

# Purpose of this checklist

LMF Staff created this simplified checklist for their own use to help them anticipate project needs as early as possible in a project's life cycle. Applicants and potential funding partners might also find this checklist helpful – particularly to understand the need for good communication with LMF staff early in the process whenever other sources of funds are sought. Anticipating and planning for the ways that LMF requirements can be harmonized with those of our potential partners creates a more efficient experience for all concerned.

Please note:

- This list of potential funding partners is by no means exhaustive, these are simply the most common.
- This list is confined to funders who permit land acquisitions in fee. Funders *limited* to easement acquisition (like ACEP-ALE) or land restoration/management are not included at this time.
- Partner grant requirements are subject to change. Although we at LMF do our best to stay abreast of new developments, Applicants should always notify all funders of any proposed partnerships and verify their specific project requirements directly.

## Contact Us

If you have questions or need assistance, please don't hesitate to contact us:

Email: [LMFSubmissions.DACF@maine.gov](mailto:LMFSubmissions.DACF@maine.gov)

Web: <https://www.maine.gov/dacf/lmf/>

# LMF/PARTNER FUNDING CHECKLIST

November 15, 2021

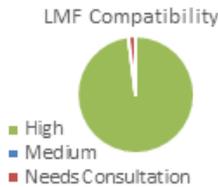


Tumbledown Mountain

# Table of Contents

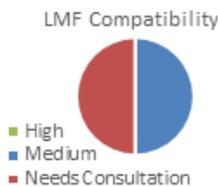
Potential Funding Partners .....	2
Program Requirements.....	4
Maine Outdoor Heritage Fund .....	4
Maine Natural Resource Conservation Program.....	4
North American Wetlands (NAWCA).....	4
Forest Legacy .....	4
Community Forest Program.....	4
Land and Water Conservation (LWCF-Stateside) .....	4
State and Tribal Wildlife Grants .....	5
Coastal Wetlands Conservation Grants .....	5
Cooperative Endangered Species Fund/Recovery Land Acquisition Grants (RLAG).....	5
Requirements Table .....	6

# Potential Funding Partners



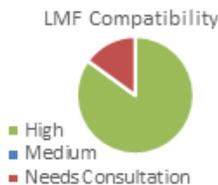
## Maine Outdoor Heritage Fund

MOHF is a state program funded through the sale of lottery tickets. "The fund is for the sole purpose of maintaining, improving and expanding state and local natural resource conservation programs and associated compatible public uses..." [Title 12, M.R.S. c. 903, section 10303](#)



## Maine Natural Resource Conservation Program

MNRCP awards competitive grants to projects that "[restore and protect high priority aquatic resources throughout Maine](#)" with the focus on maximizing "[the ecological benefits of compensatory mitigation.](#)"



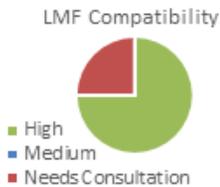
## North American Wetlands Conservation Act (NAWCA)

NAWCA aims to increase bird populations and wetland habitat while supporting local economies and traditions such as hunting, fishing, bird watching, family farming, and cattle ranching.

# Potential Funding Partners (cont'd.)

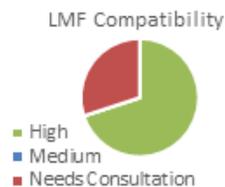
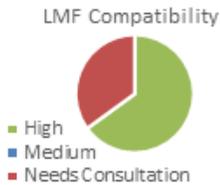
## Forest Legacy

The [Forest Legacy Program](#) (FLP) is a conservation program administered by the U.S. Forest Service in partnership with State agencies to encourage the protection of privately owned forest lands. FLP supports opportunities to hunt, fish, and camp, protection of water sources, preservation of habitat, and sustainable timber management.



## Community Forest Program

[The CFP program](#) “aims to help qualified organizations acquire and establish community forests that provide community benefits. Community benefits include economic benefits through active forest management, clean water, wildlife habitat, educational opportunities, and public access for recreation.”



## Land and Water Conservation (LWCF - stateside)

[LWCF](#) supports the acquisition and development of outdoor recreation areas to create greater public accessibility and participation, thereby contributing to a healthier citizenry.

## National Coastal Wetlands Conservation Grants

The primary goal of [NCWC](#) grants is the long-term conservation of coastal wetland ecosystems. Eligible Activities include acquisition of a real property interest in coastal lands or waters from willing sellers or partners, provided that the real property will be managed for long-term conservation;

## Cooperative Endangered Species Fund/Recovery Land Acquisition Grants (RLAG)

[RLAG](#) grants are for the acquisition of habitat in support of approved recovery goals or objectives.” Maine has twelve of the listed species eligible for protection.

# Program Requirements

Programs were evaluated on the basis of potential LMF conflicts. Listed below are the results of that evaluation, flagging those requirements that need attention and consideration in any LMF partnership



## Maine Outdoor Heritage Fund

There are post-award requirements, but nothing to indicate penalties for failure to comply, making conflicts with LMF enforcement provisions unlikely. Compatibility is VERY high.



## Forest Legacy

Compatible with projects when Designated State Agencies intend to hold title. Non-profits are entitled to hold title to “cost-share” parcels. Conservation easements and fee acquisitions are **both** eligible for funding. Follow up with BPL for more info on compatibility with LMF.



## Maine Natural Resource Conservation Program

Further encumbrances and/or transfers are permitted with approval by the DEP and Army Corps. Project agreements for projects involving MNRCP should explicitly address this potential scenario. LMF staff to develop a “master” MOU with DEP and TNC (as the program administrators).



## Community Forest Program

Further encumbrances are permitted with approval by the U.S. Forest Service. In the event of future transfers or dispositions, the LMF Board must accept modified priority of the recorded Project Agreement and applicant must understand additional financial exposure.



## North American Wetlands Conservation Act (NAWCA)

Further encumbrances and/or transfers are **permitted with approval by the Division of Bird Habitat Conservation (“DBHC”)**.



## Land and Water Conservation (LWCF - stateside)

Applicant must ensure that planned improvements & uses are compatible with LMF. Future transfers and dispositions to be addressed in the Project Agreement to ensure continued compatibility. LMF staff to develop a “master” MOU with LWCF.

# Program Requirements (cont'd)



## Coastal Wetlands Conservation Grants

An applicant must demonstrate that any recreational activities will not undermine habitat protection and/or will contribute to greater awareness and appreciation for the value of coastal wetlands conservation.

Grant funds are generally provided as reimbursements with some flexibility for advance payments.

Conservation easements and fee acquisitions are both eligible for funding. Follow up with IF&W for more info on compatibility with LMF.



## Cooperative Endangered Species Fund/Recovery Land Acquisition Grants (RLAG)

USFWS places heavy emphasis on the collaborative relationship with state agencies, deferring to local expertise. Although no specific mention of public access requirements or prohibitions, the general rule requires the State fish and wildlife agency to determine what recreational activities and related facilities to allow. Conservation easements and fee acquisitions are both eligible for funding. Follow up with IF&W for more info on compatibility with LMF.

Photo credits:

The preceding images were taken from the corresponding agencies' and programs' websites and/or Facebook pages

# Requirements Table

<i>Program:</i>	<i>Threshold questions:</i>	<i>Pay attention to:</i>	<i>Chief challenges:</i>	<i>Current solutions:</i>	<i>Closing considerations:</i>	<i>Future actions:</i>
<b>Maine Outdoor Heritage Fund</b>	Nothing of concern	No concerns	None	N/A	No encumbrances recorded	some post-award requirements, but no apparent conflicts with LMF provisions Compatibility VERY high.
<b>Maine Natural Resource Conservation Program</b>	1.Determining the desirability of mitigation funds. 2.Is there a mutual willingness to tailor PA's to deal with transfer/ disposal? 3.Does LMF's emphasis on public access fit with MNRCP's emphasis on restoration on this project?	1.Ensure early conversations with MNRCP to anticipate need to accommodate/create reciprocal arrangements in PA's 2.MNRCP funds may not be eligible to match federal funding sources.	<b>1.w/ noncompliance title to MNRCP projects is to be transferred to the DEP (or its designee).</b> <b>2.Further encumbrances and/or transfers are permitted with approval by the DEP and U.S. Army Corps</b>	1.tailor project agreements to anticipate process upon transfer or disposal, 2.the identification of a mutually acceptable designee as an enforcement alternative,	Applicants are required to sign a Project Agreement and to record the PA with the applicable county registry of deeds	Further encumbrances and/or transfers are permitted with approval by the DEP and U.S. Army Corps. Project agreements for projects involving MNRCP should explicitly address this potential scenario. LMF staff to develop a "master" MOU with DEP and TNC (as program administrators).
<b>North American Wetlands Conservation Act (NAWCA)</b>	1. Public access is encouraged "to the extent that it is compatible with long-term conservation of fish and wildlife dependent on the area."	Two grant categories relevant: "Small Grants" and "Standard Grants." Each requires a 1:1 match to non-federal funds. Small Grant awards <= \$100,000; Standard Grants > \$100,000 and < \$1,000,000. NOTE- these will use Yellow Book appraisals	Further encumbrances and/or transfers are <b>permitted with approval by the Division of Bird Habitat Conservation ("DBHC").</b>	Get those early approvals and maintain good communication between funding partners	Notice of Grant Restriction referencing PA is recorded	Neither penalties for noncompliance nor provisions upon sale or transfer appear to conflict with LMF provisions.

<p><b>Forest Legacy</b></p>	<p>1.this funding source is compatible with projects when Designated State Agencies intend to hold title. Non-profits are entitled to hold title to “cost-share” parcels. 2.Conservation easements and fee acquisitions are <b>both</b> eligible for funding. Follow up with BPL for more info on compatibility with LMF.</p>	<p>Public Access definitely permitted. Continuation of traditional and other forest-based uses are integral to the purpose of the FLP. NOTE- these will use Yellow Book appraisals</p>	<p>No great challenges – but note that simultaneous application to FL &amp; CFP (below) is not allowed.</p>	<p>if an applicant applies for and is unsuccessful in its application to one, they may apply for and be considered for the other in the next funding cycle, assuming eligibility</p>	<p>All property interests acquired with Forest Legacy Funds require language in the applicable recording instrument protecting and evidencing the Forest Service’s ongoing interest in the land.</p>	<p>As with LMF funds, Forest Legacy funds must be returned to the U.S. Forest Service in proportion to the original grant to the fair market value at the time of acquisition.</p>
<p><b>Community Forest Program</b></p>	<p>The U.S. Forest Service has the discretion to determine whether additional encumbrances may be permitted on property receiving Community Forest grant funds.</p>	<p>Further encumbrances are permitted with approval by the U.S. Forest Service. In the event of future transfers or dispositions, the LMF Board must accept modified priority of the recorded Project Agreement and applicant must understand additional financial exposure. <b>NOTE- these will use Yellow Book appraisals</b></p>	<p><b>If converted, 100% of the sale price or appraised value (whichever is greater) would be owed to the U.S. Forest Service - there would be no funds left to reimburse LMF.</b></p>	<p>Impose additional obligations for repayment of LMF funds such that, upon conversion, more than 100% of the proceeds of sale (or appraised value, whichever is greater) will be owed to the U.S. Forest Service and the State of Maine (combined).</p>	<p>A Notice of Grant Restriction is recorded at Registry of Deeds</p>	<p>Assuming the level of security for LMF repayment is acceptable to the LMF Board and the additional financial exposure is acceptable to an applicant, this program should be highly compatible.</p>
<p><b>Land and Water Conservation (LWCF - stateside)</b></p>	<p>Begin identifying compatible property uses to capture in the event of conversion or transfer. Draft MOU with LWCF – expect to proceed on a project by project basis.</p>	<p>“public outdoor recreation” includes hunting, fishing, and hiking, (activities eligible for LMF support) but also public tennis courts, swimming pools (that LMF is specifically <b>unable</b> to fund).  NOTE- these will use Yellow Book appraisals</p>	<p><b>conversion requirements apply to <u>all</u> land within LWCF project area (cost and cost-share or “match” parcels) without regard to the proportion of LWCF funds used to acquire the project land. No \$\$ for LMF</b></p>	<p>Assuming that conversion of an LWCF property is treated as a transfer under LMF policy, the LMF Board would be required to forego repayment and adopt the process involving a substitute property in the event of conversion.</p>	<p>LWCF grant agreements should be recorded at Registry.</p>	<p>LWCF and LMF should execute a departmental MOU to clarify, in advance, LMF Board role and which types of properties would be deemed to be “reasonably equivalent” (and put the applicant on early notice).</p>

<p><b>Coastal Wetlands Conservation Grants</b></p>	<p>Public access and recreational opportunities consistent with the conservation purposes are encouraged. State agencies of coastal states are the only eligible applicants however the state is able to pass funds thru to a sub-grantee such as a land trust.</p>	<p>An applicant must demonstrate that any recreational activities will not undermine habitat protection and/or will contribute to greater awareness and appreciation for the value of coastal wetlands conservation. NOTE- these will use Yellow Book appraisals</p>	<p>The greatest challenge to applicants may be that the funding is typically received as a reimbursement, requiring an initial outlay for the award amount.</p>	<p><i>some</i> flexibility for advance payments for construction work and labor.</p>	<p>Encumbered per standard USFWS conditions</p>	<p>Assuming specific project goals are in alignment between the two programs and the financial arrangements can be reconciled, this program appears to be compatible.</p>
<p><b>Cooperative Endangered Species Fund/Recovery Land Acquisition Grants (RLAG)</b></p>	<p>USFWS places heavy emphasis on the collaborative relationship with state agencies, deferring to local expertise. Although no specific mention of public access requirements or prohibitions, the general rule requires the State fish and wildlife agency to determine what recreational activities and related facilities to allow</p>	<p>RLAG grants have, as their purpose, "acquisition of habitat in support of approved recovery goals or objectives." Twelve listed species eligible for protection (providing the foundation for land acquisition projects) are "<u>believed to or known to occur in Maine.</u>" NOTE- these will use Yellow Book appraisals</p>	<p>Ensuring compatibility of RLAG and LMF uses and conservation values</p>	<p>Good communication and advance planning with both potential funders to determine compatibility</p>	<p>Encumbered per standard USFWS conditions</p>	<p>the level of structural compatibility should be high. Under the uniform grant provisions, neither penalties for noncompliance nor provisions upon sale or transfer appear to conflict with LMF provisions.</p>