

Land for Maine's Future Board

September 10, 2002

Minutes of the Meeting

Board Members Present:

Commissioner George Lapointe, Chair

Commissioner Ron Lovaglio*

Commissioner Lee Perry

Commissioner R. Spear

Roger Milliken

Roger Berle

Carole Dyer
McKeague

Linda Pagels
Marcia Warren Balgooyen

* Commissioner Lovaglio present from 2:20 p.m. on.

Staff Members Present:

Tim Glidden

Steve Brooke

R. Collin Therrien

Aline Lachance

Jim Connors

Others Present:

Peter Lovell, Lakes Environmental Association

Stephanie Gilver [*Gilbert*], Dept of Agriculture

Ralph Knoll, Dept of Conservation

David MacDonald, Maine Coast Heritage Trust

Tom Rumpf, The Nature Conservancy

Connie Cross and Sue Telfeian, Loon Echo Land Trust

Sam Hodder, The Trust for Public Land

Misty Edgecomb, Bangor Daily News

Fred Hurley and Ken Elowe, Dept. Inland Fisheries & Wildlife

Alan Hutchinson, Forest Society of Maine

Jerry Bley, Creative Conservation

Jeff Pidot, Attorney General's Office

Minutes of the Meeting

Marcia McKeague suggested that the notes of page 9 reflect Board participation limited to 'fee' portion of the project only [see below]. A motion was made by Roger Milliken and seconded by Roger Berle to accept the minutes as amended. Vote was unanimous.

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.**

Jugtown Plains [Otisfield, Casco & Naples]

➡ Public Notice

Published in the Kennebec Journal on 8/21/02 and the Portland Press Herald on 8/21/02

➡ Appraisal Committee Recommendation

The committee recommends that the appraisal demonstrates more than sufficient value to justify the actual purchase price of the easement. The committee further recommends LMF funding at \$195,000 based on applicant request (not including all other costs).

➡ Public Comments

None.

➡ Vote

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

Condition(s):

- Documentation of Matching Funds

- Evidence of Good Title
- Completed easement

Bradbury-Pineland Corridor Project, Pownal [Jackson & Lanzo parcels]

➡ Public Notice

Published in the Kennebec Journal on 8/29/02 and the Portland Press Herald on 8/29/02

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$30,450 for the Jackson parcel and \$19,938 for the Lanzo parcel. The committee further recommends LMF funding at \$50,388 based on the applicant request (not including all other costs).

➔ Public Comments

None

➔ Vote

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

Condition(s):

- Documentation of Matching Funds
- Evidence of Good Title
- Signed Agreement
- Contracts for survey and a Level 1 Environmental Hazard Assessment

Page Farm [Drew Plantation & Kingman Township]

➔ Public Notice

Published in the Kennebec Journal on 8/29/02 and the Bangor Daily News on 8/29/02

➔ Appraisal Committee Recommendation

The committee recommends that the appraisal demonstrate more than sufficient value to support the expected purchase price (\$200,000). The committee further recommends LMF funding at \$100,000 based on applicant request (not including all other costs).

➔ Public Comments

None

➔ Vote

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

Condition(s):

- Documentation of Matching Funds
- Evidence of Good Title
- A signed Purchase & Sales Agreement

Sebago Headwaters Preserve [Lee and Loon Echo Land Trust parcels]

➔ Public Notice

Published in the Kennebec Journal on 8/21/02 and the Portland Press Herald on 8/29/02

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$112,000 for the Lee parcel and \$40,000 for the Loon Echo Land Trust parcel. The committee further recommends LMF funding at \$152,000 based on applicant request (not including all other costs).

➔ Public Comments

Peter Lowell, indicated that the entire project because of its proximity to Hold Pond Preserve and Bald 'Pate' Mountain Preserve routinely attract visitors from all over southern Maine. Snowmobilers, fishermen, and hunters come to the area. These lands provide important wildlife habitat, watershed protection, working forest, marshes and swamps, and open space for recreation and education. The Association is hoping to link all lands by trails.

➔ Vote

A motion was made by Warren Balgooyen and seconded by Commissioner Perry to fund these two parcels. Vote was unanimous.

Condition(s):

- Documentation of Matching Funds
- Evidence of Good Title
- Signed Project Agreement

EXECUTIVE SESSION – from 1:40 – 2:40 p.m.

A motion was made by Commissioner Lapointe and seconded by Roger Milliken to go into executive session for the purpose of discussing ongoing negotiations on Five Fields Farm and Sebago Headwaters Preserve – Hale parcel.

Sebago Headwaters Preserve [Hale parcel only]

➔ Public Notice

Published in the Kennebec Journal on 8/21/02 and the Portland Press Herald on 8/29/02

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$33,000 for the Hale parcel. The committee further recommends LMF funding at \$45,000 based on applicant request (not including all other costs).

➔ Public Comments

Peter Lovell, indicated that this parcel is significant to the preserve and the failure to purchase it would have a dramatic negative impact on their project. The parcel contains woodlands and wetlands, falls in the middle of an undeveloped stretch of road, and the threat of development/subdivision would change the character of the western entrance. The Hale parcel is one of three parcels to the west of Chaplin's Mill Road, which is contiguous to the Hold Pond Preserve. Water flowing from the adjacent watershed flows through the Hale property and onto the preserve itself. Upland forest community spans both sides of the Preserve boundary and terminates near the southeast corner of the Hale lot. The lot contains Hemlock-Hardwood Pocket Swamp, one that is considered rare by the Maine Natural Areas Program.

In all, this lot contains significant value as an ecological addition to the Hold Pond Preserve.

The Loon Echo Land Trust requests that the Board waive its policy of not participating in purchases at values that exceed appraised value.

➔ Vote

A motion was made by Marcia McKeague and seconded by Roger Berle to Table this acquisition. Vote was unanimous. The Board directed the Appraisal Review Committee to look further into the proposed purchase price [which exceeds the appraised value] and report back to them at the next Board meeting.

Big Falls, Grand Lake Stream [T27 ED BPP]

➔ Public Notice

Published in the Kennebec Journal on 8/21/02 and the Calais Advertiser on 8/21/02

➔ Appraisal Committee Recommendation

The committee recommends that the accepted appraised value be \$15,000. The committee further recommends LMF funding at \$15,000 based on applicant request (not including all other costs).

➔ Public Comments

None.

➔ Vote

A motion was made by Roger Berle and seconded by Carole Dyer to fund this project. *[note: include \$10,000 for recent purchase of parking lot as match]* Vote unanimous.

West Branch Update

The Easement Review Committee met to review the West Branch easement and to compare it to the recently adopted LMF working forest easement. The analysis looked at three major components of forestry easements: 1) Subdivision & Development, 2) Forest Management, and 3) public access. [for details see Attachment I – Tim’s memo to the Board]. The committee did not reach any formal conclusions nor does it offer any position or recommendation to the full Board.

The terms of the West Branch conservation easement are a product of negotiations and discussions that occurred over a two-year period involving Wagner Forest Management, FSM, and the State. It was noted that these negotiations occurred at the same time as LMFB was in the process of developing its own guidelines.

The conservation easement is to be held by the Forest Society of Maine (FSM). The access easement is to be purchased by the Forest Society of Maine and then donated to the State of Maine, Department of Conservation.

Warren Balgooyen stated that although there are a lot of similarities, the general trend of the WB easement is narrowly focused on commercial harvesting while LMF guidelines are more on conservation values. Marcia McKeague commented that the agreement is written more from the perspective of Merriweather; differences with LMF guidelines on the ground is hard to tell.

Jerry Bley who helped with the original version of this comparison stated that while there were no hard and fast rules it was his opinion that in the end the overall ‘spirit’ of the easement will benefit the public.

Jym St. Pierre expressed his concern of the importance of protecting ‘wilderness values’ even in working forest projects. In all probability many of the forest conservation projects will not involve purely working forest lands, nor purely wilderness lands, but rather a mixture and that LMF policies should recognize this reality. Tim distributed Jim’s letter outlining his concerns to the Board.

Jeff Pidot commented that the Land for Maine’s Future Board is not the forum for probing the easement. It lies between the landowner and the Forest Society of Maine. Roger Milliken asked but where is the forum to debate the easement. Pidot responded that there aren’t other public forums and that the Board discussion is the only public forum.

While no formal vote was taken on the easement itself, after much discussion the Board accepted the Committee’s report.

Commercial Use of LMF Funded Easements

➔ Discussion

An overview of the Easement Review Committee discussions regarding retaining commercial recreational rights on LMF-funded easements resulted in Tim drafting ‘guidelines’ for Board consideration. A potential exists for commercial recreational rights to come into conflict with program objectives especially as the number of large-scale working forest easements increase. While the Board maintains its presumption that recreational activity on protected property will be non-intensive and primarily non-commercial, the Board will consider the option of including retained landowner rights for commercial recreational activities on the protected property on a case-by-case basis. The following 4 criteria were discussed as potential requirements:

- 1) Any retained commercial recreational right cannot provide for exclusive use or significantly displace traditional, non-commercial public recreational uses;
- 2) The sponsoring state agency has approval rights for any proposed commercial recreational activity undertaken directly or indirectly by the landowner. This may be accomplished through a cooperative recreation management plan developed with the landowner or through an explicit description of the proposed activity on the easement that limits the activity by its express terms that are acceptable to the Board;
- 3) Any retained commercial recreational rights may not diminish conservation and public recreation values of the proposed project, in the Board’s judgment; and

- 4) Any fees charged must be reasonable and be approved by the sponsoring state agency.

A number of questions arose regarding charging fees; for example, how would the sponsoring agency determine reasonable fee? What would the fees be used for? Who would retain these fees?

Marcia and Commissioner Perry suggested removing item # 4.

Other use of the property by the general public supported by paid guides or outfitters shall not be deemed commercial use. However, this type of use should be evaluated under criteria 1 and 3 above. Establishment of permit and access fees for use of campsites and other recreational facilities otherwise allowed under the easement shall not be deemed commercial or exclusive use.

Board members suggested that while incidental use of public properties by commercial guides and outfitters should be evaluated under criteria 1 and 3, the proposed language “deeming” such use to be non-commercial should be dropped.

➡ Public Comments

Both David McDonald and Tom Rumpf raised similar questions regarding fees along with whether or not ‘fees’ would apply to access to an individual site or entire property. They both would like to see a balance between commercial vs. public use.

➡ Vote

A motion was made by Commissioner Lovaglio and seconded by Marcia McKeague to Table the vote until next Board meeting.

LMF Workbook

LMF program has just released an updated edition of its “Proposal Workbook”. Copies can be obtained by contacting the office or accession the internet at www.state.me.us/spo/lmf. Copies of the workbook was distributed to Board members.

Call for Proposals

Public Notice has been distributed announcing new round of LMF funding for Farmland Protection and Conservation & Recreational proposals. Deadline for new proposals is December 20, 2002.

Other Business

A letter has been sent to the Washington County delegation informing them that a public meeting will be held at the Calais High School on September 23, 2002 seeking input from local residents regarding LMF projects in the county. A public notice has been placed

in the Bangor Daily News. Two board members will be present along with Henry Nichols from the Atlantic Salmon Commission who will update folks on the Machias River salmon project. Representatives from the Department of Conservation will also be there to answer questions as well as provide information on current projects.

Tim will report back to the Board at the next Board meeting the outcome of this public participation.

Next Board Meeting

October 22, 2002 at the Pine Tree State Arboretum

Adjourn

3.50 p.m.