



Land for Maine's Future Program
Minutes of the Meeting
September 16, 2008

Pine Tree State Arboretum
Augusta, Maine

Board Members Present:

Commissioner George Lapointe
Commissioner Seth Bradstreet
Commissioner Danny Martin

Diane Doyle
Leon Gorman
Martha Freeman, Director

Ben Emory
Jeff Thaler
Bucky Owen

Board Members Absent:

Commissioner Patrick McGowan

Jeanne Mattson

LMF Staff Members Present:

Tim Glidden
R. Collin Therrien

Steve Brooke
Aline Lachance

Jim Connors

Others

Neil Butler, 1st Selectman, Town of Amherst
Jerry Bley, Creative Conservation
Vasco Carter and Jim Connolly, Dept. Inland Fisheries & Wildlife
Dick Clime, WWAPP, Coastal Enterprises
Lee Dassler, Western Foothills Land Trust
Bill Durkin, Friends of Rachel Carson Nat'l. Wildlife Refuge
David Etnier, Dept. Marine Resources
Chris Fichtel, Maine Coast Heritage Trust
Deidre Gilbert, Dept. Marine Resources
Jim Gooch, The Trust for Public Land
Maureen Hoffman, Sheepscot Valley Conservation Association
Alan Hutchinson, Forest Society of Maine
Jeff Romano, Maine Coast Heritage Trust
Alan Stearns, Dept. of Conservation

Minutes of the Meeting

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to accept the July 8, 2008 Minutes of the Meeting. Vote was unanimous.

— CONSERVATION & RECREATION PROJECTS —

➔ **CARIBOU BOG – PENJAJAWOC – Phase II, Sewall Parcel, Old Town, Penobscot County**, 850± acres in fee to the Orono Land Trust and the University of Maine Foundation under a Project Agreement with the Maine Department of Inland Fisheries & Wildlife

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Bangor Daily News on 9/1/08.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$1,060,000 and further recommends LMF funding of \$461,433 for the project (not including all other costs).

- Public Comments

Alan Hutchinson noted that once the Orono Land Trust acquires fee ownership of the parcel, the Forest Society of Maine will draft a working forest conservation easement for the parcel that will meet LMF standards. He strongly supports the project as it will allow both forestry and conservation recreational activities to continue.

- Vote

A motion was made by Jeff Thaler and seconded by Ben Emory to support acquisition of the project and to transfer the Project Agreement from the Orono Land Trust to the University of Maine Foundation as well as authorizing the conveyance of a working forest conservation easement to the Forest Society of Maine as long as the easement is in keeping with Land for Maine's Future standards. Vote was unanimous, except for Bucky Owen who abstained due to conflict of interest.

➔ **SACO RIVER – INDIAN CELLAR**, Hollis, York County, 58± acres in fee to the Town of Hollis under a Project Agreement with the Maine Department of Conservation.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Portland Press Herald on 8/30/08.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$870,000 and further recommends LMF funding of \$375,000* for the project (not including all other costs).

<p>* \$325,000 conservation & recreational funds <u>plus</u> \$50,000 water access funds</p>
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- Public Comments

Jim Gooch stated that this proposal is strongly supported by the public and Town of Hollis which voted in favor of a \$250,000 contribution toward the project. A private campaign has also raised about \$200,000 to date. He urged the Board to vote in favor of this project.

- Vote

A motion was made by Commissioner Martin and seconded by Bucky Owen to support acquisition of this project. Vote was unanimous.

➔ **HEADS OF ESTUARIES, Long Creek Point Parcel**, Addison, Washington County, 12± acres in fee to the Pleasant River Wildlife Foundation under a Project Agreement with the Maine Department of Inland Fisheries & Wildlife.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Bangor Daily News on 9/1/08.

- Vote

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to TABLE the project until the next Board meeting in November. Vote was unanimous.

Note: The applicant will be submitting another appraisal.

➔ **LOWER KENNEBEC ESTUARY, Wallentine Parcel**, Bowdoinham, Lincoln County, 89± acres in fee to the Maine Department of Inland Fisheries & Wildlife.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Times Record on 9/2/08.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$235,000 and further recommends LMF funding of ~~\$235,000~~ **\$240,000** for the project (not including all other costs). Match for this parcel comes from 2 parcels [*Stanton and Cote*] acquired with federal funding that are part of a banked match for this project.

- Public Comments

None.

- Vote

A motion was made by Bucky Owen and seconded by Martha Freeman to support acquisition of this project. Vote was unanimous.

➔ **SOUTH POND, Buckfield**, Oxford County, 14± acres in fee to the Western Foothills Land Trust under a Project Agreement with the Maine Department of Inland Fisheries & Wildlife.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Bangor Daily News.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$190,000 and further recommends LMF funding of \$82,000 for the project (not including all other costs).

- Public Comments

None.

- Vote

A motion was made by Diane Doyle and seconded by Ben Emory to support acquisition of this project. Vote was unanimous.

➔ **AMHERST LANDS**, Amherst, Hancock County, 4,947± acres in fee to the Maine Department of Conservation.

Note: This project triggers the municipal approval section of LMF's enabling statute *"Approval by the elected municipal officials is required when more than 1 % of a municipality's state valuation is considered for acquisition under a bond issue."*

- Project Update

Since DOC and FSM submitted the Amherst proposal to LMF in 2003, the following modifications to the project have occurred:

- The land area involved remains essentially the same. A small parcel (45 acres) along the eastern boundary of the property was sold off by the previous owner to an abutter. This out-sale does not impact the property's significant natural features and was located outside of the proposed ecological reserve area.
- The original LMF application called for fee acquisition by DOC of the ecological reserve area and purchase of a conservation easement on the remaining multiple-use

- lands. Under the current proposal, DOC will be acquiring fee interest in the entire 4,974-acre property.
- When the previous owner purchased the property in 2003 from International Paper, he elected not to purchase the mineral rights from IP. FSM is currently seeking to secure the outstanding mineral rights from IP.
 - The original LMF proposal did not envision a community forest partnership with the Town of Amherst. As described above, this unique effort will provide a new model of how DOC and local communities can work together to manage conservation lands.
 - Due to the time that has elapsed since the original LMF application, as well as the partial shift from easement to fee ownership, the cost of the project has increased substantially.
 - The 2003 LMF application proposed a donation of a conservation easement on an adjacent 194-acre parcel owned by Hunter and Calhoun, who offered the easement to FSM to leverage conservation efforts in the area. The landowners remain committed to working with FSM and using the conservation of their lands to leverage successful completion of the Amherst Mountains Project and possibly expand it to include other lands. Once the final cost and funding commitments for the project are determined, the landowners and FSM will propose how best to proceed with conservation of the Hunter-Calhoun property.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Bangor Daily News on 9/1/08.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$3,100,000 without mineral rights and \$3,310,000 including mineral rights and further recommends LMF funding of \$700,000 for the project (not including all other costs).

- Public Comments

Neil Butler, 1st Selectman, Town of Amherst stated that the Town's Board of Selectmen, voted to support the project in conjunction with the State of Maine Bureau of Parks & Lands and the Forest Society of Maine. At a June 2008 town meeting, the proposed community forest received overwhelming support from the town residents.

Mr. Butler noted that the town's population is 231 and that 85 % of the town's economy is tree growth. While the Department of Conservation (DOC) will own the property, they will enter into a lease agreement with the Town for joint management and oversight of the 4,974 acres Amherst Mountains parcel. Roughly 2,000 will be managed for ecological values and 3,000 will be managed for forest products. Revenues from timber harvesting operations will be divided between the town and DOC.

Alan Stearns stated that he attended at least 6 meetings with town officials and found the discussions fruitful. There is much enthusiasm and support for the project and his office is looking forward to a continued productive relationship with the community.

- Vote

A motion was made by Jeff Thaler and seconded by Martha Freeman to support acquisition of this project contingent that an agreement will be reached with the seller for a sale price that is at or below the accepted appraised value of \$3,310,000 (including the mineral rights). The Board expects that the mineral rights will be included in the acquisition. Vote was unanimous, however, Bucky Owen abstaining due to conflict of interest.

➔ **COLONIAL PEMAQUID**, New Harbor, Bristol, Lincoln County, 0.3± acres in fee to the Maine Department of Conservation.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Courier Gazette on 9/4/08.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal value of \$165,000 and further recommends LMF funding of \$98,000 for the project (not including all other costs).

Note: Purchase price of \$195,000 triggers LMF policy regarding exceeding Fair Market Value.

- 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 exceeds the fair market value based on an appraisal.

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, there is imminent threat that the public values will be severely compromised if the property is not purchased immediately, and the risk of losing the property is outweighed by the difference between appraised value and the asking price; and
- b) Two thirds of the Board members present and voting agree that the project meets these conditions.

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

- Public Comments

None.

Alan Stearns, Deputy Director, Bureau of Public Lands responded to questions by the Board regarding price exceeding Fair Market Value. He noted that this parcel is among the Bureau's highest priorities, with exceptional and national archaeological significance. That the parcel met the standard that there is imminent threat which would severely compromise the property if not purchased immediately and that the public values outweighs the difference of \$30,000 between appraised value and the asking price.

- Vote

A motion was made by Commissioner Martin and seconded by Bucky Owen to support purchase price at above Fair Market Value. Vote was unanimous.

A motion was made by Jeff Thaler and seconded by Ben Emory to support acquisition of this project. Vote was unanimous.

- FARMLAND PROJECTS -

➔ **DAVIS FARM**, Durham, Androscoggin County, 70.1 ± acres of agricultural conservation easement to the Royal River Land Trust under a Project Agreement with the Maine Department of Agriculture, Food & Rural Resources.

- Public Notice

On 8/29/08 published in the Kennebec Journal and the Lewiston Sun Journal.

- Appraisal Review Committee Recommendation

The ARC recommends accepting an appraisal before value of \$350,000 [*after value of \$115,000 and an easement value of \$235,000*] and further recommends LMF funding of \$156,667 for the project (not including all other costs).

- Public Comments

None.

- Vote

A motion was made by Commissioner Bradstreet and seconded by Bucky Owen to support acquisition of this project. Vote was unanimous.

— **5% FARM CAPITAL IMPROVEMENT & BUSINESS PLANNING GRANT**—

- **CRYSTAL SPRING FARM**, Brunswick, Cumberland County, 155 ± acres of agricultural conservation easement to the Maine Department of Agriculture, Food & Rural Resources.

The Crystal Spring Community Farm is seeking a grant in the amount of \$15,737 to make a one-time capital improvements to three fields located on the west side of Pleasant Hill Road in Brunswick by installing 7,550 feet of 5-wire high tensile, low impedance perimeter fencing. Each fence will include 12' gates in order to allow farm equipment in to do haying or row cropping. The Department of Agriculture considers permanent structures that promote permanent pasture improvement and soil fertility bona-fide “one-time capital improvement to the land.”

A motion was made by Ben Emory and seconded by Commissioner Bradstreet to approve a capital improvement grant of \$15,737. Vote was unanimous.

— **PROJECT UPDATES & RECONFIGURATIONS** —

- **HEART OF THE WATERSHED PROJECT**, Alna & Newcastle, Lincoln County, 184.5± acres in fee to the Sheepscot Valley Conservation Association under a Project Agreement with the Maine Department of Inland Fisheries & Wildlife, a Round #5 project.

In May 2006, the Board awarded an LMF grant of \$279,000 to protect the Barth and Weary properties in Alan and Newcastle. Since that time, the owner of the Weary property could not agree to an easement requiring public access. In exchange for allowing him to regulate public access, the landowner will make a bargain sale of the easement rather than a full market value sale, to be signed at the same closing as the protection of the Barth property through acquisition and easement.

This change will reduce the acreage offering public access in this project from its original 524 to 180 acres. These 180 acres will allow hunting, fishing and trapping. The property will be combined with the abutting 32-acre SVCA Bass Falls Preserve to additionally offer parking lot access to a public, pedestrian trail system.

Recognizing this loss, the Sheepscot Valley Conservation Association and SWOAM request that the Board allow this project to continue to be funded but to reduce the amount of funds from \$279,000 to \$188,000.

Jeff Thaler, expressed concern about the loss of public access, indicating his support was conditional that the loss of public access was not to set a precedent for other projects.

- Vote

A motion was made by Bucky Owen and seconded by Commissioner Bradstreet to amend the project removing the Weary parcel and reducing LMF funding from \$279,000 to \$188,000. Vote was unanimous.

— *OTHER BUSINESS* —

➔ **Update on the Working Waterfront Pilot Program**

Slide presentation by Deidre Gilbert. Highlights below:

A cornerstone of Maine’s coastal economy

- \$363 million in landed value 2007
- \$750 million in income to Maine families
- 35,000 direct and indirect jobs

Waterfront Access – by the numbers

- 142 coastal towns, 5,300 miles of coast – 1,555 points provide saltwater access
- of 1,555 saltwater access points, 888 (57%) support commercial fishing activities
- of these 888 access points, 66% are privately owned and vulnerable to conversion
- only 81 of the saltwater access points qualify as “prime working waterfront”, and only 62 of these currently support commercial fishing.

Loss of Commercial Fishing Access Takes Many Forms

- access to intertidal areas lost
- new coastal property owners closing off/contesting public access
- commercial fishing access tenuous through lease arrangements
- singular reliance on public facility – competition from other users
- land-use access problem; limited parking
- conversion of working wharves to residential/recreation

WWAPP Projects

- \$2.3 million allocated to fund 9 projects:
 - o 11.5 acres of waterfront property
 - o fair market value of > \$7.6 million
- Applicants included:
 - o One municipality
 - o Three fishing co-ops
 - o 2 private commercial fisheries business
 - o One land trust
 - o A historical society, and
 - o A community based nonprofit

Project allocations: \$36,000 to \$475,000

WWAPP Accomplishments

- This \$5 million pilot program has supported:
 - o More than 500 jobs;
 - o More than \$8.5 million in income;
 - o More than 250 boats;

And provided access to:

- Parking, berthing, wharfage, supplies, bait, sales, gear storage and landing;
- Numerous fisheries, including: lobster, tuna, groundfish, shrimp, clams, mussels, scallops, quahogs, crab, sea urchin, seaweed, sea cucumber, and worms.

Along with slide presentation, Board members discussed lessons learned over the life of the program thus far, as well as addressed key issues facing the program. It was their recommendations that the program remain a 'pilot program' for the near future.

➔ **Staff Updates & Report**

○ Project Updates & Schedule

Staff has reviewed over 49 projects and more than a dozen appraisals to close by end of this year. Two to three Appraisal Review Committee meetings have been scheduled between Board meetings in 2009.

LMF Board meetings schedule as follows:

January 13, 2009

November 10, 2009

March 10, 2009

January 12, 2010

May 12, 2009

July 14, 2009

September 15, 2009

Spruce Head

Tim provided an update on the Sprucehead Coop. project.

○ Reorganization Discussions

There is some talk of consolidating 4-5 natural resources state agencies including the Land for Maine's Future Program. The Governor is looking to enhance services provided by these agencies by strengthen outdoor recreation, natural resource management, education, promotion and research. If this consolidation is to occur, legislative approval would be required. Tim noted that LMF would need to remain independent and that no cost savings would occur by merging.

○ Quality of Place Initiative

Tim stated that the Governor Baldacci, [by Executive Order June 6, 2008] named a new, permanent Quality of Place Council to guide and support a State quality of place investment strategy, and to coordinate investment strategies across State departments and regional councils.

- State Bonds

Tim stated that State bonding continue to be the best solution for securing future LMF funding. Maine people like bonding as it assures them that dedicated funding exists for its intended purpose. Tim expects some LMF bond proposals to be considered by the Legislature in 2009.

- ➔ **Next Scheduled Meeting of the Board**

November 18, 2008, 1 – 5 p.m.
Pine Tree State Arboretum
153 Hospital Street, Augusta, Maine

Adjourn – 3:30 p.m.