

# Appendix C

## State Land Acquisition & Access Programs

### Maine Department of Inland Fisheries & Wildlife

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The primary mission of the Department of Inland Fisheries and Wildlife (MDIFW) 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. MDIFW's programs are primarily funded by self-generated revenues, Federal Aid to Sport Fish and Wildlife Restoration, and other sources of state and federal funds.

MDIFW currently owns and manages 71 Wildlife Management Areas which encompass approximately 106,000 acres of land. These lands represent a variety of fish and wildlife habitat and recreational values, including large wetland and 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 maintain, create or restore the highest quality upland or wetland habitat possible.

The agency also owns and manages approximately 160 boating water access sites for recreational use of Maine's public inland and coastal waters and to enhance fish and wildlife resource management.

MDIFW's lands are utilized by the public for many recreational pursuits. The agency allows 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 "non-consumptive" uses such as wildlife watching, wildlife photography, hiking, canoeing, and providing open space for the public. MDIFW'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.

MDIFW serves as a Designated State Agency under LMF, sponsoring proposals for others to acquire lands and conservation easements containing the following LMF Major Land Assets:

- Recreation Lands
- Water Access Lands
- Lands Supporting Vital Ecological Functions and Values
- Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat

MDIFW considers the following attributes as priorities when considering requests for LMF sponsorship. Projects which:

- acquire habitats essential for the conservation of endangered or threatened fish and wildlife;
- acquire lands necessary to achieve objectives identified in species management plans;
- acquire lands that contain habitats for other fish and wildlife requiring special management attention, such as Species of Greatest Conservation Need as identified in the State Wildlife Action Plan;
- acquire fish and wildlife habitats that provide opportunities for public use and access and/or to demonstrate wildlife habitat management;
- acquire parcels as additions to existing conservation lands to enhance their effectiveness by consolidating or expanding current boundaries;
- acquire lands with fish and wildlife values that complement land acquisitions of other public or private agencies;
- provide access for open water angling, bank and riparian angling, boating, hunting, wildlife viewing and other water-related uses; and
- provide access to high value fishery resources, particularly to those waterbodies where access is currently limited.

Requests for sponsorship are evaluated by a Department Land Acquisition Committee consisting of regional and research biologists and supervisors and land protection and water access personnel. Recommendations made to the Director of the Bureau of Resource Management who then makes final recommendations to the Commissioner.

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**Department of Agriculture, Conservation and Forestry  
Bureau of Parks & Lands**

**Conservation and Recreation**

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**Public Access to Maine Waters Fund**

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The Maine Bureau of Parks and Lands (BPL) is responsible for the management and administration of public lands for a variety of public interests. The Bureau holds approximately 86,000 acres in Parks, Historic Sites, and Boat Access sites which are properties managed primarily for public recreation or conservation (Parks, Boat Access) or acquired because of its historical or archaeological interest; and approximately 630,000 acres of Public Reserved and Non-reserved lands that are managed for multiple uses including wildlife habitat, recreation, ecological reserves, and timber management. The Bureau also holds conservation easements on over 60 properties encompassing approximately 373,000 acres, the vast majority of which provide public access rights. In addition, the Bureau is the “designated state agency” on over 100 Project Agreements with local “cooperating entities” acquiring lands or interests in lands with LMF funds.

The Bureau manages the Maine Forest Legacy Program, which provides funds through the U.S. Forest Service for acquisition of lands and conservation easements intended to conserve Maine forest land for multiple natural resource values including working forests. These funds provide up to 75% of the cost of acquisitions, and LMF funds are often sought as match. Forest Legacy projects are ideally suited for LMF funding as well, since in order to be selected for federal funding, a competitive process, they must contain a concentration of high value recreation, scenic and wildlife values. Other sources of funds used to match LMF funds administered by the Bureau include Land and Water Conservation Funds (LWCF), and Recreational Trails Program (RTP) funds.

The Bureau holds and sponsors proposals for others to acquire lands in the following LMF Land Categories:

- 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.

To make the most of limited funds and limited staff for planning, negotiation, and resource management, the Bureau's priorities for acquisitions or sponsorship of initiatives to acquire land or conservation easements are determined by:

- the rating of property characteristics;
- evidence of need for protection and/or public recreation opportunity;
- the envisioned management of the property and the capacity of the managing entity to implement that vision over the long term; and
- a track record or other convincing evidence demonstrating the ability of the project proponents to acquire the funds necessary for the acquisition.

In reviewing property characteristics, the Bureau will consider the following attributes as priorities:

1. For project sponsorship purposes, the property contains natural/cultural resources and/or recreation opportunities that are of *well-documented significance* and meet LMF definitions of *state, regional* or *local* significance contained in this workbook. Greater significance is attached to properties with multiple natural/cultural resources and/or recreation opportunities.
2. The property has 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* (MDIFW & DOC), *Coastal Water Access Priority Areas for Boating and Fishing* (DMR), and other recognized sources)
3. There is guaranteed public vehicular access to the property or parent property; or it 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.
4. Additional Considerations for Water and Boat Access Projects:
  - Location of the water in relation to population centers and other water access sites
  - Size of the water body and the diversity of recreational opportunities it offers
  - Level of and proximity to existing public access sites and access needs
  - Value of fisheries opportunities based on MDIFW and/or DMR's evaluation
  - Expected demand and diversity of uses of the site, current or anticipated
  - Threat of conversion to other uses, such as development.
5. Additional Conditions for Trails related projects:
  - It includes a variety of landscapes,

- It provides connections to existing trail routes or trail facilities,
- It provides connections to other public recreation areas or community facilities, and
- It provides connections to needed services (parking, food, water, shelter, fuel, repair services).

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**Department of Agriculture, Conservation and Forestry**  
**Bureau of Agriculture, Food and Rural Resources**

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The Bureau of Agriculture, Food, and Rural Resources, works statewide to assist farmland owners and their communities with exploring strategies to protect farmland. Such strategies vary across the State, from strengthening farm businesses, to encouraging enrollment in Maine's farmland property tax program, to crafting and adopting of agriculture-friendly policies and ordinances.

In recent years, more families are choosing to work with land trusts to permanently protect their farmland with an agricultural conservation easement. While some of these easements are donated, most of the time a land trust and/or a town works to raise funds to allow it to purchase the farm's development rights in exchange for the family's grant of an agricultural conservation easement. Since 2000, two state agencies, fourteen land trusts and a handful of towns have collaborated to raise matching funds from other public and private sources in order to leverage grants from the Land for Maine's Future Program to protect 42 farms totaling 9751.8 acres of cropland, pasture land, orchard, forest and wetland in 10 counties.

All potential new LMF projects that feature farmland as the "Major Land Asset" must be sponsored by the Bureau of Agriculture, Food and Rural Resources.

To obtain sponsorship the potential applicant (land trust and/or town) must:

- 1) Arrange for Bureau staff to interview the landowners;
- 2) Arrange for Bureau staff to conduct a site walk at the farm to verify agricultural soils;
- 3) Prepare a draft purchase and sale agreement, easement outline, project timeline, and budget for Bureau staff to review; and
- 4) Address all questions or issues raised as a result of the Bureau's interview, site walk and document review.

If confirmed by the Bureau Director, the sponsorship letter will be sent to the potential applicant at least two weeks prior to the LMF deadline.

Once a farmland project is selected by the LMF Board and designated an "LMF Finalist", the applicant must work with the staff of the LMF Program and the Bureau to conduct and complete all due diligence as outlined in the LMF workbook. During this time the applicant must allow the Bureau to review and comment on the easement, survey and baseline document.

The applicant (as a “Cooperating Entity”), and the Bureau (as the “Designated State Agency” or DSA) must sign the LMF Project Agreement. In accordance with this Agreement, each year, the Cooperating Entity must conduct/submit the Land for Maine’s Future Fund – Annual Monitoring Report to the LMF Program and DSA.

Additionally, to support its role as the DSA, the Bureau now requires each Cooperating Entity to annually provide copies of stewardship monitoring reports, and any relevant notices or communications with the easement grantor(s), successor(s) or assign(s).

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## Maine Department of Marine Resources

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

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

DMR doesn't currently have a formal program for acquiring, holding, and managing coastal access sites and properties. However, DMR takes an active interest in coastal access issues and is working collaboratively with other agencies to identify areas of need and to encourage project proponents to apply for LMF funds. The Department 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.

Since 2005, bond funds have been available for the Working Waterfront Access Protection Program. Through this Program, funds are available for the purchase of working waterfront covenants on strategically significant properties whose continued availability to commercial fisheries businesses is essential to the long term future of this economic sector. This program is run by DMR with the assistance of the LMF Program and others to identify and ready projects for funding by the LMF Board. A separate proposal workbook is available for this type of project, please contact Deirdre Gilbert (624-6576) for further information.

Also within the Department of Marine Resources is the Division of Sea Run Fisheries and Habitat. The Division currently holds properties and easements on several Downeast rivers to protect riparian and aquatic habitat for anadromous fish, and to provide recreational access to these rivers as appropriate. More information on the work of the Division is available at: <http://www.maine.gov/dmr/searunfish/index.shtml>.



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## Maine Historic Preservation Commission

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The Maine Historic Preservation Commission (MHPC) carries out the provisions of the National Historic Preservation Act in Maine, and various Maine statutes, involving survey, registration, construction project review, comprehensive planning and other activities involving historic, archaeological, and architectural sites and buildings. Staff archaeologists at the MHPC maintain statewide archaeological survey records and files, prepare documents summarizing historic and archaeological information, determine site significance (eligibility to the National Register), and direct some archaeological fieldwork.

The MHPC does not acquire fee interest in land or manage land owned by the State. MHPC does have an active conservation easement program designed specifically to protect archaeological sites. The documents establishing conservation protection are called Preservation Agreements and are enabled by a distinct statute, 33 M.R.S.A. §1551-1555 (and see 27 M.R.S.A. §371-378 which makes it illegal to dig on protected land without a permit).

Since the beginning of the LMF program, land acquisitions have been reviewed for the presence of significant archaeological sites for use in post-acquisition planning of public access and use of the property. In many cases this review is based on maps and archaeological records held by MHPC. The information on archaeological sites on LMF acquired property is provided to the LMF and the land owning or land managing entity for use in protecting significant sites for the future.

MHPC can sponsor an LMF project when the land contains exceptional archaeological value. In 2007 the legislature passed a bill to amend 5 MRSA §6207, LMF land acquisition criteria, to include one or more significant archaeological sites. The land that contains the site(s) must be primarily undeveloped with other landscape or conservation values.

The presence of significant archaeological sites does often overlap with the other land acquisition values of the LMF program. The vast majority (greater than 95 percent) of prehistoric archaeological sites in Maine are habitation/workshop sites where Native Americans both lived and worked. For most of Maine prehistory the state was covered by a dense forest and people tended to live and travel along waterways. They camped for a season or built their villages on areas of low slope adjacent to water shorelines, usually on the best drained area of low slope within a stretch of several hundred yards of shoreline. Thus, any canoe navigable water body shoreline is considered a potential area for a prehistoric archaeological site.

