



Land for Maine's Future Program

Minutes of the Meeting

March 26, 2019

32 Blossom Lane, Marquardt Building, Room 118

Augusta, Maine

Board Members Present:

Commissioner Patrick Keliher (Chairman), Commissioner Amanda Beal, Commissioner Judy Camuso, Robert Meyers, Harry Ricker, Don Kleiner (Acting Chairman at beginning of meeting), Fred Bucklin, Lisa Turner, and Brad Moll

Staff Members Present:

Sarah Demers, Tom Miragliuolo, R. Collin Therrien, and Tammara Roberts

Others:

Robert Marvinney, DACF
 Allison Potter, DMR
 Matt Nixon, DMR
 Bethany Atkins, MDIFW
 Diano Circo, MDIFW
 David Rodrigues, DACF
 Doug Reed, DACF
 Liz Petruska, DACF BPL

Keith Fletcher, MCHT
 Jim Norris,
 Jeff Romano, MCHT
 Stephanie Gilbert, DACF
 Tim Glidden, MCHT
 Jerry Bley, Creative Conservation, LLC
 David Trahan, SAM
 Nancy Smith, Grow Smart

1. Welcome and Introductions:

Don Kleiner, Acting-Chairman, called the meeting to order at 1:02 p.m., welcomed everyone, and asked for introductions.

2. Minutes:

Chairman Kleiner, presented for approval the Meeting Minutes for January 29,2019.

Motion to accept minutes: Fred Bucklin moved to accept minutes. Seconded by Bob Meyers. Board voted unanimously.

3. Bond Balances -LMF Director:

Status of Funds		
ATTACHMENT A		
As of February 28, 2019		
Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		\$3,018,531
C&R	\$0	
Farmland	\$0	\$383,559
Working Waterfront	\$0	\$276,685
Funds Remaining	\$0	
PL 2011, Ch. 696		\$3,175,000
C&R, Farmland, WWF	\$0	
Total Funds Remaining		\$6,853,775

Sarah reminded the Board that all the bonds have been sold and we have \$6,856,775 cash on hand, with a portion of those funds being designated for Working Waterfront and Farmland projects. Please keep in mind, as we close projects, we use oldest funds first.

4. Project Allocations & Status – LMF Director:

Active Projects		Allocations
C&R	13	\$3,127,350
Farmland	2	\$163,000
Water Access	2	\$181,555
Working Waterfront	2	\$421,500
TOTAL	19	\$3,893,405

Sarah reported that she and Commissioner Keliher agree that the two Working Waterfront project that have been on the books since 2014 are not moving forward and at our May meeting it will be put before the board for a vote to rescind those funds.

We have two projects before you today that have had appraisals reviewed and we still have seven projects that were selected by the Board in November 2017 but have not submitted their appraisals. November 2019 is the two-year point at which we will need updates from applicants on their progress with moving their projects forward. If we don't hear from them by then we will reach out for a status update. The exception to this is the Farmland projects, which we understand have been delayed in large part due to limited State capacity.

Don Kleiner asks: Is it normal for some percentages of project to stall?

Sarah: Yes, there are many reasons why a project may stall, but it is very rare that we would go 2 years without having any communication or regular updates.

5. Projects to be Acted on – Land for Maine's Future Staff:

A. Woodward Point Project Brunswick, Cumberland County 59.9± acres

Sponsor: ME Department of Inland Fisheries and Wildlife (“ME DIFW”)

Maine Coast Heritage Trust (“MCHT”) acquisition of fee simple title of entire 87.4± acres for conservation and recreation, with an undeveloped 59.9± acre portion with 9,000 lineal feet of shoreline on Woodward Cove and “Little Bull Pen”, and remainder lands of 27.5± acres, as part of same deed, and held as the same land; neither parcel shall be divided or separated. MCHT’s 59.9± acre portion held and managed under a project agreement with ME DIFW, serving as Designated State Agency, (“DSA”).

AOC recommendation: Fred reported that the AOC met on February 14, 2019 to review and the discuss the Bethel Community Forest appraisal. The committee voted to accept the appraised value for the 87.46 Acres (entire property) at \$2,900,000.00, and the value of the 59.92 acres portion which as a subset of the 87.46 acres, and the portion being funded by LMF, at \$2,205,000.00.

Motion: Fred Bucklin made a motion to accept the AOC recommendation and Lisa Turner seconded the motion. No further discussion by the Board. The vote was unanimous.

Announcement of public notice: The public notice for the Woodward Point Preserve Project, was advertised in the Kennebec Journal on March 15, 2019,

Public Comment: Keith Fletcher from Maine Coast Heritage Trust thanked the Board and staff for their patience with the project.

Motion: Lisa Turner moved to confirm the total LMF allocation of \$400,000 in LMF Conservation & Recreation funding to support the fee simply purchase of the Woodward Point Preserve Lands, subject to standard LMF conditions. The motion was seconded Harry Ricker. With no further discussion, the vote was unanimous.

B. Bethel Community Forest, Bethel, Oxford County, 853.20± acres

Sponsor: ME Department of Agriculture, Conservation, Forestry (“ME DACF”)

The Bethel Community Forest will expand and diversify recreational opportunities in Bethel, help grow the town’s recreation and tourism based economy, and unite the community around a new, shared resource. A management plan is underway to support the development of a multi-use recreational trail network on the property. An added benefit of the project is that it will provide public access to the adjacent Bingham Forest, a 2,400-acre parcel owned by the Town. The property will be held in fee by Mahoosuc Pathways under a project Agreement with ME DACF-Bureau of Parks and Lands will serve as the DSA.

AOC Recommendation: Fred Bucklin reported that the Appraisal Oversight Committee met on February 14, 2019 to review the discuss the Bethel Community Forest appraisal. The Committee has some questions for the appraiser on hos valuation approach of the gravel pit located on the property, and all questions were answered satisfactorily. The Committee voted in favor of supporting the appraiser’s value of \$831,921

Motion: Fred Bucklin made a motion to accept the AOC recommendation and Lisa Turner seconded the motion. No further discussion by the Board. The vote was unanimous

Announcement of Public Notice: The public notice for the Bethel Community Forest project was advertised in the Kennebec Journal and the Sun Journal on March 15, 2019

Public Comment: Betsy Cook from the Trust for Public Land thanked the Land for Maine's Future Board for being accommodating.

Motion: Fred Bucklin made a motion to confirm the total allocation of \$340,000, which was seconded by Harry Ricker. With no further discussion, the vote was unanimous.

6. New Water Access Proposal – LMF Staff – Sarah Demers presents.

Annabessacook Lake, Winthrop, Kennebec County, 13 +/- acres

Applicant: ME Department of Inland Fisheries and Wildlife

A proposal for fee acquisition of a parcel on Annabessacook Lake, by Department of Inland Fisheries and Wildlife. Acquiring permanent access to Annabessacook has been identified as a

top priority for public water access by ME DIFW for over two decades. Primary use of the property will be for trailer boat launching and winter access to Annabessacook Lake.

Board discussion ensued on the depth of the lake, in general and the depth on the water just off the property, as well as the likelihood of the milfoil infestation expanding and whether it was appropriate to invest in a water access site on a lake with milfoil.

Motion: Lisa Turner made the motion to accept the Annabessacook Lake Water Access proposal as a finalist, with a preliminary allocation of \$147,000.00, subject to standard LMF conditions. The motion was seconded by Bob Meyers.

Vote: All in favor with Harry Ricker abstaining.

7. Board Notification & Approvals

A. Access Improvement Grants – Liz, DACF-BPL contractor presents

- Grants are available to enhance public accessibility to land acquired with LMF funds
- Invitations were issued to 4 organizations/agencies who received LMF funding in in 2018
- 3 applications were received and reviewed by LMF staff

Project Name	Request	Approval		Conditions
Lower <u>Weskeag</u> Fields and Forest	\$7,000	Full	\$7,000	
<u>Lubec</u> Boat Launch	\$1,080	Full	\$1,080	
Head of Tide	\$788	Full	\$788	
TOTAL			\$8,868	

Lower Weskeag Field and Forests

- \$350,000 in LMF funds for 3 parcels
- AIG Request: \$7,000
- Planned improvements: 5-vehicle off-street parking lot with split rail fence and informational kiosk
- Recommend – Fully Fund

Lubec Boat Launch

- Water Access Project
- \$50,000 in LMF funds
- Request: \$1,080
- Planned improvements: kiosk
- Recommend – Fully Fund

Head of Tide

- Water Access Project
- \$50,000 in LMF funds
- Request: \$788
- Planned improvements: kiosk
- Recommend – Fully Fund

Harry: Recommends, parking spaces should be able to accommodate a standard bus, make a minimum.

Motion: A motion to accept the access improvement grant allocations was made by Fred Bucklin, and seconded by Commissioner Camuso.

Vote: The vote was unanimous

B. Amendments & Change of Use Committee- Sarah presents

Committee was formed by LMF Board during April 24, 2018, meeting, due to the increasing number of requested amendments and changes in use to LMF funded properties. The goal of the committee was to develop guidance for applicants and State staff on how to handle amendments and change of use requests.

Committee Participants have included: LMF Director and staff, LMF Board members Commissioner Walt Whitcomb, Don Kleiner, Bob Meyers, State staff: Bethany Atkins, MDIFW, Liz Petruska, DACF-BPL contractor, Stephanie Gilbert, DACF-BAFRR, David Rodrigues, DACF-BPL, Tom Gordon, DACF Commissioner's Office and LMF contract attorney Hope Hilton

The Committee's outcome includes development of the Guidelines for Amendments & Change of Use on Land for Maine's Future Funded Projects;

Next steps could include:

- Discuss with Commissioners legislation to allow LMF and/or State Agencies the ability to collect fees from applicants seeking an amendment to cover State processing time (32.5 DSA hours spent on Branch Lake amendment request to date);
- Development of a Project Agreement to be recorded with the deed of lands acquired by the State using LMF funds.

After some discussion, the Board took a vote to adopt Committee recommendations.

The motion to accept the Committee Recommendations was made by Bob Meyers, and second by Commission Camuso

C. Working Waterfront Access Protection Program Updates – Matt Nixon

December 2018 – DMR solicits Letters of Intent (LOI) from potential applicants

January 4th, 2019 – Sixteen letters received, with two deemed ineligible

March 22nd, 2019 – Seven applications received with a combined request of \$1,495,000

Late March 2019– DMR and LMF review applications to ensure completeness and accuracy.

April 2019– DMR mails application package to Review Panel. Membership includes: Lewis Pinkham, Town Manager, Milbridge, ME, Sebastian Belle, Maine Aquaculture Association, Roger Berle, Oceanside Conservation Trust, Rob Horne, Farm Credit East, Frank Strout, RE/MAX Oceanside, Allen Tracey, Vessel Services, Inc, Lisa Turner, Laughing Stock Farm

May 2019 - LMF Board Meeting – DMR Commissioner makes recommendations to LMF Board

Proposal Evaluation Criteria and Scoring

Economic Significance of the Property:	20 pts
Alternative Properties in the Vicinity:	15 pts
Degree of Community Support:	10 pts
Level of Threat of Conversion:	20 pts
Utility of the Property for Commercial Fisheries Business:	20 pts
Capacity for new shoreside jobs	<u>15 pts</u>
	100 pts

D. LMF Ag. Easement Overview – Sarah presents

Updated CE template to be used with the 2 farmland projects selected in Round 9 will be consistent with LMF Round 8 templates, but with customization for project specifics. Updates to the template have been made to comply with recent IRS rulings on: amendments, proportionate value, bargain sale acknowledgement. Staff have also consolidated Notices, Consents & Discretionary Approvals. The State will not be a Third-Party holder to the CE for these 2 projects, however this is a topic for future discussion, as the Attorney General’s office prefers to have the State play a third-party role in easements.

Future Actions:

- Understand USDA NRCS funding program(s), requirements, timelines and funds available
- Clarify State agency role as Third Party holder;
- LMF & BAFRR to develop an Ag. easement sub-committee to develop new template before any future LMF call for proposals.

Discussion: Lisa, frustrated that as a Board Member, she can’t get a discussion in place about policy, after asking for over a year. She has requested the minutes show her frustration.

E. LMF Bond Bill L. D. 911 – Sarah presents

Sarah reviewed Bond language that provided specific guidance to the Board, which includes the following:

Proceeds of the Bond must be expended for acquisition of land/interest in land for:
Conservation, water access, outdoor recreation, wildlife or fish habitat, farmland preservation, working waterfront preservation;

The Board shall give preference to acquisitions that achieve benefits for multiple towns and that address regional conservation needs

DACF & DIFW shall take a proactive approach pursuing projects that include conservation of priority deer wintering areas (as defined in bond) and land and interest in land purchased by the State with priority deer wintering areas must be managed using protocol provided by MDIFW

Sarah reported that the bond bill as submitted proposes \$75,000,000 in new bond funds, with no more than \$15,000,000 to be issued by the Land for Maine’s Future Board in each year, except that any unused balance may be added to the specified amount in subsequent years. The bond language directs the Board to allocate at least 5% toward water access projects; 10% toward farmland; 10% toward working waterfront projects.

8. Maine Conservation Taskforce Presentation – Shaping the Next Generation of Land Conservation in Maine -

Jerry Bley, Consultant; Tim Glidden, Maine Coast Heritage Trust; David Trahan, Sportsman's Alliance of Maine; and Nancy Smith, GrowSmart Maine, all participants of the Maine Conservation Task Force, were present.

Jerry reported that the Task Force had 6 Meetings between June 2018 – January 2019 and 2 Public listening sessions. The Task Force included 20 members and developed 6 Recommendations and 22 Action items.

Recommendation #1 Take proper care of our treasured public and conservation lands and ensure they meet the needs of Maine people into the future.

Recommendation #2 Create Land Conservation opportunities that connect people with land and Water.

Recommendation #3 Revive funding for land conservation and ensure that LMF can effectively meet the challenges of the next generation.

Recommendation #4 Work cooperatively with landowners to support good stewardships and ensure that Maine's tradition of public access to private lands is maintained.

Recommendation #5 Target land conservation efforts to effectively protect critical natural resources and help Maine combat and adapt to a changing climate.

Recommendation #6 Ensure that land conservation benefit Maine's economy and communities

LMF Next Steps:

- Request agency presentations on conservation and recreation planning, priorities and programs related to LMF priorities (recreation, natural resource & wildlife habitat conservation, water access, farmland, working waterfronts, working forests). MDIFW staff to present at the May Board meeting.
- LMF Director to meet with stakeholders to listen & share conservation goals and priorities.

9. Staff Updates – LMF Director

Next AOC meeting: April 25, 2019

Next Board meeting: May 31, 2019

Motion: Fred Bucklin made motion to adjourn, seconded by Lisa Turner. The meeting adjourned at 3:49 p.m.