

Appendix B

State Land Acquisition & Access Programs

Maine Department of Inland Fisheries & Wildlife

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The primary mission of the Department of Inland Fisheries and Wildlife (MDIFW) is to conserve and enhance the fish and wildlife resources of Maine, and to provide reasonable public access for use and enjoyment of these resources. MDIFW's programs are primarily funded by self-generated revenues, Federal Aid to Sport Fish and Wildlife Restoration, and other sources of state and federal funds.

MDIFW currently owns and manages 71 Wildlife Management Areas which encompass approximately 106,000 acres of land. These lands represent a variety of fish and wildlife habitat and recreational values, including large wetland and upland parcels, small marshes, coastal woodlands, seabird nesting islands, shorebird staging areas, and endangered and threatened species habitats. The primary management objective for each parcel is to maintain, create or restore the highest quality upland or wetland habitat possible.

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

MDIFW's lands are utilized by the public for many recreational pursuits. The agency allows reasonable public access and recreational activities on these parcels when they do not conflict with the primary wildlife management objectives. Public recreational activities include but are not limited to "consumptive" wildlife uses such as hunting, trapping, and fishing, and numerous "non-consumptive" uses such as wildlife watching, wildlife photography, hiking, canoeing, and providing open space for the public. MDIFW's lands also serve as demonstration areas where the public can learn about fish and wildlife and their habitats along with habitat management techniques necessary to support their populations.

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

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

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

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

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

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

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

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

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

- Recreational Lands,
- Water Access Lands,
- Lands Supporting Vital Ecological or Conservation Functions and Values,
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat, &
- Areas of Scenic Interest and Prime Physical Features.

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

- the rating of property characteristics;

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

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

1. For project sponsorship purposes, the property contains natural/cultural resources and/or recreation opportunities that are of *well-documented significance* and meet LMF definitions for projects possessing significant, high significance, or highest significance of their Major Land Assets as defined in this [workbook](#). Greater significance is attached to properties with multiple natural/cultural resources and/or recreation opportunities.
2. The property has significant resources and/or opportunities that need protection due to a documented threat of degradation or loss; or have significant recreation opportunities that should be secured to address a documented need. (Documented need from SCORP, LAPAC, *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (MDIFW & DOC), *Coastal Water Access Priority Areas for Boating and Fishing* (DMR), and other recognized sources)
3. There is guaranteed public vehicular access to the property or parent property; or it can be reached via a public trailhead if access will be by trail; or can be reached via public boat launching site if access will be by water.
4. Additional Considerations for Water and Boat Access Projects:
 - Location of the water in relation to population centers and other water access sites
 - Size of the water body and the diversity of recreational opportunities it offers
 - Level of and proximity to existing public access sites and access needs
 - Value of fisheries opportunities based on MDIFW and/or DMR's evaluation
 - Expected demand and diversity of uses of the site, current or anticipated
 - Threat of conversion to other uses, such as development.
5. Additional Conditions for Trails related projects:
 - It includes a variety of landscapes,
 - It provides connections to existing trail routes or trail facilities,
 - It provides connections to other public recreation areas or community facilities, and
 - It provides connections to needed services (parking, food, water, shelter, fuel, repair services).

Maine Historic Preservation Commission

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

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

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

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

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