seconded by Commissioner Bradstreet to support acquisition of this parcel. Vote was unanimous.

SCHOODIC TRAIL CONNECTOR, Prentice & Carlisle parcel, Sullivan, Hancock County, 300± acres in fee to the Frenchman Bay Conservancy under a Project Agreement with the Maine Department of Conservation.

- Public Notice

On February 27, 2009 published in the Kennebec Journal and on March 6, 2009 in the Ellsworth American.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$375,000 or \$1,250/acre and further recommends LMF funding of \$99,120 for this parcel (not including all other costs).

- Public Comments

None.

- Vote

A motion was made by Jeff Thaler and seconded by Diane Doyle to support acquisition of this parcel. Vote was unanimous, except for Ben Emory who abstained.

— FARMLAND PROJECT —

NOON FAMILY SHEEP FARM, Springvale, York County, 72± acres in two agricultural conservation easements held by the Three Rivers Land Trust under a project agreement with the Maine Department of Agriculture.

- Public Notice

On February 27, 2009 published in the Kennebec Journal and in the Portland Press Herald.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$230,000 and further recommends LMF funding of \$141,500 for this project (not including all other costs).

- Public Comments

None.

- Vote

A motion was made by Commissioner Bradstreet and seconded by Martha Freeman to support acquisition of this project. Vote was unanimous.

— 5% ACCESS IMPROVEMENT PROPOSAL —

GREAT POND MOUNTAIN WILDLANDS, Orland, Hancock County, 4,230 ± acres held by the Great Pond Mountain Conservation Trust under a Project Agreement with the Maine Department of Conservation.

The Great Pond Mountain Conservation Trust is seeking a LMF Capital Improvement Grant is the amount of \$17,300 for public access improvements to the Great Pond Mountain Wildlands project. This would include repair and improvement to the 1.4 mile Hothole Pond Trail;

improvement or creation of three parking lots, and work with the Maine Conservation Corps on installing steps along the footpath up Oak Hill and work on the side-hill construction along 450 feet of the 1.5 mile Esker Trails.

- Vote

A motion was made by Ben Emory and seconded by Bucky Owen to approve a Capital Improvement Grant in the amount of \$17,300. Vote was unanimous.

— **5% FARMLAND GRANT** —

MITCHELL LEDGE FARM, Freeport, Cumberland County, 105± acres of agricultural conservation easement held by the Freeport Conservation Trust under a Project Agreement with the Maine Department of Agriculture.

The Department of Agriculture is requesting a grant in the amount of \$9,353 to assist the LeMaistres with improvements to the Mitchell Ledge Farm which will allow them to:

- Increase the productivity of forage for both grazing livestock and hay production;
- Reduce soil erosion through improved rotational grazing operations;
- Improve soil fertility;
- Protect a highly erodible gully in the northeast section of the Back Field; and
- Protect the public which will have access to a recreational trail system in close proximity to the Back Field.

- Vote

A motion was made by Commissioner Bradstreet and seconded by Bucky Owen to approve a Capital Improvement Grant in the amount of \$9,353. Vote was unanimous.

— ***WORKING WATERFRONT PROJECT*** —

SHIP TO SHORE, Inc. Wharf, Owls Head, Knox County, 0.25± acres of a working waterfront covenant to the Maine Department of Marine Resources.

- Public Notice

On February 27, 2009 published in the Kennebec Journal and on February 28, 2009 in the Herald Gazette.

- Appraisal Review Committee Recommendation

The ARC recommends accepting a before appraisal value of \$905,000, an after appraisal value of \$835,000 and a covenant value of \$70,000 and further recommends LMF

funding based on 25% of the before value of \$226,250 for this working waterfront project (not including all other costs).

- Public Comments

Mr. Mason, Ship-to-Shore, noted that he, his wife, and three children have lived on Owls Head for the past 18 years. His son is participating in the apprentice program and has his student lobstering license. He wishes to see commercial fisheries continue for many more years in Owls Head and hopes the Board will approve this waterfront project. He stated that Coastal Enterprises, Inc. was wonderful, providing tremendous assistance in preparing their working waterfront application.

- Vote

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to support acquisition of a working waterfront covenant from (Ship to Shore, Inc.) Rodney and Anna Mason. Vote was unanimous.

— OTHER BUSINESS —

SAWYER MOUNTAIN HIGHLANDS, Limington and Limerick, York County, 680± acres of lands held under three Project Agreements with the Maine Department of Inland Fisheries & Wildlife.

The Francis Small Heritage Trust is asking the Board to approve placing a conservation easement on lands that included parcels acquired with LMF support. The Francis Small Heritage Trust had an agreement with the Sweet Water Trust, as a condition of its funding of the Sawyer Mountain Project, to place at least 1,000 acres of the Sawyer Mountain Highlands under a conservation easement. The easement will be held by the Green Mountain Conservation Group, Effingham, New Hampshire. The GMCG are focusing on protecting the Ossipee Watershed, to which tributaries flow from the Sawyer Mountain Highlands.

The FSHT and GMCG worked with LMF and IF&W staff to finalize a conservation easement that is compatible with the three pre-existing LMF project agreements guaranteeing that all of the LMF parcels are connected as one contiguous wildlife area, thus ensuring biological integrity of the Highlands.

A motion was made by Commissioner McGowan and seconded by Martha Freeman to approve the FSHT request for an easement on LMF acquired parcels within the Sawyer Mountain Highlands Project with the conditions that:

(1) the easement language protects all of the conditions currently in the LMF Project Agreement and

(2) the prohibition of trapping on non-LMF supported lands in no way restricts trapping access to the LMF parcels.

Vote was unanimous.

Updates from Chair & Staff:

- Discussion of process to examine policy issues this summer. The Board agreed to form a sub-committee to examine a range of issues including:
 - Recreational use and liability on LMF funded easements;
 - Scoring Criteria including economic benefit considerations;
 - Guidelines for Working Forest Conservation Easement. [Commissioner McGowen is willing to participate in the discussions suggesting that LURC's Plum Creek Concept Plan process might provide some assistance in reviewing easement guidelines. Bucky Owen would also like to participate in the discussions.]
 - Regional vs. statewide category.

- Governor Announces Nomination to LMF Board

For Representative Donald Marean has been nominated to replace Jeanne Mattson to the LMF Board. Hearing is scheduled for Friday, March 27, 2009.

- Legislative Update

Tim presented LMF's biennial report to the Legislature Agriculture, Conservation & Forestry Committee which was well received and reaction very positive. He also noted that Commissioner Lapointe and Richard Barringer (Quality of Place) with others representing all four corners of the State spoke before the Appropriations Committee in favor of land conservation bonds being proposed.

In addition to the Governor's bond package, several bond proposals are currently being considered. These include:

- One bond in the amount of \$30,000,000 to replenish LMF funds over 2 years;
- One bond in the amount of \$87,500,000 to replenish LMF funds over 4 years; and
- One bond in the amount of \$40,000,000 to replenish LMF funds for 2 years

Also, there is a bill being proposed that would require the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. Authority would be given to the department to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead River and the Kennebec River. [*Note: This bill has now been withdrawn.*]

- July out-of-town Board meeting

The Schoodic Education & Research Center located within the Schoodic District of Acadia National Park was suggested as a possible location for the Board's July meeting. [Note: site proved to be unavailable.]

- Projects closed since last meeting
 - Davis Farm
 - Robert's Wharf
 - Four Seasons Trail
 - Seboomook

Next Scheduled Meeting of the Board

May 12, 2009, 1 – 4 p.m.
Natural Resource Service Center
Hallowell, Maine

Adjournment

2:55 p.m.