



Land for Maine's Future Program
Minutes of the Meeting
November 18, 2014

DACF Deering building room 319
90 Blossom Lane, Augusta ME

Board Members Present:

Ben Emory, Norman Gosline, Jim Norris, Neil Piper, Walter Whitcomb, Bill Vail, Chandler Woodcock, James Gorman

Board Members absent:

Patrick Keliher, Deidre Gilbert sitting in (non-voting) for the Commissioner

Staff Members Present:

Sam Morris, Tom Miragliuolo, R. Collin Therrien, Ed Meadows

Others:

Kimbalie Lawrence, DACF, assistant to LMF program
Robert Marvinney, DACF
Kathy Eickenberg, DACF
Sarah Demers, DIFW
Dick Clime, Costal Enterprises Inc.
Diane Circo, Trust for Public Land
Wolfe Tone, Trust for Public Land
Bill Bayreuther, William A. Bayreuther Grant Writing
John Marshall, Pleasant River Wildlife Foundation
Jerry Bley, Creative Conservation LLC

1. Welcome and Introductions

Chairman Vail called the meeting to order at 1:12pm and welcomed everyone, asked for attendees to sign in, gave directions to the bathrooms, and asked for introductions.

2. Minutes of the September 16th 2014 meeting

Mr. Meadows presented minutes from September 16th meeting.

Motion: by Commissioner Whitcomb, 2nd by Neil Piper to approve the minutes of the meeting on September 18, 2014. Motion passed unanimously.

3. Funding Update

Ed Meadows presented the funding update for LMF bond funds. With the closing on three projects, cash picture to be reduced again. After meeting with financial staff, will be asking for full amount of 2009 bonds to be sold. Ed distributed the Project Summary Report (yellow paper). Neil Piper asked what will be spent by end of fiscal year. \$6 million projected to be spent by June 15. Jim Norris asked to see our commitments and was directed to page 3 and 4

of September minutes. Ed explained that there have been no changes except for projects that have closed.

Meadows asked if it was still useful for the Board to receive the Project Status Report now that the bond sales are proceeding. Jim Norris confirmed with Meadows that if a project fails the Board will be notified. Norris suggested no pending column (Project Closing Date column). A member of the Board confirmed with staff that they can seek the Boards help with project issues. Norris requested that they be informed every board meeting on project progress.

Ed Meadows stated that July 2016 is the projected expiration date of the funds approved July 15, 2014.

4. Access Improvement Funds

Chairman Vail asked to discuss this agenda item later in the board meeting

5. 2015 Meeting Schedule

Ed explained that all meetings of the Board and the Appraisal Oversight Committee are set for 2015. All will be held in room 319 of the Deering building.

6. Water Access Projects to be Acted on

Merritt Cove Water Access Proposal (Attachment D)

Tom gave a brief overview of what has changed in the amended water access proposal since the Board saw it in September. The project has been greatly reduced in size to approximately 8.8 acres and that he believed 8.8 acres was in line with what was discussed in September.

Neil asked what improvements are needed and Plans for parking. Tom said funds are only going to the land and that while minimal parking and trails already exist the application explains planned improvements.

Walt Whitcomb asked what the thinking of keeping the bluff as part of the project? Tom replies that previous meetings asked for a reduction of acres so staff suggested to the applicant that the project be reduced to less than 9 acres. Sarah Demers said there are several types of access opportunities besides hand carry launch, including bank fishing. Jim asked what use is intended for this the rest of land around the LMF project land. Tom said LMF will only have control of the LMF lands and no oversight of the non-LMF lands. John Marshall explained that there is already a trail on the property for bank fishing, bird watching, hiking.

Norman asked is there will be a conservation easement on this property? Tom's response was, no but it will have an LMF project agreement.

MOTION: by Neil Piper, 2nd by Jim Norris to accept the Merritt Cover Water Access project as a finalist. Motion passed unanimously.

Appraisal Oversight Committee (AOC) Recommendation:

Jim Norris, Chair of the AOC, advised the committee supports and accepts the valuation.

Public Notice was posted in the Kennebec Journal and the Bangor Daily News on September 2nd with no public comments received.

MOTION: by Ben Emory, 2nd by Neil Piper to approve the recommendation of the LMF Appraisal Oversight Committee of the appraiser's value of \$450,000 and to \$194,500 in LMF Water Access funding to support the Pleasant River Wildlife Foundation's fee acquisition of the Merritt Cove parcel, subject to standard conditions. Motion passed unanimously.

Continued discussion from Ben Emory. In reference to the PRWF proposal in Round 8 when some parcels were removed from a project, Ben Emory suggests that in the future an attempt be made to inform and re-score with the Scoring Committee prior to the Board's project selection meeting.

7. C&R projects to be Acted On

Crooked River Forests

Sam presented the 730 acre Crooked River Forest proposal. Sam explains Portland Water District to provide match funds. AOC's reaffirmed that the landowner will allow access and no LMF money will be invested in the acquisition until public access is resolved to LMF satisfaction.

Vail asks what would be legal access on the landlocked parcel? Sam explains the right of way will be acquired in fee. Jim Norris asks is it clear that the right of way is accessible? What is the standard that we would use? Sam says it is more than a foot path. Sarah explains that the standard is not physical dimensions; it is just a guarantee of public access. We want to evaluate that prior to purchase. Neil asks \$400,000.00 purchases price – appraiser's value is around \$1 million, 36.5% of value will be paid.

Appraisal Oversight Committee (AOC) Recommendation:

Jim Norris, Chair of the AOC, advised the committee supports and accepts the valuation.

Public Notice was posted in the Kennebec journal and Lewiston Sun Journal on November 6th with no public comments received.

MOTION: by Jim Norris, 2nd by Norman Gosline to approve the recommendation of the Appraisal Oversight Committee to accept the appraiser's value of:

Twin Bridges	\$600,000.00
Oak Hill	\$120,000.00
Watkins South	\$43,000.00
Intervale	\$495,000.00

Motion passed unanimously.

MOTION: by Neil, 2nd by Norman Gosline to approve \$400,000.00 in LMF Conservation and Recreation funding to support the fee acquisition of the Crooked River Forest properties, subject to standard conditions, contingent upon successful resolution of access issues as discussed and the completion of due diligence items. Motion passed unanimously.

North Falmouth Conservation Corridor

Sam explains they're seeking to create corridors of open space in an area that has been under development pressure. This project received funds from the US Forest Service Community Forest Programs and ranks #3 nationally for this round.

Jim Norris asks what is our share of the total cost? Sam explains LMF is providing 25% match – Vail asked about the program. Sam explains it is 2 years old.

Appraisal Oversight Committee (AOC) Recommendation:

Jim Norris, Chair of the AOC, advised the committee supports and accepts the valuation.

Jim Norris speaks in regards to the condition of the right away and the impact of this property. Concerns for the size of the piece of land.

Neil discusses summary of physical assessment done by Sam and himself on the property. It was felt they had a good review of how this property will be used and approved. Many trails are already built and pending. He explained that match land was under two different appraisals. Gate was put up only to discourage a dumping area. Neil investigated the quality of the land for ease of use and access and felt they were excellent access roads for pedestrian access.

Norman also visited the property on his own. He feels that the board has responsibility to value multi parcel projects of land as is where is. 200 yards of town road there that has a keep out sign and the gate. For anyone to make a trip in, access will have to be created. Norman feels the value of this land is only as a woodlot.

The representative for this project said that the owners would need to update the road to support house lots and the appraiser recognized that the road development would likely be cost prohibitive. Access is by right of way and improved for access of day summer uses.

MOTION: by Ben Emory, 2nd by Jim Norris to approve the recommendation of the LMF Appraisal Oversight Committee to accept the appraiser's value of:

Parcel A (1)	\$ 96,000.00
Parcel B (2)	\$150,000.00
Parcel C (3)	\$ 17,000.00
35 Acre Parcel (4)	\$245,000.00

Board votes 7-1 to approve the motion.

Public Notice was posted in the Kennebec Journal on November 6th with no public comments received.

MOTION: by Neil Piper, 2nd by Ben Emory to approve \$243,750.00 in LMF Conservation and Recreation funding to support the fee acquisition of the North Falmouth Corridor properties, subject to standard condition. Board votes 7-1 to approve this project.

Continued discussion: Jim Norris comments for future reference to Agency Commissioners that if good decisions are to be made, visiting the property is crucial to decision making process. Neil comments that access issues may not be fully disclosed by an appraiser. In the future, appraisers need to focus more on informing about the right of way and access for a better decision making process. Norman agreed with both statements.

8. Working Waterfront Projects to be Acted on

Ed explained that the board is entering into a presentation of working waterfront proposals – no appraisal or value decisions will be made today. Today will only determine finalists.

Sea Hag Seafood

Deidre Gilbert presented the amended Sea Hag Seafood proposal. She explained the project to the board as approximately 1.7 acres, 200 feet of frontage, with two commercial wharfs. They want to increase the lobster boats serviced and bring back shrimp fishing. Mussels, urchins, clams, and seaweed are harvested in this area.

There were questions and discussion about the unusual shape of the covenant land. Tom explained that this was to avoid the main building while achieving the minimum lot size. And that minimum lot size may be desirable should the state exercise its first right of refusal and purchase the covenant lands.

Commissioner Keliher recommends accepting the project with a special condition that legal access for use of the boat launch be included. His recommended project allocation is \$200,000.

MOTION: by Ben Emory, 2nd by Commissioner Woodcock to accept the Sea Hag Seafood working waterfront project as a finalist to allocate \$200,000 in working waterfront funds subject to the special condition that a right of way to the boat ramp be obtained prior to or at closing. Motion passed unanimously.

Mansfield Commercial Waterfront

Deidre explained the amended Mansfield Commercial Waterfront proposal. She said the project is located adjacent to the Jonesport Marina and will add 7 additional parking spaces, 1 additional boat launch ramp, and 1 additional float array. Commissioner Keliher recommended accepting the project subject to obtaining legal access and that the Bureau of Parks and Lands continue to support the project through completion by providing access across adjacent lands.

MOTION: by Norman Gosline, 2nd by Jim Gorman to accept the Mansfield working waterfront project as a finalist and to allocate \$73,750 in working waterfront funds subject to the special condition that legal access be obtained prior to or at closing and that the Bureau of Parks and Lands continue to support the project through completion. Motion passed unanimously (Commissioner Whitcomb was out of the room).

A&R Enterprises

Deidre presented the A&R Enterprises proposal. The 0.36 acre property in Saint George is used by 64 fishermen in 35 boats. It has a large wharf in excellent shape, 2 hoists, restaurant, and fish market. Commissioner Keliher recommends supporting this project.

MOTION: by Ben Emory, 2nd by Jim Norris to accept the A&R Enterprises Inc. working waterfront project as a finalist and allocate \$275,000 in working waterfront funds. Motion passed unanimously.

Commissioner Whitcomb leaves the meeting.

Medomak Shellfish Inc.

Deidre presented the Medomak Shellfish Inc. proposal. The 1.5 acre property in Bremen has many building linked to commercial fishing on the property including bait storage, office, workshop, wharf/ramps, etc. She said the property has a long list of repairs and improvements will be made with these funds to make the business more competitive and sustainable. Commissioner Keliher recommends accepting this proposal.

MOTION: by Neil Piper, 2nd by Ben Emory to accept the Medomak Shellfish Inc. working waterfront project as a finalist and to allocate \$157,500 in working waterfront funds. Motion passed unanimously.

9. Work Group updates

C&R proposal scoring & selection process: Mr. Piper reported on C&R proposal scoring & selection process for future rounds of funding – solid group including 2 Commissioners and 3 other appointed Board members as well as several public participants. Met on 10/31 – discussion of how LMF board got where they are today. Quite a background of material to go through and why the scoring is the way it is. Future issues to be discussed #1 Board needs strategy on creating board policy and selection process. Talk about individual topics and goals and procedural issues, procedural issues on simplify scoring process to utilize the limited resources of staff and board. For example, consolidating a few of the procedures and scores. Work group will meet again in December.

Conservation Easement policy on LMF-funded lands: Sam Morris summarized the meeting and policy. The group discussed the structure and powers of Project Agreements, the threshold when the state may feel obligated to step in and require 3rd party enforcement rights, Conservation Easement guidelines vs a “template.” Will be meeting once more to refine the policy.

10. MLTN Conference Proposal Maine Land Trust Network conference proposal April 25, 2015 Ed proposes to the LMF board to have a workshop at this event.

11. Staff Updates

- Rulemaking agenda for 2015

- Biennial Report
- Dresden Archeological site
- Policy & Procedure Manual
- Correspondence
- Media Coverage
- Appraiser outreach – MLTN activity
- LMF Director position

Ed went over staff updates.

Bob Marvinney spoke of application process to hire a new director. Intends to have position filled by first of the new year.

12. Director's Comments

Ed Meadows said he is retiring as of December 31st, 2014. He provided comments that are attached at the end of these minutes.

Ben and Jim Norris comments to the effect of his worth and ability to pull this board through

Commissioner Woodcock speaks for all commissioners that Ed has done a great job bringing LMF up to the standards it needs to be.

Chairmen Vail said he was grateful to see Ed join the program and relieved to have his presence again to work with this program.

13. Appreciation to Ben Emory

Ben says this is his last official meeting but is staying on until replaced. Ben said he likes how hard that everyone works to make these projects work.

14. Board Per Diem Forms – Kim to email to board members

4. Access Improvement Funds Ed states that the 2011 policy found, used and reevaluated. There were no questions until today. Commission Woodcock would like to put this on the next agenda for a better discussion.

Chairman Vail asks for Jim Norris to take part in the interview process for a new director with Robert Marvinney.

15. Adjourn

MOTION: Commissioner Woodcock moves to adjourn. Jim Norris seconded the motion. Meeting adjourned at 4:25pm.

Comments to LMF Board

November 18, 2014
Ed Meadows, LMF Director

There is nothing like facing a retirement date to get you thinking about all the things you would like to get done, and need to be done. One thing we did not have opportunity to do is find time to step back and say “where are we headed?”

Here are a few thoughts in my final few days before retiring.

1. Visit some special properties you have helped conserve

Hear from the partners why these places are so special and what they mean to people
Get inspired and excited about what you have helped achieve, and can do in future

2. Hold a retreat

Spend time with your statutes: Look at the mission
Why are we here; what are the board’s responsibilities and opportunities (Sec. 6206)
Take time to form as a board
Conduct an orientation for new members - something we did not do in last 2 years

Develop your goals - what has been accomplished

What is your vision for land conservation

What remains to be done: What are the needs of the state;
what are the needs of the LMF program

Invite outside speakers

What are agencies trying to achieve with their land protection strategies

Hear from Tim Glidden - for continuity, and benefit of new director

What does the next generation of conservation look like?

How should the next bond be structured?

3. How can the board help

- Maintain your leadership role in conservation policy and land protection.
Articulate how LMF supports the natural resource based industries.
- Help find strong candidates for Board . See Sec. 6204. Board Composition
“Qualifications. The 6 private citizens must be selected for their knowledge of the State’s natural resources and landscape and their demonstrated commitment to land conservation. Appointments must provide broad geographic representation.”
- Candidates for new director - what are the characteristics we need?
- Assist the department being a strong voice for the resource, and the LMF program
- Talk to your legislator about the importance of the program to our resource-based industries, the good results of your work and the need for strong support

4. Outreach

Get out and tell the story - What has been accomplished; what needs to be done

Talk to groups outside the conservation community -

let them know what you have done for them; and how the state benefits
Kiwanis, Rotary, etc.

Communities - What are they thinking; especially about land in their community

What are their needs? How can LMF assist
Rick Bennett - "does LMF still exist?" – need to spread the message

Make external communication part of the annual work plan; and performance factor.

Biennial report – per Section 6206

Go with the department when the presentation is made to ACF committee
Also consider presenting the report to Fisheries and Wildlife, Marine Resource and State and Local Gov't Committees – they have a stake in our work too

5. Board meetings

Restore to the board agenda a presentation and celebration of closings and completed projects: this will be a reminder of what the projects are and why they were selected

Establish a public comment period at Board meetings

Get public input – what do they think we need to be doing together

What do they like; What are the concerns

Suggestions for ways to achieve more synergy with our partners and other programs

6. The appraisal issue – I think we have done that

The appraisal question has been reviewed by this board repeatedly since the 1990s

There is a thick record of the discussions among the AOC and the board

Generally, they all end up with a consistent perspective – for ex., the 2003 discussion

You are not alone – Michigan DNR's "Food for Thought" piece (attached)

Most recently, this board has worked hard to raise the awareness among appraisers and applicants that you care deeply having about good appraisals.

Now, it's time to work with them to apply the lessons we have all worked on together

It is not about us vs. them – but that perception exists. We can improve on this.

Rekindle the interest of appraisers in working with us.

Going forward, when a project comes to the Board for its final allocation, I urge you to emphasize in the discussion the merits of the conservation attributes - which is why the board authorized the project to begin with

7. Establish strong Policy on Utility Corridors, Takings and Conversions

Ed's opinion: to provide guidance to applicants; to protect conserved land

Do it now; before major project hits us. Then it is too late.