



**Land for Maine's Future Program
Minutes of the Meeting
July 12, 2011**

State Planning Office
Conference Room 110, 19 Union Street
Augusta, Maine

Board Members Present:

Bill Beardsley	Don Marean, Chair	Norman Gosline
Walter Whitcomb	Ben Emory	Bucky Owen
Chandler Woodcock	Jeff Thaler	Diane Doyle
Darryl Brown	Patrick Keliher, representing Norman Olsen (nonvoting)	

Board Members Absent:

Norman Olsen

LMF Staff Members Present:

Jody Harris	R. Collin Therrien	Aline Lachance
Tom Miragliuolo	Sam Morris	Sarah Demers

Others

Rob Poindexter, WABI-TV5	Carrie Kinne, Kennebec Estuary Land Trust
Tom Aballo, The Nature Conservancy	Theresa Kirchner, Kennebec Land Trust
Mark Berry, Downeast Lakes Land Trust	Chuck Kraske, Verso Paper
Jerry Bley, Creative Conservation	Jonathan Labonte, Androscoggin Land Trust
Lindsay Bourgoine, Appalachian Mountain Club	Kristine Lindquist & Scott Dickerson, Coastal Mountains Land Trust
Bill Bayreuther, Androscoggin Land Trust and Addie Bayreuther, student	John Marshall, Pleasant River Wildlife Foundation
Dick Clime, Coastal Enterprises, Inc.	Nancy Perlson, Rangeley Lakes Heritage Trust
Hugh Cowperthwaite, Coastal Enterprises, Inc.	Tania Neuschafer, Presumpscot Regional Land Trust
Jim Connolly & Lindsay Tudor, Dept. Inland Fisheries & Wildlife	Marty Anderson & Jeff Romano, Maine Coast Heritage Trust
Richard Curtis & Mike Parker, Presumpscot Land Trust	Tom Rumpf, The Nature Conservancy
Trisha DeGraaf, Dept. of Marine Resources	Wolfe Tone & Diano Circo, Trust for Public Land
Kathy Eickenberg, Dept. of Conservation	Angela Twitchell, Brunswick-Topsham Land Trust
Christopher Franklin, Cape Elizabeth Land Trust	Nina Young, Maine Farmland Trust
Stephanie Gilbert, Dept. of Agriculture	Carrie Walia, Loon Echo Land Trust
Carole Haas, Maine Appalachian Trail Land Trust	Katrina Van Dusen, Freeport Conservation Trust
Alan Hutchinson, Forest Society of Maine	
Jennifer Irving & Anna Schwarcz, Sebasticook Regional Land Trust	

Ground rules

Chair Don Marean stated that today's meeting was to select projects for funding from the recent LMF bond and to hear from both the scoring and nominations committees. This was a working meeting and not a public session.

Leon Gorman

Chairman read letter from Governor LePage acknowledging Mr. Gorman eight years of service on the Land for Maine's Future Board. Mr. Gorman, whose LMF term expired this year, was very helpful and the board will miss his contributions.

Minutes of the Meeting

A motion was made by Bill Beardsley and seconded by Diane Doyle to approve the May 10, 2011 minutes of the meeting. Vote was unanimous except for Norman Goseline who abstained.

Program and Legislative Updates

Jody introduced Sam Morris who has taken Steve Brooke's position now that Steve has retired. Sam has 14 years of natural resources experience and has worked in the legislative arena. Also, Sarah Demers who had been assisting LMF part-time has accepted a full time position with the Department of Inland Fisheries & Wildlife.

The board received three letters regarding overall allocation methodology for round 7 projects. Copies distributed to the board.

1. Cape Elizabeth Land Trust - asked the board to consider ways to fund local projects among the applications selected as finalists
2. Maine Coast Heritage Trust - asked the board to consider ways to support more conservation and recreation projects with the funds available such as using public water access funds.
3. York Land Trust – urged the board to fund more projects at reduced levels

Today, on the *Bangor Daily News* website, there is an on-line debate on LMF future funding from 10:00 AM - noon. The public can 'blog' their comments.

The Legislature enacted, PL 2009, chapter 381, *An ACT to Restore the White-tailed Deer Population and Improve Maine's Wildlife Economy and Heritage*, which adds deer-wintering areas to the LMF funding priorities. With enactment of this LD, the board will need to revisit its scoring criteria. It does not affect the scoring criteria for the current round of proposals.

Jody noted that there was no bond package this session, although two LMF funding bills, LD 852 and LD 829 referred to Appropriations Committee, were carried forward to the second regular session.

PART FF creates a working group to develop proposed legislation that transfers personnel, positions, and responsibilities from the State Planning Office to other departments and agencies of the state. The first working group meeting occurs on July 26, 2011. SPO Director, Darryl Brown, stated that this will be a huge undertaking and that the working group will be looking at each program/function with recommendations due to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 1, 2011.

Working Waterfronts Access Pilot Program (WWAPP)

Presentation made by Deidre Gilbert (Me Dept. of Marine Resources) and Dick Clime (Coastal Enterprises, Inc.).

Funding for the WWAPP originally occurred when Maine voters in November of 2005 approved \$2 million in bond funds. Water dependent commercial activities are critical to the economies of coastal communities and as access to the working waterfront is becoming limited, fishermen and commercial boaters are looking to the State and Congress for assistance.

Mr. Clime stated that Congresswoman Pingree sponsored two bills last year related to working waterfront. The first, known as the *Coastal Jobs Creation Act*, would fund research and support working waterfront infrastructure. The second bill, *Keep America's Waterfronts Working*, takes Maine's working waterfront access pilot program and expands it nationally. Both bills will be reintroduced to the US House of Representative this summer. Senators Susan Collins and Olympia Snowe have also been involved with efforts in Washington to support working waterfronts. CEI staffers are working with Maine's Congressional delegation on this important issue.

Mr. Clime clarified the distinction between the two the terms, "state purchase of development rights" (*restricting property uses to those that are compatible with commercial fisheries and aquaculture*), and "restrictive covenant" (*a contract signed by the grantor and holder (the State) recorded in the county registry and follows the deed in any future land sale*). He also mentioned the Right of First Refusal (RFR) which is a mandatory condition on a covenant allowing the state to intervene in future transfer or sale of property and that the RFR limits the future sale price to the then appraised commercial fisheries value and that a business plan is required.

CEI assists applicants by providing program information, visiting properties, offering advice on project readiness, assisting with application and business planning, determining completeness of an application, notifying applicants of board decision, helping with completing due diligence, scheduling closings, and writing press releases on successful projects.

Mr. Clime stated that six projects will be presented to the board for a vote at its September meeting. Projects include three from eastern Maine, one island, and two from the mid-coast area; plus a mix of uses; a family business, a processor, a boat yard, a co-op, and two tradition buying stations.

Distributed to the board was a description of the program's scoring system and a sample WWAPP project summary. Mr. Clime noted that the working waterfront access pilot program is no longer a 'pilot' program. The CEI's contract ends December 31, 2012.

Heads of Estuaries (tabled May 10, 2011)

A motion was made by Bucky Owen and seconded by Jeff Thaler to remove from the TABLE the Heads of the Estuaries project. Vote was unanimous except for Norman Goseline who abstained.

After discussion on the project agreement terms such as protecting exceptional wildlife habitat values, ensuring public access, developing a management plan, and creating road connectivity to multi-parcels, the board felt comfortable with proceeding with the transfer of lands to the Maine Department of Inland Fisheries & Wildlife. The board wants to ensure that there will be public access to these lands. Sara Demers on behalf of the department said MIF&W is committed to managing the property consistent with the terms of the Pleasant Bay Wildlife Management Area memorandum of understanding and project agreement that provide for public access.

A motion was made by Ben Emory and seconded by Jeff Thaler to provide written approval for the transfer of the Redmarker and Long Creek parcels and Hemlock Island to be held and managed by MDIF&W for their habitat and recreational values in accordance with the Department’s management objectives and with the terms of the LMF project agreement concerning ownership and management of these parcels. Vote was unanimous except for Norman Gosline who abstained.

Lt. Gordon Manuel Wildlife Management Area Management Plan

A copy of the report was provided to the board, per their request, as background information only.

Maine Dept. of Inland Fisheries & Wildlife Water Access Site Priorities

A copy of the report was provided to the board, per their request, as background information only.

LMF Fund Set-asides

The board discussed options for set-asides of LMF funds for the Public Access to Maine Waters Fund, for future access/capital improvement grants, and for the board’s transaction and legal costs.

A motion was made by Bucky Owen and seconded by Jeff Thaler to allot funds from the Land for Maine Future Fund for access improvement and farm capital improvement grants at 2% of gross available funds. Vote was unanimous except for Norman Gosline who abstained.

A motion was made by Bucky Owen and seconded by Darryl Brown to allot funds from the Land for Maine Future Fund for board transaction costs at 5% of gross available funds for farmland; 12% for working waterfronts; 2% for water access, and 2% for conservation/recreation projects. Vote was unanimous except for Norman Gosline who abstained.

A motion was made by Bill Beardsley and Walter Whitcomb to not set-aside funds for water access. Vote was 8 to 1 with Chandler Woodcock opposing and Norman Gosline abstaining.

Note: Further into the meeting , a motion was made by Walt Whitcomb and seconded by Ben Emory to place back into the public access to water funds account \$651,533. Vote was unanimous except for Norman Gosline who abstained.

Total 2010 Bond fund \$9,250,000	New Bond amt	Uncommitted \$ prev. rounds	Gross Total Available	Transaction costs	5% access grant set aside	Net Available \$
Farmlands	\$1,000,000	\$551,537	\$1,551,537	5%	2%	\$1,442,929
Working Waterfronts	\$1,750,000	\$637,698	\$2,387,698	12%	0%	\$2,101,174
Water Access Fund	\$0	\$616,108	\$616,108	2%	2%	\$591,464
5% access grants for earlier projects					\$15,433	
Balance for Round 7 Conservation/Rec	\$6,500,000	\$134,719	\$6,634,719	3%	2%	\$6,287,550

Future Selection of Board Members

Ben Emory talked about the board's make-up, noting the need for gender equity and youth representation. Jeff Thaler indicated that he understood Ben's concerns, but felt that the present board composition was made up of well-qualified individuals and that appointments are the Governor's prerogative.

Standard Motion of the LMF Board to Adopt a Proposal as a Finalist LMF Project

The board included by reference for the record the motion of standard conditions that apply to all projects selected as finalists today as follows:

The following requirements and process are included by reference with any proposals adopted as a Finalist Project by the Land for Maine's Future Board.

Once the board selects finalists, this sets in motion a series of process steps that must be completed to the satisfaction of the board. Committees of the board oversee this process, make recommendations to the board, and determine if new information or developments require further board review.

Elements required prior to release of LMF funds:

- Board acceptance of an appraisal to LMF standards to determine fair market value;
- Submission of a Corporate Authority document evidencing the acceptance of this responsibility from the Board of Directors of the Cooperating Entity.
- Completion of an Environmental Site Assessment-Phase I;
- Acceptable evidence of good title (typically title insurance);
- Completion of property boundary survey or acceptance of an existing, suitable property boundary survey with GIS-compatible shape files;
- Documentation of matching funds provided by applicant as presented in the application (NOTE: if a stewardship endowment has been included as match, this documentation must include a letter from the applicant's governing body that this commitment has been fulfilled);
- Approval by elected municipal officials (organized townships) if the property value acquired represents more than 1% of state valuation of town / approval by County Commissioners (unorganized territories) if the property value acquired represents more than 1% of state valuation of the unorganized portion of the county;
- Execution of a Purchase and Sales Contract signed with all appurtenant conditions at or below accepted appraised value.
- If action involves the purchase of a conservation easement, easement is finalized. If action involves a Project Agreement, the Project Agreement is finalized.
- Agreement that each conserved parcel be prominently marked with signage acknowledging LMF support. On nonfarm projects, this signage is to be located at suitable public access points.

In addition to these standard conditions, the board may place specific conditions on a project, which must be addressed before Land for Maine's Future funds are released.

Final board action to approve a project after acceptance of the appraisal and, if necessary, the conservation easement will follow publication of a public notice of the pending action with meeting time and date (with opportunity for public comment prior to the board's vote).

Scoring Committee Report

The committee reviewed 38 proposals totaling \$12.5 million. Summary sheets were prepared on each project. Chairman Ben Emory stated that the committee reached consensus fairly quickly. Projects divided into farmland proposals and three categories of conservation and recreation proposals, (1) statewide, (2) regional and (3) local.

Scoring criteria for farmland projects includes: farm productivity, threat of conversion, significance to the region, open space, and community support. Scoring criteria for conservation & recreational projects includes: naturalness, accessibility, significance, needs with LAPAC recommendations, exceptional value, multiple values, and economic benefit.

Proposal budgets are not part of the Scoring Committee criteria. Award amounts are determined by the Nominations Committee.

The committee awarded 'single exceptional value' to four projects: Dresden Archaeological Site 25.45 Phase 2, Hackers Hill, West Grand Lake Forest, and Moose River Spencer Rips (note: the Dept of Conservation withdrew the Moose River Spencer Rips project which it will fund from other sources).

The committee also changed the significance category for several projects: Ferry Beach from Regional to Statewide because it is a state park and state-held; and Androscoggin River-Coombs and Westport Island from Regional to Local because their primary values accrued to the local community.

The Scoring Committee's scoring as follows:

Project Name	Score
FARMLANDS	
Randall Orchard	91
Marsh Field Farm	83
Winter Hill Farm	81
Scammon Farm	77
Camden-3 neighboring farms	75
Meadow Brook Farm	74
Varnum Farm	66
Crosby Road	63
Elwell Farm	60

Project Name	Score
CONSERVATION & RECREATION (Statewide)	
West Grand Lake Forest	191
Moose River Spencer Rips	165
Archaeological Site, 25.45 Phase 2	163
Kennebec River Estuary	139
Pleasant Bay Wildlife Mgmt. Area	125

Crocker Mountain	119
Seboeis Lake South	118
Machias River – Phase III	114
Camden Hill State Park-inholding	108
Ferry Beach	90

Project Name	Score
CONSERVATION & RECREATION (Regional)	
Hacker’s Hill	147
Sipp Bay	110
Varnum Farm (C&R)	109
Bald & Ragged Mtns – Hart project	102
Orbeton Stream	100
Androscoggin Greenway	95
Sousa Property	95
Sea Bay – Smith Cove	92
Wrentham Woods	83
Robinson Woods – II	82
Mt. Agamenticus- Expanding	79
Caribou Bog – Phase IV	79
Whitecap II	76
Watkins Conservation Easement	74
Four Seasons	72
Jordan Brook Forest	71

Project Name	Score
CONSERVATION & RECREATION (Local)	
Androscoggin River – Coombs	67
Westport Island	60
Falmouth Corners Preservation - II	47

Several three-ring binders containing project summaries and a copy of each full proposal were made available for the public.

Nominations Committee Report

Jeff Thaler, Nominations Committee Chair, noted for the record that consensus did play an important role in the nominations process and that the dialogue was very good, fair, and impartial.

The Nominations Committee recommended \$1,442,929 in funding for six farmland proposals:

- | | |
|------------------|-------------------|
| Marsh Field Farm | Meadow Brook Farm |
| Randall Orchard | Scammon Farm |
| Varnum Farm | Winter Hill Farm |

The Nominations Committee recommended \$5,670,050 in funding for 14 conservation & recreation proposals:

- Androscoggin Greenway
- Archaeological site – Dresden
- Bald and Ragged Mountains, Hart project
- Crocker Mountain
- Hackers Hill
- Kennebec River Estuary
- Machais River, Phase III
- Orbeton Stream
- Pleasant Bay Wildlife Management Area
- Seboeis Lake South
- Sipp Bay
- Sousa Property
- Varnum Farm
- West Grand Lake

Jeff Thaler stated that the committee struggled with recommendations for awarding \$5.6 million with over \$10 million in project requests. The committee regrets not being able to fund all proposals and wishes there had been more bond money to full fund more proposals.

In addition, the Nominations Committee is not recommending that any funds be awarded from the Access to Maine Public Waters Fund and would like to keep those funds for future water access proposals. At the September board meeting, there will be water access proposals to vote on.

Presentation of Proposals

Jody Harris briefly highlighted each of the 38 proposals received after which she inquired if board members had additional questions regarding individual projects. She also inquired if any ‘special condition’ needed to be assigned to any of the proposals [none assigned to any projects].

Executive Session

At 12:30 a motion was made by Ben Emory and seconded by Bucky Owen to go into executive session to discuss the acquisition and financing of property/interests of publicly-held land pursuant to 1 MRSA §405-6(C). Vote was unanimous.

At 2:50 p.m. a motion was made by Darryl Brown and seconded by Chandler Woodcock to move out of Executive Session. Vote was unanimous.

Selection of Finalists

A motion was made by Walter Whitcomb and seconded by Ben Emory to move \$651,533 to the Public Access to Maine Waters Fund. Vote was unanimous except for Norman Gosline who abstained.

A motion was made by Bucky Owen and seconded by Chandler Woodcock to allocate \$\$1,442,929 to the following farm proposals subject to standard conditions (adopted by reference):

FARMLAND PROJECTS

Marsh Field Farm

Special Condition: None

Meadow Brook Farm

Special Condition: None

Randall Orchards

Special Condition: None

Scammon Farm

Special Condition: None

Varnum Farm

Special Condition: None

Winter Hill Farm

Special Condition: None

Vote was unanimous except for Norman Gosline who abstained.

CONSERVATION & RECREATION PROJECTS

A motion was made by Bill Beardsley and seconded by Ben Emory to allocate \$5,670,050 to the following conservation and recreation proposals subject to standard conditions (adopted by reference):

Androscoggin Greenway

Special Condition: None

Bald & Ragged Mtns. – Hart project

Special Condition: None

Camden Hill State Park-inholding

Special Condition: None

Crocker Mountain

Special Condition: None

Dresden Archaeological Site 25.45

Special Condition: None

Hacker's Hill

Special Condition: None

Kennebec River Estuary

Special Condition: None

Machias River –Phase III

Special Condition: None

Orbeton Stream

Special Condition: None

Pleasant Bay WMA

Special Condition: None

Seal Bay- Smith Cove

Special Condition: None

Seboeis Lake South

Special Condition: None

Sipp Bay

Special Condition: None

Sousa property

Special Condition: None

Varnum Farm (C&R)

Special Condition: None

West Grand Lake Forest

Special Condition: None

Vote was unanimous except for Norman Gosline who abstained.

After today’s board vote on the projects, each applicant will receive a letter regarding the status of their project.

Next Board Meeting

The September 13, 2011 board meeting is rescheduled to September 20, 2011 (*Editor’s Note: The next LMF board meeting was rescheduled to October 4, 2011*) from 1:00 – 5:00 PM here at the State Planning Office, 1st floor conference room 110, 19 Union Street, Augusta.

Adjourned

3:06 p.m.

DRAFT