



**Land for Maine's Future Program**  
Minutes of the Meeting  
**June 21, 2016**  
32 Blossom Lane  
Marquardt Building, Room 118  
Augusta, Maine

**Board Members Present:**

Neil Piper, Fred Bucklin, Brad Moll, Robert Meyers, Lisa Turner, Harry Ricker, Commissioner Patrick Keliher (Chair), Commissioner Walter Whitcomb, and Commissioner Chandler Woodcock

**Staff Members Present:**

Sarah Demers and R. Collin Therrien

**Others:**

Aline Smith, Maine Department of Agriculture, Conservation, Forestry  
Bob Marvinney, Maine Department of Agriculture, Conservation, Forestry  
Kevin Miller, Portland Press Herald  
Jeff Romano, Maine Coast Heritage Trust  
Jerry Bley, Creative Conservation, LLC  
Bethany Atkins, Maine Department of Inland Fisheries and Wildlife  
Diano Circo, Trust for Public Land  
Gregg Caporossi, Trust for Public Land  
Christine Bennett, Kittery Land Trust  
Carrie Kinne, Kennebec Estuary Land Trust  
Simon Rucker, Maine Appalachian Trail Land Trust  
David Rodrigues, Bureau of Public Lands  
Liz Petruska, Bureau of Public Lands  
Meredith Duttonson, The Nature Conservancy  
Caroline Menard, DACF intern  
Keith Fletcher, Great Works Regional Land Trust  
Theresa Kerchner, Kennebec Land Trust  
Stephanie Gilbert, DACF, Bureau of Agriculture, Food & Rural Resources

**1. Welcome and Introductions**

LMF Chairman Keliher welcomed new board members and expressed his delight that we now have a full board.

**2. Minutes**

**Motion:** A motion was made by Commissioner Whitcomb and seconded by Commissioner Woodcock to accept without objections the February 23, 2016 meeting minutes. Board vote was unanimous.

### 3. Bond Balances

Sarah Demers presented a brief overview of the data below.

<u>Authorized</u>	<u>Bonds To Be Sold</u>	<u>Cash on Hand *</u>
<u>PL 2007, Ch. 39</u>		
C&R and Farmland	\$0	\$39,510
<u>PL 2009, Ch. 645</u>		
C&R	\$6,000,000	\$98,163
Farmland	\$300,000	\$194,883
Working Waterfront	\$170,000	\$108,035
Funds Remaining	<u>\$6,470,000</u>	<u>\$401,081</u>
<u>PL 2011, Ch. 696</u>		
C&R, Farmland, WWF	\$3,000,000	\$500,000
Funds Remaining	<u>\$9,470,000</u>	<u>\$940,591</u>

*\*Subject to end of month reconciliation*

<u>Authorized</u>	<u>Bonds To Be Sold</u>	<u>Confirmed FY 17 Q1</u>	<u>Requested FY 17 Q2</u>	<u>Requested FY 17 Q3</u>
<u>PL 2007, Ch. 39</u>	\$0			
<u>PL 2009, Ch. 645</u>				
C&R	\$6,000,000	\$2,750,000		\$3,250,000
Farmland	\$300,000	\$300,000		
Working Waterfront	\$170,000	\$170,000		
<b>Totals</b>	<b>\$6,470,000</b>	<b>\$3,220,000</b>		<b>\$3,250,000</b>
<u>PL 2011, Ch. 696</u>				
C&R, Farmland, and WWF	\$3,000,000	\$0	\$3,000,000	
<b>Totals</b>	<b>\$9,470,000</b>	<b>\$3,220,000</b>	<b>\$3,000,000</b>	<b>\$3,250,000</b>

Note: Waiting confirmation of this schedule. These funds have been allocated to projects.

#### 4. Project Allocations & Status

A spreadsheet provided to the Board outlined the status of active projects. Projects identified in gray have closed (KRE Fawcett parcel, Cold Stream, Central ME Sportsman’s Access, Crooked River, Kimball Pond, Save Eagle Bluff), those in green will be coming up for a 1 year extension vote (see list of projects in Section 5 below), projects in pink have withdrawn their application (Wormell Farm, Nezinscot Farm, Erica’s Seafood and Mansfield Commercial Wharf), and the remainder are projects that the board has already accepted the appraisal.

Project allocations and status summarized below:

<u>Active Projects</u>	<u># of Projects</u>	<u>Allocations</u>
Conservation & Recreation	20	\$5,932,213
Farmland	2	\$ 205,000
Water Access	4	\$ 429,500
Working Waterfront	3	\$ 621,500
<b>TOTAL</b>		<b>\$7,188,213</b>

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Sarah noted that oldest monies are typically spent first

#### 5. Board Notifications and Approvals

*Note: Sarah reported that of the following four projects, the first (3) listed have not had their project appraisal reviewed by the Appraisal Oversight Committee, as yet; the fourth project has had appraisal accepted and was recently pre-acquired.*

- Caribou Bog
  - While significant progress has been made, additional time is needed.After soliciting comments and hearing none, as well as no objections, the Board voted to grant a 1 year extension.
- Gulf Hugas-Whitecap
  - Appraisal work to be completed in the summer and fall of this year
  - Nearing final stage of negotiations on the terms of the conservation easementAfter soliciting comments and hearing none, as well as no objections, the Board voted to grant a 1 year extension.
- Redington Forest
  - Project changes were previously reviewed and approved by the Board at their February 23, 2016 meeting, (e.g. status update conservation easement 3rd party holder, updated project acreage, project design configuration)
  - Attorney General actively reviewing the conservation easementAfter soliciting comments and hearing none, as well as no objections, the Board voted to grant a 1 year extension.

- High Island
  - It was noted that Tanglewood/Blueberry Cove camp will have exclusive rights to camp in the ¼ acre portion of the island’s interior for a few nights in July and August.
  - LMF funds will not be applied to this small area.
  - Exclusive use for a short term is included in the management agreement. LMF has accepted this agreement.

After soliciting comments and hearing none, as well as no objections, the Board voted to grant a 1 year extension.

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- Roberts Farm
  - The Western Foothills Land Trust is trying to make headway on price and appraisal, with no agreement as of yet.
- Seboomook
  - Landownership has changed since the application was submitted, new landowner is Conservation Forestry and they are still interested in pursuing an LMF project
  - Project scored well because of Deer Wintering Area criteria in 2011 bond
  - Already encumbered with a working forest easement
- Weston Homestead
  - This project proposes to protect a sustainable working forest, agriculture operation, access for multiple uses and access to the river and to historic home at the edge of the Kennebec River
  - Generational transfer includes 3 families
  - Applicant and seller are struggling with overall project design and finalizing the easement terms
- Gardiner Pond
  - Kennebec Estuary Land Trust (“KELT”) submitted written a request to the Board to accept a change in roles of the project’s partners, based on mutual agreement between KELT and Town of Wiscasset. KELT would assume the lead role in managing the project’s land transaction and administering the LMF award. KELT has requested LMF acceptance of this change in assignment of applicant for the Gardiner Pond project.
  - Appraisals were submitted to LMF in February 2015 but at the applicants request were not reviewed by the AOC. LMF staff will work with the applicant to determine what steps the applicant needs to take to get the appraisal updated for review.

**Motion:** A motion was made by Commissioner Whitcomb and seconded by Harry Ricker to grant a 2 month extension on the following 4 projects: Roberts Farm, Seboomook, Weston Homestead and Gardiner Pond. Vote was unanimous.

The board directed LMF staff to send letters to the applicants informing them of this decision and to inquire on the appraisal status. The LMF staff will provide an update on the status of these 4 projects at the next Board meeting.

- **Maine Farmland Trust, Wormell Farm, Cumberland – Project Withdrawn**

- The landowners were looking to ‘close’ as quickly as possible; due to the long delay created by the freeze on LMF funds; they are pursuing other means of preserving their farm.

Note: No action is needed by the Board and any farmland funds set aside for allocation to this project is being put back in the pot of farmland funds, said Sarah.

- **Great Works Regional Land Trust, Parker Farm – Project Amendment**

- Great Works Regional Land Trust (“GWRLT”) is requesting approval to reconfigure the project boundaries to include additional acreage and requesting LMF funding for reimbursement of their pre-acquisition of the Parker Farm agricultural easement.
- This reconfiguration protects additional acres of prime tillable farmland; provides public access to a pedestrian trail corridor (trail easement) granted by the landowners, includes a designated vehicular parking area, and also provides connectivity of portion of Parker farm property to a trail system on town-owned lands and other nearby GWRLT conservation area.

Given the easement has been pre-acquired in part with federal funding and with no reference to LMF participation, the Chair directed staff to explore the legal mechanisms necessary to ensure LMF funding is adequately protected before the Board considers approving the revised project.

- **City of Biddeford, Biddeford River Walk Park Project**

- Biddeford did not apply for an extension.
- A locally significant project.
- The project is moving at a slow pace due to the death of landowner and health issues with the project volunteer coordinator. Also, the City of Biddeford hasn’t responded to our inquiries.

**Motion:** A motion was made by Commissioner Woodcock and seconded by Fred Bucklin to TABLE any decision about the Biddeford River Walk Park Project. Vote was unanimous.

## 6. **Committee Assignments & Reports**

LMF Chairman asked if any board members might like to serve on the following committees: *Appraisal Oversight* and *Scoring*.

Fred Bucklin and Lisa Turner expressed interest in serving on the Appraisal Oversight Committee.

Commissioner Woodcock and Commissioner Whitcomb will continue serve on the Scoring Committee.

No need for other members to decide on committee assignments now, said LMF Chairman Keliher, but he encouraged board members to please contact him if interested. Otherwise, we may need to assign members to various committees.

Appraisal Oversight Committee Chair Neil Piper suggested that the full Board may want to sit in on the first Appraisal Oversight Committee meeting on July 19<sup>th</sup> to see what's involved in reviewing appraisals.

### **Scoring and Selection Workgroup Report**

Included in the Board meeting packet were Board Recommendations resulting from the work of the Conservation & Recreation Scoring and Selection Process workgroup.

Other items discussed by the Board as topics for discussion by the Board or future work groups included:

- re-evaluate LAPAC priorities and multipliers;
- look at prioritizing opportunities near population centers in Northern Maine;
- easements in Northern Maine not in GIS – particularly NRCS term easements;
- Economic Impact, as discussed in the 2015 GEA report and LMF workbook could use more input and re-working;
- look at assigning points for public water supplies;
- more detailed discussions on what LMF has accomplished through existing priorities and the good, bad and unintended impacts to inform new priorities;
- looking into Lunch and Learn sessions 1 hour before the start of each Board meeting

Some members expressed a desire to visit some of the properties for LMF acquisition. Board Chairman observed that this may be a suitable topic for further discussion at a future board meeting along with developing a process for setting some goals for the board. The next Board agenda should include this item for discussion.

## **7. Office of Policy and Management – Appraisal Reviews**

Distributed at the meeting was a letter from Jonathan LaBonte, Director of the Maine Office of Policy & Management (“OPM”) regarding 3 appraisals that his office suggests need further review following an independent Technical Review by an appraiser hired under contract by OPM. These 3 projects are Howard Hill, Brave Boat Headwaters and Clapboard Island.

Unlike LMF working waterfront projects which have an additional third party review of appraisals, LMF does not require a ‘third party’ appraisal review for Conservation & Recreation, Farmland or Water Access projects. As part of its review of the LMF program, OPM contracted with a review appraiser to conduct a USPAP Tier 3 appraisal review of a number of appraisals submitted to LMF. Bowditch Appraisal Review Specialists, LLC was hired by OPM to conduct an independent review.

The OPM is urging the Board to have all outstanding questions resolved up to and including a new appraisal before any payments are made on these three projects. (*Memo dated June 15, 2016*)

LMF Chair, Commissioner Keliher, said that many of the concerns outlined in the memo have been raised previously and addressed by the Appraisal Oversight Committee (AOC). He believes that the AOC has done an excellent job in recognizing the concerns and in addressing them.

It was recommended that LMF AOC review the memo outlining OPM’s concerns and bring any feedback to the Board, and report back to Jonathan LaBonte. If needed, the Chair encouraged the AOC to speak with the third party appraiser and possibly have this person attend AOC meetings.

## **8. Staff Updates**

### **Updates on Public Outreach and Data**

- LMF Data base:

As a result of the GEA recommendation to have more data available, a database is currently being created which will contain project, financial, public access, and post-closing information. There will also be a tab to view a map of the acquired property.

Board members suggested two data sets to be included: 1) identify percentage of allocation/expenses spent to date and, 2) include the Registry of Deeds Book & Page number of recorded deed or easement and LMF Project Agreement.

- Treasurer’s office request to document use of bond funds:

LMF has been requested to provide documentation of how funds from each bond have been spent.

- Working Waterfront contract:

Contract recently awarded to create a series of written articles and photographs depicting and describing eight (8) completed working waterfront projects that have received LMF funding. These images and articles will depict and describe various fishing industries, business, and communities that benefit from the LMF working waterfront investment. These articles will be posted on the LMF web site and used in LMF and/or State of Maine publications.

- LMF website:

Staff are working to provide a feature on the LMF website to highlight recently closed projects.

**Update on LMF staffing**

Sarah stated that the request has been submitted; waiting for approvals to fill the vacant LMF staff position, formerly held by Sam Morris.

ADJOURN: 3.25 P.M.