



## Land for Maine's Future Program

Minutes of the Meeting

**May 16, 2017**

32 Blossom Lane, Marquardt Building, Room 118  
Augusta, Maine

### **Board Members Present:**

Robert Meyers, Lisa Turner, Fred Bucklin, Harry Ricker, Brad Moll, Commissioner Patrick Keliher, Commissioner Chandler Woodcock and Commissioner Walter Whitcomb

### **Staff Members Present:**

Sarah Demers, Tom Miragliuolo and R. Collin Therrien

### **Others:**

Robert Marvinney, DACF  
Aline Smith, DACF  
Jeff Romano, Maine Coast Heritage Trust  
Reeve Wood, Maine Farmland Trust  
Adam Bishop, Maine Farmland Trust  
Greg Tansley, City of Biddeford  
Betsy Cook, Trust for Public Land  
Bethany Atkins, IF&W  
Stephanie Gilbert, DACF  
Tom Ruksznis

1. **Welcome and Introductions** - Commissioner Patrick Keliher, Chairman, called the meeting to order at 1:00 pm and welcomed everyone and asked for introductions from the Board and audience.
2. **Minutes** - Motion: A motion was made by Robert Meyers and seconded by Brad Moll to accept without objections the minutes of the April 11, 2017 meeting. Board vote was unanimous.

3. **Bond Balances**

<b>Status of Funds</b>		
ATTACHMENT A		
As of March 31, 2017		
<b>Authorized</b>	<b>Bonds to be Sold</b>	<b>Cash on Hand*</b>
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PL 2007, Ch. 39		
C&R and Farmland	\$0	\$7,568
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PL 2009, Ch. 645		
C&R	\$1,250,000	\$3,211,985
Farmland	\$0	\$ 386,434
Working Waterfront	\$0	\$ 277,032
<b>Funds Remaining</b>	<b>\$1,250,000</b>	<b>\$3,875,451</b>
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PL 2011, Ch. 696		
C&R, Farmland, WWF	\$3,000,000	\$ 500,000
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<b>Funds Remaining</b>	<b>\$4,250,000</b>	<b>\$4,383,019</b>
<ul style="list-style-type: none"> <li>• <i>Subject to end of month reconciliation</i></li> </ul>		

- Remaining 2007 Bond funds will be spent by the end of the FY 17 fiscal year
- Remaining 2009 and 2011 bond funds will be sold in June 2017. LMF will have all available funds in hand for the upcoming call for proposals.

<b>Project Allocation</b>		
Active Projects		Allocations
C&R	10	\$2,197,350
Water Access	1	\$ 50,000
Working Waterfront	2	<u>\$ 421,500</u>
<b>TOTAL</b>	<b>13</b>	<b>\$2,668,850</b>
Project Closed: Lily Pond		
Project Withdrawn: Gardiner Pond – \$275,325 LMF allocation		

#### 4. One Year Extension Requests

Note: Previous 1 year extension granted by LMF Board on 6/21/16.

The following 4 projects have requested an additional 1 year extension:

- Ellis River, Rumford  
The Board recently (April 11, 2017) approved a change in the match lands being provided by the applicant, ~~replacing the~~. With this change now approved, we expect the project to progress quickly.
- Caribou Bog, Old Town  
Significant progress has been made but additional time is needed to complete the project. Remaining appraisals are anticipated in the coming weeks.
- Biddeford River Walk, Biddeford  
The City of Biddeford received project appraisal last Friday and are moving forward with the project. When asked if the project was in the flood zone, the reply was no.
- Redington Forest, Redington Twp.  
This project stalled when it was discovered that an abutting landowner holds un-located rights for utility line crossings, gravel extraction and stump dumps on the project property which could have an impact to the conservation values intended for protection and management. These rights were granted when the abutting property was proposed for a commercial wind power development, but was never successfully permitted. The applicant is working to determine whether these rights can be terminated or if the project can be reconfigured.

It was confirmed that there is public access to the property and that the property is not located in the Land Use Planning Commission's Expedited Permitting Area for Wind Energy Development.

Sarah reported that all four projects have support from DACF, the Designated State Agency, for a 1 year extension.

**Motion:** A motion was made by Commissioner Woodcock and seconded by Robert Meyers to grant a final 1 year extension to all four projects. Vote was unanimous.

#### Project Withdrawn:

- Gardiner Pond, Wiscasset  
Soon after the Board allocation in 2014 the applicant (Town of Wiscasset) withdrew its support for the project. The applicant then became the Kennebec Estuary Land Trust and this change was approved by the LMF Board. Ultimately Kennebec Estuary Land Trust and the seller could not come to an agreed upon price and the land trust has decided to withdraw the project.

5. **LMF 2017 Workbook & Scoring Changes**

Side by side comparison showing changes in points

Draft Scoring Options for LMF Scoring/Workbook Work Group	CURRENT	PROPOSED
Naturalness of the Land	12	10
Accessibility of the Land	8	15
Proximity to Other Conservation Efforts	16	10
Major Land Type/Asset	30	15
Need Rating	20	15
Additional Land Types/Assets	50	25
LAPAC	20	0
Project Structure (Fee or Easement)*	0	5
Economic Benefit	10	5
<b>Base Score</b>	<b>166</b>	<b>100</b>
Deer Wintering Area(s)	23	10
Public Water Supply*	0	5
Archaeological Resources*	0	5
Single Exceptional Value	50	20
Total Score	<b>239</b>	<b>140</b> <sup>12</sup>

Side by side comparison showing point difference by percentage of total points.

Draft Scoring Options for LMF Scoring/Workbook Work Group	CURRENT	PROPOSED
Naturalness of the Land	7%	10%
Accessibility of the Land	4.8%	15%
Proximity to Other Conservation Efforts	9.6%	10%
Major Land Type/Asset	18%	15%
Need Rating	12%	15%
Additional Land Types/Assets	30%	25%
LAPAC	12%	Combined with other criteria
Project Structure (Fee or Easement)*	0	5%
Economic Benefit	6%	5%
<b>Base Score</b>	<b>166</b>	<b>100</b>
Deer Wintering Area(s)	9.6%	7.1%
Public Water Supply*	0	3.5%
Archaeological Resources*	0	3.5%
Single Exceptional Value	20%	14.3%
Total Score	<b>239</b>	<b>140</b> <sup>13</sup>

Sarah explained that the ‘Single Exceptional Value’ is referenced in statute, and is used infrequently. These points are reserved for projects that provide exceptional resources. The allocation of the Single Exceptional Value points typically bumps a project up to the highest score.

**Deer Wintering Areas:** The importance of deer wintering areas is noted both in LMF statute and in the 2011 bond language. The majority of funds allocated in this funding round will be from 2011 bond funds and therefore, Deer Wintering Areas must remain a priority.

**Farmland:** For this funding round, farmland projects will compete in the C&R category. Discussion ensued on why staff have made this recommendation and Board members agreed that in the future Farmland would likely again have its own section and scoring criteria in the workbook; for now board members do not wish to delay a new round of proposals.

**Accessibility of the Land:** Clarify that access is “for intended use”. Farmland projects are not required by law to provide access, but LMF staff work with the applicant to determine if public access might be possible on a portion of the property.

**Proximity to Other Conservation Lands/Efforts:** The Board asked for clarification that encouraged applications from new or under-represented areas of the state. There was agreement that the Board should make an effort to support public access projects in cases where there is town support.

**Additional Land Assets:** Scoring was changed to 2, 4 or 6 points for each category, making it somewhat easier for an applicant to achieve the maximum available point score of 25.

**Community & Economic Benefit:** The Board agreed to change the focus of the criteria away from the number of seasons a property was likely to be used and to rely on letters of support from a diversity of community members and businesses.

**Project Structure:** Reward community support, but no need to separate categories for municipal financial contributions vs. letter of support. Some towns may not have the financial resources to assist with the project and should not be penalized for this.

Other Changes:

- **Board Policies & Guidelines – Environmental Concerns** – This section formalizes a practice that has been in place and requires that all Properties that receive LMF funds must be free from all environmental concerns at the time of closing. The section details the applicants responsibility.
- **Appendix I - 4<sup>th</sup> bullet**, change from Farm & Ranchland Protection to Agriculture Land Easement Program.

- Applicants must seek sponsorship from the Designated State Agency no less than 8 weeks in advance of this submission deadline.
- Staff will have approximately 3 weeks for review and Board will also have approximately 3 weeks for their review.

Sarah will e-mail the final revisions to the Proposal Workbook to the Board before May 23<sup>rd</sup>, which the Board can provide their acceptance of the document by e mail. The Board’s intent is to issue the call for proposals by no later than June 1<sup>st</sup>, with proposals due on September 1<sup>st</sup>, 2017.

The Board then discussed available funds and how much funding to allocate to Conservation & Recreation, Water Access, Farmland and Working Waterfront projects. After much discussion the Board agreed to the following allocations

Staff noted that water access applications can come in at any time and in the event that there are 2009 C&R funds or any 2011 bond funds remaining after this call for proposals, they could be placed in the Water Access account for future applications.

Sarah reminded the Board that these numbers will fluctuate slightly over the coming months and that the Board will need to vote on set-aside amounts to cover LMF legal fees, access improvement grants and inventories required by statute.

<b>Board Recommendations</b>	<b>Conservation &amp; Recreation</b>	<b>Water Access</b>	<b>Farmland</b>	<b>Working Waterfront</b>
2011 Bond	\$2,011,434	\$307,500	\$113,566	\$692,500
2009 Bond	\$1,250,000	\$192,500	\$386,434	\$277,032
<b>Available for Awards</b>	<b>\$3,261,434</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$969,532</b>

**6. Staff Updates:**

Next board meeting date not decided upon yet.

AOC will meet in June, date to be determined and posted on LMF web page.