

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

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

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

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

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

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

Non-Profit Organizations

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

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

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

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

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

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.

Section II

Conservation & Recreation Land

Overview

The Land for Maine's Future Board has established a process for the public to nominate lands for acquisition in a broad category called **Conservation and Recreation Lands**. Most proposals will fall under this category. If your project is a small parcel of land specifically for boating and fishing water access, please first review Section III. If it is related to farmland protection, please first review Section IV. If you are interested in developing a working waterfront project, visit www.wvapp.org.

Proposal Process

This section of the Proposal Workbook provides you with all the information you need to apply for funds in the Conservation and Recreation Lands category. This process is open to everyone. If you have any questions about your proposal or the Land for Maine's Future process, please call (207) 624-6213 and speak with a member of our staff.

Proposal Inquiry Form

The form (found in Appendix A) provides the Land for Maine's Future Program staff with information they need to determine if a project meets established threshold criteria.

Final Full Proposal Review Process for Recreation and Conservation Lands

Proposal Period - Proposals must be received by the closing date of a proposal period. Proposal forms must be complete with responses to all the numbered subject headings found in the Format and Instruction Section. Incomplete proposals will be returned for additional information and may not be considered further at the Board's discretion. Contact the Program Director for the dates and other information on the next Proposal Period. (Please note there is an expedited process for proposals for water access projects appropriate for the Public Access to Maine Waters Fund, and they may be received at any time. See Section III for information on the process for this category.)

Please note that for a proposal to be complete, it must have a State Agency sponsor. You must contact the appropriate sponsoring agency well in advance of the application deadline – the next application deadline is April 1, 2011 (see page 22 for agency contact information).

State, Regional or Local Significance - Projects supported by the LMF Program may be of state, regional, or local significance. It's important that applicants indicate which of these sub-categories the proposal fits based on the definitions found on pages 31-32 in this section. Proposals will compete with other proposals within the same sub-category. Staff will correct the sub-category if it is inaccurate based on proposal information. The applicant will be notified if this is done.

Scoring & Nomination Procedure - Once the proposal is reviewed by LMF Program staff and judged to be complete, it will be scored using the scoring system summarized on the next page. The scoring criteria evaluates the land itself and includes the following: an assessment of the naturalness of the land; relative state, regional, or local significance; access to the site; any "single exceptional values"; proximity to and relationship to other public conservation holdings; and the need to conserve the proposed property.

At the close of the Proposal Period, all scores will be reviewed by the Board's Scoring Committee. The full list of scored proposals will then be given to the Board's Nominations Committee, which reviews the top proposals identified in the state, regional, or local land sub-categories. The Nominations Committee flags any issues or attributes and proposes a list of finalists and fund allocations, to the full Board for consideration. The Board will review the proposals, select the finalists, and allocate funding. Proposals that are not selected will be returned to applicants.

If the application envisions that the land or easement will be held by an organization other than the State, the Nominations Committee and the Board will also consider the capacity of the organization to bring the project to a successful conclusion including, without limitation, fund raising capacity, project management experience, land stewardship experience, and general organizational capacity.

All applicants will be contacted and notified of the status of their proposal after final Board decisions. Please note that the scores serve as a guide for the Board.

Scoring System for Evaluating Conservation and Recreation Land Proposals

This scoring system has been devised as a guide to enable the Land for Maine's Future Board to sort through a diversity of proposals of state, regional, and local significance and identify those that are most aligned with the state's land acquisition priorities. It is designed to highlight proposals that bring high public value projects to the Board. In addition to applications receiving a numerical score, the Board established threshold and other criteria that are also used in evaluating proposals. These can be found on pages 36-39.

The scoring system assigns points according to the relative value of six criteria associated with an acquisition proposal. These are:

	Maximum Points
<input checked="" type="checkbox"/> Naturalness of the Land	(12 points)
<input checked="" type="checkbox"/> Accessibility of the land	(8 points)
<input checked="" type="checkbox"/> Proximity to Other State Lands or Component of a Larger Conservation/Recreation Effort	(16 points)
<input checked="" type="checkbox"/> Major Land Type	
- Significance	(30 points)
- Need	(20 points)
- LAPAC Multiplier (see page 32)	
<input checked="" type="checkbox"/> Single Exceptional Value	(50 points)
<input checked="" type="checkbox"/> Additional Land Types	(50 points)
<input checked="" type="checkbox"/> Economic Benefit	(5 points)

The scoring system uses those factors stressed by the Legislature in "An Act to Establish the Land for Maine's Future Fund," the findings of the Land Acquisition Priorities Advisory Committee's Final report (Nov. 1997), and public input received by the Board.

Please note that Farmlands and many Water Access Lands are their own categories, and proposals that are specifically for water access or farm preservation should review sections III and IV.

The Scoring System

Points

1. **Naturalness of the Land (Maximum Points = 12)**

The land is essentially natural with little or no discernable human impact..... 12

The land is moderately natural, with some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property..... 8

In the case of rail-to-trails projects, the site is significantly disturbed but the disturbance does not negatively impede/affect the intended uses of the property 8

The land has been significantly disturbed by human activity and restoration (or time) will be required to return the site to a more natural condition..... 4

The property has extensive site disturbance or improvements which will severely impede the use of the property for its intended purposes, or the site does not have a high probability of being successfully restored..... 0

SCORE _____

2. **Accessibility of the Land (Maximum Points = 8)**

Access roads can accommodate, without substantial improvement, the traffic that will be associated with the intended use of the property 8

or

Access is by water to an island and there is adequate water depth to land or moor recreational boats 8

or

The parcel is inaccessible by vehicles; however, because of the intended use of the property this is not a limitation or in fact may be an advantage in protecting the resource values of the property 8

Access to the parcel will require modest improvements to existing roads which will be a minor cost factor in developing the property for its intended use 6

Access to the parcel will require substantial improvements to existing roads which will be a major cost factor in developing the property for its intended use 0

SCORE _____

3. **Regional Considerations, Proximity to Other Public Lands or Component of a Larger Plan (Maximum Points =16)**

The project will achieve benefits for multiple towns, will address regional conservation needs and has one or more of the following attributes:

- Is linked to a regional conservation effort to protect open space, recreational opportunities or other natural resource values such as a greenbelt, trail network or river corridor.
- Connects existing public holdings or private conservation lands (state, federal, town, land trust, etc.).
- Is immediately adjacent to existing State holdings or is an inholding.
- Is part of a locally adopted comprehensive plan and implementation strategies for the protection of open space, recreation, wildlife habitat and/or rural areas that are consistent with the State’s Growth Management Act.
- Serves as a stopping off point on a recognized route such as an “island trail” that includes other publicly or privately owned lands.

These attributes generate significant benefits that accrue statewide..... 12 - 16

These attributes generate modest benefits that accrue to the multi-town region surrounding the host community..... 6 - 11

These attributes generate benefits that accrue principally within the host community 0 - 5

SCORE _____

4. **Major Land Category - Significance and Need Ranking (Maximum Points = 90)**

The proposal will be scored based on the major land type under which it has been identified by the applicant. They are: 1) Recreational lands, 2) Water Access Lands, 3)

Lands Supporting Vital Ecological or Conservation Functions and Values⁶, 4) Rare, Threatened, or Endangered Natural Communities, Plants or Wildlife Habitat, 5) Areas of Scenic Interest and Prime Physical Features⁷, 6) Farmland and Open Space. The scoring will take into account two factors: the relative significance, in terms of demand from a statewide, regional, or local perspective for the value of the resource or recreational activity; and the relative need, based on a deficiency determination (i.e., the excess of demand over supply for the resource or recreational activity in that area).

Please note that while lands of state significance score higher than lands of regional and local significance and lands of regional significance score higher than those of local significance, proposals will be judged only against other proposals of like significance.

Significance Rating (Maximum Points = 30)

State Significance

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective (Note 1) 22 - 30

Regional Significance

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective (Note 2)..... 12 - 20

Local Significance

The land contains a resource or provides a recreational opportunity that is substantiated

⁶ 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.

⁷ 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.

as being significant from a local perspective (Note 3)..... 0 - 10

SCORE _____

Notes:

- (1) Significant from a statewide perspective means that the resource is rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony or the recreational activity associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to avail themselves of the resource or recreational opportunity offered by the parcel.
- (2) Significant from a regional perspective means that the resource is rare and/or exceptional in a region based on published report(s), database(s), or credible testimony, or the recreational opportunity associated with the parcel will frequently and routinely attract users to travel to the land from a regional area (that is, from an area that is greater than the area included by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.
- (3) Significant from a local perspective means that the resource is rare and/or exceptional in a town or group of towns based on published report(s), database(s), or credible testimony, or the recreational opportunity associated with the parcel will attract users to travel to the land primarily from a local area (that is, from an area that is primarily encompassed by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

NEED & LAPAC MULTIPLIER

Need Rating (Maximum Points (20) * LAPAC multiplier = up to 40)

The need to protect the major land category addressed in the proposal and substantiated by a published report(s) data base(s), or credible testimony as being of:

Great Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a state or greater than state perspective 14 - 20

Moderate Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a or regional (sub-state) perspective 8 - 12

Minor Importance is when a need cannot be adequately substantiated as being of state or regional significance it will be assumed that the need is of minor importance

due to the fact that the resource or recreational opportunity offered by the land can only be considered rare, threatened, or deficient from a local perspective..... 0 - 6

SCORE _____ * LAPAC multiplier below = _____

LAPAC Multiplier

If the proposal contains one or more of the following “focus” or “other important” areas (as identified in the Land Acquisition Priorities Advisory Committee final report), multiply the total Major Land Category Need Rating by that multiplier. If the project addresses more than one focus area, choose the highest value multiplier. Definitions of the following “focus” areas and “other important land acquisition priorities” are found in Appendix D.

	MULTIPLIER
Southern Maine Conservation Lands.....	2
Ecological Reserve.....	2
River System.....	2
Undeveloped Coastline.....	2
Northern Forest Conservation Land.....	1.5
Trail System	1.5
Island.....	1.5
Significant Mountain.....	1.5

5. Single Exceptional Statewide Value Scoring Procedure

If the land proposed for acquisition is thought to contain a single exceptional value that is exceptionally rare and of outstanding significance in a statewide context then it shall be evaluated to determine if it will be awarded 50 points. An award of points in this category will be infrequent. This is an “all or nothing” point score.
(Maximum Points = 50)

The land has a single exceptional value recognized as being the best or among the best in the state of its type, and this value is supported by a comprehensive published report(s), data base(s), or credible testimony..... 50

SCORE _____

6. Multiple Land Categories (Maximum Points = 50)

Some proposals will represent more than one land category and those proposals bring a wider range of resource values and hence a wider range of value to the public. As a response, up to 50 additional points can be awarded by offering up to 10 points each for as

many as 5 land categories other than the Major Land Category under which the proposal is being submitted. 1) Recreational lands, 2) Water Access Lands, 3) Lands Supporting Vital Ecological or Conservation Functions and Values⁸, 4) Rare, Threatened, or Endangered Natural Communities, Plants or Wildlife Habitat, 5) Areas of Scenic Interest and Prime Physical Features⁹, 6) Farmland and Open Space. Please note that the scoring will consider the significance of each land category independent of the overall project designation as a state, regional or local project. Up to 10 points for each land category may be awarded based on the following:

The scores will be awarded on the following criteria:

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective; or the relative rarity of the resource, or the deficiency of the recreational opportunity of the type offered by the land, is of great importance when considered from a state or greater than state perspective 8 - 10

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective; or the relative rarity of the resource, or the deficiency of the recreational opportunity of the type offered by the land, is of moderate importance when considered from a statewide or regional (sub-state) perspective..... 4 - 7

The land contains a resource or provides a recreational opportunity that can only be substantiated as being significant from a local perspective; or the resource , or recreational opportunity of the type offered by the land, is only of minor importance because the resource is not considered rare or the recreational opportunity is not considered deficient, except from a local perspective 0 - 3

SCORE _____

⁸ 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

⁹ 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.

7. **Economic Benefit (5 points)**

Board encourages applicants to explicitly consider potential economic benefits of conservation projects to the communities within which the proposed projects are located. The board seeks to cultivate and support closer working relationships between the land conservation and business community. Given the wide range of avenues for economic benefit for land conservation, points will be awarded on the basis of an overall assessment of the applicant's responses to this section.

General: Describe the economic activities already supported by this landscape, or conducted on this landscape, and ways in which the conservation initiative you are proposing would enhance these activities or would create opportunities for new activities. In developing this discussion, consider the following questions as prompts. Not all will be applicable to any single project. Do not feel compelled to address every question.

Significance to State, Regional and Local Economy

How does this project provide economic development opportunities on a local, regional, or state-wide scale? For example:

- Will it benefit a large (vs. small) number of individuals?
- Will it support economic activity in disadvantaged regions of the state?
- Will it support activity throughout all four seasons?

What is the economic significance of the industry supported by this project in the region? For example, to what extent does the region's economy rely on tourism or forestry (i.e. number of people employed, number of visitors, value of goods and services)?

Economic Contribution and Public Benefits

Please provide a list of businesses and/or private contractors (e.g. guides) with whom you have consulted in the design of your project and who stand to benefit from this project, especially businesses that are critical cornerstones of the affected area's economy.

How does this project protect or support a critical mass of economic activity in a given area? For example:

- Does it increase foot traffic to local businesses providing services to individuals who utilize the sites?
- Does it increase the value of products or services sold by local businesses?

How important are recreation and tourism as a planned use for the land conserved by this project?

- To what extent will the project create or enhance tourist amenities?
- Is the project part of a route that is popular with tourists, or enhances the attractiveness of such a route?
- How will this land be promoted to tourists or recreationists?

How important is fiber and timber production as a planned use for the land conserved by this project? How will the land be conserved as a productive timber resource?

Community Planning and Economic Development Support for Project

Is this parcel part of a larger community planning effort such as a downtown redevelopment or mixed-use plan, open space or recreation plan, or comprehensive land use or economic development plan for the region?

- If so, please cite such plans and describe how the project supports those plans.
- Provide contact information for an agent who can provide additional information.
- Provide a letter of endorsement from those responsible for implementation of the plan that discusses how the proposal contributes to the plan's success.

Please provide documented support, as relevant, from recreational organizations, chambers of commerce or other business organizations, trade and civic organizations, or local and regional governments that discuss how the proposal supports the local or regional economy.

SCORE _____

Threshold Criteria Relating to Conservation and Recreation Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

Threshold Criteria

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

Willing Seller: The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

Appraised Value: The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). 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.

Match : A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)¹⁰; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

¹⁰ Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

Ownership & Sponsorship: An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

Applicant's Capacity: An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)¹¹ that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

¹¹ This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's the current financial condition.

In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

Relationship to local comprehensive planning efforts:

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

Other criteria to be weighed by the LMFB:

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

Level 1 - 4 items completed
Level 2 - 3 items completed
Level 3 - 2 items completed
Level 4 - 1 item completed
Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal
Final easement or fee acquisition conditions completed
Cost Share commitment established
Signed option or purchase and sales agreement
Preacquired and held by a third party in coordination with the sponsoring state agency.

Application Format and Instructions for Conservation and Recreational Land Proposals

General Guidelines for Applicants - All applicants are required to provide good maps (Delorme or USGS), visual aids (e.g. photos) and as much supporting information as they feel is necessary for the Board to better understand the project and the values it addresses. Digital copies of any maps and photos are greatly appreciated. Carefully read through this section to learn what the Board wishes to see in a well-rounded proposal. Program staff can make available examples of successful applications that may provide useful models. **All applicants are required to use the following application structure and numbering sequence and to provide complete information. If not applicable, indicate so by placing a N/A.**

Eight copies of your proposal should be sent to:

*Land for Maine's Future Program
State Planning Office
38 State House Station
Augusta, Maine 04333-0038
Telephone #: (207) 624-6213*

One additional copy of your proposal should be sent to your sponsoring state agency.

1) **Application Summary page** (limit to one page)

a) Project Title/Name of Project: This is the name by which your proposal will be catalogued by Program staff.

b) Significance: Indicate whether your project is of statewide, regional, or local significance (see description of #8 on page 44 for guidance)

c) Applicant Name: Provide the applicant's name, address, email, and phone number of the primary contact person.

d) Location of Project: Provide the name of the township and county. Please include the affected senate and house districts.

e) Size: Indicate how many acres your project encompasses and identify fee vs. easement acres if appropriate.

f) Funding request: Indicate the amount of your request for LMF funding (full budget in section 16 below)

g) Agency Sponsor & Proposed Ownership: Possible agency sponsors are the Department of Conservation, the Department of Inland Fisheries & Wildlife, the Department of Marine Resources or Maine Historic Preservation Commission. Please be sure that you have contacted the agency and it supports your proposal (see page 22). A letter to this effect from the sponsoring agency must be included in the application. The letter must state that the sponsoring agency is prepared to hold the real estate interest proposed for protection either directly or via a project agreement.

h) Current landowner(s): Include address, phone number, fax and e-mail (if available) of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the application.

i) Partners: Other entities supporting this project. Include address, phone number, fax and e-mail (if available).

j) Date of Application: Indicate the date you submitted your application.

Applicants should review the previous section on Threshold and Other Criteria considered by the Board. Use the project description to address any of these that are not part of other sections of the application.

2) Summary Project Description

Include a narrative description that provides a clear understanding of the entire project, as well as the context surrounding it. Use this section to provide a broad overview of the Project's objectives and the benefits it will provide. Please discuss the conservation and/or recreational assets that the project seeks to protect, along with the other potential benefits to the community which may include economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits to the surrounding community in addition to open space and wildlife habitat. Subsequent sections provide opportunity for more detailed discussion of specific aspects of the project that correspond to the scoring criteria. Do not feel obligated to repeat these details in the summary.

The narrative should identify whether the project intends to acquire fee or easement interests in the property, identify who will hold the ownership interest, and describe why that interest is the most appropriate to conserve the public conservation values on the property.

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

If the project is proposed as a working forest easement, the project description must include an easement plan. **The applicant is strongly encouraged to refer to the Guidelines for Working Forest Conservation Easements published in July 2002 by LMF and available on the LMF website and from LMF staff (see appendix I for a discussion of these easements).**

3) Location Information

Project boundaries of all parcels included in the proposal must be delineated on:

Maine Atlas Base Map - showing project location and regional perspective

USGS Topographic Base Map - showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands.

Aerial Photo (if available)- showing project location and boundaries

Other Maps as Appropriate - showing endangered species, significant natural communities soils, outstanding physical features, proposed public access, trails, camping sites, etc., context of the project within a greenbelt plan, trail system, river corridor, comprehensive plan, etc.

Note: Please no maps larger than 11” by 17”.

If possible, please include a base map in electronic format (e.g. a GIS-compatible “shape” file)

4) Naturalness

Describe how natural or disturbed the land is and comment on disturbance by using one of the following categories:

- The land is entirely natural with little or no discernable human impact.

or

- The land is moderately natural, with some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property.

or

- In the case of a rails-to-trails project, the site is significantly disturbed but the disturbance does not negatively affect or impede the intended uses of the property.

- The land has been significantly disturbed by human activity and restoration (or time) will be required to return the site to a more natural condition.

or

- The property has extensive site disturbance or improvements that will severely impede the use of the property for its intended purposes, or the site does not have a high probability of being successfully restored.

5) **Accessibility of the Land**

Describe the plans for public use of the property and the degree to which access to the proposed property is currently available, is suitable for the intended use, or needs to be developed to accommodate the intended use, using the categories below and supplementing them with specific descriptions.

Access roads can accommodate, without substantial improvement, the traffic that will be associated with the intended use of the property;

or

Access is by water to an island and there is adequate water depth to land or moor recreational boats;

or

The parcel is inaccessible by vehicles; however, because of the intended use of the property this is not a limitation or may be an advantage in protecting the resource values of the property;

or

Access to the parcel will require modest improvements to existing roads, which will be a minor cost factor in developing the property for its intended use;

or

Access to the parcel will require substantial improvements to existing roads, which will be a major cost factor in developing the property for its intended use.

6) **Regional Benefits, Proximity to Other Public Lands or Component of Larger Plan**

The narrative for this section should demonstrate how the applicant is affirmatively working to connect the proposed project to larger local and regional (multi-town) conservation efforts. Describe how the proposed land has one or more of the following attributes:

- Is linked to a regional conservation effort to protect open space, recreational opportunities or other natural resource values such as a greenbelt, regional public water supply protection, trail hub or river corridor.
- Connects two or more existing public holdings or private conservation lands (state, federal, town, land trust, etc.).
- Is immediately adjacent to existing State holdings or is an inholding.
- Is part of a locally adopted comprehensive plan and implementation strategies to protect open space and/or rural areas that are consistent with the State's Growth Management Act.
- Serves as a stopping off point on a recognized route such as an "island trail" that includes other publicly or privately owned lands.

7) **Major Land Types**

Which single land type does the proposed area have as its primary value? (see Appendix C)¹² Describe why.

- Recreation lands
- Water access lands (Note: See Section III. Your proposal may be appropriate for the Public Access to Maine Waters Fund if the primary feature of your proposal is to provide water access for fishing, boating or swimming.)
- 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
- Open space including farmland (Note: If the primary objective of your proposal is to protect farmland see Section IV.)

8) **Significance**

Using the Major Land Type you chose above, identify the level of significance of this Major Land Type using the definitions provided below. Be sure that you provide

¹² Note additions to Appendix C to accommodate 2007 legislative enactments adding "significant, undeveloped archeological sites" and some public water supply protection lands under certain conditions.

information (reports, database information, credible testimony, etc.) that supports your selection. Be consistent with your Project Category identified in #1(b).

- Significant from a **statewide perspective** means that the resource is rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony or the recreational activities associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to avail themselves of the resource or recreational opportunity offered by the parcel.
- Significant from a **regional perspective** means that the resource is rare and/or exceptional in a region based on published report(s), database(s), or credible testimony, or the recreational activities associated with the parcel will frequently and routinely attract users to travel to the land from a regional area (that is, from an area that is greater than the area included by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.
- Significant from a **local perspective** means that the resource is rare and/or exceptional in a town or group of towns based on published report(s), database(s), or credible testimony, or the recreational activities associated with the parcel will attract users to travel to the land primarily from a local area (that is, from an area that is primarily encompassed by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

9) **Need**

Using the Major Land Type you chose above, identify the associated level of need for this Major Land Type using the definitions provided below. This need must be substantiated by a published report(s) data base(s), or credible testimony as being of:

Great Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a state or greater than state perspective

Moderate Importance due to the relative rarity of the resource, the threat to the resource, or the deficiency of the recreational opportunity offered by the land when considered from a or regional (sub-state) perspective

When a need cannot be adequately substantiated as being of state or regional significance it will be assumed that the need is of:

Minor Importance due to the fact that the resource or recreational opportunity offered by the land is only considered rare, threatened, or deficient from a local Perspective

10) LAPAC

Identify the LAPAC “focus areas” / “other important areas” addressed in your proposal using the definitions found in Appendix D. Please be sure to state clearly your justification for those included and provide documentation as appropriate.

11) Single Exceptional Value

Indicate whether the land proposed supports a single exceptional value recognized as being the best or among the best in the state of its type, and provide citations for the comprehensive published report(s), data base(s), or credible testimony that support this conclusion.

12) Multiple Land Type

List every land type category you feel is reflected in your proposal other than the one you selected as the “major land type”(see Appendix C). Please be sure to state clearly the basis for your choice(s).

13) Economic Benefit Be sure to read the discussion of this new section in the preceding chapter of the Workbook

General: Describe the economic activities already supported by this landscape, or conducted on this landscape, and ways in which the conservation initiative you are proposing would enhance these activities or would create opportunities for new activities. In developing this discussion, consider the following questions as prompts. Not all will be applicable to any single project. Do not feel compelled to address every question.

Significance to State, Regional and Local Economy

How does this project provide economic development opportunities on a local, regional, or state-wide scale?

What is the economic significance of the industry supported by this project in the region?

Economic Contribution and Public Benefits

How does this project protect or support a critical mass of economic activity in a given area?

Please provide a list of businesses and/or private contractors (e.g. guides) with whom you have consulted in the design of your project and who stand to benefit

from this project, especially businesses that are critical cornerstones of the affected area's economy.

Community Planning and Economic Development Support for Project

Is this project part of or complementary to a larger regional or community planning effort? (e.g. downtown redevelopment or mixed-use plan, open space or recreation plan, or comprehensive land use or economic development plan for the region)

- If so, please cite such plans and describe how the project supports those plans.
- Provide contact information for an person who can provide additional information.
- Provide a letter of endorsement from those responsible for implementation of the plan that discusses how the proposal contributes to the plan's success.

Generally, please provide documented support, as relevant, from recreational organizations, chambers of commerce or other business organizations, trade and civic organizations, or local and regional governments that discuss how the proposal supports the local or regional economy.

14) Estimate of monitoring and management costs

Every applicant submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State and/or a cooperating entity;
- Preliminary estimates of the costs to the State and/or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when a partial interest in land is acquired.

15) Project Readiness

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 – 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
- Level 5 – 0 items completed

Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Preacquired and held by a third party in coordination with the sponsoring agency

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

16) Organizational capacity

Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board will consider all relevant factors including without limitation level of debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)¹³ that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Be sure to describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

17) Proposal Budget

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

¹³ This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's current financial condition.

18) Names of Individuals Knowledgeable about the Site/Proposal

List the names of individuals who can speak directly to the various values which your proposal will protect and include a telephone number at which they can be reached.

Section III

Public Access to Maine Waters Fund

Overview

History and Need

The Public Access to Maine Waters Fund was created in 1993 by the Maine State Legislature and funded for the first time in the fall of 1999. Managed by the Land for Maine's Future Board, the Fund is designed to address the following needs: to preserve, provide, or expand citizen access to public waters and to support Maine's recreation-based businesses and economy.

Appropriate Use of the Fund

In addition to public access to Maine waters, the Board also considers proposals that fall under the categories of Conservation and Recreation Land (Section II) and Farmland (Section IV). Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project truly fits under the narrow and well-defined purpose of the Public Access to Maine Waters Fund or if it is more appropriate in the Conservation and Recreation Land category. The purpose statement found below in this section should be your primary guide in making this distinction and determining which proposal category you should use.

State Agency Involvement

The majority of public water access sites are acquired, developed, and managed by -- or with assistance from -- the Department of Conservation's Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife. These departments often need to act quickly to acquire water access sites for the following reasons: the scarcity of good sites; the high level of competition created by the market for the sites; and the time required to carry out appraisals and site suitability assessments. Recognizing these factors, the Board created an expedited process allowing State agencies and cooperating entities to take quick action to secure water access sites. State agencies will use established priority lists and other qualifying criteria to select sites. The Board will review funding requests and determine the amount of funds it will contribute to the project. See page 55 for a list of State agency sponsors for water access projects.

Who Can Apply

The Departments of Conservation and Inland Fisheries and Wildlife have the primary responsibility for public water access projects. However, this process is open to any party qualified to receive LMF funding. Any applicant (municipality, land trust or other cooperating entity) wishing to take advantage of this expedited process must work with one of these State agencies in advance of their application to the Board. An applicant may still take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

Purpose

Purpose

The Public Access to Maine Waters Fund is designed “to get people to the water.” The Board will accomplish this by acquiring fee simple or public access rights on small parcels of land to create or enhance access points to lakes, ponds, rivers, and coastal waters. Lands for access could support a facility for trailered boats and/or small, hand-launched craft (canoes, kayaks, for example) and provide bank fishing (shoreline angling and wading), swimming, clamming, worming, or other water contact opportunities. Access is primarily intended for general public use but may be used by those requiring it for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

Proposal Process

The Departments will use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (IF&W and DOC, 1995) and *Coastal Water Access Priority Areas for Boating and Fishing* (SPO and DMR, 2000). These lists are updated periodically as new information becomes available. Applicants should consult with the appropriate agency to determine if the potential water access site is in one of the priority areas or otherwise meets the Agency criteria for water access needs (LMF staff can assist in this process.).

Priorities for inland and coastal water access sites are determined based on the following:

- * Location of the water in relation to population centers and other water access sites;
- * Size of the water body and the diversity of recreational opportunities it offers;
- * Level of and proximity to existing public access sites and access needs;
- * Value of fisheries opportunities based on IF&W and/or DMR's evaluation;
- * Expected demand and diversity of uses of the site, current or anticipated; and
- * Threat of conversion to other uses, especially private development.

When a good access acquisition opportunity becomes available and it conforms to the guidelines and criteria found in this document, the agency or cooperating entity will notify the Program Director. The Program Director will advise the agency of the next scheduled Board meeting, which allows for a 10-day advance public notice of the Board's intent to consider the water access purchase. This notice allows the public an opportunity to comment in writing on the proposed acquisition in advance of the meeting, or to appear in person to offer comment to the Board.

The agency or cooperating entity will provide information to the Board by following the Application Format and Instructions beginning on page 60. This information must be submitted along with other supporting documentation at least 30 days in advance of the scheduled meeting to allow Board members an opportunity to review the information prior to their meeting discussion. At the meeting, the agency or cooperating entity will present the proposal in its entirety to the Board, and outline the entire financial package including acquisition funds, reimbursement for allowed acquisition costs, and the required match.

BASIC GUIDELINES FOR APPLICANTS UNDER THE PUBLIC ACCESS TO MAINE WATERS FUND - EXPEDITED PROCESS

- Complete appraisals well ahead of negotiations and make the appraisal available to the Appraisal Review Committee (ARC) for review, so that if issues arise, they can be addressed prior to an offer. This review can be done even before the project becomes a proposal to the Board.
- Whenever possible, use an appraiser whose work is familiar to the Board.
- Be sure the appraiser follows the Land for Maine's Future Appraisal Standards.
- If a Purchase and Sales contract must be in place before committee and board discussions take place, make sure it is conditioned on ARC and Board approval. It's also important, if you have chosen to approach the Land for Maine's Future Board for funding, that you make it clear to the seller that it is the Board's policy not to participate in projects where the purchase price exceeds fair market value as determined by an appraisal.
- When presenting a proposal to the full Board, be fully familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal and your presentation. Staff can assist you in anticipating questions and designing proposal materials all of which will contribute to an expeditious Board review.

Proposal Inquiry Form

This short form can be submitted at any time (see Appendix A). It provides the Land for Maine's Future Program staff with the information they need to determine if your project meets the criteria for the Public Access to Maine Waters Fund.

Maine State Agency Contacts

Maine Department of Conservation
Bureau of Parks & Lands
22 State House Station
Augusta, Maine 04333
George Powell
tel: (207) 287-4952 www.maine.gov/doc/parks
E-mail: george.powell@maine.gov

Maine Department of Inland Fisheries & Wildlife
41 State House Station
Augusta, Maine 04333
Sarah Demers
tel: (207) 287-54975260 www.maine.gov/ifw
E-mail: sarah.demers@maine.gov

Maine Department of Marine Resources
21 State House Station
Augusta, Maine 04333
Deirdre Gilbert
tel: (207) 624-6576 www.maine.gov/dmr
E-mail: deirdre.gilbert@maine.gov
Note: DMR does not typically sponsor conservation projects but may be a source of useful information.

Maine Coastal Program/ State Planning Office
38 State House Station
Augusta, Maine 04333
Matt Nixon
Tel: (207)624-6226 www.maine.gov/mcp
E-mail: matt.nixon@maine.gov
Note: SPO does not typically sponsor projects but may be a source of useful information.

Threshold Criteria Relating to Water Access Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

Threshold Criteria

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

Willing Seller: The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

Appraised Value: The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). 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.

Match : A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)¹⁴; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF

¹⁴ Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

Ownership & Sponsorship: An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

Applicant's Capacity: An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)¹⁵ that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

Relationship to local comprehensive planning efforts:

¹⁵ This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's current financial condition.

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

Other criteria to be weighed by the LMFB:

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

- Level 1 - 4 items completed
- Level 2 - 3 items completed
- Level 3 - 2 items completed
- Level 4 - 1 item completed

Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal

Final easement or fee acquisition conditions completed

Cost Share commitment established

Signed option or purchase and sales agreement

Preacquired and held by a third party in coordination with the sponsoring state agency.

Application Format and Instructions

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

Eight copies of your proposal should be sent to:

*Land for Maine's Future Program
State Planning Office
38 State House Station
Augusta, Maine 04333-0038
Telephone #: (207) 624-6213*

In addition, one copy of the application must be sent to the sponsoring agency.

1) Applicant

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

2) Agency Sponsor

Indicate which of the following the project sponsor is and include a sponsoring letter from the agency:

Department of Inland Fisheries & Wildlife
Department of Conservation

3) Date of Application

Indicate the date you submitted your application.

4) Project Title/Name - Body of Water

This is the name by which your proposal will be catalogued by Program staff.

5) Location of Project

Provide us with the name of the township and county.

6) Interest to be acquired

Indicate if your project is an outright acquisition in fee, an easement or a combination.

7) Size

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

8) Owner(s)

Include address, phone number, fax, and e-mail (if available) of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the application.

9) Partners

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

10) Names of Individuals Knowledgeable about the site/proposal

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

11) Total Financial Summary

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

12) Project Description

Include a narrative description of the entire project that provides a complete image of the project itself as well as the context surrounding it. Photographs of the property can be very effective. If these are incorporated in the text electronically, please provide the images on a CD or floppy disk in JPEG or TIFF format.

13) Location Information

Provide a selection of easy-to-read locator maps including:

- a) Maine Atlas Base Map - showing project location and regional perspective;
- b) USGS Topographic Base Map - showing entire boundary of proposed project, legal access and proximity to other public and private

conservation lands (if possible please include this information in electronic form (a GIS-compatible “shape” file);

c) Other Maps as Appropriate

14) Demonstration of Need

Indicate whether the project has been designated as a priority water access site (contact LMF staff or the sponsoring agency for further information); or, if it is not, provide documented, credible evidence that supports the need for public access to the associated lake, river or coastal area as determined by the priorities described under the Proposal Process in this section (page 51). The sponsoring agency must support this need.

15) Suitability for Intended Use

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

16) Impact on Natural Resources

Describe what, if any, impact the proposed access will have on the natural and cultural resources of the water body and the surrounding land. This assessment is to be performed by the appropriate natural resource agency (DOC, IF&W, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

17) Existing Public Access on Proposed Water Body

List and describe all other public access sites that exist on the lake or pond along which your parcel is located. If the site is along coastal or riverine waters, list the closest public water access site and the type of site (e.g., boat launch site, place for shoreline angling).

18) Value of Fisheries Opportunities

List and document any high value or outstanding fisheries that are currently or will be enjoyed by future users of this access site.

19) Expected Demand and Diversity of Uses

Describe the type of use -- either current if it is an existing privately owned site, or anticipated -- at the proposed site and the number of different user groups that will benefit from the proposed site.

20) Threat of Conversion to Other Uses Especially Private Development or Non-Water-Dependent Uses

Indicate the degree of threat to development, or the conversion to other non-water dependent uses, of the proposed site.

21) Estimate of monitoring and management costs

A person submitting a proposal to acquire property or an interest in property with funding from the Public Access to Maine Waters Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

22) Project Readiness

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 – 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
- Level 5 – 0 items completed

Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established

- Signed option or purchase and sales agreement
- Preacquired and held by a third party at the request of the State

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

23) Organizational capacity

For applicants other than the Department of Conservation or the Department of Inland Fisheries & Wildlife, please describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)¹⁶ that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

¹⁶ This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents organization's the current financial condition.

Section IV

Farmland

Overview

History and Need

The Land for Maine's Future Program protects farmland through the purchase of development rights and other methods. The Program works with the Department of Agriculture, Food and Rural Resources and cooperating entities to bring farmland protection proposals to the Land for Maine's Future Board.

Appropriate Use of the Fund

The Land for Maine's Future Program assists in the acquisition of conservation easements or in some instances, fee simple rights on farmland with a goal of protecting Maine's productive farm assets from conversion to non-agricultural use(s). The Program seeks to protect prime and statewide important farmland soils as well as unique farmlands that are productive for important crops that do not rely on prime farmland soils.

Purpose

The purpose of the LMFP farmland investment is to protect Maine's prime and statewide importance farmlands from conversion into non-agricultural uses. This does not preclude those unique farmlands that do not rely on prime agricultural soils, but do produce important crops such as blueberries and cranberries.¹⁷

The LMF seeks to protect properties with these soils that also support farming operations in areas that currently retain a viable agricultural economy.

¹⁷ If the primary purpose of a proposal is to protect a working farm -- and it has a secondary or minor conservation or recreation component -- then the project may fall under the farmland category. On the other hand, if the primary purpose of the proposal is conservation or recreation -- and it has a secondary or minor component that involves the protection of agricultural values -- then the project should be submitted under the Recreation and Conservation Land category.

Proposal Process

The proposal process outlined below is for farmland owners and cooperating entities, who must work with the Department of Agriculture, Food & Rural Resources. Title to easement or fee may be held by a cooperating entity providing the entity has the demonstrated ability to own and manage land. If you have any questions about your proposal or the LMF process, you can call (207) 624-6213 and speak to a member of the Land for Maine's Future Program staff.

How does a farmer apply?

The Department of Agriculture, Food and Rural Resources is the only agency that can sponsor a farmland project to the Land for Maine's Future Program. The Department's screening process allows it to continually respond to landowner's and cooperating entity inquiries and prioritize eligible farmland projects for state and/or federal funding as those funds become available. The typical process is as follows.

- A farmer contacts the Department to schedule several site visits to his/her farm.
- During these visits the Department staff and the farmland owner review the property's soil maps, discuss the landowner's objectives and to begin to determine if the sale of development rights may be a workable option.
- If the Department and farmland owner agree to move forward, they assemble a project planning team to research local fundraising options. This project team must include a conservation partner that will hold and steward the conservation easement. The partner may be a local or statewide land trust, a non-profit conservation organization, a town or other eligible entity that is a "qualified organization" under Title 33 M.R.S.A, Section 476(2)(A) and an "eligible donee" under Internal Revenue Code Section 170(h) (3). In certain circumstances the Department itself may be the easement holder.
- If the team determines that: 1) the landowner is a willing seller; 2) the conservation partner is a willing buyer; and 3) matching funds required by LMFP cannot be raised locally; then the Department will assist the conservation partner in applying for matching funds through the USDA Farm and Ranch Lands Protection Program (FRPP). To be eligible for FRPP funds, the farm must be comprised of at least 50% prime farmland or statewide important farmland soils as determined by the USDA - Natural Resources Conservation Service State Conservationist.

- The farmland owner and conservation partner submit a pre-proposal to the Department of Agriculture on a schedule announced the the Department ¹⁸.
- A 5-member Farmland Advisory Panel appointed by the Department of Agriculture reviews and prioritizes pre-proposals. Only the highest ranked proposals are guaranteed Department sponsorship to the LMFP.

The LMFP, FRPP and local funding cycles are not synchronous. It can therefore take up to three years to plan and successfully complete a farmland protection project. The first year is devoted to planning; the second to securing funds; and the third to complete the funder's and buyer's due diligence and close. It is important to note that the FRPP requires all projects close within 18 months of the allocation of federal funds.

Many Maine farms merit permanent protection, but are not currently eligible for public funding. Some farms are owned by individuals who do not want to enter into a permanent partnership with the "public" through state and federal investments. Thus to achieve success, the farmland owner and the conservation partner are encouraged to work closely with the Department of Agriculture, Maine Farmland Trust and other land conservation groups to fully explore any and all viable opportunities to protect the farm.

Please visit <http://www.maine.gov/agriculture/mpd/farmland/index.html> to learn more about the Department of Agriculture's Farmland Protection Program.

Farm Inquiry Form

This form (Appendix B) can be submitted at any time. It provides the Department of Agriculture with the information they need to consider the possibility of developing an LMF application.

Proposal Review Process for Farmland Protection Proposals

- 1) Proposal Period:** Proposals must be received by the Land for Maine's Future Program at the closing date of the Proposal Period. Proposal applications must be endorsed by the Department of Agriculture and be complete to be accepted¹⁹. Incomplete proposals will be returned for additional information. Applicants are advised to contact the Department of Agriculture substantially in advance of the actual deadline. Contact the Program Director for dates of the next Proposal Period.
- 2) Scoring Procedure:** Once your proposal is reviewed by Program staff and determined to be complete, it will be scored using the system found on page 71-76. As an applicant, it is important

¹⁸ The Department conducts this process periodically as funds for farmland conservation become available. The Department has already screened potential LMF applicants for funding in 2011. However, persons interested in pursuing new farm protection projects are still encouraged to contact the Department to begin planning for future funding opportunities.

¹⁹ The Department has already screened potential LMF applicants for funding in 2011. However, persons interested in pursuing new farm protection projects are still encouraged to contact the Department to begin planning for future funding opportunities.

that you carefully review both the five primary scoring criteria and the “threshold criteria,” which will be used by the Land for Maine’s Future Board in considering your proposal.

All proposals will be reviewed and scored by program staff and the Board’s Scoring Committee. The full list of scored proposals is then given to the Board’s Nominations Committee. The Nominations Committee flags any special issues or attributes and presents a list of recommended finalist projects with suggested funding allocations to the full Board. The Board reviews the proposals, selects the finalists, and determines funding. Please note that scores are a guide for the Board; the Board will make the final decision.

Proposals that are not selected will be returned to applicants. All applicants will be contacted and notified of the status of their proposal after final Board decisions.

Scoring System for Evaluating Farmland Proposals

Developed in Partnership with the
Maine Department of Agriculture, Food and Rural Resources

Each farmland protection proposal will be scored using this system. The scoring system assigns points according to the relative value of criteria associated with a farmland protection proposal. The “other criteria” found at the end of the scored criteria are considered by the Board when it compares and considers the top farm proposals.

The five scored criteria and the maximum points that can be awarded for each are:

1. Productive farm assets including soils, tillable land, pasture land, water resources, woodland, buildings, etc. (25 Points);
2. Documented current and emerging threats from conversion that would reduce or eliminate the farm’s productive potential (25 Points);
3. Significance to regional and local markets, both existing and emerging including service providers to farms (25 Points);
4. Open space and public benefits as they contribute to the scenic and landscape values, character of the town/region where it is situated and where public access/protection can be secured for conservation, recreation, wildlife, and education use/values (10 Points); and
5. Community planning and support, both local /regional for farming and farmland protection (15 Points).

PRIMARY SCORING CATEGORIES

Category	Total Possible Points for Each
• Productive Farm Assets	25
• Current and Emerging Threats to Conversion	25
• Significant to Regional and Local Markets.....	25
• Open Space, Cultural, and Other Public Benefits	10
• Community Planning and Support	15
Total Points	100

The Scoring System

1. PRODUCTIVE FARM ASSETS (Maximum Points = 25)

Explanation: The focus is prime agricultural soils; however, it is also recognized that other factors influence the productivity of a farm. These include, but are not limited to, the following: lands that are productive for crops that do not rely on prime agricultural soils; other types of natural resources available on a farm currently devoted to or having the potential for income-generating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, and farm infrastructure (barns, buildings, processing facilities, etc.). Collectively, these serve as indicators of the existing and potential productivity of a farm’s assets. The applicant must have a conservation plan for the farm approved by the USDA Natural Resource Conservation Service.

	Points
<p>The land has highly productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a variety of agricultural enterprises.....</p>	18 - 25

The land has **moderately** productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a limited number of agricultural enterprises..... 9 - 17

The land has **limited** productive assets because of the combination of prime or unique soils, or soils of statewide importance, tillable land, orchards, berry lands, horticultural lands, pasture land, water resources, woodland, total farm acreage, buildings, etc. that could be used to sustain a relatively few agricultural enterprises..... 0 - 8

SCORE_____

2. CURRENT AND EMERGING THREATS TO CONVERSION
(Maximum Points = 25)

Explanation: The degree of threat to farmland can be reflected in the patterns and trends of development within a town or region. In some parts of Maine, little or no development pressure exists and farming is the basis of a stable or growing economy. In other parts of Maine, sprawl and development pressures are consuming irreplaceable and productive agricultural assets at an ever-increasing pace. Being able to recognize where loss of valuable farmland is imminent is an important step in determining where funds should be applied.

Points

The farm is **highly** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area..... 18 - 25

The farm is **moderately** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area. 9 - 17

The farm is **not currently** threatened by current/emerging conversion to other uses because of documented development pressure in the adjacent or surrounding area..... 0 - 8

SCORE_____

3. SIGNIFICANCE TO AND CONDITION OF REGIONAL AND LOCAL AGRICULTURAL ECONOMY
(Maximum Points - 25)

Explanation: The contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and providing for employment are factors that help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Also considered in this category is the vitality and viability of the agricultural economy of the region in which the project is located and the proximity of the project property to other active farms and farmland.

Points

The farm is highly viable or has the potential of becoming highly viable. The farm sells or has the potential to sell a **significant** quantity of products to meet local consumer demand, or the needs of other farmers, and is highly important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is viable and stable..... 18 - 25

The farm is moderately viable or has the potential of becoming moderately viable. The farm sells or has the potential to sell a **moderate** quantity of products to meet local consumer demand, or the needs of other farmers, and is moderately important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is threatened and/or declining..... 9 - 17

The farm's viability, and its potential to become viable, is low. The farm can only produce a **small** quantity of products to meet local consumer demand, or the needs of other farmers, and is unimportant to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy had declined to a low level and no longer can maintain a service infrastructure..... 0 - 8

SCORE _____

4. OPEN SPACE, CULTURAL AND OTHER PUBLIC BENEFITS
(Maximum Points = 10)

Explanation: Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or may contribute to the tourism economy by

providing a scenic value. The relationship among the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for various forms of outdoor recreation. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, historic views), while others require the establishment of public rights of access or management rights. Whenever a landowner is willing to include a component of public access for any of these, this additional public value, along with open space and cultural values, will be awarded points.

Points

The farmland protection proposal will provide **significant** public educational, recreational, including guaranteed public access, and wildlife benefits or the farm makes a **highly** important contribution to the cultural and open space landscape values of the region or town..... 7 - 10

The farmland protection proposal will provide **moderate** public educational, recreational, and wildlife benefits or the farm makes a **moderately** important contribution to the cultural and open space landscape values of the region or town..... 3 - 6

The farmland protection proposal will provide **slight** public educational, recreational, and wildlife benefits or the farm makes a **slightly** important contribution to the cultural and open space landscape values of the region or town..... 0 - 2

SCORE _____

5. COMMUNITY PLANNING AND SUPPORT FOR AGRICULTURE
(Maximum Points = 15)

Explanation: Level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine’s Future Program’s farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity, adoption of land use ordinances designed to protect prime farmland soils, property tax incentives that encourage/help farmers

stay in farming, or zoning that encourages development to take place in growth areas. Other initiatives may also include support for locally produced produce such as its local distribution to institutional buyers, the establishment of farmers markets, and strong relationships between local farmers and school programs.

Points

The farmland protection has **significant** community support as evidenced by numerous measures, including an adopted comprehensive plan that is consistent with the State's Growth Management Act with one or more protective measures related to protection of rural areas and/or farmland implemented as recommended in the plan, established farmers' markets, and similar measures.....11 - 15

The farmland protection has **moderate** community support as evidenced by some measures, including recognition in an adopted comprehensive plan with one or more protective measures implemented as recommended in the plan, established farmers' markets, and similar measures.....6 -10

The farmland protection has **minimal** of community support. No comprehensive plan exists or a comprehensive plan exists but no protective measures have been implemented0 - 5

SCORE _____

Threshold Criteria Relating to Farmland Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A list of other Board policies and guidelines are found in Section I on page 4.

Threshold Criteria

Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

Willing Seller: The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property.

Appraised Value: The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F). 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.

Match : A proposal is expected to have matching funds greater than or equal to 50% of the total eligible project costs. This means that for every \$1 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- no more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (e.g. appraisal, survey, title work, legal work, ecological and archeological inventory)²⁰; and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match via appraisal. To qualify as LMF match, the sponsoring state agency must hold the real estate interest or, if the interest is held by, the cooperating entity, the interest must be covered by a project agreement with the sponsoring state agency.

For example, if a proposed property has an estimated total project cost of \$200,000 (including land and all other eligible costs), it would be eligible for up to \$100,000 in LMF

²⁰ Services conducted by applicant staff and members, whether paid or volunteer, are not eligible to be included within match calculations.

funds, and there would have to be a match of at least \$100,000. Of this \$100,000 match, up to 30% or \$30,000 could be services needed for the land acquisition, and at least 70% or \$70,000 would have to be in donated land value, cash, or other tangible asset.

The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project.

If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency or cooperating entity that will hold title (or easement) on the property, this may be considered a tangible asset. Use of contributions to a qualifying stewardship account as match is statutorily capped at 20% of land's appraised value. Likewise, access improvements may be considered as tangible assets with a cap at 5% of appraised land value. Engineering, permitting, and wetland delineation can also be considered as match under the 5% access improvement allowance. To qualify as match, stewardship commitments to the endowment of a cooperating entity must be documented by applicant in a manner acceptable to the Board.

With the exception of the caps relative to the stewardship/management endowment and access improvement allowance, all other match percentages are calculated based on total project costs which are the combined land cost and all other costs customarily associated with a land or interest in land acquisition.

Ownership & Sponsorship: An applicant is required to have sponsorship of a State agency (Department of Inland Fisheries & Wildlife, Department of Conservation, Maine Historic Preservation Commission or Department of Marine Resources and, in the case of projects of regional/local significance, to have reached agreement with the sponsor regarding ownership and management. Applicants must contact the appropriate sponsoring state agency **well in advance** of submitting an application.

Ownership & Organizational Capacity: An applicant must have sponsorship of the Department of Agriculture and have reached agreement with the agency regarding ownership and management of the property or easement. The Department is typically seeking to acquire or support the acquisition of agricultural conservation easements on viable, working farms. The Department will support the acquisition of fee interest in a working farm by a town or qualifying non-profit organization when there is a commitment to transfer ownership to a new farmer or lease the land to a farmer. If this model is anticipated, the applicant is strongly encouraged to consult with the Department of Agriculture staff. If ownership of the conservation interest acquired is to be held by a party other than the Department (e.g. under a project agreement -see Q #4 on page 8 and Appendix H) the Board will require an applicant to demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board may consider all relevant factors including without limitation level of debt, fund raising, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. In addition,

the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

Relationship to local comprehensive planning efforts:

For locally significant projects, the project must be consistent with an adopted comprehensive plan meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't frustrate the intent of the designation.

Other criteria to be weighed by the LMFB:

Availability and price of the property.

Suitability of alternate protection techniques.

The potential for this project to support economic activity in the town or region hosting the project. For example, a trail corridor may provide or protect recreational opportunities in an area to which tourism is vital. Similarly, conserved working farms and forest land provide important economic benefits in addition to open space, wildlife habitat and ecosystem services.

Vulnerability to future degradation of the property's conservation values including possible degradation due to long-term changes in climate and weather patterns.

Intensity and expense of management activities needed to maintain the property's value.

In the case of conservation easements, availability of sufficient matching funds to monitor and enforce the easement or a contribution to the State's conservation stewardship or easement monitoring endowment.

Status of fund-raising efforts for match funds.

Project Readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale of "readiness" indicating the level of commitment and likelihood a project will be completed in a predictable timelines.

Level 1 - 4 items completed
Level 2 - 3 items completed
Level 3 - 2 items completed
Level 4 - 1 item completed
Level 5 - 0 items completed

Items to be completed include:

Current, completed appraisal
Final easement or fee acquisition conditions completed
Cost Share commitment established
Signed option or purchase and sales agreement
Preacquired and held by a third party in coordination with the sponsoring state agency.

The Board will also consider the fund-raising plan for the proposal and the status of fund-raising efforts for matching funds.

Application Format and Instructions

General Guidelines for Applicants

All applicants are required to provide good maps, aerial photos, and as much supporting information as you feel is necessary for the Board to better understand your project and the values it addresses. Carefully read through this section, to learn what the Board wishes to see in a well-rounded proposal. All applicants are required to use the following application structure and numbering sequence and to provide complete information for categories. If not applicable, indicate so by placing a N/A.

A template for the application is available from the Department of Agriculture (call Stephanie Gilbert at 287-7520). If a category is not applicable please indicate by using the words “not applicable” in the appropriate location.

Eight copies of your proposal should be sent to:

**Land for Maine’s Future Program
State Planning Office
38 State House Station
Augusta, Maine 04333-0038
Telephone #: (207) 624-6213**

In addition, one copy of the application must be sent to the Department of Agriculture, Food and Rural Resources.

1) **Applicant**

Name, address, and phone number of the land trust or other proposed easement holder and the primary contact person.

2) **Agency Sponsor**

In this case it will be the Department of Agriculture, Food and Rural Resources. Please be sure that you have contacted the agency and they support your proposal.

3) **Date of Application**

Indicate the date you submitted your application

4) **Project Title/Name of Farm**

This is the name by which your proposal will be catalogued by Program staff.

5) **Location of the Project**

Provide us with the name of the township and county.

6) **Size**

Indicate how many acres your project encompasses.

7) **Owner(s)**

Include address, phone number, fax and e-mail (if available). A letter from the landowner(s) to the applicant indicating their willingness to be considered in the project must be included in the application.

8) **Partners**

Other entities supporting this project. Include address, phone number, fax, e-mail (if available)

9) **Names of individuals knowledgeable about the farm site and proposal.**

List the names of individuals who can speak directly to the various farm values which your proposal will protect and include a telephone where they can be reached.

10) **Total Financial Summary**

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

11) **Project Description**

Include an introductory narrative description of the entire project.

12) **Location Information**

Provide a selection of easy to read maps including (no larger than 11”X17”)

- a) Maine Atlas Base Map - showing project location and regional perspective
- b) USGS Topographic Base Map - showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands.
- c) Aerial Photo - showing project location, boundaries, buildings, land use types

- d) Other Maps as Appropriate – showing, for example, significant wildlife habitat, endangered species, significant natural communities, outstanding physical features, proposed public access, trails, etc., the context of the project within a greenbelt plan, comprehensive plan, etc.
- e) NRCS County Soil Survey map or with property located on a Soil Conservation Plan map

13. **Productive Farm Assets**

List and describe every productive farm asset that contributes to the productivity of the farm. These include, but are not limited to, the following: prime or unique soils, or soils of statewide importance; lands that are productive for crops that do not rely on prime agricultural soils; and other types of natural resources available on a farm that are currently devoted to or have the potential for a diversity of income-generating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, types of farm structures available, etc. Collectively, the Board seeks indicators of the existing and potential productivity of a farm’s assets. Include the farm’s conservation plan and note when it was last updated by the Soil & Water Conservation District or Natural Resource Conservation Service (USDA). Also note if the farm has a forest management plan and when that was last updated.

14. **Current and Emerging Threats to Conversion**

Indicate the degree of threat to farmland as reflected in the patterns and trends of development within a town or region. The Board is seeking indications that the farm is **highly, moderately, or not at all** threatened by conversion to other uses because of development pressure in the adjacent or surrounding area, and development for nonagricultural uses. Indicate the time frame in which these threats are going to become imminent and include one or more of the following to document the potential for conversion to non-farm uses of the lands proposed for protection: a) full fair market value appraisal, with, if applicable, before easement and after easement values; and/or (b) during the previous two years, the number of subdivision permits issued, the number of new house lots approved, the number of building permits issued in the town or township within which the proposed easement is located. A good source for this information is your town office.

15. **Significance to Regional and Local Markets**

Document the farm’s economic viability or its potential for economic viability, as defined by current or potential markets. Document the farm’s contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and provisions for employment. These are factors which help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Using **Significant, Moderate** or **Slight** as terms of measure, indicate whether the farm sells, or has the potential to

sell, a quantity of products to meet local or regional consumer demand, or the needs of other farmers, and is important to maintaining the local services infrastructure because of its use of these resources.

16. **Open Space, Cultural and Other Public Benefits**

Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or it may contribute to the tourism economy by providing a scenic value. The relationship between the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for recreational use such as: hiking, bird watching, snowshoeing, cross-country skiing or a setting for natural resource education activities. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, and historic viewsapes) while others require the establishment of public rights of access or management rights. Where ever a landowner is willing to include a component of public access or permanent protection for any of these, these additional public values along with open space and cultural values will add to the project's score.

Please be specific when indicating which of these values are part of your proposal, and how they will benefit or be permanently protected through your proposal. Be sure to provide documentation and good descriptions for any of the values you indicate are present.

17. **Community Support**

The level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine's Future Program's farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity [the local plan itself should be consistent with the State's Growth Management Act], adoption of land use ordinances designed to protect prime farmland soils and/or farming activity, property tax incentives that encourage/help farmers stay in farming, or zoning that encourages development to take in growth areas or the like. Other initiatives also include support for locally produced produce such as its local distribution to institutional buyers; the establishment of farmers' markets and relationships between local farmers and school programs.

Indicate the level of community support (significant, moderate, or minimal level of support) and be specific with the examples you associate with your proposal. Provide documentation in the form of letters of support, copies of town zoning ordinances, excerpts from a comprehensive plan, etc.

18) Estimate of monitoring and management costs

An entity submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

19) Project Readiness

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 - 4 items completed
- Level 2 – 3 items completed
- Level 3 – 2 items completed
- Level 4 – 1 item completed
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Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Preacquired and held by a third party at the request of the State

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

- 20) **Organizational capacity:** For applicants other than the Department of Agriculture, please describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. An applicant must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants should submit their most recent financial audit or most recent financial statement (balance sheet)²¹ that fairly represents the organization's current financial condition. The Board may consider all relevant factors including without limitation organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

²¹ This material should be accompanied by a statement from the organization's treasurer that affirms that the material fairly represents the organization's the current financial condition.

List of Contacts/Cooperating Entities

NOTE: When contacting these agencies and organizations, include a base map with the proposed area clearly outlined on a USGS topographic map or on a DeLorme Atlas map, with the map number identified. Also include your name, address and phone number along with specific questions you would like them to respond to. Remember that these agencies may be receiving many such requests and your requests should be legible and concise.

State & Federal Agencies

State Planning Office
State House Station # 38
Augusta, ME 04333
Tim Glidden, Director
Land for Maine's Future Program
tel: (207) 624-6213

Dept. of Agriculture, Food & Rural Resources
State House Station # 28
Augusta, Maine 04333
Stephanie Gilbert
Farmland Protection Program Manager
tel: (207) 287-7520

Natural Resource Conservation Service
967 Illinois Avenue, Suite 3
Bangor, Maine 04401
Bill Yarmartino, Assistant State Conservationist for Program Delivery
USDA Farm and Ranch Lands Protection Program
Tel: (207) 990-9100

Non-Profit Organizations

MAINE FARMLAND TRUST
97 Main Street
Belfast, Maine 04915
(207)338-6575
info@mainefarmlandtrust.org

MAINE LAND TRUST NETWORK
A program of Maine Coast Heritage Trust
Bowdoin Mill, One Main Street
Topsham, ME 04086
(207) 729-7366, 729-6863 (fax) 207-729-7366
www.mltm.org

THE TRUST FOR PUBLIC LAND
Maine Field Office
30 Danforth St., Suite 106
Portland, Maine 04101
(207) 772-7424
FAX (207) 772-7420
wolfe.tone@tpl.org

NOTE: For the name of your nearest land trust, please contact one of the above non-profits or visit www.mltm.org.

Appendices

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Appendix A

Inquiry Form

Conservation and Recreation Lands and Water Access Projects

POTENTIAL PROJECT INFORMATION:

Property name: _____ **Date:** _____

Property Location: Municipality: _____ County: _____

Landowner: *(please list full name and mailing address of landowner):*

Name: _____

Mailing Address: _____

Town & State: _____

(Tel. #) _____ (Fax #) _____ (E-Mail) _____

Inquiry Contact Person: *(please list full name and mailing address)*

Name: _____

Mailing Address: _____

Town & State: _____

(Tel.#) _____ (E-Mail) _____

Potential Partners *(e.g. Conservation Commission, Federal Agency, local Land Trust or Non-profit Org.)*

(Mailing Address, telephone #, fax #)

Project Size *(Total acres)* _____ with Shoreland *(Length of frontage)* _____

Major Land Categories: *(Please check all of the land categories that apply.)*

- Recreation Land
- Water Access Land - Inland Coastal
- Areas of Scenic Interest and Prime Physical Features
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat
- Farmland and Open Space *

Level of Project Significance:

State Significance Regional Significance Local Significance

Type of Project: Acquisition in Fee Conservation Easement Combination of Both

Proposed State Agency Sponsor (Conservation and Recreation Lands):

Inland Fisheries & Wildlife Conservation Not Yet Confirmed

Proposed State Agency Sponsor (Water Access):

Inland Fisheries & Wildlife Conservation
Marine Resources
Not Yet Confirmed

PROJECT DESCRIPTION:

Brief Description of the Property: (Provide information regarding the suitability for public acquisition, special features, and proximity to existing public lands and anticipated ownership of project lands.)

Note: Please attach the following: Site Location Map
 Property Boundaries on USGS Topographic Map

Important Note: The Land for Maine's Future requires that all owners of land being proposed to LMF are willing sellers and have full knowledge that their property is being presented to the Land for Maine's Future Board for consideration. Please have the owner(s) of the land proposed on this form sign below. This in no way represents an obligation to sell or creates any financial liability on the part of the landowner. *(A signed letter stating the above is also acceptable.)*

(owner)

(date)

***Note:** If the primary purpose is to protect farmland/ a working farm, use the **Farm Project Inquiry Form.**

Appendix B

FARM INQUIRY FORM

FARMLAND PROTECTION INQUIRY FORM:

Farm Name: _____ Date: _____

Type of Farm Operation: _____

GENERAL INFORMATION: County: _____ Town: _____

Landowner(s) *[please list full name of all owners]*:

Mailing Address: _____ Phone #: _____

POTENTIAL CONSERVATION PARTNERS

(Please list the name, mailing address, telephone #, and email address of the Land Trust, Town or other conservation partner)

LAND DESCRIPTION: Tax Map/Lot # _____ / _____ Zoning: _____

Total Acres: _____

Fields: _____

Forest: _____

Soil Classification by the USDA Natural Resources Conservation Service:

Prime Farmland _____ acres

Farmland of Statewide Importance _____ acres

Other working farmland not classified as Prime or Statewide Important _____ acres

Crops grown: _____

Building(s): _____

Does the farm have an NRCS Conservation Plan? Y / N (circle)

Does the farm have a Forest Management Plan prepared by a licensed forester? Y / N (circle)

Have you participated in a farm business planning program (i.e. The Maine Farms for the Future Program, NxLevel Tilling the Soil of Opportunity, FasTrack, etc)? Y / N (circle)

LAND OWNERSHIP: Deed type: _____ Book/**PAGE** #: _____

When was the property purchased by the current owner? _____

Is there a mortgage, second mortgage or equity loan on any portion of the property? Y / N

If Yes, what is the balance due on the note? \$ _____

Is there an existing boundary survey?: Y / N (circle)

Significant wildlife habitat or other natural features (if any known, please describe): _____

Important Note: The Land for Maine's Future requires that all owners of land being proposed to LMF are willing sellers and have full knowledge that their property is being presented to the Land for Maine's Future Board for consideration. Please have the owner(s) of the property described above sign below. This in no way represents an obligation to sell or creates any financial liability on the part of the landowner.

(owner)

(date)

Appendix C

Major Land Types

The major land categories are established in the Act and are listed here with additional logical sub-categories. Those specifically identified by the Act are noted with an asterisk (*). Those subcategories not listed in the companion legislation are those logical components of the major categories.

Land Types

Recreational Lands

- Lands offering hunting and fishing opportunities *
- Lands having trail corridors or hiking trails
- Lands offering opportunities for nature study
- Lands having cross-country skiing opportunities
- Lands having snowmobile trails
- Lands offering traditional camping or picnicking areas

Water Access Lands

- Coastal beach access for swimming or sunbathing
- Inland beach access for swimming or sunbathing
- Fishing access on streams and lakes
- Fishing access on oceanfront (including clamming and worming)
- Coastal boat launching sites
- Inland boat launching sites
- Canoe access sites (rivers, lakes, ocean)
- Recreational sites (camping or picnic sites) on streams, lakes
- Recreational sites (camping or picnic sites) on the coast

Lands Supporting Vital Ecological or Conservation Functions and Values

- Wildlife habitat *
- Wetlands *
- Lands providing public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter.* (new 2007)²²

²² 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

- Lands of importance to fish and wildlife because of their limited occurrence or biological diversity/productivity (e.g., coastal islands, salt marshes, inland wetlands, riparian areas)
- Lands of special importance to specific species in Maine (e.g. deer wintering areas, blue heron rookeries, fish spawning areas)
- Lands essential to maintaining wildlife migration corridors, or shore and seabird nesting habitats
- Lands representative of ecosystem types of Maine and essential to the preservation of the range of natural biological diversity

Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat *

- Habitats which are naturally rare due to range limitations
- Habitats of special importance to the restoration of endangered and threatened species (e.g. bald eagle nesting territories, least tern nesting beaches)
- Fragile mountain areas * (e.g. alpine tundra vegetation)
- Peatlands (certain types)
- Old-Growth Forests (representatives of common & rare types)
- Rare wetland types (e.g. fens, cedar swamps, patterned bogs)

Areas of Scenic* Interest and Prime Physical Features*

- Undeveloped shorelines* (coastal, rivers, & lakes)
- Significant, undeveloped archeological sites* (new 2007)²³
- Mountain viewsheds
- Visual access to water (rivers, lakes, ocean)
- Areas along state highway system
- Headlands
- Waterfalls
- Gorges
- Whitewater rapids
- Mountain ridges
- Beach-dune systems
- Eskers
- Cobble beaches

Farmland and Open Space*

- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- Lands geographically and physically capable of being multi-community parklands
- River corridor greenways

²³ 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.

