



Land for Maine's Future Program

Minutes of the Meeting

November 13, 2007

Pine Tree State Arboretum

Augusta, Maine

Board Members Present:

Commissioner George Lapointe
Commissioner Seth Bradstreet
Commissioner Danny Martin
Martha Freeman, Director, SPO

Carole Dyer
Diane Doyle
Ben Emory

Leon Gorman
Jeanne Mattson
Jeff Thaler

Board Members Absent:

Commissioner Patrick McGowan

LMF Staff Members Present:

Tim Glidden
Jim Connors

Steve Brooke
R. Collin Therrien

Aline Lachance

Others

Chris Anderson, Port Clyde Co-op
Gerry Cushman, Port Clyde Co-op
Michael Cushman, Port Clyde Co-op
Suzanne Goucher, Maine Association of Broadcasters
Mike Auger, Androscoggin Land Trust
Alan Brooks, Quoddy Regional Land Trust
Jeff Romano, Maine Coast Heritage Trust
Ripley Swan, landowner
Jennifer Melville, Trust for Public Land
Willow Rheault, Coastal Enterprises, Inc./WWAPP
Buster Carter, Department of Inland Fisheries & Wildlife
Thomas Schaeffer, IF&W, Wildlife Region C
James Connolly, IF&W, Wildlife Region B
Stephanie Gilbert, Dept. of Agriculture, Food & Rural Resources
Eliza Townsend, Department of Conservation
Alan Stearns, Department of Conservation
Deidra Gilbert, Department of Marine Resources

→ **Minutes of the Meeting**

A motion was made by Carole Dyer and seconded by Jeanne Mattson to approve the September 11, 2007 minutes of the meeting as amended. Vote was unanimous.

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.....The Spruce Head Coop application met the selection criteria **including**: economic significance, **evaluation of the** availability of alternative sites, community support, threat of conversion, and most importantly, the use of the property for commercial fisheries uses.

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November 13, 2007 ~~September 11, 2007~~ at the Pine Tree State Arboretum, Augusta.

FARMLAND PROJECT

→ **Hallelujah Farm**, Lisbon, Androscoggin County (176 ± acres , agricultural conservation easement under a Project Agreement with the Androscoggin Land Trust and the Maine Department of Agriculture, Food & Rural Resources.)

- Public Notice

On November 2, 2007 published in the Kennebec Journal and Lewiston Sun Journal.

- Request for Supplemental Allocation

The Department of Agriculture, Food & Rural Resources submitted a request for consideration by the Board for an increase of \$145,000 to LMF's original allocation of \$165,000. The fair market value appraisal for the purchase of development rights of the conservation easement was greater than the project partners estimated at the time of the original application to LMF. Board approval of a \$310,000 allocation enables the Androscoggin Land Trust to complete the purchase of the conservation easement.

- Appraisal Review Committee Recommendation

The ARC agreed that the purchase price of \$620,000 is adequately supported by the appraisal. The applicant is requesting \$310,000, (*original allotment of \$165,000 plus supplement funding request of \$145,000*), of LMF farmland conservation funding.

- Public Comments

None.

- Vote

A motion was made by Ben Emory and seconded by Jeff Thaler to accept the recommendation of the Appraisal Review Committee and to support LMF funding of \$310,000. Vote was unanimous.

WORKING WATERFRONT

- **Port Clyde Fisherman's Co-Op**, St. George, Knox County (0.7 ± acres with improvements of a working waterfront covenant to be held by the Maine Dept. of Marine Resources).

- Public Notice

On November 2, 2007 published in the Kennebec Journal and Courier Gazette on November 3, 2007.

- Request for Supplemental Allocation

The Co-op is requesting the Board to increase its original allotment from \$250,000 to \$340,000. The additional \$90,000 will be applied to the Dock Expansion Project in order to provide more fishermen permanent access to the waterfront. The appraisal did show a covenant value higher than previously believed.

- Appraisal Review Committee Recommendation

The ARC recommended accepting a before appraisal value of \$1,025,000 and an after value of \$685,000 for this working waterfront covenant and further recommends LMF funding of \$340,000 (not including all other costs).

- Public Comments

Jerry Cushman stated this was a prime piece of property and with the proposed improvements to upgrade and expand the existing infrastructure would allow more fishermen and lobstermen to load and unload fishing gear and wholesale their catch. It will provide the Port Clyde Fishing Cooperative, representing nine ground fishing boats operating out of Port Clyde, permanent berthing space and, in addition, provide permanent working waterfront access for two different commercial fisheries businesses in Port Clyde.

Mr. Cushman stated that the Co-op plans on constructing a 30' wide by 250' long wharf expansion at the west end of the existing wharf. The pile supported addition will be built to handle the weight of trucks, and the length will extend into the harbor's deeper water which will allow the ground fishing fleet, and others use of the Co-ops waterfront and access to the dock at all tides. He further stated that Cozy Harbor is hoping to conduct some of its shrimp processing here verses transporting it all to Portland, which in turn would provide more jobs in the mid-coast region.

The Town of Saint George has an adopted Comprehensive Plan that references the preservation of working waterfront for marine-related industries. Mr. Cushman stated that the town strongly supports its working waterfront and commercial fisheries.

- Vote

A motion was made by Carol Dyer and seconded by Jeff Thaler to support funding for this project in the amount of \$340,000. Vote was unanimous.

WATER ACCESS PROPOSAL

→ **Lubec Salt Ponds**, Lubec, Washington County (5 ± acres in fee to the Quoddy Regional Land Trust under a PA with the Quoddy Regional Land Trust and the Dept. Inland Fisheries & Wildlife

- Public Notice

On November 2 published in the Kennebec Journal and the Bangor Daily News.

- Appraisal Review Committee Recommendation

The ARC agreed (*3 in favor and 1 abstention*) that the purchase price of \$71,000 is adequately supported by the appraisal. The applicant indicated a willingness to accept LMF funding in the amount of \$58,000 (which includes all other costs).

- Public Comments

Alan Brooks stated that project would secure access in an area that is otherwise served only by an adjacent unsecured access point. He noted that an allocation of \$58,000 would provide core funding for this important water access project.

- Vote

A motion was made by Jeff Thaler and seconded by Ben Emory to support funding for the project with the stipulation at the request of the Department of Inland Fisheries & Wildlife that no vehicles or trailered boats and watercrafts have access to the shoreline. Vote was unanimous.

OTHER BUSINESS

→ **Sears Island Mitigation Fund – Emery Parcel, Ducktrap River**, Lincolnville, Waldo County (2.11 + acres in fee to the Maine Dept. of Inland Fisheries & Wildlife)

- Background

In 1996 a law suit brought by the US EPA against the Maine Department of Transportation resulted in a remediation project on the Ducktrap River to conserve

properties that provide valuable habitat in the Ducktrap River Watershed for Atlantic Salmon and other species. The US EPA and MeDOT entered into a consent decree giving LMF the responsibility to oversee and administer the funds. Since 1996, three acquisitions have been made using these funds.

Acquisition of the Emery parcel with 237 feet of frontage on the Ducktrap River is identified by the ME Department of Inland Fisheries & Wildlife as an important salmon nursery and spawning habitat area. The parcel is also adjacent to the entrance to the Coastal Mountains Land Trust's Ducktrap River Preserve.

CML Trust has pre-acquired this parcel on behalf of the Maine Department of Fisheries & Wildlife. Approval of this request would authorize release of funds to enable IF&W to acquire the parcel in fee.

- Public Notice

On November 2, 2007 published in the Kennebec Journal, the Courier Gazette on November 3rd and the Camden Herald on November 8, 2007.

- Appraisal Review Committee Recommendation

The ARC recommended accepting an appraisal value of \$ 46,000 for this parcel. The project partner is requesting reimbursement in the amount of \$49,291 which includes all other costs.

Note: Funding for this allocation will come from the Sears Island Mitigation Fund and not LMF funding.

- Public Comments

None.

- Vote

A motion was made by Carole Dyer and seconded by Jeanne Mattson to support funding for this parcel in the amount of \$49,291. Vote was unanimous.

→ **Call for New Round of Proposals**

The Board decided to issue a single Call for Proposals with the new bond funds for Conservation & Farmlands projects. Proposals will be due at the State Planning Office by April 1, 2008. The selection of finalists will take place at the July 8th and 9th Board meeting. Working Waterfront projects will have two selection rounds with proposals due May 15, 2008 and September 15, 2008. Selection of working waterfront projects will be made at the July and November board meetings.

The Proposal Workbook will be modified to reflect several new legislative mandates.

→ **Fair Market Value Proposed Amendment**

The Appraisal Review Committee proposes minor refinements to its policy in order to clarify its application of the appraisal policy.

PROPOSED REVISIONS

LMF Policy regarding proposed purchase at price exceeding Fair Market Value

The Land for Maine’s Future Board’s basic policy is that the Board will not entertain participation in a project where the purchase price of the land¹ exceeds fair market value based on an appraisal.²

However, it is recognized that in rare instances, exceptions may be considered. The board will consider such exceptions only when all of the following conditions are met:

- a) The public values present on the subject property are exceptional in the context of that project category³,
- b) There is imminent threat that the public values will be severely compromised if the property is not purchased immediately⁴, and
- c) These public values outweigh the difference between appraised value and the asking price.

Two thirds of the board members present and voting agree that the project meets these conditions. Minutes will include written findings.

In such instances, the Land for Maine’s Future Board will not authorize funding which exceeds two thirds of the appraised value.

- Vote

A motion was made by Ben Emory and seconded by Carole Dyer to approved the amended recommendations to the Fair Market Value Policy along with adding the word **its** to the 1st paragraph of the proposed revisions. Vote was unanimous.

*to readThe Land for Maine’s Future Board’s basic policy is that the Board will not entertain participation in a project where the purchase price of the land⁵ exceeds **its** fair market value based on an appraisal.*

¹ Land value will be examined net of value attributable to buildings or other significant improvements on the property.

² The Board recognizes that appraising is not a precise science and has authorized its appraisal committee to examine the reasonable range of values for a given project in consultation with the appraiser consistent with normal best appraisal practices.

³ The context for water access sites may be particularly important as may also be the case for locally, regionally, or statewide significant, farmland; and working waterfront properties.

⁴ In making this assessment, the Board will rely on available evidence including bona fide, competing offers or reputable professional opinion of locally knowledgeable parties.

Staff Updates & Report

- Initial Analysis of the Nov. 6th vote on the Natural Resources Bond

Tim stated that while the final results are not yet completed they do show good news and that Question 4 won in all 16 counties. Southern and midcoastal counties were the strongest but the margins were healthy everywhere. The lowest margins were in Piscataquis and Somerset Counties (~52%+). In addition, the bond carried in several towns that have had controversial projects.

Also, Tim congratulated the Department of Conservation which got its first new money for Park and Historic Site investment in a dozen years!

- Proposed 2008 Board Schedule

The following dates have been approved:

January 15 th	September 16 th
March 11 th	November 18 th
May 13 th	January 13, 2009
July 8 & 9 th	

- Projects Withdrawn

The **Sand Hill Farm** landowners and their conservation partner, Sheepscot Valley Conservation Association, have decided to protect the farm through a grant of a donated conservation easement.

The **Hancock Lands Project** – Phase I & II renegotiation with new landowners has ended unsuccessfully. Funds that were set aside for this project will be carried forward into the new round of proposals.

- Other

Tim stated that an accounting of available funds will be provided at the January 15th Board meeting.

➔ Next Board Meeting

January 15, 2008 at the Pine Tree State Arboretum

Adjourned 3:18 p.m.