



Land for Maine's Future Program
Minutes of the Meeting
February 14, 2013

Department of Agriculture, Conservation & Forestry
Maine Forest Service Bolton Hill Facility
Augusta, Maine

Board Members Present:

Bill Vail, Chairman
James Gorman, Jr.
Walter Whitcomb

Diane Doyle
Ben Emory
Patrick Keliher

Norman Gosline
Chandler Woodcock

Board Members Absent:

None

Staff Members Present:

Sam Morris Tom Miragliuolo R. Collin Therrien Aline Smith

Others

Ed Meadows, DACF Commissioner's Office
Shannon Ayotte, DACF Commissioner's Office
Jonathan LaBonte, Androscoggin Land Trust
Richard Murphy, Prospect Holdings LLC
Kathy Eickenberg, DACF Div. of Parks and Public Lands
Dick Clime, Coastal Enterprises Inc.
Nina Young, Maine Farmland Trust
Tom Abello, The Nature Conservancy
Jeff Romano, Maine Coast Heritage Trust
Mike Lane, Preti Flaherty
Katrina Van Dusen, Freeport Conservation Trust
Tania Zuckerman, Presumpscot Regional Land Trust
Harry Childs, Town of Canton
Lindsay Bourgoine, Appalachian Mountain Club
Jim Connolly, and Sarah Demers, Inland Fisheries and Wildlife
Angela Twitchell, Brunswick-Topsham Land Trust
Jerry Bley, Creative Conservation LLC

1. Welcome and Introductions

Chairman Vail called the meeting to order at 9:04, welcomed everyone and asked for introductions around the room. Dep. Commissioner Meadows acknowledged milestones, and informed the Board that Bill Vail is now Chairman. Mr. Meadows recognized and thanked Aline Smith who has been assisting the program with administrative support since it began in 1987. He introduced Ms. Shannon Ayotte of the DACF Commissioner's Office who is now assisting the program and will begin keeping minutes of the meetings.

2. Minutes of the Meeting

Motion: by Commissioner Woodcock, 2nd by Commissioner Whitcomb, to accept the November 19, 2012 minutes of the meeting. Passed unanimously.

3. 2013 Schedule

Staff noted that the Board must have 7 members in attendance to have a quorum. Staff recommended changing the March meeting date to optimize the board members' availability.

Motion: by Commissioner Whitcomb, Commissioner Woodcock 2nd, to accept the calendar with the change of the March meeting to the 25th at 1:00 p.m. Passed unanimously.

4. Status/Balance of funds remaining in LMF Accounts

Deputy Commissioner Meadows presented the Bond Fund Balances and a discussion ensued.

Total Authorized Bonds issued from 2007, 2009, and 2011 amounts to \$34,250,000

Total Bonds to be Sold from 2009 and 2011 amounts to \$12,425,000

Total Cash Balance as of January 31, 2013 is \$4,406,995

It was noted that LMF is working mostly with 2007 monies. 2009 and 2011 LMF bonds are at the moment on hold. The Administration is not releasing bond funds until the state's financial condition improves. The Legislature will be looking at how this might be accomplished.

Board members asked if 2011 Conservation & Recreation funds, could be used to acquire Farmland projects. Staff indicated that the Attorney General's office was of the opinion that yes, C&R funds could interchange as long as the statutory purposes are met.

Board members inquired that if funds were transferred from one category to another would the scoring criteria, appraisal, etc. need to be revisited. Staff noted that the language was silent and the Board would have latitude to make such changes.

Statutory purposes of each bond

Deputy Commissioner Meadows presented a brief overview of the breakdown of bonds and statutory language with each.

On November 6, 2007 voter approved \$17,000,000. The minimum amounts specified in the statute states that of the total proceeds available:

- ✓ **\$1,700,000** must be made available to acquire **Public Access to Maine Waters**;
- ✓ **\$1,700,000** must be made available to protect **Farmland**;
- ✓ **\$3,000,000** must be made available to protect **Working Waterfront properties**.

On November 2, 2010 voter approved \$9,250,000. The minimum amounts specified in the statute states that of the total proceeds available:

- ✓ **\$1,000,000** must be made available to protect **Farmland**;
- ✓ **\$1,750,000** must be made available to protect **Working Waterfront** properties;

On November 6, 2012 voted approved \$5,000,000. Bond language specifies:

- ✓ The funds to be used for land conservation, water access, outdoor recreation, wildlife or fish habitat, farmland preservation, and/or working waterfront preservation.
- ✓ That projects which conserve and protect **deer wintering areas** are to be given priority in the scoring of applications submitted to the Board.

- ✓ It directs the Dept. of Agriculture, Conservation & Forestry and the Dept. of Inland Fisheries & Wildlife to be proactive in pursuing conservation of priority **deer wintering areas**.

5. Status of Active Projects for Available Funds

Dep. Commissioner Meadows reviewed the active projects and funds in response to the Board's request at the November meeting on which projects would be ready to close in 2013 and which would likely not be ready, to help create a funding strategy. Also included was as a list of projects being postponed to 2014 based on input from sponsoring state agency.

Before making a motion of the recommendations listed, the Board had several questions.

When asked if those projects being postponed would 'stop' or be 'bumped' off the list, staff stated that they had no indications that any of the projects being postponed would harm the projects chances of success. LMF staff stated that agencies have responded with recommendations of cost reductions and delay of their own projects. Some projects will temporarily funded directly by the agency in order to allow other projects to continue. Also, some applicants indicated that they are fine with a delay until 2014.

Ben Emory asked should the Board approve using R&C funds to fund farmland projects (*example Scammon Farm and/or Randall Orchards*) would the Scoring Committee need to revisit the scoring criteria. The response from staff was that the language was silent and it would be a matter for Board consideration.

The Board discussed various options and guidance as to what direction might be the best course of action. Concern was expressed that if Conservation and Recreation funds are used for farmland projects, then we need to be careful not to overcommit funds or impair projects already approved.

Motion: by Commissioner Keliher, Commissioner Whitcomb 2nd, to accept the staff recommendations as presented, with the understanding that the list would come back to the Board for review at the next meeting. Passed, with one member (Ben Emory) opposed.

6. Scammon Farm

Ms. Therrien presented an overview of the Scammon Farm project that will be brought to the March meeting for a vote on allocation.

Appraisal Review Committee Recommendation

The ARC finds the "Before and After" appraisal to be conducted in accordance with the board's appraisal standards and recommends approval of the value of the agricultural conservation easement at \$210,000.00.

Motion: by Commissioner Woodcock, Mr. Gosline 2nd, to approve the recommendation of the ARC to accept the appraiser's value of \$210,000. Passed unanimously.

7. Expanding Androscoggin Greenway

Mr. Morris presented an overview of the Expanding the Androscoggin Greenway to Canton, Jay and Livermore Falls project.

Public Notice

On January 11, 2013 published in Lewiston Sun Journal and January 12, 2013 published in the Kennebec Journal.

Public Comment

Harry Childs from the town of Canton spoke regarding the Canton parcel and the effect on the town from losing the tax base from this parcel. Distributed to the Board was a letter from Harry Childs, Canton Town Administrator. Jonathan LaBonte of the Androscoggin Land Trust, also presented a letter to the Board indicating that ALT was committed to not pursuing an application for tax exemption for the tax year following the acquisition. It has not been determined how the parcel's tax status would be treated in the long term.

Mr. LaBonte also addressed Commissioners Keliher's questions regarding FERC licensing issues.

Appraisal Review Committee Recommendation

The ARC finds the appraisals to be conducted in accordance with the board's appraisal review standards. The Committee approves the appraiser's value and accepts the appraisals which total \$227,000.00.

Motion: by Mr. Gorman, Commissioner Woodcock 2nd, to approve the recommendation of the ARC to accept the appraiser's value of \$227,000.00. Passed unanimously.

Motion: by Mr. Emory, Diane Doyle 2nd, to authorize funding in the amount of \$105,500.00 from Conservation and Recreation funds and \$18,000.00 in LMF Public Access to Maine's Waters funds for the Expanding Androscoggin Greenway project. Passed with one member opposed (Commissioner Woodcock).

8. Pleasant Bay Wildlife Management Area

Ms. Therrien presented an overview of the project which supports use by hikers, hunters, bird watchers and active recreationists and is an example of an integrated multi-parcel wildlife habitat project.

8a. Amendment requested by DIFW to add two undeveloped land parcels to the project

Ms. Therrien recommended that the board approve the addition of two parcels within the current existing allocation, the Oscar Pond North parcel and Ports Harbor South parcel.

Commissioner Woodcock thanked Sarah Demers for her work on this sizable project.

A discussion ensued about the ME DIFW request for Board acceptance to amend the project to include two undeveloped parcels. During discussion Mr. Gosline expressed concern regarding appraisers use of hypothetical conditions in their approach to determine a value. The use of this approach is discouraged.

Motion: by Mr. Emory, Commissioner Keliher 2nd, to: 1.) accept inclusion of the Oscar Pond North parcel and Port's Harbor South parcel into the Round 7, Pleasant Bay Wildlife Management Area project; and 2.) approve LMF funding for these two parcels based upon LMF accepted appraisal and, subject to standard conditions; and 3.) the amount of LMF funding for these 2 parcels is within the total project allocation of \$960,700. Passed with one member opposed (Norman Gosline).

8b. Oscar Pond North Parcel acquisition by DIFW

Appraisal Review Committee Recommendation

The ARC finds the appraisals to be conducted in accordance with the board's appraisal standards and recommends approval of the appraiser's determination of the value at \$190,000.

Motion: by Mr. Gorman, Ms. Doyle 2nd, to approve the recommendation of the ARC to accept the appraiser's value, and to authorize funding in the amount of \$75,000 from LMF Conservation and Recreation funds for the Oscar Pond North parcel. This amount is within previously approved LMF Conservation and Recreation project

allocation of \$960,700 for 5 project parcels. Passed with two members opposing (Norman Gosline and Commissioner Whitcomb).

Ben Emory suggested that the board hold discussions about the Appraisal Review Process in advance of any new round of applications in consideration of the new members present. He briefly described past Appraisal Review Committee and board discussions on the topic.

At this time, the Chair introduced Jim Norris, newly appointed LMF Board member. Mr. Norris has a background in real estate appraisal and land conservation.

STAFF UPDATE

9. China Lake:

Mr. Morris presented an update of the China Lake Swimming and Recreation Area project. The allocation is being reduced based upon the ARC recommendation of an updated value from \$267,000 to \$122,000.

10. Live Lobster Working Waterfront:

Mr. Miragliuolo presented an update on the Live Lobster project. This project had become inactive due to the original applicant's financial difficulties and now the property is under new ownership. A representative of the new owners submitted a brief written summary of the new owner's intentions. Commissioner Keliher submitted a written letter of support. With the new ownership this project has become active again.

2013 Biennial Report:

Dep. Commissioner Meadows presented a short power point presentation on the LMF Biennial Report which was presented to the ACF Committee on February 12, 2013. At the ACF Committee meeting, former LMF Board chairman and ACF committee member Don Marean spoke in support of the report. These two years have been a period of great transition for this program. Mr. Meadows expressed appreciation for the substantial efforts and the accomplishments of agency staff and LMF staff in achieving completion of 38 projects, conserving 30,081 acres in the last 2 years.

Deer Wintering:

A slide presentation "*Deer Wintering Areas: Ecology and Management*" was made by Jim Connolly, IF&W, Wildlife Division Director. The presentation outlined deer and their environment, population dynamics and limiting factors, deer wintering areas, and habitat management. This presentation was requested by the Board to provide background information regarding the \$5M bond of 2012 (PL 2011 Chapter 696) which notes that "projects that conserve and protect deer wintering areas are considered to have special value and must receive preferential consideration during scoring of new applications". The Department of Inland Fisheries & Wildlife will assist in identifying such areas.

The next LMF Board meeting is scheduled for March 25, 2013 at 1:00 p.m. at the DACF Bolton Hill Facility.

Adjourn: 12:25 p.m.