Section I

Introduction to Land for Maine's Future Board & Program

Land For Maine's Future Board & Staff

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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).

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.[2]

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

[2] For further information contact Deirdre Gilbert, Department of Marine Resources (Tel # 624-6576, email deidre.gilbert@maine.gov) or visit www.wwapp.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[3];
- 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[4].
- 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).

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

[3] 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.

[4] 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 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.[5] 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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[5] 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)or Tom Miragliuolo, State Planning Office (Tel. 624-6224, email tom.miragliuolo@maine.gov) or visit 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)*

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 increasing 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.

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

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

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

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

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

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

Non-Profit Organizations

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

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

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

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

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

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