

Land for Maine's Future Board

June 25, 2002

Minutes of the Meeting

Board Members Present

Evan Richert, Chair

Carole Dyer

Warren Balgooyen

Commissioner R. Spear

Roger Milliken

Marcia McKeague

Commissioner Lee Perry

Commissioner G. Lapointe

Roger Berle

Linda Pagels

Commissioner R. Lovaglio

Staff Members Present

Tim Glidden

Aline Lachance

Steve Brooke

Jim Connors

R. Collin Therrien

Surran Pyne

Others Present

Doug Hawkins, Selectman, Parsonsfield

Joe Benzing, Selectman, Parsonsfield

Representative David Tobin, Windham

Steve Robe, Plum Creek

Bill Diamond, Windham Land Trust

Henry Nichols, Atlantic Salmon Commission

David MacDonald, Maine Coast Heritage Trust

Jeff Lyons, citizen

Misty Edgecomb, Bangor Daily News

Ken Elowe, Dept. Inland Fisheries & Wildlife

Tom Rumpf, The Nature Conservancy

Sam Hodder, Trust for Public Land

Sean Mahoney, Falmouth Conservation Trust

Charles Elvin

Phyllis Austin, Maine Environmental News

James Reed Coles, Harpswell Heritage Land Trust

Spike Haible, Harpswell Heritage Land Trust

Jym St. Pierre, Restore

LouAnna Perkins, Maine Farmland Trust

Karen Tilberg, Northern Forest Alliance

Ralph Knoll, Dept of Conservation

Stephanie Gilbert, Dept of Agriculture

Chris Fichtel and Ali Rau [intern], Maine Coast Heritage Trust

Rep. Roderick Carr

Jerry Bley, Creative Conservation

Minutes of the Meeting

A motion was made by Roger Berle and seconded by Carole Dyer to accept the April 23, 2002 Minutes of the Meeting. Vote was unanimous except for Marcia McKeague who abstained.

Chair's notes

Evan welcomed Jim Connors who will be working part-time for the Land for Maine's Future Program. Jim will be providing staff support for projects in coastal zone areas; specifically managing water access applications and fostering new water access projects.

Evan announcement two upcoming events [*Board members welcomed to attend*]:

Boothbay Land Trust Lobster Cove dedication on June 29th
Mahoosuc Land Trust Bear Rips dedication on July 12th

Morong Cove – Lubec [136 ± acres in fee]

➔ Public Notice

Published in the Kennebec Journal on 6/8/02 and The Quoddy Tides on 6/14/02

➔ Appraisal Review Recommendation

The committee recommends that the appraised value (\$200,000) demonstrates sufficient value in the property and recommends LMF fund at \$130,000 based on applicant's request (not including all other costs).

➔ Public Comments

Jeff Lyons, interested citizen and resident of Farmingdale, is in favor of this acquisition hoping that it would remain 'as is' till his old age.

➔ Vote

A motion was made by Commissioner Lapointe and seconded by Roger Berle to fund this project. Vote was unanimous.

Condition(s):

- 1) Documentation of Matching Funds
- 2) Evidence of good title
- 3) Signed Purchase & Sales Agreement

Flag Island – Harpswell [26.2 ± acres in fee]

➔ Public Notice

Published in the Kennebec Journal on 6/19/02 and Portland Press Herald on 6/19/02

➔ Appraisal Review Recommendation

The committee recommends that the appraised value (\$945,000) demonstrates sufficient value in the property and recommends LMF fund at \$70,000 based on the applicant's request (not including all other costs).

➔ Public Comments

Chris Fichtel with the Maine Coast Heritage Trust thanked the Board for their assistance. Matching funds for this project amount to over 90% of the anticipated total project cost and will come from a combination of oil spill mitigation funds, federal and state grants, and privately raised funds. The budget includes a \$100,000 stewardship endowment for long-term management.

It was noted that access to the island would be restricted during nesting season only.

➔ Vote

A motion was made by Roger Berle and seconded by Carole Dyer to fund this project. Vote was unanimous.

Condition(s):

- 1) Documentation of Matching Funds
- 2) Evidence of good title

Leavitt Plantation Forest, Parsonsfield [8,603 ± acre easement]

➔ Public Notice

Published in the Kennebec Journal on 6/18/02 and Portland Press Herald on 6/17/02

➔ Appraisal Review Recommendation

The committee recommends that the appraisal adequately supports the purchase price of \$2,750,000 and recommends LMF fund at \$1,165,000 based on the Board's allocation (not including all other costs).

➔ Public Comments

Joe Benzing and Doug Hawkins, former and current Parsonsfield selectmen respectively, indicated that it was their fervent desire to see the Board approve to this project. They also expressed appreciation for all the help received from Ralph Knoll in moving this project forward. It was noted that the newly created Easement Review Committee recommended acceptance of this easement. The Leavitt Plantation Forest Project will protect the largest contiguous ownership of sustainable managed forest in York County. The Bureau of Public Lands will hold the easement allowing for continued sustainable management for timber. Roughly 1/3 of Parsonsfield household income is derived from forest activities. Farm and forest zones will continue to pay taxes to the town at full value of the Tree Growth Rate.

➔ Vote

A motion was made by Commissioner Perry and seconded by Commissioner Lovaglio to fund this project. Vote was unanimous.

Condition(s):

- 1) Documentation of Matching Funds

Blackstrap Hill, Falmouth [255.5 ± acres in fee]

➔ Public Notice

Published in the Kennebec Journal on 6/8/02 and Portland Press Herald on 6/8/02

➔ Appraisal Review Recommendation

The committee recommends that the appraised value be \$920,000 and recommends LMF fund at \$200,000 (not including all other costs).

➔ Public Comments

Sean Mahoney indicated that the Falmouth Conservation Trust is very excited about the project and hopes the Board will give its approval to move forward. This is one of the largest parcel to-date that the Trust has had. The parcel is adjacent to Wilshore Farm, a previous LMF project which remains a working farm.

➔ Vote

A motion was made by Roger Milliken and seconded by Roger Berle to fund this project. Vote was unanimous.

Condition(s):

- 1) Documentation of Matching Funds
- 2) Evidence of good title
- 3) Signed Project Agreement

Bradbury-Pineland Corridor – 3 parcels – Pownal [141 ± acres fee and easement]
[Ayers/Swain - H. Tryon/Hyde - Ginn]

➡ Public Notice

Published in the Kennebec Journal on 6/19/02 and Portland Press Herald on 6/19/02

➡ Appraisal Review Recommendation

The committee recommends accepting a total appraised value of \$225,000 for these 3 parcels and recommends LMF funding at \$225,000 for these parcels based on applicant's request.

➡ Public Comments

None

➡ Vote

A motion was made by Roger Berle and seconded by Carole Dyer and Roger Milliken to fund this project. Vote was unanimous.

A second motion was made by Roger Milliken and seconded by Commissioner Lapointe allowing Pownal Land Trust to own parcel #8 (Sweetser) in fee under a Project Agreement with DOC and LMF. Vote was unanimous.

Condition(s):

- 1) Documentation of matching funds
- 2) Evidence of good title and signed agreements [third party enforcement language]
- 3) Other due diligence steps [survey & Level I Environmental Hazard Assessment]

East Ridge – Phase II – Dennysville [793.33 ± acres in fee]

➡ Public Notice

Published in the Kennebec Journal on 6/15/02 and Bangor Daily News on 6/17/02

➔ Appraisal Review Recommendation

The committee recommends accepting an appraised value for the combined Phase I and II of \$1,110,000 or \$315 an acre and recommends LMF funding at \$166,599.30 contingent on the approval of the Selectmen of the Town of Dennysville.

➔ Public Comments

The combination of Phase I and Phase II (of the East Ridge Project and the already completed Denny's River Project) will permanently protect 65% of this river's Atlantic salmon spawning and nursery habitat found within this watershed. Henry Nichols was very grateful to the Board for all of their assistance.

Tim Glidden noted that the selectmen of the Town of Dennysville gave their approval of the East Ridge – Phase II project. Also, a packet has been assembled to offset fiscal impact to town, noted Tim.

➔ Vote

A motion was made by Roger Milliken and seconded by Carole Dyer to fund Phase II of this project. Vote was unanimous.

Condition(s)

- 1) Documentation of matching funds
- 2) Evidence of good title
- 3) Signed purchase & sales agreement

EXECUTIVE SESSION – from 12:25 p.m. - 1:20 p.m.

A motion was made by Commissioner Lapointe and seconded by Commissioner Lovaglio to go into executive session for the purpose of discussing Spednic Lake/Upper St. Croix Waterway

Spednic Lake & Upper St. Croix Waterway – Washington County [2,777 ± acres in fee]

➔ Public Notice

Published in the Kennebec Journal on 6/19/02 and Bangor Daily News on 6/20/02

➔ Appraisal Review Recommendation

The Board accepts the committee's recommendation of LMF funding at \$1,435,000 (not including all other costs) and accepts the appraisal value of \$2,521,200.

Note: Board had serious problems with the 1st appraisal's methodology [Sewall Company]. A second appraisal was done by Land Vest and found acceptable.

➡ Public Comments

Karen Tilberg, Northern Forest Alliance, hopes that the Board will fund at the maximum amount allowed. Her organization and others are anxious to move forward.

Elizabeth Swain, N.E. Forestry Foundation, was uncertain as to how the landowner would react to the new appraised value and requested that the Board allocate the maximum amount it could. She did suggest that any concrete action now is best as they would like to close by the end of the year.

➡ Vote

A motion was made by Roger Milliken and seconded by Commissioner Lapointe to fund the project at \$1,435,000 on the condition that the total price does not exceed \$2.521 million. Also, any additional parcels would need to come before the Board as separate projects. Vote was unanimous.

Black Brook Preserve - Windham [105 ± acres in fee]

➡ Public Notice

Published in the Kennebec Journal on 6/8/02 and Portland Press Herald on 6/8/02

➡ Appraisal Review Recommendation

The committee recommends an appraisal value of \$505,000 and recommends LMF funds of \$180,000 based on the Board's allocation (not including all other costs).

➡ Public Comments

Bill Diamond indicated that a lot of progress has been made with redesigning the town's comprehensive plan to ensure adequate housing supply and open space protection along with efforts to reinforce land use patterns of the village center. The Trust is excited about the changes.

Rep. Tobin echoed similar praise of the Plan stated that the zoning changes tie nicely into this acquisition. He thanked the Board for all their help.

➔ Vote

A motion was made by Commissioner Lovaglio and seconded by Roger Milliken and Commissioner Spear to accept the report from the Trust as satisfying the Board's special condition regarding a demonstration of townwide planning for conservation lands and affordable housing and to fund this project. Vote was unanimous.

Skolfield Farm - Harpswell

➔ Presentation by Harpswell Heritage Land Trust (HHLT)

Spike Haible, Executive Director, HHLT, and James Reed Coles, Chair, Land Use Committee spoke before the Board as well as distributed a hand-out addressing Board concerns dealing with open space preservation and public access. The LMF Board had expressed concern that towns are relying on state funding for protection of locally important open space instead of on locally based funding. Both men stated that while the town has improved its ordinances to protect its natural resources and open space, it suffices to say that the power of the real estate market has often outpaced the town's efforts to address these issues. Below is a brief outline of some of their achievements during the past 10 years:

- They are now two full time CEOs in the town office;
- In 2001 hired a full-time land use planner
- In 2000 was awarded grant funds to conduct a two-phased Water & Septic Study.
- Four years ago the town initiated a review and overhaul of its land use ordinances.
- In 2002 adopted lot size reductions in exchange for open space set-asides.
- Last 2 years has evaluated its major wetlands and reviewed its resource protection zoning.
- In March 2002 the town approved an Alternative Subdivision Design Ordinance that provides a lot size reduction to 25,000 s.f. in subdivisions that agree to permanently set aside at least 50% of the useable land for open space.
- The Conservation Commission has designed and constructed a 1.5 mile trail system (Long Reach Cliff Trail) on the 116 acre parcel on which the Town Hall and the Recycling Center are located.
- In March 2002 the town voters approved purchase of 77 acres on the Doughty Point peninsula.
- In March 200 the town voted to establish a Capital Reserve Account for purposes of acquiring land to be held and conserved by the Town subject to approval by the town.

➔ Vote to confirm conditions have been met

Special Board Condition: Board acceptance of a report back from the Trust within 6 months of how the Town, with cooperation of the Trust, as appropriate, is designing its future efforts to ensure open space protection throughout Harpswell along with the provision for adequate water access for recreational and commercial fishing interests.

Evan thanked both Mr. Haible and Mr. Coles for a “strong presentation. A motion was made by Roger Milliken and seconded by Roger Berle to confirm that the condition(s) imposed by the LMF Board have been met via this report. Vote was unanimous.

Project Updates

➔ West Branch [Phase I and II combined]

Agreements have been signed achieving permanent conservation of approximately 329,000 acres of the North Woods. Eighty five percent of these lands will be protected through the purchase of a working forest conservation easement to be held by the Forest Society of Maine (FSM) with the remaining 15 % to be acquired in fee by the State of Maine.

In late May, the FSM signed a purchase option agreement with Merriweather, LLC to acquire the following:

- Fee purchase of approximately 46,895 acres of land;
- a conservation easement covering 282,000 acres of land;
- and an access easement providing public vehicle and pedestrian access ~~to~~ on the fee lands and across the easement lands.

Note: FSM selling the ‘fee lands’ to the state and will donate the public access rights to the state at the closing.

Amend to read:

Note: FSM selling the ‘fee lands’ to the state and will donate the public access rights to the state at the closing. It is important to note that LMF participation is limited to the **fee** portion of the project.

This is a package deal. All components must be acquired simultaneously. The newly created Easement Review Committee will have the opportunity to review and comment on the proposed easement. The Committee will be meeting in August and all meetings are open to the public.

The conservation easement will be purchased entirely with private funds raised by FSM and its partners. To date, \$17.2 million of federal Forest Legacy funds have been committed to the project and there is a pending request before Congress seeking an additional \$2.85 million. Some Land & Water Conservation Funds may be available. In addition, FSM will seek funding to cover project costs and to establish a stewardship endowment.

The purchase option extends through the end of 2003 with a significant financial incentive to close by June 30, 2003. No provisions for extending the option period.

Karen Tilberge, NFA, would like to see Public Hearings held addressing management issues.

Jym St. Pierre, RESTORE, expressed ambivalence as there are still many unanswered questions in his opinion dealing with the public recreational rights, management and associated cost, forest productivity, who is Merriweather, etc.

➔ Machias River Project – Phase I

Changes in the project have come out of recent negotiations with the landowner, International Paper. Henry Nichols noted that the major thrust of the changes to the project is that there will be significantly more land purchased in fee rather than easement than was previously envisioned. All of the Machias River main stem north of Route 9 – including First and Second Machias Lakes – will be purchased in fee. In addition, some campsites and boat launches/take outs south of Route 9 will be purchased in fee. The project will protect the same resources and area as originally conceived.

➔ Mattawamkaeg

Jerry Bley gave a brief presentation. He noted that the Mattawamkeag Region Forest Legacy Project was given preliminary approval by the LMF Board in January. At that time, the project included two properties: 3,272 acres owned by Farrar Timberlands and 9,671 acres owned by the Martha A. Powers Trust. Each landowner submitted their proposal separately to the Forest Legacy Program. Due to their geographic proximity, the Department of Conservation combined the two projects for funding purposes. Now, the Department of Conservation would like to recommend that the acquisition(s) proceed independently.

The Farrar Timberlands acquisitions represent approximately 38% of the acquisition budget [\$198,000] and 62% Powers Trust.

Vote

A motion was made by Commissioner Lapointe and seconded by Carole Dyer to allow the project to be split into two. Vote was unanimous. [Note: Linda Pagels and Commissioner Spear did not vote; having left meeting.]

Working Forest Easement Guidelines

➔ Board discussion

Tim Glidden thanked Karin Marchetti, the working group's legal consultant, who helped generate the draft guidelines that would address Board concerns on a number of topics. Two rounds of public comment regarding the guidelines have been held and, in addition, two

legislators joined the group's final working meeting. Tim noted that the draft before the Board has undergone substantial revisions in response to public input.

The Board recognizes that each situation will raise unique questions that will require negotiation and modifications on a case-by-case basis. The terms of an easement also guide the monitoring and enforcement of the easement by the easement holder.

The Board will assist in creating an opportunity for public input and comment on the draft easement plan prior to its initial consideration of the application. The easement plan and the easement itself will be made available to the public on request at any time. When a project is designated as a finalist, and substantial changes made that affect the easement proposal, the Board may create additional opportunities for public review and comment on the draft easement plan prior to final Board review.

Representative Joe Clark of Millinocket has been appointed by House Speaker Saxl to participate in the working forest easement group. Representative Rod Carr also was invited to join the group.

➡ Public comment(s)

Steve Robe, Plum Creek, had the same comments to earlier versions of the draft. His biggest concerns dealt with the presentation of restrictions and reserved rights, flexibility, prescriptive language, and broader landowner involvement. The Board made a number of changes in response.

Karin Tilberg, Northern Forest Alliance, mentioned that 'public access' needs to be clearly defined. Access for whom; pedestrian and/or motorized? Make it clear if any area(s) have access temporarily restricted, some areas motorized some non-motorized. The Board directed Tim to clarify.

Jym St. Pierre, RESTORE, reserved an opinion on easements generally but feels that this is a positive step to protecting these lands from development. Feels that the sustainable forestry language is still weak and questions whether or not the taxpayers are getting their money's worth. He wants to see public review on easements prior to formal Board consideration. Also, would like to see a North Maine Woods National Park created instead but understands that the easement language wouldn't prevent that from happening. This is a big step and "we need to wait and see".

Tom Rumpf warned that there is a risk of Forest Legacy Funds drying up.

In response to a question regarding who actually has enforcement rights, Jeff Pidot mentioned that only the holder has enforcement rights. Jeff thanked the Board for letting the AG's Office participate in the discussions.

➔ Board Vote

After numerous changes to address the concerns raised above, a motion was made by Roger Milliken and seconded by Commissioner Perry to approve the draft guidelines as amended which would address the June 25 comments submitted to the Board's Easement Committee.

Workbook Updates

Tim had hope to bring to members a draft of the workbook. Unfortunately, time did not permit this to happen. He anticipates that the group can do its work via a teleconference call in July. He also plans on soliciting input from agency partners and several outside parties with experience in developing LMF applications. He hopes to accomplish the necessary revisions within the next few weeks. Workbook will be sent to the Scoring Committee for review, as well.

Dept. of Agriculture's Strategic Plan

Stephanie Gilbert made a presentation in which she outlined six strategies that the Department of Agriculture will take in the future regarding farm preservation. They are:

- 1) Expand the Department of Agriculture's Farmland Protection Program scope and increase effectiveness through outreach and education.
- 2) Assemble leadership and public support for farmland protection programs that fortify current and future generations of Maine farmers.
- 3) Strengthen local government and community capacity to promote agricultural viability and protect farmland through public awareness campaigns, smart-growth and related land-use taxation initiatives.
- 4) Integrate the Department's and partners' agricultural viability and farmland protection efforts with the work of all related State agencies.
- 5) Raise the financial resources needed for the Department's Farmland Protection Program and an array of agricultural viability and land protection tools.
- 6) Support the continued productivity, security, health and well being of Maine farmers and farm families.

In future farmland proposals submitted to the LMF Program the Department of Agriculture will sponsor proposals that satisfy the following criteria:

- Have working farmland with prime and significant soils and other productive farm assets and have an NRCS [Natural Resource Conservation Service] Conservation Plan.
- Are under current or emerging threat to conservation to non-agricultural uses.
- Are close to other active and productive farms and agricultural infrastructure.
- Are located within a designated priority agricultural or rural conservation area identified in a town comprehensive plan that is consistent with the Growth Management Act where there is some concrete evidence of the Town's efforts to implement the objectives of the plan.

- Have clear title, estate plans and developing plan to transfer the farm.
- Have, or are willing to develop a written business plan.
- Are willing to disclose details about debts, mortgages and financial security.
- Sell or distribute commodity/niche crop/value-added products in local, regional, statewide or national markets.
- May involve more than one farm property and farmland owner.
- Have community support for a project's agricultural, open space, cultural and public benefits
- Are willing to form a project planning team with a designated "project manager" and other key representatives from agricultural, municipal, conservation, planning, land trusts and other related organizations.
- Have community support for a project's agricultural, open space, cultural and public benefits.

Stephanie noted that these criterias are taken into account when screening a proposal. The Department of Agriculture will work with an applicant in meeting any unmet criteria(s).

Other Business

Evan's last Board meeting.

Roger Milliken praised Evan for his leadership and ability to master the details and keep in mind the big picture. Evan's vision has paid off in a big way. He has shepherded many a project to completion and will be truly be missed.

Land for Maine's Future Board Members



Next Board Meeting

September 10, 2002 at the Pine Tree State Arboretum