

Appendix K

Frequently Asked Questions

Q1. What types of land can be acquired through the Land for Maine's Future's Conservation and Recreation and Water Access Programs?

Lands and interests in lands offering opportunity for conservation of lands supporting vital natural areas, wildlife and fish habitat, water access, and traditional outdoor recreation.

Q2. Who can be a "cooperating entity"?

Private nonprofit charitable organizations, private foundations, municipal conservation commissions, and local governments are considered cooperating entities. For a private nonprofit organization seeking to hold easements funded by Land for Maine's Future Program, the holder/applicant shall provide documentation that the organization meets the holder requirements, as per Maine Conservation Easement statute, (M.R.S.33 Chapter 7, Subchapter 8-A), and has a mission statement pertaining to land conservation activities. In addition, the Land for Maine's Future Board may designate other groups to assist the State in the acquisition and management of public lands.

Q3. Who will own the land or conservation easements acquired by the Program?

Title may be held by State Agencies and cooperating entities as defined in statute. An approved cooperating entity may hold title providing that entity can demonstrate to the Board their ability to manage the land for the purpose for which it was acquired. The State of Maine and the cooperating entity enter into a project agreement that is filed at the respective registry of deeds.

Q4. Who will manage the land acquired by the Program?

Management responsibilities for the acquired lands and interests in lands will be the responsibility of the State Agency or cooperating entity holding title. Management of lands held by the State may be accomplished through a partnership with a cooperating entity through a management agreement. When a cooperating entity holds the land or interest in land it will execute a project agreement with the sponsoring state agency that contractually binds the terms of the project's management. This agreement is recorded with the deed or easement. Model Project Agreements are included in [Appendix F](#).

Q5. What are "matching funds" and what guidelines apply?

See the [Match section](#) of Board Policies.

Q6. When is municipal or county approval of a land acquisition required?

Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition with funds from the Land for Maine's Future Program. Similarly, approval by the County Commissioners is required if the land proposed to be conserved lies within unorganized territory and constitutes more than 1% of the state valuation of the unorganized territory within that county.

Q7. What interests in land may be purchased by the Program?

The LMF can support acquisition of a full range of interests in land including:

- fee simple acquisition; and
- less-than-fee simple interests including, but not limited to, permanent conservation easements, permanent access easements, and other permanent interests in land.
- Long-term leases of at least 99 years, provided that those acquisitions are primarily natural lands meeting LMF criteria

Q8. Can the LMF Trust Funds be used to fund capital improvements?

The LMF Board may use these funds to support minor capital investments in the stewardship and management of acquired land and minor capital improvements to improve public access, as long as these investments/improvements do not compromise the original intent for which the property was purchased. See [Appendix I](#) for more information on these Access Improvement Grants and [Appendix J](#) for more information on Stewardship and Awards.

Q9. What does the law exclude from consideration?

The law specifically excludes the use of LMF funds to acquire any of the following:

- land for facilities or organized recreational activities; (e.g. ballparks, tennis courts, or playgrounds).
- capital improvements on publicly owned facilities, other than to improve accessibility on lands acquired by proceeds from the Conservation and Recreation Fund or the Public Access to Maine Waters Fund; and
- fee purchase of land of which the primary use value will be as commercially harvested or harvestable forest land.

Q10. What types of land are identified by the law as eligible for potential acquisition?

Eligible lands include:

- recreation lands;
- prime physical features of the Maine landscape;
- areas of special scenic beauty;
- open space;
- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- habitat for plant or animal species or natural communities considered rare, threatened, or endangered in the State;
- wildlife or fish habitat including deer wintering areas;
- public access to recreation opportunities or those natural resources identified above;
- lands providing public water supply protection;
- lands with other conservation, wilderness or recreation values; and
- property abutting fresh or coastal waters when public access to those waters does not exist or are not sufficient

Potential applicants are strongly encouraged to review the LAPAC report for further discussion on conservation priorities among these resources. The report is available from the LMF staff and is on the LMF website.

Q11. Who can propose land for acquisition by the Program?

Anyone can nominate or propose land for acquisition by LMF Program, when sponsored by a Designated State Agency as long as the threshold criteria, the criteria of the sponsoring State Agency, and proposal requirements are met. The proposal must include a written statement from the landowner with their consent that the property is being proposed to the Program. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

Q12. When can proposals be submitted?

Conservation & Recreation proposals must be received by LMF **no later than 5:00 p.m. on March 22, 2024**. Inquiries will be accepted on a continuous basis from **November 29, 2023 to January 19, 2024**, (see Inquiry Forms provided in [Appendix A](#)). There is a separate proposal process for Water Access projects, which may be processed at any time (see [Section III](#)).

Q13. How will the proposed properties be scored?

Program Staff review and score Conservation and Recreation proposals. The staff score is submitted to the LMF Board with the proposal for their review and initial scoring. Applicants present their proposal(s) to the LMF Board, and LMF Board Members adjust their scores if they wish. The Board then meets to review their adjusted scores, consider Other Board Considerations, and determine a consensus Board score. The Board then enters into executive session to determine preliminary allocations. The Board then votes in a public session to select finalists. See Scoring System in [Section II](#) for Conservation and Recreation scoring criteria.

Q14. Who will appraise the lands proposed for acquisition?

Any appraisal must be an arm's length appraisal conducted by a Maine certified general real estate appraiser and must conform to the standards outlined in [Appendix E](#). If an appraisal review is required by other funders, LMF requires this review report to be submitted with the appraisal.

Q15. Will LMF support projects when the landowner wants a price higher than the appraised value?

The LMF Board will not generally participate in purchases which exceed fair market value as established by independent appraisal. This policy applies even where the extra funds are drawn from other sources. Such sales can make future conservation projects more expensive. In extraordinary cases, the Board will consider exceptions to this policy.

Q16. How will an applicant know the status of their Inquiry Form and/or proposal?

Within two weeks of submitting an Inquiry Form, the applicant will be notified whether their project has been determined to be consistent with the LMF program objectives and selected for DSA sponsorship. In the event that a project is not selected to submit a full proposal, applicants will receive feedback from the Inquiry Review Committee outlining the

justification for their decision. After the submission on a proposal, LMF Staff will inform the applicant of the day/time that their proposal will be reviewed by the LMF Board. All applicants will be notified of the status of their proposals when the scoring and evaluation process is complete. An applicant may call the Program staff to inquire about the status of their proposal.

Q17. What considerations does the Board want to see reflected in conservation easements?

The Board may fund acquisition of conservation easements on parcels of land to protect key public values. Any easement proposal considered by the Board is expected to address the following elements:

1. Conservation purpose of the easement and description of natural resources to be protected,
2. Restrictions on development and subdivision (building, mining, road construction, etc.) that are inconsistent with the conservation purposes,
3. Provisions for public access (pedestrian, water access, vehicle access, etc.),
4. Accommodations for public use/recreation,
5. Private uses to be maintained/continued, and
6. See also [Appendix G](#) "Guidance for Working Forest Easements"

Q18. Are pre-acquired properties eligible for reimbursement?

Lands or interest in lands acquired within 2 years of the date of project proposal may be considered for reimbursement. LMF contribution will be no more than at the Board approved amount, not to exceed the actual purchase price or appraised value whichever is less. Any duly appraised value in excess of actual purchase price may be used as match.

Q19. What timeline should applicants selected for LMF funding expect?

With the acceptance of public funds comes a great responsibility to ensure that every LMF funded property delivers exemplary public benefits. Before LMF funds can be released, applicants need to complete the due diligence items outlined in [Section IV](#) with guidance from your LMF project manager. This can be a lengthy process and it is important that the applicant communicate this to the seller in order to avoid unrealistic expectations. Specific information that may help inform a project's timeline is below:

Appraisal: Once complete, the appraisal (and associated appraisal review, if applicable) should be submitted to LMF for review by the LMF Appraisal Oversight Committee (AOC). Once the appraisal has been submitted and accepted by the AOC, the project requires the LMF Board to vote on a final allocation. AOC and LMF Board Meetings occur routinely and are posted on the LMF website.

Due Diligence: Once an appraisal has been accepted by the AOC, LMF Staff and Counsel will begin to review a project's due diligence. Please submit due diligence items well-ahead of any project deadlines as Program Staff and Counsel are likely working on a number of projects at any one time.

Fund Disbursement/Closing: Once the due diligence review is complete, it may take as many as six weeks for LMF funds to be disbursed.