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LAND

FOR MAINE'S FUTURE

BOARD

BIENNIAL REPORT:
FEBRUARY 1990

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LAND FOR MAINE'S FUTURE BOARD
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333

LAND FOR MAINE'S FUTURE BOARD

Richard H. Silkman, Chair
Director
State Planning Office

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York, Maine

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St. David, Maine

Alice H. Rand
Cape Elizabeth, Maine

Robert E. Suminsby
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Clinton B. Townsend
Canaan, Maine

Richard J. Warren
Bangor, Maine

State Agency Members

William Brennan, Commissioner
Department of Marine Resources

C. Edwin Meadows, Commissioner
Department of Conservation

Bernard Shaw, Commissioner
Department of Agriculture, Food
and Rural Resources

William J. Vail, Commissioner
Department of Inland Fisheries and
Wildlife

Staff

James R. Bernard, Coordinator

Lissa Widoff, Senior Planner

Submitted to the Joint Standing Committee on Energy and Natural Resources of the 114th
Maine Legislature

February 1990

INTRODUCTION

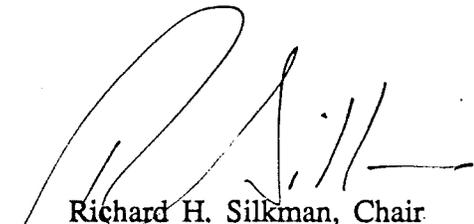
This report to the Maine Legislature complies with the amended reporting requirement (5 MRSA Chapter 353, Section 6206-E) that states it is the responsibility of the Land for Maine's Future Board to "report biennially to the joint standing committee of the Legislature having jurisdiction over natural resources on expenditure of the fund and revisions to the strategy and guidelines."

The Board's legislative mandate is to acquire natural lands of state significance. The Board has defined properties of state significance as those which "make a substantial and lasting contribution towards assuring all of Maine citizens, present and future, the traditional Maine heritage of public access to Maine's land and water resources or continued quality and availability of natural resources important to the interests and continued heritage of Maine people."

Based on nine workshops held around the State in April and May of 1988, the Board purposely designed guidelines and procedures that have enabled non-profit conservation organizations, land trusts, conservation commissions, towns, landowners, and private citizens to become involved in nominating properties of state significance for acquisition.

Working cooperatively with State agencies and a variety of public and private organizations over the last two years, the Board has been able to obligate funds to acquire eight valuable properties that the citizens of Maine will be able to enjoy in perpetuity.

As the Director of the State Planning Office, the lead State agency coordinating the land acquisition process, it is my particular pleasure to offer this report as a detailed description of the activities of the Land for Maine's Future Board.



Richard H. Silkman, Chair
Land for Maine's Future Board

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LMFB BIENNIAL REPORT TO THE LEGISLATURE

FEBRUARY 1990

I The Land For Maine's Future Fund

Creation of the Fund

In November 1987, Maine voters approved by an overwhelming vote a referendum to create a \$35 million fund for purchasing lands of statewide significance for recreation and conservation. With the realization that traditional use of privately-owned recreation lands was not guaranteed and that lands of conservation value were becoming increasingly threatened by development and incompatible land uses, it became apparent to Maine voters that the State of Maine should actively identify and acquire lands for public use and protection.

Maine, as most New England states, has a very low percentage of publicly owned lands, less than five percent. State and federal agencies, private non-profit conservation organizations and land trusts and municipalities do not have the capacity to identify, purchase, and manage new public lands alone, and at a sufficient pace to prevent the loss of all significant lands. The Land For Maine's Future Fund has established a coordinated program in which priority lands can be acquired by the State using the expertise and resources of these various groups to complement the use of the Fund, as intended by the Legislature.

The companion legislation to the bond referendum establishing the Land For Maine's Future Fund (5 MRSA c. 353) defined the kinds of lands that should be acquired and the criteria that should be used in selecting these lands; and the land protection tools available for use and how the Land For Maine's Future Board should be composed, undertake its decision-making responsibilities and fulfill its obligations to the Legislature. All lands acquired with use of the Fund are to be held by the appropriate land-holding agency and are intended to remain in public ownership for the benefit of future generations. Unless there is specific language in a deed prohibiting resale, lands acquired through the use of the Fund cannot be sold or used for purposes other than those stated in the statute unless approved by a 2/3 majority of the Legislature.

Land for Maine's Future Fund Companion Legislation

Since the passage of the LMFF companion legislation in June 1987, and voter approval of the bond issue in November 1987, there have been four amendments to the LMFB statute. The first dealt with the composition of the Land For Maine's Future Board, and the latter three specified the process by which landowners of properties of interest to the Board are notified, clarifying when and how State agency eminent domain powers may be used in an LMFB acquisition.

The composition of the LMFB was originally nine members. Five permanent members originally included the Commissioners of Conservation, Inland Fisheries and Wildlife, Transportation, Agriculture, Food and Rural Resources, and the Director of the State Planning Office. Four private citizen members were to be appointed by the

Governor, subject to confirmation hearings by the Energy and Natural Resources Committee and approval of the Legislature. An amendment in May 1988 (LD 2653) changed the Board's composition by adding two additional private citizen members to the Board and replaced the Commissioner of Transportation with the Commissioner of Marine Resources.

In August 1989, the Legislature approved LD 1815 superceding several changes to the LMFB legislation enacted through the passage of LD 1746 in June 1989. LD 1815 amends the LMFB statute to require that prior to a decision to negotiate on a particular piece of land, the Board shall notify the landowner, as identified in the tax records, by certified mail, of its intentions to undertake acquisition efforts.

Once negotiations are complete, the Board must publish a notice of its intent to acquire the land in a newspaper or newspapers of general circulation prior to a Board vote to obligate funds for the purchase. The public notice must identify the land to be considered and request public comment on the proposed acquisition.

LD 1815 also clarified the ability of the Board to potentially use the eminent domain authority held by the Bureau of Parks and Recreation and by the Department of Inland Fisheries and Wildlife. When the eminent domain powers of the State agencies are to be used in an LMF acquisition, as in a case when there is defective title to land owned by a willing seller, the LMFB must have either the consent of the landowner(s) of record, if they can be identified and located, or receive approval of the Legislature to use eminent domain powers.

If eminent domain proceedings are to involve more than 50 acres of land or more than \$100,000 in assessed value, municipal approval is required. This approval can be obtained from the town officials, or in the case of their negative vote, by a town vote at public meeting or referendum. This provision is only applicable to the organized towns.

Retained from LD 1746 is a provision concerning data sharing, requiring the Board to notify the affected landowner(s) by certified mail when the Board intends to transfer information acquired through the LMF process to a local or federal agency.

Most recently, LD 1943 was passed by the 114th Legislature and signed by the Governor in February 1990. This amendment directs the LMFB to cease negotiation with any landowner who notifies the Board in writing of his unwillingness to have his property considered for acquisition.

The Land For Maine's Future Fund: Terms and Conditions of Use

The Land For Maine's Future Fund is financed by the sale of \$35 million in bonds. The allocation schedule of the bond funds took effect in November 1987, when the referendum was approved. At that time, \$5 million were authorized for Board use. In July 1988, a subsequent \$10 million of the bond fund was authorized to be available to the Board. Another \$10 million was authorized for use in July 1989 and the last \$10 million will be available in July 1990.

Although allowed by the LMFF companion legislation, the federal Tax Reform Act of 1986 prohibits collection of interest from bond proceeds.

The Fund may be used for acquiring land that meets the criteria outlined in the companion legislation, in either fee or less-than-fee simple interest. Less-than fee purchases may include, but not be limited to, conservation easements, access easements, scenic easements and other permanent interests in land. Long-term leases of at least 99 years in length are also possible.

Other uses of the Fund include direct expenses related to authorized acquisition projects, such as appraisals, surveys, title work, associated legal costs, and project consultants when the expertise required for the completion of a project is not available within state government.

Minor capital improvements on acquired lands to improve accessibility are an allowable expense of the bond proceeds, as long as the improvements do not exceed 5% of the appraised value of the acquired property. This funding cannot be used for organized recreational facility construction or improvement, such as tennis courts, ballfields and playgrounds.

The Land For Maine's Future Fund statute requires that all lands acquired with the Fund be evaluated for rare, threatened and endangered species, exemplary natural communities, features of historic significance and other high priority natural features and ecologic functions. If such evaluations are not complete by the time of purchase, the Fund may be used for these activities.

A stewardship account may be established for the purposes of managing LMFB-acquired lands. In acquisitions with matching funds not derived from a bond request, up to 20% of the appraised value of the property, or the amount of cash contributed as matching funds, whichever is less, may be placed into a stewardship account.

Acquisition Criteria and Land Categories

The primary criterion for the selection of lands to be purchased by LMFB is that they be natural lands of state significance and contain recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, wetlands, fragile mountain areas, or lands with other conservation or recreational values; contain habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; or provide public access to recreation opportunities or those natural resources described above.

A proposed acquisition has been recognized to be of state significance when the resource values or recreational opportunities are documented to be the best or among the best in the State by information from a data base, comprehensive published reports, or credible testimony. Such properties would provide public access to outdoor recreational opportunities or natural resources or contain multiple outstanding resources or recreational values of statewide significance as supported by the above-mentioned sources. In some cases, a property may contain a single exceptional value that is the best or among the best of that type or category of land in the State.

Priority is also given to projects with matching funds from cooperating entities and to those lands which provide geographic representation and build upon or connect existing State holdings.

Board Composition

The eleven-member Board has been meeting monthly since February 1988 after the first private citizen members were appointed in January 1988. As called for in the companion legislation, the private members of the Board "provide broad geographic representation." The private members of the Board and their terms for service are:

<u>Board Member</u>	<u>Term began</u>	<u>Term ends</u>
Marion Fuller Brown (York)	January 1990	January 1994
Clinton B. Townsend (Canaan)	January 1988	January 1992
Robert Suminsby (Northeast Harbor)	January 1988	January 1991
Richard Warren (Bangor)	January 1988	January 1992
Alice Rand (Cape Elizabeth)	November 1988	November 1991
Mira Michaud (St. David)	November 1988	November 1990

The current public members of the Board are:

Richard H. Silkman, Chair, Director of State Planning Office

C. Edwin Meadows, Commissioner of Conservation

William J. Vail, Commissioner of Inland Fisheries and Wildlife

William Brennan, Commissioner of Marine Resources

Bernard Shaw, Commissioner of Agriculture, Food and Rural Resources

Board Staff

Administration of the bond fund and coordination of the Board's process rests with the State Planning Office. In August 1988, one full-time Senior Planner was hired to facilitate Board activities. This staff person, Lissa Widoff, is primarily responsible for the day-to-day activities of the Board, including the workings of its committees and the ongoing cooperative arrangements between the Board, State agencies, and cooperating entities. Ms. Widoff is also primarily responsible for field evaluation of properties to be considered by the Board and for tracking the progress of authorized acquisition projects.

James R. Bernard, Director of the Natural Resources Policy Division of the State Planning Office serves as the LMFB Coordinator, overseeing all aspects of the Program, including fund disbursement and Board policy development. Mr. Bernard served as staff person to the Board through the needs assessment phase of the Board's process up to the final drafting and submission to the Legislature of the Strategy and Guidelines for Acquisition document.

In addition, the Board has drawn extensively on State agency staff from the Departments of Conservation and Inland Fisheries and Wildlife for all phases of its activities, and on the Department of Transportation's Legal staff for support during and after negotiation on acquired properties.

Secretarial and support staff is provided by the existing staff at the State Planning Office, primarily in the Natural Resources Policy Division.

Cooperative Arrangements to Facilitate Acquisitions

The Land for Maine's Future Board has developed and signed a number of memorandums of agreement and has developed working arrangements with a number of State agencies to facilitate portions of the acquisition process. The agreements cover a number of functions essential to meeting the legal mandate of the program that could not be met with existing staff resources.

The memoranda of agreement cover evaluation of lands acquired for rare, threatened and endangered species and habitat and historic resources, tracking the progress of properties that are under Board consideration as they proceed through the LMFB process, facilitation of commissioning appraisals, and providing essential legal services. Working arrangements have been developed to enable the timely evaluation of proposals for their fish and wildlife habitat values and to expedite the contracting of survey and appraisal work and its subsequent review.

Memorandum of Agreement: Natural Heritage Data System

In May 1988, the LMFB determined that a computerized tracking system for lands proposed to the Board would be essential for successful acquisition of lands representing Maine's heritage. The Board also determined that the most fully developed tracking system had been designed as part of The Nature Conservancy's Natural Heritage Data Base.

As a result, the LMFB is a signatory to an MOA creating a Maine Natural Heritage Program Data System, long with the Departments of Economic and Community Development, Environmental Protection, Inland Fisheries and Wildlife and The Nature Conservancy. The Data System is being used to collect, store, and disseminate information on endangered and rare plants, animals, natural communities, and other significant natural resources to fulfill the respective needs of these agencies and the citizens of Maine. As a portion of the Data System, LMFB staff will organize, transcribe and computerize relevant data for lands of interest to the Board.

Memorandum of Agreement: Maine Historic Preservation Commission

In October 1989, the LMFB signed an agreement with the Maine Historic Preservation Commission to enable the Board to meet the mandate of 5 MRSA 353 Section 6209(5) of the Land for Maine's Future Fund companion legislation which states that "all lands acquired with fund money shall be evaluated for ...features of historic significance...with reference to the best inventory data available to the State". Under the agreement, the LMFB periodically requests that the MHPC undertake archeological surveys designed to find all sites eligible for listing in the National Register of Historic Places, and

recover enough information to nominate them.

The extent of the surveys is determined by proposals developed by MHPC for each specific property that is acquired by the Board. Reports developed as a result of the surveys are furnished to the LMFB and the titleholding agency for review. Reports have been completed for Dodge Point and Shackford Head. Proposals are being considered by the Board for archeological surveys of Mount Kineo, Sandy Point Beach and Tide Mill Farm/Commissary Point.

As 5 MRSA 353 Section 6209(5) states further that "subsequent management by State agencies holding properties found to have such important features...shall reflect the objective of maintaining and protecting those features...", the MHPC and the LMFB have agreed that the archeological survey information will be used in fulfilling the archeological site management component of any management plan for newly purchased lands that is submitted to LMFB as part of a request for access improvement or stewardship funding.

Memorandum of Agreement: Department of Inland Fisheries and Wildlife

The Board and the Department have simply agreed formally that land appraisal and surveying work on properties of mutual interest will be undertaken with IF&W responsible for contracting and the LMFB responsible for funding.

Memorandum of Agreement: Department of Transportation, Legal Division

In November 1989, the LMFB and the Department of Transportation, Legal Division entered into an agreement for legal services in connection with acquisitions of lands by the Board, including undertaking title searches, development of purchase and sale agreement contracts, and preparation of closing documents. In providing these services to the Board, DOT Legal will work in cooperation with the Department of the Attorney General. When insufficient legal staff are available to perform the necessary work, DOT Legal may retain the services of outside private counsel.

All purchase and sale agreements, documents of title and other agreements entered into by the Board are reviewed by DOT Legal and the Department of Attorney General prior to execution.

The agreement also instituted a process of holding monthly "check-point meetings" to coordinate the acquisition process and to review significant acquisition and legal issues.

Working Arrangements: State Natural Resources Agencies Field Evaluation Assistance

On an informal basis, the DIF&W regional biologists provide field data and evaluations of land proposed for acquisition by the Board. The information provided by the regional biologists concerns the natural characteristics of the land as fish or wildlife habitat and its use pattern by recreational users. This data is used to evaluate and more accurately score the proposed properties.

Similarly, field staff in the Department of Conservation Bureaus of Public Lands and Parks and Recreation have provided essential local knowledge of properties under

consideration by the Board. For instance, BPL staff have analyzed the health and stocking levels of forested lands. BPR staff have analyzed raw land and river corridor areas for their recreation potential.

Working Arrangements: Department of Conservation, Engineering and Realty Division

Almost all contracts for appraisals, environmental tests, and surveys on lands to be acquired by the Board are developed by the Engineering and Realty Division, DOC after being commissioned by the LMFB. This contribution of the Engineering and Realty Division in formulating precise contract descriptions has facilitated the work of the Board while adhering to State contractual procedures. Contractors for the Board are drawn from approved lists maintained by the Bureau of Public Improvements or if they have site specific expertise or knowledge.

The Engineering and Realty Division also reviews all appraisals that are undertaken by or submitted to the LMFB for completeness and conceptual validity.

Board Outreach

The LMFB decided at their initial meeting in February 1988 to undertake a public participation and involvement strategy that would succeed in communicating effectively with the citizens of Maine. To that end, LMFB staff prepare a monthly newsletter called **Gaining Ground**, which is sent to over 1,800 individuals and organizations that have participated in the program to date, either through workshops, proposals of land, or requests for information about the Program. **Gaining Ground** covers the activities of the Board, provides updates on LMFB-related legislation, and notes land acquisition by State, federal and non-profit programs.

The Board has also set aside a portion of time during its monthly meetings for public participation and comment.



II Strategy and Guidelines for Acquisition

Criteria for the selection of properties to be acquired by the Land For Maine's Future Fund as outlined by the Legislation have been incorporated into the Strategy and Guidelines for Acquisition, a document which summarizes the processes, procedures, and policies of the Board.

There are three basic components to the LMF acquisition process. The first is an ongoing needs assessment whereby public land acquisition needs are continually reviewed and updated as purchases are completed by LMFB and other land-holding agencies. Through this work, priorities and potential sites for acquisition can be identified by the LMFB, staff, and agencies.

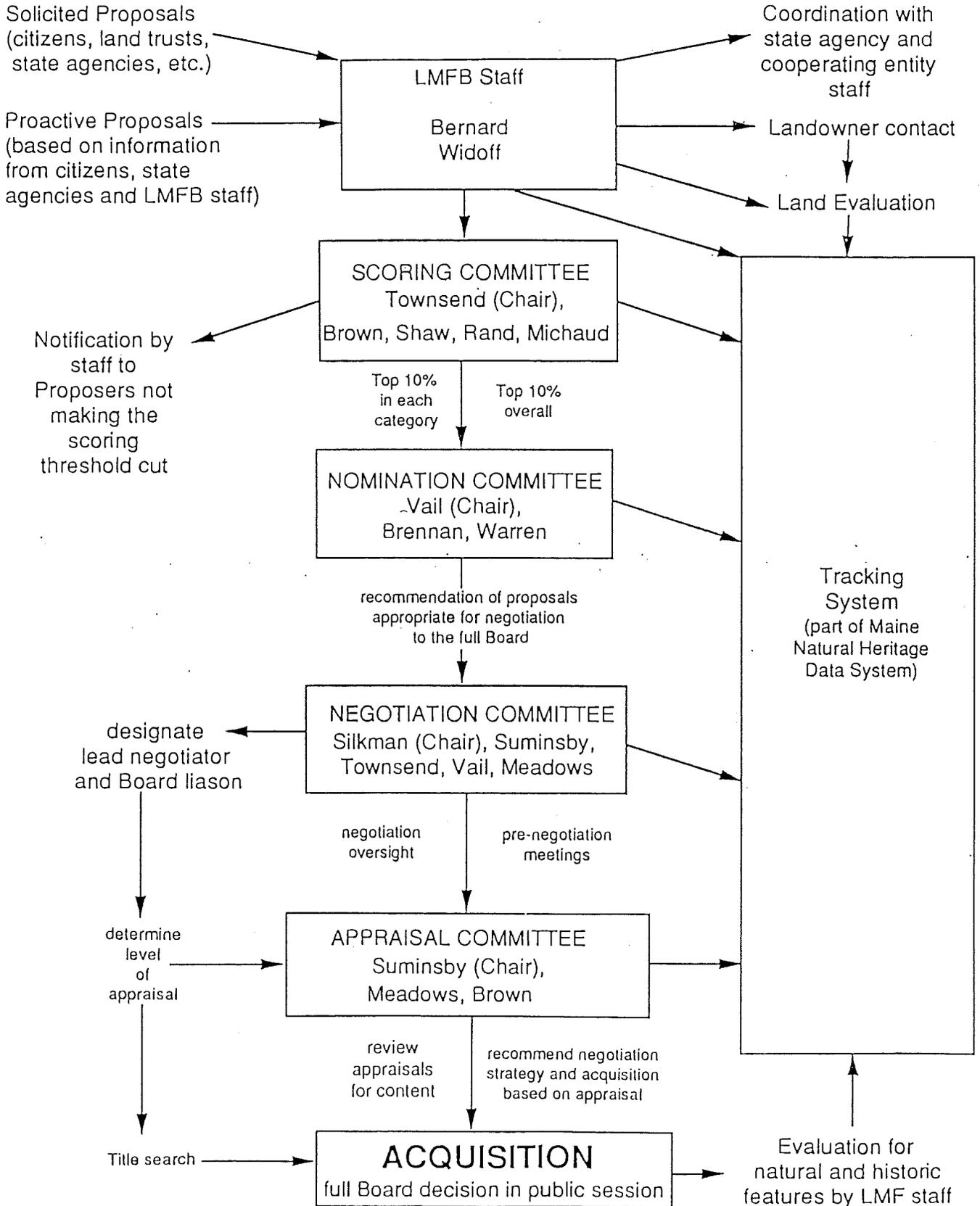
Second, there is the process by which properties can be considered and selected by the Board. This process has remained flexible, allowing a maximum amount of public participation in proposing lands to be considered, while facilitating expedient action by the Board on significant properties when necessary. The careful evaluation of properties to assure their adherence to the LMFB acquisition criteria is undertaken by LMFB staff and one of several Board Committees.

Last, there is the acquisition process involving the Board and its committees, Board staff and State agency staff, working together to complete the purchase of a property selected by the Board. A schematic design of the Board's process is shown in Exhibit I on the following page.

The Strategy and Guidelines for Acquisition document that was presented to the Energy and Natural Resources Committee of the Legislature in September 1988 included a statement of goals and principles for the LMFB, a definition of State significance, land classification categories, a discussion of existing State agency land acquisition programs, guidelines for the nomination of properties to the Board, the criteria for acquisition articulated by the Board's scoring system, negotiation procedures, and the LMFB priorities for acquisition based on the Board's needs assessment. All of the components of the Strategy and Guidelines for Acquisition document were developed incrementally by the Board and discussed in public session prior to adoption.

Subsequent to September 1988, guidelines for obtaining access improvements funding, guidelines for obtaining funding for a stewardship account, and appraisal procedures were adopted by the Board in April 1989. Guidelines for landowner contact for proposals submitted to the Land for Maine's Future Board were adopted in May 1989. These additions to the Strategy and Guidelines document were added in a July 1989 revision. A statement of aggregate State significance was adopted by the Board in October 1989 and a revised version of the document was published in January 1990. A purchase of development rights/conservation easement acquisition policy statement was adopted by the Board in January 1990 and will become part of the document in February 1990.

**Exhibit I--Schematic Design of the LMFB Process
Land for Maine's Future Board
STAFF and COMMITTEES**



Needs Assessment

To more specifically determine what kinds of lands are most in need of protection in different parts of the State, a legislatively mandated "needs assessment" was undertaken. The Assessment consisted of five parts: public participation/outreach; a review of data bases significant to acquisition; an assessment of communications from Maine citizens to the Board; creation of a map of State and federal public conservation lands; and a summary of existing acquisition programs.

Nine public workshops were held around the state in April and May 1988, providing an opportunity for the public to voice their interests and their perceptions of the need for various types of lands to be acquired for the public. Information from questionnaires completed by workshop participants was entered into a data base that complements information available through State agencies for determining acquisition priorities. The statistical results of the workshops are included in this report as Appendix I.

Overall, there was an overwhelming recognition concerning the loss of access to and use of traditional recreation lands. This included waterfront lands of all kinds and lands available for hunting and other passive recreational pursuits. The loss of critical and threatened habitats was noted in all workshops. Access to lakes and ponds were of great concern in all regions of the state.

A set of ten maps and an accompanying brochure of Federal and State-held conservation lands in Maine were completed in May 1989, with funding assistance from the federal Land and Water Conservation Fund administered by the Bureau of Parks and Recreation. This visual and practical aid has been distributed to state agencies and conservation organizations. The map is a useful planning tool to help agencies and the LMFB to set land acquisition priorities. The map will be updated as purchases are completed and will be incorporated into the State geographic information system.

LMFB Proposals and Site Selection

The LMFB Strategy and Guidelines for Acquisition document outlines the process for the nomination of lands to the Board for consideration. To assist individuals, towns and organizations in proposing nominations of land to the Board, LMFB staff developed a Proposal Workbook which includes a proposal form to be used by participants. The use of a standard format in presenting properties to the Board facilitates review and evaluation.

The Board solicited proposals from the public during two specified periods. The first was in September 1988 and was preceded by three workshops designed to give potential proposers more information and guidance about the process. An opportunity for proposals to be received from the public was again opened and ran from January to March 1989. The LMFB Nominations Committee was formed to review these proposals and determine whether there were other priorities which were not being presented to the Board.

A total of 99 proposals were received during these two periods (55 in the first and 44 in the second). They were presented by individuals and landowners, conservation organizations, towns, planning commissions, and local area committees and represented all

areas of the state. During this same time, there were four proposals received from state agencies themselves, and in some cases agencies supported particular proposals prepared by other groups. Exhibit II provides a breakout of the land types, geographic locations, lead agencies and proposers from both proposal periods.

While recreation lands dominated the proposed lands for acquisition with 41 proposals, all land categories and all areas of Maine were represented. The largest single source of proposals (26) was derived from landowners themselves.

One very positive consequence of the proposal process has been the creation of new land trusts in Maine, several for the purpose of supporting proposals made to the Board.

Unsolicited proposals continue to be received by the Board. These proposals are reviewed for their relevance to current Board and land holding agency priorities. A response is sent to the proposer within a month. All lands proposed in this manner are retained as "leads" by the LMFB staff.

Exhibit II--Statistical Analysis of LMFB Proposals

	Proposal Period		<u>Total</u>
	<u>September 1988</u>	<u>March 1989</u>	
Total Proposals	55	44	99
Proposals by LMFB Land Category			
Recreation Lands	25	16	41
Conservation Lands	4	10	14
Rare/Threatened/Endangered Habitat	4	2	6
Water Access Lands	11	9	20
Scenic Interest Lands/Prime Physical Features	5	2	7
Farmland and Open Space	4	5	9
Proposals by Lead Agency			
Bureau of Parks and Recreation	17	20	37
Bureau of Public Lands	10	3	13
Inland Fisheries and Wildlife	10	14	24
Agriculture, Food and Rural Resources	3	5	8
The Nature Conservancy	2	0	2
Undetermined	8	2	10
Proposals by Proposer Type			
Land Trust	7	3	10
Local Government	11	10	21
Conservation Organization	3	2	5
Landowner	8	18	26
Individual Citizens	13	4	17
Informal Committee	10	5	15
Landowners Association	1	0	1
State Agency	0	1	1
Land for Maine's Future Board	0	1	1
Proposals by County			
York	5	5	10
Cumberland	5	9	14
Sagadahoc	4	0	4
Androscoggin	2	1	3
Kennebec	4	5	9
Lincoln	3	1	4
Knox	2	0	2
Waldo	3	1	4
Hancock	4	1	5
Washington	7	3	10
Penobscot	0	5	5
Somerset	0	1	1
Oxford	5	8	13
Franklin	3	2	5
Piscataquis	3	0	3
Aroostook	5	2	7
Proposals with coastal access	8	6	14
Proposals including water frontage	37	32	69
Inland proposals	41	38	79
Proposals with coastal viewshed only	3	0	3
Proposals including river corridors or river access	na	7	7
Proposals including lake access	na	20	20

All lands proposed during these proposal periods were visited and evaluated by LMFB Staff and sometimes by supporting agency staff. The LMFB has a scoring system that it uses to determine the relative significance of the proposed properties. The scores and evaluations are reviewed by the LMFB Scoring Committee before sites are recommended for Board action. This scoring system was devised by the Board to assist in prioritizing lands for potential acquisition. The scoring system assigns points to the relative value of five criteria associated with an acquisition proposal: the naturalness of the land; accessibility of the land; proximity to other State lands; land category significance and need; and multiple values.

To ensure that a variety of lands in different geographic areas will be acquired, the Board gives priority to lands that score in the top 10% of all sites as well as the top 10% of those proposed in the same land category. The categories identified by the Board for this purpose are: Recreation Lands; Water Access lands; Lands Supporting Vital Ecological or Conservation Functions and Values; Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat; Areas of Scenic Interest and Prime Physical Features; and Farmland and Open Space.

Based on the needs assessment process, the priorities of the Land for Maine's Future Board have focussed on three categories of land: water access lands; lands supporting vital ecological or conservation functions and values, and recreation lands. Examples of water access lands include coastal or inland beach access for swimming, fishing access, and boat or canoe launching sites. Examples of conservation lands include wildlife habitat, wetlands, or lands important to specific species in Maine. The recreation lands to be sought are those that offer hunting or fishing opportunities or trail corridors.

The final determination by the Board as to whether to take on a particular acquisition project includes an analysis of other acquisition-related factors such as the feasibility of the project, landowner willingness, agency support, and cost.

LMFB Acquisition Process

When a property is selected by the Board for acquisition, a lead negotiator is identified, usually someone from the State agency that will hold title to the land. Occasionally, a cooperating entity representative can be selected as negotiator. This has been the case with several properties proposed by The Nature Conservancy. The lead negotiator is the single point of contact for progress on the project and reports to the agency, the LMFB and staff, and to legal staff involved with the project. Other cooperating entities, such as the Maine Coast Heritage Trust, have assisted Board negotiators by providing expertise and information gained from landowner contacts made prior to formal LMFB negotiation.

Properties which have been selected by the Board for acquisition must be appraised by a qualified appraiser. The appraisal report serves as a basis for negotiations with the landowner. The landowner may review the appraisal and if desired, commission his or her own. The Board has Appraisal and Negotiation Committees which assist in the analysis of the appraisal reports and serve to advise lead negotiators and agencies during the course of the negotiations.

Once a price has been agreed to, the legal work of searching title and preparing purchase and sale agreements and other documents can begin. The LMFB has signed an agreement with the Department of Transportation enabling them to provide legal services for the Board at cost. Their experienced staff of title examiners and lawyers, in conjunction with the services of the Attorney General's Office, has been instrumental in meeting the needs of the LMFB acquisitions process.

When an agreement has been signed by both parties, the Board begins its public notification process and requests comments on the proposed acquisition prior to the Board vote on approval of the acquisition at the next scheduled Board meeting. At the Board meeting where obligation of funds towards the purchase of property will be considered by a vote, the public also has an opportunity to provide comments to the Board concerning the proposed purchase.

After approval by the Board, the funds obligated for the specific purchase are withdrawn from the bond account at the time of closing.

III Completed LMFB Acquisitions 1988-1990

The Board began to select properties for acquisition following the first proposal period in September 1988. By November 1988, the first proposals had been evaluated by Board staff and several properties had been identified as priorities for purchase by the Board. Additional properties have also been identified as potential priorities from a second proposal period, held from January to March 1989.

In the year since priority acquisitions were first identified, appraisals were commissioned, further evaluations took place, and discussions began with certain landowners. Through these efforts, eight projects have come to fruition, a few have been dropped from consideration, and others are nearing completion or are still under negotiation.

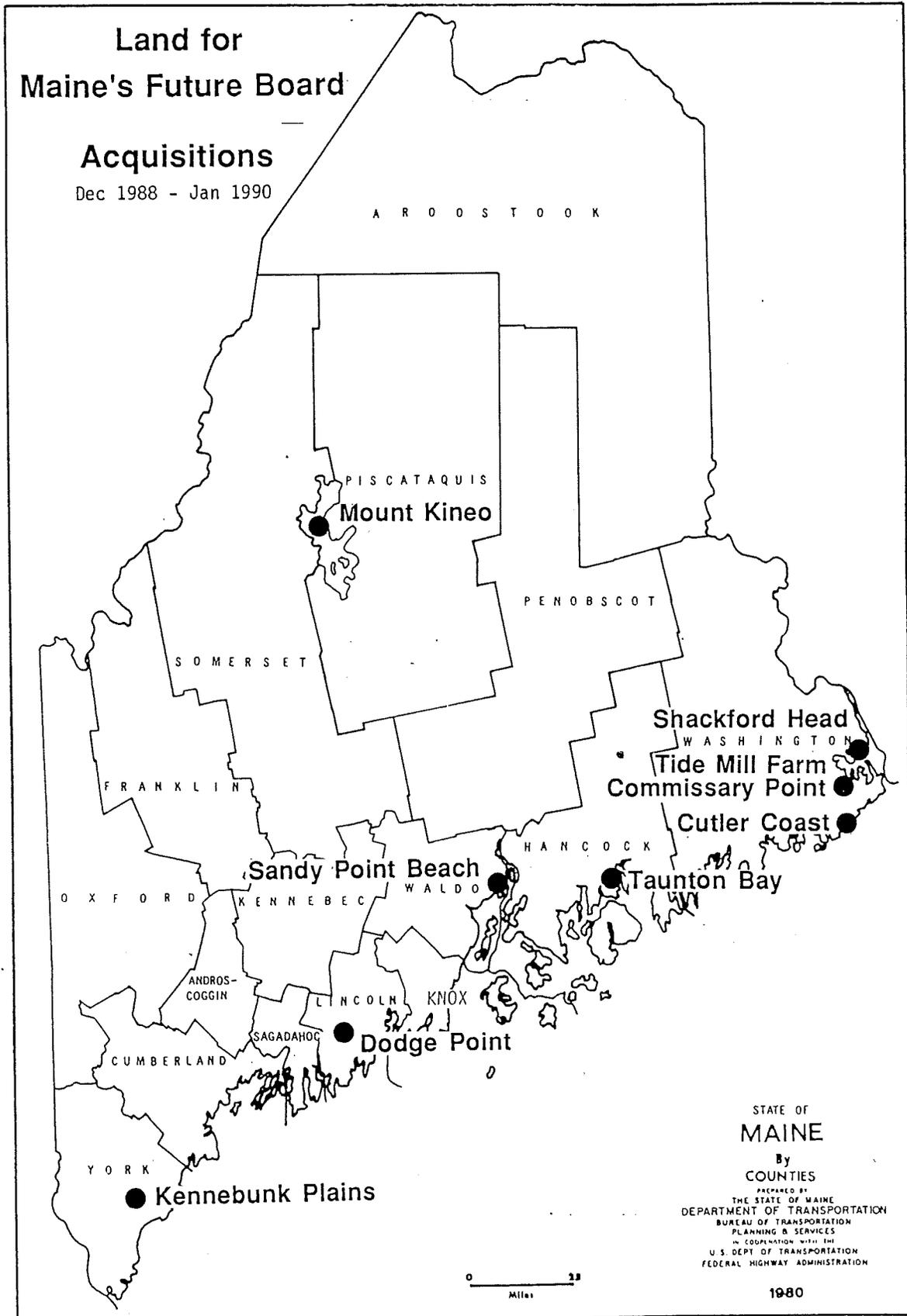
The acquired properties range in acreage from 90 to 2100 acres and are located in various regions of the state from the mid-coast region, to the downeast coast to Northern Maine. Projects are currently in negotiation in southern, western and far northern regions of the State as well.

For each acquisition, the Board has elected to reserve 5% of the appraised value of each purchase to use for access and capital improvements. The provision in the LMF statute making these funds available is the only State source of funds currently available to the titleholding agencies to develop the properties for public use.

Stewardship funds for the long-term management of the properties are available when they are contributed from private sources. The only stewardship funds contributed to date are those of in-kind services in which a town or organization offers to bear certain management costs over a period of time.

The eight projects approved by the Board to date are described in Exhibit III which follows.

Exhibit III--Summaries and Maps of LMFB Acquisitions



KENNEBUNK PLAINS

The Kennebunk Plains, the first purchase approved by the Land For Maine's Future Board is a large sandplain grassland community. The majority of the property has been under blueberry cultivation for many years, and is fringed by pitch pine woodlands. The endangered grasshopper sparrow nests on the Plains, favoring those areas where herbicide spraying has not killed the bunching grasses the birds require for nesting material. The grassland habitat, never abundant in New England, is now rapidly declining due to commercial development, fire suppression, and changing agricultural practices.

As a result, a number of plant and animal species characteristic of this community are threatened in the region. In fact, the Kennebunk Plains supports four animal and plant species considered endangered in the State of Maine and five additional species that are rare. Only a few sites in Maine, such as Mount Katahdin and the St. John River, have a greater number of rare species co-occurring at the same location. State acquisition of 1041 acres of the Plains in Kennebunk and Wells, adjacent to a 120-acre preserve owned by The Nature Conservancy, will assure the long-term survival of these species and communities found on the Plains.

The Plains also overlies a significant sand and gravel aquifer which is important to the local water district. Traditional uses of the property include hunting for wild turkey, grouse and deer. The Kennebunk Plains may have had significance historically as an important site for Native American Indians. Archaeological surveys to determine the extent and location of significant sites on the Plains is will be undertaken by the Maine Historic Preservation Commission in the Spring of 1990.

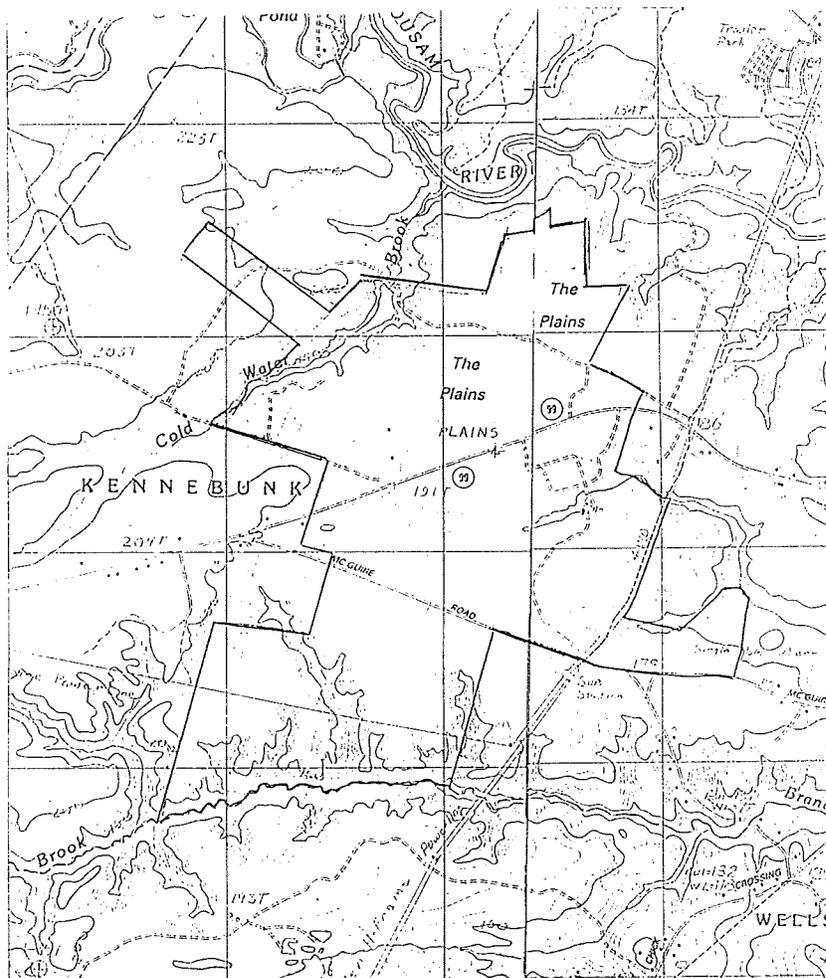
The Maine Department of Inland Fisheries and Wildlife is to hold title to this property, purchased for \$2,500,000 from Coastal Blueberry Service, Inc. using \$2,061,800 of the Land For Maine's Future Fund along with \$300,000 in matching funds from the Department's land acquisition bond; \$100,000 from the Kennebunk, Kennebunkport, Wells Water District; \$13,398 from The Kennebunk Conservation Commission and \$10,000 from the Ramanascho Land Trust.

In addition to proposing the property, The Nature Conservancy has contributed a 105-acre property on Taunton Bay in Hancock County valued at \$540,000 to IF&W. Kent Wommack served as the Board's lead negotiator in acquiring the property. As the Board's first acquisition in December 1988, the deal has exemplified the kind of cooperative support that was originally envisioned in the legislation. Closing on the property is scheduled for February 1990.

The property will be managed by Inland Fisheries and Wildlife, incorporating protection plans and strategies essential to the survival of the resident endangered species and enhancement of wildlife populations. The land will be available for hunting, hiking, nature study and perhaps even a no-spray, pick-your-own blueberry operation. The Nature Conservancy will assist IF&W in proposing and implementing management of the sensitive species and plant communities on the site.

LAND FOR MAINE'S FUTURE

KENNEBUNK PLAINS, KENNEBUNK



SUMMARY OF KENNEBUNK PLAINS ACQUISITION

Proposal: The Nature Conservancy, September 1988

Land Category: Rare, Threatened or Endangered Natural Communities, Plants
or Wildlife Habitat

Acreage: 1453, revised by survey to 1041

LMFB Score: 190

Lead Negotiator: Kent Wommack, The Nature Conservancy

Seller: Coastal Blueberry Service, Inc.

Appraised Value: \$4,100,000, revised to \$3,000,000 based on reduced acreage

Obligation of Bond Funds by LMFB: Initial obligation of \$2,500,000, December 6,
1988, revised to \$2,061,800, December 18, 1989

Matching Funds: Department of Inland Fisheries and Wildlife, \$300,000;
Kennebunk, Kennebunkport, Wells Water District, \$100,000, revised to
\$50,000; Town of Kennebunk Conservation Commission, \$13,398;
Ramanascho Land Trust, \$10,000

Property Contributed as Match: The Nature Conservancy, 105 acres on Taunton Bay
appraised at \$540,000 to be transferred to the State

In-Kind Contributions to Management: The Nature Conservancy, \$175,000; Kennebunk,
Kennebunkport, Wells Water District, \$80,000

Total Value of Matching Funds: \$1,168,398

Total Purchase Price: \$2,500,000

Titleholding Agency: Department of Inland Fisheries and Wildlife

Tentative Closing Date: February 1990

DODGE POINT

The Dodge Point property in Newcastle, approved for purchase by the Board in March 1989, is a 495-acre wooded peninsula on the western shore of the Damariscotta River. Over 7000 feet of undeveloped tidal river frontage has been acquired, along with several pocket sand beaches along the length of the property.

The spectacular property features varied topography, scenic views, and recreational opportunities. From a 240 foot height of land near State-maintained road frontage, the northern half of the property slopes gently down to a 2-3 acre freshwater pond, maintained by a small dam and by beavers. The southern half of the property gradually slopes toward the river, dropping rapidly in elevation around the southern end of the point, where views down the Damariscotta River extend for two or more miles.

The excellent water quality of the Damariscotta River has made it a successful location for the seed cultivation of oysters and their commercial harvest. Protection of this stretch of shoreline will help prevent further degradation of water quality and maintain aquaculture operations in coves adjacent to the property.

The Dodge Point property, proposed to the Board by the Maine Coast Heritage Trust in November 1988, is probably the largest contiguous holding in one ownership remaining on the Damariscotta River. It was acquired by the Board from the Freeman Family Trust for a purchase price of \$2,350,000 with cash matching funds totalling \$300,000. The Damariscotta River Association (DRA), a local land trust which had earlier purchased Glidden Point, located 4 miles upriver from the Dodge Point property and proposed earlier to the Board for acquisition, contributed \$250,000 to the purchase and the Maine Coastal Program provided \$50,000.* The total cost to the State for the property was \$2,050,000.

In addition, a two-acre parcel of land contiguous with the Dodge Point property was donated to the State by the DRA, adding 600 feet of shorefront and a right-of-way to a narrow point. A former pre-revolutionary brick-works site can be viewed from this parcel.

The land is now held by the Bureau of Public Lands in the Department of Conservation and will be managed for a variety of uses, including hiking, skiing, swimming, nature study, habitat management, environmental education and as a demonstration forest. Part of the property was operated as a tree farm and received the Maine Tree Farm of the Year award from the American Forest Council in 1978.

Purchase of the property was negotiated by Tom Doak, then of the Bureau of Public Lands, on behalf of the Board. The property had been listed with LandVest, a Boston-based real estate sales firm. The broker reduced its commission by 50% and the sellers accepted a below appraised value sale to facilitate purchase of the property by the State. This prime piece of mid-coast land has long been available to the public for passive recreational uses. With state ownership, now these and other uses can be assured.

Access to the site is along River Road in Newcastle, where a footpath will be maintained. A public boat ramp in Bristol on the east shore of the river will provide water access to the property for boaters.

SHACKFORD HEAD

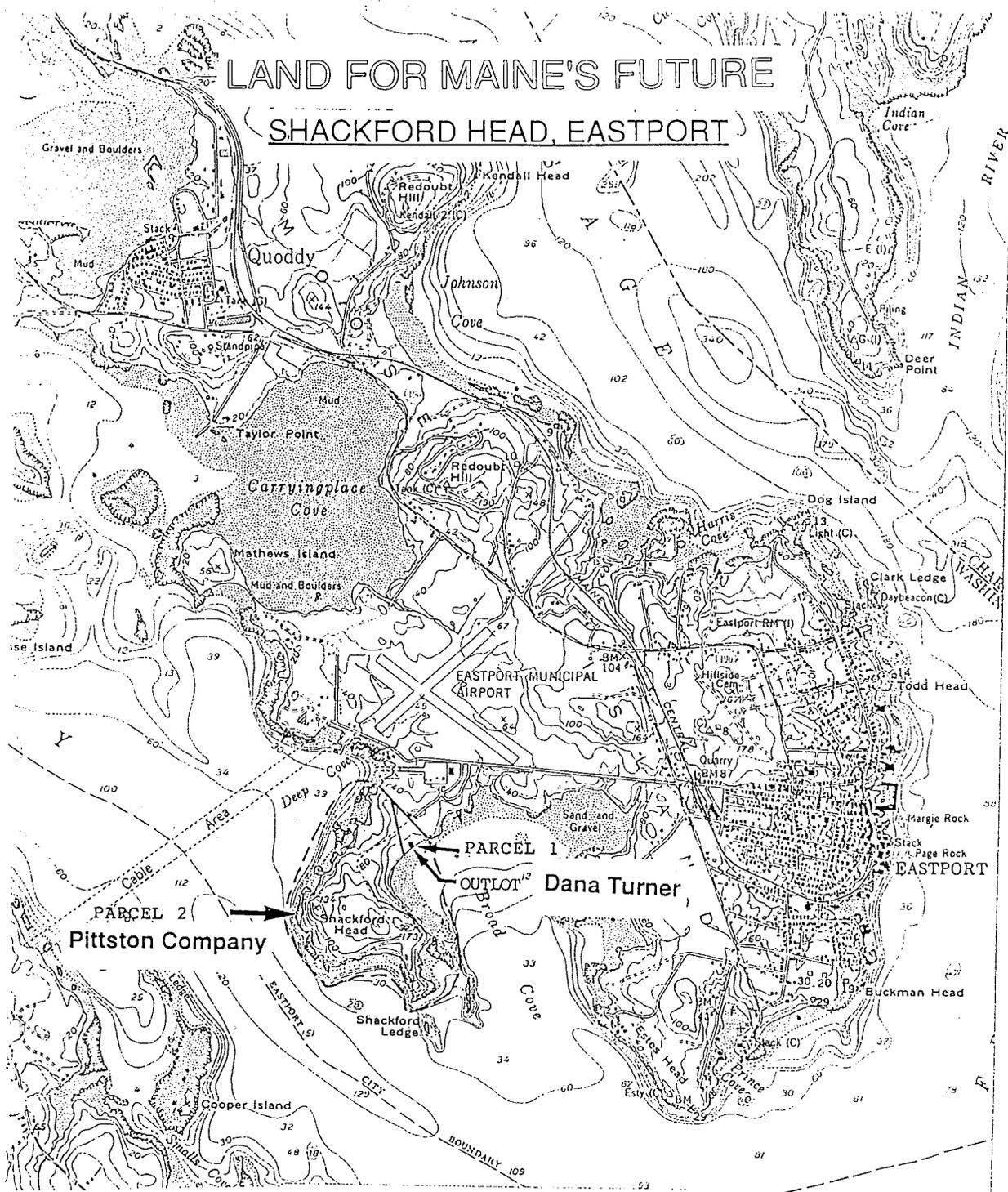
Shackford Head, a 90-acre undeveloped, wooded and rocky peninsula in Eastport, was approved for purchase by the LMF on August 1989. With two and one-half miles of shoreline on Cobscook Bay, the property is an example of an outstanding scenic resource providing visual and physical access to the coast.

A bold promontory on the headland rises above Cobscook Bay to a height of 173 feet and offers spectacular views of adjacent Deep and Broad Coves, Campobello Island, the town of Lubec, West Quoddy Head and the cliffs of Grand Manan Island. The Head features small secluded coves and pebble beaches, basaltic formations and granite cliffs containing small caves and natural arches, and on its southeast shore, a bed of slate-entrapped mollusk fossils.

Concerned about future land use changes on Shackford Head when it was listed for sale early in 1988, the Eastport Land Trust proposed state purchase of the property to the Land For Maine's Future Board in September 1988. The 81-acre property, owned by Pittston Company, had been the site of a proposed oil refinery in the early 1980's. Much earlier in the 1900's, a plan to sell over 100 house lots on Shackford Head was partially successful. Pittston Company and others had reassembled the original holdings and state legal staff have worked to clear any remaining title questions to the property.

An adjacent eight acre property owned by Moose Island Enterprises was part of the Shackford Head acquisition. Both properties are adjacent to the Washington County Vocational Technical Institute at the head of Broad Cove.

The entire property was acquired at a purchase price of \$560,000. The below appraised value price was negotiated by Herb Hartman, Director of the Department of Conservation, Bureau of Parks and Recreation. The Maine Coastal Program contributed \$35,000 to the purchase, making the cost to the LMF Fund \$525,000. The Bureau of Parks and Recreation now holds title to this outstanding resource, and will manage it as a park facility.



SUMMARY OF SHACKFORD HEAD ACQUISITION

Proposal: Eastport Land Trust, September 1988
 Land Category: Areas of Scenic Interest/Prime Physical Features
 Acreage: 90
 Shorefrontage: 2.5 miles
 LMFB Score: 186
 Lead Negotiator: Herb Hartman, Bureau of Parks and Recreation
 Sellers: Pittston Company; Moose Island Enterprises
 Appraised Value: \$703,000
 Obligation of Bond Funds by LMFB: August 14, 1989, \$525,000
 Matching Funds: Maine Coastal Program, \$35,000
 Total Purchase Price: \$560,000
 Titleholding Agency: Bureau of Parks and Recreation, Department of Conservation
 Closing Date: November 3, 1989

MOUNT KINEO

Few landmarks are as well known throughout Maine as Mt. Kineo in Moosehead Lake. The 700-foot cliffs are a unique physical feature with great historical and ecological significance. State purchase of this property allows the State to maintain and expand opportunities for recreational activity becoming threatened by development and by restricted access in northern Maine.

Located in Kineo Township in the northern half of Moosehead Lake on an isolated peninsula west of Day's Academy Grant and north of Rockwood, Mt. Kineo offers spectacular scenery. The three and a half miles of shoreline will complement the other nearby holdings of the Department of Conservation in Moosehead Lake, including Farm Island, Sugar Island, and Lily Bay State Park.

Historically, Native Americans of the region traveled great distances to use the Mt. Kineo hornstone as a flint material for the making of stone tools. In 1853, Henry David Thoreau traversed the Moosehead Lake region in a birch bark canoe, and in 1857 Thoreau returned to Maine and took the train to Rockwood and steamed across to Mt. Kineo, later describing the cliffs "the celebrated precipice" in his book, The Maine Woods.

The unique ecological attributes of Mt. Kineo are less well known. As part of the Peregrine Falcon reintroduction program, the Maine Department of Inland Fisheries and Wildlife successfully released a breeding pair which have nested for three seasons, bearing young for the first time in the summer of 1989. The steep talus slopes along the southeast cliff face are home to an unusual assemblage of plants, including several rare species.

State purchase of the property from its long-time owner, Louis O. Hilton of Greenville, was negotiated by Kent Wommack of The Nature Conservancy on behalf of the Land For Maine's Future Board, and final arrangements of the deal for the Board's consideration were prepared by Herb Hartman of the Bureau of Parks and Recreation. The negotiated purchase price was \$750,000 and was significantly less than the appraised value of the property.

The property was proposed for state acquisition in September 1988 by the Moosehead Lake Comprehensive Land Use Plan Advisory Committee and received the support of local residents and municipal officials. The draft plan calls for acquisition of Mt. Kineo as part of a coordinated strategy to maintain the quality of the lake in its present condition.

Title to the property will be held by BPR which will manage it as a passive recreation area, offering camping, picnicking, hiking, skiing and other similar activities. Hardscrabble Point, the existing public access point for camping and hiking will continue to be available and may be expanded with State ownership. Water access to Kineo will be from Rockwood, with a public boat access site to be secured in the near future.

SANDY POINT BEACH

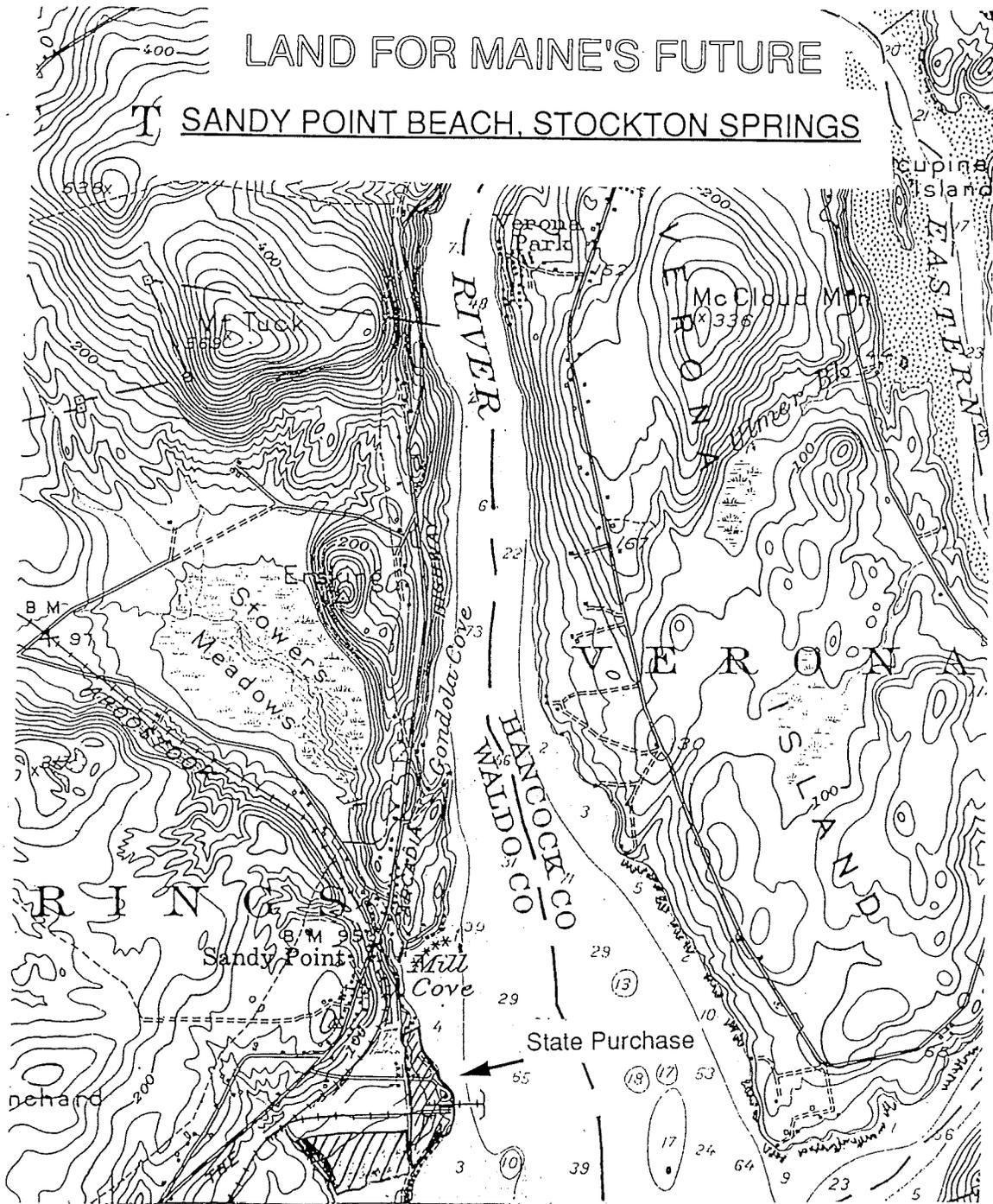
Sandy Point Beach in the coastal Waldo County town of Stockton Springs is a 3000 foot undeveloped natural sandy/gravelly beach serving Bucksport and the inner Penobscot Bay area. This significant water access property will fill a need for such opportunity that has been identified in a statewide assessment of recreational needs.

The 100 acre parcel, purchased by the State from Central Maine Power Co. will remain accessible to the public for a variety of recreational opportunities, including swimming, sunbathing, windsurfing, picnicking and other water-related activities.

Nearby Fort Point Cove and adjacent shoreline areas are considered to be Class A wildlife habitat according to the Penobscot Bay Conservation Plan, as areas of national and/or state significance for coastal wildlife.

The LMFB approved the purchase of the beach at its November 1989 meeting, for a total purchase price of \$857,125. Cash matching funds were provided by the Maine Coastal Program for \$35,000 with a resultant cost to the Board of \$822,125.

The property was proposed in September 1988 by the Stockton Springs Development Corporation (SSDC), a private non-profit rural community development corporation. The SSDC and the Town of Stockton Springs hope to assist significantly in the management of the site which will be held by the Bureau of Parks and Recreation in the Department of Conservation.



SUMMARY OF SANDY POINT BEACH ACQUISITION

Proposal: Stockton Springs Development Corporation, September 1988
 Land Category: Water Access Lands
 Acreage: 100
 Shorefrontage: 3000 front feet
 LMFB Score: 177
 Lead Negotiator: Herb Hartman, Bureau of Parks and Recreation
 Seller: Central Maine Power
 Appraised Value: \$904,000
 Obligation of Bond Funds by LMFB: November 13, 1989, \$822,125
 Matching Funds: Maine Coastal Program, \$35,000
 Total Purchase Price: \$857,125
 Titleholding Agency: Bureau of Parks and Recreation, Department of Conservation
 Closing Date: January 31, 1990

CUTLER COAST

The wild and rugged shoreline of eastern Washington County has been a prominent force and feature in the lives of the downeast coastal residents who live and work among it. The spectacular beauty of this last undeveloped stretch of Maine's coast drew the attention of the Land For Maine's Future Board and Staff as significant holdings owned by the Hearst Corporation were offered for sale.

One of these parcels, a 2100-acre parcel of shorefront including four and a half miles of the "bold coast", as this pristine rocky shoreline is known, was offered for sale in April, 1989 by LandVest on behalf of the Hearst Corporation. Proposed to the Board by Board Staff shortly thereafter, the Maine Coast Heritage Trust and the Arlington, Virginia-based Conservation Fund, coordinated a purchase from the Hearst Corporation of the 2100-acre coastal parcel and an additional 8,900 acres of woodland for sale by Hearst in the towns of Cutler and Whiting. The lead negotiator on behalf of the State was Tom Doak, then of the Bureau of Public Lands in the Department of Conservation.

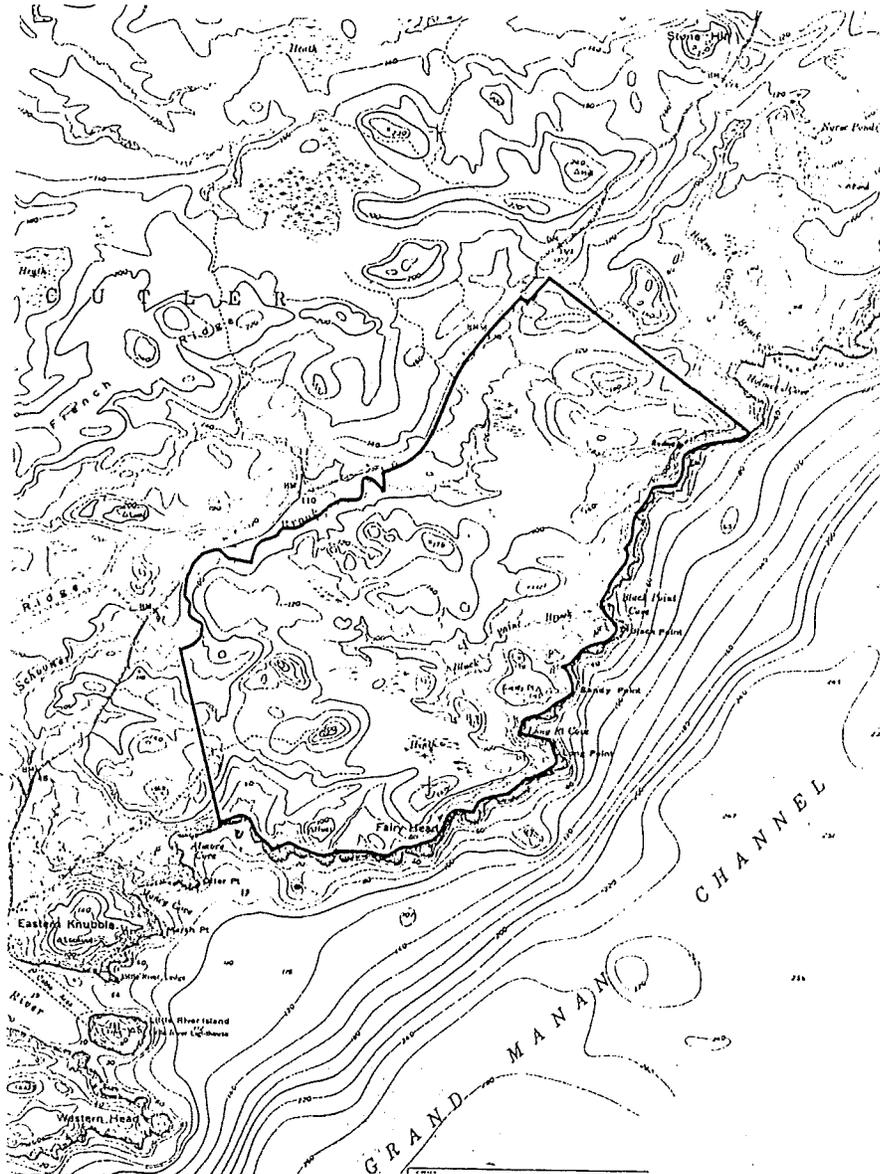
The LMFB voted on November 13, 1989 to acquire the 2100-acre Cutler coastal property from The Conservation Fund for \$2.5 million, \$1 million below the asking price. The shorefront land will be owned and managed by the BPL. Public uses will be for passive recreation, particularly hiking, hunting, camping and backpacking.

The property has remained much the same as when the first settlers of Cutler arrived 250 years ago. There is a spectacular variety of geologic features, including sea arches, cobble beaches, sheer cliffs and unusual volcanic rock formations. The biological features present offshore include several types of whales, seabirds and herring beds. The sparsely vegetated coastal headlands and windblown spruce-fir forests are a natural ecosystem type endemic to the region.

This outstanding property exemplifies not only the kind of cooperative arrangements between various groups that the Board has encouraged to achieve its conservation goals, but also the kind of property which will surely be a legacy that Maine citizens can be proud of for their future.

LAND FOR MAINE'S FUTURE

CUTLER COAST, CUTLER



SUMMARY OF CUTLER COAST ACQUISITION

Proposal: Lissa Widoff, Land for Maine's Future Board Staff
with assistance from Department of Conservation Staff

Land Category: Water Access Lands

Acreage: 2100

Shorefrontage: 4.5 miles

LMFB Score: 188

Lead Negotiator: Tom Doak, Bureau of Public Lands

Cooperating Entity: Maine Coast Heritage Trust

Seller: The Conservation Fund from the Hearst Corporation

Appraised Value: \$2,750,000

Obligation of Bond Funds by LMFB: November 13, 1989, \$2,500,000

Total Purchase Price: \$2,500,000

Titleholding Agency: Bureau of Public Lands,
Department of Conservation

Closing Date: January 4, 1990

TIDE MILL FARM

The January 1990 acquisition of Tide Mill Farm, a coastal property with over five miles of shorefront, required Board approval of a 1520-acre conservation easement and a three acre purchase at a total cost of \$1.075 million.

With Tide Mill Farm, the LMFB broke new ground by using the concept of conservation easements as part of the acquisition package. Conservation easements are a mechanism by which the conservation goals of the Board can be achieved with cooperation of landowners to purchase certain property rights essential to the protection of significant natural, scenic, recreational, and open space features. The goal of the Board in developing conservation easements is to maintain current land uses and at the same time acquire lands at a lower cost for use by the people of the State. Conservation easements can provide benefits to the landowner and maximize the public benefit by using less of the Land for Maine's Future Fund than full fee acquisition.

Tide Mill Farm is located on Whiting Bay, part of Cobscook Bay, one of the most biologically diverse coastal regions in Maine with its extreme tidal amplitude, significant habitat for wintering waterfowl, migrating shorebirds, and the State's largest population of the federally endangered bald eagle. Whiting Bay is the most significant area in the State for wintering black ducks and the nutrient-rich flats of the Bay are essential for shorebirds during spring and fall migrations.

Under the agreed upon conservation easement, some five and one quarter miles of undeveloped, highly scenic shorefront are being protected, maintaining habitat quality and contributing to the protection of significant wetlands. Productive clam flats will continue to be available for traditional local harvest. Two bald eagle nests will be protected.

The farm operation on the property has included a former dairy farm, a sawmill operation, hayfields, and managed woodlands. The woodland portion of the property borders the Moosehorn National Wildlife Refuge to the northwest. Wetlands and water bodies on the property will be jointly managed by the landowners and Department of Inland Fisheries and Wildlife. Under the proposed conservation easement, the woodlands will be managed to maintain and improve wildlife habitat through a wildlife management plan to be developed by the DIF&W with landowner participation.

The landowners are the Bell family who have lived in Edmunds Township for seven generations. The Bells and their ancestors have lived on part of what is now Tide Mill Farm since 1780. The late Alton Bell reassembled the various family holdings acquired since that time and incorporated them as Tide Mill Farm in the 1970s. Terry and Robert Bell and their families reside on and manage the land. In 1988, the Bells received a Certificate of Recognition from the U.S. Department of Agriculture for being one of the nation's oldest farms in continuous family ownership.

The purchase and sale agreement divides Tide Mill Farm into three areas for the purpose of valuation. A point of land and two islands comprising three acres that abut Cobscook Bay State Park will be acquired in fee ownership for \$30,000. The conservation easement includes an area of about 670 acres that could be of high-value for development, but will remain undeveloped and be accessible to the public for passive recreation under the terms of the easement. The value of the easement to the Board for this portion of the

property is \$1.028 million (\$1534 per acre or \$31 per shorefront foot, plus \$6 per road front foot for two miles on the west side of Route One). Public access and the ability to manage wildlife on 850 woodland acres will be available for \$17,000 or \$20 per acre. The appraised value of the entire Tide Mill Farm property was \$1.9 million and the portion under easement was valued at \$1.524 million.

Under the terms of the easement, the public will have access to hunt, hike, ski, and passively recreate in all the woodlands west of Route One and along the shoreland corridor east of Route One from the farm road to the south. The State may at some time in the future build trails to the heights of land known as Bell Mountain and Crane Mountain. The public will also be able to enjoy shoreland access along a 50 foot corridor from the northern border of the property along Burnt Cove and south to Caddy Point, for picnicking and hiking, uses traditional to the area by canoeists and kayakers.

The lead negotiator on behalf of the LMFB was Gary Donovan, Wildlife Division Director for the Department of Inland Fisheries and Wildlife, assisted by Board member Bob Suminsby. Lissa Widoff of the LMFB Staff coordinated the development of the detailed conservation easement with lawyers from the Maine Coast Heritage Trust, the Department of Transportation Legal Services staff, and the Attorney General's office.

The fee portion of the property will be held by the Bureau of Parks and Recreation in the Department of Conservation and managed as part of Cobscook Bay State Park. The Conservation easement will be administered by the Department of Inland Fisheries and Wildlife.

The proposal was developed by the Maine Coast Heritage Trust and the Quoddy Regional Land Trust and submitted in September 1988.

COMMISSARY POINT

The January 1990 acquisition of Commissary Point, a coastal property adjacent to Tide Mill Farm with over two miles of shorefront, required Board approval of a 200 acre purchase and a 50 acre easement at a total cost of \$515,000. The Commissary Point property lies across Whiting Bay from Tide Mill Farm and has similar high-quality shoreline values. Over two miles of undeveloped, highly productive shorefront and wildlife habitat will be protected as part of a deal that would have the State acquire at least 200 acres in fee ownership for \$485,000 and an easement to another 50 acres for \$30,000.

LMFB interest in the Commissary Point property stems from its proximity to the Tide Mill Farm property and the idea that additional protection of habitat in the Cobscook Bay will enable implementation of the North American Waterfowl Management Plan, developed under a treaty between Canada and the United States. Protection of both the scenic viewshed and high-quality waterfowl habitat will occur with the acquisition of Commissary Point.

The land is being purchased from a Portland-based real estate group, Captain's Landing, Inc. Both the fee and easement portions of the property will be held by the Department of Inland Fisheries and Wildlife.

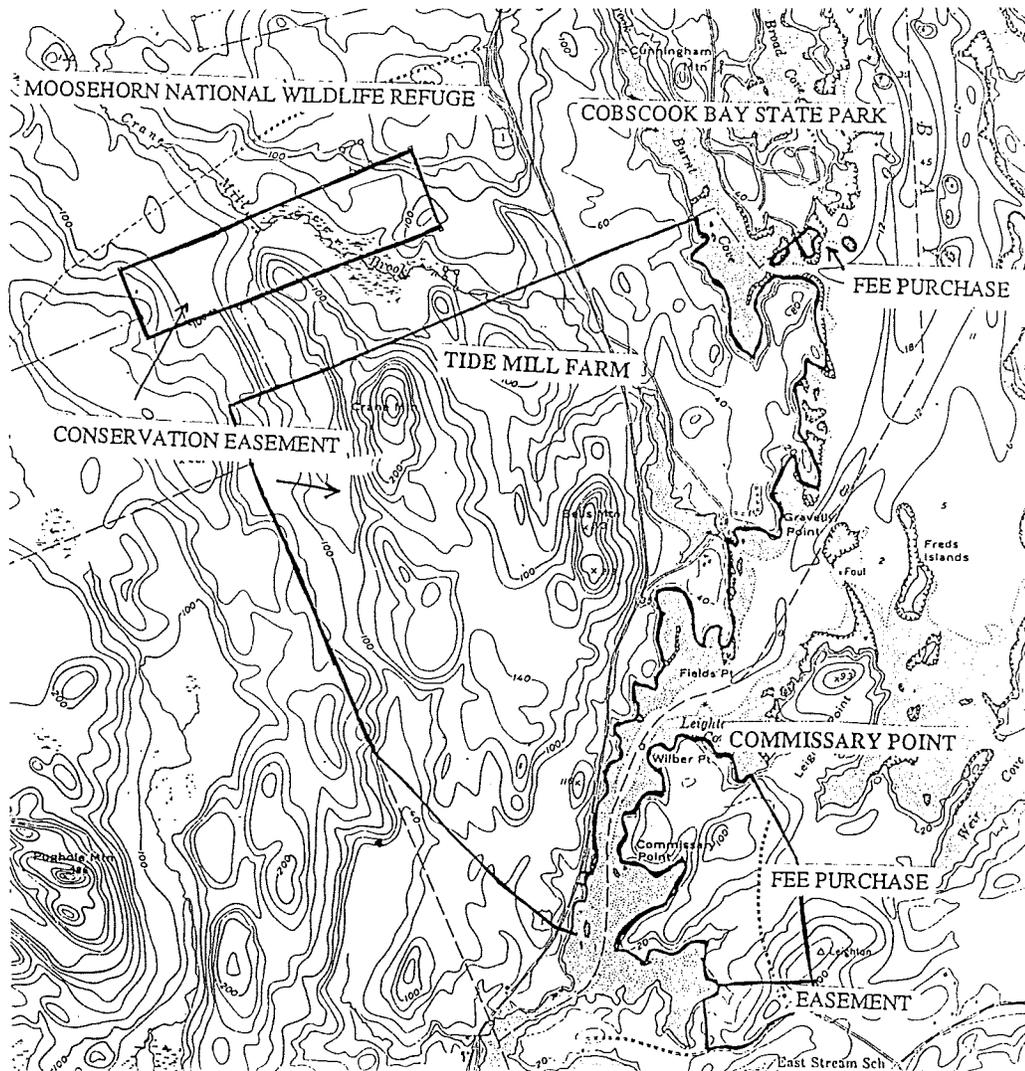
Gary Donovan was the Board's lead negotiator. Lissa Widoff and the legal staff from the Departments of Transportation and Attorney General played key roles in facilitating the proposed agreement.

Closing on the Tide Mill Farm and Commissary Point properties is scheduled for February 1990.

LAND FOR MAINE'S FUTURE

TIDE MILL FARM, EDMUNDS TWP.

COMMISSARY POINT, TRESCOTT



SUMMARY OF TIDE MILL FARM

Proposal: Maine Coast Heritage Trust and the Quoddy Regional Land Trust, September 1989

Land Category: Recreational Lands

Acreage: 1523

Shorefrontage: 5.25 miles

LMFB Score: 190

Lead Negotiator: Gary Donovan, Department of Inland Fisheries and Wildlife

Board Liaison: Bob Suminsby

Development of Conservation Easement: Karen Marchetti Warden, Maine Coast Heritage Trust

Coordination of Conservation Easement: Lissa Widoff, Land for Maine's Future Staff

Landowners: Tide Mill Farm, Inc. (The Bell Family)

Appraised Value of the Easement: \$1,524,000

Obligation of Bond Funds by LMFB: January 22, 1990

Value of Fee Purchase: \$30,000 for 3 acres

Value of Conservation Easement: \$1,028,000 for 670 high-value acres;
\$17,000 for 850 woodland acres

Total Purchase Price: \$1,075,000

Titleholding Agencies: Fee: Bureau of Parks and Recreation,
Department of Conservation; Easement:
Department of Inland Fisheries and Wildlife

Tentative Closing Date: February 1990

SUMMARY OF COMMISSARY POINT ACQUISITION

Proposal: Maine Coast Heritage Trust and the Quoddy Regional Land Trust, March 1989

Land Category: Recreational Lands

Acreage: 250

Shorefrontage: 2 miles

LMFB Score: 190

Lead Negotiator: Gary Donovan, Department of Inland Fisheries and Wildlife

Sellers: Captain's Landing, Inc.

Appraised Value: \$530,000

Obligation of Bond Funds by LMFB: January 22, 1990

Value of Fee Purchase: \$485,000 for 200 acres

Value of Easement: \$30,000 for 50 acres

Total Purchase Price: \$515,000

Titleholding Agency: Department of Inland Fisheries and Wildlife

Tentative Closing Date: February 1990

IV Financial Report

Land for Maine's Future Fund Expenditures

Expenditures from the Land for Maine's Future Fund can be divided into six discrete categories: property or an interest in property; appraisals; surveys; environmental testing; legal services; and archeological surveys. The six categories are eligible expenditures of the bond fund as determined in consultation with the State Departments of Treasury and Attorney General. Under the Federal Tax Reform Act of 1986, the fund is not permitted to earn interest and is limited in the types of expenditures that can be made.

Through January 1, 1990, the Board has expended or obligated \$10,298,925 for the acquisition in full fee, conservation easement, easement and purchase of development rights eight properties totaling 6401 acres and over 19.75 shoreline miles.

Twelve appraisals at a cost of \$33,100 have been commissioned by the Board or undertaken on behalf of the Board. Of the six appraisals undertaken on behalf of the Board on a reimbursement basis, four were contracted by the Maine Coast Heritage Trust, and one each by the Department of Inland Fisheries and Wildlife and The Nature Conservancy. In a number of cases, appraisals were undertaken by the landowners/sellers or existing appraisals were made available for LMFB review.

Boundary surveys costing \$75,440 have been undertaken by the Board on properties where the boundaries and/or the title to the land is uncertain. The Board has taken a conservative approach to ensure that funds expended for property acquisition actually result in tangible holdings in perpetuity for the people of Maine.

Environmental testing is an expenditure that will need to be undertaken in certain cases. At Sandy Point Beach, the presence of a fertilizer factory foundation caused the Board to authorize a search with ground penetrating radar for underground storage tanks. The two tanks that were discovered were removed by the landowner prior to closing and no pollutants were found in association with the tanks. The Board is taking precautions with regard to liability and public use of recreational properties.

The cost of legal services as previously described in this report has been \$12,377 for Dodge Point and Shackford Head. Billing has not been received for Mount Kineo, Cutler Coast, and Sandy Point Beach. Billing for Kennebunk Plains, Tide Mill Farm and Commissary Point will be received after closings tentatively set for February 1990.

Archeological surveys have been and will be undertaken using bond funds at minimal cost and on a cooperative basis with the Maine Historic Preservation Commission.

Costs drawn from the fund other than property or interest in property total \$138,775 to date.

In addition to those expenditures listed above, the Board has reserved \$651,050 in access improvements funding under a provision of the companion legislation to the bond. 5 MRSA 353 Section 6203(3)B allows funding of "...minor capital improvements on acquired lands to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property". As properties are approved by the Board,

commensurate funding is reserved at the same time acquisition is approved. The total amount reserved by the Board is based on an appraised value of \$13,021,000 for the eight properties acquired.

Through January 31, 1990, the amount obligated and reserved from the Land for Maine's Future Fund was \$11,088,750 of the \$35 million bond fund. Exhibit IV provides a breakout of the expenditures from the LMFF.

Exhibit IV--Land for Maine's Future Fund Obligations by Category
(through January 31, 1990)

<u>Expenditure Category</u>	<u>Amount Obligated</u>
Property or Interest in Property	\$ 10,298,925
Appraisals of Property	33,100
Surveys of Land	75,440
Environmental Testing	8,654
Legal Services	12,377
Archeological Surveys of Land	9,204
Total LMFF Obligations	\$ 10,437,700
Reserved for Access Improvements (5% of appraised value)	\$ 651,050
Grand Total	\$ 11,088,750

Financial Summary of Land for Maine's Future Acquisitions

The Board has taken seriously the option of extending the LMFF by the addition of matching funds. 5 MRSA 353 Section 6201(3) defines matching funds as "...any combination of public and private funds used in conjunction with the Land for Maine's Future Fund for the purpose of this chapter, including, but not limited to: Private contributions of cash or securities; money from municipal or other public agencies' money from a federal matching program, subject to the limitations of applicable federal and state laws, in an amount authorized by the federal program; contributions of real property, or interest in real property, that serves the acquisition needs of the State as determined by the Land for Maine's Future Board; in-kind contribution; or any combination thereof."

To date, the Board has obligated \$10.3 million of the \$35 million in the Land for Maine's Future Fund, and, in the process has leveraged over \$740,000 in cash matching funds and property valued at \$580,000. Commitments have been received for \$295,000 in-kind services to assist in managing the acquired properties. This is in addition to the bargain sales agreed to by generous landowners with the Board. Overall, the money saved translates directly into additional lands being acquired by the program for the people of Maine.

Exhibit IV provides a detailed breakout of the eight properties acquired during the biennium and their associated matching funds and acquisition costs.

Exhibit V--LMF Acquisitions Summary through January 31, 1990

<u>Property/MI/Acres</u>	<u>LMF Funds</u>	<u>Cash Match</u>	<u>Property Match</u>	<u>In-kind Match</u>	<u>Appraisal</u>	<u>Testing/Survey</u>	<u>Legal Services</u>	<u>Archaeological Survey</u>
Kennebunk Plains 1041 Acres	\$ 2,061,800	\$300,000 IF&W 50,000 KKWWD 13,398 Kennebunk 10,000 RLT	\$540,000 TNC	\$175,000 TNC 80,000 KKWWD	\$ 4,400	\$55,000		\$3,070
Dodge Point 1.325 MI 497 Acres	\$ 2,050,000	\$250,000 DRA 50,000 MCP	\$ 40,000 DRA	\$ 20,000 DRA 20,000 Newcastle			\$ 1,627	\$3,200
Shackford Head 2.5 MI 90 Acres	\$ 525,000	\$ 35,000 MCP			\$ 1,800		\$10,750	
Mt. Kineo 3.5 MI 800 Acres	\$ 750,000							\$2,934*
Sandy Point Beach .57 MI 100 Acres	\$ 822,125	\$ 35,000 MCP				\$18,094		
Cutler Coast 4.5 MI 2100 Acres	\$ 2,500,000				\$ 2,400			
Tide Mill Farm 5.25 MI 1523 Acres	\$ 1,075,000 ¹				\$ 2,400	\$ 7,000		
Commissary Point 2 MI 250 Acres	\$ 515,000 ²				\$ 7,400 ³	\$ 4,000		
TOTALS 19.645 MI 6401 Acres	\$10,298,925	\$743,748	\$580,000	\$295,000	\$16,400	\$84,094	\$12,377	\$9,204

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Key: KKWWD = Kennebunk, Kennebunkport, Wells Water District; RLT = Ramanascho Land Trust; DRA = Damariscotta River Association
TNC = The Nature Conservancy; MCP = Maine Coastal Program

1 -- 3 acres fee, 1520 acres conservation easement; 2 -- 200 acres fee, 50 acres easement; 3 -- figure includes cost of a combined appraisal of both Tide Mill Farm & Commissary Point

*Pending Board action

General Fund Expenditures

General Fund expenditures for the Board and its staff have been held to minimum levels over the biennium. Funding for the LMF program has been a priority of the Natural Resources Policy Division of the State Planning Office.

The major costs of the LMF program have been associated with travel expenses incurred in visiting and evaluating proposed lands and in the printing and dissemination of Board publications. Over a thousand copies of the Strategy and Guidelines for Acquisition document and several hundred copies of the LMFB Proposal Workbook have been printed and distributed.

A significant new source of general fund expenditure by the LMF program is the requirement of 5 MRSA 353 Section 6206-A that "after the completion of negotiations the board shall also publish a notice of its intent to designate land for acquisition in a newspaper or newspapers of general circulation which identifies the land proposed by the board for acquisition and which notifies the residents of the area that the board will accept public comments on the proposed acquisitions." In the period from enactment in August 1989 to the end of December 1990, \$950 in advertising notices were placed by the Board.

Cost savings have been instituted, particularly in the area of switching to bulk mailings of **Gaining Ground**, the monthly LMFB newsletter.

Exhibit VI on the following page provides a complete breakout of all general fund expenses incurred by LMFB in fiscal years 1988 and 1989 as well as fiscal year 1990 through the end of December 1989. These figures reflect only direct program costs incurred by the LMF program. They do not include significant contributions of cash and in-kind services provided by the Departments of Conservation, Inland Fisheries and Wildlife, Agriculture, and Marine Resources and the State Planning Office.

Exhibit VI--LMFB General Fund Expenditures

<u>C&O</u>	<u>Description</u>	<u>Fiscal 1988</u>	<u>Fiscal 1989</u>	<u>FY 1990 thru 12/89</u>
3890	Per Diem	\$ 825.00	\$ 1,155.00	\$ 605.00
4970	Other Than State Mileage	345.84	810.07	623.84
4980	Travel Expenses Other Than State	<u>131.76</u>	<u>1,174.71</u>	<u>375.33</u>
	Total Board Reimbursement	\$ 1,302.60	\$ 3,139.78	\$ 1,604.17
3110	Permanent Regular (Salary)	\$ na	\$ 22,039.20	\$ 13,622.40
3616	Retro Lump Sum Payment	na		104.33
3901	Health Insurance	na	1,255.89	828.02
3905	Dental Insurance	na	141.33	74.03
3910	Employer Retirement Costs	na	4,163.19	2,675.33
3911	Employer Group Life	na	77.74	46.02
3912	Employer Medicare Costs	<u>na</u>	<u>319.60</u>	<u>199.08</u>
	Total Personal Services	\$ na	\$ 27,996.95	\$ 17,549.21
4021	Entertain and Caterers Serv	\$ 114.90	\$ 34.00	\$ 778.82
4200	Travel Expenses in State	57.10	499.67	302.15
4270	Auto Mileage in State	291.50	1,149.06	130.90
4271	Other Transportation	na	na	500.00
4300	Travel Expenses Out of State	na	na	468.15
4380	Auto Mileage Out of State	na	na	106.86
4381	Other Transportation Costs	na	na	218.00
4401	Gasoline	na	na	43.10
4402	Oil and Grease	na	10.10	na
4501	Telephone and Telegraph Service	*	*	451.96
4602	Rent of Planes	na	84.84	486.00
4651	Misc Rents	646.54	610.70	na
4671	Rent of State Equipment	na	na	62.75
4672	Rent of State Vehicle	na	na	301.82
4721	Repairs to Equipment	na	na	184.00
4825	General Liability Insurance	na	na	20.00
4901	Stamps Parcel Post Etc	na	14.00	45.00
4908	Bulk Mailing	na	na	1,068.48
4911	Meter Postage	2.15	2,234.84	393.22
4913	Intragovernmental Service	.34	388.87	210.08
4929	Printing and Binding	na	487.14	113.10
4938	Photocopying	na	54.00	na
4939	Printing Binding Etc State	na	3,422.58	1,595.28
4946	Advertising Notices	277.38	na	950.43
4973	State Employees Tuition	na	100.00	na
4983	Dues	na	na	124.00
5301	Office Supplies	81.00	187.08	17.78
5627	Purchase of Books	54.00	na	28.68
5636	Misc Supplies	24.75	1,042.95	189.10
5650	Misc Minor Equipment	<u>na</u>	<u>228.02</u>	<u>na</u>
	Total All Other	\$ 1,549.66	\$ 10,547.85	\$ 8,789.66
7201	Household and Office Equipment	<u>459.00</u>	<u>na</u>	<u>na</u>
	Total Capital	\$ 459.00	\$ na	\$ na
	Grand Total	\$ 3,311.26	\$ 41,684.58	\$ 27,943.04

* Included in other Natural Resources Policy Division, SPO accounts

V The Land for Maine's Future Board in the Second Biennium

The LMFB will continue to move natural lands of State significance through its process to completed acquisition as long as funds remain available. The Board has expressed a strong desire to continue to be innovative, but also to be more proactive in its approach.

As the Board enters this new decade, it has approximately \$23.5 million uncommitted. Of this \$23.5 million, the Board is negotiating for properties that are valued at approximately \$16.5 million. Another \$3 million has been initially approved by the Board for other properties. The estimated cost of acquisition and funds reserved for access improvements for the properties that will be acquired using the remaining LMF funds is estimated at \$1.5 million. If these projects come to fruition, and the Board has every reason to expect that they will, the Board will probably have obligated the entire \$35 million by January 1991.

The interest in land conservation generated and aided by the Board remains high. The Board staff still receives a number of phone calls and letters each week from landowners or their brokers identifying and offering land to the State for potential acquisition. Further, this is accelerating as real estate markets flatten. Unfortunately, many of these properties are not of state significance and do not meet the acquisition criteria, but the variety and extent of properties represents an outpouring of untapped interest in land conservation. The Board staff provide advice concerning the landowners options for conservation and have encouraged continued local interest where the Board does not act to acquire land.

The Board will continue to recognize that unselfish contributions of time and effort by individuals and organizations yield unique and innovative acquisitions. The Land for Maine's Future Board will also continue to encourage the cooperation of private citizens, landowners and organizations in this critical public/private program to meet its mandate in partnership with the people of Maine.

APPENDIX I--NEEDS ASSESSMENT PUBLIC PARTICIPATION
EVENTS/WORKSHOPS

Board Meetings

<u>Date</u>	<u>Location</u>
February 19, 1988	Augusta
March 14, 1988	Augusta
April 11, 1988	Bangor
May 9, 1988	Portland
June 20, 1988	Augusta
July 25, 1988	South Portland
August 15, 1988	Bangor

Needs Assessment Workshops

<u>Date</u>	<u>Location</u>
April 19, 1988	Augusta
April 27, 1988	South Portland
April 28, 1988	York
May 5, 1988	Orono
May 10, 1988	Ellsworth
May 17, 1988	Presque Isle
May 19, 1988	Machias
May 24, 1988	Rockland
May 31, 1988	Bethel

Proposal Workshops

<u>Date</u>	<u>Target Groups</u>	<u>Location</u>
August 9, 1988	Town Officials	Augusta
August 10, 1988	Land Trusts	Augusta
August 11, 1988	Rails-to-Trails	Augusta

Public Hearings

<u>Date</u>	<u>Location</u>
July 25, 1988	South Portland
August 15, 1988	Bangor

NEEDS ASSESSMENT WORKSHOPS

Augusta, April 19, 1988

Board Member Present: Silkman

Estimated Total Attendance: 45

Questionnaire Results Using Weighted Totals:

Recreational Lands	145
Water Access Lands	118
Conservation Lands	84
Scenic Interest/ Prime Features	83
Rare, Threatened and Endangered Habitat	52
Farmland/Open Space	41

York, April 28, 1988

Board Member Present: Brown

Estimated Total Attendance: 58

Questionnaire Results Using Weighted Totals:

Conservation Lands	173
Recreational Lands	134
Rare, Threatened and Endangered Habitat	127
Water Access Lands	122
Scenic Interest/ Prime Features	113
Farmland/Open Space	94

South Portland, April 27, 1988

Board Member Present: Silkman & Brown

Estimated Total Attendance: 65

Questionnaire Results Using Weighted Totals:

Water Access Lands	148
Scenic Interest/ Prime Features	146
Conservation Lands	142
Recreational Lands	125
Rare, Threatened and Endangered Habitat	119
Farmland/Open Space	62

Orono, May 5, 1988

Board Member Present: Warren & Townsend

Estimated Total Attendance: 19

Questionnaire Results Using Weighted Totals:

Water Access Lands	83
Conservation Lands	81
Scenic Interest/ Prime Features	74
Recreational Lands	71
Rare, Threatened and Endangered Habitat	61
Farmland/Open Space	48

Ellsworth, May 10, 1988

Board Member Present: Suminsby

Estimated Total Attendance: 23

Questionnaire Results Using Weighted Totals:

Conservation Lands	70
Scenic Interest/ Prime Features	58
Rare, Threatened and Endangered Habitat	46
Farmland/Open Space	44
Water Access Lands	41
Recreational Lands	37

Presque Isle, May 17, 1988

Board Member Present: Shaw & Labonta

Estimated Total Attendance: 115

Questionnaire Results Using Weighted Totals:

Recreational Lands	380
Scenic Interest/ Prime Features	264
Water Access Lands	247
Conservation Lands	214
Rare, Threatened and Endangered Habitat	174
Farmland/Open Space	157

Machias, May 19, 1988
Board Member Present: Warren & Suminsby
Estimated Total Attendance: 88
Questionnaire Results Using Weighted Totals:

Conservation Lands	242
Scenic Interest/ Prime Features	215
Rare, Threatened and Endangered Habitat	204
Water Access Lands	197
Recreational Lands	139
Farmland/Open Space	125

Rockland, May 24, 1988
Board Member Present: Silkman, Suminsby, Townsend
Estimated Total Attendance: 65
Questionnaire Results Using Weighted Totals:

Conservation Lands	187
Water Access Lands	182
Scenic Interest/ Prime Features	177
Farmland/Open Space	166
Recreational Lands	137
Rare, Threatened and Endangered Habitat	129

Bethel, May 31, 1988
Board Member Present: Labonta
Estimated Total Attendance: 55
Questionnaire Results Using Weighted Totals:

Recreational Lands	162
Water Access Lands	139
Scenic Interest/ Prime Features	135
Farmland/Open Space	92
Conservation Lands	91
Rare, Threatened and Endangered Habitat	83

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