

Land for Maine's Future Board

Minutes of the Meeting

March 6, 2002

Augusta Armory

Board Members Present:

Commissioner Lapointe, Acting Chair
Roger Milliken
Marcia McKeague
Linda Pagels

Commissioner Lovaglio
Roger Berle
Carole Dyer
Warren Balgooyen

Staff Members Present:

Tim Glidden, Program Director
Surran Pyne

Steve Brooke
Aline Lachance

R. Collin Therrien

Others Present:

Lee Sockasky, St. Croix International Waterway Commission
Elizabeth Swain, NEFF
Frank Reed, NEFF
Joseph Benzing, Selectman, Town of Parsonsfield
Nancy Warren, Lake George Regional Park
Leslie Hudson, Forest Society of Maine
Henry Hilton, Dept Inland Fisheries & Wildlife
Jerry Bley, Creative Conservation
Ralph Knoll and Herb Hartman, Maine Dept of Conservation
Stephanie Gilbert, Maine Dept of Agriculture
David MacDonald, Maine Coast Heritage Trust
Tom Rumpf, The Nature Conservancy

Minutes of the Meeting

A motion was made by Commissioner Lapointe and seconded by Carole Dyer to accept the January 24-25, 2002 Minutes of the Meeting as amended. Vote unanimous.

Amended:

- Stephania [Stephanie]

- Add to Mere Point [In its vote to support acquisition the Board found that existing points of public access to Middle Bay and Upper Casco Bay are not sufficient.]
- Tinker Island [~~Conservation Easement~~ Project Agreement]
- Newry Mineral Park – Contingent on documentation of the represented value of donated “mineral rights” and on acquisition of pedestrian access easement to site. Management of project to be limited to hand tools only. Public use to be limited to hand tools only. Preparation of and adherence to a 10 year management plan, similar to that required for public reserves. ~~No new mining.~~

Project Votes

➔ **Greater Mount Agamenticus Conservation Initiative** – South Berwick & York
[4 parcels: Eastbrook, Hehre*, Best, Pomfret]

- ✓ Public Notice

Published in the Kennebec Journal on 2/22/02 and in the Portsmouth Herald on 2/22/02.

- ✓ Appraisal Committee Recommendation

All of these parcels are part of the Round 1 (\$50 M) LMF project. The Committee recommends acceptance of the following appraised value for three of these parcels [Eastbrook, Best, Pomfret] as follows:

Eastbrook-----	\$ 190,000
Best -----	\$ 13,000
Pomfret -----	<u>\$ 19,100</u>
	\$ 222,100

A motion was made by Roger Berle and seconded by Marcia McKeague to accept the Appraisal Committee’s recommendation and that the Board approve the allocation of \$148,067 for the three parcels [Pomfret, Best and Eastbrook –*also known as Lafrenier*] that are part of the Greater Mount Agamenticus Conservation Initiative (2/3 of the appraised value not including all other costs). Vote was unanimous.

- ✓ Public Comments

None.

* Hehre parcel is a match.

✓ Vote

A motion was made by Commissioner Lovaglio and seconded by Roger Berle to support acquisition. It was noted that before public funds can be released the following requirements must be met:

- Documentation of Matching Funds
- Evidence of Good Title
- Signed Purchase & Sale Agreement
- Other Details for transfer; a completed boundary survey completed for each of the parcels.

➔ **Devil's Head** – Calais [5 parcels: R. Obear et al., Giffune, G. Obear, Camp, J. Obear]
[note: City of Calais to own these lands under a LMF Project Agreement]

✓ Public Notice

Published in the Kennebec Journal on 2/22/02 and in the Calais Advertiser on 2/27/02.

✓ Appraisal Committee Recommendation

The Committee recommends acceptance of the following appraised value for five parcels as follows:

R. Obear et al. -----	\$ 64,000
Giffune -----	\$ 53,000
G. Obear-----	\$ 46,000
Camp -----	\$ 43,500
J. Obear-----	<u>\$ 100,000</u>
	\$ 306,500

A motion was made by Warren Balgooyen and seconded by Roger Berle to accept the Appraisal Committee's recommendation that the Board approve the allocation of \$204,333 for the five separate parcels of the Devil's Head Project (2/3 of appraised value not including all other costs). Vote was unanimous.

✓ Public Comments

This is an exciting project and we hope to move forward quickly, said Lee Sockasky. She thanked the Board for its review of the project.

✓ Vote

A motion was made by Warren Balgooyen and seconded by Roger Berle to support acquisition. It was noted that before public funds can be released the following requirements must be met:

- Documentation of Matching Funds
- Evidence of Good Title
- Signed Project Agreement
- Language to be inserted into each deed

Lake George Project – Access Improvement Funds

Nancy Warren from the Lake George Regional Park presented a request for 5 % [\$2,774.20] of the purchase price [*acquired from Arlyne R. Sacks for \$55,484*] of the lakeshore parcel added to Lake George Regional Park for a trail project. Improvements will be made to an existing trail and a connecting trail will be added to complete a one-mile multi-use loop trail on the acquisition parcel that would tie into the park's existing trail system. A \$5,000 grant from the Davis Conservation Foundation has been received for this project and a federal/state Recreational Trail Program grant of \$11,540 is pending a decision. The work is planned for this summer.

A motion was made by Roger Berle and seconded by Marcia McKeague to approved Lake George Corporations' request for \$2,774.20 in access improvement funds.

EXECUTIVE SESSION –

Begins: 2:55 p.m. Ends: 4:05 p.m.

A motion was made by Carole Dyer and seconded by Roger Berle to move into Executive Session to discuss negotiations. Vote unanimous.

Project Updates

1. Spednik/St. Croix

The Board voted unanimously to allocate an additional \$335,000 to the existing \$1,100,000 commitment for a total allocation of \$1,435,000. Board's commitment of funds continues to be conditioned on acceptance of an appraisal of the proposed project.

Carole Dyer also brought to the Board attention legislation regarding the St. Croix. [see below]

Title 12: CONSERVATION

Part 1: SOIL AND WATER CONSERVATION

Chapter 200: MAINE'S RIVERS

§405-A. St. Croix River

1. Special consideration. In consideration of the special status of the St. Croix River as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick, the Legislature establishes the following provisions. [1987, c. 635 (new) .]

2. Commercial, industrial or residential development. Except as provided in this subsection, no person may undertake any further commercial, industrial or residential development in the area within 250 feet of the St. Croix River from the Grand Falls flowage to the north end of Wingdam Island. The following activities shall be exempt from these provisions:

A. Development of hydroelectric or other dams, plants and related facilities or improvements subject to the conditions described in subsection 3; [1987, c. 635 (new) .]

B. A bridge at Vanceboro; [1987, c. 635 (new) .]

C. A haul road from Grand Falls; [1987, c. 635 (new) .]

D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and [1987, c. 635 (new) .]

E. Any recreational management activity conducted or approved by the State. [1987, c. 635 (new) .]
[1987, c. 635 (new) .]

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

A. Having performed a feasibility study, by a qualified consultant, approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and having made the findings available to the State for review; [1987, c. 635 (new) .]

B. Having consulted with the office of the Governor or other agency of the State, designated by the Governor, regarding the feasibility of this

downstream development; [1987, c. 635 (new).]

C. Having determined that there exists no economically feasible site downstream from Grand Falls; and [1987, c. 635 (new).]

D. Having consulted with the St. Croix International Waterway Commission. [1987, c. 635 (new).]

If the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.

[1987, c. 635 (new).]

4. Review. The State Planning Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 1993 and every 5 years thereafter. The report shall include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation which directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section shall be repealed on the effective date of that Act or regulation. [1987, c. 635 (new).]

Section History:

PL 1987, Ch. 635, § (NEW).

2. Leavitt Plantation in Parsonsfield

The Board voted unanimously to allocate an additional **\$165,000** to the existing \$1,000,000 commitment for a total allocation of \$1,165,000. Board's commitment of funds continues to be conditioned on acceptance of an appraisal of the proposed project.

3. Bradbury/Pinelands

Project originally submitted as fee acquisition. Some parcels may now change from fee to easement. According to Ralph Knoll this is fine with the Department of Conservation. New appraisal has been accepted and survey work has been contracted out. There is a new parcel proposed for the project which was not part of original proposal. Ralph anticipates that this parcel can be included without exceeding the project's original allocation.

Working Forest Easement Guideline Process

Below, you will find an outline of the slide presentation made by Tim Glidden.

OUTLINE

- ❑ Review purpose of effort
- ❑ Process to date
- ❑ Issues under review
- ❑ Board discussion items
- ❑ Next steps

PURPOSE OF GUIDELINES

- ❑ To provide guidance for use of Board's "*Working Forest Management*" policy
- ❑ To facilitate LMF review of easements
- ❑ To describe easement drafting process

PROCESS TO DATE

- ❑ Three working group meetings to develop and refine draft
- ❑ Two public comment periods
- ❑ Currently reorganizing and revising draft to respond to comments
- ❑ Legislature's Agriculture Committee is considering closely related bill (LD 2096)

CURRENT ISSUES

- ❑ Balancing conservation values and working forest benefits in the core purposes of easement
- ❑ Intended use of guidelines and degree of flexibility
- ❑ Relationship to existing board policy on key issues of sustainable forestry and public access for recreation
- ❑ Differentiating between riparian strips, large contiguous landscapes, and scattered parcel situations
- ❑ Applicability of guidelines to other agency acquisition with other funding sources
- ❑ Easement development process
- ❑ Negotiations and confidentiality
- ❑ Public access and liability

BOARD DISCUSSION ITEMS

- ❑ Easement development process
- ❑ Negotiations and Confidentiality
- ❑ Public access and liability

EASEMENT DEVELOPMENT PROCESS

- ❑ Identify state agency team and lead negotiator
- ❑ Develop draft easement plan (*objectives*)
- ❑ Board review of draft plan
- ❑ Negotiate terms with landowner
- ❑ Public hearing
- ❑ Board approval

NEGOTIATIONS & CONFIDENTIALITY

- ❑ Current law provides that all documents held by state may be reviewed by public on request (*Maine Freedom of Access Statute*)
- ❑ Maine DOT has a blanket exemption
- ❑ Agriculture Committee considering legislation requesting a proposal to “preserve the state’s negotiating position” in LMF land transactions
- ❑ Options
 - ➔ No change
 - ➔ DOT style exemption from Freedom of Access Law for all or a portion of the negotiating process
 - ➔ Exemption for financial details of transaction until final Board vote
- ❑ Working group suggests taking issue to Natural Resources Sub-cabinet group with Board input

PUBLIC ACCESS & LIABILITY

- ❑ 1999 LMF Board requires that public access not be restricted (*limited exceptions*)
- ❑ 2001 legislation directs LMF to seek vehicular access to parcels “whenever possible and appropriate”
- ❑ Maine law provides broad grant of immunity from liability to landowners
- ❑ On a number of easements under consideration, LMF is funding purchase of public access
- ❑ Some landowners have sought guarantee of immunity from State should Maine law change

NEXT STEPS

- ❑ Legislative Committee reviewing the effort
 - ❑ Final working group meeting
 - ❑ Final board consideration at April 23 meeting
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LMF Funding Rounds

Tim discussed 2 possible scenarios for structuring future rounds of LMF funding primarily on conservation and recreation projects: (1) a single round option, and (2) a two round option. He outlined both the advantages and disadvantages of each scenario. He noted that the program faces three challenges over the next two years; change in administration, composition of the Board, and as the remaining bond funds are allocated, the Board may wish to consider how best to design its request for new funding.

No change is anticipated or recommended on the application process for Water Access proposals. The program will continue with annual rounds for Farmland proposals to be timed to coincide with the availability of federal matching dollars. Two two additional rounds at approximately the same funding level as the recent 2002 round [roughly \$1.4 Million] are planned for farmland proposals.

Tim would like to see the remaining funds fully allocated by the spring of 2004.

It was suggested that Calls for Proposals go out at the end of June – July 1st with a due date of December 15th.

Changes to the proposal workbook required.

After listening to the two possible scenarios, a motion was made by Roger Milliken and seconded by Roger Berle to go with 2 future rounds of LMF funding. Vote was unanimous.

Other Business

As in the past, we are looking for volunteer Board members to man the LMF booth at the 22nd Annual Sportsman's Show, March 29, 30 and 31, said Steve. Please contact him if you are interested.

Next Board Meeting

April 23, 2002 at the Pine Tree State Arboretum.