

Land for Maine's Future Program

Proposal Workbook **Board Adopted Policy & Guidelines**



November, 2022

www.maine.gov/dacf/lmf

Maine Department of Agriculture, Conservation and Forestry
207-287-7576

Introduction

About This Workbook

This is the twelfth edition of the Proposal Workbook since the Land for Maine's Future Board initiated its grants program in 1988. The Workbook reflects the previous work, experience and public input since the program began in 1987. This Workbook has been revised for the purpose of incorporating new statutory requirements, updating and more clearly stating existing policy, updating the scoring criteria and updating the names of current staff and board members.

This workbook contains four sections plus appendices.

Section I contains vital information on a wide range of Land for Maine's Future topics. Applicants should read this section first; it provides information on the Board's policies, process, and the Program's background.

Section II is for "Conservation and Recreation Land" proposals, this is the section that will be appropriate for most proposals.

Section III is for "Water Access" projects appropriate for the Public Access to Maine Waters Fund. Managed by the Board, this Fund is generally earmarked for smaller parcels that provide water access for boating, fishing and swimming.

Section IV explains what you need to do to move your project from initial approval to final award (and receipt of funds).

Appendices include important background information for projects.

For this workbook, the Board has established two Conservation and Recreation funding rounds: **Round A for projects of Statewide Significance and Community Conservation Projects, and Round B for Working Forest Projects** (which can be either projects of Statewide Significance or Community Conservation Projects). **Water Access proposals may be submitted at any time.**

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PROPOSAL DUE DATES:

Applicants should use the [Project Readiness criteria](#) to evaluate whether their project is ready for submission.

Round A: Projects of Statewide Significance and Community Conservation Projects

January 13, 2023 - Inquiry Forms ([Appendix A](#)) due no later than 5:00 p.m.

March 24, 2023 - Final Proposals due no later than 5:00 p.m.

Round B: Working Forest Projects

May 19, 2023 - Inquiry Forms due no later than 5:00 p.m.

August 4, 2023 - Final Proposals due no later than 5:00 p.m.

The Proposal Workbook is available in Portable Document Format (PDF). It can be downloaded from the Land for Maine's Future website (www.maine.gov/dacf/lmf).

SUBMISSION REQUIREMENTS:

Inquiry Form: Submit an [Inquiry Form](#) to LMF via email or hard copy at the address below.*

Proposal: Submit an electronic PDF and eleven printed copies* of your Proposal to:

LMF Address:

Land for Maine's Future
22 SHS / 19 Elkins Lane / Elkins Bldg.
Augusta, ME 04333-0022

LMF Submissions Email:

LMFSubmissions.DACF@maine.gov

***Please note** that additional information may be posted regarding submission requirements for Round B: Working Forest Proposals.

Acknowledgments

The Land for Maine's Future Board wishes to acknowledge key individuals and organizations that assisted in the development and production of this edition of the *Land for Maine's Future Program Proposal Workbook*.

Special thanks go to all of the Board members, especially those private citizen members who give so generously of their time and knowledge to make the Land for Maine's Future Program an enormous success. Their tireless work and attendance at meetings are reflected in the outstanding public lands funded through the Program.

In addition to Board members, hundreds of Maine citizens and organizations provided essential input to the earlier versions of the Proposal Workbook as well as Board policies and goals that provide the foundation of this edition.

State agencies also provided input. The staff of the Departments of Agriculture, Conservation and Forestry (DACF), and Inland Fisheries and Wildlife (MDIFW) contributed significantly.

Finally, thanks go to the staff of the Land for Maine's Future Program who have collected and kept track of public comments, applicant feedback and Board concerns, and drawn from their own experience to help produce this new edition of the Proposal Workbook.

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Section I

The Land for Maine's Future Board & Program



Land for Maine's Future Board & Staff

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Program Staff

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Vacant, Paralegal Assistant

Legislative & Policy Objectives

The Land for Maine's Future Fund is managed by a 9-member board, of which six are private citizens and three are state agency commissioners. The program staff is responsible for providing support for Board activities relating to acquisitions.

Recent Policy Objectives initiated in the 130th legislative session:

1. \$40,000,000 in new funding for LMF projects was approved by the Governor and legislators through the biennial budget.

This budget allocation allows the Board to spend up to \$10,000,000 in the first year (FY 22) and no more than \$10,000,000 plus any unused balance from prior years in each of the 3 subsequent years.

Up to \$30,000,000 may be allocated to conservation and recreation projects and at least \$2,000,000 must be allocated toward water access projects. At least \$4,000,000 must be allocated to each of farmland preservation and working waterfront as well – these categories are addressed in separate workbooks.

2. Other legislative changes include:

- Funds are available for projects of statewide significance and for community conservation projects. Establishes a definition for community conservation projects;
- Preference given to community conservation projects that benefit multiple municipalities and address regional conservation needs;
- Prioritizes projects that address climate change;
- Prioritizes projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. These lands are to be held and managed by the Maine Department of Inland Fisheries and Wildlife;
- A requirement that hunting, fishing, trapping and public access may not be prohibited, subject to applicable state, local or federal laws, rules and regulations. This provision does not apply to working farmland and working waterfront projects;
- The Board may allocate up to 5% of the appraised value to be applied toward a stewardship and management fund for the property acquired with LMF funds,
- In the instance of deer wintering habitat acquisitions, up to 5% of the appraised value may be applied toward development of a management plan to provide for the land's continuing function as a deer wintering area;
- Establishment of a Farmland Access Protection Program to be jointly administered by the Department of Agriculture, Conservation and Forestry and the Land for Maine's Future Board;

Needs Assessment

The Board conducted its original needs assessment in 1988, which consisted of public participation meetings and the establishment of priority land categories, including the legislatively mandated land types found in the LMF statute. This list created the foundation of the Land for Maine's Future Program's detailed land classification types which are used in the scoring process:

- 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
- Open Space

In 1996, Governor King established the Land Acquisition Priorities Advisory Committee (LAPAC). This committee performed a new needs assessment and its recommendations form the basis for some of the scoring process, most notably the "Land Assets" found in [Appendix D](#), and the Conservation and Recreation Lands [Scoring System](#) in this workbook.

Since then, the program has updated its criteria to keep current with emerging needs, public input, and legislative action.

As part of its preparation for issuing this workbook, the current LMF Board drew upon the previous LMF Workbook, updated statutory requirements, recommendations from the Maine Climate Council, on-going work to review the program and policies, and the Board's recent experience in scoring and selecting project finalists to develop the priorities and scoring system described herein.

Board Policies & Guidelines

The Land for Maine's Future Board follows well-established policies and guidelines as it conducts its business. The following is a brief summary of the most important of these. Please contact LMF staff with any questions.

Primary Purpose of the Program - The primary purpose of the LMF Program is to conserve land in its undeveloped state, provide public recreational water access, working waterfront protection, and continuing productive farms and farmlands. The LMF Conservation and Recreation Program and Public Access to Maine Waters Fund work to protect access to our most cherished lands and waters on behalf of our citizens, preserving Maine's quality of life for all.

Providing Public Recreational Access – Public recreational access is a core purpose of the Land for Maine's Future Program. All lands acquired with LMF Conservation & Recreation and Water Access funding are open to the public.

Hunting, Fishing & Trapping – Pursuant to statute, hunting, fishing, trapping and public access may not be prohibited on conservation and recreation lands acquired with LMF funding, except to the extent of applicable state, local and federal laws and regulations. Exceptions include farms and commercial working waterfront properties, or for protection of critical natural resources.

Discriminatory Fees and Access – Public access may not be limited in any way based on the location of a visitor's residence. If entrance or usage fees are established, they must be uniform for all visitors. Generally, the establishment of fees must be allowed in the Project Agreement and approved by the Designated State Agency.

Willing Sellers Only - The Board requires proposals to include a signed consent from the owner(s) of land being proposed for consideration.

Municipal and County Approval - Municipal approval is required for LMF funding when property interests representing more than 1% of a municipality's state valuation are considered for acquisition. Board policy is to encourage applicants to seek municipal input on all acquisitions. Within unorganized territories, approval of the appropriate county commissioners is required if the land value of a proposed project constitutes more than 1% of the state valuation within that county. The year of the appraisal will determine the year of the municipal valuation used.

Public Notice of Intent to Purchase - The Board publishes a notice of a vote to acquire property 10 days in advance of the meeting. Notices are placed in a general circulation newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.

Public Participation Welcome at All Meetings - All Board meetings are open to the public and include opportunity for public input. Meetings are publicly announced in advance on the LMF

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website, DACF website, and State of Maine public meetings calendar. Additionally, as noted above, when projects come before the Board for their final allocation, public notices are printed in applicable newspapers and on the LMF website.

No Fee Acquisition of Lands for Timber Production - By statute, LMF is prohibited from funding the fee acquisition of land for which the primary use value has been or will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the rights to harvest timber are retained by the landowner.

Addressing Land and Easement Management Costs - The Board requires all applicants to address stewardship and management costs as part of a proposal. LMF statute requires that applicants provide estimates of the management costs associated with the project over the first 10 years of ownership.

Project Ownership - As part of the proposal, the applicant must specify how the project's ownership will be held.

When a project involves an easement that is to be held by a local entity (a "cooperating entity", per LMF statute, includes land trusts and municipalities), language may be added to the easement giving the State of Maine third party enforcement rights on the terms of the easement. If this is not done, a Project Agreement between the cooperating entity and the State of Maine will define the terms of the project and be recorded with the easement (see [Appendix F](#)). Because all projects have differences, the description of project goals and management expectations may change from project to project.

Similarly, where a project is owned in fee by a cooperating entity, a Project Agreement (see [Appendix F](#)) is signed between the entity and the State of Maine to define the terms of the project and recorded with the deed. The deed must also include reference to the fact that the parcel has been acquired as part of an LMF funded project.

Designated State Agency Sponsorship: Prior to submission, proposals must be sponsored by a Designated State Agency (DSA) (Department of Inland Fisheries & Wildlife, Department of Agriculture, Conservation and Forestry, or the Maine Historic Preservation Commission).

Pre-Acquired Properties - Lands acquired within 2 years prior to the date of the project proposal deadline may be considered for reimbursement when the pre-acquisition was conducted on behalf of the sponsoring agency **or** the sponsoring agency was aware of and supported the pre-acquisition. LMF contribution will be no more than the Board approved amount, not to exceed the actual purchase price or appraised value whichever is less. Any appraised value approved by the LMF Board in excess of the purchase price may be used as match. All other LMF due diligence and policy requirements apply to pre-acquired properties. Only in rare circumstances will the Board consider reimbursement for a pre-acquired easement. Contact LMF staff with questions.

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Purchases Above Appraised Value Strongly Discouraged - The Board's basic rule is that it will not participate in a transaction where the purchase price exceeds fair market value based on an independent appraisal that is approved by the Appraisal Oversight Committee and accepted by the Board. However, it is recognized that the market will, on rare occasions, offer opportunities that may require exceptions to the basic rule. **Applicants should be aware that this exception is seldom invoked and consult with program staff prior to making any commitments that would require an exception.**

Board Allocation of Project Funding - The Board's allocation is considered preliminary until the actual value is determined by an LMF Board approved appraisal. The value determined by this appraisal, and other project costs, will guide the amount of funds LMF contributes to the project. In the event that the project changes in scope or size, the Board's approval of funding may differ from the original allocation. Final funding awards are at the approval of the LMF Board. Awards are subject to the availability of funds and subject to state budget and finance procedures.

Project Adjustments - The Director and Project Manager must be notified if, at any point prior to closing, a proposal selected as a project finalist has adjustments to its scope and size from what was accepted for funding by the LMF Board. Staff will review and determine what adjustments are appropriate or if the proposed changes require the project to return to the LMF Board for approval.

Project funding may be reduced from the original allocation amount based upon the impact of the project change to the attributes of the original project.

Proposals must return to the LMF Board for reconsideration when:

1. Reductions in size
 - Reductions in land are more than 10% of the original total project land area. This includes instances in multi parcel projects
 - A parcel is removed from a multi-parcel project.
2. Reductions in scope

If changes in project scope substantially affect public access, recreational opportunities, uses of the land, ecological or conservation attributes.
3. Change in project parcels

Substitute parcels must be approved by the Board.

Reserved Rights and Title Issues - All reserved rights and issues affecting the property's title encountered during the due diligence process must be reviewed by the Project Manager and Director, including changes to conservation easement terms, mineral ownership, reserved rights, etc. to determine if these could materially affect the conservation values of the property and the investment of public funds.

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Environmental Concerns – Properties that receive LMF funds must be free from all environmental concerns at the time of closing. Prior to closing, all projects must submit a Phase I Environmental Site Assessment (ESA) report to LMF dated within 1 year of closing. The ESA report must be conducted in accordance with then-current applicable ASTM standards for a Phase 1 Environmental Site Assessment at the time the report is created and under conditions that permit inspection of ground conditions (snow on the ground is not acceptable). Debris, trash, tires or other forms of refuse or encroachments from abutting lands identified in the ESA report must be removed from the property, with documentation provided to LMF staff prior to the release of LMF funds.

Buildings are generally not allowed on LMF properties, except under specific circumstances. Contact LMF staff if you have questions about existing buildings on the property.

For properties pre-acquired for State of Maine ownership, (fee & easement), an ESA may not be necessary. Contact LMF staff with questions.

Acquisition Awards – LMF will consider requests for up to 50% of the appraised value of the land or interest in land to be acquired. In the case of multi-parcel projects, this limit applies to the total value of all parcels; LMF may contribute more than 50% towards the purchase of an individual parcel as long as the total award is no greater than 50% of the total value of all parcels. LMF funds may be applied only to the purchase of land or interests in land and may not be used for reimbursement of other project costs.

Supplemental Awards – By statute, the LMF Board may also award up to 5% of the appraised land value for access improvements, and up to 5% of the appraised land value for stewardship and management. Access improvement awards are made by the LMF Board after the land is acquired. Access Improvement Grants must be matched 1:1 by 1) excess cash and land value, 2) the applicant's contribution to a dedicated stewardship fund, and/or 3) applicant funds invested in access improvements. See [Appendix I](#) for more information on access improvement awards.

Stewardship and management awards are made by the LMF Board at the same time as project awards. These funds must be held in a dedicated endowment fund and restricted to use on the property receiving LMF funding. The Board's policy on stewardship and management awards will be posted to the LMF website once adopted by the Board. Stewardship awards must be matched 1:1 by funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as the stewardship funds awarded by LMF. However, the LMF Board may allow excess match from the acquisition of the property to serve as all or a portion of the match required for LMF stewardship awards when after demonstrable efforts the applicant is not able to provide stewardship funds as match AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means.

Match – An applicant is expected to provide matching funds greater than or equal to 100% of the total Award Amount. This means that for every \$1 of LMF funds, there must be \$1 of match value. For this round, 100% of the required match value must be supplied in the form of cash or land value. The value of lands or interest in lands acquired within 2 years of the date of project

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proposal may be used as tangible match when the property interests have a direct relationship to the project. This value must be validated by an independent appraisal which meets LMF appraisal standards.

Lands donated as matching funds are subject to the same requirements and restrictions as lands acquired with LMF funds.

Purchase Price Determined by Appraised Value - Board policy requires that the fair market value of a property or a conservation easement is determined through a qualified independent appraisal and that the acquisition price reflects the appraised value. Appraisals should follow the Appraisal Standards found in [Appendix E](#).

Applicants may use a realtor's opinion of value as a means of establishing a value for the purposes of applying for LMF funds. Once a proposal is selected by the Board as a finalist, an appraisal must be conducted in accordance with the LMF appraisal standards described in [Appendix E](#). The Board will typically require appraisals with a valuation date no more than a year old at the time of the Appraisal Oversight Committee's review, unless an executed purchase and sales agreement is in place with a value based on the appraisal. In all instances, appraisals for LMF funded properties must be reviewed and approved by the LMF Appraisal Oversight Committee.

Press Releases - All press releases or media advisories announcing any phase of an acquisition with LMF funds must be coordinated with the LMF staff. Media coverage is encouraged.

LMF Signage - LMF will provide silk-screened metal signs upon completion of a project and will provide additional or replacement signs upon request. Applicants are responsible for ensuring these signs are placed and maintained on all conserved properties.

Threshold Criteria

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. These "threshold criteria" supplement policies and guidelines that are found in Section I and refer to the Board's expectation that all proposals meet the following minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

Adequate Title: Clear title is required. If clear title is not available at the time of application then the applicant is required to obtain clear title prior to closing.

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 [Appendix E](#)). The appraisal valuation date should be less than a year old at the time of the Appraisal Oversight Committee review, unless an executed purchase and sales agreement is in place with a value based on the appraisal.

Applicant's Capacity: Applicants must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants must submit their most recent financial audit if one exists and the most recent financial statement that 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, track record with LMF projects, 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 community conservation projects, the project must be consistent with an adopted comprehensive plan (if one exists) 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.

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

Other Board Considerations:

- Does the property increase geographic distribution of LMF investments?
- Does the property provide benefit to people from multiple towns and/or address regional conservation needs?
- Does the property serve as an anchor parcel for conservation in an area of the state without existing conservation lands?
- Does the budget include >50% in matching funds?
- Are >50% of matching funds secured (in hand)?
- Does the relative cost of the property (LMF contribution or estimated value) align with the values offered by the property? (a good bang for the buck?)
- Will the property require an average or low level of ongoing management needs? In the case of conservation easements, sufficient matching funds are needed to monitor and enforce the easement. The Board will evaluate whether the proposal includes an adequate contribution, as identified by the sponsoring state agency, to the State's conservation stewardship or easement monitoring endowment fund.
- Does the applicant have a good track record of completing projects to LMF standards or is this the applicant's first application to the LMF program?
- Does applicant demonstrate financial & staff capacity to adequately steward the property?
- Does the project design result in a good investment of public funds and a good resource for the public?
- Does the applicant demonstrate that the property is under threat from losing public access or conversion to a use that would minimize the value of the resources present?

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List of Contacts

As an applicant begins to develop a proposal, they 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 can assist you in this effort. For more about the mission and priorities of Designated State Agencies, please see [Appendix B](#). If you need any further guidance, contact the Land for Maine's Future Program at (207) 287-7576.

Dept. of Agriculture, Conservation and Forestry

Land for Maine's Future staff

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Land Trusts and Non-Profit Organizations

For the name of the land trust nearest your property, 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 section.

Conservation and Recreation proposals include projects of Statewide Significance and Community Conservation Projects. Applicants should select which category to apply in based on the criteria below:

Projects of Statewide Significance include lands with one or more resources that are rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony and/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 the parcel.

Community Conservation Projects are projects of local or regional significance that promote one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.

Note that neither category has any advantage in scoring; applicants should select the category that is most applicable based on the characteristics of the project.

There is a separate expedited process for proposals for projects eligible for the Public Access to Maine Waters Fund. These proposals may be submitted at any time. See [Section III](#) for information on the process for this category.

Proposal Process

The following outlines the steps necessary to apply for funds in the Conservation and Recreation Lands category. If you have any questions about your proposal or the Land for Maine's Future process, please call (207) 287-7576 and speak with a member of our staff.

Proposal Requirements for Conservation and Recreation Lands

Project Inquiries

Before submitting a proposal, applicants must submit a Project Inquiry Form. The Project Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. The Project Inquiry form is located in [Appendix A](#).

Inquiries will be accepted on a continuous basis from **December 7, 2022 to January 13, 2023**, for Round A, and until **May 19, 2023** for Round B. Applicants are encouraged to submit the [Project Inquiry Form](#) as early as possible during the inquiry period to give themselves ample time to respond to any follow-up questions and prepare a full proposal.

NEW PROCESS: Applicants no longer need to secure DSA sponsorship before submitting their Project Inquiry Form. LMF and DSA staff will jointly evaluate inquiries for consistency with agency priorities and LMF workbook requirements and may request additional information in order to make a final determination on eligibility and sponsorship. Applicants who believe a specific DSA is a good fit for their project based on the criteria in [Appendix B](#) or who have a preferred DSA to work with may indicate their preference as part of their inquiry, but final decisions on sponsorship will be made by the DSA.

Applicants are required to submit a Pre-Acquisition Review [from the Maine Natural Areas Program](#) of all project parcels with their Inquiry Form. It can take up to several weeks for MNAP to complete this review; applicants are responsible for contacting MNAP in a timely manner.

Sponsorship

Applicants will be notified whether a project has been selected for sponsorship by no later than two weeks after the Project Inquiry submission deadlines. DSAs may require a site visit and/or review of the final proposal as a condition of sponsorship.

In the event that your project is not selected to submit a full proposal, you will receive feedback from the committee outlining the justification for their decision.

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Proposal Development

Applicants eligible to submit a full proposal should rely on this Workbook as the primary source of information about the proposal process and program requirements but should also feel free to contact LMF and DSA staff with questions. Questions about the LMF proposal and award process, due diligence, appraisals, requirements contained in this Workbook, or other questions related to LMF funding, should be directed to LMF staff. Questions about managing natural resources and recreation on the property, and similar issues related to property use and management should be directed to the DSA.

Proposal Deadline

Electronic proposals and hard copies must be received by **5:00 PM on March 24, 2023**, for Round A, and **August 4, 2023** for Round B. Proposals must be complete with responses to all the numbered subject headings found in the **Format and Instruction Section** and any additional information listed in this section. Incomplete proposals will be returned for additional information and may not be considered further at the Board's discretion.

Project Readiness

The LMF Board is requesting proposals that meet the following criteria:

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of proposal review, the proposal should include a description of fundraising and/or grant application efforts; and
- An appraisal meeting LMF standards is submitted with the proposal or has been ordered and will be completed before the LMF Board meets to review proposals.

Projects not meeting these criteria are eligible to apply, but the proposal should include an explanation of why the proposal would not be more timely in a future round. All applicants will be notified of the status of their proposal after final Board decisions. Projects not selected on the basis of readiness may be invited to reapply in a subsequent round.

Board Process for Reviewing Proposals - After your proposal has been submitted:

- LMF staff review proposals to determine whether they are complete and to identify problems.
- LMF staff scores proposals.
- Board reviews proposals and staff scores.
- Board hears presentations from applicants and provides adjusted scores to staff.
- Board meets to review their adjusted scores, consider [Other Board Considerations](#), and makes final adjustments to scores.
- The Board enters executive session to select finalists and makes preliminary funding allocations.
- The Board then votes in a public session to select finalists.

Scoring System for Evaluating Conservation and Recreation Land Proposals

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

	Maximum Points
<input checked="" type="checkbox"/> Naturalness of the Land	10 points
<input checked="" type="checkbox"/> Accessibility of the Land for its Intended Use	15 points
<input checked="" type="checkbox"/> Proximity to Conservation Lands and/or Larger Efforts	10 points
<input checked="" type="checkbox"/> Project Need	20 points
<input checked="" type="checkbox"/> Land Assets	
Multiple Land Assets	30 points
<i>or</i>	
Single Exceptional Value	30 points
<input checked="" type="checkbox"/> Community and Economic Impact	10 points
<input checked="" type="checkbox"/> Municipal Support	<u>5 points</u>
	100 points
 BONUS	
<input checked="" type="checkbox"/> Significant Undeveloped Archaeological Sites	10 points
<input checked="" type="checkbox"/> Public Water Supply	10 points
<input checked="" type="checkbox"/> Community Accessibility	10 points
<input checked="" type="checkbox"/> Climate Change Adaptation	10 points
<input checked="" type="checkbox"/> Deer Wintering Area(s)	<u>10 points</u>
	50 points

Total Possible Points: 150 points

Land for Maine's Future Workbook

The Scoring Criteria

1. <u>Naturalness of the Land (Max Points = 10)</u>	Points
The land has little or no discernible human impact	10
The land has some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property	7-9
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	7-9
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	2-6
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	0-1

SCORE _____

2. Accessibility of the Land for its Intended Use (Max Points = 15)

The property abuts and public access is provided by a maintained public road, access to which is not restricted or limited.	15
The property abuts and public access is provided by a private road, discontinued road, or right-of-way with documented access for all purposes of a public way, AND the proposal includes a commitment to maintain the road in a condition allowing access by passenger vehicles.	10
The property is located on an island, public access to which is by water and there is adequate water depth to land or moor recreational boats, and a public mainland boat launch is identified that provides appropriate boat access.	10
The property abuts and will be accessed across adjacent existing conservation land held by the applicant and which is located adjacent to a public way and accessible by vehicle, and the proposal includes a commitment by the applicant to provide at least pedestrian public access across the adjacent land.	10
The property is accessed by a private road, discontinued road, easement, or right-of-way that does not allow access by passenger vehicles but allows public access by other means, or the proposal does not include a commitment to maintain the road in a condition allowing vehicular access.	5
The proposal does not identify legal and physical public access to the property.*	0

SCORE _____

Land for Maine's Future Workbook

Accessibility of the Land for its Intended Use Scoring Notes:

***Note 1:** Projects that are unable to provide public access are not eligible for LMF funding.

Note 2: If legal access to the property is not in place at the time of the proposal but will be secured at or before closing (if a right-of-way will be granted by an abutting owner, for instance), the proposal may be scored as though access has been secured, but LMF funds will not be released until access has been secured as described in the proposal.

Note 3: In the case of projects made up of multiple parcels that would receive different accessibility scores based on these criteria, the LMF Board may choose to award the project a score representing the average of the scores of its component parcels or a score that the Board otherwise determines best represents the accessibility of the project as a whole.

3. Proximity to Conservation Lands or Larger Conservation/Recreation Effort **(Max Points = 10)**

A. Plan Implementation (Max Points = 5)

Projects are awarded points if they implement one or more conservation or recreation plans. Acceptable plans include: 1) Adopted strategic conservation plans that address regional or statewide, multi-state or multi-country conservation needs; 2) Regional conservation efforts to protect open space, recreational opportunities or other natural resource values such as a greenbelt, trail network, recognized route, or river corridor; and/or 3) Protection strategies for open space, recreation, wildlife habitat and/or rural areas in a locally adopted comprehensive plan that are consistent with the State's Growth Management Act.

Note: Conservation initiatives that all proposals submitted to LMF would further (such as the 30x30 Conservation Initiative) are not eligible for points.

The project location is specifically identified as a priority in statewide, regional, or local conservation/recreation planning.	5
The project furthers the goals of two or more conservation/recreation plans, but the plans do not identify priority areas or the project is outside of specified priority areas.	3
The project furthers the goals of a single conservation/recreation plan, but the plan does not identify priority areas or the project is outside of specified priority areas.	1
The project does not implement any conservation or recreation plans.	0

Plan Implementation Score _____

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B. Connectivity (Max Points = 5)

The project builds upon or connects existing conservation holdings.

The project connects two or more significant conservation holdings (state, federal, town, land trust, etc.) and/or is surrounded or nearly surrounded by existing conservation lands. 5

The project is adjacent to existing conservation holdings (state, federal, town, land trust, etc.). 3

The project is not adjacent to existing conservation lands. 0

Connectivity Score _____

SCORE (Plan Implementation + Connectivity) _____

4. Project Need (Max Points = 20)

The need to protect the property and the land assets identified in the proposal due to the relative rarity of natural or recreational resources on the property on a local, regional, or statewide level, the threat that the resources will be lost if not protected, and/or the fact that resources on the property are underrepresented on conserved lands in Maine, as substantiated by published reports, databases, or credible testimony.

Great Need: The project will protect resources that are rare or unique, are under severe threat, are in high demand and/or are not well-represented on conserved lands in Maine. 20

Moderate Need: The project will protect resources that are uncommon, are under moderate threat, and/or are not fully represented on conserved lands. 10-15

Minor Need: Resources to be protected by the property cannot be considered rare, threatened, or underrepresented due to an abundance of similar resources. 5

SCORE _____

Land for Maine’s Future Workbook

5. Land Assets (Max Points = 30)

LMF prioritizes projects that that conserve lands with multiple outstanding resource or recreation values or a single exceptional value. Applicants are asked to determine whether their project qualifies for Multiple Land Assets **OR** Single Exceptional Value using the criteria below. Additional information is contained in the [Proposal Format and Instructions](#) section on how to determine which of these categories is appropriate for your project. See [Appendix D](#) for descriptions of each land asset.

A. Multiple Land Assets

Projects are awarded points for each land asset of minor, moderate, or major significance, up to a maximum of 30 points (if scores total more than 30 points, 30 points are awarded).

Major Significance _____ **6 points**

A resource that is rare and/or exceptional within a statewide or regional area, as substantiated by published report(s), database(s), or credible testimony, and protection of this resource will benefit communities across a large portion of the state and address statewide or regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space.

Moderate Significance _____ **4 points**

A resource that is rare and/or exceptional within at least a regional area, as substantiated by published report(s), database(s), or credible testimony, and protection of this resource will benefit multiple municipalities and address regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space.

Minor Significance _____ **2 points**

A resource that is relatively common (or where data gaps prevent rarity from being documented), and/or protection of the resource will primarily benefit only a small number of communities.

Recreation lands	2	4	6
Water Access Lands	2	4	6
Lands Supporting Vital Ecological Functions and Values	2	4	6
Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat	2	4	6
Areas of Scenic Interest and Prime Physical Features	2	4	6
Open Space	2	4	6
Ecological Preserve	2	4	6
River or Trail System	2	4	6
Island or Undeveloped Coastline	2	4	6
Significant Mountain	2	4	6

SCORE _____

Land for Maine’s Future Workbook

B. Single Exceptional Value (Max Points = 30)

If the land proposed for acquisition is documented to demonstrate 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 30 points. An award of points in the category will be infrequent. This is an “all or nothing” point score.

The land is documented to demonstrate 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 comprehensive published report(s), data, and credible testimony.

SCORE _____

6. Community and Economic Impact (Max Points= 10)

Points for each applicable attribute from the following list will be summed to determine the Community and Economic Impact Score:

- Demonstrates a positive impact on economic development through letters of support from relevant groups such as businesses, business trade organizations, legislators, and/or community partners that describe how the proposal supports the economy. 2-4
- Demonstrates inclusion of low income or otherwise disadvantaged communities¹ via narrative, letters of support from relevant groups or documentation of initiatives that demonstrate involvement in the project. 2
- Demonstrates community health and wellness impact via narrative and letters of support from relevant groups such as community health, recreational, educational, or civic organizations that describe such impacts. 2
- Provides greenspace or outdoor recreational opportunities in areas where outdoor recreation may be limited and/or increases connections between conserved lands and population centers. 2

SCORE _____

¹ In this workbook, disadvantaged communities are defined as those who have experienced historical and ongoing systemic discrimination, restricted power, and underrepresentation in state policy making. This definition was borrowed from the MCC Equity Subcommittee, and per [Maine Climate Council’s Equity Subcommittee’s Initial Report](#), is inclusive of communities of color and indigenous communities, low income Mainers, rural and otherwise geographically isolated communities, older adults, LGBTQ+ people, differently abled populations, immigrants, seasonal workers, impacted industries, and other differently impacted communities.

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7. **Municipal Support (Max Points = 5)**

The Board will give preference to projects that demonstrate municipal support. Projects in multiple municipalities are eligible for points when evidence of support is demonstrated by at least one municipality in which the project is located.

The Board requests that projects in the Unorganized areas of Maine demonstrate support from County Commissioners.

The proposal provides evidence of substantial support from the municipality(ies) in which it is located including municipal letters of support and further evidence of support such as matching funds and/or commitments to stewardship responsibilities. 5

The proposal provides municipal letters of support from the municipality(ies) in which it is located. 3

The proposal does not provide evidence of support from the municipality(ies) in which it is located. 0

SCORE _____

BONUS:

8. **Significant Undeveloped Archaeological Site (Max Points = 10)**

Proposals claiming points for “significant, undeveloped archaeological sites” must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site. A proposal for which the “Major Land Asset Category” is based primarily on archaeological values must be sponsored by the Commission.

SCORE _____

9. **Public Water Supply (Max Points = 10)**

Proposed projects that provide a direct benefit to a public water supply may be awarded 10 points if the following criteria are met:

- A. The protected property is located within one of the following areas mapped by the Maine Drinking Water Program – see <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml>:
 - o The source water protection area of a surface water body that is a Community Water System;
 - o The wellhead protection area of a well that is a Community Water System;

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- Within five miles upgradient of a river or stream surface water intake or riverbank well for a Community Water System;
- Projects in other areas may be eligible if the applicable water district provides information documenting the benefit the project will have on the public water supply;

B. Proposal includes a letter of support from the applicable water district; and

C. The protection of the property is consistent with and does not conflict with the natural resource conservation and recreation purposes of LMF. In practice this means that the protected land must be available for public recreational use.

SCORE _____

10. Community Accessibility (Max Points = 10)

Projects that will improve the connection between population centers and conservation that provides increased access to open space and outdoor recreation will receive up to 10 bonus points based on the following criteria:

A. The project is located within ½ mile of, and accessible on foot from, a residential neighborhood, public school, downtown area, public transportation stop, or will otherwise be accessible on foot for a large number of Maine residents.

10

OR

B. The project is accessible by vehicle and has a trailhead within approximately 10 miles of an urban area.

5

SCORE _____

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11. Climate Change Adaptations (Max Points = 10)

Please include a copy of the maps and information provided by the Maine Natural Areas Program as part of their Pre-Acquisition review. If you feel your property provides important contributions to climate resiliency that are not represented in the data, please provide a brief narrative explaining those attributes.

A. Climate Resilience (5 points)

LMF is looking to reward those projects where land conservation has the potential to increase the resiliency of our plant and wildlife communities to persist in the face of a changing climate. Projects that demonstrate a higher than average contribution toward climate resilience will be awarded up to 5 points.

- Most Resilient** (>2 SD) = 5 points
- More Resilient** (>1.0 to 2.0 SD) = 3 points
- Slightly More Resilient** (0.5 to 1.0 SD) = 1 point

SCORE _____

B. Underrepresented Geophysical Settings (5 points)

Geophysical settings are defined by the geology, soil, and elevation that underpin the differences in the plants and animals they support. Some geophysical settings such as granitic rocky outcrops on mountain summits and open wetlands have been well protected in Maine's conservation portfolio. Others such as calcareous bedrock and silt floodplains are not well represented. Ensuring the representation of all geophysical settings in our State's suite of conservation lands increases the likelihood that all plants and animals will have the habitat they need to adapt to a changing climate.

The property contains at least one geophysical setting that is underrepresented within the biophysical region in which it is located and;

The underrepresented geophysical setting(s) is 100 acres or larger in size or covers at least 50% of the property

SCORE _____

SCORE (Climate Resilience+ Underrepresented Geophysical Settings) _____

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12. Deer Wintering Area (Max Points = 10)

A total of 10 bonus points will be awarded to projects that include conservation of deer wintering areas and meet all of the following:

- Holder of fee or easement interest will be the Maine Department of Inland Fisheries and Wildlife. (yes/no)
- Lands will be managed by the Maine Department of Inland Fisheries and Wildlife as a Wildlife Management Area with deer as the highest management priority. (yes/no)
- Lands identified as priority deer wintering areas by Maine Department of Inland Fisheries and Wildlife. (yes/no)

SCORE = _____

Note: LMF may fund other projects protecting deer habitat but only projects meeting the above criteria will be considered for bonus points.

Proposal Format and Instructions for Conservation & Recreational Land Proposals

All applicants are required to provide maps, visual aids (e.g. photos) and as much supporting information as necessary for the Board to better understand the project and the values it addresses. Digital copies of any maps and photos are required. Carefully read this section to learn what the Board wishes to see in a well-developed proposal. Program staff can make available examples of successful proposals that may provide useful models.

All applicants are required to use the following proposal structure and numbering sequence and to provide complete information. If not applicable, indicate so by placing a N/A.

Submit an electronic PDF and eleven printed copies of your proposal to:

Land for Maine's Future
22 SHS / 18 Elkins Ln. / Harlow Building
Augusta, ME 04333-0022

- 1) **Proposal Summary page**
 - a) **Project Title:** This is the title by which your proposal will be catalogued by Program staff.
 - b) **Proposal Category:** Indicate whether your project is a Community Conservation Project or a Project of Statewide Significance (see description in "[Overview](#)" for guidance)
 - c) **Applicant Name & Contact Information:** 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. Include the district number of the senate and house districts where the property is located. For this section, please include 1 map depicting the property and regional context. Additional maps are required in subsequent sections. Include a copy of the recorded deed, including book and page reference of subject property.
 - e) **Size:** Indicate how many acres your project encompasses and identify fee acres vs. easement acres.
 - f) **Status of Title:** Clear title is required prior to closing. Provide a brief status of title and documentation if available.

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g) Funding request: Indicate the amount of your request for LMF funding (See full budget information below).

h) Agency Sponsor & Proposed Ownership: Possible agency sponsors are the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries & Wildlife, or the Maine Historic Preservation Commission. A letter of agreement from the sponsoring agency must be included in the proposal. 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.

i) Current landowner(s): Include address, phone number, 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 proposal.

j) Partners: Other entities supporting this project. Include names of individuals, address, phone number, and e-mail address.

k) Date of Proposal: Indicate the date you submitted your proposal.

l) Proposal Budget: Use the form in [Appendix C](#). Note: the Board will not consider a proposal with an incomplete budget.

2) Summary Project Description

Include a brief narrative description of the project and its context. Provide the Project's objectives and the benefits. Please discuss the conservation and/or recreational assets that the project seeks to protect and other potential benefits. If there are municipal ordinances that limit or prohibit hunting, trapping or other traditional uses of the property, please note that in the summary description. The summary description should describe whether the proposed acquisition is fee, easement or a combined strategy. Subsequent sections of the proposal provide opportunity for more detailed discussion of specific aspects of the project that correspond to the scoring criteria.

Photographs of the property are required and must be provided in JPEG or TIFF format.

If the project is proposed as a working forest easement, the project description must include a draft of the working forest easement. 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 G](#) for a discussion of these easements). The easement will be subject to a separate LMF review.

*NOTE: Applicants should review the previous section on "[Threshold Criteria](#)" and the list of "[Other Board Considerations](#)". Use the summary project description to address any of these criteria that are not part of other sections of the proposal.

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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 conservation lands

Aerial Photo - 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.

GIS-compatible shapefile of project boundaries if your project area changed after submitting your inquiry form.

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

4) Project Readiness

Describe whether your project is ready to proceed rapidly to closing if selected as a finalist, based on the following criteria:

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- An appraisal meeting LMF standards is submitted with the proposal or has been ordered and will be completed before the LMF Board meets to review proposals.

If your project does not meet all of the above criteria, describe the current status of the project and the timeline for completion of these criteria, and explain why your proposal is timely now and/or the harm that would result from waiting to apply in a future round.

5) Naturalness of the Land

Please provide a complete description of the physical and natural features of the proposed property and comment on all evidence of all existing disturbance. Based upon your evidence provided please identify which of the scoring criteria best represents your project and why.

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6) **Accessibility of the Land for its Intended Use**

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. Identify which of the [scoring criteria](#) best represents access to your property and supplement with specific descriptions and evidence supporting this.

7) **Proximity to Conservation Lands or Larger Conservation/Recreation Effort**

The narrative for this section should demonstrate how the project implements existing conservation/recreation planning, will address regional conservation needs, and enhances the connectivity of existing conservation holdings. Responses should provide evidence and be structured by referring to the [scoring criteria](#).

Note: If your project serves as an anchor parcel in an area of the state without existing conservation lands, or increases LMF investments to a part of the state that has had no or minimal investment, please provide a detailed description of how your project will address regional conservation needs and whether the project will serve as a catalyst for additional conservation and recreation opportunities.

8) **Project Need**

Using the definitions provided in the [Project Need section](#), identify the associated level of need to protect the property and the land assets identified in the proposal. This need must be substantiated by a published report(s) data base(s), or credible testimony.

9) **Land Assets**

Please describe either the project's A) Multiple Land Assets or B) Single Exceptional Value. To determine which of these options is most appropriate for your project, please refer to the [scoring criteria](#) and to [Appendix D: Land Assets](#) to review the eligible land asset categories. Projects with Single Exceptional Value are recognized as being the best or among the best in the state of their type, and because of this, Multiple Land Assets will be the most appropriate choice for most projects.

Notes:

- Applicants considering Single Exceptional Value scoring should consult with LMF and DSA staff prior to making this selection.
- If the LMF Board determines that a project seeking Single Exceptional Value scoring does not meet the criteria for this scoring, the proposal will be scored on Multiple Land Assets based on the information provided in the proposal.

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- A) **Multiple Land Assets**
Identify each land asset that your project demonstrates, and determine the level of significance of each land asset using the definitions of significance provided in the [scoring section](#). Be sure that you provide information (reports, database information, credible testimony, etc.) that supports your selection.

OR

- B) **Single Exceptional Value**
Describe the project's documented single exceptional value that is exceptionally rare and of outstanding significance in a statewide context. Be sure that you provide information (reports, database information, credible testimony, etc.) that supports your selection.

10) **Community and Economic Impact**

The Board seeks to cultivate and support closer working relationships between land conservation efforts, businesses, and the community. Please review the community and economic impact attributes outlined in the [Community and Economic Impact section](#) and describe the impact of your project via all applicable attributes.

11) **Municipal Support**

Please describe what efforts have been made to partner with the municipality(ies) where your project is located and provide evidence of municipal support for the project, such as matching funds, stewardship commitments, and/or letters of support.

The Board requests that projects in the Unorganized areas of Maine demonstrate support from County Commissioners.

BONUS:

12) **Significant Undeveloped Archaeological Site**

Proposals claiming points for "significant, undeveloped archaeological sites" must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site. Please also include a description of the archaeological resources in your proposal.

13) **Public Water Supply**

Using the criteria provided in the [Public Water Supply section](#), describe whether your proposal is located within an area eligible for public water supply bonus points, and if so, describe how the intended use and management of the property is consistent with the protection of the public water supply. Please remember to include a letter of support from the water district.

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14) **Community Accessibility**

Determine if the proposal is eligible for Community Accessibility bonus points by referring to the [scoring criteria](#). In this section, please describe this eligibility, along with how the project will improve the ability of Maine residents to access open space and outdoor recreation.

15) **Climate Change Adaptations**

Describe how your proposal supports climate change adaptations using the criteria provided in the [Climate Change Adaptations section](#) and referencing information provided in the project's [Maine Natural Areas Program](#) pre-acquisition review.

16) **Deer Wintering Area**

See criteria provided in [Deer Wintering Areas](#). These bonus points are available for DIFW proposals only, other applicants should describe protection of deer wintering areas in their Proposal, as appropriate.

17) **Estimate of monitoring and management costs**

Every applicant submitting a proposal to acquire property or an interest in property shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. The proposal must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State and/or the cooperating entity;
- Estimates of the costs to the State and/or the cooperating entity of managing the land for the uses proposed in the proposal. Please indicate if you are applying for LMF Stewardship and Management Funds as part of the proposal (if yes, Stewardship and Management Fund request information must be entered in the [Project Budget](#)); and
- Estimates of the costs associated with monitoring for compliance when an easement is acquired.

18) **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 that accurately represents the organization's current financial condition. Describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

19) **Names of Individuals Knowledgeable about the Site or your Proposal**

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

Section III

Public Access to Maine Waters Fund



Overview

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 for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

Use of the Fund

Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project 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. Refer to the purpose statement above to make this distinction and determine 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 Agriculture, Conservation and Forestry 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 demand 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 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 “[List of Contacts](#)”.

Who Can Apply

DACF and MDIFW 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 proposal to the Board. An applicant may take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

Access to Maine's Waters Fund Proposal Process

The Departments use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (MDIFW 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 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.

When a good access acquisition opportunity becomes available and it conforms to the LMF criteria, the agency [or cooperating entity] will notify the LMF Program Director. The LMF Director will advise the agency of the next scheduled Board meeting. The agency or cooperating entity will provide information to the LMF Director following the [Proposal Format and Instructions](#). This information must be submitted along with other supporting documentation at least 30 days in advance of the scheduled meeting and will be provided to the Board to provide 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 to the Board, and outline the financial package including acquisition funds, reimbursement for allowed acquisition costs, and the required match.

Expedited Process Guidelines for Applicants

- Applicant complete appraisal(s) ahead of negotiations and makes the appraisal(s) available to the Appraisal Oversight Committee (AOC), 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.

Use an appraiser who 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 AOC and Board approval. It is also important 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.

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- When presenting a proposal to the full Board, be familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal. Staff can assist you in anticipating questions and designing proposal materials which will contribute to an expeditious Board review.

Proposal Inquiry Form

This short form can be submitted at any time (see [Appendix A](#)). The Project Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship.

Water Access Proposal Format and Instructions

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

Submit an electronic PDF and eleven printed copies of your proposal to:

Land for Maine's Future
22 SHS / 18 Elkins Ln. / Harlow Building
Augusta, ME 04333-0022

- 1) **Applicant**
Name, address, and phone number of the applicant and the primary contact person.
- 2) **Agency Sponsor**
Indicate which of the following is the project sponsor and include a letter from the sponsoring agency:
 - Department of Inland Fisheries & Wildlife
 - Department of Agriculture, Conservation and Forestry
 - Department of Marine Resources
- 3) **Date of Proposal**
Indicate the date you submitted your proposal.
- 4) **Project Title - Body of Water**
This is the title by which your proposal will be catalogued by Program staff.
- 5) **Location of Project**
Provide the name of the township and county. Provide the numbers of senate and house districts. Include a copy of the recorded deed, including book and page reference of subject property.
- 6) **Status of Title**
Clear title is required prior to closing. Provide a brief status of title and documentation if available.
- 7) **Interest to be acquired**
Indicate if your project is an acquisition in fee, an easement, or a combination.

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- 8) **Size**
Indicate how many acres your project encompasses and identify fee acres versus easement acres if appropriate.
- 9) **Owner(s)**
Include address, phone number, 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 proposal.
- 10) **Partners**
List other entities participating in this project. Include address, phone, and e-mail.
- 11) **Names of Individuals Knowledgeable about the site/proposal**
List the names of individuals who can speak to the access benefits that the proposal will provide.
- 12) **Financial Summary**
Use the form in [Appendix C](#). Note: the Board will not consider a proposal with an incomplete budget.
- 13) **Project Description**
Include a narrative description of the project as well as the context surrounding it.

Photographs of the property are required and must be provided in JPEG or TIFF format.
- 14) **Location Information**
Provide a selection of easy-to-read 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.
c) A GIS-compatible "shape" file;
d) Other Maps as Appropriate
e) Copy of the recorded deed, including book and page reference of subject property.
- 15) **Demonstration of Need**
Indicate whether the project has been designated as a priority water access site, and by which agency. Contact the sponsoring agency for further information. If it is not, provide documented, credible evidence that supports the need for public access to the lake, river or coastal area. The sponsoring agency must support this need.

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16) Suitability for Intended Use

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

17) 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 (DACF, MDIFW, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

18) 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).

19) 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.

20) 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.

21) Threat of Conversion to Other Uses, Especially 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.

22) Estimate of monitoring and management costs

Provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the proposal involves acquiring an interest in property, the proposal 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;
- Estimates of the costs to the State or cooperating entity of managing the land for the uses proposed in the proposal. Please indicate if you are applying for LMF Stewardship and Management Funds as part of the proposal (if yes, Stewardship and Management Fund request information must be entered in the [Project Budget](#)); and
- Estimates of the costs associated with monitoring compliance with an easement when an easement is acquired.

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23) **Project Readiness**

To ensure that the project can be completed in a timely manner, the LMF Board considers how many due diligence items are completed at the time the proposal is submitted.

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- An appraisal meeting LMF standards is submitted with the proposal or has been ordered and will be completed before the LMF Board meets to review proposals.

24) **Organizational capacity**

Describe the applicant's 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 that accurately 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.

25) **Names of Individuals Knowledgeable about the Site or your Proposal**

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

Section IV

Now that you've been selected...

Completion Requirements for Approved Projects - Once the Board selects finalists, all projects must meet a set of Standard Conditions. In addition, the Board may place Special Conditions which must be addressed before LMF funds are released. Unless specifically waived by LMF, applicants are responsible for completing all of the following items to the satisfaction of the LMF Board. Additional follow-up actions may be required to resolve issues identified during due diligence and ensure that the project will accomplish the purposes of LMF funding.

Due Diligence

- Appraisal to determine fair market value. All appraisals for acquisition of fee or easement must be reviewed and accepted by the Appraisal Oversight Committee and its recommendation must be approved by the full Board. See appraisal standards in [Appendix E](#).
- If your project involves the acquisition of a conservation easement, the easement should be drafted in a form consistent with LMF's Model Easement and provided to the appraiser prior to the appraisal. See [Appendix G](#) Guidance for Working Forest Easements.
- Applicant prepares draft Purchase and Sales Contract with all appurtenant conditions, to be reviewed and approved by LMF staff (if the property is not under contract at the time of the proposal).
- Elected officials approve (organized townships) if project represents more than 1% of a municipality's state valuation or County Commissioners approve (unorganized townships) if the land proposed to be acquired constitutes more than 1% of the state valuation within the county. The letter of approval should acknowledge that the project represents >1% of relevant valuation.
- Applicant completes title work and obtains a title commitment identifying all existing encumbrances on the property, including those that will be removed at or prior to closing. Source documents for all encumbrances, as well as deeds showing current ownership, must be provided for LMF review. The property may not be encumbered by any lien, mortgage, third-party mineral rights, or other obligation that in the Board's exclusive judgment could interfere with the conservation purposes of the project. All applicants are required to obtain title insurance for the full appraised value of the land or interest in land that is acquired. NOTE: Most title commitments include an exception for matters that could be determined by a survey (such as boundary encroachments). LMF requires that this "survey exception" be removed.
- Complete an acceptable boundary survey suitable for recording (should be recorded prior to

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closing) and ensure that all property corners are monumented. The surveyor should also provide a metes-and-bounds legal description of the property, provide a surveyor's affidavit to applicant's counsel specifying that the property is free of encroachments, and provide LMF with a GIS-compatible electronic version of survey (so called "Shape" or ".SHP" files).

- Applicant conducts Phase I Environmental Site Assessment (ESA) meeting the requirements of the then-current applicable ASTM standard. The ESA should be scheduled so that it is no more than 1 year old at the time of release of LMF funds. ESA reports older than one year will need an update.
- Based on legal interest to be held, LMF staff, applicant and DSA representative develop the LMF Project Agreement. The Project Agreement contains standard provisions adopted by LMF as well as specific provisions for management or use of the land that are necessary to protect the [Land Assets](#) identified in the proposal. The Project Agreement will be executed by the applicant prior to closing and recorded simultaneously with the deed or conservation easement.
- If applicable, the applicant prepares a management plan for the property to be acquired for approval by the DSA.
- For conservation easement projects, the applicant prepares baseline documentation for review prior to closing.
- Documentation of matching funds provided by applicant as presented in the proposal.

Closing

- The applicant is responsible for preparing a closing agenda, closing statement, and closing materials for approval by LMF. In addition to conveyancing documents to be recorded and other typical closing documents, this should include, at a minimum:
 - Certificate of corporate good standing (for non-governmental applicants)
 - Certificate of corporate authority
 - Confirmation that property taxes are paid in full
 - Final title insurance commitment for appraised value (not purchase price)
- Funds will be placed in escrow with the closing attorney according to escrow instructions provided by LMF. This requires that the closing attorney be entered in the State of Maine system as a vendor. LMF will work with the closing attorney to ensure this is done and order funds for closing. Note that the applicant is responsible for all closing costs, however.
- Prior to disbursing LMF funds, the closing attorney must update title to the time of recording and confirm that all closing documents are recorded correctly.

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Post-Closing

- The closing attorney should return the original recorded Project Agreement to LMF and all other original documents to the applicant.
- Within 30 days of closing, the closing attorney provides LMF with the final closing package including all executed and recorded documents
- LMF will provide signs to be displayed at public access points on the property
- The applicant should prepare a press release to be approved by LMF
- LMF will arrange for ecological and/or archaeological surveys to assess any features of the property that may require special management
- LMF will provide information about applying for [Access Improvement Grants](#)
- The applicant is responsible for crediting LMF in future maps, brochures, websites, and other communications about the property
- If there is a Project Agreement, the applicant is responsible for providing annual reports to LMF and to the Designated State Agency.

Appendices

Conservation & Water Access Inquiry Form..... [Appendix A](#)
State Land Acquisition & Access Programs [Appendix B](#)
LMF Project Budget [Appendix C](#)
Land Assets [Appendix D](#)
Appraisal Standards [Appendix E](#)
Model Project Agreements [Appendix F](#)
Guidance for Working Forest Easements [Appendix G](#)
Title 5, Chapter 353 (as amended by LD 221 Part FFFF)..... [Appendix H](#)
Access Improvement Grants..... [Appendix I](#)
Frequently Asked Questions..... [Appendix J](#)

Appendix A

Inquiry Form

The LMF Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. Before preparing your Inquiry Form, please review the Board Policies and Guidelines and Threshold Criteria published in the LMF workbook. You can read more about the **DSA** land conservation priorities in [Appendix B](#).

The proposal process begins with the submission of your Inquiry Form and the required attachments to LMF. LMF and DSA staff will jointly review inquiries to determine whether the project meets program eligibility requirements and to identify the appropriate sponsoring agency based on the purposes of the project, the resources to be protected and DSA staff capacity. Applicants should not contact DSA staff before submitting the Inquiry Form to LMF.

Inquiries will be accepted on a continuous basis from **December 7, 2022 to January 13, 2023** for Round A, and until **May 19, 2023** for Round B. Water Access Inquiries may be submitted at any time. Applicants are encouraged to submit this Inquiry Form as early as possible to give themselves ample time to prepare a full proposal. Inquiry Forms should be submitted to LMF via email or hard copy at the address below.

LMF

LMFSubmissions.DACF@maine.gov
Land for Maine's Future
22 SHS / 19 Elkins Lane / Elkins Bldg.
Augusta, ME 04333-0022

Applicants will be notified whether their project has been determined to be consistent with LMF requirements and selected for sponsorship by no later than two weeks after the inquiry form submission deadlines.

In the event that your project is not selected to submit a full proposal, you will receive feedback from the committee outlining the justification for their decision.

POTENTIAL PROJECT INFORMATION:

Lead Applicant: _____ Project Name: _____

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

Name: _____

Mailing Address: _____ Town & State: _____

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

Property Location: Municipality _____ County: _____

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

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

Potential Partners (list any other entities that will play an active role in completing due diligence and/or owning or managing the property after acquisition)

Designated State Agency (If you believe your project is a good fit for a particular DSA or if you have a preferred agency you would like to work with, you may indicate it here. Final sponsorship decisions will be made by the DSA.):

Land Assets: (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
- Open Space
- Ecological Preserve
- River or Trail System
- Island or Undeveloped Coastline
- Significant Mountain

Single Exceptional Value

If you are considering seeking single exceptional value scoring for your project (see the Scoring Criteria in Section 2), describe the exceptional resource on the property and explain what makes it unique or exceptional within the State of Maine. (Note: even if you plan to seek single exceptional value scoring when you submit your proposal, please also indicate all the multiple land assets of the property above so that the review team receives a full impression of your project)

PROJECT DESCRIPTION:

Please provide an in-depth description of the property to be acquired and the overall project design such as: information regarding the suitability for public acquisition, the primary conservation values of the property, any special features on the property to be protected and how that protection will be accomplished, and proximity to existing public lands.

STEWARDSHIP AND MANAGEMENT:

1. Please explain the proposed ownership of the property and identify any other entity sharing management responsibilities.

2. Describe how the public will access the property including any existing or needed parking or proximity to a public boat launch for properties accessed by water.

3. Describe how the property will be used by the public and any planned development of recreational infrastructure and/or how existing recreational infrastructure will be used.

4. Describe the proposed management of any natural resources on the property.

5. Describe any existing buildings and plans to use or remove those buildings.

6. Describe any planned management activities not captured above.

PROJECT READINESS:

- 1. Please explain your projected timeline to project completion, including an estimated closing date.

- 2. Indicate whether any parcels have been pre-acquired or will be acquired before LMF funds are awarded. Pre-acquisitions may be allowed but are not encouraged.

- 3. Provide the status and expected completion dates for key due diligence including an appraisal, title commitment, and boundary survey.

- 4. If known, describe any encroachments, retained rights, or encumbrances on the property and explain how these will be addressed prior to closing.

BUDGET SUMMARY

Estimated property value: _____

Anticipated LMF funding request: _____

Match Funding – amounts, sources, status:

- 1. _____
- 2. _____
- 3. _____

REQUIRED ATTACHMENTS

- Property map on an aerial photograph showing existing and planned trails, parking areas, and other infrastructure
- Topographic map of the property
- GIS Shapefile (via email)
- Maine Natural Areas Program pre-acquisition review: <https://www.maine.gov/dacf/mnap/assistance/preacquisition.html>. Note that MNAP may take up to several weeks to complete this review; applicants are responsible for contacting MNAP in a timely manner.
- For conservation easement projects, an easement outline/conservation plan that describes a high-level view of the easement objectives and how they will be accomplished and the rights to be retained by the landowner.

Mapping assistance may be available from the Maine Natural Areas Program. Contact information can be found in the [List of Contacts](#).

Appendix B

State Land Acquisition & Access Programs

Maine Department of Inland Fisheries & Wildlife

The primary mission of the Department of Inland Fisheries and Wildlife (MDIFW) is to conserve, protect, and enhance the fish and wildlife resources of Maine, and to provide appropriate public access and use of these resources. MDIFW pursues many different strategies, including land conservation, to achieve its mission.

MDIFW currently owns and manages 69 Wildlife Management Areas which encompass approximately 112,000 acres of land across the state. The Department also owns and manages 167 water access sites for recreational use of Maine's public inland and coastal waters. Together MDIFW's landholdings protect diverse fish and wildlife habitats including lakes, ponds, streams, riparian areas, islands, large and small wetlands, unfragmented forests, and shrublands. These lands provide habitat for Maine's rare and common species and as well as the state's important game species. Additionally, MDIFW lands provide hunting, fishing, trapping, wildlife watching and boating opportunities to the people of Maine and visitors to the state.

MDIFW supports habitat conservation, management and associated public recreational access efforts of partner organizations (federal and state agencies, towns, and land trusts, etc.) across the state as well. As part of the LMF program, MDIFW serves as a Designated State Agency, sponsoring LMF proposals from cooperating entities to acquire lands and conservation easements where the primary conservation project priorities are focused on fish and wildlife habitat conservation and management or public recreational access to fish and wildlife resources.

MDIFW may sponsor projects containing the following Land Assets as identified by LMF:

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

When considering requests for Designated State Agency Sponsorship through the LMF Program, MDIFW prioritizes projects which:

- acquire and manage habitats essential for the conservation of endangered or threatened fish and wildlife;
- acquire lands necessary to achieve objectives identified in species management plans;

-
- acquire and manage 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 conservation values by consolidating or expanding current boundaries;
 - acquire lands with fish and wildlife values that complement land acquisitions of other public or private agencies;
 - acquire large landholdings in western, northern, and eastern Maine that currently or potentially have high value deer habitat;
 - provide access for open water angling, bank and riparian angling, boating, hunting, wildlife viewing and other water-related uses; and/or
 - provide access to high value fishery resources, particularly to those waterbodies where access is currently limited.

For more information contact:

Bethany Atkins
41 State House Station
Augusta, Maine 04333
(207) 287-5878
bethany.atkins@maine.gov

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

Liz Petruska
22 State House Station
Augusta, Maine 04333
(207) 557-0352
liz.petruska@maine.gov

The Maine Bureau of Parks and Lands (BPL) protects and manages the natural and cultural resources under its care to provide a wide range of recreational and educational opportunities and provide environmental and economic benefits for present and future generations.

As of November 2022, BPL owns approximately 88,000 acres in State Parks, Historic Sites, and Boat Access sites that are managed primarily for public recreation, conservation, or historical and archaeological interest. BPL also manages 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. BPL also holds conservation easements on over 60 properties encompassing approximately 373,000 acres and is the “Designated State Agency” for over 100 Project Agreements with local “cooperating entities” who have conserved land with LMF funds.

BPL manages several funding programs that are often used as match for LMF, including the Forest Legacy Program, which provides funds through the U.S. Forest Service to protect forest land for its multiple values, and the Land and Water Conservation Fund (LWCF) which directs National Park Service funding to permanently conserve outdoor recreation areas for public use and enjoyment.

BPL sponsors proposals for others to acquire lands and conservation easements in the following LMF categories:

- Recreation Lands
- Water Access Lands
- Lands Supporting Vital Ecological Functions and Values
- Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat
- Areas of Scenic Interest and Prime Physical Features
- Open Space

BPL considers the following attributes and priorities when evaluating requests for sponsorship. Projects which:

- offer outdoor recreational opportunities that welcome a range of experiences and abilities;
- increase the understanding of and appreciation for the state's natural and cultural heritage;

- provide benefits to communities statewide and support the state's significant natural-resource-based forest products and outdoor recreation economies;
- ensure the climate resilience and sustainability of wildlife, water, and timber resources;
- promote an ecologically functional landscape with intact and connected forest blocks, riparian areas, wetlands, and other natural communities and aquatic habitats, and
- provide opportunities for hunting, fishing, trapping, and foraging consistent with state rules and policies

Other considerations include:

- the evidence of need for conservation and/or the public recreation opportunity, including proximity to population centers;
- whether the project's attributes are of well-documented significance at local, regional, state, or national levels;
- the level of vehicular and pedestrian public access;
- whether the project provides multiple priority attributes;
- the envisioned management of the property and the capacity of the managing entity to implement that vision over the long term, and
- a successful track record or documentation demonstrating the ability of the applicant and partners to acquire the funds necessary for the acquisition.

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, and
- threat of conversion to other uses, such as development.

Additional Conditions for Trails related projects:

- inclusion of a variety of landscapes;
- connections to existing trail routes or trail facilities;
- connections to other public recreation areas or community facilities;
- connections to needed services (parking, food, water, shelter, fuel, repair services), and
- limited impact on sensitive natural features.

Maine Historic Preservation Commission

Arthur Spiess
65 State House Station
Augusta, Maine 04333
(207) 287-2132
arthur.spiess@maine.gov

J. N. Leith Smith
65 State House Station
Augusta, Maine 04333
(207) 287-2132
leith.smith@maine.gov

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.

Appendix C

LMF Project Budget

The following format should be used to present the budget for the proposed project. Please consult with LMF staff with any questions and prior to modifying this form. Proposals with incomplete budget information will not be accepted for Board consideration.

Project Name: _____

PROJECT PARCELS

List all parcels included in this project, including pre-acquired or match parcels.

PARCEL NAME	VALUE	ESTIMATED/APPRaised
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
TOTAL LAND VALUE	\$ _____	
LMF ACQUISITION FUNDS REQUESTED (May not exceed 50% of land value)	\$ _____	

ACQUISITION MATCH

List all bargain sales, match parcels, or funds applied directly to the purchase of land.

Do not include funds that will be applied to other project costs.

MATCH SOURCE	AMOUNT	PENDING/SECURED
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
TOTAL ACQUISITION MATCH	\$ _____	

STEWARDSHIP FUNDS

In Round 11, applicants may request LMF funds to be placed in a stewardship endowment. The maximum award amount is 5% of the first \$200,000 of land value in your project, then 2% of land value over \$200,000, to a maximum of \$25,000. These awards must be matched 1:1 with the applicant's stewardship funds unless the LMF Board's approves alternate match as described in Section 1.

LMF STEWARDSHIP FUNDS REQUESTED	\$ _____
APPLICANT'S MATCHING STEWARDSHIP FUNDS	\$ _____
TOTAL STEWARDSHIP ENDOWMENT	\$ _____

PROJECT TOTALS

TOTAL PROJECT COST (LAND + STEWARDSHIP)	\$ _____	100%
TOTAL LMF FUNDS REQUESTED	\$ _____	%
TOTAL MATCHING FUNDS	\$ _____	%

Appendix D

Land Assets

Land Assets are established in the Act and are listed here with additional logical sub-categories. Those specifically identified in statute are noted with an asterisk (*).

In 1996 the Land Acquisition Priorities Advisory Committee convened. The Committee's final report outlined a comprehensive set of goals and recommendations to guide future public land acquisitions and other conservation strategies.

As part of its preparation for issuing this workbook, the current LMF Board reviewed the LMF statutory requirements, LMF bond requirements and LAPAC report to develop the priorities and scoring system described herein.

Land Assets

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 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 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.*
- 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 archaeological sites*²¹
- 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

² In 2007, the Legislature authorized the Board to consider protection of “significant, undeveloped archaeological sites”. Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site.

Farmland and Open Space*

- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- River corridor greenways

Ecological Reserves

- Ecological Reserves are lands specifically set aside to protect and monitor the State of Maine's natural ecosystems. These lands are managed by the Bureau of Parks and Public Lands, and the Maine Natural Areas Program oversees the long-term ecological monitoring plan. Ecological reserves should serve as benchmarks which will provide important information about changes to our environment. These sites should be used for scientific research, long-term environmental monitoring, education, and in most cases may also provide important outdoor recreation opportunities.

The project must state that the applicants intend to actively seek designation as an ecological reserve or to be added to an existing ecological reserve, and to manage the project property as such in perpetuity. Ecological reserve as defined by MRS 12 Chap. 220 Subchapter 1 section 1805. Applicants must have a letter of support from the Bureau of Parks and Lands for the inclusion of this property in the state's Ecological Reserve system.

River or Trail System

- The project must provide documentation that the project lands will enhance the protection and integrity of the proposed river segment by fostering an upgrade in water quality, or preventing further degradation of water quality, increasing critical riparian habitat for fish and waterfowl, fish passage, and recreational opportunities. It's the intent of this category that the property include frontage on a water course.
- A number of trail development efforts in Maine including the State snowmobile trail network, the Appalachian Trail, and the island trail network have proven very successful. However, there are additional recreational trail needs and opportunities that require attention including the development of extended loop hiking trails (2-5 days), as well as the creation of extended interconnected multi-use trail systems for uses such as hiking, biking, skiing, and snowmobiling and ATV riding. In particular, acquisition efforts should focus on opportunities to link existing public land holdings by trail corridors and to acquire trail corridors such as abandoned railroad beds. The project must provide documentation of the trail attributes.

Islands and Undeveloped Coastline

- Islands, particularly coastal islands, have become increasingly sought after for development, threatening bird nesting habitat and other sensitive ecological values. The State, private conservation organizations, and the federal government have successfully

protected many valuable islands in recent years. However, additional acquisition efforts are needed to protect those islands identified as having important resource values that remain vulnerable to development and habitat loss. To qualify for this multiplier, the project must provide documentation of the island attributes.

- Maine is famous for its coastline. However, only a small percentage of the coast is in conservation ownership. In particular, there are significant undeveloped stretches of shore, including coastal wetlands and estuaries that provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation. The land must be on tidal water and the proposal must provide documentation that the project lands are undeveloped and will provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation.

Significant Mountains

- While many of the state's highest peaks are currently in the public domain, there are still a number of significant mountains in private hands that are worthy of public acquisition. Acquisition efforts should focus on those mountain areas with outstanding vistas, established recreational uses, or significant ecological values, as well as those that are in close proximity to population centers. The proposal must provide documentation of the significant mountain attributes.

Appendix E

Appraisal Standards

Instructions for Applicants and Appraisers

General Requirements

The Land for Maine's Future Program requires that all appraisal reports comply with the most recent edition of the USPAP and Appraisal Standards required by LMF. For proposals using other sources of funding (e.g. federal), additional appraisal standards may be required for those programs (e.g. Yellow Book). If a Yellow Book appraisal is submitted, the Applicant must submit a copy of the appraisal review and any documentation of its acceptance by other agencies. Any appraisal submitted to LMF must be conducted by a Maine Certified General Appraiser with an active license in good standing.

Appraisal Standards

For LMF's purposes, an acceptable appraisal must:

- 1) Be in the form of an Appraisal Report. A Restricted Appraisal Report or "form" appraisal is not acceptable. The Appraisal Report must be in the form of a complete, USPAP-compliant appraisal report, clearly written and reasoned and containing sufficient narrative to describe the data collection and analysis so that non-Appraisers can understand how the valuation conclusion was derived. "Sufficient narrative" for LMF as an intended user includes:
 - a) A Title Page
 - b) A Transmittal Letter (including specification that landowner or designated represented was provided the opportunity to participate in the inspection, summary of appraisal assignment, size of property, effective date, estimated value, and statement that the appraisal meets LMF standards).
 - c) A Table of Contents
 - d) A summary of important facts and conclusions
 - e) Each sale discussed in the narrative *as well as* presented in table or grid form, showing adjustment for times, size, location, appeal, soils, improvements (buildings, etc.) and circumstances of the transaction that may affect value (as applicable to type of subject).
 - f) A discussion of any document included within the report material to the appraiser's conclusions.
 - g) A clear description of the appraiser's approach, reasoning behind decisions, and resulting conclusions.

- h) An Addendum containing:
- A **legible** site map of the subject showing all relevant features with "North" clearly identified. A copy of a survey map is best but, in the absence of a survey, a tracing of the property boundaries from an ortho-photo is preferred.
 - A map showing the location of all comparable sales and listings.
 - Photographs of subject and all recent comparable sales
 - Citations to applicable portions of zoning ordinances, by-laws, and other local regulations
 - Wetlands or flood plain map, if applicable. If these are present, you **must** delineate boundaries within the subject property.
 - Statement of any limiting conditions
 - Appraiser's qualifications
 - Copy of recorded deed
- 2) Comply with ALL applicable standards. LMF will accept appraisals that comply with USPAP as well as any additional standards appropriate for a given transaction, e.g., Treasury Regulations for gifts/bargain sales and/or the Uniform Appraisal Standards for Federal Land Acquisitions ("UASFLA" a.k.a. "Yellow Book").
- 3) Appropriately identify the property and address any enhancement or larger parcel identification issues pursuant to the relevant standards. Any added value accruing to reserved lots, abutting land or lands in the same neighborhood under related ownership as a result of the conservation acquisition must be considered.
- 4) Address the appropriate Client. The appraisal must identify the "Client" as the purchaser of the property, another project partner that does not have an ownership interest in the property being acquired, **or** the seller and the purchaser **jointly**. However, in the case of a Yellow Book appraisal with an accompanying appraisal review, the seller may be identified as the only Client.
- 5) Intended User. The Land for Maine's Future must be identified as an additional Intended User (also satisfactory is State of Maine, DACF, DIFW, DMR or Maine Historic Preservation Commission).
- 6) Review. The appraisal *may* be subject to Compliance Review by a third-party Appraiser.
- 7) Sales between Private Entities. LMF requires that the direct sales comparison approaches to valuation include at least three properties and be accomplished primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or nonprofit conservation owners, the use of the sale must conform to the UASFLA.

- 8) Hypothetical Conditions. In the unusual instance when an appraisal analysis includes Extraordinary Assumptions or Hypothetical Conditions, the applicants and Appraiser should discuss the approach taken with the LMF project manager and Director prior to finalizing the appraisal. This does not apply in the case of conservation easement appraisals where the “after” situation is generally considered a hypothetical condition.
- 9) Appraisal Report Presentation. Applicants may submit electronic PDF-format appraisals. Applicants must submit an electronic copy and six hard copies of each appraisal report.
- 10) Subject Property Sales History. The appraisal report must include a ten-year history and analysis of conveyances of the subject property and must include and analyze the last deed of conveyance in an addendum.
- 11) Value Conclusion. The Appraiser shall state a single value in the reconciliation, not a range of value.
- 12) LMF Standards Met. The appraisal must include a statement that the appraisal meets LMF Appraisal Standards.
- 13) Public Availability. Appraisals received by LMF are public documents and should not contain statements limiting public availability.
- 14) Conservation Easements – Additional Requirements.
 - The proposed conservation easement or other similar protection agreement must be included in an addendum. **In order to ensure an accurate valuation, the draft easement must be complete enough that it clearly states what rights are being retained and what rights are being conveyed and restricted.** This easement should be reviewed with the LMF project manager before being used for the appraisal. Appraisers may include an extraordinary assumption, stating that “assignment results may be affected if the recorded deed differs from the draft deed of conservation easement that was appraised, and I reserve the right to prepare a new appraisal if necessary.”
 - A careful discussion of the proposed restrictions should be included in the after-value analysis.
 - Any improvements, including reserved building rights and their envelopes allowed in restrictions, must be discussed in the appraisal and shown on the map of encumbered land.

Appendix F

Model Project Agreements

These Model Project Agreements are provided as a representation of what a successful applicant can expect. The first project agreement is for fee acquisitions and the second is for easement acquisitions. The project agreement for your project will vary from these models.

**LAND FOR MAINE'S FUTURE FUND
PROJECT AGREEMENT**
(Pursuant to *[insert bond statutory reference, i.e.
P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*)

[Fee Version]

Cooperating Entity: *

Project Name: *

Parcel Name: *

Location: *

Designated State Agency: *

Premises Covered by this Agreement:

(1) The * Property, being fee ownership of lands located on the * side of *, Town of *, * County, Maine, and as more fully described in a * Deed from * and * to the *, dated * and recorded * in the * County Registry of Deeds in Book *, Page *; and see also plan by *, File No. *, dated * and recorded in said Registry in Plan Book *, Page *.

[Delete Item 2 if no match lands]

(2) **Match Lands:** The * Property by deed dated *, and recorded in the * County Registry of Deeds (“*”) on * in Book *, Page *, and depicted on a boundary survey * prepared by *, dated *, a copy of which is on file with the Land for Maine's Future Fund proposal and with the Maine Department of * and *. This parcel is offered as Match Land. See Item 4 below for other conditions pertaining to this parcel.

All of the foregoing hereinafter referred to as “the Premises”.

Scope (Description of Project): ***Project Cost:**

LMF Contribution to Cooperating Entity: \$*

Cooperating Entity: \$*

The following are hereby incorporated into this Agreement:

1. General Provisions
2. Project Proposal and Attachments by reference
3. Project Boundary Map
4. Other: ***[Delete following language if no match lands. Substitute applicable language]***

That portion of the "Premises" designated as the Match Parcel above is subject to the management restrictions and covenants of this Project Agreement, but is not subject to the Project Agreement General Provisions Part II, section Paragraph H subsection (iv).

The Land for Maine's Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of *[insert agency name]*, represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by *[insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, By duly authorized action of the LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

The following special project terms and conditions are added to this Agreement:

1. The Premises, including any structures located thereon, must remain as a single parcel, under one ownership, and may not be divided into parcels or lots, except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers

the conservation purpose and objectives of the project as defined in this Agreement and its attachments.

2. The Cooperating Entity shall not prohibit hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local or federal laws and regulations.

3. The Cooperating Entity agrees that any fees or charges imposed for public access to or use of the Premises shall be reasonable and comparable to those charged in Maine for similar facilities, and any such fees must be approved in advance and in writing by the DSA.

4. The Premises or any interest therein may not be sold or transferred without prior written approval of the DSA and LMFB as provided under Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a "qualified organization" under Section 170(h) of the United States Internal Revenue Code, and a "qualified holder" under Title 33, Maine Revised Statutes , Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

5, 6, etc. ***/Other terms to be inserted as needed/**

IN WITNESS WHEREOF,
the parties hereto have executed this Agreement as of the _____ day of *, 202*.

THE LAND FOR MAINE'S FUTURE BOARD

By: [print name], Its Chair

**STATE OF MAINE
Department of ***

By: _____
[print name], Its Commissioner

COOPERATING ENTITY

By: _ Print Name:
Title:

STATE OF MAINE
County of *

Date: *

Then personally appeared the above-named *, duly authorized * (title) of *
[Insert name of Cooperating Entity] and acknowledged the foregoing to be his/her free act and
deed in his/her capacity and the free act and deed of said *.

Before me,

Notary Public
Print Name: _____
My Commission Expires:
Seal:

**LAND FOR MAINE'S FUTURE FUND
PROJECT AGREEMENT GENERAL PROVISIONS**

Part I – DEFINITIONS

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

Part II – CONTINUING ASSURANCES

The Cooperating Entity specifically recognizes that Land for Maine's Future Fund project assistance creates an obligation to acquire, use and maintain the property described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by *[insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*, and the following requirements:

A. LEGAL AUTHORITY: The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the proposal and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the proposal and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

B. FINANCIAL ABILITY: The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine's Future Fund share stated on the cover page of this Agreement.

C. **USE OF FUNDS:** The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

D. **USE AND MAINTENANCE OF PREMISES:** The Cooperating Entity shall assure that the Premises shall be forever used, operated and maintained as prescribed in this Agreement and all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by *[insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*. Permits and licenses necessary for the implementation of this Agreement or use of the Premises shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Premises shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

E. **RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:** The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA..

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

F. **ANNUAL REPORTING REQUIREMENTS:** On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

G. **RIGHT OF ENTRY:** The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

H. **PROVISIONS IN THE EVENT OF TRANSFER:**

i. **PRIOR NOTICE AND APPROVAL:** In the event of any intended sale or transfer, in whole or in part, of the Premises or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer. The Cooperating Entity shall pay for reasonable administrative costs incurred by the DSA and LMFB in connection with said sale or

transfer.

ii. DISSOLUTION: In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Premises shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Premises to the DSA or a successor designated by the DSA under Subsection I(d).

iii. SUCCESSORS AND ASSIGNS: Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest (including leasehold interest) in all or a portion of the Premises. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

iv. SHARE IN PROCEEDS: In the event of any sale, transfer, or condemnation of any or all of the Premises or disposal of the Premises pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Premises as a whole as of the date of this Agreement, hereby established as XX%, multiplied by
- (b) the appraised value of the transferred Premises or portion thereof at the time of the transfer, unencumbered by this Agreement or other encumbrances recorded after the date of this Agreement (excluding value attributable to authorized improvements to the Premises made after the date of this grant and not paid for by the State).

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation or dissolution.

I. ENFORCEMENT ALTERNATIVES: In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Premises, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity’s deed to the Premises;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State’s share of proceeds as defined in Section H (iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Premises to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorney fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable trust entitled to all the protections thereof under state law.

J. AMENDMENT: This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

K. NOTICES: Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

To Cooperating Entity: *[insert name & address]*

To DSA: *[insert name & address]*

To LMFB: c/o Director, Land for Maine’s Future Program
22 State House Station
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the “State”, and when being sent, notices shall be sent to both entities.

- (a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity’s last known address on file with the tax assessment records of the municipality of *[insert name of town where project land is located]*, Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity’s notices must include sufficient information to enable

the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the conservation purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

**LAND FOR MAINE’S FUTURE FUND
PROJECT AGREEMENT**

(Pursuant to [insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696])

[Conservation Easement Version]

Cooperating Entity: *

Project Name: *

Parcel Name: *

Location: *

Designated State Agency: *

Premises Covered by this Agreement:

(1) The * Property, being a conservation easement over lands located on the * side of *, Town of *, * County, Maine, hereinafter called the “Protected Property”, and as more fully described in a * Deed from * and * to the *, dated * and recorded * in the * County Registry of Deeds in Book *, Page *; and see also plan by *, File No. *, dated * and recorded in said Registry in Plan Book *, Page *.

[Delete Item 2 if no match lands]

(2) **Match Lands:** The * Property by deed dated *, and recorded in the * County Registry of Deeds (“*”) on * in Book *, Page *, and depicted on a boundary survey * prepared by *, dated *, a copy of which is on file with the Land for Maine’s Future Fund proposal and with the Maine Department of * and *. This parcel is offered as Match Land. See Item 4 below for other conditions pertaining to this parcel.

All of the foregoing hereinafter referred to as “the Premises”.

Scope (Description of Project): *

Project Cost:

LMF Contribution to Cooperating Entity: \$*

Cooperating Entity: \$*

The following are hereby incorporated into this Agreement:

1. General Provisions

2. Project Proposal and Attachments by reference
3. Project Boundary Map

4. Other: [~~Delete following language if no match lands. Substitute applicable language~~]

That portion of the "Premises" designated as the Match Parcel above is subject to the management restrictions and covenants of this Project Agreement, but is not subject to the Project Agreement General Provisions Part II, section Paragraph H subsection (iv).

The Land for Maine's Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of [*insert agency name*], represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by [*insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696*], and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, By duly authorized action of the LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

The following special project terms and conditions are added to this Agreement:

1. Under the terms of the Conservation Easement, the Protected Property, including any structures located thereon, must remain as a single parcel, under one ownership, and may not be divided into parcels or lots, except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers the conservation purpose and objectives of the project as defined in this Agreement and its attachments.

2. The Cooperating Entity shall not prohibit hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local or federal laws and regulations.

3. Under the terms of the Conservation Easement, the Cooperating Entity agrees that any fees or charges imposed for public access to or use of the Protected Property shall be reasonable and comparable to those charged in Maine for similar facilities, and any such fees must be approved in advance and in writing by the DSA.

4. The Conservation Easement or any interest therein may not be sold or transferred without prior written approval of the DSA and LMFB as provided under Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit

conservation organization which is a “qualified organization” under Section 170(h) of the United States Internal Revenue Code, and a "qualified holder" under Title 33, Maine Revised Statutes , Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

5, 6, etc. *[Other terms to be inserted as needed]

IN WITNESS WHEREOF,

the parties hereto have executed this Agreement as of the _____ day of *, 201*.

THE LAND FOR MAINE’S FUTURE BOARD

By: [print name], Its Chair

**STATE OF MAINE
Department of ***

By: _____
[print name], Its Commissioner

**COOPERATING ENTITY

By: _____
Print Name: [name of the person in executed Clerk Cert.]
Title: *

STATE OF MAINE, County of *

Date: *

Then personally appeared the above-named *, duly authorized * (title) of *

[Insert name of Cooperating Entity] and acknowledged the foregoing to be his/her free act and deed in his/her capacity and the free act and deed of said *.

Before me,

Notary Public
Print Name: _____
My Commission Expires:
Seal:

**LAND FOR MAINE'S FUTURE FUND
PROJECT AGREEMENT GENERAL PROVISIONS**

Part I – DEFINITIONS

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

Part II – CONTINUING ASSURANCES

The Cooperating Entity specifically recognizes that Land for Maine's Future Fund project assistance creates an obligation to acquire, use and maintain the conservation easement described in this Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by *[insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*, and the following requirements:

- A. **LEGAL AUTHORITY**: The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Conservation Easement on the Protected Property or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the proposal and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the proposal and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.
- B. **FINANCIAL ABILITY**: The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine's Future Fund share stated on the cover page of this Agreement.
- C. **USE OF FUNDS**: The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided

for herein.

D. USE AND MAINTENANCE OF PREMISES: The Cooperating Entity shall assure that the Protected Property shall be forever used, operated and maintained as prescribed in the Conservation Easement and this Agreement and all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by *[insert bond statutory reference, i.e. P.L. 2009 c. 645, Sec. J or P.L. 2011 c. 696]*. Permits and licenses necessary for the implementation of this Agreement or use of the Protected Property shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Conservation Easement shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Protected Property subject to the Conservation Easement in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS: The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA..

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

F. ANNUAL REPORTING REQUIREMENTS: On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

G. RIGHT OF ENTRY: Under the terms of the Conservation Easement, the DSA, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

H. PROVISIONS IN THE EVENT OF TRANSFER:

i. PRIOR NOTICE AND APPROVAL: In the event of any intended sale or transfer, in whole or in part, of the Conservation Easement or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer. The Cooperating Entity shall pay for reasonable administrative costs incurred by the DSA and LMFB in connection with said sale or transfer.

ii. DISSOLUTION: In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Conservation Easement shall be obtained from LMFB as with a conveyance of the Conservation Easement under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under Subsection I(d).

iii. SUCCESSORS AND ASSIGNS: Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest in all or a portion of the Conservation Easement. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

iv. SHARE IN PROCEEDS: In the event of any sale, transfer, termination or condemnation of any or all of the Conservation Easement or disposal of the Conservation Easement pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Conservation Easement as a whole as of the date of this Agreement, hereby established as %, multiplied by
- (b) the appraised value of the Conservation Easement, or portion thereof, which value shall be determined as the amount by which the fair market appraisal value of the Protected Property unrestricted by this Conservation Easement is reduced by the terms and conditions imposed by this Conservation Easement as of the date of transfer.

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation or dissolution.

I. ENFORCEMENT ALTERNATIVES: In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Conservation Easement, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the

Conservation Easement;

- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State’s share of proceeds as defined in Section H (iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorney fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable trust entitled to all the protections thereof under state law.

J. AMENDMENT: This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

K. NOTICES: Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

To Cooperating Entity: *[insert name & address]*

To DSA: *[insert name & address]*

To LMFB: c/o Director, Land for Maine’s Future Program
22 State House Station
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the “State”, and when being sent, notices shall be sent to both entities.

- (a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity’s last known address on file with the tax assessment records of the municipality of *[insert name of town where project land is located]*, Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity’s notices must include sufficient information to enable the State to

determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the conservation purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

Appendix G

Guidance for Working Forest Easements

In early 2001, an LMF Board easement subcommittee was formed to identify

- the essentials for any easement funded by the Land for Maine's Future Program (LMF)
- elements that are desirable but not always necessary, and
- cautions related to various elements

The following guiding principles were adopted by the LMF Board on May 9, 2001. The Board recognizes that this is a working document, and that amendments and refinements are likely as experience dictates. The Board has also adopted a set of drafting guidelines for this type of easement that every potential applicant should read before preparing the easement. The guidelines describe both the required process for developing these easements and the recommended provisions to implement the intent of the policy objectives below. A copy of the guidelines is available on the LMF website.

There are two types of working forest easements – strip easements (primarily along water bodies), and landscape easements. Some elements are appropriate for one type and not the other. The Board further recognizes that in many cases, (e.g. ecological reserves, key recreation areas, boat launches and parking areas) fee purchase is probably a better tool and should be used alone or in concert with an easement.

The basic intention of a working forest easement is to protect both the natural values and economic values of the forest, along with its potential to provide traditional recreation opportunities for the public. Each easement will vary depending on the property involved and the goals of the grantor and grantee. Each easement should define existing conditions, contain a clear statement of goals, remedies for non-compliance and outline a process by which the landowner and easement holder can meet to review the easement and its implementation, ideally annually. It should enable the parties to mutually determine acceptable amendments to the easement to reflect changes in science or society while remaining faithful to the original goals.

For working forest easements funded by the LMF, the Board will require:

1. No additional (or very limited and clearly defined) additional non-forestry or non-recreation related development. Prohibition of commercial, industrial and residential uses except for forestry and recreational uses, while allowing for existing types and scales of non-forestry uses to continue when consistent with easement goals.

2. Strict limits on division of the property, with the goal of maintaining large enough parcels to be a) cost effective to manage for timber production and recreation and b) cost effective for the holder to monitor compliance with easement terms. Allowable subdivision may include limited divisions of very large tracts and small subdivisions to correct boundary issues with abutters.
3. Rights for the public to use the property for traditional pedestrian recreational uses such as fishing, hiking, hunting, snowshoeing and nature observation. Central to this is extinguishing the landowner's right to enjoy or provide exclusive, private use. (Certain areas may be designated off limits to the public to protect fragile ecological or archaeological resources, privacy related to buildings, or public safety. A process should be established to incorporate additional areas at the mutual consent of the landowner and holder and to identify and close areas such as active harvest operations that involve safety hazards.)
4. An enforceable commitment to maintain (or enhance) the property's potential to provide a perpetual yield of fiber and timber. Recognizing the duration (forever) of an easement and the inability to predict the future of current forest uses, the emphasis here is on *potential* to provide, not a requirement to provide. Clear language must be included that defines sustainable management (taking into account forest history, productivity and potential for natural catastrophe), stipulates specifically how it shall be measured, and provides for independent review to determine if ongoing forest management meets these requirements. Remedies for non-compliance should be clear, stringent and easily enforceable.

On a case by case basis, depending on size of the easement, conditions on the land or other factors, additional easement elements may significantly strengthen the value to the public as listed below. Whenever additional protections of forest conditions or rights to provide public use are included in an easement, the Board will require of the holder an estimate of annual costs for monitoring or management and how it plans to cover them.

1. The Board recognizes that protection of ecological sustainability is very important. Additional protection of sensitive, rare or representative ecological features may be desirable. As part of the LMF proposal process, the potential holder will have assessed the ecological values of the property. Grantor and grantee should consider fee acquisition of areas of high ecological value in addition to the easement, or more stringent protections of certain natural communities, habitats or ecological health.
2. Requirements to include additional protections of visual quality, recreational features and/or riparian zones, or restrictions on intensive forest management practices such as herbicides and plantations.
3. Limitation of mining on the property to surface deposits of gravel, sand and shale for purposes of road construction and maintenance on the property only. Include caps on the number and size of borrow pits and establish reclamation procedures. In some cases

(e.g. large landscape easements) it may be appropriate to allow mining of subsurface minerals. In such cases, strict limitations on areas disturbed and associated development should be stipulated to protect the main values of the working forest, undeveloped forest land and traditional public recreation, including associated aesthetics.

4. Rights to manage public recreation on the property. Clear goals for such management should be stated in the easement.
5. The right to construct, maintain, relocate and/or limit trails, parking, signs, and other structures on the property for motorized and/or non-motorized recreation.
6. The right to provide to the public vehicular use of certain roads across the property or to specific features (e.g. trail heads, water bodies) on the property. This may apply to motorized (e.g. snowmobile) trails, as well.

Such rights should not necessarily be required on strip easements. Since their primary aim is to keep water frontage undeveloped, water access is probably sufficient. Rights of way to the water or boat launches at specific locations may be stipulated or purchased in fee where appropriate.

When vehicular use is required, rights and obligations to maintain roads and trails must be addressed. The easement should define standards to which private roads and trails will be maintained as well as how maintenance costs are to be divided between the landowner and the holder.

7. Road access to the property. In many cases in the Maine woods, vehicle access may be customary, but not guaranteed by law. The Board should acquire access to properties under easement whenever possible.

Appendix H

Title 5, Chapter 353 (as amended)

STATE OF MAINE
 IN THE YEAR OF OUR LORD
 TWO THOUSAND TWENTY-ONE
 H.P. 156 - L.D. 221

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART FFFF

Sec. FFFF-1. 5 MRSA §6201, sub-§1-B is enacted to read:

1-B. Community conservation project. "Community conservation project" means a conservation project of local or regional significance that promotes one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.

Sec. FFFF-2. 5 MRSA §6201, sub-§2, as enacted by PL 1987, c. 506, §§1 and 4, is amended to read:

2. Cooperating entities. "Cooperating entities" means those private nonprofit organizations, municipal conservation commissions, local governments, federal agencies or other bodies designated by the Land for Maine's Future Board pursuant to section 6203, as able to assist the State in the acquisition or management of conservation lands of statewide significance or for community conservation projects.

Sec. FFFF-3. 5 MRSA §6203, sub-§3, ¶A, as amended by PL 1999, c. 769, §1, is further amended to read:

A. Acquire property or an interest in property that is determined by the board to be of ~~state~~ statewide significance under the guidelines of this chapter or for a community conservation project;

Sec. FFFF-4. 5 MRSA §6207, sub-§2, as amended by PL 2007, c. 64, §1 and c. 353, §§1 to 3, is further amended to read:

2. Determination of state statewide significance. In determining whether a proposed acquisition must be funded, in full or in part, by the Land for Maine's Future Fund or the Public Access to Maine Waters Fund, the board shall consider whether the site is of state statewide significance and:

1. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

2. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State;

3. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; or

4. 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.

Sec. FFFF-5. 5 MRSA §6207, sub-§3, as amended by PL 2011, c. 381, §1, is further amended to read:

3. Priorities. Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that conserve and protect deer wintering areas, that provide geographic representation and that build upon or connect existing holdings.

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

Sec. FFFF-6. 5 MRSA §6207, sub-§6 is enacted to read:

6. Public uses. Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.

Sec. FFFF-7. Transfers to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2021, the State Controller shall transfer

\$20,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account for the purpose of acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and working farmland preservation in accordance with the Maine Revised Statutes, Title 5, chapter 353 and Title 12, section 6042, including all costs associated with such acquisitions.

The State Controller, at the close of the fiscal year ending June 30, 2021, as the next priority after the transfers authorized pursuant to Title 5, sections 1507 and 1511, the transfer of \$2,500,000 for the Reserve

for General Fund Operating Capital and the transfer to the Retiree Health Insurance Internal Service Fund pursuant to section 1519 and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and any transfers to the Highway and Budget Reserve Other Special Revenue account authorized by Part ZZZ, shall transfer up to \$20,000,000 from the available balance of the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account for the purpose of acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and working farmland preservation in accordance with Title 5, chapter 353 and Title 12, section 6042, including all costs associated with such acquisitions.

Sec. FFFF-8. Disbursement of funds. The funds transferred to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account under this Part must be expended under the direction and supervision of the Department of Agriculture, Conservation and Forestry for the acquisition of land or interest in land, including all costs associated with such acquisitions, in accordance with the Maine Revised Statutes, Title 5, chapter 353 and Title 12, section 6042. The expenditure of funds transferred under this Part is subject to the following conditions and requirements.

1. Funds for the acquisition of land or interest in land for community conservation projects, as defined in Title 5, section 6201, subsection 1-B, may be distributed directly to cooperating entities, as defined in Title 5, section 6201, subsection 2, subject to terms and conditions enforceable by the State to ensure use of those funds for the purposes of this section. In addition to the considerations required under Title 5, chapter 353, the department shall give a preference to community conservation projects that benefit multiple municipalities and address regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space and farmland.

2. At least 5% of the funds must be made available for the acquisition of land or an interest in land to provide or improve public access to water in accordance with Title 5, section 6203-A, subsection 3.

3. At least 10% of the funds must be made available for the acquisition of land or an interest in land to protect farmland in accordance with Title 5, section 6207.

4. At least 10% of the funds must be made available for the acquisition of land or an interest in land to preserve and access working waterfront properties in accordance with Title 12, section 6042.

5. No more than \$10,000,000 of the funds may be spent in the first year by the department and no more than \$10,000,000 plus any unused balance from prior years may be spent by the department in each of the 3 subsequent years.

6. Each expenditure of funds under this Part must be matched with matching funds, as defined by Title 5, section 6201, subsection 3, at least equal to the amount of the expenditure. At least 70% of the matching funds provided for expenditures made in accordance with this Part must be in the form of cash or other tangible assets, including the value of land and real property interest that is acquired by or contributed to cooperating entities and that the department determines have a direct relationship to the property proposed for protection. The remaining 30% of the matching funds provided may be in the form of contributions, including the value of project-related in-kind contributions of goods and services made to and by cooperating entities.

7. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the funds may be considered as state match for any federal funding to be made available to the State.

8. The Department of Inland Fisheries and Wildlife shall proactively pursue the use of funds under this Part for land acquisition projects that conserve deer wintering areas.

Appendix I

Access Improvement Grants Fact Sheet for Applicants

Purpose

Access improvement grants are available to enhance the public accessibility to land that is acquired with proceeds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund.

Access improvement grants enhance Land for Maine's Future (LMF) acquisition dollars by making conserved land more accessible to the public. Grants may be for the upgrade of access roads, the addition of parking, trails, and boat launches, or the installation of signage, information kiosks, and picnic tables. Grant funds can be used to reimburse work that has already been done, assuming the Board approves funding for all aspects of the work completed.

Funding Availability

In statute, access improvement grants are limited to 5% of the appraised value of the acquired property, but the Land for Maine's Future Board (LMFB) routinely establishes a set-aside for these grants based on funds available.

Eligibility

A landowner of LMF funded land may apply for an access improvement grant to fund minor capital improvements to improve accessibility on the LMF funded land and on adjoining lands in the same ownership or under the same management. Access improvement grants are not offered for lands which are protected by conservation easements unless easement terms explicitly allow the easement holder to make access improvements to the land covered by the easement. LMF staff will contact the applicant to inform them of the application process and amount of funds available for their access improvement project.

Application Criteria

Projects must meet the following criteria for access improvement grants:

- The proposed improvements do not compromise the original intent for which the property was purchased.
- The proposed project improves accessibility of the LMF funded lands, consistent with management objectives. If access improvement funding is for abutting lands under the same ownership or management, then the access improvements must offer a benefit to users of the LMF funded parcel.
- Public uses are supported and/or enhanced by the project.

Application Process

1. LMF staff will contact you with information about the funds available, application process and deadline for submissions.
2. Applications are reviewed by LMF staff to determine eligibility and completeness.

3. If the applicant is an entity other than the State (e.g. land trust or municipality), the application is reviewed by staff from the sponsoring state agency: Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries and Wildlife, or Maine Historic Preservation Commission, to ensure the project is consistent with the objectives of the original acquisition project.
4. LMF staff reviews the application against the purposes and objectives of the access improvement funds and makes a recommendation to the Board for their approval.

Application Format and Instructions

Applicants should complete an Application Summary Form and provide a proposal narrative that contains the following information:

1. Map(s) – General property map, map depicting the location of the primary access point of the site, any other public access points to the property, and the location of the property to which access improvements are proposed to be made. Maps should be at a scale suitable to show the location of the proposed improvements.
2. Project Description - Narrative of what improvements are proposed, how the improvements will enhance accessibility and public use of the LMF funded lands and how the project is consistent with the recreation, public access and conservation objectives of the original acquisition project.
3. Suitability of Intended Use - Description that demonstrates that the property has no legal constraints preventing the development and use of the proposed access and that the physical characteristics of the site are suitable for the intended access.
4. Impact on Natural Resources – Description of any impact the proposed access will have on the natural and cultural resources of the property and the surrounding land. Demonstrate that the intended access is consistent with property's management objectives. Consultation with the Maine Natural Areas Program, Maine Department of Inland Fisheries and Wildlife and Maine Historic Preservation is recommended.
5. Project timeline - Identify key milestones and dates for completion.
6. Adaptive Access – If the applicant is seeking supplemental funding for adaptive access, include a description of the specific design aspects of the project that will encourage and increase use of the property by people with physical impairments or disabilities. Describe what resources you have used to ensure your improvements are consistent with accessibility guidelines.
7. Signage - The Board requires that the Land for Maine's Future Program be acknowledged in permanent signage at the primary access point of the site. LMF provides silk-screened, metal signs with LMF logo for this purpose. Please indicate in your proposal if you will need additional signs.
8. Project Budget - Itemization of how the funds will be used and identification of sources and amounts of matching funds

A hard copy of your proposal should be sent to:

Land for Maine's Future Program
Dept. of Agriculture, Conservation &
Forestry 22 State House Station
Augusta ME 04333-0022

Completion of Access Improvement Grant Projects

Projects must be completed within 18 months of the grant award date, unless the project finalist has prior written approval from the LMF project manager for an extension. A one year extension may be granted at the project manager's discretion if circumstances warrant, following notice to the LMF Director. Any additional extensions must be approved by the LMF board.

Grant Reporting Requirements

Grant recipients must submit a written report upon completion of the access improvement project. The report must describe the access improvements made and the ways it enhances public uses and include documentation of how the funds were expended and photographs of the completed work.

Completed access improvement projects will be included in the LMF Biennial Report, as part of the report to the public about progress achieved by the program.

Advance and return of access improvement funds

LMF will enter into a contract with each cooperating entity selected for an access improvement grant. LMF will be responsible for managing the contracts and ensuring funds are used consistent with the project proposal. LMF staff will approve payments for work that has been completed. Any unspent funds will remain available for future Board allocations.

For access improvement grants to state agencies, the funds will be journaled directly to the state agency upon approval of application. The agency is responsible for returning all unused funds within 6 months of completion of project. LMF shall enter into a Memorandum of Agreement with the DSA for all access improvement grants. The MOA will state the terms and indicate the expiration dates and be signed by the Commissioner of the DSA.

Resources:

USFS trail accessibility guidelines:

<http://www.fs.fed.us/recreation/programs/accessibility/> American Trails:

<http://www.americantrails.org/resources/trailbuilding/>

National Park Service boat launch guidelines:

<https://www.nps.gov/nrcr/programs/rtca/helpfultools/launchguide.pdf>

Appendix J

Frequently Asked Questions

Q1. What types of land can be acquired through the Land for Maine's Future Program?

Lands and interests in lands offering opportunity for conservation of lands supporting vital natural areas, wildlife and fish habitat, water access, and traditional outdoor recreation.

Q2. Who can be a "cooperating entity"?

Private nonprofit charitable organizations, private foundations, municipal conservation commissions, and local governments are considered cooperating entities. For a private nonprofit organization seeking to hold easements funded by Land for Maine's Future Program, the holder/applicant shall provide documentation that the organization meets the holder requirements, as per Maine Conservation Easement statute, (M.R.S.33 Chapter 7, Subchapter 8-A), and has a mission statement pertaining to land conservation activities. In addition, the Land for Maine's Future Board may designate other groups to assist the State in the acquisition and management of public lands.

Q3. Who will own the land or conservation easements acquired by the Program?

Title may be held by State Agencies and Cooperating Entities as defined in statute. An approved cooperating entity may hold title providing that entity can demonstrate to the Board their ability to manage the land for the purpose for which it was acquired. The State of Maine and the cooperating entity enter into a project agreement that is filed at the respective registry of deeds.

Q4. Who will manage the land acquired by the Program?

Management responsibilities for the acquired lands and interests in lands will be the responsibility of the State agency or cooperating entity holding title. Management of lands held by the State may be accomplished through a partnership with a cooperating entity through a management agreement. When a cooperating entity holds the land or interest in land it will execute a project agreement with the sponsoring state agency that contractually binds the terms of the project's management. This agreement is recorded with the deed or easement. A model of the Project Agreement is included in [Appendix E](#).

Q5. What are "matching funds" and what guidelines apply?

See [Matching Funds section](#) of Board Policies.

Q6. When is municipal or county approval of a land acquisition required?

Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition with funds from the Land for Maine's Future Program. Similarly, approval by the county commissioners is required if the land proposed to be conserved lies within unorganized territory and constitutes more than 1% of the state valuation within that county.

Q7. What interests in land may be purchased by the Program?

The LMF can support acquisition of a full range of interests in land including:

- fee simple acquisition; and
- less-than-fee simple interests including, but not limited to, permanent conservation easements, permanent access easements, and other permanent interests in land.

Q8. Can the LMF fund be used to fund capital improvements?

The LMF Fund can only be used to fund minor capital improvements on acquired lands to improve public access, as long as these improvements do not compromise the original intent for which the property was purchased. In practice the Board limits most of its grants under this provision up to 5% of the LMF project contribution. The Board will make a larger grant under this program to the extent the additional amount is based on the costs of providing access specifically for person(s) with a disability. In the case of the purchase of development rights on farms, up to 5% of the appraised value may be used to develop a business plan and capital improvement for the farm.

Q9. What does the law exclude from consideration?

The law specifically excludes the use of LMF funds to acquire any of the following:

- buildings or other structures unrelated to the intended use of the property,
- land for facilities or organized recreational activities; (e.g. ballparks, tennis courts, or playgrounds).
- capital improvements on any publicly owned facilities; and
- fee purchase of land of which the primary use value will be as commercially harvested or harvestable forest land.

Q10. What types of land are identified by the law as eligible for potential acquisition?

Eligible lands include:

- recreation lands;
- prime physical features of the Maine landscape;
- areas of special scenic beauty;
- open space;
- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- habitat for plant or animal species or natural communities considered rare, threatened, or endangered in the State;
- wildlife or fish habitat including deer wintering areas;
- public access to recreation opportunities or those natural resources identified above;
- lands with other conservation, wilderness or recreation values; and

Potential applicants are strongly encouraged to review the LAPAC report for further discussion on conservation priorities among these resources. The report is available from the LMF staff and is on the LMF website.

Q11. Who can propose land for acquisition by the Program?

Anyone can nominate or propose land for acquisition by LMF Program, when sponsored by a designated state agency as long as the threshold criteria, the criteria of the sponsoring state agency, and proposal requirements are met. The proposal must include a written statement from the landowner with their consent that the property is being proposed to the Program.

Q12. When can proposals be submitted?

Round A Conservation & Recreation proposals must be received by LMF no later than 5:00 p.m. on March 24, 2023; Round B Working Forest Conservation & Recreation proposals must be received by LMF no later than 5:00 p.m. on August 4, 2023. Inquiries will be accepted on a continuous basis from **December 7, 2022 to January 13, 2023**, for Round A, and until **May 19, 2023** for Round B (see Inquiry Forms provided in [Appendix A](#)). There is a separate proposal process for water access projects which may be processed at any time (see [Section III](#)).

Q13. How will the proposed properties be scored?

After the information in a proposal is reviewed by the program staff, the Staff will score the proposal. The Board then hears presentations from applicants and may adjust the staff scores. The Board then meets to review their adjusted scores and consider Other Board Considerations. The Board then enters into executive session to determine preliminary allocations. The Board then votes in a public session to select finalists. See Scoring System in [Section II](#) for the detailed scoring procedures.

Q14. Who will appraise the lands proposed for acquisition?

If an appraisal has been conducted by or is available to an applicant it should be included as part of the proposal. The Board may decide to accept an existing appraisal or may request that an applicant provide a new or updated appraisal. If an applicant provides an appraisal to the Board and it is accepted, he/she may apply the documented cost of the appraisal as match. Any appraisal must be an arm's length appraisal conducted by a Maine certified general real estate appraiser and must conform to the standards outlined in [Appendix E](#). Appraisals solely commissioned by the landowner or with the landowner as the sole client will not be accepted.

Q15. Will LMF support projects when the landowner wants a price higher than the appraised value?

The LMF Board will not generally participate in purchases which exceed fair market value as established by independent appraisal. This policy applies even where the extra funds are drawn from other sources. Such sales can make future conservation projects more expensive. In extraordinary cases, the Board will consider exceptions to this policy.

Q16. How will an applicant know the status of his/her proposal?

All applicants will be notified on the status of their proposals when the scoring and evaluation process is complete. An applicant may call the Program staff at any time and inquire about the status of his/her proposal. After the submission of an Inquiry Form, the applicant will be notified whether their project has been determined to be consistent with the LMF program objectives and selected for DSA sponsorship. In the event that a project is not selected to submit a full proposal, applicants will receive feedback from the Inquiry Review Committee outlining the justification for their decision.

Q17. What considerations does the Board want to see reflected in conservation easements?

The Board may fund acquisition of conservation easements on parcels of land to protect key public values. Any easement proposal considered by the Board is expected to address the following elements:

1. Conservation purpose of the easement and description of natural resources to be protected,
2. Restrictions on development and subdivision (building, mining, road construction, etc.) that are inconsistent with the conservation purposes,
3. Provisions for public access (pedestrian, water access, vehicle access, etc.),
4. Accommodations for public use/recreation,
5. Private uses to be maintained/continued, and
6. See also [Appendix G](#) "Guidance for Working Forest Easements"

Q18. Are pre-acquired properties eligible for reimbursement?

Lands or interest in lands acquired within 2 years of the date of project proposal may be considered for reimbursement when the pre-acquisition was conducted on behalf of the sponsoring agency **or** the sponsoring agency was aware of and supported the pre-acquisition. LMF contribution will be no more than at the Board approved amount, not to exceed the actual purchase price or appraised value whichever is less. Any duly appraised value in excess of actual purchase price may be used as match.