



Land for Maine's Future Program

Minutes of the Meeting

November 19, 2019

32 Blossom Lane, Marquardt Building, Room 118

Augusta, Maine

Board Members Present:

Commissioner Patrick Keliher (Chairman), Commissioner Judy Camuso, Commissioner Amanda Beal, Robert Meyers, Don Kleiner, Lisa Turner, Jim Norris, and ~~Roger Berle~~, Barbara Trafton.

Staff Members Present:

Sarah Demers

Others:

Robert Marvinney, DACF

Laura Graham,

Bethany Atkins, MDIFW

David Rodrigues, DACF, BPL

Liz Petruska, DACF, BPL

Jeff Romano, MCHT

John Contreni, MLREDC

Margarita Contreni, MLREDC

Patrick Watson, MCHT

Doug Beck, DACF, BPL

Hans Carlson, Blue Hill Heritage Trust

1. Welcome and Introductions:

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

2. Minutes:

Chairman Keliher presented the minutes from September 24th meeting and asked for questions or comments.

Following up from the meeting minutes and requesting clarification, Barbara Trafton inquired whether the Maine Outdoor Heritage Fund proposal that was funded would be considering climate change as it relates to conservation priorities and whether there would be recommendations to the Board.

Director Demers responded that she anticipates climate change will be addressed and that the final report will provide data useful for the Board.

Barbara Trafton commented that it would be nice if it was explicitly requested.

Chairman Keliher asked Sarah to relay this request on to those implementing the grant.

Reflecting on the Schooner Cove discussion at the September Board meeting, Commissioner Beal requested that in the future the Board's motions reflect the AOC (or other sub-committee) recommendation, and that it is clear if or when the Board and AOC differ.

Motion: Don Kleiner moved to accept minutes. Barbara Trafton seconded the motion. Motion passes unanimously.

3. Bond Balances Project Allocations & Status -LMF Director, Sarah Demers:

Status of Funds

ATTACHMENT A
As of October 31, 2019

Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		
C&R	\$0	\$1,499,639
Farmland	\$0	\$383,453
Working Waterfront	\$0	\$276,685
Funds Remaining	\$0	\$2,159,777
PL 2011, Ch. 696		
C&R, Farmland, WWF	\$0	\$3,175,000
Total Funds Remaining		\$5,334,777

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Director Demers reported that the Board has \$5,334,777 cash on hand. Of the \$5,334,777 in remaining funds, \$3,363,155 has been allocated toward projects.

Anticipated December closings include Grassy Pond/Mirror Lake, and Mailbox Pool Water Access site.

4. Project Allocations & Status – LMF Director, Sarah Demers:

Project Allocations

Active Projects	Allocations
C&R	8 \$1,777,350
Farmland	2 \$163,000
Water Access	3 \$286,555
Working Waterfront	6 <u>\$1,136,250</u>
TOTAL	18 \$3,363,155

Anticipated December Closings: Grassy Pond/Mirror Lake, Mailbox Pool Water Access site

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5. Projects to be Acted on – LMF Staff – Sarah Demers:

Moosehead Lake Access, Piscataquis County, +/- .48 ac. w/ +/- 258' WFF

Applicant: Moosehead Lake Region Economic Development Corporation (MLREDC)

Agency Sponsor: ME Dept. Agriculture, Conservation and Forestry

Fee acquisition by MLREDC to be held as a water access site under a Project Agreement with ME Dept. Agriculture, Conservation and Forestry, as the Designated State Agency.

- 0.48 ac. fee acquisition by Moosehead Lake Regional Economic Development Corporation;
- Hand carry launch;
- Access to/from lake in convenient & highly visible location;
- Slips for boaters to visit downtown Greenville; Tie-ups for fishing tournaments;
- \$105,000 LMF request

Chairman Keliher opened the floor to questions or comments from the Board. Seeing none, he reported that in early October he was bird hunting in the area, and stopped in to see the project area, and believes it will be a great location for a water access investment by LMF.

Chairman Keliher then made the announcement of public notice: The public notice for the Access to Moosehead Lake project was advertised in the Kennebec Journal and Bangor Daily News on November 8, 2019.

Chairman Keliher opened the meeting to the public for any comments or questions specific to the Moosehead Lake Water Access project.

Motion: Lisa Turner moved to accept the recommendation of the LMF Appraisal Oversight Committee to accept the appraiser's value of the fee of the 3 Lakeview Street parcel of \$288,000. The motion was seconded by Bob Meyers.

Chairman Patrick Keliher asked for questions, comments or objections from the Board. Seeing none, the motion passed without objection.

Motion: Lisa Turner moved to confirm the total allocation of \$105,000 in Water Access funding to support the fee simple purchase of the 3 Lakeview Street parcel, subject to standard LMF conditions and LMF Board conditions adopted September 24, 2019 which include

- Pedestrian access to be allowed after acquisition and prior to park construction;
- Guaranteed public access to all current or future docks, ramps, wharfs, etc.
- All funds derived from any leased slips or other uses to be placed into a stewardship account for the property.

The motion was seconded by Barbara Trafton.

Chairman Keliher Asked for question, comment, objections to the motion. Seeing none, the motion passed without objection.

6. Bond Notification & Approvals

A. 2-year deadline notifications – LMF Director

Easter Hill Beaches, Owls Head, Maine Coast Heritage Trust

Status Update: Landowner backed out of the sale entirely, then re-emerged asking MCHT to purchase a retained building lot on an Owls Head Harbor lot encumbered by a conservation easement. MCHT has been unable to reach an agreement with the seller.

Given that the applicant has not been able to negotiate the terms of the sale and put the property under contract over the last 2 years and doesn't appear hopeful that it will be able to make progress in doing so, the Director suggested that the Board could request a formal withdrawal from the applicant, or the Board could withdraw their selection of the project as a finalist.

Jim Norris inquired what is the down side of giving them more time? Director Demers responded that funds would be tied up and not be able to be allocated toward other projects. Commissioner Camuso responded that there isn't a lack of available money at this time.

Don Kleiner suggested a middle path, that we give them a 1-year extension, but if they decide it isn't going to work out, they can send a letter to withdraw the project. Bob Meyers agreed that this sounds like a reasonable approach.

Motion: Don Kleiner moved to extend the Easter Hill Beaches project for a year, but notify MCHT, that if they wish to withdraw the project, we would be willing to accept their letter. The motion was seconded by Bob Meyers.

Chairman Keliher asked for Question, comment, objections. Seeing none, the motion passed without objection.

Madison Branch Multi-Use Trail, 7 towns, DACF – BPL

Status Update: The applicant commissioned an appraisal; however, the appraisal is now quite dated. The appraiser has retired and is not able to provide an update to the appraisal. The applicant is working on contracting with a new appraiser for an updated appraisal.

Motion: Barbara Trafton moved to grant a 1-year extension to the Bureau of Parks and Lands Madison Branch Multi-Use Trail project. The motion was seconded by Jim Norris.

Chairman Keliher asked for questions, comments, objections. Seeing none, the motion passed without objection.

Caterpillar Hill, Blue Hill Heritage Trust

Status Update: LMF staff received an appraisal from the applicant shortly after the Board packets were sent out, putting the project back on track.

Motion: Barbara Trafton moved to grant Blue Hill Heritage Trust a 1-year extension on the Caterpillar Hill project. Lisa Turner seconded the motion.

Chairman Keliher asked for any questions, comments, objections. Seeing none, the motion passed without objection.

Schooner Cove, Pembroke, Maine Coast Heritage Trust

Status Update: Following the AOC and Board’s rejection of the Schooner Cove East and West appraisals, the applicant is seeking Board approval to remove the Schooner Cove West CE parcel from the project.

Director Demers proposed that the Board first address the applicant’s request to remove the Schooner Cove West property and then revisit the Board’s preliminary funding allocation after we have approved the Schooner Cove East CE appraisal. The Board requested that the Director provide a summary of the the original scoring information for the Schooner Cove project at the time it votes to finalize the financial allocation.

Motion: Jim Norris moved to accept the applicant’s request to remove the Schooner Cove West CE parcel from the Schooner Cove project. The motion was seconded by Barbara Trafton. Don Kleiner objected to the motion, and Lisa Turner abstained from voting. With the majority in favor of the motion, the motion carried.

Pettegrow Point, Machiasport, Town of Machiasport

Status Update: In the process of reviewing the title work on the Pettegrow property, LMF staff and legal discovered an issue with the title that could not be resolved without additional extensive work. The Town of Machiasport determined that the title risk to the town was not sufficient to warrant undertaking the additional work to ensure clear title to the State’s standard. As a result, the Town of Machiasport decided to acquire the property without LMF funding. So, this project is being withdrawn. The Board asked staff to send the Town an official communication documenting that the project is no longer an LMF finalist.

Mailbox Pool Water Access, Upton, Rangeley Lakes Heritage Trust

Status Update: The Board’s conditional approval of this project required the applicant, Rangeley Lakes Heritage Trust (RLHT), to provide pedestrian access across a 33’ strip of land located between the LMF funded property and the Magalloway River. That access issue has been resolved, with the third party agreeing to sell a +/- 1 ac. portion of their property in fee to RLHT. This will ensure that the public has pedestrian access from a state road to the Magalloway River. With this issue resolved, it is anticipated that the project will quickly move toward closing. The Board determined that sufficient progress has been made and no extension is needed.

B. Whistle-stop Rail Trail, Town of Jay

The Bureau of Parks and Lands updated the Board on the progress made in the 2019 construction season by the Jay Sewer District to re-locate a portion of the sewer line along the Whistle-stop trail. The conditions of the sewer line re-location are captured in a lease between BPL and the Jay Sewer District.

- The sewer containment system installation is progressing, with the 1.35-mile portion of the sewer line to the south of the Old Jay Hill Road to be completed by the end of November 2019. At that point construction will end for 2019. Due to permitting delays, this project will be completed in 2020.

- By utilizing a 1.6 mile reroute on the Old Jay Hill Road, trail connectivity will not be interrupted in 2020.
- The lease was amended in October 2019 to accommodate field changes and to clarify contact information.

C. Gulf Hagas Trail re-location - Background: Working Forest Easement (7,138 ac) & Fee (1,264 ac.) properties acquired by BPL with LMF and Forest Legacy funds. The LMF allocation was \$325,000. BPL is 1) notifying the Board about an amendment to the easement and 2) requesting permission from the Board to apply their Access Improvement Grant funds to a different use than originally requested.

Director Demers reminded the Board that LMF’s amendments and change of use requirements for grant recipients are different for State agencies than for cooperating entities due to the fact that cooperating entities enter into an LMF Project Agreement which outlines Board authorities, whereas State agencies follow statutory and policy guidelines to determine how they must proceed when undertaking an easement amendment or change of use on an LMF funded property.

Notification: BPL, with AG consent, is undertaking an amendment to the CE to re-locate White Brook Trail off an existing management road. The road will be maintained for management purposes only and a new trail will be developed for passive recreation uses only.

Jim Norris asked what the cost of the trail relocation will be. Liz Petruska, BPL contractor, indicated the cost is estimated to be \$15,000.00 to \$20,000.00.

Chairman Keliher noted that there isn’t any action needed by the Board for this. With no further questions or comments from the Board, Director Demers explained the Agency’s request to re-allocate LMF Access Improvement grant funds.

Approval: BPL requests \$6,500 AIG to be applied to the reconstruction of White Brook trail. LMF AIG funds were originally slated for road work on the fee parcel, which will now be completed with other BPL funds.

Chairman Keliher asked for questions, comments, objections regarding these changes. Seeing none, we had Board consensus to allow BPL to reallocate the Gulf Hagas AIG funds toward trail re-location and construction.

D. Access Improvement Grants – The Director notified the Board that we anticipate requesting proposals for Access Improvement funds from the following projects which closed in 2019.

- Bethel Community Forest
- Yarmouth Riverfront Woods
- Woodward Point
- Robinson Pond South
- *Grassy Pond/Mirror Lake

- Androscoggin Lake Water Access
 - *Mailbox Pool Water Access
- * Anticipated 2019 closings

E. 2020 Board schedule discussion

- Need a January Meeting date.
- January to April mornings work best.
- May to December afternoons work best.

Date to be confirmed through email and posted on the LMF website.

Meeting adjourned at 2:55p.m.

7. State Comprehensive Outdoor Recreation Plan Overview – Andy Cutko, BPL Director, Doug Beck, Outdoor Recreation Supervisor

- Increase of LWCF money
- Anticipate local match
- Need Land for Maine's Future funds
- 2012/2013 MECDC – RALA data Location
- Quality of recreation resources
- Aiming for 20 minutes or less distance for optimum usability by public
 - Local match requirement is limiting factor for getting LWCF money on the ground

Barbara Trafton: “Forever” projects has that guidance been given in light of climate change?

Doug Beck: No – has asked NPS WHN regard to beach erosion? No concrete answer

Doug Beck: Construction cost are high. LWCF is a reimbursement program – can be made in installments

Jim Norris: Do towns have certainty that the funds will continue to flow?

8. Staff Updates – LMF Director

Staffing updates

AOC meeting December 12, 2019.

Don Kleiner: Motion to adjourn

Bob Meyers: Seconded.

Chairman Commissioner Patrick Keliher We are Adjourned.