

# Land for Maine's Future Program

## Government Evaluation Act

Report to the Joint Standing Committee on Agriculture, Conservation & Forestry

131<sup>st</sup> Maine Legislature

December 15, 2023



MAINE DEPARTMENT OF  
**AGRICULTURE  
CONSERVATION  
& FORESTRY**



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**Land for Maine’s Future Program  
Government Evaluation Act 2023**

**Table of Contents**

**I. EXECUTIVE SUMMARY .....1**

**A. HIGHLIGHTS OF LMF BOARD WORK DURING THIS PERIOD..... 1**

i. The LMF Process Workgroup..... 1

ii. The LMF Climate, Carbon, and Resiliency Workshop. ....2

iii. LMF Process Workgroup Final Recommendations to the LMF Board.....2

iv. LMF 2021 Statute Changes and New Funding. ....2

v. LMF Workbook & Scoring Committee. ....3

vi. Updated Information Technology – Improved Application Process & Data Accessibility..3

vii. LMF Trust Fund .....4

**B. SUMMARY OF EMERGING ISSUES ..... 4**

i. Public Access.....4

ii. Staff Capacity and Access to Professional Support.....5

**II. ORGANIZATIONAL STRUCTURE AND POSITION  
CLASSIFICATION LISTING ..... 5**

**A. BOARD COMPOSITION AND STAFF..... 5**

i. The Board .....5

a. BOARD COMMITTEES.....6

1) Appraisal Oversight Committee .....7

2) LMF Workbook & Scoring Committee .....7

b. OTHER BOARD INITIATIVES AND WORKING GROUPS:.....8

1) LMF Process Workgroup .....8

2) The LMF Climate, Carbon, and Resiliency Workshop. ....10

3) Stewardship Policy Development.....10

4) Mitigation Funds and Carbon Credits Policy .....11

c. SPECIAL INITIATIVES WORKING GROUPS.....14

1) DMR’s Working Waterfront Access Protection Program Review Panel .....14

2) DACF’s Working Farmland Access and Protection Program Review Panel .....14

ii.	LMF Staff and Other Assistance.....	14
<b>III.</b>	<b>FINANCIAL SUMMARY .....</b>	<b>19</b>
IV.	STATUTES, POLICIES, DATA MANAGEMENT, AND REPORTS.....	23
A.	ENABLING LEGISLATION.....	23
i.	LMF 2021 Statute Changes and New Funding.....	23
ii.	The LMF Trust Fund.....	24
B.	BOARD POLICIES AND STATUTORY GUIDELINES .....	24
C.	EMERGING ISSUES .....	30
i.	Public Access.....	30
ii.	Staff Capacity and Access to Professional Support.....	32
D.	COMPARISON OF FEDERAL AND STATE LAWS.....	32
E.	COLLECTION, MANAGEMENT, AND USE OF PERSONAL INFORMATION.....	32
	Working Waterfront Access Protection Program Proposals.....	33
F.	REPORTS AND OTHER PAPERWORK.....	33
i.	LMF PROJECT AGREEMENT AND ANNUAL MONITORING REPORTS.....	33
G.	REPORTS TO THE LEGISLATURE .....	34
H.	CONSTITUENTS SERVED .....	34
I.	PROVISIONS NEEDING REVIEW.....	35
<b>V.</b>	<b>ALTERNATIVE DELIVERY SYSTEMS.....</b>	<b>35</b>
A.	USE OF CONTRACTS AND AGREEMENTS WITH OTHER STATE AGENCIES....	35
B.	USE OF TECHNOLOGY .....	35
C.	PARTNERSHIPS.....	37
<b>VI.</b>	<b>LMF PROGRAMS, FUNDS, AND OTHER ACTIVITIES. 37</b>	
A.	CONSERVATION AND RECREATION.....	37
i.	PROJECT ELIGIBILITY AND SELECTION.....	38
ii.	5% PUBLIC ACCESS GRANTS .....	40
iii.	STEWARDSHIP GRANTS.....	41
B.	PUBLIC ACCESS TO MAINE WATERS.....	41
i.	PROJECT ELIGIBILITY AND SELECTION.....	43
ii.	5% PUBLIC ACCESS GRANTS.....	43
iii.	STEWARDSHIP GRANTS.....	43

<b>C.</b>	WORKING WATERFRONT ACCESS PROTECTION PROGRAM .....	43
i.	PROJECT ELIGIBILITY AND SELECTION.....	45
<b>D.</b>	WORKING FARMLAND ACCESS AND PROTECTION PROGRAM.....	46
i.	PROJECT ELIGIBILITY AND SELECTION.....	46
ii.	FARMLAND BUSINESS PLANNING AND CAPITAL IMPROVEMENT APPLICATIONS.....	49
<b>E.</b>	CONSERVATION LAND MANAGEMENT PROGRAM.....	50
<b>F.</b>	OTHER FUNDS AND ACTIVITIES.....	50
i.	SEARS ISLAND CONSENT DECREE FUND.....	50
ii.	CONSERVATION EASEMENT REGISTRY .....	50
iii.	PUBLICATIONS.....	51
<b>VII.</b>	CONSERVATION STRATEGIES, PRIORITIES, AND PERFORMANCE METRICS .....	52
<b>A.</b>	CONSERVATION STRATEGIES.....	52
<b>B.</b>	CONSERVATION PRIORITIES .....	53
<b>C.</b>	MEASURING CONSERVATION .....	55
<b>D.</b>	LMF PERFORMANCE.....	56
i.	Performance Goals.....	56
ii.	Performance Measurements, 2015 – 2023.....	56
<b>VIII.</b>	<b>BIBLIOGRAPHY .....</b>	<b>58</b>
<b>A.</b>	CITED SOURCES AND REFERENCES.....	58
<b>IX.</b>	<b>APPENDICES.....</b>	<b>60</b>
	APPENDIX A.....	
	LMF Statutes .....	A-1
	APPENDIX B.....	
	LMF Bonds .....	B-1
	APPENDIX C.....	
	Financial Summaries.....	C-1
	APPENDIX D .....	
	Financial Summaries by Round.....	D-1
	APPENDIX E1 .....	
	Access Improvement Grants .....	E1-1



APPENDIX E2.....  
    Stewardship Grants ..... E2-1

APPENDIX F .....  
    Working Farmland Access and Protection Program Workbook ..... F-1

APPENDIX G1 .....  
    LMF Partner Checklist..... G1-1

APPENDIX G2 .....  
    LMF Board Mitigation Funds Decision Tree..... G2-1

APPENDIX G3 .....  
    LMF Board Carbon Credits Decision Tree ..... G3-1

APPENDIX H.....  
    All LMF Projects ..... H-1

APPENDIX I .....  
    Maps ..... I-1

APPENDIX J .....  
    Project Agreement Templates ..... J-1

APPENDIX K.....  
    Working Waterfront Covenant..... K-1

APPENDIX L1 .....  
    2022 Scoring Workbook Committee..... L1-1

APPENDIX L2 .....  
    LMF Climate, Carbon, and Resilience Workshop..... L2-1

APPENDIX L3 .....  
    Maine Climate Council Equity Subcommittee Final Recommendations ..... L3-1

APPENDIX M .....  
    Deer Wintering Area Criteria..... M-1

APPENDIX N1 .....  
    2021 LMF Process Workgroup Final Recommendations ..... N1-1

APPENDIX N2 .....  
    LMF Board Subcommittee Workgroup Recommendations ..... N2-1

APPENDIX O .....

Emerging Issues..... O-1

APPENDIX P ..... P-1

Equitable Access to Green Space..... P-1

APPENDIX Q ..... Q-1

LMF Round 12 Workbook ..... Q-1

## I. EXECUTIVE SUMMARY

LMF staff prepared this Government Evaluation Act (GEA) report with help from the staff of the Maine Department of Agriculture, Conservation and Forestry (DACF) and its Bureau of Resource Information and Land Use Planning (BRILUP), and staff of the Department of Marine Resources (DMR) and its Maine Coastal Program (MCP) with input from the LMF Board.

The report includes the standard requirements of the GEA report as required by statute, highlights the accomplishments of the LMF program, provides an overview of some of the changes in its organizational structure, management expectations, and guidelines for new project applications, and includes recommendations for further consideration.

### A. HIGHLIGHTS OF LMF BOARD WORK DURING THIS PERIOD

Since the last GEA report in 2015, the LMF Board and the LMF Program have been actively engaged with stakeholders and sister agencies to ensure that the Program remains accessible to its partners and responsive to its statutory obligations. Between 2015 and 2023, the LMF Board initiated three funding rounds (Rounds 9, 10, and 11), protected an additional 43,827 acres of natural and working lands,<sup>1</sup> and disbursed \$17,697,566 in direct land acquisition costs<sup>2</sup> for which applicants delivered \$43,252,646 of match (in the form of matching funds or land value).<sup>3</sup>

LMF statutes require that each dollar expended be met by a match at least equal to the investment (match to investment dollars 1:1 ratio). Over the past eight years, that effective proportion has been greater than 1:2, such that Maine citizens invested \$17,697,566 to receive a value of \$60,950,212. Specifics for each Round are addressed more fully in [Appendices C](#) and [D](#) of this report.

#### *i. The LMF Process Workgroup.*

At its July 21, 2020, meeting, the Land for Maine's Future Board authorized the establishment of a Workgroup consisting of select LMF Board members, Cooperating Entity representatives, and Designated State Agency<sup>4</sup> (DSA) representatives (the "LMF Process Workgroup" or the "Workgroup"). The LMF Board charged the Workgroup with developing recommendations to ensure that LMF and its partners collaborate effectively to conserve natural, recreational, and

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<sup>1</sup> Source

<sup>2</sup> Land for Maine's Future. Biennial Reports 2017, 2019, 2021, and 2023.

<sup>3</sup> Id.

<sup>4</sup> All LMF projects proposed for funding by land trusts or municipalities must be sponsored by an eligible state agency. This state agency sponsor is known as the "Designated State Agency" or "DSA". The DSA may require specific management commitments from the applicant as a condition of sponsorship and will commit to a long-term oversight role that includes review of project monitoring reports and determination of compliance with project goals, among other things.

working lands in accordance with state land acquisition goals and priorities. Facilitated by Jo D. Saffair, the Workgroup met four times, once each month, from September to December 2020. LMF staff posted the meeting schedule and meeting materials to the LMF website, and meetings were open to the public, with an opportunity for public input provided at each meeting.

***ii. The LMF Climate, Carbon, and Resiliency Workshop.***

In November 2020, the LMF Board offered a 2-day Climate, Carbon, and Resilience Workshop.<sup>5</sup> This workshop was intended to provide:

- an overview of climate science and Maine goals (including an introduction to the Maine Climate Council’s Natural and Working Lands Working Group recommendations),<sup>6</sup>
- an opportunity to learn about tools for conservation planning,
- an opportunity to understand how partners use science and tools to inform priorities and management, and
- the chance to brainstorm ways LMF could further these “Maine Won’t Wait” (climate action plan) new state land acquisition priorities.<sup>7</sup>

This workshop was also open to the Public and was well-attended by LMF Board members, state agency staff, and members of the Public.

***iii. LMF Process Workgroup Final Recommendations to the LMF Board.***

The Workgroup delivered its final report, “*Final Recommendations to the LMF Board*,” at the LMF Board meeting in January 2021 (the full text attached as [Appendix N1](#)). The Workgroup recommended a review of LMF’s appraisal process, adjustment of the DSA’s role and responsibilities, easement review, streamlining of LMF Project Agreements, and, echoing the Maine Climate Council’s recommendations, the Workgroup urged the LMF Board to

*Update LMF policies and scoring criteria to reflect current state policy initiatives related to climate resilience and carbon sequestration. With Maine’s recently completed Climate Action Plan recommending increased conservation of natural and working lands to help achieve the State’s carbon neutrality and greenhouse gas emissions reduction goals, LMF should ensure the Program advances relevant Climate Action Plan policy objectives.*<sup>8</sup>

***iv. LMF 2021 Statute Changes and New Funding.***

In June 2021, the Legislature passed PL 2021, c. 398 Part FFFF into law, budgeting \$40,000,000 for LMF over the next four years. In that same session, the Legislature also passed PL 2021 chapters 404 and 568 (both amended by PL 2021, c. 676). Signed by the Governor on an expedited,

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<sup>5</sup> <https://www.maine.gov/dacf/lmf/agendas.shtml#webinars>

<sup>6</sup> Maine Climate Council, *Natural and Working Lands Workgroup Recommended Strategies*, June 2020. Incorporated into *Maine Won’t Wait* in December 2020.

<sup>7</sup> LMF Staff notes, Director’s copy “LMF CCR Workshop Agenda.” See [Appendix L2](#).

<sup>8</sup> Land for Maine’s Future Workgroup, *Recommendations to the Land for Maine’s Future Board*, January 2021.

emergency basis to ensure that the appropriated funds and pertinent provisions would be immediately in force, amended LMF statutes also included the following revised priorities to support the new emphasis on the Climate Action Plan:

***Priorities.*** *Whenever possible, the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Trust Fund and the Conservation and Recreation Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.*<sup>9</sup>

As a result of the new funding, the LMF Board was able to issue Round 10 Requests for Proposals across all programs, the first C&R RFP issued since 2017. The LMF Board chose thirty-eight projects totaling \$16 million in new investments and leveraging \$40 million in public and private funding. Fifteen of these projects have now closed, as more fully depicted in [Appendix D](#).

***v. LMF Workbook & Scoring Committee.***

In September 2022, former LMF Director Sarah Demers assembled a Scoring Committee that included LMF Board members, LMF Staff, staff from the Open Space Institute, representatives from various cooperating entities<sup>10</sup>, and other state colleagues. One of the drivers for this gathering was to explore how LMF scoring might “move the needle” on climate adaptations and resiliency before the Round 11 call for proposals at the November Board meeting. With the Committee’s help, the LMF Board adopted the Round 11 Workbook with revisions to the Appraisal Oversight Committee’s job description (in keeping with the LMF Process Workgroup’s recommendations), points for projects that serve low-income or otherwise disadvantaged communities and/or provide equitable access to greenspace (incorporating some of the Climate Council Equity Subcommittee’s recommendations), and points for Community Accessibility.<sup>11</sup> With this workbook, the Board also adopted a modified scoring system to provide a possible 150 points, including a 10-point bonus for Climate Change Adaptations.

***vi. Updated Information Technology – Improved Application Process & Data Accessibility.***

In 2021, the LMF Board and the Department of Agriculture, Conservation and Forestry authorized the acquisition of a web-based grants application portal and data management tool. In December 2021, LMF partnered with BPL to purchase a 2-year subscription to WizeHive. When the portal is

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<sup>9</sup> 5 MRS §6207. Acquisition criteria. PL 2021 c. 676. Emphasis added.

<sup>10</sup> “Cooperating Entities” typically include nonprofits, municipalities, or municipal conservation commissions. See 5 MRS §6201.

<sup>11</sup> See [Appendix L3](#)

complete, LMF Staff expect the program to provide a better user/applicant experience, a more streamlined reviewer experience, and better data capture and management opportunities.

*vii. LMF Trust Fund*

In 2023, the Legislature passed (and the Governor signed into law) LD 1969.<sup>12</sup> This legislation repealed and replaced the Land for Maine’s Future Fund with the Land for Maine’s Future Trust Fund. By moving LMF funds into a protected trust account and by permitting these funds to earn interest (which is then deposited back into the LMF Trust Fund), this legislation has helped the LMF Program address the need for “dedicated and sustained sources of funding to ... protect natural and working lands”.<sup>13</sup> This account has earned over \$300,000 in interest in just three months of operation.

**B. SUMMARY OF EMERGING ISSUES**

These current issues are likely to inspire the most vigorous debate among our Board members. Emerging issues are addressed in greater detail in the [Board Policies section](#) of this report.

*i. Public Access*

Public access is important to LMF, so important that it is common to see it described as a core purpose of the program.<sup>14</sup> The LMF Board appropriately reads its obligation to obtain guaranteed public vehicular access to Conservation & Recreation (C&R) and Water Access (WA) projects as the obligation to ensure (whenever possible and appropriate) that title to the roadways leading to any parcel acquired with these LMF funds must explicitly identify the public’s right to travel those roadways.

The LMF Board has understood this to be the measure of “guaranteed public access” and LMF counsel has regularly applied this standard during the due diligence phase.

At its June 2023 meeting, the LMF Board grappled with the implications of funding a project chosen for its ecological resources as well as its recreational value when counsel determined that guaranteed public vehicular access was lacking. The LMF Board ultimately voted to exercise its discretion to fund this project but asked staff to alert applicants to its strong preference for guaranteed public vehicular access – and to ensure that applicants identified their need for a waiver from this obligation earlier in the process. In response, staff drafted (and the Board adopted) a more clearly articulated requirement for guaranteed public vehicular access in the Round 12 C&R/WA Workbook.<sup>15</sup> This articulation of Board policy requires that a recipient of LMF funds must do more than simply permit entry onto the land – they must

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<sup>12</sup> 5 MRS §6203-D

<sup>13</sup> Maine Climate Council, *Maine Won’t Wait*, December 2020, p.75. [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

<sup>14</sup>Land for Maine’s Future.org “*Public land access is the essence of Maine.*” <https://landformainesfuture.org/>

<sup>15</sup> See [Appendix Q](#), page Q-89.

also ensure that the public has a legally protected way to get there. If an applicant will be asking the Board to exercise its discretion to waive this requirement, they must alert the LMF Board of this fact at the proposal stage (before qualifying as a finalist) or as soon as they learn of it.

The Board's recognition of its authority to exercise its discretion under these circumstances and its commitment to evaluating the propriety of a waiver of these requirements on a case-by-case basis makes it likely that this will be an ongoing subject of discussion.

*ii. Staff Capacity and Access to Professional Support*

If LMF continues to be well-funded, accelerating the pace of conservation will require more staff capacity, both at LMF and at sister agencies that have long-term obligations to projects or administer programs through LMF (particularly BAFRR, DIFW, BPL, and DMR). A current challenge to swift project completion is the relative scarcity of appraisers and related real estate professionals necessary for project support.

## **II. ORGANIZATIONAL STRUCTURE AND POSITION CLASSIFICATION LISTING**

Established in 1987, The Land for Maine's Future Fund (as of 2023, now known as the Land for Maine's Future Trust Fund) is managed by a nine-member Board. The fund, the Board, and LMF staff are collectively referred to as the LMF program.

### **A. BOARD COMPOSITION AND STAFF**

*i. The Board*

The nine-member Board consists of six public citizens and three commissioners (permanent members) representing the departments of DACF, Inland Fisheries and Wildlife (DIFW), and Marine Resources (DMR).

As specified in the authorizing legislation, 5 MRS §6204:

*The six public members must be selected for their knowledge of the State's natural resources and landscape and their demonstrated commitment to land conservation. Appointments must provide broad geographic representation.*

These members are appointed by the Governor, subject to review by the Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry, and confirmation by the Legislature. By statute, appointed Board members are limited to serving two consecutive terms.

The basic structure of the program is presented in [Figure 2-3](#).

The current members of the Board and their terms of service are:

Barbara Trafton, Brunswick;	03/20/23-11/13/26
Robert L. Meyers, Bath;	03/05/21-11/13/23
Roger Berle, Falmouth,	03/08/21-01/31/24
James Norris, Winthrop;	03/20/23-01/31/27
Catherin Robbins-Halsted, Searsmont;	03/08/21-01/31/24
Dr. Mac Hunter, Amherst;	02/11/22-01/31/26
Patrick Keliher, Commissioner, Department of Marine Resources (appointed Chair by the Governor in 2019)	
Amanda E. Beal, Commissioner, Department of Agriculture, Conservation and Forestry	
Judith Camuso, Commissioner, Department of Inland Fisheries and Wildlife	

Board responsibilities include:

- A. Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund. Both the assessment and the development of a strategy and guidelines must be conducted with opportunities for participation by interested state agencies and the public;...*
- C. Receive and review funding requests from state agencies and cooperating entities for acquisition projects meeting state guidelines;*
- D. In accordance with the strategy and guidelines developed, authorize distribution of proceeds from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund for acquisitions of property or interests in property; and*
- E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund, and revisions to the strategies and guidelines pertaining to these funds...<sup>16</sup>*

#### a. BOARD COMMITTEES

All LMF sub-committees, work groups, and Board meetings are posted on the LMF website at [www.maine.gov/dacf/lmf](http://www.maine.gov/dacf/lmf). The Board and staff utilize several approaches to solicit input from interested parties and the public. The Board publishes a notice of pending land acquisitions and invites public comment at all Board meetings. Opportunities for public input were provided for all of the workgroups. Information about the program is also available on the website, and staff can meet with or make presentations to interested groups and community organizations.

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<sup>16</sup> 5 MRS Section 6206



The following Board committees were active during the reporting period:

**Appraisal Oversight Committee**

Robert L. Meyers, Chair\*  
Jim Norris\*  
Barbara Trafton\*

**Workbook & Scoring Committee (2022)**

Mac Hunter\*  
Barbara Trafton\*  
Rachelle Curran-Apse  
Jerry Bley  
Molly Docherty  
Judy East  
Sarah Demers  
Jason Bulay  
Flora Drury  
Kirk Siegel  
Jeff Romano  
Abby Weinberger (OSI)  
Jennifer Melville (OSI)

\*Board member

***1) Appraisal Oversight Committee***

The Appraisal Oversight Committee (AOC) is a standing sub-committee of the LMF Board. The role of the AOC is to evaluate appraisals submitted by applicants seeking LMF funding and to make a recommendation to the LMF Board for their vote to allocate LMF funds. The objective of the AOC is to ensure that the appraiser has provided an appraisal report that can be understood by a layperson (its intended user) and that the appraisal report meets all other standards outlined in the LMF Workbook and the Uniform Standards of Professional Appraisal Practice (“USPAP”).

Following the recent Board adoption of the AOC’s new charge (see discussion below), the members of the AOC do NOT serve as review appraisers (or appraisers of any kind). If the appraisal report is written in such a way that the members of the AOC can follow the appraiser’s thinking and understand how the appraiser reached their conclusions, and if the appraiser has followed all other LMF and USPAP standards, the appraiser (and the AOC) will have done their job. It should be noted that, under this system, the AOC should not be expected to judge the wisdom of an appraiser’s approach for themselves. For that expertise, the LMF Board would require the regular services of an actual Review Appraiser.

***2) LMF Workbook & Scoring Committee***

In September 2022, former LMF Director Sarah Demers assembled a Workbook and Scoring Committee that included LMF Board members, LMF Staff, staff from the Open Space Institute,

representatives from various cooperating entities, and other state colleagues.<sup>17</sup> One of the drivers for this gathering was to explore how LMF scoring might “move the needle” on climate adaptations and resiliency before the Round 11 call for proposals. At Sarah Demers’ request, Jennifer Melville and Abigail Weinberg of the Open Space Institute created a draft climate proposal and provided guidance to the assembled committee.

The most significant changes to the Round 11 Workbook, formally approved by the LMF Board in November 2022, were:

- Revisions to the AOC’s job description in keeping with the LMF Process Workgroup’s recommendations,
- The addition of:
  - points for projects that serve low-income or otherwise disadvantaged communities and/or provide equitable access to greenspace in the “Community and Economic Impact” scoring criteria to incorporate some of the Climate Council Equity Subcommittee’s recommendations into the scoring metric,
  - points for Community Accessibility, and
- Modified scoring to provide a possible 150 points, including a 10-point bonus for Climate Change Adaptations, including underrepresented geophysical settings.

Some recommendations from OSI’s draft climate proposal were postponed for consideration at a future round. The Workbook and Scoring Committee had been unable to reach a consensus on the inclusion of some of OSI’s recommendations. The LMF Board considered all of the Committee’s findings and the draft climate proposal incorporating some of the recommendations from the climate proposal but wanted to learn more about the potential impact on DSA’s for managing carbon sequestration and storage projects, in particular. This discussion is ongoing, and its evolution is captured in the Round 12 Workbook.

## b. OTHER BOARD INITIATIVES AND WORKING GROUPS:

### 1) *LMF Process Workgroup*

In early 2020, LMF staff initiated a review of LMF operating policy and procedures. What began as a conversation between sister agencies expanded to include LMF Board members and representatives of the applicant community. In July 2020, the LMF Board officially charged the LMF Process Workgroup with the task of developing recommendations that would help LMF and its partners collaborate more effectively to conserve natural, recreational, and working lands in accordance with state land acquisition goals and priorities. Facilitated by consultant Jo D. Saffeir, the Workgroup met four times, once each month, from September to December 2020. The meeting schedule and

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<sup>17</sup> See [Appendix N2](#)

meeting materials were posted to the LMF website, and meetings were open to the public, with an opportunity for public input provided at each meeting.

The LMF Process Workgroup delivered its final recommendations to the LMF Board in January 2021. The Workgroup recommended a review of LMF’s appraisal process, adjustment of the DSA’s role and responsibilities, easement review, streamlining of LMF Project Agreements, and, echoing the Maine Climate Council’s recommendations, the Workgroup urged the LMF Board to

*Update LMF policies and scoring criteria to reflect current state policy initiatives related to climate resilience and carbon sequestration. With Maine’s recently completed Climate Action Plan recommending increased conservation of natural and working lands to help achieve the State’s carbon neutrality and greenhouse gas emissions reduction goals, LMF should ensure the Program advances relevant Climate Action Plan policy objectives.*<sup>18</sup>

The LMF Board established several subcommittees and workgroups in response to these recommendations:

**LMF Appraisal Sub-Committee** - The LMF Process Workgroup recommended clarifying and simplifying the LMF Board’s appraisal process. In response to these recommendations, the LMF Appraisal Sub-Committee proposed a new AOC Job Description, which redefined the AOC’s purpose, role, evaluation process, and permissible outcomes in the form of a new AOC Job Description. The Appraisal Sub-Committee also proposed new LMF appraisal standards. The LMF Board adopted the Appraisal Sub-Committee’s recommendations in March of 2022.

**Budget and Finance Sub-Committee** - A Budget and Finance Sub-Committee convened in response to several LMF Process Workgroup recommendations. This sub-committee articulated the following intentions, which reflect how the LMF Board operates:

- *Transparency Intent: The Board is committed to a fair and transparent scoring process that is based on published guidance (workbook) and statutory requirements while maintaining each individual’s ability to exercise judgment and Board discretion when allocating funds to each project. When the Board’s funding allocations deviate from scoring or other published criteria or other considerations factor into the funding decision, the Board will provide an explanation as to why.*
- *Funding Intent: The Board is committed to ensuring LMF funds are spent in a timely manner on projects that meet their published requirements. The Board is committed to funding as many good projects as funding allows and recognizes that partially funding projects can impact project viability.*

**LMF Workbook Sub-Committee** - The LMF Board established a sub-committee to assist with workbook updates to reflect statutory changes made by the 130th Legislature and to assess and implement application process-related recommendations made by the LMF Process

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<sup>18</sup> Land for Maine’s Future Workgroup, *Recommendations to the Land for Maine’s Future Board*, January 2021.

Workgroup. The LMF Workbook Sub-Committee prepared a workbook in mid-2021, and the LMF Board adopted the LMF Program Proposal Workbook in October of 2021.

## **2) *The LMF Climate, Carbon, and Resiliency Workshop.***

Among its other responsibilities, the LMF Board is required to:

*Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund. Both the assessment and the development of a strategy and guidelines must be conducted with opportunities for participation by interested state agencies and the public.*<sup>19</sup>

While the Workgroup was in process, in November of 2020, the LMF Board offered a 2-day Climate, Carbon and Resilience Workshop.<sup>20</sup> This workshop was intended to provide:

- an overview of climate science and Maine goals (including an introduction to the Maine Climate Council's Natural and Working Lands Working Group recommendations),<sup>21</sup>
- an opportunity to learn about tools for conservation planning,
- an opportunity to understand how partners use science and tools to inform priorities and management, and
- the chance to brainstorm ways LMF could further these "Maine Won't Wait" state land acquisition priorities.<sup>22</sup>

This workshop was open to the Public and was well-attended by LMF Board members, state agency staff, and members of the Public. This workshop and the ongoing LMF Board's engagement with this subject matter were undertaken in recognition of the LMF Board's statutory obligations to keep the program responsive to state acquisition goals and priorities.<sup>23</sup>

## **3) *Stewardship Policy Development***

The cost to place land in conservation goes well beyond the initial outlay for acquisition; effective stewardship is an ongoing financial obligation. Only after the statutory changes in 2021 was there a clear mechanism for funding those needs through LMF. With new authorization in place, the Stewardship Funding Workgroup, made of LMF Board members, agency staff, and members of the land trust community, met to discuss the LMF Board's new authority to allocate funds towards the stewardship and management of properties acquired with the Land for Maine's Future Fund or the WA Fund. The LMF Board adopted a final Stewardship policy in 2023 and anticipates being able to award these funds when rulemaking is complete.

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<sup>19</sup> 5 MRS §6206(1)A

<sup>20</sup> <https://www.maine.gov/dacf/lmf/agendas.shtml#webinars>. See also Appendix I.2

<sup>21</sup> Maine Climate Council, *Natural and Working Lands Workgroup Recommended Strategies*, June 2020. Incorporated into *Maine Won't Wait* in December 2020.

<sup>22</sup> LMF Staff notes, Director's copy "LMF CCR Workshop Agenda"

<sup>23</sup> 5 MRS §6206(1). Board Responsibilities

#### *4) Mitigation Funds and Carbon Credits Policy*

The LMF Process Workgroup urged the LMF Board to determine which state and federal funding programs were a good potential match for the LMF program and to eliminate or reduce existing impediments to accessing these matching funds, with an early focus on the Maine Natural Resource Conservation Program (“MNRCP”).

Staff began by evaluating the ease with which LMF could partner with other state and federal programs and, where appropriate, the steps that LMF and other programs would need to take to make the partnership more efficient.<sup>24</sup> The next step required the LMF Board to articulate its policy regarding pairing LMF funds with mitigation funds (or other funding that might permit increased development or other impacts to other land). The only previous suggestion of LMF policy on this topic was a statement in *one* of LMF’s easement templates prohibiting all such activity.

At its Board meetings in March and July of 2022, the LMF broadened its policy and articulated frameworks for matching mitigation funds to LMF funds and the suitability of LMF project lands for voluntary carbon credit markets.<sup>25</sup> The immediate impact of these policy changes was the augmentation of LMF’s partnership with MNRCP. LMF and MNRCP entered into an MOU formally articulating their expectations of one another when co-funding a project.

*Considerations identified by the Board related to mitigation funds.*

The Board determined that LMF funds should not be used to relieve a **private** party’s responsibility to mitigate damage caused elsewhere. If investing LMF funds in a project would reduce a **private** party’s obligation to mitigate damage, that participation would not be compatible with LMF objectives. If investing LMF funds in a project would not have that effect, the LMF Board continued its analysis using the framework staff created to capture the Board’s policy decisions.<sup>26</sup>

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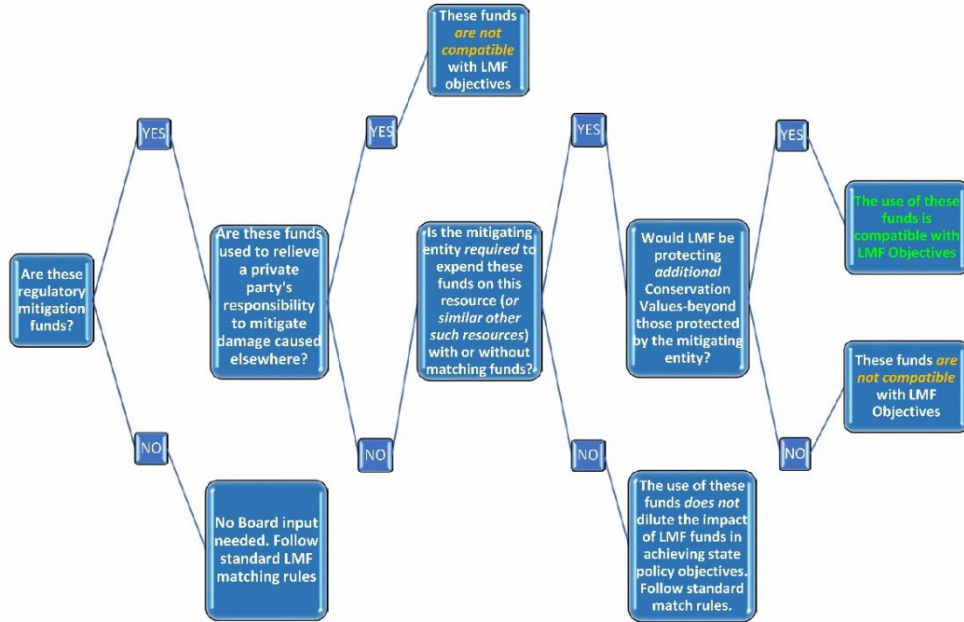
<sup>24</sup> See [Appendix G1](#), LMF Partner Checklist.

<sup>25</sup> See [Appendix G2](#), Mitigation Funds Decision Tree

<sup>26</sup> *Id.*

Figure 2-1. Land for Maine's Future

### Mitigation Funds Decision Tree



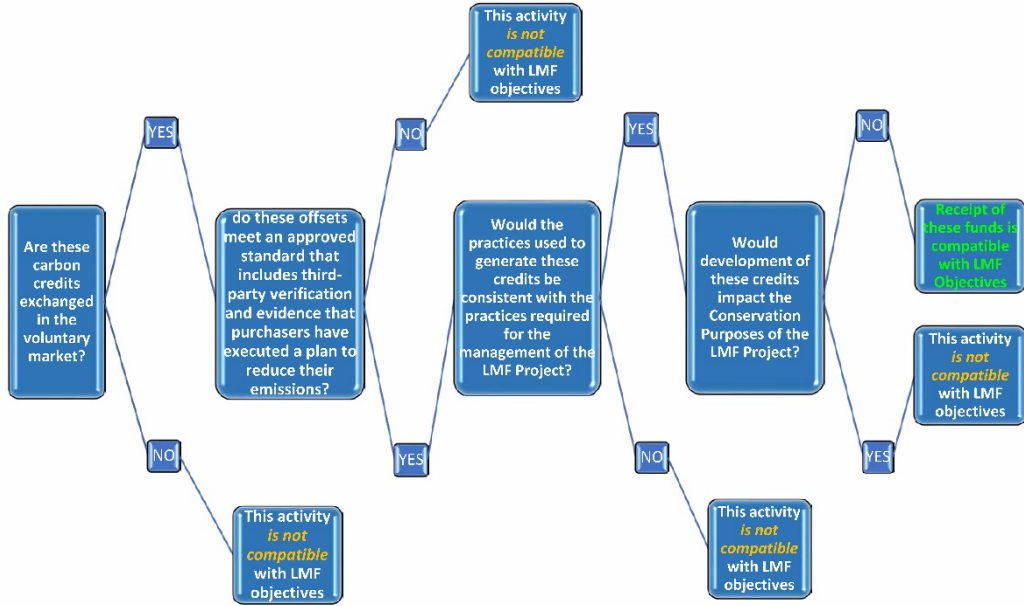
*Considerations identified by the Board related to carbon credits.*

The LMF Board agreed to only consider carbon credits exchanged in the voluntary market. The sale of carbon credits in the mandatory compliance/regulatory market was deemed incompatible with LMF objectives. The LMF Board continued its analysis using the framework staff created, capturing the Board’s thoughts.<sup>27</sup>

<sup>27</sup> See [Appendix G3](#), Sale of Carbon Credits Decision Tree

Figure 2-2. Land for Maine's Future

### Sale of Carbon Credits Decision Tree\*



\*Adapted from The Governor’s Task Force on the Creation of a Forest Carbon Program, recommendation “H” under 4.b. Financial: *Secure funding from private parties (e.g., corporations with obligations to reduce emissions), federal or state programs, or other states, to implement a program to achieve the target for additional carbon storage while maintaining harvest. If funds are generated either in full or in part via payments for carbon offsets, the State should ensure that offsets issued meet an approved standard that includes third-party verification (ensuring that the offsets are real, additional, verifiable, and lasting), and are recorded in a registry. The State should also consider whether it will have standards for the purchasers of offsets, such as whether they are executing a plan to reduce their own emissions.*

### c. SPECIAL INITIATIVES WORKING GROUPS

#### 1) **DMR's Working Waterfront Access Protection Program Review Panel**

The Commissioner of the Department of Marine Resources may appoint an LMF Board member to serve on the review panel. Roger Berle currently serves in this capacity.

#### 2) **DACF's Working Farmland Access and Protection Program Review Panel**

The Commissioner of the Department of Agriculture, Conservation and Forestry may appoint an LMF Board member to serve on the review panel. Barbara Trafton and Jim Norris have served in this capacity.

#### *ii. LMF Staff and Other Assistance*

The program continues to be supported by LMF staff located within the DACF's Bureau of Resource Information and Land Use Planning (BRILUP). Staff prepare draft workbooks that form the basis for each round of proposals for Board review, oversee the call for proposals and the project selection process, and actively manage projects from preliminary acceptance by the LMF Board through the due diligence process to closing and beyond. "Project Management" includes all aspects of project development, including negotiations, project agreement<sup>28</sup> and easement drafting, baseline evaluation, and project preparation for closing. Staff also oversee various post-closing activities, including receiving annual monitoring reports from cooperating entities. In addition, staff support the Board and its working committees and generate legislatively required reports on the Board's behalf.

In addition to implementing the Land for Maine's Future Program, LMF staff are responsible for monitoring and maintaining the Conservation Easement Registry, created by the Legislature in 2007.

In 2013, as part of the merger between the Department of Conservation and the Department of Agriculture, the LMF Director position was re-established as a competitive civil service. The previous Director, Sarah Demers, left the position in March 2023. The next LMF Director, Stephen Walker, assumed this role from June 26, 2023, until December 3, 2023. As of December 4, 2023, the Director of the LMF program is Laura Graham.

A position classification listing for all LMF staff is provided in Figure 1-2.

In addition to LMF Program staff, the program relies heavily on the expertise of various staff from DACF (including BRILUP's Maine Natural Areas Program and the Bureau of Parks and Lands,

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<sup>28</sup> See [Appendix J](#) for current Project Agreement templates.



DIFW, DMR (including the Maine Coastal Program), Maine Historic Preservation Commission, DEP, and numerous private and public partner organizations in many aspects of its work.

Legal counsel for conservation projects continues to be provided through a cooperative agreement with the Maine Department of Transportation (Maine DOT). The Maine DOT Legal Division provides title and legal research services, including project agreements and easement reviews. The Attorney General's Office is the counsel for the Board's functions, interpreting legal questions relating to LMF statutes, policies, and processes.

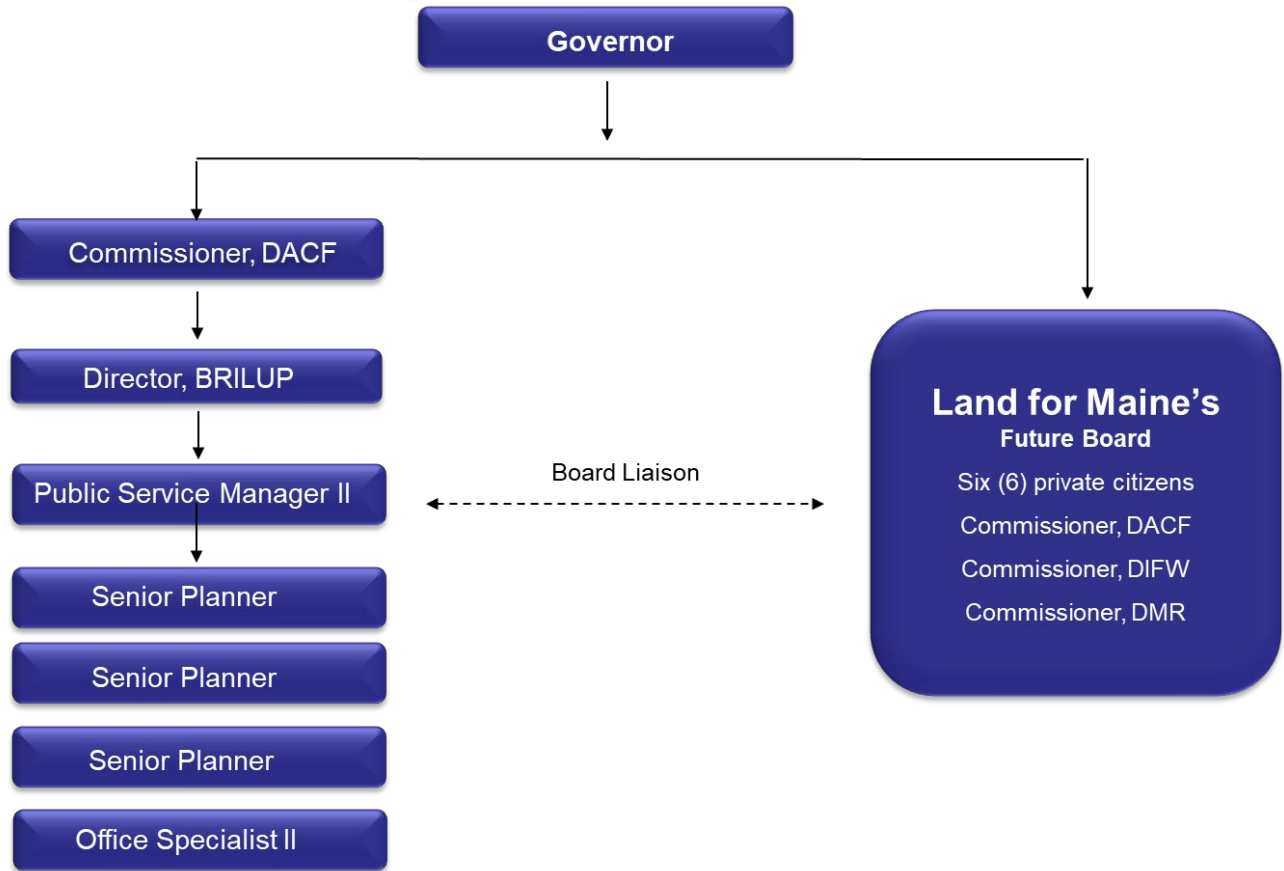
Through the application process, non-profit land trusts, municipalities, and other cooperating entities (as defined in the statute) assist the program in the development of projects and working with landowners, completing due diligence tasks such as boundary surveys, title work, and providing matching funds.

LMF also occasionally hosts interns to assist with specific initiatives. Recently, considering recommendations made by the Maine Climate Council's Equity Sub-Committee, LMF hosted an intern to examine equitable access to greenspace in Maine. Their results were shared broadly with sister agencies and the LMF Board in June 2023.<sup>29</sup>

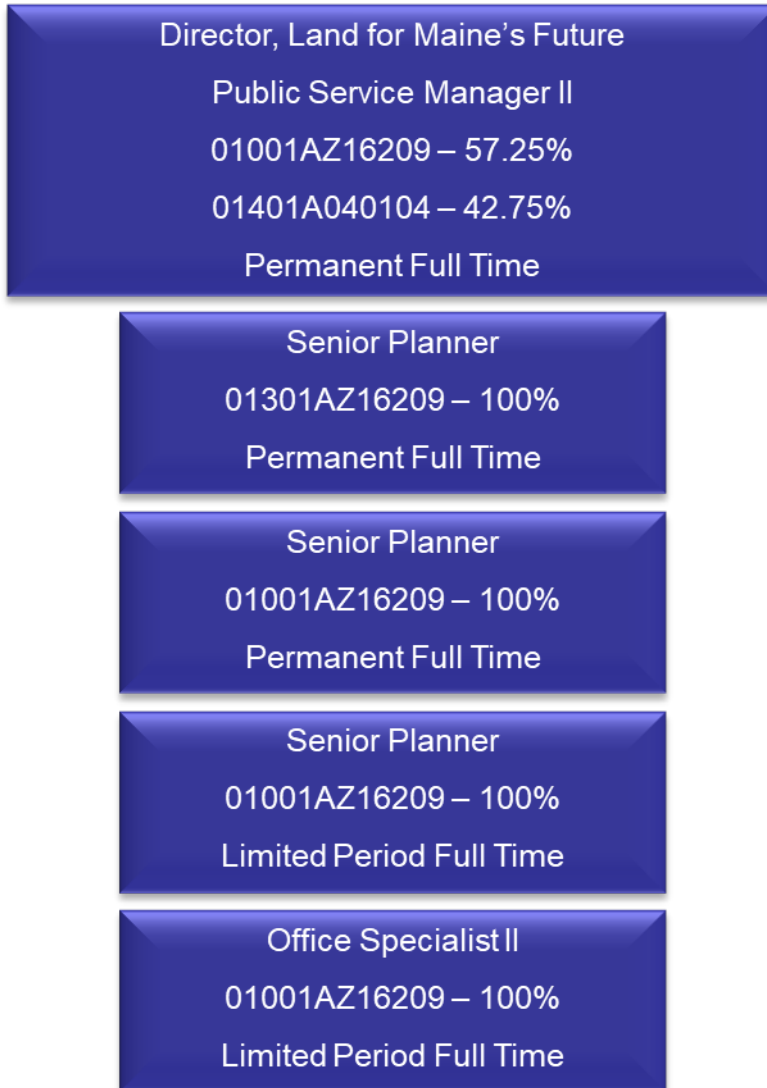
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<sup>29</sup> See [Appendix P](#), *Expanding Equitable Access to Conservation Lands*. Alexandra Courtney, 2023

Figure 2-3. Land for Maine's Future



**Figure 2-4. Land for Maine's Future**



## Selected Historical Account of Position Classification for LMF

### Maine Department of Agriculture, Conservation, Forestry As of September 1, 2023

Job Class Title	Fund <sup>30</sup>	Org	Biweekly Hours	Position
Public Service Manager II	10 (57.25%)	01A	80	017200001
	14 (42.75%)	01A		
Senior Planner	13	01A	80	095101092
Senior Planner	10	01A	80	095101016
Senior Planner	10	01A	80	095101177
Office Specialist II (vacant)	10	01A	80	095101178

### Maine Department of Agriculture, Conservation, Forestry As of September 1, 2015

Job Class Title	Fund	Org	Biweekly Hours	Position
Public Service Manager I	10 (57.25%)	01A	80	017200001
	14 (42.75%)	01A		
Senior Planner	13	01A	80	095101092
Senior Planner	10	01A	80	095101016
Senior Planner	10	01A	80	095101139

### Maine State Planning Office As of October 1, 2007

Program 0060 - LMF- has only one position

Job Class Title	Fund	Org	Biweekly Hours	Position
Senior Planner	10	60	80	95101139

Program 0082 – State Planning Office – positions supporting LMF

Job Class Title	Fund	Org	Biweekly Hours	Position
Policy & Program Coord	10	82	80	95100001
Senior Planner	13	82	80	95101019
Senior Planner	10	82	80	95101016
Secretary	13	82	80	95100031

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<sup>30</sup> Fund and Organizational codes are as follows:

- 10: General Fund
- 13: Federal Funds
- 14: Other Special Revenue
- 0001A: Department of Agriculture, Conservation and Forestry
- 0060: Land for Maine's Future
- 0082: State Planning Office

**Maine State Planning Office  
As of November 1, 2001**

Program 0060 - LMF- has only one position

Job Class Title	Fund	Org	Hours	Position
Senior Planner	14	60	80	95101139

Program 0082 – State Planning Office – positions supporting LMF

Job Class Title	Fund	Org	Hours	Position
Policy Development Spec	10	82	80	95100001
Senior Planner	10	82	80	95101016
Secretary	13	82	80	95100031

### III. FINANCIAL SUMMARY

Figure 3-1 shows program expenditures from FY14 to the present. Figures 3-2, 3-3, and 3-4 document the financial breakdown by Round. Appendices C and D contain full reports, including an analysis of Rounds 8, 9, 10, and 11. Round 8 is included in this report because the final expenditures for Round 8 occurred after the submission of the last GEA Report in 2015.

Figure 3-1. Land for Maine's Future

<b>Department of Agriculture, Conservation and Forestry Land for Maine's Future</b>										
	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23
<b>General Fund</b>										
Positions*	2.50	2.50	3.00	3.00	2.00	2.00	2.00	2.00	2.00	4.00
Appropriation	\$ 165,253	\$ 166,910	\$ 247,002	\$ 241,656	\$ 163,125	\$ 164,730	\$ 170,109	\$ 169,294	\$ 177,878	\$ 361,060
Expenditure	\$ 178,120	\$ 182,149	\$ 236,932	\$ 170,040	\$ 163,990	\$ 180,165	\$ 150,859	\$ 175,916	\$ 178,320	\$ 282,793
<b>Bond Fund</b>										
Positions										
Allocation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Expenditure	\$ 1,072,726	\$ 621,034	\$ 3,387,256	\$ 2,276,755	\$ 1,132,119	\$ 1,400,964	\$ 1,146,411	\$ 846,348	\$ 2,562,259	\$ 467,196
<b>Special Revenue Fund</b>										
Positions										
Allocation	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 20,047,560	\$ 20,047,560
Expenditure	\$ 171,084	\$ 2,547	\$ 2,144,306	\$ 3,481	\$ 7,886	\$ 5,466	\$ 5,863	\$ 1,398	\$ 572,449	\$ 2,771,041
<b>Federal Fund</b>										
Positions	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Allocation	\$ 80,243	\$ 85,011	\$ 94,005	\$ 92,083	\$ 99,600	\$ 100,372	\$ 103,563	\$ 104,339	\$ 95,253	\$ 98,982
Expenditure	\$ 81,991	\$ 86,647	\$ 96,635	\$ 94,763	\$ 95,695	\$ 98,800	\$ 74,602	\$ 85,652	\$ 99,229	\$ 102,844
<b>Total All Funds</b>										
Positions	3.50	3.50	4.00	4.00	3.00	3.00	3.00	3.00	3.00	5.00
Appropriation/Allocation	\$ 293,056	\$ 299,481	\$ 388,567	\$ 381,299	\$ 310,285	\$ 312,662	\$ 321,232	\$ 321,193	\$ 20,320,691	\$ 20,507,602
Expenditure	\$ 1,503,921	\$ 892,378	\$ 5,865,129	\$ 2,545,038	\$ 1,399,690	\$ 1,685,394	\$ 1,377,735	\$ 1,109,314	\$ 3,412,257	\$ 3,623,874
<i>*Note: The LMF Director position was created by the 126th legislature in PL 2013, chapter 405 by reorganizing an existing position within the department. The General Fund portion of funding for this position was not moved to LMF at the time that the legislature created the position. This was corrected in the 127th legislative session and is reflected in FY16. The remainder of the position is funded in DACF Administration. In FY23, 2 limited-period positions were added by the legislature - these positions will end in June, 2025.</i>										

Figure 3-2. Land for Maine's Future (Rounds 8 & 9)

		Updated Thru	11/20/2023										
CONSERVATION & RECREATION PROJECTS													
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	BUDGETED ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)			
Biddeford Riverwalk Park Project	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
BRAVE BOAT HEADWATERS	3/1/2017	\$150,000.00	\$5,250.00	\$3,000.00	\$150,000.00	\$6,036.58	\$1,400.00	\$0.00	\$813.42	-\$2,186.58			\$732.28
CARIBOU BOG CONSERVATION AREA	12/14/2017	\$79,537.00	\$2,783.80	\$1,590.74	\$79,537.00	\$2,051.52	\$0.00	\$0.00	\$2,323.02	\$11,264.09			\$1,264.09
CENTRAL MAINE SPORTSMAN'S ACCESS PROJECT	12/15/2015	\$500,000.00	\$17,500.00	\$10,000.00	\$500,000.00	\$11,572.86	\$2,663.05	\$2,000.00	\$3,390.38	\$2,018.38			\$15,407.60
CLAPBOARD ISLAND	6/22/2020	\$68,600.00	\$2,401.00	\$1,372.00	\$68,600.00	\$382.62	\$0.00	\$0.00	\$45,407.60	-\$23,563.69			\$986.81
COLD STREAM FOREST	3/23/2016	\$1,500,000.00	\$52,500.00	\$30,000.00	\$1,500,000.00	\$35,242.11	\$1,850.29	\$0.00	\$153,763.00	-\$153,763.00			\$153,763.00
CROOKED RIVER FOREST	2/19/2016	\$400,000.00	\$14,000.00	\$8,000.00	\$400,000.00	\$8,991.50	\$3,572.19	\$25,000.00	\$1,953.89	-\$1,121.37			\$0.00
CROW ISLAND THREAD OF LIFE	12/21/2017	\$75,000.00	\$2,625.00	\$1,500.00	\$75,000.00	\$1,638.19	\$0.00	\$0.00	\$2,486.81	\$986.81			\$0.00
ELLIS RIVER TO WHITECAP MOUNTAIN	12/14/2017	\$153,763.00	\$5,381.71	\$3,075.26	\$153,763.00	\$4,330.17	\$2,172.91	\$0.00	\$1,953.89	-\$1,121.37			\$0.00
Gardiner Pond	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
GOSLINGS ISLANDS	2/16/2018	\$262,500.00	\$9,187.50	\$5,250.00	\$262,500.00	\$1,419.41	\$1,019.99	\$0.00	\$11,998.10	\$6,748.10			\$13,445.96
GULF HAGAS - WHITECAP PROJECT	12/28/2016	\$500,000.00	\$17,500.00	\$10,000.00	\$500,000.00	\$4,054.04	\$0.00	\$0.00	\$23,445.96	\$2,468.48			\$2,468.48
HIGH ISLAND	6/23/2017	\$262,500.00	\$9,187.50	\$5,250.00	\$262,500.00	\$6,719.02	\$0.00	\$0.00	\$7,718.48	\$2,468.48			\$0.00
HOWARD HILL	3/23/2017	\$163,500.00	\$5,722.50	\$3,270.00	\$163,500.00	\$5,852.44	\$1,400.00	\$0.00	\$1,740.06	-\$1,529.94			\$0.00
KIMBALL POND	4/8/2016	\$90,000.00	\$3,150.00	\$1,800.00	\$90,000.00	\$4,544.26	\$2,800.00	\$0.00	-\$2,394.26	-\$4,194.26			\$0.00
KNIGHT'S POND	8/3/2016	\$225,000.00	\$7,875.00	\$4,500.00	\$225,000.00	\$7,943.91	\$0.00	\$0.00	\$4,431.09	-\$68.91			\$0.00
LOWER WESKEAG FIELDS AND FORESTS	1/29/2018	\$350,000.00	\$12,250.00	\$7,000.00	\$350,000.00	\$7,433.36	\$1,319.12	\$0.00	\$10,497.52	\$3,497.52			\$0.00
NORTH FALMOUTH CONSERVATION CORRIDOR	9/28/2021	\$243,750.00	\$8,531.25	\$4,875.00	\$243,750.00	\$12,488.25	\$0.00	\$0.00	\$918.00	-\$3,957.00			\$0.00
RAYMOND COMMUNITY FOREST	3/7/2017	\$150,000.00	\$5,250.00	\$3,000.00	\$150,000.00	\$1,780.53	\$1,400.00	\$0.00	\$5,069.47	\$2,069.47			\$0.00
REDINGTON FOREST	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$6,794.10	\$0.00	\$0.00	-\$6,794.10	-\$6,794.10			\$0.00
Roberts Farm Preserve Extension	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
SAVE EAGLE BLUFF	1/14/2016	\$61,000.00	\$2,135.00	\$1,220.00	\$61,000.00	\$3,065.44	\$1,400.00	\$0.00	-\$1,110.44	-\$2,330.44			\$0.00
Seboomook Expansion	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
WESTON HOMESTEAD FOREST	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$1,269.20	\$0.00	\$0.00	-\$1,269.20	-\$1,269.20			\$0.00
Bethel Community Forest	6/18/2019	\$340,000.00	\$13,600.00	\$6,800.00	\$340,000.00	\$9,108.75	\$1,682.77	\$0.00	\$9,608.48	\$2,808.48			\$0.00
CATERPILLAR HILL	10/13/2021	\$199,000.00	\$7,960.00	\$3,980.00	\$199,000.00	\$9,976.75	\$0.00	\$0.00	\$1,963.25	-\$2,016.75			\$0.00
Easter Hill Beaches	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
HOPE WOODS	5/16/2019	\$250,000.00	\$10,000.00	\$5,000.00	\$250,000.00	\$12,831.48	\$1,420.82	\$0.00	\$747.70	-\$4,252.30			\$0.00
KENNEBEC HIGHLANDS STRATEGIC ADDITIONS	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$242.31	\$0.00	\$0.00	-\$242.31	-\$242.31			\$0.00
MADISON BRANCH MULTI-USE TRAIL	11/30/2021	\$508,218.00	\$20,328.72	\$10,164.36	\$508,218.00	\$12,002.99	\$0.00	\$0.00	\$18,490.09	\$8,325.73			\$0.00
MIRROR LAKE CONSERVATION EASEMENT	12/19/2019	\$500,000.00	\$20,000.00	\$10,000.00	\$500,000.00	\$32,386.25	\$3,122.99	\$0.00	-\$5,509.24	-\$15,509.24			\$0.00
ROBINSON POND SOUTH	5/22/2019	\$225,000.00	\$9,000.00	\$4,500.00	\$225,000.00	\$2,666.64	\$2,061.40	\$0.00	\$8,771.96	\$4,271.96			\$0.00
SCHOONER COVE	4/7/2022	\$125,500.00	\$5,020.00	\$2,510.00	\$125,500.00	\$8,631.89	\$0.00	\$0.00	-\$1,011.89	-\$3,611.89			\$0.00
WOODWARD POINT	5/1/2019	\$400,000.00	\$16,000.00	\$8,000.00	\$400,000.00	\$4,855.60	\$0.00	\$0.00	\$19,144.40	\$11,144.40			\$0.00
YARMOUTH RIVERFRONT WOODS PRESERVE	5/29/2019	\$110,000.00	\$4,400.00	\$2,200.00	\$110,000.00	\$10,690.16	\$901.38	\$0.00	-\$4,991.54	-\$7,191.54			\$0.00
		\$7,892,868.00	\$289,538.98	\$157,857.36	\$7,717,868.00	\$237,002.33	\$30,186.91	\$27,000.00	\$153,207.10	-\$4,650.26			\$0.00
total original allocations of withdrawn projects													
	\$2,643,763.00												

WATER ACCESS PROJECTS													
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)			
EXPANDING WATER ACCESS LILY POND	3/1/2017	\$120,000.00	\$2,400.00	\$2,400.00	\$120,000.00	\$4,417.80	\$1,400.00	\$0.00	-\$1,017.80	-\$3,417.80			\$0.00
MERRITT COVE	9/23/2016	\$194,500.00	\$3,890.00	\$3,890.00	\$194,500.00	\$6,162.45	\$0.00	\$0.00	\$1,617.55	-\$2,272.45			\$0.00
WOODWARD COVE PARCEL	12/29/2016	\$57,000.00	\$1,140.00	\$1,140.00	\$57,000.00	\$2,267.73	\$1,342.81	\$0.00	-\$1,330.54	-\$2,470.54			\$0.00
HEAD OF TIDE PARK	2/5/2018	\$50,000.00	\$1,000.00	\$1,000.00	\$50,000.00	\$1,999.07	\$1,022.18	\$0.00	-\$1,021.25	-\$2,021.25			\$0.00
LUBEC BOAT LANDING	6/26/2018	\$54,000.00	\$2,160.00	\$1,080.00	\$54,000.00	\$1,663.89	\$0.00	\$0.00	\$1,576.11	\$496.11			\$0.00
PETTEGROW POINT	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$8,650.79	\$0.00	\$0.00	-\$8,650.79	-\$8,650.79			\$0.00
MAGALLOWAY RIVER WATER ACCESS	1/3/2020	\$21,555.00	\$862.20	\$431.10	\$21,555.00	\$4,274.13	\$0.00	\$0.00	-\$2,980.83	-\$3,411.93			\$0.00
ANNABESSACOOK LAKE	7/12/2019	\$147,000.00	\$5,880.00	\$2,940.00	\$147,000.00	\$1,340.42	\$0.00	\$0.00	\$7,479.58	\$4,539.58			\$0.00
MOOSEHEAD LAKE WATER ACCESS	6/15/2020	\$105,000.00	\$4,200.00	\$2,100.00	\$105,000.00	\$7,356.10	\$0.00	\$0.00	-\$1,056.10	-\$3,156.10			\$0.00
EGGEMOGGIN REACH & MILL POND	6/28/2022	\$212,500.00	\$8,500.00	\$4,250.00	\$212,500.00	\$5,740.42	\$0.00	\$0.00	\$7,009.58	\$2,759.58			\$0.00
POND COVE ISLAND	10/29/2021	\$199,850.00	\$7,994.00	\$3,997.00	\$199,850.00	\$8,866.35	\$0.00	\$0.00	\$3,124.65	-\$872.35			\$0.00
SYSLADOBIS LAKE	11/17/2021	\$710,000.00	\$28,400.00	\$14,200.00	\$710,000.00	\$8,043.33	\$0.00	\$0.00	\$34,556.67	\$20,356.67			\$0.00
ST. GEORGE RIVER, THOMASTON	6/6/2022	\$45,000.00	\$1,800.00	\$900.00	\$45,000.00	\$13,123.50	\$0.00	\$0.00	-\$10,423.50	-\$11,323.50			\$0.00
MERRYMEETING PARK	12/6/2022	\$252,000.00	\$10,080.00	\$5,040.00	\$247,500.00	\$14,275.62	\$0.00	\$22,600.00	-\$21,755.62	-\$26,795.62			\$0.00
		\$2,168,405.00	\$78,306.20	\$43,368.10	\$2,242,755.00	\$88,181.60	\$3,764.99	\$22,600.00	\$7,127.71	-\$36,240.39			\$0.00
total original allocations fo withdrawn projects													
	\$160,000												

FARMLAND PROJECTS											
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)	
Nezinscot Farm	N/A	\$0.00	\$0.00	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Parker Farm	N/A	\$0.00	\$0.00	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
WINTERWOOD FARM	7/8/2016	\$105,000.00	\$5,250.00	N/A	\$105,000.00	\$10,592.82	\$0.00	\$0.00	-\$5,342.82	-\$5,342.82	
Wormell Farm	N/A	\$0.00	\$0.00	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
BRIGREEN FARMS	N/A	\$0.00	\$0.00	N/A	\$0.00	\$214.30	\$0.00	\$0.00	-\$214.30	-\$214.30	
OLD TALBOT FARM	12/22/2020	\$202,000.00	\$12,120.00	N/A	\$202,000.00	\$28,486.00	\$1,710.33	\$0.00	-\$18,076.33	-\$18,076.33	
		\$307,000.00	\$17,370.00		\$307,000.00	\$39,293.12	\$1,710.33	\$0.00	-\$23,633.45	-\$23,633.45	
total original allocations of withdrawn projects											
\$616,500.00											
WORKING WATERFRONT PROJECTS											
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)	
A&R ENTERPRISES	3/31/2016	\$225,000.00	\$27,000.00	N/A	\$250,000.00	\$16,713.48	\$0.00	\$0.00	\$10,286.52	\$10,286.52	
MEDOMAK SHELLFISH	N/A	\$157,500.00	\$18,900.00	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$18,900.00	\$18,900.00	
SPRUCE HEAD FISHERMAN'S COOP	3/10/2021	\$255,000.00	\$25,500.00	N/A	\$255,000.00	\$3,819.42	\$0.00	\$0.00	\$21,680.58	\$21,680.58	
HENRY'S POINT	N/A	\$118,750.00	\$11,875.00	N/A	\$0.00	\$1,250.00	\$0.00	\$0.00	\$10,625.00	\$10,625.00	
WOTTON LOBSTER WHARF, LLC	12/23/2020	\$107,500.00	\$10,750.00	N/A	\$107,500.00	\$2,502.38	\$0.00	\$0.00	\$8,247.62	\$8,247.62	
STONINGTON LOBSTER COOP	4/13/2020	\$260,000.00	\$26,000.00	N/A	\$260,000.00	\$4,017.24	\$0.00	\$0.00	\$21,982.76	\$21,982.76	
CARTER'S WHARF	5/31/2022	\$250,000.00	\$25,000.00	N/A	\$250,000.00	\$4,566.38	\$0.00	\$0.00	\$20,433.62	\$20,433.62	
INTERSTATE LOBSTER COOP	3/22/2021	\$212,500.00	\$21,250.00	N/A	\$212,500.00	\$3,666.61	\$0.00	\$0.00	\$17,583.39	\$17,583.39	
		\$1,586,250.00	\$166,275.00	\$0.00	\$1,335,000.00	\$36,535.51	\$0.00	\$0.00	\$129,739.49	\$129,739.49	

Figure 3-3. Land for Maine's Future (Round 10)

Round 10	Updated Thru	11/20/2023	Project Withdrawn								
CONSERVATION & RECREATION PROJECTS											
3%											
1%											
1%											
5%											
5%											
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	HISTORIC PRESERVATION ALLOCATION	ACCESS IMPROVEMENT ALLOCATION	STEWARDSHIP ALLOCATION	REMAINING SET ASIDE FUNDS	
BUCK'S LEDGE	8/29/2022	\$329,500.00	\$329,500.00	\$9,885.00	\$2,995.00	\$3,295.00	\$3,295.00	\$16,475.00	\$16,475.00	\$44,990.00	
CARIBOU STREAM DWA	6/28/2023	\$347,500.00	\$229,000.00	\$10,425.00	-\$1,639.00	\$3,475.00	\$3,475.00	\$17,375.00	\$17,375.00	\$51,964.00	
EAST GRAND-WESTON	1/25/2023	\$995,000.00	\$995,000.00	\$29,850.00	-\$3,328.75	\$9,950.00	\$9,950.00	\$49,750.00	\$49,750.00	\$148,978.75	
KENNEBAGO HEADWATERS	N/A	\$1,000,000.00	\$0.00	\$30,000.00	\$6,276.00	\$10,000.00	\$10,000.00	\$50,000.00	\$50,000.00	\$143,724.00	
KENNEBEC HIGHLANDS	4/26/2022	\$437,500.00	\$437,500.00	\$13,125.00	-\$35,279.50	\$4,375.00	\$4,375.00	\$21,875.00	\$21,875.00	\$64,684.50	
BAUNEG BEG MOUNTAIN	9/6/2023	\$181,700.00	\$181,700.00	\$5,451.00	\$2,009.37	\$1,817.00	\$1,817.00	\$9,085.00	\$9,085.00	\$25,245.63	
BITTNER	N/A	\$119,000.00	\$0.00	\$3,570.00	\$0.00	\$1,190.00	\$1,190.00	\$5,950.00	\$5,950.00	\$17,850.00	
CAMP GUSTIN	5/2/2023	\$207,500.00	\$207,500.00	\$6,225.00	\$839.50	\$2,075.00	\$2,075.00	\$10,375.00	\$10,375.00	\$28,845.50	
EAST WINDHAM COMMUNITY FOREST	9/13/2023	\$998,000.00	\$998,000.00	\$29,940.00	-\$1,091.88	\$9,980.00	\$9,980.00	\$49,900.00	\$49,900.00	\$149,351.88	
FORT O'BRIEN ADDITION	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
GREAT POND MOUNTAIN WILDLANDS EXPANSION	N/A	\$264,972.00	\$0.00	\$7,949.16	\$2,040.95	\$2,649.72	\$2,649.72	\$13,248.60	\$13,248.60	\$36,264.85	
JOCKEY CAP	N/A	\$138,500.00	\$0.00	\$4,155.00	\$348.12	\$1,385.00	\$1,385.00	\$6,925.00	\$6,925.00	\$20,426.88	
JOHNSON BROOK - SISK	N/A	\$47,500.00	\$0.00	\$1,425.00	\$348.12	\$475.00	\$475.00	\$2,375.00	\$2,375.00	\$6,776.88	
KEZAR CORRIDOR - PATTERSON	4/12/2023	\$245,000.00	\$245,000.00	\$7,350.00	-\$1,707.69	\$2,450.00	\$2,450.00	\$12,250.00	\$12,250.00	\$34,857.69	
MUDDY RIVER FORESTS	11/15/2023	\$700,000.00	\$435,000.00	\$21,000.00	\$1,146.27	\$7,000.00	\$7,000.00	\$35,000.00	\$35,000.00	\$103,853.73	
NORTH DEERING PARK	6/14/2023	\$279,000.00	\$164,123.00	\$8,370.00	\$2,080.62	\$2,790.00	\$2,790.00	\$13,950.00	\$13,950.00	\$39,769.38	
PLAISTED PRESERVE EXPANSION	9/30/2022	\$64,500.00	\$64,500.00	\$1,935.00	\$2,253.18	\$645.00	\$645.00	\$3,225.00	\$3,225.00	\$7,421.82	
PORTER HILLS	5/22/2023	\$388,000.00	\$388,000.00	\$11,640.00	\$5,849.37	\$3,880.00	\$3,880.00	\$19,400.00	\$19,400.00	\$50,910.63	
SEARSMONT - MCLELLAN	N/A	\$102,500.00	\$0.00	\$3,075.00	-\$350.65	\$1,025.00	\$1,025.00	\$5,125.00	\$5,125.00	\$14,645.65	
STAPLES PROPERTY	N/A	\$83,000.00	\$0.00	\$2,490.00	\$507.00	\$830.00	\$830.00	\$4,150.00	\$4,150.00	\$11,943.00	
TALKING BROOK	N/A	\$150,000.00	\$0.00	\$4,500.00	\$348.12	\$1,500.00	\$1,500.00	\$7,500.00	\$7,500.00	\$22,151.88	
THAYER BROOK HERON COLONY	6/28/2023	\$65,000.00	\$65,000.00	\$1,950.00	\$898.75	\$650.00	\$650.00	\$3,250.00	\$3,250.00	\$8,851.25	
TONDREAU	N/A	\$0.00	\$0.00	\$0.00	\$3,262.12	\$0.00	\$0.00	\$0.00	\$0.00	-\$3,262.12	
WALLAMATOGUS MOUNTAIN	N/A	\$400,000.00	\$0.00	\$12,000.00	\$255.90	\$4,000.00	\$4,000.00	\$20,000.00	\$20,000.00	\$59,744.10	
WHITNEY FOREST	N/A	\$283,000.00	\$0.00	\$8,490.00	\$250.25	\$2,830.00	\$2,830.00	\$14,150.00	\$14,150.00	\$42,199.75	
CHADBOURNE TREE FARM	N/A	\$950,000.00	\$0.00	\$28,500.00	\$0.00	\$9,500.00	\$9,500.00	\$47,500.00	\$47,500.00	\$142,500.00	
KENNEBAGO HEADWATERS TRACT 1	N/A	\$750,000.00	\$0.00	\$22,500.00	\$425.31	\$7,500.00	\$7,500.00	\$37,500.00	\$37,500.00	\$112,074.69	
MILL HILL & EDWARDS MILLS FOREST	10/11/2023	\$1,905,500.00	\$302,000.00	\$57,165.00	\$13,360.50	\$19,055.00	\$19,055.00	\$95,275.00	\$95,275.00	\$272,464.50	
REED DEADWATER - JUNIPER BROOK	8/15/2023	\$1,350,000.00	\$1,350,000.00	\$40,500.00	\$288.90	\$13,500.00	\$13,500.00	\$67,500.00	\$67,500.00	\$202,211.10	
SQUARE LAKE - CROSS LAKE	N/A	\$890,000.00	\$0.00	\$26,700.00	\$248.10	\$8,900.00	\$8,900.00	\$44,500.00	\$44,500.00	\$133,251.90	
		\$13,672,172.00	\$6,389,823.00	\$410,165.16	\$2,633.98	\$136,721.72	\$136,721.72	\$683,608.60	\$683,608.60	\$1,994,691.82	
total original allocations of withdrawn projects											
\$399,237.88											



WATER ACCESS PROJECTS										
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	HISTORIC PRESERVATION ALLOCATION	ACCESS IMPROVEMENT ALLOCATION	STEWARDSHIP ALLOCATION	REMAINING SET ASIDE FUNDS
GETCHELL PARK	6/28/2023	\$0.00	\$37,500.00	\$0.00	\$840.87	\$0.00	\$0.00	\$0.00	\$0.00	-\$840.87
	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$0.00	\$37,500.00	\$0.00	\$840.87	\$0.00	\$0.00	\$0.00	\$0.00	-\$840.87
total original allocations for withdrawn projects										
FARMLAND PROJECTS										
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	HISTORIC PRESERVATION ALLOCATION	ACCESS IMPROVEMENT ALLOCATION	STEWARDSHIP ALLOCATION	REMAINING SET ASIDE FUNDS
E&E FARM	N/A	\$140,000.00	\$0.00	\$4,200.00	\$0.00	\$1,400.00	\$1,400.00	\$7,000.00	\$7,000.00	\$21,000.00
NEW LEAF FARM	N/A	\$200,000.00	\$0.00	\$6,000.00	\$0.00	\$2,000.00	\$2,000.00	\$10,000.00	\$10,000.00	\$30,000.00
ROSEBERRY FARM	N/A	\$289,500.00	\$0.00	\$8,685.00	\$0.00	\$2,895.00	\$2,895.00	\$14,475.00	\$14,475.00	\$43,425.00
		\$629,500.00	\$0.00	\$18,885.00	\$0.00	\$6,295.00	\$6,295.00	\$31,475.00	\$31,475.00	\$94,425.00
total original allocations of withdrawn projects										
WORKING WATERFRONT PROJECTS										
PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	HISTORIC PRESERVATION ALLOCATION	ACCESS IMPROVEMENT ALLOCATION	STEWARDSHIP ALLOCATION	REMAINING SET ASIDE FUNDS
SEA MEADOW MARINE FOUNDATION	N/A	\$315,000.00	\$0.00	\$9,450.00	\$0.00	\$3,150.00	\$3,150.00	\$15,750.00	\$15,750.00	\$47,250.00
SMALL POINT DEVELOPMENT CORPORATION	N/A	\$412,500.00	\$0.00	\$12,375.00	\$0.00	\$4,125.00	\$4,125.00	\$20,625.00	\$20,625.00	\$61,875.00
SWAN'S ISLAND "FISHERMAN'S WHARF"	N/A	\$225,000.00	\$0.00	\$6,750.00	\$0.00	\$2,250.00	\$2,250.00	\$11,250.00	\$11,250.00	\$33,750.00
EVELYN D LLC "WHIDDEN LOBSTER"	N/A	\$312,500.00	\$0.00	\$9,375.00	\$356.01	\$3,125.00	\$3,125.00	\$15,625.00	\$15,625.00	\$46,518.99
		\$1,265,000.00	\$0.00	\$37,950.00	\$356.01	\$12,650.00	\$12,650.00	\$63,250.00	\$63,250.00	\$189,393.99

Figure 3-4. Land for Maine's Future (Round 11)

ROUND 11A - Selected 5/18/2023	Acres	Preliminary Board Allocation	Potential Match	
Haystack Mountain	57	\$135,000	\$135,000	\$20,250
Lexington DWA	1489	\$500,000	\$700,000	\$75,000
Maquoit Bay - Sherwood	32	\$245,000	\$245,000	\$36,750
Rumford Community Forest	446	\$345,000	\$345,000	\$51,750
Salmon Falls Tidal Wetland	79	\$620,000	\$1,342,000	\$93,000
Branch Lake Expansion	279	\$92,500	\$193,500	\$13,875
Eastern Trail & Cottontails	155	\$350,000	\$900,000	\$52,500
Kezar River South	1377	\$1,035,000	\$1,035,000	\$155,250
Orbeton Keystones: Phase 1 - Griscom Resid & B	2122	\$1,066,000	\$1,206,500	\$189,900
Orbeton Keystones	601	\$784,000	\$924,500	\$117,600
<b>Total Round 11A C&amp;R/Working Forests:</b>	<b>6637</b>	<b>\$5,172,500</b>	<b>\$7,026,500</b>	<b>\$775,875</b>
Combined allocations & potential set-asides for 11A:		\$5,948,375		
LMF Round 11 Water Access:		Potential Board Allocation	Potential Match	
Big Sand Beach	17.6	\$100,000	\$200,000	
<b>Total LMF Requests for Round 11 WA:</b>	<b>17.6</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$15,000</b>
<b>Total Round 11 WA with set-asides:</b>		<b>\$115,000</b>		
Round 11B Working Forest Proposals selected 9/28/23:				
Working/Community Forest 11B Proposals:	Acres	Request	Match	Set-Asides (15%)
South Bog	13,830	\$1,000,000	\$4,000,000	\$150,000
Three Ponds One Forest	397	\$608,000	\$1,512,000	\$91,200
Beaver Brook	30	\$162,000	\$162,000	\$24,300
<b>Total 11B Working/Community Forests:</b>	<b>14,257</b>	<b>1,770,000</b>	<b>5,674,000</b>	<b>265,500</b>
<b>With set-asides</b>		<b>2,035,500</b>		
Working Farmland 11B Proposals selected 9/28/23:				
Hopes Edge Farm	100	177,500	177,500	26,625
Springside Farm	478	145,000	145,000	21,750
Window Farm	75	387,500	387,500	58,125
Ward Farm	385	150,000	150,000	22,500
Halledge Farm	185	329,500	329,500	49,425
<b>5 Round 11B Farmland Proposals</b>				
<b>Total 11B Working Farmland</b>	<b>1,223</b>	<b>1,189,500</b>	<b>1,189,500</b>	<b>178,425</b>
<b>Projections with Set-asides:</b>		<b>1,367,925</b>		



## IV. STATUTES, POLICIES, DATA MANAGEMENT, AND REPORTS

### A. ENABLING LEGISLATION

The Land for Maine's Future program is governed by its original enabling legislation, as amended (and as modified by the various bonds), and the legislation enacted to create the Working Waterfront Access Protection Program and the Working Farmland Access and Protection Program. With less than \$300,000 in bond funds remaining, most funds available to the program are from the 2021 allocation from the general budget, so the disbursement of most funds is governed by statute.

#### *i. LMF 2021 Statute Changes and New Funding.*

In June 2021, the Legislature passed PL 2021, c. 398 Part FFFF into law, budgeting \$40,000,000 for LMF over the next four years. In that same session, the Legislature also passed PL 2021 chapters 404 and 568 (both amended by PL 2021, c. 676). Signed by the Governor on an expedited, emergency basis to ensure that the appropriated funds and pertinent provisions would be immediately in force, amended LMF statutes also included the following revised priorities to support the new emphasis on the Climate Action Plan:

***Priorities.** Whenever possible, the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund, and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Trust Fund and the Conservation and Recreation Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.*<sup>31</sup>

With this new funding, the LMF Board was in the financial position to issue Round 10 Requests for Proposals for C&R, Working Farmland Access and Protection Program (WFAPP), Working Waterfront Access Protection Program (WWAPP), and WA projects. This would be the first C&R RFP issued since 2017. The pent-up demand for LMF's return to active funding status, coupled with the administration's dedication to increasing the pace of conservation, left the LMF Board well-funded but without sufficient time to undertake a thorough set of revisions.<sup>32</sup> In anticipation of additional changes at a later time, the LMF Workbook Sub-committee (assembled as the result of the LMF Process Workgroup's final recommendations) modified the 2017 Workbook in mid-2021 to provide for joint DSA/LMF review of Letters of Inquiry (as suggested by the LMF Process Workgroup), and expand the range of possible points from 140 to 145 with a 5-point bonus for

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<sup>31</sup> 5 MRS §6207. Acquisition criteria. PL 2021 c. 676. Emphasis added.

<sup>32</sup>See "Funding Cycle Options" from LMF Board meeting materials 9/24/2021.

climate adaptation. With those highlighted revisions and general housekeeping updates, the LMF Board formally approved the 2021 Round 10 Workbook in October 2021.

The LMF Board chose thirty-eight projects in connection with these Round 10 Requests for Proposals (across all programs), totaling \$16 million in new investments and leveraging \$40 million in public and private funding. Fifteen of these projects have now closed, as more fully depicted in [Appendix D](#).

*ii. The LMF Trust Fund.*

In 2023, the Legislature passed (and the Governor signed into law) LD 1969.<sup>33</sup> This legislation repealed and replaced the Land for Maine’s Future Fund with the Land for Maine’s Future Trust Fund. All substantive requirements of the Land for Maine’s Future Fund were kept intact; the principal purpose of the new legislation was to create a more efficient mechanism for holding LMF funds. By moving LMF funds into a protected trust account and by permitting these funds to earn interest (which is then deposited back into the LMF Trust Fund), the legislation is helping the LMF Program address the need for “dedicated and sustained sources of funding to ... protect natural and working lands”.<sup>34</sup> This new legislation also created an entirely new program, now enacted into law at 5 MRS §6203-F, the Conservation Land Management Fund. Section VI of this report discusses this new program in greater detail.

## **B. BOARD POLICIES AND STATUTORY GUIDELINES**

A list of the statutory requirements, principal policies, and guidelines adopted by the Board is summarized below.

- **Providing Public Recreational Access** – Public recreational access is a core purpose of the Land for Maine’s Future Program. All lands acquired with LMF C&R and WA Funds are open to the public. Per the Board’s current policy, unless waived by the LMF Board, all projects acquired with LMF C&R or WA Funds must also demonstrate a guaranteed legal right of public access across the roadways leading to that land.
- **Public uses** – Pursuant to statute, hunting, fishing, trapping, and public access may not be prohibited on conservation and recreation lands acquired with LMF funding, except to the extent of applicable state, local, and federal laws and regulations. Exceptions include farms and commercial working waterfront properties or protection of critical natural resources.
- **Discriminatory Fees and Access** – Public access may not be limited in any way based on the location of a visitor’s residence. If entrance or usage fees are established, they must be

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<sup>33</sup> PL 2023, c. 284, 5 MRS §6203-D

<sup>34</sup> Maine Climate Council, *Maine Won’t Wait*, December 2020, p.75.

[https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

uniform for all visitors. Generally, the establishment of fees must be allowed in the Project Agreement and approved by the DSA.<sup>35</sup>

- Willing Sellers Only – The Board requires proposals to include signed consent from the owner(s) of the land being proposed for consideration.
- Municipal and County Approval – Municipal approval is required for LMF funding when more than 1% of a municipality's state valuation is considered for acquisition in an LMF funding round. Within unorganized territories, approval of the appropriate county commissioners is required if land proposed to be conserved in an LMF funding round lies within unorganized territory and constitutes more than 1% of the state valuation of the unorganized territory within that county. The year of the appraisal will determine the year of the municipal valuation used. LMF staff will alert applicants to whom this requirement applies.
- Public Notice of Intent to Purchase – The Board publishes a notice of a vote to acquire property ten days in advance of the meeting. Notices are placed in a general circulation newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.
- Public Participation Welcome at All Meetings – All Board meetings are open to the public and include opportunity for public input. Meetings are publicly announced in advance on the LMF website, DACF website, and State of Maine public meetings calendar. Additionally, as noted above, when projects come before the Board for their final allocation, public notices are printed in applicable newspapers and on the LMF website.
- No Fee Acquisition of Lands for Timber Production – By statute, LMF is prohibited from funding the fee acquisition of land for which the primary use value has been or will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the landowner retains the right to harvest timber.
- Addressing Land and Easement Management Costs – The Board requires all applicants to address stewardship and management costs as part of a proposal. LMF statute requires that applicants provide estimates of the management costs associated with the project over the first ten years of ownership.
- Project Ownership – The proposal must specify how the project's ownership will be held. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.
- Project Agreement – A signed agreement is always required when a cooperating entity will hold the property in fee or easement. (see [Appendix J](#)) When a state agency holds a property in fee or easement, the project must reference the fact that the parcel has been acquired as part of an LMF-funded project.

- Third-party Enforcement Rights – When a project involves an easement that is to be held by a “cooperating entity,” language may be added to the easement giving the State of Maine third-party enforcement rights. If this is not done, a Project Agreement between the cooperating entity and the State of Maine will be required (see [Appendix J](#)).
- DSA Sponsorship – To apply for LMF funding, applicants must first submit an Inquiry Form. The Inquiry Form is used by LMF and DSA staff to evaluate project eligibility and appropriate DSA sponsorship. Once sponsored, applicants may submit a proposal. DSAs include the Department of Inland Fisheries and Wildlife, the Department of Agriculture, Conservation and Forestry, the Department of Marine Resources, and the Maine Historic Preservation Commission.
- Pre-Acquired Properties – Lands acquired within two years prior to submitting the project proposal may be considered for reimbursement. All LMF due diligence and policy requirements apply to pre-acquired properties.
- Purchases Above Appraised Value Strongly Discouraged – The Board’s basic rule is that it will not participate in a transaction where the purchase price exceeds fair market value based on an independent appraisal that is accepted by the AOC and approved by the Board. However, it is recognized that the market will occasionally offer opportunities that may require exceptions to the basic rule. Applicants should be aware that this exception is seldom invoked and consult with program staff before making any commitments requiring an exception.
- Board Allocation of Project Funding – The Board’s allocation is preliminary until an LMF Board-approved appraisal determines the actual value. The value determined by this appraisal will guide the amount of funds LMF contributes to the project. If the project changes in scope or size, the Board’s funding approval may differ from the original allocation. Final funding awards are at the approval of the LMF Board. Awards are subject to the availability of funds and state budget and finance procedures.
- Project Adjustments – The Director and Project Manager must be notified if a proposal selected as a project finalist has adjustments to its scope and size. Staff will review and determine what adjustments are appropriate or if the proposed changes require LMF Board approval.
- Funding Adjustments – Project funding may be reduced if the LMF Board determines that project changes warrant a funding adjustment.
- Board Reconsideration – Proposals must return to the LMF Board for reconsideration when:
  - There are reductions in size;
    - Reductions in land are **more** than 10% of the original total project land area. This includes instances in multi-parcel projects; and/or
    - A parcel is removed from a multi-parcel project.
  - Reductions in scope:

- If changes in project scope substantially affect public access, recreational opportunities, uses of the land, ecological or conservation attributes.
  - Change in project parcels:
    - The Board must approve substitute parcels.
- Reserved Rights and Title Issues – All reserved rights and issues affecting the property’s title encountered during the due diligence process must be reviewed by the Project Manager and Director, including changes to conservation easement terms, mineral ownership, reserved rights, etc., to determine if these could materially affect the conservation values of the property and the investment of public funds.
- Environmental Concerns – Properties receiving LMF funds must be free from all environmental concerns at closing. Before closing, all projects must submit a Phase I Environmental Site Assessment (ESA) report to LMF dated within one year of closing. The ESA report must be conducted in accordance with then-current applicable ASTM standards for a Phase 1 Environmental Site Assessment at the time the report is created and under conditions that permit inspection of ground conditions (snow on the ground is not acceptable). Debris, trash, tires, or other forms of refuse or encroachments from abutting lands identified in the ESA report must be removed from the property, with documentation provided to LMF staff prior to the release of LMF funds.
  - Buildings are generally not allowed on LMF properties except under specific circumstances.
  - For properties acquired for State of Maine ownership (fee & easement), an ESA may not be necessary.
- Acquisition Awards – LMF will consider requests for up to 50% of the land's appraised value or interest in land to be acquired. In the case of multi-parcel projects, this limit applies to the total value of all parcels; LMF may contribute more than 50% towards the purchase of an individual parcel as long as the total award is no greater than 50% of the total value of all parcels. LMF funds may be applied only to the purchase of land or interests in land and may not be used for reimbursement of other project costs.
- Supplemental Awards – By statute, the LMF Board may also award up to 5% of the appraised land value for access improvements and up to 5% for stewardship and management.
  - The LMF Board makes access improvement awards after the land is acquired. Access Improvement Grants must be matched 1:1 by 1) excess cash and land value, 2) the applicant’s contribution to a dedicated stewardship fund, and/or 3) applicant funds invested in access improvements. See [Appendix E1](#) for more information on access improvement awards.

- In 2021, the Legislative passed PL 2021 c. 33 authorizing stewardship funding for up to 5% of the appraised value of the acquired property.<sup>36</sup> The LMF Board makes Stewardship Awards at the same time as project awards. These funds must be held in a dedicated endowment fund and restricted to use on the property receiving LMF funding. Stewardship Awards must be matched 1:1 by funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as the stewardship funds awarded by LMF. However, the LMF Board may allow excess match from the acquisition of the property (above 50% of land value) to serve as all or a portion of the match required for LMF awards when, after demonstrable efforts, the applicant is not able to provide stewardship funds as match, AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means. See Appendices E1 and E2 for more information on stewardship and management awards.
  - Match – An applicant must provide matching funds greater than or equal to 100% of the total award amount. This means that for every \$1 of LMF funds, there must be \$1 of match value. For this round, 100% of the required match value must be supplied as cash or land value. The value of lands or interest in lands may be used as a tangible match when the property interests directly relate to the project. This value must be validated by an independent appraisal that meets LMF appraisal standards. This appraisal must be reviewed and accepted by the LMF AOC.
    - Lands donated as matching funds are subject to the same requirements and restrictions as lands acquired with LMF funds.
  - Purchase Price Determined by Appraised Value – Board policy requires that the fair market value of a property or a conservation easement be determined through a qualified independent appraisal. Appraisals should follow the Appraisal Standards found in the applicable LMF Workbook. Board policy requires that the acquisition price be equal to or less than the appraised value. Purchases above the appraised value are strongly discouraged.
    - Applicants may use an estimate of value to apply for LMF funds. Once the Board selects a proposal as a finalist, an appraisal must be conducted in accordance with the LMF appraisal standards. The Board will typically require appraisals with a valuation date no more than one year old at the time of the Appraisal Oversight Committee’s review unless an executed purchase and sales agreement is in place with a value based on the appraisal. In all instances, appraisals for LMF-funded properties must be reviewed and accepted by the LMF AOC.
  - Press Releases – All press releases or media advisories announcing any acquisition phase with LMF funds must be coordinated with the LMF staff. Media coverage is encouraged.
  - LMF Signage – LMF will provide silk-screened metal signs upon project completion and additional or replacement signs upon request. If they wish, an applicant may incorporate a
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digital copy of the LMF sign into their signage, so long as the aspect ratio of the jpeg is maintained and a minimum of 9 inches in height. Applicants ensure these signs are placed and maintained on all conserved properties.

- Non-Qualifying Expenditures – LMF is prohibited by statute from acquiring facilities for organized recreational activities, capital improvements on any publicly owned facilities, except as statute otherwise allows, or land for which the primary use value has been and will be as commercially harvested or harvestable forest land.<sup>37</sup> This does not prohibit the acquisition of conservation easements on working forest lands, allowing for timber production while securing public access and conserving other natural resource values.
- Water Access Lands – Increasing coastal and inland access to water is one of LMF’s priorities. In 1993, the WA Fund was established with the goal “to get people to the water.”<sup>38</sup> Funds are available to acquire land or public access rights to create access points to lakes, ponds, rivers, or coastal waters. These projects continue to be accepted on a rolling basis.
- Working Forest Easements – The Board has established guidance for the development of conservation easements that incorporate protection of the property’s potential for sustainable forestry.
- Farm Business Plans and Capital Improvements – The statute authorizes that up to five percent (5%) of the appraised value of development rights purchased on farmland may be made available directly to the farmer to support the establishment of either a business plan or minor capital improvements to support continued use as a working farm.<sup>39</sup> Since 2009, these funds can be used on adjoining land/farmlands in the same ownership or under the same management.<sup>40</sup>
- Archaeological Sites and Public Water Supply – The LMF Board is authorized to consider conservation projects that include "significant, undeveloped archaeological sites"<sup>41</sup> and "public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes" of the LMF program.<sup>42</sup>
- Working Waterfront Access Protection – In 2005, a new pilot program was established through legislation for the protection of lands supporting working commercial waterfronts along Maine’s coast.<sup>43</sup> The Maine Department of Marine Resources implements the program with LMF support. The effort was extended with new funding through additional bond packages approved in 2007, 2010, and 2012.<sup>44</sup> In 2011, the Working Waterfront

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<sup>37</sup> 5 MRS §6207(4)

<sup>38</sup> PL 1993 c.728

<sup>39</sup> 5 MRS §6203(3)(C)

<sup>40</sup> PL 2009, c.178

<sup>41</sup> 5 MRS §6207 (2)(A), PL 2007, c. 64

<sup>42</sup> 5 MRS §6207(D), PL 2007, c. 353

<sup>43</sup> 2005 PL c.574, 33 MRS c.6-A (authorizes working waterfront covenants)

<sup>44</sup> PL 2007 c.39, PL 2009 c.645, and PL 2011 c.696

Access Protection Fund was codified as part of the LMF statute.<sup>45</sup> There have been two rounds of Working Waterfront calls for proposals since the last GEA report, one in 2018 and the second in 2021.

- Working Farmland Access and Protection Program – LMF funds have been used to protect working farmland since 1990. In 2021, the Legislature created the Working Farmland Access and Protection Fund (WFAPP) as a dedicated funding source for farmland protection, with funds awarded by the LMF Board. LMF staff worked with DACF’s Bureau of Agriculture, Food, and Rural Resources staff to develop policies and procedures to implement this new program. There have been two rounds of WFAPP proposals in 2022 and 2023, with eight projects selected for funding.
- Deer Wintering Areas – In 2021, the Legislature added Deer Wintering Areas (DWA) as a priority for LMF projects acquired with PL 2021, c. 676, Pt. A.<sup>46</sup> Requirements for these criteria were added to the 2022 LMF Workbook.
- Value Added to Public Dollars – Since 2010, each proposal is expected to have a match greater than or equal to 50% of the total eligible project costs.<sup>47</sup> This means that for every \$1 of LMF funds expended, there must be *at least* \$1 of match funds. Typically, LMF acquisitions provide matching value that far exceeds the statutory minimum.

## C. EMERGING ISSUES

### *i. Public Access*

The LMF Statute describes two different concepts of public access.<sup>48</sup> The first provides that:

*Public uses. Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund, except to the extent prohibited by applicable state, local, or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.*<sup>49</sup>

This suggests that public access may be defined as the public’s absolute right to be on land acquired with LMF funds – but that the landowner’s obligation does not go beyond their obligation to permit entry (and allow hunting, fishing, and trapping, except as prohibited by law), should members of the public appear. This is the earliest description of public access, present in each LMF bond authorization since the Program’s inception.

Subsequently, in 2001, the legislature added the following language pertaining to public access:

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<sup>45</sup> PL 2011, c.266, 5 MRS §6203-B

<sup>46</sup> 5 MRS §6207 (3), PL 2021, c. 676, Pt. A,

<sup>47</sup> PL 2009 c.645, and PL 2011 c.696

<sup>48</sup> 5 MRS §6206(3)

<sup>49</sup> 5 MRS §6207(6)



*When acquiring land or interest in land, the Board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.*<sup>50</sup>

Guaranteed public vehicular access is further emphasized in the statute as a required component of the biennial report:

*Responsibilities. The board shall:*

*... On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203-A, 6203-D or 6203-E and in which the land or interest in land is acquired by a cooperating entity...<sup>51</sup>*

The LMF Board appropriately reads its obligation to obtain guaranteed public vehicular access as the obligation to ensure (whenever possible and appropriate) that title to the roadways leading to any parcel acquired with LMF funds must explicitly identify the public's right to travel those roadways. The Board has exercised its discretionary authority to fund a project without this access in the past on a project-by-project basis.

At its June 2023 meeting, the LMF Board grappled with the implications of funding a project chosen for its ecological resources as well as its recreational value when counsel determined that guaranteed public vehicular access was lacking. The LMF Board ultimately voted to exercise its discretion to fund this project but asked staff to alert applicants to its strong preference for guaranteed public vehicular access – and to ensure that applicants identified their need for a waiver from this obligation earlier in the process. In response, staff drafted (and the Board adopted) a more clearly articulated requirement for guaranteed public vehicular access in the Round 12 C&R/WA Workbook.<sup>52</sup> This articulation of Board policy requires that a recipient of LMF funds must do more than simply permit entry onto the land – they must also ensure that the public has a legally protected way to get there. If an applicant will be asking the Board to exercise its discretion to waive this requirement, they must alert the LMF Board of this fact at the proposal stage (before qualifying as a finalist) or as soon as they learn of it.

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<sup>50</sup> 5 MRS §6207(3)

<sup>51</sup> 5 MRS §6206(1)(E)

<sup>52</sup> See [Appendix Q](#).

Under the freshly articulated public access policy, a waiver of guaranteed public access may be granted only if:

- *The primary purposes and benefits of the project do not depend on public access, and/or the parcel has historically been accessible by the public and public access is likely to continue in the foreseeable future even if it is not guaranteed;*
- *The sponsoring State agency supports the acquisition even if guaranteed public access is not secured;*  
*AND*
- *The applicant has exhausted all reasonable avenues for securing guaranteed public access.*<sup>53</sup>

The Board's recognition of its authority to exercise its discretion under these circumstances, and its commitment to evaluating the propriety of a waiver of these requirements on a case-by-case basis, makes it likely that this will be an ongoing subject of discussion.

*ii. Staff Capacity and Access to Professional Support*

If LMF continues to be well-funded, accelerating the pace of conservation will require more staff capacity, both at LMF and at sister agencies that have long-term obligations to projects or administer programs through LMF (particularly BAFRR, DIFW, BPL, and DMR). When it is funded, the Conservation Land Management Fund could provide a rapid and steady stream of newly conserved lands if staff have the capacity to implement it.

Under current conditions, the biggest challenge to swift project completion is the relative scarcity of appraisers and related real estate professionals necessary to complete the due diligence phase of the LMF process.

## **D. COMPARISON OF FEDERAL AND STATE LAWS**

No federal laws or regulations conflict with the state laws governing the Land for Maine's Future program.

## **E. COLLECTION, MANAGEMENT, AND USE OF PERSONAL INFORMATION**

The Land for Maine's Future Board collects very little personal information and does not collect or store any sensitive personal data electronically. A description of the practices for securing personal information collected through the Working Waterfront Access Protection Program application process is described below.

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<sup>53</sup> Id.

Working Waterfront Access Protection Program Proposals. Information submitted to LMF under the provisions of the Maine Working Waterfront Access Protection Program (WWAPP) may be designated by the applicant as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General.<sup>54</sup> The designation must be clearly indicated on each page or other unit of information. DMR retains one hard copy of each working waterfront proposal. The program treats all working waterfront proposals as confidential and stores each in an envelope labeled “CONFIDENTIAL, Title 12, ch. 607 §6173-A”. The working waterfront files are housed in file drawers separate from other LMF projects, and the storage drawers can be locked. For electronic communications (increasingly the norm), applicants are asked to redact any sensitive personal data before sending it.

## F. REPORTS AND OTHER PAPERWORK

### *i. LMF PROJECT AGREEMENT AND ANNUAL MONITORING REPORTS*

All grant recipients (except state agencies) are required to enter into a project agreement (or a working waterfront covenant, if applicable) with LMF and the DSA – DIFW, DACF, Maine Historic Preservation, or DMR. The project agreement documents LMF’s funding of the project and identifies the project scope, the legal description of the protected land along with its total acreage, and LMF’s, the DSA’s, and the grantee’s obligations to one another into the future. Before the release of LMF funds, the project agreement is recorded at the applicable registry of deeds so that it appears ahead of any other encumbrance and becomes a permanent part of the chain of title for LMF-protected land. The closings are often conducted remotely via electronic filing.

Cooperating entities must submit annual project agreement monitoring reports to the LMF program and their DSA. The timing of this annual notification is approximately the anniversary date of the executed project agreement. However, cooperating entities are encouraged to notify LMF staff of their preferred schedule for reporting. The LMF program’s requirement for project agreements and annual monitoring reports is consistent with the bond language and guidance developed by the Board in the LMF Workbook.<sup>55</sup>

- In 2020, 159 LMF project agreement annual monitoring reports were received.
- In 2021, 151 project agreement annual monitoring reports have been received out of 167 expected.
- In 2022, 174 project agreement annual monitoring reports are expected.
- In 2023, 180 project agreement annual monitoring reports are expected.

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<sup>54</sup> 12 MRS, ch. 607 §6173-A (<http://www.mainelegislature.org/legis/statutes/12/title12sec6173-A.html>)

<sup>55</sup> See P.L. 2007 c. 39, Sec E-5 sub-section 2, P.L. 2009 c.414 Sec E-5 sub-section 2 and P.L. 2011 c.696 Sec. 5-B

## G. REPORTS TO THE LEGISLATURE

By statute, the Board is required every odd year to submit to the legislative joint standing committee of jurisdiction, currently the Joint Committee on Agriculture, Conservation and Forestry, a report on LMF program expenditures and revisions to strategy guidelines.<sup>56</sup>

This report is to include the following:

- A description of access to land and interest in land acquired during the reporting period;
- For acquired land that does not have guaranteed public vehicular access, justification must be provided along with a plan for continued efforts to provide such access;
- A summary of the Board's experience during the reporting period for projects funded with C&R, WA, WFAPP, and WWAPP funds and lands or interests in lands acquired by a cooperating entity;
- A summary of county-by-county expenditures and acreage conserved through acquisition of fee or less-than-fee interest during the reporting period;
- Cumulative totals by county of acreage conserved through the acquisition of fee or less-than-fee interest through action by the Board; and
- Maps based on available information and at a statewide level that show federal, state, and other public lands and permanent interests in lands held for conservation purposes.

LMF is part of the DACF's annual report. LMF is also required to participate in the Government Evaluation Report process.<sup>57</sup>

## H. CONSTITUENTS SERVED

LMF serves a wide range of constituencies. It enjoys broad and deep support among Maine's citizens.

Along with the general public, the program has specific constituencies that include:

- landowners, woodland owners, farmers, commercial fishermen, and other private citizens;
- hunters, anglers, boaters, motorized and non-motorized outdoor recreation enthusiasts, and other recreationists;
- guides, outfitters, trappers, and a wide range of other citizens working in the tourism industry whose livelihood benefits from access to conserved land;
- local land trusts and nonprofit conservation organizations;
- city, town, and county governments; and
- state agencies.

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<sup>56</sup> 5 MRS §6206(1)(E)

<sup>57</sup> 3 MRS Ch. 35

## I. PROVISIONS NEEDING REVIEW

No provisions were identified that may require legislative review to determine the necessity of the amendment to align the statutes with federal law, other state law, or decisions of the United States Supreme Court or the Supreme Judicial Court.

## V. ALTERNATIVE DELIVERY SYSTEMS<sup>58</sup>

The current system primarily relies on LMF staff within DACF to support the Board and assist applicants. With the extra impetus provided by the pandemic, it has evolved to become primarily electronically based, with fewer uses of paper or paper-based systems. In addition to a decreased reliance upon paper-based document and project management systems, LMF has adopted electronic recording (e-recording) with clearly defined instructions and (along with other state agencies) a primarily digital contracts and procurement process. We can generally communicate and interact with our constituents and partners in the manner each finds most convenient.

### A. USE OF CONTRACTS AND AGREEMENTS WITH OTHER STATE AGENCIES

LMF uses contracts and memoranda of agreements (MOAs) to memorialize cooperative arrangements with other agencies. LMF regularly executes MOAs with the Maine Historic Preservation Commission and MNAP to conduct the inventories LMF is required to perform on the projects it funds.<sup>59</sup> LMF contracts with Maine DOT for access to the real estate attorneys it needs to complete the acquisition process. LMF also contracted with MNRCP to memorialize their cooperative relationship as a co-funder on eligible projects. See the section on Partnerships for more information.

LMF also enters into MOAs with its sister agencies to administer the various programs within LMF. LMF and the DMR contract for the administration of the WWAPP and hold a third-party contract to review all appraisals under that program with a similar arrangement with the Bureau of Agriculture, Food, and Rural Resources for the administration of the Working Farmland Access and Protection Program. Similarly, the LMF Board voted to allocate funds to the Department of Agriculture, Conservation and Forestry (DACF) for contracted project development and completion services. The Maine Coastal Program currently helps fund a full-time LMF staff position that supports the Working Waterfront Access Protection Program and Coastal Zone reporting.

### B. USE OF TECHNOLOGY

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<sup>58</sup> “A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives” 3 MRS § 956(2)(I)

<sup>59</sup> 5 MRS §6209(5). Ownership; title; management

LMF uses technology to disseminate information to the general public and applicants. Its website provides information on LMF-funded projects, meeting notices and minutes, the most recent workbooks, Board meeting recordings, and other reports and publications. Further, holders of conservation easements file their annual reports online to DACF through the easement registry, a service managed by LMF.

LMF is rapidly becoming a paperless program. Appraisals, environmental site assessments, and proposals are increasingly shared with LMF Staff and Board members via SharePoint; communications and documentation are primarily electronic; closings are now generally remote and conducted using e-recording protocols and, best of all, LMF now requires only **one** hard copy of new proposals (instead of the 11 hardcopies previously required for each new application).

There are some potential technological opportunities that LMF is pursuing that will improve and streamline programs and further increase accessibility:

- *Online Web Application Portal and Database:* In 2021, the LMF Board and the Department of Agriculture, Conservation and Forestry authorized the acquisition of a web-based grants application portal and data management tool. In December 2021, LMF partnered with BPL to purchase a 2-year subscription to WizeHive. Although it has been challenging to build out the portal to match the intricacies of LMF's grant cycles, when the portal is complete, LMF Staff expect the program to provide a better user/applicant experience, a more streamlined reviewer experience, and better data capture and management opportunities.
- *Board Technology Use:* The Board gets its Board packet, new proposals, and other staff communications and materials via a Board/LMF SharePoint folder. There are challenges with this reliance upon virtual materials when Board meetings are held in places lacking reliable public WIFI, but, when given a choice between continued reliance upon technology or delivery of these materials in paper form, the Board is committed to exploring better ways to implement technology, beginning with reliable open public WIFI in Board meeting areas.
- *Central Database:* LMF has a working Access database, and there are plans to upgrade the Access Database, but at the time of this report, that has not been completed. Ensuring that the purchased online web application portal and database can communicate seamlessly with any new central database will be important. A central project database with appropriate data fields would allow for better tracking and the ability to see trends and patterns. For example, it could provide comprehensive tracking of public access grant funds, state significance, source of match (private versus public funding support), and other relevant data to manage and promote the program's success.
- *Public Access to Data:* LMF Staff, working with our webmaster, maintain the list of completed LMF Projects of all types (together with acreage and location). Updated twice yearly, these tables are readily accessible for viewing or downloading. A web map showing the location and information about many LMF projects is also available to the public.

- *Public Access to Meetings:* Meeting notices and meeting minutes are available on the website, and there is also a Teams link available for public meetings, enabling easy remote participation. LMF Board Meetings are recorded and available for download from the LMF website.

## C. PARTNERSHIPS

The Program relies on the expertise of various state agencies, including staff within DACF (including MNAP and the Bureau of Parks and Lands), DIFW, DMR (including the Maine Coastal Program), Maine Historic Preservation Commission, Maine DOT, DEP, and the Office of the Attorney General. In addition, LMF partners with numerous federal agencies, non-profit land trusts, municipalities, and other cooperating entities. The Maine Coastal Program provides funding support for one LMF staff person to focus on the coastal zone and working waterfront.

All of these arrangements help to supplement the efforts of program staff.

LMF staff has identified some of the most compatible partner funding opportunities that leverage the impact of LMF funding and continues to explore ways to facilitate those relationships. See [Appendix G1](#) for a review of those other funders.

## VI. LMF PROGRAMS, FUNDS, AND OTHER ACTIVITIES

### A. CONSERVATION AND RECREATION

C&R proposals include projects of Statewide Significance and Community Conservation Projects. Applicants should select the category for their project based on the criteria below.

**Projects of Statewide Significance** include lands with one or more resources that are rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony, and/or the recreational activity associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to the parcel.

**Community Conservation Projects** are projects of local or regional significance that promote one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the Board.

C&R is the broadest funding category within LMF and encompasses most projects. The concept behind this category “is that certain Maine lands attract broad public interest because of exceptional beauty or other natural features and needs to be available for future generations.”<sup>60</sup>

*i. PROJECT ELIGIBILITY AND SELECTION*

By statute, the Board is to give preference “to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife, and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.”<sup>61</sup>

By law, LMF cannot acquire facilities for organized recreational activities, capital improvements on publicly owned facilities, except as statute otherwise allows, or land for which the primary use value has been and will be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements on working forest lands, allowing for timber production while securing public access and conserving other natural resource values.

In 2007, the legislature added “significant, undeveloped archaeological sites”<sup>62</sup> and “public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes”<sup>63</sup> as considerations for project selection. The Maine Historic Preservation Commission is the state-sponsoring agency for the two archaeological protection projects LMF has funded: the Dresden Falls Archaeological Site Project Phase 1, selected in 2008, and the Dresden Archaeological Site Phase 2, selected in 2011.

The Legislature has often emphasized the importance of Deer Wintering Areas (DWAs) in bonds, but in 2021, this consideration entered the statute more permanently by the addition of the following language:<sup>64</sup>

*A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern, and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in Title 12, section 10001, subsection 74, with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future*

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<sup>60</sup> Land for Maine's Future Program, Biennial Report January 2013 – December 2014, 3

<sup>61</sup> 5 MRS §6207. Acquisition criteria. PL 2021 c. 676. Emphasis added.

<sup>62</sup> PL 2007, c.64, 5 MRS §6207(2)(A)

<sup>63</sup> PL 2007, c.353, 5 MRS §6207(2)(D)

<sup>64</sup> 5 MRS §6207(3)A, attached here as [Appendix M](#).



*Trust Fund or the Conservation and Recreation Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph.*

Since its inception, with the approval of the first bond in 1987, the program has funded two hundred forty-four C&R projects covering more than 624,000 acres of land. See [Appendix H](#) for a complete list of C&R projects funded by LMF.

Figure 6-1. Land for Maine's Future

Maine County Breakdown	Projects	Total Acres	Fee Acres	Ease Acres
Androscoggin	7	3,317	2,969.00	348.00
Aroostook	10	18,288	10,865.90	7,422.00
Cumberland	42	8,177	5,887.35	2,290.00
Franklin	11	48,181	34,135.50	14,045.00
Hancock	13	44,089	20,233.60	23,855.00
Kennebec	6	8,191	8,191.00	0.00
Knox	13	2,290	1,001.82	1,288.00
Lincoln	12	1,302	1,296.80	5.00
Oxford	21	18,337	11,249.81	7,087.00
Penobscot	13	17,872	15,022.44	2,850.00
Piscataquis	8	279,529	40,553.00	238,976.00
Sagadahoc	6	3,029	2,772.00	256.50
Somerset	9	64,846	64,790.84	55.00
Waldo	7	2,639	2,501.50	137.00
Washington	34	91,578	60,405.83	31,172.20
York	28	15,232	6,509.80	8,722.34
<b>TOTALS (rounded)</b>	<b>247</b>	<b>626,895</b>	<b>288,386.19</b>	<b>338,509.04</b>

To receive funding, an applicant must submit a project and be selected by the LMF Board. LMF provides a workbook outlining the scoring, nomination, and application process to guide the selection process when funding is available. Each proposal must include a letter from the landowner(s) that indicates a willingness to have the land considered for the LMF process.

Additionally, if the property represents more than one percent of a municipality's state valuation, the LMF statute requires the approval of the elected municipal officials.<sup>65</sup> Similarly, if the proposed acquisition is in an unorganized territory in a county and constitutes more than one percent of the state valuation within the county, approval by the county commissioners is required.<sup>66</sup>

<sup>65</sup> 5 MRS §6208

<sup>66</sup> 5 MRS §6208-A

LMF staff review each proposal for completeness of the application and follow up with applicants if additional information is needed. The LMF Board then scores each of the proposals.

Under the current system, each project is scored on:

	<b>Maximum Points</b>
<input checked="" type="checkbox"/> Naturalness of the Land	10 points
<input checked="" type="checkbox"/> Accessibility of the Land for its Intended Use	15 points
<input checked="" type="checkbox"/> Proximity to Conservation Lands and/or Larger Efforts	10 points
<input checked="" type="checkbox"/> Project Need	20 points
<input checked="" type="checkbox"/> Land Assets	
Multiple Land Assets	30 points
<i>or</i>	
Single Exceptional Value	30 points
<input checked="" type="checkbox"/> Community and Economic Impact	10 points
<input checked="" type="checkbox"/> Municipal Support	<u>5 points</u>
	100 points
 <b>BONUS</b>	
<input checked="" type="checkbox"/> Significant Undeveloped Archaeological Sites	10 points
<input checked="" type="checkbox"/> Public Water Supply	10 points
<input checked="" type="checkbox"/> Community Accessibility	10 points
<input checked="" type="checkbox"/> Climate Change Adaptation	10 points
<input checked="" type="checkbox"/> Deer Wintering Area(s)	<u>10 points</u>
	50 points
<b>Total Possible Points: 150 points</b>	

The Board develops the scoring system based on statutory requirements and state land acquisition priorities with opportunity for input from interested parties and the general public. The Board also considers public comment before adopting any new workbook and scoring system. For a deeper discussion of the LMF Conservation strategies, priorities, and performance metrics, see Section VII of this report.

To ensure fair market value of the property, all LMF projects must obtain an independent appraisal prepared by a state-certified appraiser that is consistent with current USPAP standards and LMF standards contained within the LMF workbook. The LMF AOC reviews the appraisal report from a layperson's eyes; it is not considered a technical appraisal review as defined by the USPAP.

*ii. 5% PUBLIC ACCESS GRANTS*

Providing public access to recreational lands is a core objective of this program. All lands acquired under LMF, except for working waterfronts and farmlands, must be open to the public. To help facilitate public access, LMF is authorized under the statute to make grants up to 5% of the appraised value of the land acquired to develop public access facilities.<sup>67</sup> Based on the funds available, the Board establishes a set aside for these grants. The Board has established an award eligibility of 5% of the first \$200,000 of appraised value, then 2% of appraised value over \$200,000, to a maximum of \$25,000.<sup>68</sup> Like all LMF awards, access improvement grants must be matched 1:1 with funds from other sources.

To qualify for access improvement grants, the proposal must:

- not compromise the original intent for which the property was purchased;
- improve accessibility of the LMF-acquired lands, consistent with management objectives;
- support and/or enhance public uses.

### *iii. STEWARDSHIP GRANTS*

In 2021, in recognition of the importance of stewardship for conserved lands, 5 MRS §§[6203-A\(3\)\(C\)](#) and [6203\(3\)\(D\)](#)<sup>69</sup> were enacted to authorize the LMF Board to make awards for “minor capital investments in the stewardship and management” of land purchased with LMF funds. These stewardship awards must be “held in a dedicated stewardship endowment and identified for use on the funded property” and are limited to 5% of the property's appraised value. As with Access Improvement Grants, the Board has established an award eligibility of 5% of the first \$200,000 of appraised value, then 2% of appraised value over \$200,000, to a maximum of \$25,000.<sup>70</sup> Like all LMF awards, stewardship awards must be matched 1:1 with funds from other sources. However, the LMF Board may allow excess match from the acquisition of the property (above 50% of land value) to serve as all or a portion of the match required for LMF stewardship awards when the applicant is not able to provide stewardship funds as match, AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means.

Before receiving stewardship funds, the applicant must provide LMF with their endowment policy, a projected stewardship budget for the property, proof of matching funds, and authorization from its governing body to accept the award and apply the award and matching funds in accordance with LMF policy.

## **B. PUBLIC ACCESS TO MAINE WATERS**

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<sup>67</sup> 5 MRS §6203(3)(B)

<sup>68</sup> [Land for Maine's Future Access Improvement Grants Fact Sheet for Applicants](#), Updated January 2023. See [Appendix E1](#).

<sup>69</sup> Since repealed and replaced by §§[6203-E\(3\)\(D\)](#)

<sup>70</sup> See [Appendix E2](#)

Unlike C&R projects, the WA Fund is narrowly focused. This fund's object, codified as part of the LMF statute in 1993,<sup>71</sup> is to provide water access opportunities by acquiring “fee simple or public access rights on small parcels of land”<sup>72</sup> abutting lakes, ponds, rivers, and coastal waters. DACF and DIFW are the primary state agency sponsors under this program. To date, LMF has funded seventy-three (73) water access projects across the state. See [Appendix H](#).

Figure 6-2. Land for Maine's Future

SUMMARY - LMF Water Access Projects 2000 - June 2023				
Maine County Breakdown				
County	Projec	Total Acre	Fee Acre	Easemnt Acres
Androscoggin	3	33	33	0
Aroostook	2	12	12	0
Cumberland	9	449	449	0
Franklin	2	1	0	1
Hancock	9	62	58	4
Kennebec	5	53	53	0
Knox	2	5	5	0
Lincoln	2	7	7	0
Oxford	8	256	256	0
Penobscot	4	2,023	2,023	0
Piscataquis	5	55	55	0
Sagadahoc	2	11	11	0
Somerset	4	174	174	0
Waldo	2	2	1	1
Washington	13	110	110	0
York	1	0	0	0
<b>TOTALS (rounded)</b>	<b>73</b>	<b>3,251</b>	<b>3,245</b>	<b>6</b>

Source: Land for Maine's Future (<http://www.maine.gov/dacf/lmf/projects.shtml>)

<sup>71</sup> 1993 PL c.728

<sup>72</sup> <https://www.maine.gov/dacf/lmf/funds/water-access.shtml>

### *i. PROJECT ELIGIBILITY AND SELECTION*

When considering land acquisition, the state looks to the priorities in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing*<sup>73</sup> and *Coastal Public Water Access Priority Areas for Boating and Fishing*.<sup>74</sup>

As set out in the 2022 LMF workbook, the priorities for water access projects include:

- location of the water near population centers and other water access sites;
- size of the water body and the diversity of recreational opportunities it offers;
- level of and proximity to existing public access sites and access needs;
- value of fisheries opportunities based on DIFW and/or DMR's evaluation;
- expected demand and diversity of uses of the site, current or anticipated, and;
- threat of conversion to other uses, such as development.<sup>75</sup>

Recognizing the high demand for coastal and shoreline properties, LMF created an expedited process for acquiring eligible property (see chart). This expedited process allows “state agencies and cooperating entities to take quick action to secure water access sites.”<sup>76</sup>

### *ii. 5% PUBLIC ACCESS GRANTS*

Projects funded under the WA Program are eligible for Access Improvement Grants. The rules are the same for C&R and WA projects.

### *iii. STEWARDSHIP GRANTS*

Projects funded under the WA Program are eligible for Stewardship Grants. The rules are the same for C&R and WA Projects.

## **C. WORKING WATERFRONT ACCESS PROTECTION PROGRAM**

The Working Waterfront Access Protection Program (WWAPP) aims to protect “strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector.”<sup>77</sup> The program accomplishes this goal by purchasing the development rights of a working waterfront parcel via a Working Waterfront Covenant and Right of First Refusal.<sup>78</sup> The covenant prohibits activities that conflict

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<sup>73</sup> Prepared by the Department of Conservation and the Department of Inland Fisheries and Wildlife, March 1995. [http://www.maine.gov/dacf/parks/about/boating\\_facilities\\_program/strategic\\_plan/](http://www.maine.gov/dacf/parks/about/boating_facilities_program/strategic_plan/)

<sup>74</sup> Prepared by the State Planning Office and the Maine Coastal Program, October 2000.

[http://www.maine.gov/dacf/mcp/downloads/access/coastalwateraccesspriorityareas\\_oct2000.pdf](http://www.maine.gov/dacf/mcp/downloads/access/coastalwateraccesspriorityareas_oct2000.pdf)

<sup>75</sup> 2013 LMF Workbook, Section 3. <http://www.maine.gov/dacf/lmf/docs/2013workbook/Section3.pdf>

<sup>76</sup> Id.

<sup>77</sup> Land For Maine's Future and Department of Marine Resources, Maine Working Waterfront Access Protection Program, Proposal Workbook, Board Adopted Policy & Guidelines, December 2022, 2.

<https://www.maine.gov/dacf/lmf/docs/wwapp/2022-wwapp-workbook.pdf>

<sup>78</sup> See Appendix K

with fisheries and related uses. The owner retains all other ownership rights, including the right to sell. If the owner does choose to sell the property, the state has the “right of first refusal” with a built-in mechanism to assure the continued affordability of the land for commercial fishing.

Unlike LMF C&R and WA programs, the WWAPP is administered by DMR and the DMR’s Maine Coastal Program. In this relationship, DMR selects and recommends projects to the LMF Board for WWAPP funding; LMF is responsible for shepherding these projects through the due diligence phase and distributing those funds in accordance with LMF standard conditions and state procurement policies. There is no requirement for guaranteed public access on working waterfront properties.

The WWAPP program at DMR, and the corresponding WWAPP fund that resides within LMF, was established with the approval of the 2005 bond, which set aside \$2 million “to protect strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector.”<sup>79</sup> In 2006, to support the protection of working waterfronts, the Legislature passed LD 1930, which authorized the use of a Working Waterfront Covenant.<sup>80</sup> The Working Waterfront program received further funding through the approval of bonds in 2007, 2010, 2012, and 2018. In 2011, the Maine Working Waterfront Access Protection Fund was codified as part of the LMF statute.<sup>81</sup> See [Appendix K](#) for a working waterfront model covenant.

Since 2008, this program has funded 30 projects.

Figure 6-3. Land for Maine's Future

Maine County Breakdown: 2008 - 2022	Project #	Acres	Shore Frontage Miles (rounded)
Cumberland	4	3	0
Hancock	2	2	0
Knox	10	7	2
Lincoln	8	29	0
Sagadahoc	0	0	0
Waldo	0	0	0
Washington	5	4	0
York	1	1	0
<b>TOTALS</b>	<b>30</b>	<b>45</b>	<b>3</b>

<sup>79</sup> PL 2005 c.462

<sup>80</sup> PL 2005 c.574, 33 MRS Chpt.6-A

<sup>81</sup> PL 2011, c.266, PT. B, §3

*i. PROJECT ELIGIBILITY AND SELECTION*

The Working Waterfront project selection process differs from that used for C&R or WA programs. When funding is available, LMF, with DMR, issues a workbook outlining the process. The criteria that DMR uses to evaluate a proposal are:

- the economic significance of the property;
- alternative properties in the vicinity;
- degree of community support;
- level of threat of conversion;
- utility of the property for commercial fisheries business; and
- capacity to create new shore-side jobs.<sup>82</sup>

DMR’s Maine Coastal Program is available to assist and advise project applicants with the process. A review panel established by the DMR Commissioner consisting of members with knowledge of the fishing industry evaluates and scores project proposals. A project is scored on:

	<b>Maximum Points</b>
The economic significance of the property	20 points
Alternative properties in the vicinity	15 points
Degree of community support	10 points
Level of threat of conversion	20 points
Utility of the property for commercial fisheries business	20 points
Capacity to create new shore-side jobs	15 points
Total Possible Points =	<u>100 points</u>

Based on its review, the panel provides the Commissioner with recommendations, who, in turn, recommends projects to the LMF Board for funding allocations and financial awards. Once funding is determined, DMR Maine Coastal Program and LMF staff will work with project applicants to complete the process.

Similar to other LMF programs, proposals for the WWAP program require an appraisal of the property. Unlike other programs, a third-party appraisal review is also conducted. Through a contract with DACF, the third-party reviewer does a desktop review of the appraisals to check for compliance with the USPAP and with the standards of the LMF Board. The review report is to be consistent with the Level 3 review standards of USPAP.<sup>83</sup>

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<sup>82</sup> Maine Department of Marine Resources and Maine Coastal Program, *Working Waterfront Access Protection Program*, 2022. [https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/WWAPP\\_twopager\\_final\\_020923.pdf](https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/WWAPP_twopager_final_020923.pdf)

<sup>83</sup> CT-01A-20150504\*03605

## D. WORKING FARMLAND ACCESS AND PROTECTION PROGRAM

Agriculture is critically important to Maine's economy and food supply and contributes to the state's communities and overall quality of life. Essential to the continued viability of agriculture in Maine is the continued availability of productive farmland in all areas of the state, and protection of Maine's best agricultural soils, which are a finite resource, from conversion to non-agricultural uses. One effective strategy to maintain this land base is the purchase of development rights on farmland via agricultural easements (also sometimes called agricultural conservation easements or working land easements). This ensures that Maine's farmland is not lost to development and remains available for established and beginning farmers.

LMF funded its first farmland preservation project in 1990, and each subsequent round of funding has included farmland preservation as a goal. In 2021, the Maine Legislature permanently committed to protecting working farmland by creating the Working Farmland Access and Protection Program (WFAPP) within DACF, and the corresponding Working Farmland Access and Protection Fund which resides within LMF and establishes a dedicated funding source for preserving Maine farmland. As with WWAPP, the WFAPP is administered by DACF's BAFRR. BAFRR selects and recommends projects to the LMF Board for WFAPP funding; LMF is responsible for shepherding these projects through the due diligence phase and distributing WFAPP funds in accordance with LMF standard conditions and state procurement policies.<sup>84</sup>

LMF staff work with the DACF's BAFRR, cooperating entities, and farmland owners to bring farmland protection proposals to the LMF Board. Over the program's life, DACF has acquired ten agricultural conservation easements, with the last closing in 2007, and in only one instance have LMF farmland funds been used as a part of a fee-simple purchase of farmlands. At this time, DACF has no plans to acquire more agricultural conservation easements. It believes that local and statewide land trusts are increasingly capable of stewarding agricultural easements. To that end, DACF now primarily sponsors applications from land trusts to purchase agricultural conservation easements.

Unlike C&R projects, there is no requirement for guaranteed public access on farmland properties; farmer/fee holders of land protected by a farmland agricultural easement typically reserve their rights to determine the level of public access they choose.

### *i. PROJECT ELIGIBILITY AND SELECTION*

Working Farmland project selection is similar to the process followed by WWAPP. When funding is available, LMF with DACF issues a workbook outlining the process. The criteria that DACF uses to evaluate a proposal are:

- The percentage of soils on the property classified by the United States Department of Agriculture as prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance and, where applicable, the availability

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<sup>84</sup> See [Appendix F](#) for the most recent WFAPP Workbook.



of water sources of sufficient quantity and accessibility to support the productivity of these soils;

- The agricultural structures and improvements associated with the working farmland property, including residences for the owner/operator, farm labor housing, greenhouses, barns, shops, processing facilities, farmstands, water systems, or other improvements that enhance the agricultural productivity or economic viability of the farming operation on the property;
- The economic viability of the working farmland property in terms of current and potential future commercial agricultural activities in local, regional, and statewide markets, as demonstrated by an existing agricultural operation with a history of success, the existence of a business plan, and/or the potential for diverse revenue streams such as agritourism or timber production;
- The significance of the project to the local agricultural economy and local food systems through the connection of the working farmland property to agricultural services, including processors, aggregators, and distributors, the number of on-farm jobs supported by the working farmland property, the contribution of the project to local food systems, diversity of enterprises, and pathways to food access, and the proximity of other working farmland properties in the town or region;
- The threat of conversion of the working farmland property such that it would become unavailable for commercial production of agricultural products;
- The multiple natural resources values associated with the working farmland property, including open space land, forested land, and wetlands; riparian buffers; wildlife habitat; freshwater aquifers, public drinking water supplies, and historic and archaeological resources;
- The extent to which the project will provide support for new or underserved farmers who would otherwise experience barriers to accessing quality agricultural opportunities, as indicated by current ownership of the farmland property being held by a member of an underserved group, the interest of the owner of the working farmland property to make the farmland available via lease or transfer the protected property to another farmer or other farmers to advance the department's goal of preserving and increasing access to farmland for new and growing farms and/or whether the applicant is from or serving an underserved or underprivileged community as defined by the department;
- The degree of community support for the proposed protection of the working farmland property, as indicated by support for farmland preservation in local planning and ordinances, letters of support from community leaders or elected officials, and/or active community programs connecting residents with farms;
- Whether the proposal demonstrates planning and foresight in how land transfer or transition away from the current owner may function;

- Whether the proposal demonstrates existing and planned practices aimed at maximizing carbon sequestration, minimizing carbon emissions, and preserving climate-resilient habitat;
- Existence of an Agricultural Management Plan ensuring that agricultural operations on the property are consistent with the Agricultural Principles specified in the LMF Agricultural Easement guidelines;
- The extent to which the property increases the geographic distribution of WFAPP investments; and
- The extent to which the property serves as an anchor parcel for farmland protection in an area of the state without existing protected farmland.

DACF’s BAFRR has dedicated staff available to assist and advise project applicants with the process. A review panel established by the DACF Commissioner consisting of members with knowledge of the farming industry evaluates and scores project proposals. A project is scored on:

	<b>Maximum Points</b>
Productive Agricultural Soils	15 points
Agricultural Infrastructure	10 points
Economic Viability	10 points
Significance to Local Economy and Food Systems	15 points
Development Pressure and Threat	20 points
Alternative Use Values and Other Public Benefits	15 points
Support for New or Underserved Farmers	10 points
Community Support	5 points
Total Possible Points =	<u><b>100 points</b></u>
 <b>BONUS</b>	
Climate Change Adaptation	<u>10 points</u>
Agricultural Management Plan	<u>10 points</u>
Adequately Developed Farm Transition Plans	<u>5 points</u>
	<u><b>25 points</b></u>
 <b>Total Possible Points: 125 points</b>	

Based on its review, the panel provides the Commissioner with recommendations who, in turn, recommends projects to the LMF Board for funding allocations and financial awards. Once funding is determined, DACF BAFRR and LMF staff will work with project applicants to complete the process.

Similar to other LMF programs, proposals for WFAPP require an appraisal of the property.

Figure 6-4. Land for Maine's Future

SUMMARY - LMF Farmland Conservation 1990 - June 2023				
Maine County Breakdown	Project	Total Acres	Fee Acres	Ease Acres
Androscoggin	4	674	0	674
Aroostook	0	0	0	0
Cumberland	12	3,549	0	3,549
Franklin	0	0	0	0
Hancock	3	409	0	409
Kennebec	5	1,184	0	1,184
Knox	2	242	0	242
Lincoln	1	92	0	92
Oxford	0	0	0	0
Penobscot	0	0	0	0
Piscataquis	0	0	0	0
Sagadahoc	4	561	0	561
Somerset	0	0	0	0
Waldo	4	681	0	681
Washington	1	1,523	3	1,520
York	5	828	0	828
<b>TOTALS (rounded)</b>	<b>41</b>	<b>9,743</b>	<b>3</b>	<b>9,740</b>

*ii. FARMLAND BUSINESS PLANNING AND CAPITAL IMPROVEMENT APPLICATIONS*

LMF may also fund business plans and capital improvements on farmlands protected by the WFAPP Fund.<sup>85</sup> Statutorily, up to 5% of the appraised value may be used to develop a business plan and capital improvement for the farm. Before requesting these funds, the applicant must work with the BAFRR Farmland Protection Manager to develop the grant application.

STEWARDSHIP GRANTS

Projects funded under the WFAPP Fund are eligible for Stewardship Grants. The rules are the same as for C&R projects.

## E. CONSERVATION LAND MANAGEMENT PROGRAM

The newest of LMF's programs, this program, enacted into law in 2023 by 5 MRS §6203-F, will permit the LMF Board to:

- A. Make capital improvements to enhance public recreational opportunities on permanently conserved state, municipal and private conservation lands; and*
- B. Enhance wildlife habitat protection on permanently conserved state, municipal and private conservation lands.<sup>86</sup>*

Currently unfunded (the previously allocated \$40,000,000 was expressly divided between C&R, WA, WWAPP, and WFAPP), the LMF Board is in the process of adopting rules that will enable it to move forward with this new program as soon as funds are available. This new program has tremendous potential to increase the pace of conservation.

## F. OTHER FUNDS AND ACTIVITIES

In addition to the programs listed above, the LMF Board has been responsible for overseeing funds and procedures for a few other public purposes.

### *i. SEARS ISLAND CONSENT DECREE FUND*

In 1996, the Maine DOT was sued by the U.S. Environmental Protection Agency and others for filling wetlands on Sears Island in Searsport. The parties negotiated a consent decree to settle the lawsuit. The consent decree included a Supplemental Environmental Project (SEP) under which funds were transferred from Maine DOT to LMF.

The consent decree included \$100,000 to be paid to LMF to acquire specific properties listed in the SEP along the Ducktrap River, well-suited to protect and conserve valuable freshwater wetlands and uplands to support Atlantic salmon habitat in perpetuity. DOT was also required to complete a wetlands restoration and enhancement program, with the balance of funds remaining upon completion of that work to be transferred to LMF for the acquisition of the listed properties. In 2004, Maine DOT transferred \$371,000 to LMF under this provision. In addition, the funds have drawn some \$70,000 in interest.

To date, Sears Island Consent Decree funds have been used to acquire nine parcels encompassing over 394 acres and 17,622 feet of shorefront on the Ducktrap River. The cash balance in the account as of October 18, 2023, was approximately \$157,644.19. There are no outstanding expenditures.

### *ii. CONSERVATION EASEMENT REGISTRY*

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<sup>86</sup> 5 MRS §6203-F(3)

In 2007, the Legislature passed L.D. 1737, which amended the laws governing conservation easements and established a conservation easement registry to track easements throughout the state.<sup>87</sup> Originally, the responsibility for the maintenance of this registry rested with the State Planning Office. Following the elimination of the State Planning Office, the responsibility was reassigned to DACF, with staffing provided by LMF. The registry is implemented as an online resource for account holders to record each of the easements and any changes or amendments to the easements they hold and to report their easement monitoring. The Department must notify the Attorney General of “any failure of a holder disclosed by the filing or otherwise known to the Department of Agriculture, Conservation and Forestry.”<sup>88</sup>

Under the law, a holder of a conservation easement is required to establish an account in the Conservation Easement Registry (CER) and annually report the book and page number at the registry of deeds for each conservation easement that it holds, the municipality and approximate number of acres protected under each conservation easement and such other information as the DACF determines necessary.<sup>89</sup> Holders must also monitor their conservation easements at least once within three years. The CER requirements established by the legislature are entirely separate from LMF’s annual reporting requirements for LMF-funded acquisitions.

Account holders must make an annual \$80.00 payment to maintain their accounts. This helps cover the annual \$6,920.00 hosting and maintenance fee to InforME. In 2022, DACF requested a \$6,000 increase to the LMF General Fund account to fully cover the hosting and maintenance fee. The Legislature approved this request through the supplemental budget.

### *iii. PUBLICATIONS*

Aside from a GEA report, LMF provides two substantive publications: (1) the LMF Proposal Workbook and (2) the biennial report as previously detailed. LMF also participates in an electronic newsletter/announcement through GovDelivery that reaches 1,016 people subscribed to LMF Updates.

When funding is available, LMF publishes its LMF Proposal Workbook, which guides applicants in preparing and submitting proposals. The Workbook also details the due diligence requirements for all projects to be completed by applicants and agencies. As described in the Executive Summary, the LMF Board, staff, and interested stakeholders have begun the work of incorporating Maine Won’t Wait targets into the LMF Workbook and scoring system, and they expect to continue this work to “move the needle” on our statewide climate action plan and goals.

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<sup>87</sup> PL 2007, c.412

<sup>88</sup> 33 MRS §479-C

<sup>89</sup> 33 MRS §479-C

## VII. CONSERVATION STRATEGIES, PRIORITIES, AND PERFORMANCE METRICS

### A. CONSERVATION STRATEGIES

With the arrival of the State of Maine’s climate action plan, *Maine Won’t Wait*, land acquisition priorities have undergone a dramatic shift. Maine’s conservation and acquisition priorities had been heavily focused on “Getting People to the Land” since the 1997 LAPAC report. Although protecting recreational access remains an important part of the State’s response to climate change (and LMF’s funding strategy), the focus has broadened in recognition of the complexity of the challenge, the need for broad engagement across state government and beyond, and recognition that **multiple** state interests rest upon the successful protection of critical natural and working landscapes. LMF, as the State of Maine’s primary funding vehicle for conserving natural and working lands, is a crucial partner in this work.

LMF’s work is centered around Strategy E of the climate action plan, “Protect Maine’s Environment and Working Lands And Waters.”

- *Increase by 2030 the total acreage of conserved lands in the state to 30% through voluntary, focused purchases of land and working forest or farm conservation easements.*
  - *Additional targets should be identified in 2021, in partnership with stakeholders, to develop specific sub-goals for these conserved lands for Maine’s forest cover, agriculture lands, and coastal areas.*
- *Focus conservation on high biodiversity areas to support land and water connectivity and ecosystem health.*
- *Revise scoring criteria for state conservation funding to incorporate climate mitigation and resiliency goals.<sup>90</sup>*

LMF’s sister agencies are equally committed. As reported in the 2022 *Maine Won’t Wait* progress report:

- Scoring criteria for LMF applications include biological diversity, including long-term protection of BwH-designated Focus Areas of Statewide Ecological Significance.
- LMF, along with other State agencies, has upgraded its scoring criteria to prioritize projects that improve climate resilience, habitat improvement, and carbon sequestration, and incorporate equity and accessibility scoring criteria and will continue to evaluate new ways to make the scoring system reflective of state acquisition priorities
- LMF’s ongoing strategy in discharging its duties is to streamline the application process as much as possible, use technology to improve accessibility and data

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<sup>90</sup> Maine Climate Council, *Maine Won’t Wait*, December 2020  
[https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

management, and work to make the scoring system an effective descriptor of each project's strengths as they relate to LMF priorities.

## B. CONSERVATION PRIORITIES

Current LMF conservation priorities are identified in the statute:

*Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.<sup>91</sup>*

To better understand the relationship between the State's current conservation priorities and LMF's recent framework, a quick review of the past may be helpful.

The LMF Board derived its first set of conservation priorities from the original 1987 legislation (5 MRS §6200, et seq.) and the accompanying bond bill passed by the voters. All land was to be of state significance and contain any of the following: recreation lands; prime physical features of the Maine landscape; areas of special scenic beauty; farmland or open space; undeveloped shoreline; wetlands; fragile mountain areas; habitat for plant or animal species or natural communities considered rare, threatened, or endangered; or lands providing public access to recreation opportunities, or the lands listed before.<sup>92</sup>

Following a needs assessment in 1988, the LMF Board and staff (with significant input from state agencies and the public) refined the priorities described in the original LMF statute and laid the framework for the scoring system used today. Six major land categories were identified as priorities.<sup>93</sup> These major land categories remain a core component of the LMF scoring process, as described in the LMF workbook.

### Major Land Categories:

- 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
- Farmland and Open Space

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<sup>91</sup> 5 MRS §6207(3)

<sup>92</sup> Land for Maine's Future, *Land for Maine's Future Fund Proposal Workbook*, September 1988.

<sup>93</sup> Land for Maine's Future, *Land for Maine's Future Fund Strategy and Guidelines for Acquisition*, September 1988, revised August 1990.

These original core land categories are still included in LMF scoring.

Ten years after these core land categories were identified as priorities, the Land Acquisition Priorities Advisory Committee (LAPAC) submitted its report. LAPAC identified fourteen priorities to help guide land acquisition in the State. Five focus areas were selected as the top priorities of the fourteen identified.

#### LAPAC Focus Areas:

1. Access to Water: “Acquisition and development of public access to waters should seek to provide a diversity of high-quality recreational opportunities such as boat ramps, carry-in boat access sites, and walk-in access to remote ponds.”
2. Southern Maine Conservation Lands: “The southern portion of the state (south of Bangor) is richest in biological diversity.”
3. Ecological Reserves: “Special attention should be given to those areas that include rare species, as well as unique or exemplary natural communities.”
4. River Systems: “Future acquisition efforts should protect extended corridors on the state’s most valued river corridor.”
5. Undeveloped Coastline

#### Other priorities identified by LAPAC

1. Northern Forest Conservation Lands: The conservation goal for Northern Forest Conservation should be to maintain their natural character, preserve public recreation opportunities, protect essential habitats, and sustainably manage timber resources.”
2. Municipal/Urban Open Space
3. Trail Systems: “In particular, acquisition efforts should focus on opportunities to link existing public land holdings by trail corridors and to acquire ready-made trail corridors such as abandoned railroad beds.”
4. Farmland: “...provide farmers with an alternative to selling the farm and preserve strategic agricultural and open space lands.”
5. Regional Parks: “Residents of many of the state’s population centers have limited public recreation lands within a reasonable traveling distance to where they live (one hour drive.)
6. Additions and Access to Existing Public Lands
7. Mineral Collecting Sites
8. Islands
9. Significant Mountains

Some of these priorities echo LMF’s earlier priorities (like Water Access). Many of these designations continue to be used in the LMF scoring process: some identify the types of land assets present on a proposed acquisition (such as “water access” or “significant mountain”), some have been combined with LMF core priorities (Municipal/Urban Open Space, for example), and others have found their way into the current LMF statutory obligation to prioritize projects “*that provide*



*geographic representation and that build upon or connect existing holdings.*<sup>94</sup> One LAPAC category that has not been particularly prominent in recent LMF scoring is “Northern Forest Conservation Lands.” This category may be newly relevant under current acquisition priorities emphasizing lands that support greater carbon sequestration and provide the foundation for a greener economy. With the new statutory priorities,<sup>95</sup> it will be interesting to see how these land categories are understood to support the state’s emphasis on land acquisitions that support adaptation to a changing climate.

### C. MEASURING CONSERVATION

The table below shows statewide progress toward conservation since 1997. We made good gains between 1997 and 2015. To go from 5.29% to 18.90% of our land conserved in 18 years means that Mainers conserved, on average, more than 148,000 acres **per year**. Accurately assessing the pace of conservation from 2015 (the last GEA report eight years ago) to today requires a deeper look at the Program’s context during this time frame. This discussion is captured more fully in the next section.

Figure 7-1. Land for Maine's Future

County	Maine GIS Land Area	% Lands in Conservation 1997	% Lands in Conservation 2015	% Lands in Conservation 2023	All Conserved Lands (Acres) 2023	LMF Acreage 2023	% LMF Funded Conserved Lands 2023
Androscoggin	299,659	0.30%	2.89%	4.5%	12,621	5,779	46%
Aroostook	4,254,378	14.40%	13.33%	18.0%	650,487	18,299	3%
Cumberland	532,598	1.30%	6.50%	8.2%	50,079	13,281	27%
Franklin	1,081,884	2.80%	12.81%	22.0%	193,248	48,677	25%
Hancock	1,011,097	9.00%	16.54%	18.1%	207,891	56,309	27%
Kennebec	551,473	0.70%	3.68%	4.3%	27,352	9,252	34%
Knox	232,897	1.20%	7.71%	12.1%	24,363	2,689	11%
Lincoln	290,475	0.20%	4.23%	8.2%	26,237	1,871	7%
Oxford	1,324,757	10.80%	18.98%	17.7%	310,765	15,158	5%
Penobscot	2,164,546	9.10%	6.79%	22.2%	239,967	19,895	8%
Piscataquis	2,528,019	31.70%	38.51%	52.8%	1,138,669	279,584	25%
Sagadahoc	161,828	0.60%	11.29%	13.0%	21,273	3,158	15%
Somerset	2,506,327	7.10%	31.31%	9.5%	842,452	62,529	7%
Waldo	465,279	1.00%	4.19%	6.8%	35,774	4,074	11%
Washington	1,633,219	7.90%	28.81%	34.0%	521,874	81,467	16%
York	631,753	1.90%	10.14%	11.1%	70,327	16,061	23%
<b>Total</b>	<b>19,670,190</b>	<b>5.29%</b>	<b>18.90%</b>	<b>22.2%</b>	<b>4,373,379</b>	<b>638,083</b>	<b>15%</b>

<sup>94</sup> 5 MRS §6207(3)

<sup>95</sup> 95 5 MRS §6207(3)

## D. LMF PERFORMANCE

### *i. Performance Goals*

LMF has used performance measurements derived from a 2004 strategic planning exercise and reported its results in the 2007 GEA Report and GEA reports since. The metrics were listed as:

- The average number of acres per year of unique, significant lands protected with the help of Land's for Maine's Future funds.
- The average dollars leveraged from public, private, and nonprofit entities with Land for Maine's Future funds.

LMF conservation goals through 2015 were to conserve an average of 15,000 acres per year, exceed the 2:1 matching requirement found in the LMF bonds at that time, and “be a catalyst for the wise development of the state’s economy and the conservation of its natural resources” with a further objective to “improve Mainers’ economic well-being with no measurable deterioration in its healthy natural resources.”

Current conservation goals for the State of Maine are to ensure that 30% of our land is in conservation by 2030, emphasizing the protection of lands that sequester carbon, support biodiversity, and advance climate mitigation and resiliency goals. With approximately 1.4 million acres left to go<sup>96</sup>, it will require an average of 225,000 acres per year to meet that target.

### *ii. Performance Measurements, 2015 – 2023*

LMF’s performance over the past eight years falls into two distinct periods. As shown in Figure 7-2, below, before the \$40,000,000 allocation in 2021, LMF’s funding had been flat, with its last infusion of a \$5,000,000 bond in 2011. Not surprisingly, the associated pace of conservation between 2015 and 2021 was correspondingly flat.

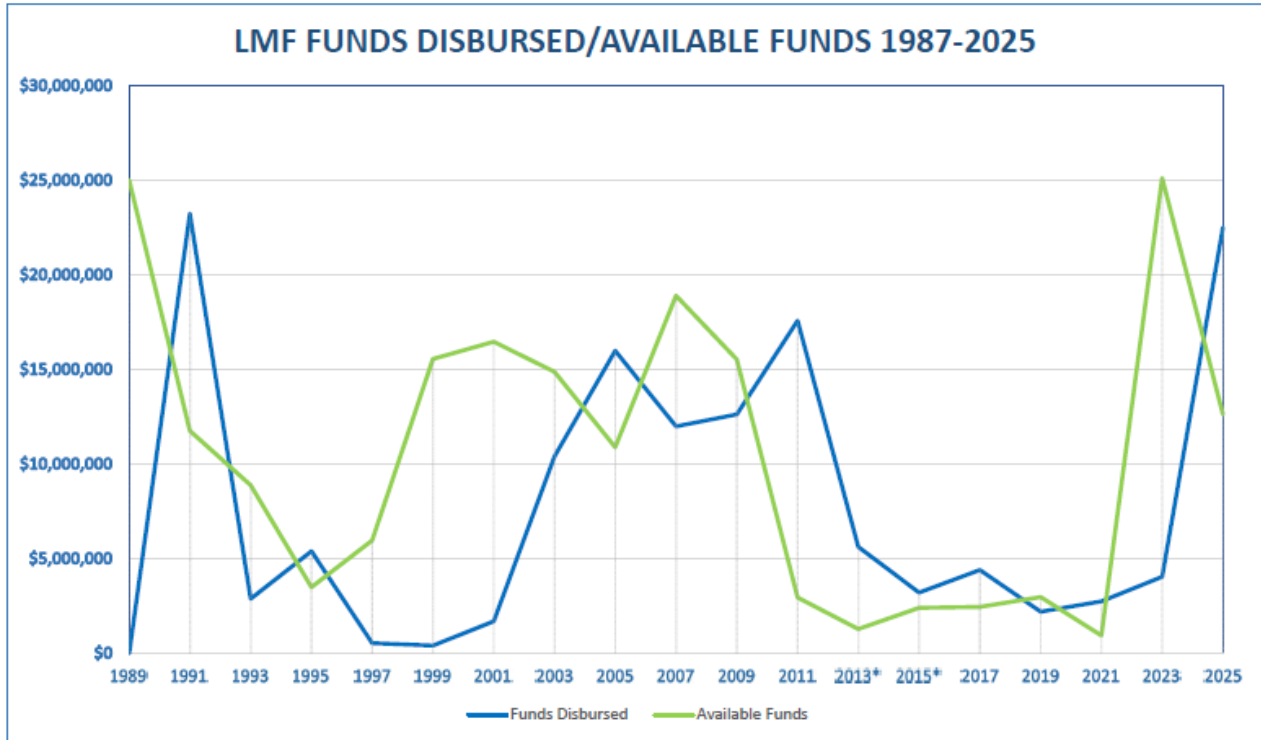
The second period stands in stark contrast to the first. The green line in the graph below represents the inflow of funds, and the blue line represents the disbursement of those funds. The relationship between funds and the pace of conservation is dramatic (but hardly surprising). Visually depicting the relationship between inflows and outflows also allows us to see that it takes about a year for the infusion of new funds to create an impact. You can see the moment, in 2021, when money was allocated to LMF (big green spike), and you can see the trailing blue shallow curve that spikes dramatically upward in 2023. That’s because between January 25, 2022 (when the first Round 10 proposals were chosen as finalists) and October 12, 2023, LMF moved those applicants through the process – and there are more to go before December 31, 2023. Better yet, LMF has active projects in the pipeline that are expected to close within the *next* year, poised to conserve more than 50,000 acres.

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<sup>96</sup> GIS calculations as of 4/3/23

When LMF is funded, it protects land and does so quite efficiently.

Figure 7-2. Land for Maine's Future



Biennial Reports summarize data from the previous two full years. A Biennial Report dated 1991 will therefore include all transactions closed between 1/1/1989 and 12/31/1990. NO LMF transactions closed prior to 1989. Data for 2025 is projected with a combination of completed closings as of 7/26/23 (~\$2,200,000) coupled with projected closings on active projects through 12/31/2024 (~\$20,000,000). Interest earned in the LMF Trust Fund is not projected.

Source: Land for Maine's Future  
8/7/2023  
LBG



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## **IX. APPENDICES**

# **APPENDIX A**

## **LMF STATUTES**

## CHAPTER 353

## LAND FOR MAINE'S FUTURE

**§6200. Findings**

The Legislature finds that Maine is blessed with an abundance of natural resources unique to the northeastern United States; that these natural resources provide Maine residents and visitors to the State with an unparalleled diversity of outdoor recreation opportunities during all seasons of the year and a quality of life unmatched in this nation; that the continued availability of public access to these recreation opportunities and the protection of the scenic and natural environment are essential for preserving the State's high quality of life; that public acquisition programs have not kept pace with the State's expanding population and changing land use patterns so that Maine ranks low among the states in publicly owned land as a percentage of total state area; that rising land values are putting the State's real estate in shoreland and resort areas out of reach to most Maine citizens and that sensitive lands and resources of statewide significance are currently not well protected and are threatened by the rapid pace of development; and that public interest in the future quality and availability for all Maine people of lands for recreation and conservation is best served by significant additions of lands to the public domain. [PL 1993, c. 728, §2 (AMD).]

The Legislature further finds that Maine's private, nonprofit organizations, local conservation commissions, local governments and federal agencies have made significant contributions to the protection of the State's natural areas and that these agencies should be encouraged to further expand and coordinate their efforts by working with state agencies as "cooperating entities" in order to help acquire, pay for and manage new state acquisitions of high priority natural lands. [PL 1987, c. 506, §§ 1, 4 (NEW).]

The Legislature declares that the future social and economic well-being of the citizens of this State depends upon maintaining the quality and availability of natural areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions and scenic beauty and that the State, as the public's trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to assure that this Maine heritage is passed on to future generations. [PL 1987, c. 506, §§ 1, 4 (NEW).]

## SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §2 (AMD).

**§6201. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 506, §§1, 4 (NEW).]

**1. Appraised value.** "Appraised value" means the fair market value of property without the consideration of the effect, if any, of dedication or other preservation-related restrictions. [PL 1987, c. 506, §§1, 4 (NEW).]

**1-A. Commercial fisheries business.** "Commercial fisheries business" means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives; [PL 2011, c. 266, Pt. B, §1 (NEW).]



B. Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront property; and [PL 2011, c. 266, Pt. B, §1 (NEW).]

C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives. [PL 2011, c. 266, Pt. B, §1 (NEW).]  
[PL 2011, c. 266, Pt. B, §1 (NEW).]

**1-B. Community conservation project.** "Community conservation project" means a conservation project of local or regional significance that promotes one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.  
[PL 2021, c. 398, Pt. FFFF, §1 (NEW).]

**2. Cooperating entities.** "Cooperating entities" means those private nonprofit organizations, municipal conservation commissions, local governments, federal agencies or other bodies designated by the Land for Maine's Future Board pursuant to section 6203-E or 6203-F.  
[PL 2023, c. 284, §1 (AMD).]

**3. Matching funds.** "Matching funds" means any combination of public and private funds used in conjunction with the Land for Maine's Future Trust Fund, the Public Access to Maine Waters Fund, the Maine Working Farmland Access and Protection Fund, the Conservation and Recreation Fund and the Conservation Land Management 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 contributions; or any combination of those funds. Contributions of land or interest in land must be valued, for purposes of this section, in the amount of their appraised value.  
[PL 2023, c. 284, §2 (AMD).]

**4. Stewardship account.** "Stewardship account" means an account held separate and apart from all other money, funds and accounts of a state agency for the purposes of management of land owned in fee or less-than-fee simple meeting the criteria established in section 6207.  
[PL 1987, c. 506, §§1, 4 (NEW).]

**4-A. Working farmland or working farmland property.** "Working farmland" or "working farmland property" means land managed as a farm and available for commercial production of agricultural products, as defined in Title 7, section 152, subsection 2.  
[PL 2021, c. 135, §2 (NEW).]

**5. Working waterfront or working waterfront property.** "Working waterfront" or "working waterfront property" means land, legally filled lands and piers and wharves and other improvements to land adjacent to the navigable coastal waters of the State and used by a commercial fisheries business.  
[PL 2011, c. 266, Pt. B, §2 (NEW).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §3 (AMD). PL 2011, c. 266, Pt. B, §§1, 2 (AMD). PL 2021, c. 135, §§1, 2 (AMD). PL 2021, c. 398, Pt. FFFF, §§1, 2 (AMD). PL 2023, c. 284, §§1, 2 (AMD).

#### §6202. Land for Maine's Future Board

The Land for Maine's Future Board, as established in chapter 379, shall be an Executive Department Board and shall be referred to in this chapter as the "board." [PL 1987, c. 506, §§ 1, 4 (NEW).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW).

#### **§6203. Land for Maine's Future Fund**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §4 (AMD). PL 1999, c. 769, §§1,2 (AMD). PL 2009, c. 178, §§1, 2 (AMD). PL 2021, c. 33, §1 (AMD). PL 2021, c. 135, §3 (AMD). PL 2021, c. 398, Pt. FFFF, §3 (AMD). PL 2021, c. 409, §1 (AMD). PL 2023, c. 284, §3 (RP).

#### **§6203-A. Public Access to Maine Waters Fund**

**1. Fund established.** There is established the Public Access to Maine Waters Fund that is administered by the board. The Public Access to Maine Waters Fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The Public Access to Maine Waters Fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the Public Access to Maine Waters Fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the Public Access to Maine Waters Fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §4 (AMD).]

**2. Grants; matching funds.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. For each grant made under this subsection, the board shall require the grant recipient to provide matching funds at least equal to the amount of the grant. Grants must be made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2023, c. 284, §5 (RPR).]

**3. Fund proceeds.** The proceeds of the Public Access to Maine Waters Fund may be applied and expended to:

A. Acquire property or interests in property abutting fresh or coastal waters when public access to those waters does not exist or when the board determines that existing points of public access are not sufficient; [PL 2021, c. 33, §2 (AMD).]

B. Provide minor capital improvements on lands acquired by proceeds from the Public Access to Maine Waters Fund to provide public access or improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and [PL 2021, c. 33, §2 (AMD).]

C. When land or interest in land is acquired with proceeds from the Public Access to Maine Waters Fund, fund minor capital investments in the stewardship and management of that land. Stewardship and management investments under this paragraph must be held in a dedicated stewardship endowment and identified for use on the funded property. Stewardship and management investments may not exceed 5% of the appraised value of the acquired property. [PL 2021, c. 33, §2 (NEW).]

[PL 2021, c. 33, §2 (AMD).]

#### SECTION HISTORY

PL 1993, c. 728, §5 (NEW). PL 2021, c. 33, §2 (AMD). PL 2023, c. 284, §§4, 5 (AMD).

**§6203-B. Maine Working Waterfront Access Protection Fund**

**1. Fund established.** The Maine Working Waterfront Access Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Marine Resources under the provisions of this chapter and Title 12, section 6031-A. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §6 (AMD).]

**2. Grants.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. Grants are made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

**3. Fund proceeds.** The proceeds of the fund may be applied and expended to acquire property or interests in property that are designed to protect access to working waterfront property consistent with the provisions of Title 12, section 6042. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by a commercial fisheries business consistent with the provisions of Title 33, chapter 6-A. Consistent with the provisions of Title 12, section 6042, working waterfront covenants obtained through expenditures of these funds are held by the Commissioner of Marine Resources.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

**4. Matching funds.** For each grant made under this section, the board shall require the grant recipient to provide matching funds at least equal to the amount of the grant.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

**SECTION HISTORY**

PL 2011, c. 266, Pt. B, §3 (NEW). PL 2023, c. 284, §6 (AMD).

**§6203-C. Maine Working Farmland Access and Protection Fund**

**1. Fund established.** The Maine Working Farmland Access and Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Agriculture, Conservation and Forestry under the provisions of this chapter and Title 7, section 164. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §7 (AMD).]

**2. Grants.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. Grants are made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2021, c. 135, §4 (NEW).]

**3. Fund proceeds.** The proceeds of the fund may be applied and expended to acquire property or interests in property that are designed to protect access to working farmland. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its availability for commercial production of agricultural products.

[PL 2021, c. 135, §4 (NEW).]

**4. Matching funds.** For each grant made under this section, the board shall require the applicant or the grant recipient to provide matching funds at least equal to the amount of the grant.

[PL 2021, c. 135, §4 (NEW).]

**5. Uses of the fund.** When an interest in land or an interest in working farmland is acquired with proceeds from the fund, the board may fund minor capital investments in the stewardship of that land. Funds for stewardship investments must be held in a dedicated stewardship endowment and identified for use on the funded property. The stewardship investments may not exceed 5% of the appraised value of the acquired property.

A. When an interest in land is acquired with proceeds from the fund, the board may fund minor capital improvements on the land and on adjoining lands in the same ownership or under the same management to improve public access, as long as these improvements do not exceed 5% of the appraised value of the acquired property. [PL 2021, c. 135, §4 (NEW).]

B. When an interest in working farmland is acquired with proceeds from the fund, the board may fund the development of a business plan and capital improvements to provide for the land's continuing use as working farmland, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on adjoining farmland in the same ownership or under the same management. [PL 2021, c. 135, §4 (NEW).]

[PL 2021, c. 135, §4 (NEW).]

## SECTION HISTORY

PL 2021, c. 135, §4 (NEW). PL 2023, c. 284, §7 (AMD).

### §6203-D. Land for Maine's Future Trust Fund

**1. Fund established.** There is established the Land for Maine's Future Trust Fund that is administered by the board. The Land for Maine's Future Trust Fund consists of the proceeds from the sale of any bonds authorized for the purposes set forth in subsection 2, eligible investment earnings of funds established under this chapter and any funds received as contributions from private and public sources for the purposes set forth in subsection 2. The Land for Maine's Future Trust Fund must be held separate and apart from all other money, funds and accounts and eligible investment earnings credited to the assets of the Land for Maine's Future Trust Fund become part of the assets of that fund. Any balance remaining in the Land for Maine's Future Trust Fund at the end of any fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §8 (NEW).]

**2. Fund proceeds.** The proceeds of the Land for Maine's Future Trust Fund may be applied and expended to:

A. Accomplish the purposes of the funds established in sections 6203-A to 6203-C and 6203-E and 6203-F; and [PL 2023, c. 412, Pt. X, §1 (NEW).]

B. When unrestricted contributions to the Land for Maine's Future Trust Fund are received from private sources, fund administrative costs, including staff support, and consulting services, as determined necessary to carry out duties under this chapter. [PL 2023, c. 412, Pt. X, §1 (NEW).]

[PL 2023, c. 412, Pt. X, §1 (RPR).]

## SECTION HISTORY

PL 2023, c. 284, §8 (NEW). PL 2023, c. 412, Pt. X, §1 (AMD).

**§6203-E. Conservation and Recreation Fund**

**1. Fund established.** There is established the Conservation and Recreation Fund that is administered by the board. The Conservation and Recreation Fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The Conservation and Recreation Fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the Conservation and Recreation Fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the Conservation and Recreation Fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §9 (NEW).]

**2. Grants; matching funds.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. For each grant made under this subsection, the board shall require the grant recipient to provide matching funds at least equal to the amount of the grant. Grants must be made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2023, c. 284, §9 (NEW).]

**3. Fund proceeds.** The proceeds of the Conservation and Recreation Fund may be applied and expended to:

A. Acquire property or an interest in property that is determined by the board to be of statewide significance or for a community conservation project under the guidelines of this chapter; [PL 2023, c. 284, §9 (NEW).]

B. When interest in land is acquired with proceeds from the Conservation and Recreation Fund, fund minor capital improvements on such lands and on adjoining lands in the same ownership or under the same management to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; [PL 2023, c. 284, §9 (NEW).]

C. When land or interest in land is acquired with proceeds from the Conservation and Recreation Fund, fund minor capital investments in the stewardship and management of that land. Stewardship and management investments under this paragraph must be held in a dedicated stewardship endowment and identified for use on the funded property. Stewardship and management investments may not exceed 5% of the appraised value of the acquired property; and [PL 2023, c. 284, §9 (NEW).]

D. When land or interest in land for deer wintering areas is acquired with proceeds from the Conservation and Recreation Fund pursuant to section 6207, subsection 2, paragraph E, fund the development of a management plan to provide for the land's continuing function as a deer wintering area, as long as the cost of the plan and any investments related to that land under paragraph C do not exceed 5% of the appraised value of the acquired property. A management plan developed under this paragraph may also apply to adjoining deer wintering areas in the same ownership or under the same management. [PL 2023, c. 284, §9 (NEW).]

[PL 2023, c. 284, §9 (NEW).]

## SECTION HISTORY

PL 2023, c. 284, §9 (NEW).

**§6203-F. Conservation Land Management Fund**

**1. Fund established.** There is established the Conservation Land Management Fund that is administered by the board. The Conservation Land Management Fund consists of the proceeds from

the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The Conservation Land Management Fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the Conservation Land Management Fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the Conservation Land Management Fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2023, c. 284, §10 (NEW).]

**2. Grants; matching funds.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. For each grant made under this subsection, the board shall require the grant recipient to provide matching funds at least equal to the amount of the grant. Grants must be made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2023, c. 284, §10 (NEW).]

**3. Fund proceeds.** The proceeds of the Conservation Land Management Fund may be applied and expended to:

A. Make capital improvements to enhance public recreational opportunities on permanently conserved state, municipal and private conservation lands; and [PL 2023, c. 284, §10 (NEW).]

B. Enhance wildlife habitat protection on permanently conserved state, municipal and private conservation lands. [PL 2023, c. 284, §10 (NEW).]

[PL 2023, c. 284, §10 (NEW).]

## SECTION HISTORY

PL 2023, c. 284, §10 (NEW).

### §6204. Board composition

**1. Composition.** The board consists of 9 members, 6 who are private citizens and 3 who are permanent members. The permanent members are the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; and the Commissioner of Agriculture, Conservation and Forestry.

[PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. X, §3 (AMD).]

**2. Appointments.** The 6 private citizens are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands and to confirmation by the Legislature.

[PL 1999, c. 603, §3 (AMD).]

**3. Qualifications.** The 6 private citizens must be selected for their knowledge of the State's natural resources and landscape and their demonstrated commitment to land conservation. Appointments must provide broad geographic representation.

[PL 1993, c. 728, §6 (AMD).]

**4. Terms; compensation.** The appointed private citizen members are appointed to staggered 4-year terms. The initial appointments are: Two members for 2-year terms; 2 members for 3-year terms; and 2 members for 4-year terms. Appointed private citizen members may not serve more than 2 consecutive 4-year terms. The appointed members receive the legislative per diem pursuant to chapter 379.

[PL 1993, c. 728, §6 (AMD).]

**5. Chair.** The Governor shall appoint the chair of the board.

[PL 1993, c. 728, §6 (AMD).]

**6. Assistance.** The Department of Inland Fisheries and Wildlife; the Department of Transportation; the Department of Agriculture, Conservation and Forestry; and all other state agencies

shall provide staff support and assistance considered necessary by the board to fulfill the objectives of this chapter. If agency assistance is not available, consultants may be hired from the proceeds of either the Land for Maine's Future Trust Fund or the Public Access to Maine Waters Fund to assist the board in carrying out its responsibilities.

[PL 2023, c. 284, §11 (AMD).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §§1,2 (AMD). PL 1989, c. 502, §B2 (AMD). PL 1993, c. 728, §6 (AMD). PL 1999, c. 603, §3 (AMD). PL 2011, c. 655, Pt. II, §§1, 2 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. X, §§3, 4 (AMD). PL 2023, c. 284, §11 (AMD).

#### §6205. Board meetings; rules and administrative proceedings

**1. Meetings.** The board shall meet at least 4 times each year. The chair shall call the meetings of the board.

[PL 1993, c. 728, §7 (AMD).]

**2. Rules.** The board, acting in accordance with section 8052, may adopt rules it considers necessary for the conduct of its business.

[PL 1993, c. 728, §7 (AMD).]

**3. Compensation.** Appointed members are entitled to receive compensation equal to legislative per diem and travel expenses as allowed under section 12004-G, subsection 29 while engaged in board activities. Notwithstanding section 12002, subsection 2, appointed members are entitled to a meal allowance for each day in attendance at a board meeting not to exceed the rates established by the United States General Services Administration.

[PL 2023, c. 412, Pt. Y, §1 (AMD).]

**4. Quorum.** A quorum of the board for the transaction of business is 5 members.

[PL 2013, c. 92, §1 (AMD).]

**5. Personal bias.** If a charge of bias or personal financial interest, direct or indirect, is filed against a member requesting that member to withdraw from a proceeding of the board, that member shall determine whether or not to withdraw and shall make that determination part of the record of that proceeding.

[PL 1993, c. 728, §7 (AMD).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §3 (AMD). PL 1989, c. 503, §B22 (AMD). PL 1993, c. 728, §7 (AMD). PL 2013, c. 92, §1 (AMD). PL 2023, c. 412, Pt. Y, §1 (AMD).

#### §6206. Board responsibilities

**1. Responsibilities.** The board shall:

A. Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund. Both the assessment and the development of a strategy and guidelines must be conducted with opportunities for participation by interested state agencies and the public; [PL 2023, c. 284, §12 (AMD).]

B. [PL 1993, c. 728, §8 (RP).]

C. Receive and review funding requests from state agencies and cooperating entities for acquisition projects meeting state guidelines; [PL 1987, c. 858, §4 (RPR).]

D. In accordance with the strategy and guidelines developed under paragraph A, authorize distribution of proceeds from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund for acquisitions of property or interests in property; and [PL 2023, c. 284, §13 (AMD).]

E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203-A, 6203-D or 6203-E and in which the land or interest in land is acquired by a cooperating entity. This report must also include on a county-by-county basis a summary of the expenditures made by the board and acreage conserved through acquisition of fee or less-than-fee interest by the board during the report period. Each report must include cumulative totals by county of acreage conserved through acquisition of fee or less-than-fee interest through action by the board.

The report must include maps based on available information and at a statewide level that show federal, state and other public lands and permanent interests in lands held for conservation purposes. The maps must also provide a representation of the amount of land affected by conservation easements under Title 33, chapter 7, subchapter 8-A. Other state agencies holding conservation lands and interests in lands held for conservation purposes shall assist in the preparation of the maps. [PL 2023, c. 284, §14 (AMD).]

[PL 2023, c. 284, §§12-14 (AMD).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §4 (RPR). PL 1993, c. 728, §8 (AMD). PL 1999, c. 603, §4 (AMD). PL 2001, c. 466, §1 (AMD). PL 2001, c. 548, §2 (AMD). PL 2005, c. 215, §1 (AMD). PL 2007, c. 331, §1 (AMD). PL 2023, c. 284, §§12-14 (AMD).

#### **§6206-A. Nominations**

Prior to taking an action to designate land for negotiation for acquisition, the board shall send by certified mail or otherwise deliver a notice of this intention to the owner or owners of land within the area proposed by the board for acquisition, as the identity and address of such owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. If the land is located within the unorganized territory, notice must be sent to the owner or owners as shown on the tax maps or other tax records of the State Tax Assessor. After the completion of negotiations, the board shall publish a notice of its intent to designate land for acquisition in a newspaper or newspapers of general circulation that identifies the land proposed by the board for acquisition and that notifies the residents of the area that the board will accept public comments on the proposed acquisition. [PL 1993, c. 728, §9 (AMD).]

Any owner of land that has been nominated for acquisition and is subject to the notice requirements of this section may submit a properly sworn affidavit to the board indicating the owner's unwillingness to sell. The affidavit is notice to the board that continued evaluation of that land is inappropriate and, unless the board intends to acquire an interest in the land through the use of eminent domain pursuant to section 6207-A, the board may not consider that land for acquisition. [PL 1993, c. 728, §9 (AMD).]

#### SECTION HISTORY



PL 1989, c. 485, §1 (NEW). PL 1989, c. 603, §1 (RPR). PL 1989, c. 607 (AMD). PL 1993, c. 728, §9 (AMD).

### §6207. Acquisition criteria

**1. Distribution of funds.** The board shall authorize the distribution of funds from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund to state agencies and cooperating entities for the acquisition of natural lands that meet the criteria set forth in this chapter.

[PL 2023, c. 284, §15 (AMD).]

**2. Determination of statewide significance.** In determining whether a proposed acquisition must be funded, in full or in part, by the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund, the board shall consider whether the site is of statewide significance and:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values; [PL 2007, c. 64, §1 (AMD).]

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; [PL 2007, c. 353, §1 (AMD).]

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; [PL 2021, c. 409, §2 (AMD).]

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter; or [PL 2021, c. 409, §2 (AMD).]

E. Contains deer wintering areas and satisfies all the requirements of subsection 3, paragraph A. [PL 2021, c. 409, §2 (NEW).]

[PL 2023, c. 284, §15 (AMD).]

**3. Priorities.** Whenever possible, the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Trust Fund and the Conservation and Recreation Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.

A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in Title 12, section 10001, subsection 74, with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph. [PL 2023, c. 284, §15 (AMD).]

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

[PL 2023, c. 284, §15 (AMD).]

**4. Nonqualifying expenditures.** The board may not fund:

A. Facilities for organized recreational activities, including, but not limited to, ballparks, tennis courts or playgrounds; [PL 1987, c. 506, §§1,4 (NEW).]

B. Except as provided in section 6203-A, subsection 3, paragraph B, section 6203-D, subsection 2 and section 6203-E, subsection 3, paragraph B, capital improvements on any publicly owned facilities; and [PL 2023, c. 284, §15 (AMD).]

C. The acquisition of land of which the primary use value has been and will be as commercially harvested or harvestable forest land. [PL 1993, c. 728, §10 (AMD).]

[PL 2023, c. 284, §15 (AMD).]

**5. Estimation of monitoring and management costs.** Prior to final approval of a project under this chapter, a person submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund shall provide:

A. A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity; [PL 2001, c. 564, §1 (NEW).]

B. Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and [PL 2001, c. 564, §1 (NEW).]

C. Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired. [PL 2001, c. 564, §1 (NEW).]

[PL 2023, c. 284, §15 (AMD).]

**6. Public uses.** Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.

[PL 2023, c. 284, §15 (AMD).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1989, c. 876, §B1 (AMD). PL 1993, c. 728, §10 (AMD). PL 1995, c. 462, §D1 (AMD). PL 2001, c. 466, §2 (AMD). PL 2001, c. 564, §1 (AMD). PL 2007, c. 64, §1 (AMD). PL 2007, c. 353, §§1-3 (AMD). PL 2011, c. 381, §1 (AMD). PL 2021, c. 398, Pt. FFFF, §§4-6 (AMD). PL 2021, c. 409, §§2, 3 (AMD). PL 2021, c. 676, Pt. A, §4 (AMD). PL 2023, c. 284, §15 (AMD).

#### §6207-A. Use of eminent domain

The board may expend funds to acquire an interest in land obtained by the use of eminent domain only if the acquisition has been approved by the Legislature or is with the consent of the owner or owners of the land, as the identity and address of the owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. If the land is located within the unorganized territory, for purposes of this section the identity of the owner or owners must be as shown on the tax maps or other tax records of the State Tax Assessor. [PL 1995, c. 139, §1 (AMD).]

#### SECTION HISTORY

PL 1989, c. 485, §2 (NEW). PL 1989, c. 603, §2 (RPR). PL 1993, c. 728, §11 (AMD). PL 1995, c. 139, §1 (AMD).

### **§6208. Municipal approval**

**1. Approval.** Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition under a bond issue.

[PL 1993, c. 728, §12 (AMD).]

**2. Transactions.** Any acquisition by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, is subject to the approval of the municipality in which the land is located. That approval may be obtained either from the elected municipal officials or, if those officials do not approve, by vote of the town meeting or by referendum of the electorate. If the land involved is located within the unorganized territory, this requirement does not apply.

[PL 1993, c. 728, §12 (AMD).]

#### SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1989, c. 603, §3 (AMD). PL 1993, c. 728, §12 (AMD).

### **§6208-A. Unorganized territory; county approval**

**1. Approval.** Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.

[PL 1999, c. 514, Pt. B, §1 (NEW).]

**2. Transactions.** Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be approved by the county in which the land is located. That approval may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county.

[PL 1999, c. 514, Pt. B, §1 (NEW).]

#### SECTION HISTORY

PL 1999, c. 514, §B1 (NEW).

### **§6209. Ownership; title; management**

**1. Uses of funds.** The board may use the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund to acquire real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements, scenic easements, other permanent interests in land and long-term leases of at least 99 years as long as those acquisitions are primarily natural lands meeting the criteria set forth in this chapter.

[PL 2023, c. 284, §16 (AMD).]

**2. Title.** Title to all lands acquired pursuant to this chapter must be vested solely in the State. Management responsibilities for the acquired lands may be contracted by the land-owning state agency to cooperating entities, subject to appropriate lease arrangements, upon the recommendation of the agency's commissioner and approval of the board.

[PL 1993, c. 728, §13 (AMD).]

**3. Matching funds.** When matching funds for a project include cash not derived from a bond request, an allocation of up to 20% of the appraised value of the acquired land or the amount of cash, whichever is less, may be put into the stewardship account of the state agency holding title to the land.

[PL 1993, c. 728, §13 (AMD).]

**4. Payments.** Payments from the fund may be made to cooperating entities for qualifying lands acquired on behalf of the State, provided that a state agency has issued to the cooperating entity a letter of intent requesting assistance in the acquisition. Upon submission to the state agency of a cooperating

entity's direct expenses for acquisition and related costs of an authorized acquisition, the board shall authorize payment of those expenses, provided that the total of all expenses does not exceed the appraised value of the acquired property. Expenses must be paid at intervals during the acquisition process, as determined by the board.

[PL 1993, c. 728, §13 (AMD).]

**5. Land evaluated.** All lands acquired with money from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund must be evaluated for rare, threatened or endangered species of plants and animals, exemplary natural communities, features of historic significance and other high priority natural features and ecologic functions as determined by the board, with reference to the best inventory data available to the State. Subsequent management by state agencies holding properties found to have such important features and functions must reflect the objective of maintaining and protecting those features and functions.

[PL 2023, c. 284, §17 (AMD).]

**6. Legislative approval.** Except as provided in subsection 7, land acquired under this chapter may not be sold or used for purposes other than those stated in this chapter, unless approved by a 2/3 majority of the Legislature.

[PL 2011, c. 278, §1 (AMD).]

**7. Conveyance of an access easement across a rail trail.** Notwithstanding any other provision of law, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the approval of the Governor and the Commissioner of Agriculture, Conservation and Forestry, may sell or otherwise convey in accordance with Title 12, section 1814-A access rights by easement across a rail trail acquired under this chapter.

For the purposes of this subsection, "rail trail" means a former railroad right-of-way in which the Department of Agriculture, Conservation and Forestry holds an ownership interest and that is:

A. No longer used for rail service; and [PL 2011, c. 278, §2 (NEW).]

B. Managed by the Department of Agriculture, Conservation and Forestry for use as a recreational trail. [PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

[PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §§5-7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

#### SECTION HISTORY

PL 1987, c. 506, §§1, 4 (NEW). PL 1993, c. 728, §13 (AMD). PL 2011, c. 278, §§1, 2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2023, c. 284, §§16, 17 (AMD).

#### §6210. Data sharing

If the board transfers in writing to any local or federal agency any written information acquired by the board under this chapter concerning any land, the board shall, upon transfer, notify the landowner of the transfer by certified mail. [PL 1989, c. 485, §3 (NEW).]

#### SECTION HISTORY

PL 1989, c. 485, §3 (NEW).

#### §6211. Land for Maine's Future Board-sponsored credit card

**1. Land for Maine's Future Board-sponsored credit card.** The Land for Maine's Future Board may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17, a credit union, as defined in Title 9-B, section 131, subsection 12, or other credit card issuer to issue a credit card for the benefit of the Land for Maine's Future Board.

[PL 1995, c. 516, §1 (AMD).]

**2. Agreement.** If the Land for Maine's Future Board enters into an agreement with a financial institution, credit union or other credit card issuer in accordance with subsection 1, the Land for Maine's Future Board shall negotiate the most favorable agreement for the Land for Maine's Future Board, considering such factors as:

A. The rate for the Land for Maine's Future Board's fee by a credit card issuer; [PL 1995, c. 358, §1 (NEW).]

B. The ability of the financial institution or other credit card issuer to market the card successfully; and [PL 1995, c. 516, §1 (AMD).]

C. Customer service offered by the financial institution or other credit card issuer. [PL 1995, c. 516, §1 (AMD).]

[PL 1995, c. 516, §1 (AMD).]

**3. Distribution of proceeds.** Funds received by the Land for Maine's Future Board under the agreement with the financial institution, credit union or other credit card issuer must be deposited in a separate, interest-bearing account within the Land for Maine's Future Trust Fund. The account must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the account become part of the assets of the account. Any balance remaining in the account at the end of any fiscal year must be carried forward to the next fiscal year. Notwithstanding section 6203-D, subsection 2, the board may expend funds deposited in the account pursuant to this section to cover administrative costs and for staff support and consulting services, as determined necessary by the board to carry out its duties under this chapter.

[PL 2023, c. 284, §18 (AMD).]

#### SECTION HISTORY

PL 1995, c. 358, §1 (NEW). PL 1995, c. 516, §1 (AMD). PL 1999, c. 731, §H1 (AMD). PL 2023, c. 284, §18 (AMD).

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STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 156 - L.D. 221

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows: . . .**

*(inapplicable Parts & sections redacted)*

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## PART FFFF

**Sec. FFFF-1. 5 MRSA §6201, sub-§1-B** is enacted to read:

**1-B. Community conservation project.** "Community conservation project" means a conservation project of local or regional significance that promotes one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.

**Sec. FFFF-2. 5 MRSA §6201, sub-§2**, as enacted by PL 1987, c. 506, §§1 and 4, is amended to read:

**2. Cooperating entities.** "Cooperating entities" means those private nonprofit organizations, municipal conservation commissions, local governments, federal agencies or other bodies designated by the Land for Maine's Future Board pursuant to section 6203, as able to assist the State in the acquisition or management of conservation lands of statewide significance or for community conservation projects.

**Sec. FFFF-3. 5 MRSA §6203, sub-§3, ¶A**, as amended by PL 1999, c. 769, §1, is further amended to read:

A. Acquire property or an interest in property that is determined by the board to be of state statewide significance under the guidelines of this chapter or for a community conservation project;

**Sec. FFFF-4. 5 MRSA §6207, sub-§2**, as amended by PL 2007, c. 64, §1 and c. 353, §§1 to 3, is further amended to read:

**2. Determination of state statewide significance.** In determining whether a proposed acquisition must be funded, in full or in part, by the Land for Maine's Future Fund or the Public Access to Maine Waters Fund, the board shall consider whether the site is of state statewide significance and:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant

undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State;

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; or

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter.

**Sec. FFFF-5. 5 MRSA §6207, sub-§3**, as amended by PL 2011, c. 381, §1, is further amended to read:

**3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that conserve and protect deer wintering areas, that provide geographic representation and that build upon or connect existing holdings.

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

**Sec. FFFF-6. 5 MRSA §6207, sub-§6** is enacted to read:

**6. Public uses.** Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.

**Sec. FFFF-7. Transfers to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future Fund.** Notwithstanding any provision of law to the contrary, on or before June 30, 2021, the State Controller shall transfer \$20,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account for the purpose of acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and working farmland preservation in accordance with the Maine Revised Statutes, Title 5, chapter 353 and Title 12, section 6042, including all costs associated with such acquisitions.

The State Controller, at the close of the fiscal year ending June 30, 2021, as the next priority after the transfers authorized pursuant to Title 5, sections 1507 and 1511, the transfer of \$2,500,000 for the Reserve for General Fund Operating Capital and the transfer to the Retiree Health Insurance Internal Service Fund pursuant to section 1519 and after all required deductions of appropriations, budgeted financial commitments and adjustments



considered necessary by the State Controller have been made and any transfers to the Highway and Budget Reserve Other Special Revenue account authorized by Part ZZZ, shall transfer up to \$20,000,000 from the available balance of the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account for the purpose of acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and working farmland preservation in accordance with Title 5, chapter 353 and Title 12, section 6042, including all costs associated with such acquisitions.

**Sec. FFFF-8. Disbursement of funds.** The funds transferred to the Department of Agriculture, Conservation and Forestry, Land for Maine's Future – Community Conservation Projects Other Special Revenue Funds account under this Part must be expended under the direction and supervision of the Department of Agriculture, Conservation and Forestry for the acquisition of land or interest in land, including all costs associated with such acquisitions, in accordance with the Maine Revised Statutes, Title 5, chapter 353 and Title 12, section 6042. The expenditure of funds transferred under this Part is subject to the following conditions and requirements.

1. Funds for the acquisition of land or interest in land for community conservation projects, as defined in Title 5, section 6201, subsection 1-B, may be distributed directly to cooperating entities, as defined in Title 5, section 6201, subsection 2, subject to terms and conditions enforceable by the State to ensure use of those funds for the purposes of this section. In addition to the considerations required under Title 5, chapter 353, the department shall give a preference to community conservation projects that benefit multiple municipalities and address regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space and farmland.

2. At least 5% of the funds must be made available for the acquisition of land or an interest in land to provide or improve public access to water in accordance with Title 5, section 6203-A, subsection 3.

3. At least 10% of the funds must be made available for the acquisition of land or an interest in land to protect farmland in accordance with Title 5, section 6207.

4. At least 10% of the funds must be made available for the acquisition of land or an interest in land to preserve and access working waterfront properties in accordance with Title 12, section 6042.

5. No more than \$10,000,000 of the funds may be spent in the first year by the department and no more than \$10,000,000 plus any unused balance from prior years may be spent by the department in each of the 3 subsequent years.

6. Each expenditure of funds under this Part must be matched with matching funds, as defined by Title 5, section 6201, subsection 3, at least equal to the amount of the expenditure. At least 70% of the matching funds provided for expenditures made in accordance with this Part must be in the form of cash or other tangible assets, including the value of land and real property interest that is acquired by or contributed to cooperating entities and that the department determines have a direct relationship to the property proposed for protection. The remaining 30% of the matching funds provided may be in the form of contributions, including the value of project-related, in-kind contributions of goods and services made to and by cooperating entities.

7. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the funds may be considered as state match for any federal funding to be made available to the State.

8. The Department of Inland Fisheries and Wildlife shall proactively pursue the use of funds under this Part for land acquisition projects that conserve deer wintering areas.

# **APPENDIX B**

## **LMF BONDS**

**Bonds**

*The 1987 Bond*

113<sup>th</sup> Maine Legislature

CHAPTER 73

H.P. 764 - L.D. 1027

**AN ACT to Authorize a General Fund Bond Issue in the Amount of \$35,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife.**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of land for conservation outdoor recreation and wildlife.

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. Authorization of bonds to provide for conservation, outdoor recreation and wildlife.** The Treasurer of State is authorized under the direction of the Governor. to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$35,000,000 for the purpose of raising funds to acquire lands for conservation. outdoor recreation and wildlife as authorized by section 6. No more than \$5,000,000 may be issued in the first year and no more than \$10,000,000 per year may be issued in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> years, except that any unused balance from prior years may be added to the specified amounts in ensuing years. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 15 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

**Sec. 2. Records of bonds issued to be kept by the State Auditor and Treasurer of State.** The State Auditor shall keep an account of the bonds showing the number and amount of each. the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the same, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth In this Act. Any unencumbered balances remaining at the completion of the project in section 6 shall lapse to the debt service account established for the retirement of these bonds.

**Sec. 4. Interest and debt retirement.** Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Director of the State Planning Office until the creation of a Recreation and Natural Heritage Board for acquisition of lands for conservation, outdoor recreation and wildlife.

**Sec. 6. Allocations from General Fund bond issue; conservation, outdoor recreation and wildlife.** The proceeds of the sale of bonds shall be expended as follows.

Executive Department

State Planning Office  
Recreation and Natural Heritage Board

All Other \$35,000,000

Acquisitions will be targeted to sites with outstanding recreational, scenic, natural or wildlife values.

**Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

**Sec. 8. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. 10. Statutory referendum procedure; submission at statewide election; form of question; effective date.** This Act shall be submitted to the legal voters of the State of Maine at a statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall a bond issue for the purchase of public land access for Maine's people in the amount of \$35,000,000, to be issued over a period of 4 years be approved?”

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a Corresponding square below the word "Yes" or "No" The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as voters for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

119<sup>th</sup> Maine Legislature

CHAPTER 514

H.P. 1607 - L.D. 2253

**An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources.

**Be it enacted by the People of the State of Maine as follows:**

**PART A**

**Sec. A-1. Authorization of bonds to provide for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$50,000,000 to raise funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources, as authorized in section 7 of this Part. No more than \$10,000,000 may be issued in the first year and no more than \$10,000,000 may be issued in each of the 4 subsequent years, except that any unused balance may be added to the specified amount in subsequent years. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. A-2. Records of bonds issued to be kept by the Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in section 7 of this Part lapse to the debt service account established for the retirement of these bonds.

**Sec. A-4. Taxable bond option.** The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds is includable under the United States Internal Revenue Code in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. The powers conferred by this section are not subject to any limitations or restrictions of any law that may limit the power to so covenant and consent.

**Sec. A-5. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. A-6. Disbursement of bond proceeds.** The proceeds of the bonds must be expended for acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations.

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2, for acquisition of lands and interests in lands by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part.

3. The bond funds must be matched with at least \$25,000,000 in public and private contributions. Seventy percent of that amount must be in the form of land, cash or other tangible assets. The remaining 30% may be matching contributions and include the value of project-related, in-kind contributions of goods and services to and by cooperating entities and the value of real property interests acquired by or contributed to cooperating entities when property interests have a relationship to the property proposed for protection, as determined by the Land for Maine's Future Board.

4. Ten percent of the bond proceeds must be made available to acquire public access to water, in accordance with the provisions of Title 5, section 6203-A.

5. Up to 10% of the bond proceeds must be made available to protect farmland in accordance with the Maine Revised Statutes, Title 5, section 6207.

6. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

**Sec. A-7. Allocations from General Fund bond issue; acquisition of lands; interests in lands for conservation; water access; outdoor recreation; wildlife and fish habitat; farmland preservation.** The proceeds of the sale of bonds must be expended as designated in the following schedule.

## **EXECUTIVE DEPARTMENT**

### **State Planning Office**

Land for Maine's Future Board	
All Other	\$50,000,000

Provides for the use of bond proceeds to be used for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.

**Sec. A-8. Contingent upon ratification of bond issue.** Sections 1 to 7 of this Part do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

**Sec. A-9. Appropriation balances at year end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 25 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. A-10. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 10 years of ratification of this Part, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 10-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. A-11. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$50,000,000 bond issue to purchase public lands and easements statewide from willing sellers for conservation, water access, outdoor recreation, including hunting and fishing, wildlife and fish habitat and farmland preservation, to be matched by \$25,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as



votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

## **PART B**

**Sec. B-1. 5 MRSA §6208-A** is enacted to read:

### **§6208-A. Unorganized territory; county approval**

**1. Approval.** Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.

**2. Transactions.** Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be approved by the county in which the land is located. That approval may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county.

**122nd Maine Legislature**

**CHAPTER 462**

**S.P. 338 - L.D. 998**

**An Act To Authorize Bond Issues for Ratification by the  
Voters at the November 2005 Election**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

**Be it enacted by the People of the State of Maine as follows:**

**PART B**

**Sec. B-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$12,000,000 for the purposes described in section 5 of this Part and to access \$7,000,000 in matching contributions from public and private sources. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. B-2. Records of bonds issued kept by Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. B-3. Sale; how negotiated; purposes appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining

at the completion of the projects in this Part lapse to the debt service account established for the retirement of these bonds.

**Sec. B-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. B-5. Disbursement of bond proceeds; purposes.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Land for Maine's Future Board. The proceeds of the bonds must be expended for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working waterfront preservation in accordance with the terms of this Part, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations and except for working waterfront projects.

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this subsection that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space or farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$5,000,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

4. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to acquire public access to water in accordance with the provisions of Title 5, section 6203-A.

5. One million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect farmland in accordance with Title 5, section 6207.

6. Two million dollars of the bond proceeds allocated to the Land for Maine's Future Board must be made available to protect working waterfront properties in accordance with section 6 of this Part.

7. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

#### **Sec. B-6. Maine working waterfront protection pilot program.**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Land for Maine's Future Board.

B. "Commercial fisheries business" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured fish or shellfish. Commercial fisheries businesses include without limitation commercial fishermen, aquaculturists, individuals and businesses providing direct services to commercial fishermen and aquaculturists, fishermen's cooperatives and municipal and private piers and wharves operated to provide waterfront access to commercial fishermen and aquaculturists.

C. "Commissioner" means the Commissioner of Marine Resources.

D. "Department" means the Department of Marine Resources.

E. "Pilot program" means the Maine Working Waterfront Access Pilot Program.

**2. Pilot program established; administration.** The Maine Working Waterfront Access Pilot Program is established to provide protection to strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector. The department shall administer the pilot program either directly or by contract with a suitable organization.

**3. Review panel.** The department shall organize a review panel to advise the commissioner in the operation of the pilot program, including without limitation evaluating and recommending to the department applicants for participation in the pilot program.

**4. Selection criteria.** The department shall develop selection criteria with which to evaluate applications for investment in protected working waterfront properties. The selection criteria must include, without limitation:

- A. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole;
- B. The availability of alternative working waterfront properties in the same vicinity;
- C. The degree of community support for the proposed investment;
- D. The level of threat of conversion to uses incompatible with commercial fisheries businesses; and
- E. The utility of the proposed protected property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure.

**5. Interests acquired; permanence.** The board may acquire real estate interests in accordance with this section directly from willing property owners and may make acquisition grants to local governments, to organizations qualified to hold conservation easements under the Maine Revised Statutes, Title 33, chapter 7, subchapter 8-A and to organizations determined by the board to be capable of holding other less-than-fee interests that are designed to protect access to working waterfront properties. Grants made pursuant to this section are for the purpose of acquiring real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements and other permanent interests in land. The board shall include as a condition of any acquisition and grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by commercial fisheries businesses. As an additional condition, the board must retain a permanent right of first refusal on any property acquired in fee or protected by conservation easement or other less-than-fee interests. Exercise of the right of first refusal must be at a price determined by an independent professional appraiser based on the value of the property to a commercial fisheries business at the time of exercise of the right. The board may assign this right to a commercial fisheries business or to a local government if, in the board's judgment, such an assignment is consistent with the purposes of this section. To the extent permissible by law, if the board determines that the public purposes of a grant made under this section are no longer served, the board in its sole discretion may terminate a grant agreement made under this section conditional on repayment of the original grant amount or an amount equal to that proportion of the then-current value of the protected real estate that represents that the ratio of the original grant

amount to the original fee interest value at the time of the grant. Any funds recovered under this subsection may be expended only for the purposes of this section.

**6. Matching funds.** For each grant made under this section, the board shall require that the grant recipient provide matching funds at least equal to the amount of the grant.

**7. Interdepartmental coordination.** The commissioner may request technical assistance from the Executive Department, State Planning Office and the Department of Transportation in the development and implementation of the pilot program.

**8. Rulemaking.** The commissioner may adopt rules necessary for the implementation and administration of the pilot program. Rules adopted under this subsection are routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. B-7. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

## **EXECUTIVE DEPARTMENT**

### **State Planning Office**

#### **Land for Maine's Future Board**

Provides for the use of bond proceeds to	\$12,000,000
be used for the acquisition of land and	
interest in land for conservation,	
water access, outdoor recreation,	
wildlife and fish habitat,	
farmland preservation and working	
waterfront preservation.	

**Sec. B-8. Contingent upon ratification of bond issue.** Sections 1 to 7 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. B-9. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward.

Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. B-10. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. B-11. Referendum for ratification; submission at statewide election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$12,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for conservation, water access, wildlife and fish habitat, outdoor recreation, including hunting and fishing, farmland preservation and working waterfront preservation to be matched by at least \$7,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

## PART C

**Sec. C-1. 12 MRSA §1852, sub-§5, ¶C,** as enacted by PL 1997, c. 678, §13, is amended to read:

C. With respect to persons with residential leasehold interests in public reserved lands on October 1, 1975 or on lands exchanged for public reserved lands or on lands acquired with Land for Maine's Future Board funds with respect to residential and camp owner leases in existence on or before November 30, 2005, shall enter into new leasehold agreements with those persons and thereafter renew those leases from time to time on reasonable terms and conditions as long as the lessee complies with the terms and conditions of the leases and with all applicable laws and rules of the State.

**Sec. C-2. Application; contingent on bond issue.** This Part takes effect only if the bond issue in Part B is approved by the voters of this State.



123<sup>rd</sup> Maine Legislature

Chapter 39

S.P. 640 – L.D. 1796

**An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections and the June 2008 Election and To Transfer Certain Funds**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation requires the transfer of funds to be used for expenses associated with the special election in June; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART E**

**Sec. E-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$35,500,000 for the purposes described in section 5 of this Part and to access at least \$21,875,000 in matching contributions from public and private sources. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. E-2. Records of bonds issued kept by Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. E-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

**Sec. E-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. E-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Executive Department, Land for Maine's Future Board, the Department of Agriculture, Food and Rural Resources, the Department of Conservation and the Department of Economic and Community Development. The proceeds of the bonds to be administered by the Land for Maine's Future Board must be expended for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working waterfront preservation in accordance with the terms of this Part, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations and except for working waterfront projects and farmland protection projects.

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure its use for the purposes of this Part. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this subsection that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space and farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$8,500,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities as defined in Title 5, section 6201, subsection 2.

4. Of the bond proceeds allocated to the Land for Maine's Future Board, \$1,700,000 must be made available to acquire public access to water in accordance with Title 5, section 6203-A.

5. Of the bond proceeds allocated to the Land for Maine's Future Board, \$1,700,000 must be made available to protect farmland in accordance with Title 5, section 6207.

6. Of the bond proceeds allocated to the Land for Maine's Future Board, \$3,000,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

7. To the extent the purposes are consistent with the disbursement provisions in this Part,

100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

**Sec. E-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**Sec. E-7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. E-8. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. E-9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. E-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following the passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

Effective April 10, 2007, unless otherwise indicated.

*The 2010 Bond (as amended by P.L. 2009 c. 645, Part J)*

124<sup>th</sup> Maine Legislature

Chapter 414

H.P. 0631 – L.D. 913

**An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June and November 2010 Elections**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

**Be it enacted by the People of the State of Maine as follows:**

**PART E**

**Sec. E-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,000,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. E-2. Records of bonds issued kept by Treasurer of State.** The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. E-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

**Sec. E-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. E-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Executive Department, State Planning Office and the Department of Conservation. The proceeds of the bonds for the Land for Maine's Future Board must be expended for acquisition of land and interest in land for

conservation, water access, outdoor recreation, wildlife and fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working waterfront preservation in accordance with the terms of this Part, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws, rules and regulations and except for working waterfront projects and farmland protection projects.

2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure its use for the purposes of this Part. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this subsection that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space and farmland.

3. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$6,500,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities, as defined in Title 5, section 6201, subsection 2, when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

4. Of the bond proceeds allocated to the Land for Maine's Future Board, \$1,000,000 must be made available to protect farmland in accordance with Title 5, section 6207.

5. Of the bond proceeds allocated to the Land for Maine's Future Board, \$2,000,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

6. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

**Sec. E-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**Sec. E-7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. E-8. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

**Sec. E-9. Bonds authorized but not issued.** Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

**Sec. E-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in November 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

**124<sup>th</sup> Maine Legislature**

**Chapter 645**

**H.P. 1167 – L.D. 1639**

**An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation directs the transfer of funds prior to June 30, 2010; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**PART J**

**Sec. J-1. PL 2009, c. 414, Pt. E, §1** is amended to read:

**Sec. E-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding ~~\$10,000,000~~\$9,750,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

**Sec. J-2. PL 2009, c. 414, Pt. E, §5, sub-§5** is amended to read:

5. Of the bond proceeds allocated to the Land for Maine's Future Board, ~~\$2,000,000~~\$1,750,000 must be made available to protect working waterfront properties in accordance with Public Law 2005, chapter 462, Part B, section 6.

**Sec. J-3. PL 2009, c. 414, Pt. E, §6** is amended to read:

**Sec. E-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**EXECUTIVE DEPARTMENT**

**State Planning Office**



## Land for Maine's Future Board

Provides funds in order to leverage \$6,500,000 in other funds to be used for the acquisition of land and interest in land for conservation; water access, wildlife and fish habitat; outdoor recreation, including hunting and fishing; and farmland preservation. \$6,500,000

Provides funds to be used for working farmland preservation in order to leverage \$1,000,000 in other funds. \$1,000,000

Provides funds to be used for working waterfront preservation in order to leverage ~~\$2,000,000~~ \$1,750,000 in other funds. ~~\$2,000,000~~ \$1,750,000

## DEPARTMENT OF CONSERVATION

### Bureau of Parks and Lands

Provides funds to preserve state parks and properties managed by the Department of Conservation. \$500,000

**Sec. J-4. PL 2009, c. 414, Pt. E, §10** is amended to read:

**Sec. E-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in November 2010 following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a ~~\$10,000,000~~ \$9,750,000 bond issue to invest in land conservation and working waterfront preservation and to preserve state parks to be matched by ~~\$9,500,000~~ \$9,250,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward,



town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 12, 2010

**125<sup>th</sup> Maine Legislature**

**Chapter 696**

**S.P. 255 – L.D. 852**

**An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$5,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Act under the direction and supervision of the Department of Conservation.

1. The proceeds of the bonds for the Land for Maine's Future Board as set out in section 6 must be expended by the Department of Conservation for acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife or fish habitat, farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353 and working waterfront preservation in accordance with the terms of Public Law 2005, chapter 462, Part B, section 6, including all costs associated with such acquisitions, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

A. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws, rules and regulations and except for working waterfront projects and farmland protection projects.

B. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2 for acquisition of land and interest in land by cooperating entities, subject to terms and conditions enforceable by the State to ensure its use for the purposes of this Act. In addition to the considerations required under Title 5, chapter 353, the board shall give a preference to acquisitions under this paragraph that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space and farmland.

C. The bond funds expended for conservation, recreation, farmland and water access must be matched with at least \$5,000,000 in public and private contributions. Seventy percent of that amount must be in the form of cash or other tangible assets, including the value of land and real property interest acquired by or contributed to cooperating entities, as defined in Title 5, section 6201, subsection 2, when property interests have a direct relationship to the property proposed for protection, as determined by the Land for Maine's Future Board. The remaining 30% may be matching contributions and may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities.

D. Because portions of the State have deer populations that are struggling and deer wintering habitat protection is vital to the survival and enhancement of these populations, projects that conserve and protect deer wintering areas are considered to have special value and must receive preferential consideration during scoring of new applications for support under Title 5, section 6200 et seq.

E. To the extent the purposes are consistent with the disbursement provisions in this Act, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

2. The Department of Conservation and the Department of Inland Fisheries and Wildlife shall take a proactive approach to pursuing land conservation projects that include significant wildlife habitat conservation, including conservation of priority deer wintering areas. Priority deer wintering areas are of at least 500 acres or contiguous with existing conservation land so that the combined acreage constitutes at least 500 acres, have been historically used by deer at some point since 1950 and are capable of providing shelter for deer on the effective date of this Act or within 20 years. The Department of Inland Fisheries and Wildlife shall include in conservation negotiations under this section provisions for the appropriate management of priority deer wintering areas. Land and interest in land purchased by the State that contains wildlife or fish habitat must be managed by the Department of Conservation using protocol provided by the Department of Inland Fisheries and Wildlife, and land and interest in land that is subject to a conservation easement and that contains wildlife or fish habitat must be managed using protocol provided by the Department of Inland Fisheries and Wildlife.

**Sec. 6. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule.

## CONSERVATION, DEPARTMENT OF

### Land for Maine's Future Board

Provides funds in order to leverage \$5,000,000 in other funds to be used for the acquisition of land and interest in land for conservation; water access, wildlife or fish habitat including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation.

Total \$5,000,000

**Sec. 7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

**Sec. 8. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 9. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. 10. Referendum for ratification; submission at election; form of question; effective date.** This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$5,000,000 bond issue to purchase land and conservation easements statewide from willing sellers for public land and water access, conservation, wildlife or fish habitat and outdoor recreation, including hunting and fishing and deer wintering areas, and to preserve working farmland and working waterfronts to be matched by at least \$5,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

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Effective pending referendum.

# **APPENDIX C**

## **FINANCIAL SUMMARIES**

Financials through 2023

Department of Agriculture, Conservation and Forestry  
Land for Maine's Future

	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23
<b>General Fund</b>										
Positions*	2.50	2.50	3.00	3.00	2.00	2.00	2.00	2.00	2.00	4.00
Appropriation	\$ 165,253	\$ 166,910	\$ 247,002	\$ 241,656	\$ 163,125	\$ 164,730	\$ 170,109	\$ 169,294	\$ 177,878	\$ 361,060
Expenditure	\$ 178,120	\$ 182,149	\$ 236,932	\$ 170,040	\$ 163,990	\$ 180,165	\$ 150,859	\$ 175,916	\$ 178,320	\$ 282,793
<b>Bond Fund</b>										
Positions										
Allocation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Expenditure	\$ 1,072,726	\$ 621,034	\$ 3,387,256	\$ 2,276,755	\$ 1,132,119	\$ 1,400,964	\$ 1,146,411	\$ 846,348	\$ 2,562,259	\$ 467,196
<b>Special Revenue Fund</b>										
Positions										
Allocation	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 47,560	\$ 20,047,560	\$ 20,047,560
Expenditure	\$ 171,084	\$ 2,547	\$ 2,144,306	\$ 3,481	\$ 7,886	\$ 5,466	\$ 5,863	\$ 1,398	\$ 572,449	\$ 2,771,041
<b>Federal Fund</b>										
Positions	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Allocation	\$ 80,243	\$ 85,011	\$ 94,005	\$ 92,083	\$ 99,600	\$ 100,372	\$ 103,563	\$ 104,339	\$ 95,253	\$ 98,982
Expenditure	\$ 81,991	\$ 86,647	\$ 96,635	\$ 94,763	\$ 95,695	\$ 98,800	\$ 74,602	\$ 85,652	\$ 99,229	\$ 102,844
<b>Total All Funds</b>										
Positions	3.50	3.50	4.00	4.00	3.00	3.00	3.00	3.00	3.00	5.00
Appropriation/Allocation	\$ 293,056	\$ 299,481	\$ 388,567	\$ 381,299	\$ 310,285	\$ 312,662	\$ 321,232	\$ 321,193	\$ 20,320,691	\$ 20,507,602
Expenditure	\$ 1,503,921	\$ 892,378	\$ 5,865,129	\$ 2,545,038	\$ 1,399,690	\$ 1,685,394	\$ 1,377,735	\$ 1,109,314	\$ 3,412,257	\$ 3,623,874
<p><i>*Note: The LMF Director position was created by the 126th legislature in PL 2013, chapter 405 by reorganizing an existing position within the department. The General Fund portion of funding for this position was not moved to LMF at the time that the legislature created the position. This was corrected in the 127th legislative session and is reflected in FY16. The remainder of the position is funded in DACF Administration. In FY23, 2 limited-period positions were added by the legislature - these positions will end in June, 2025.</i></p>										

# **APPENDIX D**

## **FINANCIAL SUMMARIES BY ROUND**

**APPENDIX D- FINANCIAL SUMMARIES BY ROUND**

ROUND 8 & 9		Updated Thru	11/20/2023	Project Withdrawn												
CONSERVATION & RECREATION PROJECTS																
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	BUDGETED ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT AFTER LAPSED	REMAINING ACCESS IMPROVEMENT PRE LAPSED FUNDS	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)			
LMF1 0801	Biddeford Riverwalk Park Project	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
LMF1 0802	BRAVE BOAT HEADWATERS	3/1/2017	\$150,000.00	\$5,250.00	\$3,000.00	\$0	\$813.42	\$150,000.00	\$6,036.58	\$1,400.00	\$0.00	\$813.42	-\$2,186.58			
LMF1 0803	CARIBOU BOG CONSERVATION AREA	12/14/2017	\$79,537.00	\$2,783.80	\$1,590.74	\$0	\$1,590.74	\$79,537.00	\$2,051.52	\$0.00	\$0.00	\$2,323.02	\$732.28			
LMF1 0804	CENTRAL MAINE SPORTSMAN'S ACCESS PROJECT	12/15/2015	\$500,000.00	\$17,500.00	\$10,000.00	\$0	\$10,000.00	\$500,000.00	\$11,572.86	\$2,663.05	\$2,000.00	\$11,264.09	\$1,264.09			
LMF1 0805	CLAPBOARD ISLAND	6/22/2020	\$68,600.00	\$2,401.00	\$1,372.00	\$0	\$1,372.00	\$68,600.00	\$382.62	\$0.00	\$0.00	\$3,390.38	\$2,018.38			
LMF1 0806	COLD STREAM FOREST	3/23/2016	\$1,500,000.00	\$52,500.00	\$30,000.00	\$0	\$30,000.00	\$1,500,000.00	\$35,242.11	\$1,850.29	\$0.00	\$45,407.60	\$15,407.60			
LMF1 0807	CROOKED RIVER FOREST	2/19/2016	\$400,000.00	\$14,000.00	\$8,000.00	\$0	\$0	\$400,000.00	\$8,991.50	\$3,572.19	\$25,000.00	-\$15,563.69	-\$23,563.69			
LMF1 0808	CROW ISLAND THREAD OF LIFE	12/21/2017	\$75,000.00	\$2,625.00	\$1,500.00	\$0	\$1,500.00	\$75,000.00	\$1,638.19	\$0.00	\$0.00	\$2,486.81	\$986.81			
LMF1 0809	ELLIS RIVER TO WHITECAP MOUNTAIN	12/14/2017	\$153,763.00	\$5,381.71	\$3,075.26	\$0	\$1,953.89	\$153,763.00	\$4,330.17	\$2,172.91	\$0.00	\$1,953.89	-\$1,121.37			
LMF1 0810	Gardiner Pond	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
LMF1 0811	GOSLINGS ISLANDS	2/16/2018	\$262,500.00	\$9,187.50	\$5,250.00	\$0	\$5,250.00	\$262,500.00	\$1,419.41	\$1,019.99	\$0.00	\$11,998.10	\$6,748.10			
LMF1 0812	GULF HAGAS - WHITECAP PROJECT	12/28/2016	\$500,000.00	\$17,500.00	\$10,000.00	\$0	\$10,000.00	\$325,000.00	\$4,054.04	\$0.00	\$0.00	\$23,445.96	\$13,445.96			
LMF1 0813	HIGH ISLAND	6/23/2017	\$262,500.00	\$9,187.50	\$5,250.00	\$0	\$5,250.00	\$262,500.00	\$6,719.02	\$0.00	\$0.00	\$7,718.48	\$2,468.48			
LMF1 0814	HOWARD HILL	3/23/2017	\$163,500.00	\$5,722.50	\$3,270.00	\$0	\$1,740.06	\$163,500.00	\$5,852.44	\$1,400.00	\$0.00	\$1,740.06	-\$1,529.94			
LMF1 0815	KIMBALL POND	4/8/2016	\$90,000.00	\$3,150.00	\$1,800.00	\$0	\$0	\$90,000.00	\$4,544.26	\$2,800.00	\$0.00	-\$2,394.26	-\$4,194.26			
LMF1 0816	KNIGHT'S POND	8/3/2016	\$225,000.00	\$7,875.00	\$4,500.00	\$0	\$4,431.09	\$225,000.00	\$7,943.91	\$0.00	\$0.00	\$4,431.09	-\$68.91			
LMF1 0817	LOWER WESKEAG FIELDS AND FORESTS	1/29/2018	\$350,000.00	\$12,250.00	\$7,000.00	\$0	\$7,000.00	\$350,000.00	\$7,433.36	\$1,319.12	\$0.00	\$10,497.52	\$3,497.52			
LMF1 0818	NORTH FALMOUTH CONSERVATION CORRIDOR	9/28/2021	\$243,750.00	\$8,531.25	\$4,875.00	\$0	\$918.00	\$243,750.00	\$12,488.25	\$0.00	\$0.00	\$918.00	-\$3,957.00			
LMF1 0819	RAYMOND COMMUNITY FOREST	3/7/2017	\$150,000.00	\$5,250.00	\$3,000.00	\$0	\$3,000.00	\$150,000.00	\$1,780.53	\$1,400.00	\$0.00	\$5,069.47	\$2,069.47			
LMF1 0820	REDINGTON FOREST	N/A	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$6,794.10	\$0.00	\$0.00	-\$6,794.10	-\$6,794.10			
LMF1 0821	Roberts Farm Preserve Extension	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
LMF1 0822	SAVE EAGLE BLUFF	1/14/2016	\$61,000.00	\$2,135.00	\$1,220.00	\$0	\$0	\$61,000.00	\$3,065.44	\$1,400.00	\$0.00	-\$1,110.44	-\$2,330.44			
LMF1 0823	Seboomook Expansion	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
LMF1 0824	WESTON HOMESTEAD FOREST	N/A	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$1,269.20	\$0.00	\$0.00	-\$1,269.20	-\$1,269.20			
LMF1 0901	Bethel Community Forest	6/18/2019	\$340,000.00	\$13,600.00	\$6,800.00	\$0	\$0	\$340,000.00	\$9,108.75	\$1,682.77	\$0.00	\$9,608.48	\$2,808.48			
LMF1 0902	CATERPILLAR HILL	10/13/2021	\$199,000.00	\$7,960.00	\$3,980.00	\$0	\$0	\$199,000.00	\$9,976.75	\$0.00	\$0.00	\$1,963.25	-\$2,016.75			
LMF1 0903	Easter Hill Beaches	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
LMF1 0904	HOPE WOODS	5/16/2019	\$250,000.00	\$10,000.00	\$5,000.00	\$0	\$0	\$250,000.00	\$12,831.48	\$1,420.82	\$0.00	\$747.70	-\$4,252.30			
LMF1 0905	KENNEBEC HIGHLANDS STRATEGIC ADDITIONS	N/A	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$242.31	\$0.00	\$0.00	-\$242.31	-\$242.31			
LMF1 0906	MADISON BRANCH MULTI-USE TRAIL	11/30/2021	\$508,218.00	\$20,328.72	\$10,164.36	\$10,164.36	\$0	\$508,218.00	\$12,002.99	\$0.00	\$0.00	\$18,490.09	\$8,325.73			
LMF1 0907	MIRROR LAKE CONSERVATION EASEMENT	12/19/2019	\$500,000.00	\$20,000.00	\$10,000.00	\$0	\$0	\$500,000.00	\$32,386.25	\$3,122.99	\$0.00	-\$5,509.24	-\$15,509.24			
LMF1 0908	ROBINSON POND SOUTH	5/22/2019	\$225,000.00	\$9,000.00	\$4,500.00	\$0	\$0	\$225,000.00	\$2,666.64	\$2,061.40	\$0.00	\$8,771.96	\$4,271.96			
LMF1 0909	SCHOONER COVE	4/7/2022	\$125,500.00	\$5,020.00	\$2,510.00	\$0	\$0	\$125,500.00	\$8,631.89	\$0.00	\$0.00	-\$1,101.89	-\$3,611.89			
LMF1 0910	WOODWARD POINT	5/1/2019	\$400,000.00	\$16,000.00	\$8,000.00	\$0	\$0	\$400,000.00	\$4,855.60	\$0.00	\$0.00	\$19,144.40	\$11,144.40			
LMF1 0911	YARMOUTH RIVERFRONT WOODS PRESERVE	5/29/2019	\$110,000.00	\$4,400.00	\$2,200.00	\$0	\$0	\$110,000.00	\$10,690.16	\$901.38	\$0.00	-\$4,991.54	-\$7,191.54			
<b>CONSERVATION &amp; RECRATION PROJECT TOTALS</b>			<b>\$7,892,868.00</b>	<b>\$289,538.98</b>	<b>\$157,857.36</b>	<b>\$10,164.36</b>	<b>\$84,819.20</b>	<b>\$7,717,868.00</b>	<b>\$237,002.33</b>	<b>\$30,186.91</b>	<b>\$27,000.00</b>	<b>\$153,207.10</b>	<b>-\$4,650.26</b>			
total original allocations of withdrawn projects			\$2,643,763.00													



WATER ACCESS PROJECTS													
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)
LMF2 0801	EXPANDING WATER ACCESS LILY POND	3/1/2017	\$120,000.00	\$2,400.00	\$2,400.00	\$0	\$0	\$120,000.00	\$4,417.80	\$1,400.00	\$0.00	-\$1,017.80	-\$3,417.80
LMF2 0802	MERRITT COVE	9/23/2016	\$194,500.00	\$3,890.00	\$3,890.00	\$0	\$1,617.55	\$194,500.00	\$6,162.45	\$0.00	\$0.00	\$1,617.55	-\$2,272.45
LMF2 0803	WOODWARD COVE PARCEL	12/29/2016	\$57,000.00	\$1,140.00	\$1,140.00	\$0	\$0	\$57,000.00	\$2,267.73	\$1,342.81	\$0.00	-\$1,330.54	-\$2,470.54
LMF2 0804	HEAD OF TIDE PARK	2/5/2018	\$50,000.00	\$1,000.00	\$1,000.00	\$0	\$0	\$50,000.00	\$1,999.07	\$1,022.18	\$0.00	-\$1,021.25	-\$2,021.25
LMF2 0901	LUBEC BOAT LANDING	6/26/2018	\$54,000.00	\$2,160.00	\$1,080.00	\$0	\$1,080.00	\$54,000.00	\$1,663.89	\$0.00	\$0.00	\$1,576.11	\$496.11
LMF2 0902	PETTEGROW POINT	N/A	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$8,650.79	\$0.00	\$0.00	-\$8,650.79	-\$8,650.79
LMF2 0903	MAGALLOWAY RIVER WATER ACCESS	1/3/2020	\$21,555.00	\$862.20	\$431.10	\$0	\$0	\$21,555.00	\$4,274.13	\$0.00	\$0.00	-\$2,980.83	-\$3,411.93
LMF2 0904	ANNABESSACOOK LAKE	7/12/2019	\$147,000.00	\$5,880.00	\$2,940.00	\$0	\$2,940.00	\$147,000.00	\$1,340.42	\$0.00	\$0.00	\$7,479.58	\$4,539.58
LMF2 0905	MOOSEHEAD LAKE WATER ACCESS	6/15/2020	\$105,000.00	\$4,200.00	\$2,100.00	\$0	\$0	\$105,000.00	\$7,356.10	\$0.00	\$0.00	-\$1,056.10	-\$3,156.10
LMF2 0906	EGGEMOGGIN REACH & MILL PON	6/28/2022	\$212,500.00	\$8,500.00	\$4,250.00	\$4,250.00	\$0	\$212,500.00	\$5,740.42	\$0.00	\$0.00	\$7,009.58	\$2,759.58
LMF2 0907	POND COVE ISLAND	10/29/2021	\$199,850.00	\$7,994.00	\$3,997.00	\$0	\$0	\$278,700.00	\$8,866.35	\$0.00	\$0.00	\$3,124.65	-\$872.35
LMF2 0908	SYSLADOBSIS LAKE	11/17/2021	\$710,000.00	\$28,400.00	\$14,200.00	\$0	\$0	\$710,000.00	\$8,043.33	\$0.00	\$0.00	\$34,556.67	\$20,356.67
LMF2 0909	ST. GEORGE RIVER, THOMASTON	6/6/2022	\$45,000.00	\$1,800.00	\$900.00	\$0	\$0	\$45,000.00	\$13,123.50	\$0.00	\$0.00	-\$10,423.50	-\$11,323.50
LMF2 0910	MERRYMEETING PARK	12/6/2022	\$252,000.00	\$10,080.00	\$5,040.00	\$0	\$0	\$247,500.00	\$14,275.62	\$0.00	\$22,600.00	-\$21,755.62	-\$26,795.62
<b>WATER ACCESS PROJECT TOTALS</b>			<b>\$2,168,405.00</b>	<b>\$78,306.20</b>	<b>\$43,368.10</b>	<b>\$4,250.00</b>	<b>\$5,637.55</b>	<b>\$2,242,755.00</b>	<b>\$88,181.60</b>	<b>\$3,764.99</b>	<b>\$22,600.00</b>	<b>\$7,127.71</b>	<b>-\$36,240.39</b>
total original allocations fo withdrawn projects													
			\$160,000										
FARMLAND PROJECTS													
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)
LMF3 0801	Nezinscot Farm	N/A	\$0.00	\$0.00	N/A			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LMF3 0802	Parker Farm	N/A	\$0.00	\$0.00	N/A			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LMF3 0804	WINTERWOOD FARM	7/8/2016	\$105,000.00	\$5,250.00	N/A			\$105,000.00	\$10,592.82	\$0.00	\$0.00	-\$5,342.82	-\$5,342.82
LMF3 0805	Wormell Farm	N/A	\$0.00	\$0.00	N/A			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LMF3 0901	BRIGEEN FARMS	N/A	\$0.00	\$0.00	N/A			\$0.00	\$214.30	\$0.00	\$0.00	-\$214.30	-\$214.30
LMF3 0902	OLD TALBOT FARM	12/22/2020	\$202,000.00	\$12,120.00	N/A			\$202,000.00	\$28,486.00	\$1,710.33	\$0.00	-\$18,076.33	-\$18,076.33
<b>FARMLAND PROJECT TOTALS</b>			<b>\$307,000.00</b>	<b>\$17,370.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$307,000.00</b>	<b>\$39,293.12</b>	<b>\$1,710.33</b>	<b>\$0.00</b>	<b>-\$23,633.45</b>	<b>-\$23,633.45</b>
total original allocations of withdrawn projects													
			\$616,500.00										
WORKING WATERFRONT PROJECTS													
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ALLOWABLE ALL OTHER	ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	REMAINING ACCESS IMPROVEMENT	ACQUISITION COST	ACTUAL ALL OTHER COSTS	MNAP	HISTORIC PRESERVATION	REMAINING SET ASIDE FUNDS	REMAINING ALL OTHER (NO A.I.)
LMF4 0801	A&R ENTERPRISES	3/31/2016	\$225,000.00	\$27,000.00	N/A			\$250,000.00	\$16,713.48	\$0.00	\$0.00	\$10,286.52	\$10,286.52
LMF4 0802	MEDOMAK SHELLFISH	N/A	\$157,500.00	\$18,900.00	N/A			\$0.00	\$0.00	\$0.00	\$0.00	\$18,900.00	\$18,900.00
LMF4 0901	SPRUCE HEAD FISHERMAN'S COOP	3/10/2021	\$255,000.00	\$25,500.00	N/A			\$255,000.00	\$3,819.42	\$0.00	\$0.00	\$21,680.58	\$21,680.58
LMF4 0902	HENRY'S POINT	N/A	\$118,750.00	\$11,875.00	N/A			\$0.00	\$1,250.00	\$0.00	\$0.00	\$10,625.00	\$10,625.00
LMF4 0903	WOTTON LOBSTER WHARF, LLC	12/23/2020	\$107,500.00	\$10,750.00	N/A			\$107,500.00	\$2,502.38	\$0.00	\$0.00	\$8,247.62	\$8,247.62
LMF4 0904	STONINGTON LOBSTER COOP	4/13/2020	\$260,000.00	\$26,000.00	N/A			\$260,000.00	\$4,017.24	\$0.00	\$0.00	\$21,982.76	\$21,982.76
LMF4 0905	CARTER'S WHARF	5/31/2022	\$250,000.00	\$25,000.00	N/A			\$250,000.00	\$4,566.38	\$0.00	\$0.00	\$20,433.62	\$20,433.62
LMF4 0906	INTERSTATE LOBSTER COOP	3/22/2021	\$212,500.00	\$21,250.00	N/A			\$212,500.00	\$3,666.61	\$0.00	\$0.00	\$17,583.39	\$17,583.39
<b>WORKING WATERFRONT PROJECT TOTALS</b>			<b>\$1,586,250.00</b>	<b>\$166,275.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,335,000.00</b>	<b>\$36,535.51</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$129,739.49</b>	<b>\$129,739.49</b>

ROUND 10		Updated Thru	11/6/2023	Project Withdrawn												
CONSERVATION & RECREATION PROJECTS										3%	1%	1%	5%	5%	REMAINING FUNDS	
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	MNAP ACTUAL	HISTORIC PRESERVATION ALLOCATION	HISTORIC PRESERVATION ACTUAL	ACCESS IMPROVEMENT ALLOCATION	ACCESS IMPROVEMENT ACTUAL	STEWARDSHIP ALLOCATION	STEWARDSHIP ACTUAL	SET ASIDE FUNDS	
LMF1	1001	BUCK'S LEDGE	8/29/2022	\$329,500.00	\$329,500.00	\$9,885.00	\$2,995.00	\$3,295.00	\$0.00	\$3,295.00	\$1,440.00	\$16,475.00	\$0.00	\$16,475.00	\$0.00	\$44,990.00
LMF1	1002	CARIBOU STREAM DWA	6/28/2023	\$347,500.00	\$229,000.00	\$10,425.00	-\$1,639.00	\$3,475.00	\$0.00	\$3,475.00	\$1,800.00	\$17,375.00	\$0.00	\$17,375.00	\$0.00	\$51,964.00
LMF1	1003	EAST GRAND-WESTON	1/25/2023	\$995,000.00	\$995,000.00	\$29,850.00	-\$3,328.75	\$9,950.00	\$0.00	\$9,950.00	\$3,600.00	\$49,750.00	\$0.00	\$49,750.00	\$0.00	\$148,978.75
LMF1	1004	KENNEBAGO HEADWATERS	N/A	\$1,000,000.00	\$0.00	\$30,000.00	\$6,276.00	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$143,724.00
LMF1	1005	KENNEBEC HIGHLANDS	4/26/2022	\$437,500.00	\$437,500.00	\$13,125.00	-\$35,279.50	\$4,375.00	\$0.00	\$4,375.00	\$12,720.00	\$21,875.00	\$23,500.00	\$21,875.00	\$0.00	\$64,684.50
LMF1	1006	BAUNEG BEG MOUNTAIN	9/6/2023	\$181,700.00	\$181,700.00	\$5,451.00	\$1,199.37	\$1,817.00	\$0.00	\$1,817.00	\$0.00	\$9,085.00	\$0.00	\$9,085.00	\$0.00	\$26,055.63
LMF1	1007	BITTNER	N/A	\$119,000.00	\$0.00	\$3,570.00	\$0.00	\$1,190.00	\$0.00	\$1,190.00	\$0.00	\$5,950.00	\$0.00	\$5,950.00	\$0.00	\$17,850.00
LMF1	1008	CAMP GUSTIN	5/2/2023	\$207,500.00	\$207,500.00	\$6,225.00	\$839.50	\$2,075.00	\$0.00	\$2,075.00	\$1,440.00	\$10,375.00	\$0.00	\$10,375.00	\$0.00	\$28,845.50
LMF1	1009	EAST WINDHAM COMMUNITY FOREST	9/13/2023	\$998,000.00	\$998,000.00	\$29,940.00	-\$1,091.88	\$9,980.00	\$0.00	\$9,980.00	\$1,440.00	\$49,900.00	\$0.00	\$49,900.00	\$0.00	\$149,351.88
LMF1	1010	FORT O'BRIEN ADDITION	N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LMF1	1011	GREAT POND MOUNTAIN WILDLANDS EXPANSION	N/A	\$264,972.00	\$0.00	\$7,949.16	\$2,040.95	\$2,649.72	\$0.00	\$2,649.72	\$1,440.00	\$13,248.60	\$0.00	\$13,248.60	\$0.00	\$36,264.85
LMF1	1012	JOCKEY CAP	N/A	\$138,500.00	\$0.00	\$4,155.00	\$348.12	\$1,385.00	\$0.00	\$1,385.00	\$0.00	\$6,925.00	\$0.00	\$6,925.00	\$0.00	\$20,426.88
LMF1	1013	JOHNSON BROOK - SISK	N/A	\$47,500.00	\$0.00	\$1,425.00	\$348.12	\$475.00	\$0.00	\$475.00	\$0.00	\$2,375.00	\$0.00	\$2,375.00	\$0.00	\$6,776.88
LMF1	1014	KEZAR CORRIDOR - PATTERSON	4/12/2023	\$245,000.00	\$245,000.00	\$7,350.00	-\$1,707.69	\$2,450.00	\$0.00	\$2,450.00	\$3,600.00	\$12,250.00	\$0.00	\$12,250.00	\$0.00	\$34,857.69
LMF1	1015	MUDDY RIVER FORESTS	N/A	\$700,000.00	\$0.00	\$21,000.00	\$291.27	\$7,000.00	\$0.00	\$7,000.00	\$0.00	\$35,000.00	\$0.00	\$35,000.00	\$0.00	\$104,708.73
LMF1	1016	NORTH DEERING PARK	6/14/2023	\$279,000.00	\$164,123.00	\$8,370.00	\$2,080.62	\$2,790.00	\$0.00	\$2,790.00	\$0.00	\$13,950.00	\$0.00	\$13,950.00	\$0.00	\$39,769.38
LMF1	1017	PLAISTED PRESERVE EXPANSION	9/30/2022	\$64,500.00	\$64,500.00	\$1,935.00	\$2,253.18	\$645.00	\$0.00	\$645.00	\$0.00	\$3,225.00	\$0.00	\$3,225.00	\$0.00	\$7,421.82
LMF1	1018	PORTER HILLS	5/22/2023	\$388,000.00	\$388,000.00	\$11,640.00	\$5,849.37	\$3,880.00	\$0.00	\$3,880.00	\$1,440.00	\$19,400.00	\$0.00	\$19,400.00	\$0.00	\$50,910.63
LMF1	1019	SEARSMONT - MCLELLAN	N/A	\$102,500.00	\$0.00	\$3,075.00	-\$395.65	\$1,025.00	\$0.00	\$1,025.00	\$1,080.00	\$5,125.00	\$0.00	\$5,125.00	\$0.00	\$14,690.65
LMF1	1020	STAPLES PROPERTY	N/A	\$83,000.00	\$0.00	\$2,490.00	\$507.00	\$830.00	\$0.00	\$830.00	\$0.00	\$4,150.00	\$0.00	\$4,150.00	\$0.00	\$11,943.00
LMF1	1021	TALKING BROOK	N/A	\$150,000.00	\$0.00	\$4,500.00	\$348.12	\$1,500.00	\$0.00	\$1,500.00	\$0.00	\$7,500.00	\$0.00	\$7,500.00	\$0.00	\$22,151.88
LMF1	1022	THAYER BROOK HERON COLONY	6/28/2023	\$65,000.00	\$65,000.00	\$1,950.00	\$898.75	\$650.00	\$0.00	\$650.00	\$0.00	\$3,250.00	\$0.00	\$3,250.00	\$0.00	\$8,851.25
LMF1	1023	TONDREAU	N/A	\$0.00	\$0.00	\$0.00	\$3,262.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$3,262.12
LMF1	1024	WALLAMATOGUS MOUNTAIN	N/A	\$400,000.00	\$0.00	\$12,000.00	\$255.90	\$4,000.00	\$0.00	\$4,000.00	\$0.00	\$20,000.00	\$0.00	\$20,000.00	\$0.00	\$59,744.10
LMF1	1025	WHITNEY FOREST	N/A	\$283,000.00	\$0.00	\$8,490.00	\$250.25	\$2,830.00	\$0.00	\$2,830.00	\$0.00	\$14,150.00	\$0.00	\$14,150.00	\$0.00	\$42,199.75
LMF1	1026	CHADBOURNE TREE FARM	N/A	\$950,000.00	\$0.00	\$28,500.00	\$0.00	\$9,500.00	\$0.00	\$9,500.00	\$0.00	\$47,500.00	\$0.00	\$47,500.00	\$0.00	\$142,500.00
LMF1	1027	KENNEBAGO HEADWATERS TRACT 1	N/A	\$750,000.00	\$0.00	\$22,500.00	\$425.31	\$7,500.00	\$0.00	\$7,500.00	\$0.00	\$37,500.00	\$0.00	\$37,500.00	\$0.00	\$112,074.69
LMF1	1028	MILL HILL & EDWARDS MILLS FOREST	10/11/2023	\$1,905,500.00	\$302,000.00	\$57,165.00	\$10,165.50	\$19,055.00	\$0.00	\$19,055.00	\$0.00	\$95,275.00	\$0.00	\$95,275.00	\$0.00	\$275,659.50
LMF1	1029	REED DEADWATER - JUNIPER BROOK	8/15/2023	\$1,350,000.00	\$1,350,000.00	\$40,500.00	\$288.90	\$13,500.00	\$0.00	\$13,500.00	\$0.00	\$67,500.00	\$0.00	\$67,500.00	\$0.00	\$202,211.10
LMF1	1030	SQUARE LAKE - CROSS LAKE	N/A	\$890,000.00	\$0.00	\$26,700.00	\$248.10	\$8,900.00	\$0.00	\$8,900.00	\$0.00	\$44,500.00	\$0.00	\$44,500.00	\$0.00	\$133,251.90
CONSERVATION & RECREATION PROJECT TOTALS				\$13,672,172.00	\$5,954,823.00	\$410,165.16	-\$2,271.02	\$136,721.72	\$0.00	\$136,721.72	\$30,000.00	\$683,608.60	\$23,500.00	\$683,608.60	\$0.00	\$1,999,596.82
	\$399,237.88	total original allocations of withdrawn projects														
WATER ACCESS PROJECTS																
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	MNAP ACTUAL	HISTORIC PRESERVATION ALLOCATION	HISTORIC PRESERVATION ACTUAL	ACCESS IMPROVEMENT ALLOCATION	ACCESS IMPROVEMENT ACTUAL	STEWARDSHIP ALLOCATION	STEWARDSHIP ACTUAL	SET ASIDE FUNDS	
LMF2	1001	GETCHELL PARK	6/28/2023	\$37,500.00	\$37,500.00	\$0.00	\$840.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$840.87	
LMF2	1002		N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
LMF2	1003		N/A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
WATER ACCESS PROJECT TOTALS				\$37,500.00	\$37,500.00	\$0.00	\$840.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$840.87	
		total original allocations fo withdrawn projects														
FARMLAND PROJECTS																
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	MNAP ACTUAL	HISTORIC PRESERVATION ALLOCATION	HISTORIC PRESERVATION ACTUAL	ACCESS IMPROVEMENT ALLOCATION	ACCESS IMPROVEMENT ACTUAL	STEWARDSHIP ALLOCATION	STEWARDSHIP ACTUAL	SET ASIDE FUNDS	
LMF3	1001	E&E FARM	N/A	\$140,000.00	\$0.00	\$4,200.00	\$0.00	\$1,400.00	\$0.00	\$1,400.00	\$0.00	\$7,000.00	\$0.00	\$7,000.00	\$0.00	\$21,000.00
LMF3	1002	NEW LEAF FARM	N/A	\$200,000.00	\$0.00	\$6,000.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00	\$0.00	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$30,000.00
LMF3	1003	ROSEBERRY FARM	N/A	\$289,500.00	\$0.00	\$8,685.00	\$0.00	\$2,895.00	\$0.00	\$2,895.00	\$0.00	\$14,475.00	\$0.00	\$14,475.00	\$0.00	\$43,425.00
FARMLAND PROJECT TOTALS				\$629,500.00	\$0.00	\$18,885.00	\$0.00	\$6,295.00	\$0.00	\$6,295.00	\$0.00	\$31,475.00	\$0.00	\$31,475.00	\$0.00	\$94,425.00
		total original allocations of withdrawn projects														
WORKING WATERFRONT PROJECTS																
PROJECT CODE	PROJECT NAME	FINAL ACQUISITION DATE	ALLOCATION	ACQUISITION COST	LEGAL ALLOCATION	LEGAL ACTUAL	MNAP ALLOCATION	MNAP ACTUAL	HISTORIC PRESERVATION ALLOCATION	HISTORIC PRESERVATION ACTUAL	ACCESS IMPROVEMENT ALLOCATION	ACCESS IMPROVEMENT ACTUAL	STEWARDSHIP ALLOCATION	STEWARDSHIP ACTUAL	SET ASIDE FUNDS	
LMF4	1001	SEA MEADOW MARINE FOUNDATION	N/A	\$315,000.00	\$0.00	\$9,450.00	\$0.00	\$3,150.00	\$0.00	\$3,150.00	\$0.00	\$15,750.00	\$0.00	\$15,750.00	\$0.00	\$47,250.00
LMF4	1002	SMALL POINT DEVELOPMENT CORPORATION	N/A	\$412,500.00	\$0.00	\$12,375.00	\$0.00	\$4,125.00	\$0.00	\$4,125.00	\$0.00	\$20,625.00	\$0.00	\$20,625.00	\$0.00	\$61,875.00
LMF4	1003	SWAN'S ISLAND "FISHERMAN'S WHARF"	N/A	\$225,000.00	\$0.00	\$6,750.00	\$0.00	\$2,250.00	\$0.00	\$2,250.00	\$0.00	\$11,250.00	\$0.00	\$11,250.00	\$0.00	\$33,750.00
LMF4	1004	EVELYN D LLC "WHIDDEN LOBSTER"	N/A	\$312,500.00	\$0.00	\$9,375.00	\$356.01	\$3,125.00	\$0.00	\$3,125.00	\$0.00	\$15,625.00	\$0.00	\$15,625.00	\$0.00	\$46,518.99
WORKING WATERFRONT PROJECT TOTALS				\$1,265,000.00	\$0.00	\$37,950.00	\$356.01	\$12,650.00	\$0.00	\$12,650.00	\$0.00	\$63,250.00	\$0.00	\$63,250.00	\$0.00	\$189,393.99

<b>ROUND 11A - Selected 5/18/2023</b>				
	<b>Acres</b>	<b>Preliminary Board Allocation</b>	<b>Potential Match</b>	
Haystack Mountain	57	\$135,000	\$135,000	\$20,250
Lexington DWA	1489	\$500,000	\$700,000	\$75,000
Maquoit Bay - Sherwood	32	\$245,000	\$245,000	\$36,750
Rumford Community Forest	446	\$345,000	\$345,000	\$51,750
Salmon Falls Tidal Wetland	79	\$620,000	\$1,342,000	\$93,000
Branch Lake Expansion	279	\$92,500	\$193,500	\$13,875
Eastern Trail & Cottontails	155	\$350,000	\$900,000	\$52,500
Kezar River South	1377	\$1,035,000	\$1,035,000	\$155,250
Orbeton Keystones: Phase 1 - Griscom Resid & B	2122	\$1,066,000	\$1,206,500	\$159,900
Orbeton Keystones	601	\$784,000	\$924,500	\$117,600
<b>Total Round 11A C&amp;R/Working Forests:</b>	<b>6637</b>	<b>\$5,172,500</b>	<b>\$7,026,500</b>	<b>\$775,875</b>
<b>Combined allocations &amp; potential set-asides for 11A:</b>		<b>\$5,948,375</b>		
<b>LMF Round 11 Water Access:</b>				
		<b>Potential Board Allocation</b>	<b>Potential Match</b>	
Big Sand Beach	17.6	\$100,000	\$200,000	
<b>Total LMF Requests for Round 11 WA:</b>	<b>17.6</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$15,000</b>
<b>Total Round 11 WA with set-asides:</b>		<b>\$115,000</b>		
<b>Round 11B Working Forest Proposals selected 9/28/23:</b>				
<b>Working/Community Forest 11B Proposal's:</b>	<b>Acres</b>	<b>Request</b>	<b>Match</b>	<b>Set-Asides (15%)</b>
South Bog	13,830	\$1,000,000	\$4,000,000	\$150,000
Three Ponds One Forest	397	\$608,000	\$1,512,000	\$91,200
Beaver Brook	30	\$162,000	\$162,000	\$24,300
<b>Total 11B Working/Community Forests</b>	<b>14,257</b>	<b>1,770,000</b>	<b>5,674,000</b>	<b>265,500</b>
<b>With set-asides</b>		<b>2,035,500</b>		
<b>Working Farmland 11B Proposals selected 9/28/23:</b>				
Hopes Edge Farm	100	177,500	177,500	26,625
Springside Farm	478	145,000	145,000	21,750
Winslow Farm	75	387,500	387,500	58,125
Ward Farm	385	150,000	150,000	22,500
Halledge Farm	185	329,500	329,500	49,425
<b>5 Round 11B Farmland Proposals</b>				
<b>Total 11B Working Farmland</b>	<b>1,223</b>	<b>1,189,500</b>	<b>1,189,500</b>	<b>178,425</b>
<b>Projections with Set-asides:</b>		<b>1,367,925</b>		

# **APPENDIX E1**

## **ACCESS IMPROVEMENT GRANTS**

**Land for Maine's Future  
Access Improvement Grants  
Fact Sheet for Applicants  
*UPDATED January 2023***

**Purpose**

Access improvement grants are available to enhance the public accessibility to land that is acquired with proceeds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund.

Access improvement grants enhance Land for Maine's Future (LMF) acquisition dollars by making conserved land more accessible to the public. Grants may be for the upgrade of access roads, the addition of parking, trails, and boat launches, or the installation of signage, information kiosks, and picnic tables. Grant funds must be applied to the purchase of materials or contracted services; staff time and expenses are not an eligible expense. Grant funds can be used to reimburse work that has already been done, assuming the Board approves funding for all aspects of the work completed.

**Funding Availability**

In statute, access improvement grants are limited to 5% of the appraised value of the acquired property, but the Land for Maine's Future Board (LMFB) routinely establishes a set-aside for these grants based on funds available. At the present, LMFB may fund access improvement grants in an amount up to 5% of the first \$200,000 in appraised value, then 2% of appraised value over \$200,000, up to a maximum access improvement grant of \$25,000.

**Matching Funds**

All LMF awards must be matched 1:1 by the applicant. Matching funds include funds spent by the applicant on the same expenses that would have been eligible for use of grant funds. With approval from LMF, excess match from the acquisition of the property may also be applied as match for an access improvement grant. Contact LMF staff prior to submitting your application if you would like to apply excess acquisition match to your access improvement grant.

**Eligibility**

A landowner of LMF funded land may apply for an access improvement grant to fund minor capital improvements to improve accessibility on the LMF funded land and on adjoining lands in the same ownership or under the same management. Access improvement grants are not offered for lands which are protected by conservation easements unless easement terms explicitly allow the easement holder to make access improvements to the land covered by the easement. LMF staff will contact the applicant to inform them of the application process and amount of funds available for their access improvement project.

**Application Criteria**

Projects must meet the following criteria for access improvement grants:

- The proposed improvements do not compromise the original intent for which the property was purchased.
- The proposed project improves accessibility of the LMF funded lands, consistent with management objectives. If access improvement funding is for abutting lands under the same ownership or management, then the access improvements must offer a benefit to users of the LMF funded parcel.
- Public uses are supported and/or enhanced by the project.

## **Application Process**

1. LMF staff will contact you with information about the funds available, application process and deadline for submissions.
2. Applications are reviewed by LMF staff to determine eligibility and completeness.
3. If the applicant is an entity other than the State (e.g. land trust or municipality), the application is reviewed by staff from the sponsoring state agency: Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries and Wildlife, or Maine Historic Preservation Commission, to ensure the project is consistent with the objectives of the original acquisition project.
4. LMF staff reviews the application against the purposes and objectives of the access improvement funds and makes a recommendation to the Board for their approval.

## **Application Format and Instructions**

Applicants should complete an Application Summary Form and provide a proposal narrative that contains the following information:

1. Map(s) – General property map, map depicting the location of the primary access point of the site, any other public access points to the property, and the location of the property to which access improvements are proposed to be made. Maps should be at a scale suitable to show the location of the proposed improvements.
2. Project Description - Narrative of what improvements are proposed, how the improvements will enhance accessibility and public use of the LMF funded lands and how the project is consistent with the recreation, public access and conservation objectives of the original acquisition project.
3. Suitability of Intended Use - Description that demonstrates that the property has no legal constraints preventing the development and use of the proposed access and that the physical characteristics of the site are suitable for the intended access.
4. Impact on Natural Resources – Description of any impact the proposed access will have on the natural and cultural resources of the property and the surrounding land. Demonstrate that the intended access is consistent with property’s management objectives. Consultation with the Maine Natural Areas Program, Maine Department of Inland Fisheries and Wildlife and Maine Historic Preservation is recommended.
5. Project timeline - Identify key milestones and dates for completion.
6. Signage - The Board requires that the Land for Maine’s Future Program be acknowledged in permanent signage at the primary access point of the site. LMF provides silk-screened, metal signs with LMF logo for this purpose. Please indicate in your proposal if you will need additional signs.
7. Project Budget - Itemization of how the funds will be used and identification of sources and amounts of matching funds

**A hard copy of your proposal should be sent to:**

Land for Maine's Future Program  
Dept. of Agriculture, Conservation & Forestry  
22 State House Station  
Augusta ME 04333-0022

**Completion of Access Improvement Grant Projects**

Projects must be completed within 18 months of the grant award date, unless the project finalist has prior written approval from the LMF project manager for an extension. A one year extension may be granted at the project manager's discretion if circumstances warrant, following notice to the LMF Director. Any additional extensions must be approved by the LMF board.

**Grant Reporting Requirements**

Grant recipients must submit a written report upon completion of the access improvement project. The report must describe the access improvements made and the ways it enhances public uses and include documentation of how the funds were expended and photographs of the completed work.

Completed access improvement projects will be included in the LMF Biennial Report, as part of the report to the public about progress achieved by the program.

**Advance and return of access improvement funds**

LMF will enter into a contract with each cooperating entity selected for an access improvement grant. LMF will be responsible for managing the contracts and ensuring funds are used consistent with the project proposal. LMF staff will approve payments for work that has been completed. Any unspent funds will remain available for future Board allocations.

For access improvement grants to state agencies, the funds will be journaled directly to the state agency upon approval of application. The agency is responsible for returning all unused funds within 6 months of completion of project. LMF shall enter into a Memorandum of Agreement with the DSA for all access improvement grants. The MOA will state the terms and indicate the expiration dates and be signed by the Commissioner of the DSA.

***Resources:***

USFS trail accessibility guidelines: <http://www.fs.fed.us/recreation/programs/accessibility/>

American Trails: <http://www.americantrails.org/resources/trailbuilding/>

National Park Service boat launch guidelines:

<https://www.nps.gov/ncrc/programs/rtca/helpfultools/launchguide.pdf>

## **APPENDIX E2**

### **STEWARDSHIP GRANTS**



### LMF Stewardship Award Policy

**Award amount.** Projects will be eligible to receive a stewardship award of up to 5% of the first \$200,000 of appraised property value, then 2% of appraised property value over \$200,000, to a maximum stewardship award of \$25,000. These amounts are calculated based on the total value of all parcels receiving LMF funding, not individually for each parcel, and are subject to match requirements.

**Timing of awards.** For Round 11 and future rounds, stewardship awards will be requested by applicants as part of the project budget included with the LMF proposal. The Board's vote to approve the final acquisition award will include the stewardship award. Projects that received funding in Round 10 will be given the opportunity to request stewardship awards following the adoption of this policy. Funds will be disbursed at closing or within 30 days following closing, subject to required documentation, except that Round 10 or 11 projects that have already closed will receive stewardship awards upon approval and when all required documentation has been provided.

**Matching funds.** All stewardship awards must be matched 1:1 by the recipient. Except as otherwise approved by the LMF Board, match must take the form of funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as LMF funds. However, the LMF Board may allow excess match from the acquisition of the property (above 50% of land value) to serve as all or a portion of the match required for LMF stewardship awards when the applicant is not able to provide stewardship funds as match AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means.

**Required documentation.** Prior to receiving stewardship funds, the applicant must provide LMF with their endowment policy, a projected stewardship budget for the property, proof of matching funds, and authorization from its governing body to accept the award and apply the award and matching funds in accordance with LMF policy.

**Award mechanism.** For awards to cooperating entities, the funds will be disbursed directly to the cooperating entity. For awards to State agencies, funds will be held in a trust account by the Treasurer's office. Funds may be disbursed to a third party to hold on behalf of the recipient if there is an appropriate mechanism to ensure accountability, as determined by LMF staff with the assistance of counsel.

**Use of funds.** All LMF stewardship awards and matching funds committed by the applicant are subject to the following conditions.

- Funds must be held and managed as an endowment of perpetual duration in accordance with 13 MRS §5101 et. seq. Appropriation for expenditure in any year of an amount greater than 7% of the fair market value of the fund, calculated on the basis of market values determined at least quarterly and averaged over a period of not less than 3 years

immediately preceding the year in which the appropriation for expenditure is made (or the life of the fund if less than 3 years), is permitted only in extraordinary circumstances with the prior approval of the LMF Director.

- To comply with the statutory requirement that awards be “identified for use on the funded property,” funds, including matching funds, must be held separate from all other funds and may be spent only for expenses related to the parcel or parcels receiving LMF funding as part of the project for which the stewardship award was made. This does not prohibit LMF stewardship funds from being combined with other funds for investment purposes, provided that the LMF funds are accounted for separately.
- When other lands held by the recipient are managed together with LMF-funded parcels as a single management unit, expenses that cannot reasonably be identified as being specific to the LMF-funded parcels (e.g., the cost of preparing a forest management plan for the entire area, or management of an access road that serves multiple landowners) may be apportioned based on acreage or other relevant measurement.
- Funds may be used for any expense related to stewardship, management, monitoring, legal defense, or ownership of the protected property.
- Recipients will report annually to LMF on any expenditures, current fund balance, and any planned expenditures in the year ahead.
- If the property is transferred to a new holder, the endowment funds, including any matching funds, must be transferred as well, and the recipient must agree to assume all of these responsibilities for holding and using the funds.
- If the property is converted to a non-conservation use, the endowment funds must be returned to LMF or, if the LMF Board accepts replacement property in lieu of repayment of the LMF acquisition award, placed in an endowment for the replacement property.

**Other organizational funds.** These provisions apply only to funds awarded by LMF for stewardship or committed by the applicant as match for LMF stewardship awards. Other funds the applicant may apply to stewardship of the protected property, including additional funds placed in a pooled stewardship account at the time of the acquisition, are not subject to this policy and are not considered matching funds.

## **APPENDIX F**

# **WORKING FARMLAND ACCESS AND PROTECTION PROGRAM WORKBOOK**

# Maine Working Farmland Access Protection Program

## Proposal Workbook **Board Adopted Policy & Guidelines**



Last Revised: January 11, 2023

Land for Maine's Future  
Bureau of Resource Information and Land Use Planning  
Maine Department of Agriculture, Conservation and Forestry  
22 State House Station, Augusta, Maine 04333-0022  
(207) 287-7576

# Table of Contents

I. Overview ..... [2](#)  
II. Board Policies and Guidelines ..... [5](#)  
III. Threshold Criteria ..... [9](#)  
IV. Scoring System for Evaluating Farmland Protection Proposals ..... [10](#)  
V. Proposal Instructions ..... [16](#)  
VI. Completion Requirements for Approved Projects ..... [22](#)

## Appendices

Project Inquiry Form ..... [Appendix A](#)  
WFAPP Budget Template ..... [Appendix B](#)  
Appraisal Standards ..... [Appendix C](#)  
WFAPP Easement Guidelines ..... [Appendix D](#)  
WFAPP Project Agreement Template ..... [Appendix E](#)  
Post-Closing Grant Fact Sheets ..... [Appendix F](#)  
WFAPP Statute ..... [Appendix G](#)

**Project Inquiries due May 19, 2023, for Bureau of Agriculture, Food and Rural Resources Review.**

**Full Proposals due August 4, 2023**

**A Subsequent Call for Proposals may be released contingent on the availability of funds.**

**Submit 10 copies** of the proposal applications and all supporting materials to:

Working Farmland Access and Protection Program  
Attn: Alex Redfield, Agricultural Resource Division  
Bureau of Agriculture, Food and Rural Resources  
Deering Building, 90 Blossom Lane  
Augusta, ME 04333  
(207)592-0640  
[alexander.redfield@maine.gov](mailto:alexander.redfield@maine.gov)

## **I. Overview**

### **History and Need**

Agriculture is critically important to Maine's economy and food supply and contributes to the state's communities and overall quality of life. Essential to the continued viability of agriculture in Maine is the continued availability of productive farmland in all areas of the state. One effective strategy used to maintain this land base is the purchase of development rights on farmland via agricultural easements (also sometimes called agricultural conservation easements or working land easements). This ensures that Maine's farmland is not lost to development and remains available for both established and beginning farmers.

The Land for Maine's Future Program (LMF) funded its first farmland preservation project in 1990, and each subsequent round of funding has included farmland preservation as a goal. In 2021, the Maine Legislature made a permanent commitment to protecting working farmland by creating the Working Farmland Access and Protection Fund and Program, establishing a dedicated funding source for the preservation of Maine farmland. The Department of Agriculture, Conservation, and Forestry (DACF), Bureau of Agriculture, Food, and Rural Resources (BAFRR) administers the program in conjunction with the Land for Maine's Future (LMF) program in DACF's Bureau of Resource Information and Land Use Planning, and the LMF Board.

### **Purpose**

The purpose of the Working Farmland Access and Protection Program (WFAPP) is to protect Maine's important farmlands from conversion to non-agricultural uses. WFAPP Applications are submitted to and scored by BAFRR, with the LMF Board confirming the award of WFAPP funds. Successful applicants work with LMF and BAFRR staff to complete due diligence and close on projects.

WFAPP seeks to protect farmlands comprised of soils identified and classified by the USDA Natural Resources Conservation Service as "Prime Farmland," "Farmland of Statewide Importance," and "Farmland Soils of Local Importance," as well as "Unique Farmlands," that do not rely on prime, statewide or locally important agricultural soils, but do produce important high-value crops such as blueberries and cranberries. On these protected properties, WFAPP encourages agricultural practices that support soil health, carbon sequestration, and the long-term productivity of protected farmland.

WFAPP also seeks to protect properties that support farming operations in areas of the State that support and anchor a viable agricultural economy, that benefit beginning farmers or

underserved communities, and that provide multiple public benefits such as protection of wildlife habitat.

### **Who Can Apply**

Project proposals can come from a state agency, a local or statewide land trust, a non-profit conservation organization, a town, or other entity that is an eligible holder of conservation easements under Title 33 M.R.S.A, Section 476(2) and a “qualified organization” under Internal Revenue Code Section 170(h)(3). Owners and operators of farmland who are interested in protecting their land from development are welcome to contact LMF or BAFRR for more information about the WFAPP, but will need to work with one of these eligible entities rather than applying directly to LMF. All proposals must be sponsored by the Bureau of Agriculture, Food, and Rural Resources; see below for details on how to seek sponsorship and bring a project proposal to LMF.

### **Appropriate Project Types**

The WFAPP program will either fund the acquisition of agricultural conservation easements or fee simple acquisition of properties. The majority of projects receiving WFAPP funding will be the acquisition of agricultural conservation easements that extinguish development and subdivision rights on protected farmland and restrict other uses and alterations that could threaten the continued agricultural use of the land. The WFAPP agricultural easement guidelines are found in Appendix D. A model agricultural easement template will be made available on the LMF website. Unless prior approval is received from LMF, all WFAPP projects are required to use this template, with appropriate customization to meet the needs of each project.

WFAPP seeks to protect productive agricultural lands, including prime and statewide important farmland soils as well as unique farmlands that are productive for important crops that do not rely on prime farmland soils. Other program goals include supporting local agricultural markets and economies, supporting beginning and underserved farmers, enabling farmland succession and generational transfer, and achieving multiple conservation goals by protecting ecological resources or unique natural areas on farmland. The full criteria used to evaluate WFAPP proposals are found in Section III.

Non-farmland portions of a farm property may be included in a WFAPP proposal and protected by the agricultural easement. These may include woodlots, wetlands, riparian areas, and farmsteads. If these areas contribute to the overall viability of the farm by providing additional income streams from activities such as a farm stand, timber harvesting, maple sugaring, or agritourism, the project proposal should identify these activities. The easement guidelines in Appendix D include several optional provisions that may be appropriate for non-farmland portions of a property, and certain scoring criteria require the inclusion of these provisions to receive maximum points.

In rare cases, WFAPP funding may also be used by an eligible applicant to purchase farmland outright. In these cases, the applicant must demonstrate a clear commitment to ensure continued agricultural use of the property, such as by transferring it to a suitable farmer or leasing it to beginning farmers. Pursuing fee simple acquisition with WFAPP funding would be a new process and likely result in a longer timeline to project completion. If a proposal includes fee simple ownership, the applicant should consult with LMF and BAFRR early on to confirm that the planned management and/or disposition of the land is compatible with WFAPP funding.

### **Proposal Process**

Upon announcement of grant funding availability, all potential applicants **must** complete the WFAPP Project Inquiry Form found in Appendix A prior to submission of a full project proposal to provide staff with general project and contact information. BAFRR and LMF staff will be available to assist and advise project applicants with the application and review process, including an assessment of whether the proposal meets the basic program criteria and whether it meets the requirements for full consideration.

Complete applications will be submitted to BAFRR and evaluated by a Review Panel established by the Commissioner of DACF and composed of individuals with knowledge of farming and farmland protection in Maine. This step implements the 2021 legislation creating WFAPP and differs from the previous LMF funding process for farmland preservation.

Upon receipt by BAFRR, the Review Panel will evaluate and score project proposals and make recommendations, based on the program requirements and selection criteria presented below, to the Commissioner of DACF. The Commissioner will in turn evaluate and recommend suitable projects to the LMF Board for funding allocations and financial awards. Based on the recommendations of the Review Panel and the Commissioner, the LMF Board will make preliminary WFAPP awards.

Upon notification of funding support from the LMF Board, finalists will work with LMF and BAFRR staff to complete the acquisition process. Preliminary awards are confirmed as final following the Board's acceptance of appraised value, and funds are disbursed when all due diligence is complete and the project proceeds to closing. See Parts II, III, and VI of this Workbook for a detailed description of standard project conditions and requirements. Please contact LMF staff with any questions about these requirements.



## II. Board Policies and Guidelines

**Willing Sellers Only** - The Board requires proposals to include a signed consent from the owner(s) of land being proposed for consideration.

**Municipal and County Approval** - Municipal approval is required for WFAPP funding when property interests representing more than 1% of a municipality's state valuation are considered for acquisition. Board policy is to encourage applicants to seek municipal input on all acquisitions. Within unorganized territories, approval of the appropriate county commissioners is required if the land value of a proposed project constitutes more than 1% of the state valuation within that county. The year of the appraisal will determine the year of the municipal valuation used.

**Public Notice of Intent to Purchase** - The LMF Board publishes a notice of a vote to acquire property 10 days in advance of the meeting. Notices are placed in a general circulation newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.

**Public Participation Welcome at All Meetings** - All LMF Board meetings are open to the public and include opportunity for public input. Meetings are publicly announced well in advance on the LMF website, DACF website, and State of Maine public meetings calendar. Also, when projects come before the Board for their final allocation, public notices are printed in applicable newspapers and on the LMF website.

**No Fee Acquisition of Lands for Timber Production** - By statute, LMF is prohibited from funding the fee acquisition of land for which the primary use value has been or will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the rights to harvest timber are retained by the landowner.

**Addressing Land and Easement Management Costs** - The LMF Board requires all applicants to address stewardship and management costs as part of a proposal. LMF statute requires that applicants provide estimates of the management costs associated with the project over the first 10 years of ownership.

**Project Ownership** - As part of the proposal, the applicant must specify how the project's ownership will be held. When a project involves an easement that is to be held by a local entity (a "cooperating entity," per LMF statute, includes land trusts and municipalities), language may be added to the easement giving the State of Maine third-party enforcement rights on the terms of the easement. If this is not done, a Project Agreement between the cooperating entity and the State of Maine will define the terms of the project and be recorded with the easement (see Appendix E). Because all projects have differences, the

description of project goals and management expectations may change from project to project. Similarly, where a project is owned in fee by a cooperating entity, a Project Agreement is signed between the entity and the State of Maine to define the terms of the project and recorded with the deed or conservation easement. The deed or easement must also include reference to the fact that the parcel has been acquired as part of an LMF funded project.

**Pre-Acquired Properties** – There is currently no formal process for LMF funding to support pre-acquired agricultural easements. Contact BAFRR and LMF staff if you would like to seek funding for a pre-acquired easement.

**Purchases Above Appraised Value Strongly Discouraged** - The LMF Board’s basic rule is that it will not participate in a transaction where the purchase price exceeds fair market value based on an independent appraisal that is approved by the Appraisal Oversight Committee and accepted by the LMF Board. However, it is recognized that the market will, on rare occasions, offer opportunities that may require exceptions to the basic rule. Applicants should be aware that this exception is seldom invoked and consult with program staff prior to making any commitments that would require an exception.

**Board Allocation of Project Funding** - The LMF Board’s allocation is considered preliminary until the actual value is determined by an LMF Board-approved appraisal. The value determined by this appraisal will guide the amount of funds LMF contributes to the project. In the event that the project changes in scope or size, approval of funding may differ from the original allocation. Final funding awards are at the approval of the LMF Board. Awards are subject to the availability of funds and subject to State budget and finance procedures.

**Project Adjustments** - BAFRR and LMF staff must be notified if, at any point prior to closing, a proposal selected as a project finalist has adjustments to its scope and size from what was accepted for funding by the LMF Board. Staff will review and determine what adjustments are appropriate or if the proposed changes require the project to return to the LMF Board for approval. Project funding may be reduced from the original allocation amount based upon the impact of the project change to the attributes of the original project.

Proposals must return to the LMF Board for reconsideration when there are:

1. Reductions in size

- Reductions in land of more than 10% of the original total project land area. This includes instances in multi-parcel projects
- A parcel is removed from a multi-parcel project.

2. Reductions in scope

If changes in project scope substantially affect public access, recreational opportunities, uses of the land, ecological or conservation attributes.

### 3. Changes in project parcels

Substitute parcels must be approved by the Board.

**Reserved Rights and Title Issues** - All reserved rights and issues affecting the property's title encountered during the due diligence process must be reviewed by the LMF Project Manager and Director, including changes to conservation easement terms, mineral ownership, reserved rights, etc., to determine if these could materially affect the conservation values of the property and the investment of public funds.

**Environmental Concerns** - Properties that receive WFAPP funds must be free from all environmental concerns at the time of closing. Prior to closing, all projects must submit a Phase I Environmental Site Assessment (ESA) report to LMF dated within 1 year of closing. The ESA report must be conducted in accordance with then-current applicable American Society for Testing and Materials standards for a Phase 1 Environmental Site Assessment at the time the report is created and under conditions that permit inspection of ground conditions (snow on the ground is not acceptable). Debris, trash, tires, or other forms of refuse or encroachments from abutting lands identified in the ESA report must be removed from the property, with documentation provided to LMF staff prior to the release of WFAPP funds.

**Award Amount** - WFAPP will consider requests for up to 50% of the appraised value of the land or interest in land to be acquired. In the case of multi-parcel projects, this limit applies to the total value of all parcels; WFAPP may contribute more than 50% towards the purchase of an individual parcel as long as the total award is no greater than 50% of the total value of all parcels. WFAPP funds may be applied only to the purchase of land or interests in land and may not be used for reimbursement of other project costs.

**Supplemental Awards** - By statute, the LMF Board may also award up to 5% of the appraised land value for access improvements (if the project includes public access, which is not required for WFAPP projects), up to 5% of the appraised land value for farm business planning and capital improvements, and up to 5% of the appraised land value for stewardship and management. These awards are made by the LMF Board after the land or easement is acquired and must be matched 1:1 by the applicant. See Appendix F for more information on these awards.

Stewardship and management awards are made by the LMF Board at the same time as project awards. These funds must be held in a dedicated endowment fund and restricted to use on the property receiving LMF funding. The Board's policy on stewardship and management awards will be posted to the LMF website once adopted by the Board. Stewardship awards must be matched 1:1 by funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as the stewardship funds awarded by LMF. However, the LMF Board may allow excess match from the acquisition of the property to serve as all or a portion of the match required for LMF stewardship awards when after demonstrable efforts the applicant is not able to provide stewardship funds as match AND the applicant demonstrates that stewardship of the property is adequately

provided for through operating funds, a pooled stewardship fund, or other means.

**Match** - An applicant is expected to provide matching funds greater than or equal to 100% of the total Award Amount. This means that for every \$1 of WFAPP funds, there must be \$1 of match value. For this round, 100% of the required match value must be supplied in the form of cash or land value. The value of lands or interest in lands acquired within 2 years of the date of project proposal may be used as tangible match when the property interests have a direct relationship to the project. More information on matching funds can be found in Appendix B – WFAPP Project Budget.

**Purchase Price Determined by Appraised Value** – LMF Board policy requires that the fair market value of a property or a conservation easement is determined through a qualified independent appraisal and that the acquisition price reflects the appraised value. Appraisals should follow the Appraisal Standards found in Appendix C.

Applicants may use a realtor’s opinion of value as a means of establishing a value for the purposes of applying for WFAPP funds. Once a proposal is selected by the Board as a finalist, an appraisal must be conducted in accordance with the LMF appraisal standards described in Appendix C. The Board will typically require appraisals with a valuation date no more than a year old at the time of the Appraisal Oversight Committee’s review, unless an executed purchase and sales agreement is in place with a value based on the appraisal. In all instances, appraisals for WFAPP funded properties must be reviewed and approved by the LMF Appraisal Oversight Committee.

**Press Releases** - All press releases or media advisories announcing any phase of an acquisition with WFAPP funds must be coordinated with the LMF staff. Media coverage is encouraged.

**LMF Signage** - LMF will provide silk-screened metal signs upon completion of a project and will provide additional or replacement signs upon request. Applicants are required to ensure that these signs are placed and maintained on all conserved properties.

### III. Threshold Criteria

The LMF Board follows established policies and guidelines when it makes decisions on which projects to fund. These “threshold criteria” supplement policies and guidelines that are found in Section II and refer to the Board’s expectation that all proposals meet the following minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

**Adequate Title:** Clear title is required. If clear title is not available at the time of application, then the applicant is required to obtain clear title prior to closing.

**Appraised Value:** The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to LMF appraisal standards (see Appendix C). The appraisal valuation date should be less than a year old at the time of the Appraisal Oversight Committee review, unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Sponsorship:** Applicants must seek sponsorship from BAFRR in advance of submitting proposals. To accomplish this, applicants are encouraged to be in contact with BAFRR as soon as possible and must submit the Project Inquiry Form in Appendix A to BAFRR and LMF no later than May 19, 2023.

**Applicant’s Capacity:** Applicants must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Non-profit applicants must submit their most recent financial audit if one exists and the most recent financial statement that represents the organization’s current financial condition. The BAFRR Review Panel and the LMF Board may consider all relevant factors, including without limitation: organizational debt, fundraising ability, past land conservation activity and transactions, capacity to sufficiently steward and monitor other held lands and easements, track record with LMF projects, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

In addition, the LMF Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Relationship to Local Comprehensive Planning Efforts:** The project must be consistent with an adopted comprehensive plan (if one exists) meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest LMF Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan. A project proposed within a locally designated growth area must be able to demonstrate that the project doesn’t diminish the intent of the designation.

#### IV. Scoring for WFAPP Proposals

All proposals seeking WFAPP funding will be evaluated according to the following criteria.

	<b>Maximum Points</b>
<input checked="" type="checkbox"/> Productive Agricultural Soils	15 points
<input checked="" type="checkbox"/> Agricultural Infrastructure	10 points
<input checked="" type="checkbox"/> Economic Viability	10 points
<input checked="" type="checkbox"/> Significance to Local Economy and Food Systems	15 points
<input checked="" type="checkbox"/> Development Pressure and Threat	20 points
<input checked="" type="checkbox"/> Alternative Use Values and other Public Benefits	15 points
<input checked="" type="checkbox"/> Support for New or Underserved Farmers	10 points
<input checked="" type="checkbox"/> Community Support	5 points
	100 points
<b>BONUS</b>	
<input checked="" type="checkbox"/> Climate Change Adaptation	10 points
<input checked="" type="checkbox"/> Agricultural Management Plan	10 points
<input checked="" type="checkbox"/> Adequately Developed Farm Transition Plans	5 points
	25 points

**Total Possible Points: 125 points**

**1. Agricultural Resources (MAXIMUM POINTS = 15)**

The percentage of soils on the property classified by the United States Department of Agriculture as prime farmland, unique farmland, and farmland of statewide importance and farmland of local importance (“agricultural soils”) and, where applicable, the availability of water sources of sufficient quantity and accessibility to support the productivity of these soils.

	<b>Points</b>
The property to be protected contains a high percentage of agricultural soils with ample water and these areas are currently devoted to agricultural uses;	11-15
The property includes a moderate percentage of agricultural soils, or a higher percentage but with significant areas in non-agricultural uses such as forest.	6-10
The property includes only a limited area of agricultural soils, productivity is limited by the availability of water, and/or the bulk of the property is in non-agricultural uses.	0-5

**Score: \_\_\_\_\_**

**2. Agricultural Infrastructure (MAXIMUM POINTS = 10)**

The agricultural structures and improvements associated with the working farmland property. This can include residences for the owner/operator, farm labor housing, greenhouses, barns, shops, processing facilities, farmstands, water systems, or other improvements that enhance the agricultural productivity or economic viability of the farming operation on the property. Note: BAFRR recognizes that lands with minimal infrastructure play an important role in Maine agriculture. Such lands are less likely to score highly in this category but remain eligible for WFAPP funding.

Agricultural infrastructure is in good repair and sufficient to support a variety of current and future agricultural operations on the property. 8-10

Agricultural infrastructure is sufficient to support some agricultural uses (which may include current uses), but other uses would require significant improvements *or* the project complements other protected agricultural endeavors with sufficient and relevant infrastructure elsewhere. 4-7

Agricultural infrastructure is insufficient for most agricultural uses (possibly because the operator has infrastructure at another site), is in disrepair, or would otherwise need substantial investment to support most agricultural uses 0-3

Score: \_\_\_\_\_

**3. Economic Viability (MAXIMUM POINTS = 10)**

The economic viability of the working farmland property in terms of current and potential future commercial agricultural activities in local, regional and statewide markets, as demonstrated by an existing agricultural operation with a history of success, the existence of a business plan, and/or the potential for diverse revenue streams such as agritourism or timber production

The property currently supports an economically viable agricultural enterprise and is expected to continue to do so 8-10

The property supports an economically viable enterprise that also relies heavily on other lands that will not be protected 4-7

The property does not have a demonstrated history of economic viability or the property is in transition to a new enterprise, but appears likely to be viable based on income potential and business planning 4-7

The property does not have a demonstrated history of supporting economically viable operations, and its capacity of doing so is in doubt 0-3

Score: \_\_\_\_\_

**4. Significance to Local Economy & Food Systems (MAXIMUM POINTS = 15)**

The significance of the project to the local agricultural economy and local food systems through the connection of the working farmland property to agricultural services including processors, aggregators and distributors, the number of on-farm jobs supported by the working farmland property, the contribution of the project to local food systems, diversity of enterprises, and pathways to food access, and the proximity of other working farmland properties in the town or region.

Scoring in this category is based on the following four criteria:

Value provided to other agricultural business such as suppliers, processors, aggregators, and distributors	0-4
Number of on-farm jobs created by agricultural enterprises on the property	0-3
Contribution to local markets, diversity of enterprises, and pathways to food access	0-3
Proximity of other working farmland properties	0-5

**Score:\_\_\_\_\_**

**5. Development Pressure and Threat (MAXIMUM POINTS = 20)**

The threat of conversion of the working farmland property such that it would become unavailable for commercial production of agricultural products.

The property is at a demonstrated high risk of conversion to non-agricultural uses, as evidenced by local population growth, documented loss of farmland in the area, or other market-based evidence, AND the proposal presents specific evidence that this property is likely to be converted if WFAPP funds are not secured.	20
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Farmland in the area is at a generally high risk of conversion as shown by market-based evidence, OR there are unique factors making the property subject to a high risk of conversion independent of market conditions	15-19
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Farmland in the area is at a moderate risk of conversion as shown by market-based evidence	7-14
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Farmland in the area is at a low risk of conversion	0-6
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**Score:\_\_\_\_\_**

**6. Alternative Use Values and other Public Benefits (MAXIMUM POINTS = 15)**

The multiple natural resources values associated with the working farmland property,



including open space land, forested land and wetlands; riparian buffers; wildlife habitat; freshwater aquifers, public drinking water supplies, and historic and archaeological resources. To receive points in this category, a project must include an enforceable mechanism to protect the values identified; in most cases, this will be in the form of protections in the agricultural easement.

The project will provide highly significant public benefits in several of the areas listed above, or will provide a single benefit of exceptional significance 13-15

The project will provide highly significant benefits in one or two areas, or moderate benefits in several areas 7-12

The project will provide moderate benefits in one or two areas 1-6

The project does not include protections for any of the public benefits listed above 0

Score: \_\_\_\_\_

**7. Support for New or Underserved Farmers and Communities (MAXIMUM POINTS = 10)**

The extent to which the project will provide support for new or underserved farmers who would otherwise experience barriers to accessing quality agricultural opportunities, as indicated by current ownership of the farmland property being held by a member of an underserved group, the interest of the owner of the working farmland property to make the farmland available via lease or transfer the protected property to another farmer or other farmers to advance the department's goal of preserving and increasing access to farmland for new and growing farms and/or whether the applicant is from or serving an underserved or underprivileged community as defined by the department. BAFRR recognizes that applicants may take many different approaches to projects that will benefit these groups in the present and future and encourages applicants to explain the tools they plan to use.

For the purpose of scoring proposals, BAFRR will use the following definitions:

- A “new or beginning” farmer is one who has not operated a farm or ranch or who has not operated a farm or ranch for 10 or more consecutive years.
- “Underserved or underprivileged community” is defined as one or more of the following groups whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities, (7 U.S.C. § 2279(e)) and/ or who have historically been underrepresented in receiving financial assistance provided by the USDA’s grant and loan programs. Groups include, but are not limited to:

- African Americans
- American Indians or members of Tribal Nations

- Alaskan Natives
- Asians
- Hispanics
- Pacific Islanders
- Refugees and Immigrants

Additionally, “underserved farmers” include producers who served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve component thereof; and were released from service under conditions other than dishonorable; and has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years.

The property is currently owned or operated by a new and/or underserved farmer and the proposal includes a mechanism to ensure that new and/or underserved farmers access agricultural opportunities on the property in the future 10

The proposal includes a mechanism to ensure that new and/or underserved farmers can access agricultural opportunities on the property in the future, but the property is not currently owned or operated by a new and/or underserved farmer. 6-9

The property is currently operated by a new and/or underserved farmer, but the proposal does not identify a mechanism for ensuring that new and/or underserved farmers will continue to have access to agricultural opportunities on the property. OR the property is not owned or operated by a new or underserved farmer, but the proposal provides clear evidence that the project will provide other benefits to underserved communities, such as access to local agricultural products or outdoor recreation opportunities. 1-5

Benefits to new farmers or underserved communities are unclear or incidental 0

**Score:**\_\_\_\_\_

**8. Community Support (MAXIMUM POINTS = 5)**

The degree of community support for the proposed protection of the working farmland property, as indicated by support for farmland preservation in local planning and ordinances, letters of support from community leaders or elected officials, and/or active community programs connecting residents with farms. (0-5 points)

**Score:**\_\_\_\_\_

**BONUS CRITERIA**

**Adequately Developed Farm Transition Plans (MAXIMUM POINTS = 5)**

Up to 5 points may be assigned to projects that have demonstrated planning and foresight in how land transfer or transition away from the current owner may function.

### **Climate Change Adaptation (MAXIMUM POINTS = 10)**

Proposals that include information on how a successful application would advance DACF's goal of supporting climate-conscious agricultural principles will receive bonus points in this category. Applications that can demonstrate existing and planned practices aimed at maximizing carbon sequestration, minimizing carbon emissions, and preserving climate-resilient habitat will qualify for bonus points in this category.

Note to applicant – BAFRR recognizes there are myriad ways to address climate resilience and adaptation on working farmlands and in associated forest and habitat areas and encourages applicants to share what strategies are currently in use, identify future strategies with high potential for success on the property, and explain how the applicant and landowner will ensure climate-friendly practices are used on the farm in the future. BAFRR will continue to develop guidance and serve as a resource to applicants and landowners seeking to incorporate these practices in their projects.

### **Agricultural Management Plan (MAXIMUM POINTS = 10)**

Proposals that commit to adopting the Agricultural Principles described in the Agricultural Easement Guidelines in Appendix D, and incorporating an Agricultural Management Plan ensuring that agricultural operations on the property are consistent with the Agricultural Principles will receive bonus points in this category. To receive maximum points, the proposal should include details about current and planned management practices that further the Agricultural Principles and demonstrate the applicant's capacity to work with the landowner and agriculture/conservation professionals in developing, monitoring, and enforcing an Agricultural Management Plan.

### **OTHER CONSIDERATIONS OF THE REVIEW PANEL AND LMF BOARD**

- Does the property increase geographic distribution of WFAPP investments?
- Does the property serve as an anchor parcel for farmland protection in an area of the state without existing protected farmland?
- Does the budget include >50% in matching funds?
- Are >50% of matching funds secured (in hand)?
- Does the relative cost of the property (WFAPP contribution or estimated value?) align with the values offered by the property? (a good bang for the buck?)
- Will the property require an average or low level of ongoing management needs? In the case of conservation easements, sufficient matching funds are needed to monitor and enforce the easement.
- Does the applicant have a good track record of completing projects to LMF standards?
- Is this a new applicant?
- Does applicant demonstrate financial & staff capacity to adequately steward the property?

- Is there a likelihood of environmental contamination on the property that would impact agricultural use?
- Does the project design result in a good investment of public funds and a good resource for the public? (Note: Unlike other LMF funded properties, LMF statutes do not require guaranteed public access on farmland properties. However, the Review Panel may consider information included in the application regarding diverse ways the public may access the protected property, with landowner permission and in accordance with other priorities of LMF and WFAPP programs, e.g. hunting/fishing/trapping access, motorized and non-motorized recreational trails, agritourism, on-site retail, or educational programs. BAFRR understands that public access is not always suitable on all farms due to food safety requirements or public safety concerns and applications will not be penalized if public access is not appropriate.)

## V. Proposal Instructions

All Farmland Protection Proposals must conform to the following format, and include: the text of your proposal, maps, aerial photos, and supporting information to fully describe the property, the farm and the farmland protection goals.

A template of this format is available from the Bureau of Agriculture, Food and Rural Resources, by emailing [alexander.redfield@maine.gov](mailto:alexander.redfield@maine.gov) or calling (207) 592-0640.

Submit an electronic PDF and ten printed copies of your proposal to:

Bureau of Agriculture, Food and Rural Resources  
90 Blossom Ln. Augusta, ME 04333  
ATTN: Alex Redfield

**Section 1 COVER SHEET** – Photo, Farm Name, Project Name, Applicant Name, Date

### Section 2 PROPOSAL

**1) Applicant Information**

Name, address, and phone number of the land trust, town or other proposed and qualified easement holder and the primary contact person for the proposed project.

**2) Farmland Owner(s)**

Name(s), address, phone number, fax, e-mail & website (if applicable).

The Proposal's first appendix should be the landowner's letter indicating their willingness to sell development rights in exchange for the grant an agricultural conservation easement to the Applicant.

**4) Date of Application**

**5) Project Title/Name of Farm**

This is the name by which your proposal will be catalogued by Program staff.

**6) Location of the Project – Town and County**

**7) Size**

Acres to be protected and indicate fee or easement.

**8) Project Partners**

List the other organizations or entities supporting this project. Include name, address, phone number, and e-mail.

9) **Names of individuals knowledgeable about the farm site and this proposal.**

List the names of agricultural service professionals who can speak directly to the farm's productive assets, farm values, and significance to regional and local markets, and include a telephone or email where each of them can be reached.

10) **Status of Title**

Clear title is required prior to closing. Provide a brief status of title and documentation if available.

11) **Financial Summary**

Use the form in Appendix B. Note: the Board will not consider a proposal with an incomplete budget.

12) **Project Description**

A 3-5 paragraph narrative description of the proposed farmland protection project, including past, present and future uses of the farm that establishes the context for the protection effort and a clear articulation of the farmland owner's and land trust's goals.

13) **Location Information**

Provide a selection of easy to read maps no larger than 11"x 17" including:

- Maine Atlas Base Map - showing project location and regional perspective
- USGS Topographic Base Map - showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands
- Aerial Photo - showing project location, boundaries, buildings, land use types
- Other Maps as Appropriate – showing, for example, significant wildlife habitat, endangered species, significant natural communities, outstanding physical features, proposed public access, trails, etc., the context of the project within a greenbelt plan, comprehensive plan, etc.
- NRCS Soil Survey map of the property
- Copy of the recorded deed, including book and page reference of subject property.

14) **Productive Farm Assets (25 points)**

Provide information regarding the current and future productivity of the farm. This should include, but is not limited to, the acreages for all agricultural soil classifications (prime, statewide important, locally important, and unique soils), including soils that are productive for crops that do not rely on prime agricultural soils. Other information to include in your proposal; natural resources which currently provide or have the potential for generating income, such as a sugar bush, woodlot, a farm stand, a mixture of crop, hay, and pasture land, and/or other such diversified farm enterprises. Also, please describe any existing ponds, wells, and other infrastructure used for crop irrigation, water bodies, wetlands, and the types and uses of farm structures and other agricultural infrastructure on the property. Note whether there is an existing NRCS Conservation Plan, Forest Management Plan prepared by a licensed Maine Forester,

or similar plan designed to support sustainable management of natural resources and when they were last updated. Include photographs of the farm and its infrastructure.

**15) Current and Emerging Threats to Conversion (20 points)**

Indicate the degree of threat to farmland as reflected in the patterns and trends of development within a town or region. Indicate the time frame in which these threats exist. Include one or more of the following to document the potential for conversion to non-farm uses: a) full fair market value appraisal, with, if applicable, before easement and after easement values; and/or (b) the number of subdivision permits issued, the number of new house lots approved, the number of building permits issued in the town or township during the previous two years. The town office can be a good source for this information. If there are specific factors affecting the likelihood of this farm being converted to non-agricultural use, explain those factors in your proposal.

**16) Economic Viability (10 points)**

Document the potential for the property to support an economically viable farm, as evidenced by a history of successful agricultural operations on the property, the market value of agricultural products produced, the number of wholesale, retail, and customer accounts, and the potential of the property to support diverse revenue streams such as agritourism, timber production, maple sugaring, or other revenue not directly related to its agricultural productivity. If the agricultural operation on the property also utilizes on land or infrastructure elsewhere, describe these additional resources and explain the significance of this property to the overall operation. A business plan is not required, but if available is valuable to the Review Panel in assessing the viability of agricultural operations on the property.

**17) Significance to Local Economy & Food Systems (15 points)**

Document the farm's contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and number of people employed on the farm. Note the geographic range of the distribution of the farm products and other factors that will help the Review Panel determine the significance of the farm enterprise in maintaining the farming infrastructure within a region or locality. Indicate whether the farm sells, or has the potential to sell, a quantity of products to meet local or regional consumer demand, or the needs of other farmers, and is important to maintaining the local services infrastructure because of its use of these resources.

**18) Alternative Use Values and other Public Benefits (15 points)**

Provide information about any multiple natural resources values associated with the working farmland property, including open space land, forested land and wetlands;

riparian buffers; wildlife habitat; freshwater aquifers, public drinking water supplies, and historic and archaeological resources. Also provide details of whether and how these resources will be protected by the proposed conservation easement or other elements of the project structure.

Be specific about these values and how they will benefit or be permanently protected through your proposal. Provide supporting documentation (e.g., reports from the Maine Natural Areas Program, research papers, Town reports, open space inventories).

**19) Community Support (5 points)**

Community support at the local and regional level significantly furthers BAFRR's investment and vision for farmland protection. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity [the local plan itself should be consistent with the State's Growth Management Act]; adoption of land use ordinances designed to protect prime farmland soils and/or farming activity; property tax incentives that encourage/help farmers stay in farming; or zoning that encourages development to take in growth areas or the like. Other initiatives also include support for locally produced produce, such as its local distribution to individual and/or institutional buyers; the establishment of farmers' markets and relationships between local farmers and school programs.

Be specific in describing community support for farming and how this farm engages with any relevant programs. Provide documentation in the form of letters of support, copies of town zoning ordinances, excerpts from a comprehensive plan, etc.

**20) Existing or Potential Support for Beginning and/or Underserved Farmers (10 points)**

DACF recognizes the importance of supporting a new generation of farmers and food producers in accessing quality farmland and recognizes that certain segments of the population have faced additional barriers in accessing state and federal support. Projects that can demonstrate capacity or potential to support new and/or underserved farmers and communities (see Section IV for definitions) will receive favorable consideration from the BAFRR Review Panel and LMF Board. Indicate how your project does or does not seek to provide support to these groups either currently or in the future. Consider providing documentation in the form of a Board- ratified program description, memo or letter from the landowner affirming shared commitment to supporting new or underserved farmers, photos or testimony from farmers who have participated in existing new/underserved farmer programs, etc.



Additionally, census data or demographic information demonstrating proximity to eligible communities could be included.

**21) Climate Change Adaptation (10 bonus points)**

Describe whether your proposal will help prevent or mitigate impacts from climate change. This may include existing or anticipated management of fields or forest on the property to maximize carbon sequestration, minimizing carbon emissions, and preserving climate-resilient habitat, as well as any other climate benefits that can be identified with supporting documentation. Include information about any anticipated easement provisions, management plans, or other mechanisms to ensure that the property continues to be managed to provide these benefits.

**22) Agricultural Management Plan (10 bonus points)**

Explain whether your project will include an enforceable Agricultural Management Plan or comparable mechanism ensuring that that agricultural operations on the property are consistent with the Agricultural Principles described in the easement guidelines in Appendix D. Describe existing or planned agricultural practices in support of these principles and what mechanisms will be used to ensure these practices are continued by current and future farmers. Explain what resources and expertise your organization will draw on in working with farmers to identify appropriate management practices for inclusion in an Agricultural Management Plan and in monitoring and enforcing compliance.

While an Agricultural Management Plan is not required for WFAPP projects, many of the potential benefits of WFAPP projects are dependent on management practices. Regardless of whether your project will include an Agricultural Management Plan, your proposal should include as much information as possible about the mechanisms that will be used to ensure that the agricultural and other resources identified in your proposal are protected under future management.

**23) Farm Transition Plan (5 bonus points)**

Describe any plans that are in place for transitioning into new ownership and/or operation of the farm. Describe any existing or planned agreements, contracts, leases, estate plans, or other legal frameworks under which the transition will take place. Include an explanation of any mechanisms intended to support new and/or underserved farmers. If the identity of the next owner/operator is known, explain that person's connection with the property.

**24) Anticipated management and costs**

Provide the following information about planned management of the property:

- A description of the management envisioned for the property for the first 10 years following acquisition.

- If acquiring a conservation easement (instead of fee simple ownership), a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the applicant/easement holder;
- If the applicant/easement holder will have any management responsibilities, estimates of the costs to the applicant/easement holder of managing the land for the uses proposed in the proposal; and
- Estimates of the costs associated with monitoring compliance with an easement and how these expenses will be met.

**25) Project Readiness**

Describe whether your project is ready to proceed to closing if selected as a finalist, based on the following criteria:

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement meeting WFAPP’s requirements (the draft easement need not be included in your proposal, but should be provided to LMF and BAFRR staff for review);
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- An appraisal meeting LMF standards is submitted with the proposal or has been ordered and will be completed before the LMF Board meets to review proposals.

**26) Organizational capacity**

Describe the applicant’s capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board will consider all relevant factors including without limitation: level of debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Non-profit applicants should submit their most recent financial audit or most recent financial statement that accurately represents the organization’s current financial condition. Describe the proposed title or easement holder’s ability, experience, and resources to manage the property appropriately.

## **VI. Completion Requirements for Approved Projects.**

Once the Board approves recommended projects for funding, all projects must meet a set of Standard Conditions. In addition, the Board may place Special Conditions which must be addressed before WFAPP funds are released. Unless specifically waived by LMF, applicants are responsible for completing all of the following items to the satisfaction of the LMF Board.

Additional follow-up actions may be required to resolve issues identified during due diligence and ensure that the project will accomplish the purposes of WFAPP funding.

The time required to complete a project once it is selected for funding varies greatly, particularly on conservation easement projects where easement language must be agreed to by the applicant, the landowner, the State, and possibly other funders such as NRCS. The easement drafting process often involves multiple cycles of revision by each party. Other factors affecting the time needed to complete a project include the availability of matching funds and the time needed by the applicant to schedule and complete the necessary due diligence. In general, applicants who complete as many of the items below as possible before or immediately after applying to the WFAPP will be able to complete their projects more rapidly. Applicants are encouraged to discuss their anticipated timelines with BAFRR and LMF staff prior to applying.

### **Due Diligence**

- Appraisal to determine fair market value. All appraisals for acquisition of fee or easement must be reviewed and accepted by the Appraisal Oversight Committee, and its recommendation must be approved by the full Board. See appraisal standards in Appendix C. Meeting dates of the Appraisal Oversight Committee and LMF Board are announced in advance and can be found on the LMF website. Appraisals should be submitted to LMF at least two weeks before the Appraisal Oversight Committee meets in order to be reviewed.
- If your project involves the acquisition of a conservation easement, the easement should be drafted in a form consistent with the WFAPP Model Easement and provided to the appraiser prior to the appraisal. See Appendix D, Agricultural Easement Guidelines.
- Applicant prepares draft Purchase and Sales Contract with all appurtenant conditions, to be reviewed and approved by LMF staff (if the property is not under contract at the time of the proposal).
- Elected officials approve (organized townships) if project represents more than 1% of a municipality's state valuation or County Commissioners approve (unorganized townships) if the land proposed to be acquired constitutes more than 1% of the state valuation within the county. The letter of approval should acknowledge that the project represents >1% of relevant valuation.
- Applicant completes title work and obtains a title commitment identifying all existing encumbrances on the property, including those that will be removed at or prior to closing. Source documents for all encumbrances, as well as deeds showing current ownership, must be provided for LMF review. The property may not be encumbered

by any lien, mortgage, third-party mineral rights, or other obligation that in the Board's exclusive judgment could interfere with the conservation purposes of the project. All applicants are required to obtain title insurance for the full appraised value of the land or interest in land that is acquired. NOTE: Most title commitments include an exception for matters that could be determined by a survey (such as boundary encroachments). LMF requires that this "survey exception" be removed or, if removal is not possible, that the absence of encroachments is documented.

- Complete an acceptable boundary survey suitable for recording (should be recorded prior to closing) and ensure that all property corners are monumented. The surveyor should also provide a metes-and-bounds legal description of the property, provide a surveyor's affidavit to applicant's counsel specifying that the property is free of encroachments, and provide LMF with a GIS-compatible electronic version of survey (so called "Shape" or ".SHP" files, showing the property as a polygon feature).
- Applicant conducts Phase I Environmental Site Assessment (ESA) meeting the requirements of the then-current applicable American Society for Testing and Materials standard. The ESA should be scheduled so that it is no more than 1 year old at the time of release of WFAPP funds. ESA reports older than one year will need an update.
- Based on legal interest to be held, LMF staff, applicant, and BAFRR representative develop the LMF Project Agreement. The Project Agreement contains standard provisions adopted by LMF as well as specific provisions for management or use of the land necessary to protect the agricultural productivity or other conservation values identified in the proposal. The Project Agreement will be executed by the applicant prior to closing and recorded simultaneously with the deed or conservation easement.
- If applicable, the applicant prepares a management plan for the property to be acquired for approval by BAFRR.
- For conservation easement projects, the applicant prepares baseline documentation for review prior to closing.
- Documentation of matching funds provided by applicant as presented in the proposal.

## **Closing**

- The applicant is responsible for preparing a closing agenda, closing statement, and closing materials for approval by LMF. In addition to conveyancing documents to be recorded and other typical closing documents, this should include, at a minimum:
  - Certificate of corporate good standing (for non-governmental applicants)
  - Certificate of corporate authority
  - Confirmation that property taxes are paid in full
  - Final title insurance commitment for appraised value (not purchase price)
- Funds will be placed in escrow with the closing attorney according to escrow instructions provided by LMF. This requires that the closing attorney be entered in the State of Maine system as a vendor. LMF will work with the closing attorney to ensure this is done and order funds for closing. Note that the applicant is responsible for all closing costs, however.
- Prior to disbursing WFAPP funds, the closing attorney must update title to the time of recording and confirm that all closing documents are recorded correctly.

## **Post-Closing**

- The closing attorney should return the original recorded Project Agreement to LMF and all other original documents to the applicant
- Within 30 days of closing, the closing attorney provides LMF with the final closing package including all executed and recorded documents
- LMF will provide signs that are required to be displayed on the property
- The applicant should prepare a press release to be approved by LMF
- LMF will arrange for ecological and/or archaeological surveys to assess any features of the property that may require special management
- LMF will provide information about applying for Access Improvement Grants, farm business planning and capital improvement grants, and stewardship endowment funds
- The applicant is responsible for crediting LMF in press releases, maps, brochures, websites, and other communications about the property
- If there is a Project Agreement, the applicant is responsible for providing annual reports to LMF and to BAFRR.

# Appendix A

## WFAPP Inquiry Form

### POTENTIAL PROJECT INFORMATION:

Property name: \_\_\_\_\_ Date: \_\_\_\_\_

Property Location: Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Applicant name: \_\_\_\_\_

#### **Inquiry Contact Person:** *(please list full name and mailing address)*

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Town & State: \_\_\_\_\_  
(Tel.#) (E-Mail) \_\_\_\_\_

#### **Landowner:** *(please list full name and mailing address of landowner):*

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Town & State: \_\_\_\_\_  
(Tel. #) (E-Mail) \_\_\_\_\_

#### **Potential Partners** *(e.g. Conservation Commission, Federal Agency, local Land Trust or Non-profit Org.)* *(Mailing Address, telephone #)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Project Size** *(Farmland acres)* \_\_\_\_\_ *(Total acres)* \_\_\_\_\_

**Type of Project:**  Acquisition in Fee     Conservation Easement     Combination of both

#### **Additional Resources to be Protected:** *(Please check all that apply.)*

- Water Access Land -     Inland     Coastal
- Areas of Scenic Interest and Prime Physical Features
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat
- Open Space
- Ecological Preserve
- River or Trail System
- Island or Undeveloped Coastline
- Significant Mountain

**PROJECT DESCRIPTION:**

Provide information regarding the suitability for public acquisition, special features, and proximity to existing public lands, and anticipated ownership of project lands. Describe current agricultural use and management of the property. (250 words recommended – no additional space provided.)

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**Note:** Please attach the following:                     Site Location Map  
Property Boundaries on USGS Topographic Map  
NRCS Soil Map showing agricultural soils

All owners of land being proposed to WFAPP are willing sellers and have full knowledge that their property is being presented to the Land for Maine's Future Board for consideration. If this project is presented to the LMF Board we will need a letter of consent from the owner(s).

Submit your completed form to LMF and to BAFRR.

Land for Maine's Future  
22 State Houe Station  
Elkins Building  
Augusta, ME 04333-0022  
(207) 287-7532  
[LMFSubmissions.DACF@maine.gov](mailto:LMFSubmissions.DACF@maine.gov)

Alex Redfield, Agricultural Resource Division  
Deering Building, 90 Blossom Lane  
Augusta, ME 04333  
(207) 592-0640  
alexander.redfield@maine.gov

# Appendix B

## WFAPP Project Budget

The following format should be used to present the budget for the proposed project. Please consult with LMF staff with any questions, and prior to modifying this form. Proposals with incomplete budget information will not be accepted for Board consideration.

**Project Name:** \_\_\_\_\_

### PROJECT PARCELS

List all parcels included in this project, including pre-acquired or match parcels.

PARCEL NAME	VALUE	ESTIMATED/APPRaised
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
<b>TOTAL LAND VALUE</b>	<b>\$ _____</b>	
<b>LMF ACQUISITION FUNDS REQUESTED</b>	<b>\$ _____</b>	

(May not exceed 50% of land value)

### ACQUISITION MATCH

List all bargain sales, match parcels, or funds applied directly to the purchase of land.

Do not include funds that will be applied to other project costs.

MATCH SOURCE	AMOUNT	PENDING/SECURED
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
<b>TOTAL ACQUISITION MATCH</b>	<b>\$ _____</b>	

### STEWARDSHIP FUNDS

In Round 11, applicants may request WFAPP funds to be placed in a stewardship endowment. The maximum award amount is 5% of the first \$200,000 of land value in your project, then 2% of land value over \$200,000, to a maximum of \$25,000. These awards must be matched 1:1 with the applicant's stewardship funds unless the LMF Board's approves alternate match as described in Section 1.

<b>LMF STEWARDSHIP FUNDS REQUESTED</b>	<b>\$ _____</b>
<b>APPLICANT'S MATCHING STEWARDSHIP FUNDS</b>	<b>\$ _____</b>
<b>TOTAL STEWARDSHIP ENDOWMENT</b>	<b>\$ _____</b>

### PROJECT TOTALS

<b>TOTAL PROJECT COST (LAND + STEWARDSHIP)</b>	<b>\$ _____</b>	<b>100%</b>
<b>TOTAL LMF FUNDS REQUESTED</b>	<b>\$ _____</b>	<b>_____%</b>
<b>TOTAL MATCHING FUNDS</b>	<b>\$ _____</b>	<b>_____%</b>



# Appendix C

## LMF Appraisal Standards

### Instructions for Applicants and Appraisers

#### General Requirements

The Land for Maine's Future Program requires that all appraisal reports comply with the most recent edition of the USPAP and Appraisal Standards required by LMF. For proposals using other sources of funding (e.g. federal), additional appraisal standards may be required for those programs (e.g. Yellow Book). If a Yellow Book appraisal is submitted, the Applicant must submit a copy of the appraisal review and any documentation of its acceptance by other agencies. Any appraisal submitted to LMF must be conducted by a Maine Certified General Appraiser with an active license in good standing.

#### Appraisal Standards

For LMF's purposes, an acceptable appraisal must:

- 1) Be in the form of an Appraisal Report. A Restricted Appraisal Report or "form" appraisal is not acceptable. The Appraisal Report must be in the form of a complete, USPAP-compliant appraisal report, clearly written and reasoned and containing sufficient narrative to describe the data collection and analysis so that non-Appraisers can understand how the valuation conclusion was derived. "Sufficient narrative" for LMF as an intended user includes:
  - a) A Title Page
  - b) A Transmittal Letter (including specification that landowner or designated represented was provided the opportunity to participate in the inspection, summary of appraisal assignment, size of property, effective date, estimated value, and statement that the appraisal meets LMF standards).
  - c) A Table of Contents
  - d) A summary of important facts and conclusions
  - e) Each sale discussed in the narrative *as well as* presented in table or grid form, showing adjustment for times, size, location, appeal, soils, improvements (buildings, etc.) and circumstances of the transaction that may affect value (as applicable to type of subject).
  - f) A discussion of any document included within the report material to the appraiser's conclusions.
  - g) A clear description of the appraiser's approach, reasoning behind decisions, and resulting conclusions.

- h) An Addendum containing:
- A **legible** site map of the subject showing all relevant features with "North" clearly identified. A copy of a survey map is best but, in the absence of a survey, a tracing of the property boundaries from an ortho-photo is preferred.
  - A map showing the location of all comparable sales and listings.
  - Photographs of subject and all recent comparable sales
  - Citations to applicable portions of zoning ordinances, by-laws, and other local regulations
  - Wetlands or flood plain map, if applicable. If these are present, you **must** delineate boundaries within the subject property.
  - Statement of any limiting conditions
  - Appraiser's qualifications
  - Copy of recorded deed
- 2) Comply with ALL applicable standards. LMF will accept appraisals that comply with USPAP as well as any additional standards appropriate for a given transaction, e.g., Treasury Regulations for gifts/bargain sales and/or the Uniform Appraisal Standards for Federal Land Acquisitions ("UASFLA" a.k.a. "Yellow Book").
- 3) Appropriately identify the property and address any enhancement or larger parcel identification issues pursuant to the relevant standards. Any added value accruing to reserved lots, abutting land or lands in the same neighborhood under related ownership as a result of the conservation acquisition must be considered.
- 4) Address the appropriate Client. The appraisal must identify the "Client" as the purchaser of the property, another project partner that does not have an ownership interest in the property being acquired, **or** the seller and the purchaser **jointly**. However, in the case of a Yellow Book appraisal with an accompanying appraisal review, the seller may be identified as the only Client.
- 5) Intended User. The Land for Maine's Future must be identified as an additional Intended User (also satisfactory is State of Maine, DACF, DIFW, DMR or Maine Historic Preservation Commission).
- 6) Review. The appraisal *may* be subject to Compliance Review by a third-party Appraiser.
- 7) Sales between Private Entities. LMF requires that the direct sales comparison approaches to valuation include at least three properties and be accomplished

primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or nonprofit conservation owners, the use of the sale must conform to the UASFLA.

- 8) Hypothetical Conditions. In the unusual instance when an appraisal analysis includes Extraordinary Assumptions or Hypothetical Conditions, the applicants and Appraiser should discuss the approach taken with the LMF project manager and Director prior to finalizing the appraisal. This does not apply in the case of conservation easement appraisals where the “after” situation is generally considered a hypothetical condition.
- 9) Appraisal Report Presentation. Applicants may submit electronic PDF-format appraisals. Applicants must submit an electronic copy and six hard copies of each appraisal report.
- 10) Subject Property Sales History. The appraisal report must include a ten-year history and analysis of conveyances of the subject property and must include and analyze the last deed of conveyance in an addendum.
- 11) Value Conclusion. The Appraiser shall state a single value in the reconciliation, not a range of value.
- 12) LMF Standards Met. The appraisal must include a statement that the appraisal meets LMF Appraisal Standards.
- 13) Public Availability. Appraisals received by LMF are public documents and should not contain statements limiting public availability.
- 14) Conservation Easements – Additional Requirements.
  - The proposed conservation easement or other similar protection agreement must be included in an addendum. **In order to ensure an accurate valuation, the draft easement must be complete enough that it clearly states what rights are being retained and what rights are being conveyed and restricted.** This easement should be reviewed with the LMF project manager before being used for the appraisal. Appraisers may include an extraordinary assumption, stating that “assignment results may be affected if the recorded deed differs from the draft deed of conservation easement that was appraised, and I reserve the right to prepare a new appraisal if necessary.”
  - A careful discussion of the proposed restrictions should be included in the after- value analysis.

- Any improvements, including reserved building rights and their envelopes allowed in restrictions, must be discussed in the appraisal and shown on the map of encumbered land.

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<sup>3</sup> Appraiser may use a form such as the Appraisal Institute Land Appraisal Report form, the FNMA vacant land form FW- 68, or other *equivalent* forms they may have available. If a form is utilized, please include MLS sold/listing sheet for each comparable sale or listing.

# Appendix D

## Agricultural Easement Guidelines

This document lays out the standard restrictions and reserved rights that are expected in easements acquired with LMF funding and which are found in the full LMF agricultural easement template. These easement terms are summarized here for the benefit of applicants and landowners in developing a project proposal, but reference should be made to the easement template for definitions, limitations, exceptions, and specific language.

These guidelines include several provisions that are marked as optional. Some of these are optional at the discretion of the applicant, but others are required if the project proposal includes protection of public benefits such as wildlife habitat. The project proposal should indicate when optional provisions will be included.

If an applicant requests funding for an easement with provisions substantially different from those described below, the project proposal must explain the altered provisions and why they are consistent with the purposes of LMF farmland preservation funding. Such proposals are discouraged, but may still be eligible to receive LMF funding if the LMF Board and BAFRR determine that the proposal is consistent with the purposes and policies of LMF. Consultation with LMF and BAFRR staff prior to requesting funding for an easement that will deviate from these guidelines is strongly advised.

These provisions should be considered minimum requirements. Applicants may include easement provisions that will provide greater protection to the agricultural or conservation values of the property than those below. The project proposal should identify the enhanced provisions, and such proposals may receive preferential scoring if the Board agrees that the changes will increase protection.

### **Easement Purposes**

- Preserve the opportunity for productive agricultural uses of the property by prohibiting incompatible uses and development.
- Preserve water quality, wetlands, and riparian areas
- Preserve wildlife habitat, natural areas, and open space on the property to the extent that such preservation is consistent with the agricultural use of the property
- [OPTIONAL] Protect significant wildlife habitat, natural communities, or other ecological resources (this purpose must be included to receive a scoring preference for protection of these resources)
- [OPTIONAL] Preserve the scenic values of the property for the general enjoyment of the public
- [The easement may recite additional purposes if they are appropriate to the project design.]

### **Property management plan [OPTIONAL]**

To ensure that permitted uses of the property are carried out in a manner consistent with the purposes of the easement, applicants may choose to accompany the easement with a property management plan that includes specific practices the landowner will follow in the course of agriculture, forestry, and other permitted management activities (at a minimum, a forest management plan is required if commercial forestry will take place on the property). When approved by both parties, the management plan is incorporated into the easement by reference, and the management requirements of the plan apply as though they were included in the easement itself. Unlike the easement, a management plan can be amended at any time by agreement between the landowner and the easement holder, allowing for flexibility in management as best practices or land use goals change. If a management plan will be developed, applicants should plan to have the initial management plan in place before closing on the easement.

**Agricultural Principles.** Projects that will include an agricultural management plan with enforceable provisions to allow the easement holder to ensure that agricultural management of the property is consistent with the following principles will receive preference in scoring.

- (i) Protection and enhancement of the sustained ability of the property and its soils to support productive agricultural uses now and in the future.
- (ii) Protection and enhancement of soil health on the property as evidenced by increased soil organic matter, healthy soil structure and topsoil horizons, water and nutrient retention capacity, and biological and microbiological diversity and activity within the soil.
- (iii) Protection of wildlife habitat and unique natural areas; in particular, any Habitat Protection Areas identified in the easement.
- (iv) Preservation of wetlands, water quality, and riparian areas with specific practices to safeguard against nutrient runoff and water body contamination.
- (vi) Limited and appropriate utilization of external inputs such as pesticides and fertilizers.
- (vii) Incorporation or adoption of other stewardship and resource protection plans, including but not limited to a Nutrient Management Plan, Conservation Stewardship Programs plan etc.
- (viii) [OPTIONAL] Mitigation of climate change via sequestration of carbon in agricultural soils, reduction of greenhouse gas emissions, adoption of water conservation infrastructure, equipment, or practices in on-farm irrigation or other water use.

### **Affirmative rights of the easement holder**

- Enforcement of the provisions of the easement
- Access to the property for monitoring
- Mowing to keep designated fields open
- [OPTIONAL] Habitat restoration/management in designated areas of the property (may be required if the proposal includes protection of habitat resources that require management – consultation with the Department of Inland Fisheries and Wildlife and/or the Maine Natural Areas Program is recommended)

## **Farmstead areas**

Rather than designating building envelopes within the easement, LMF strongly recommends excluding farmstead areas, or other areas where improvements are concentrated, from the easement entirely. This avoids the challenges of trying to anticipate and draft for all the possible improvements and uses in these areas, as well as the stewardship costs associated with monitoring these uses. If this approach is used, LMF requires that the farmstead area be encumbered with a covenant preventing it from being transferred separately from the easement area. This ensures that necessary agricultural infrastructure remains in the same ownership as the protected farmland without imposing undue restrictions in the farmstead area. The outline below assumes the easement takes this approach and assumes that many of the uses and improvements prohibited within the easement area will be located within this excluded area. Applicants are encouraged to seek feedback from BAFRR and LMF staff on best practices regarding farmstead area determinations in advance of a final proposal submission.

At the applicant's discretion, the farmstead area may instead be included in the easement. In this case, the LMF easement template will need to be modified with appropriate provisions addressing uses and improvements within this area. In general, any use of the farmstead area that is consistent with the purposes of the easement is permissible, but the need to draft language acceptable to all parties may delay project completion. However, there is no scoring preference for projects taking one approach over the other.

## **Restrictions and reserved rights**

The following is a general summary of the provisions that are included in the LMF agricultural easement template. The full text in the template, however, includes definitions, exceptions, limitations, approval requirements, and other details that are omitted here, and it is that full text that LMF-funded easements are expected to incorporate. Applicants and landowners should review the full text and consult BAFRR staff with any questions.

- **Purchase of Development Rights.** As a condition of funding, the property may not be used, altered, or developed in a manner that precludes its availability for commercial production of agricultural products
- **Agricultural use.** Agricultural uses, including farming, grazing, orchards, etc., are allowed, as is agritourism on the property, but sod farming or other practices that remove topsoil from the property are prohibited. The property management plan must include provisions regarding agricultural and conservation practices to ensure that management is consistent with the land's long-term productivity and the purposes of the easement. There need not be an affirmative obligation to farm the property, but there should be at least an affirmative obligation to keep existing fields open rather than allow them to revert to forest if not farmed, except with the approval of the holder and BAFRR in order to improve the viability of the agricultural operation or accomplish other purposes of the easement such as carbon sequestration or protection of water quality.

- **Forest and vegetation management.** Forest management on the property is permitted, provided that commercial forestry is subject to a forest management plan that has been submitted to the easement holder and BAFRR for review. Smaller-scale noncommercial management is permitted without a forest management plan.
- **Subdivision.** Subdivision, partition, separate sale of component parcels, etc., is prohibited. No portion of the easement area may be transferred or encumbered separately from the whole. If the farmstead area is excluded from the easement, a covenant must be placed on it to make it subject to the same restrictions on subdivision as the easement area. An exception may be made for creating a separate parcel within the farmstead area if local zoning requires a separate lot to construct farm labor housing or if the applicant can demonstrate the viability of smaller, subdivided farm operations *and* that creating subdivided parcels would contribute significant benefit to other policy objectives as outlined in the WFAPP workbook. Such exceptions require approval from BAFRR and may be subject to further conditions from LMF and BAFRR
- **Leases.** The property may be leased, in whole or in part, for permitted uses. Tenants must be notified of the requirements of the easement (and management plan, if applicable).
- **Structures and improvements.** Stacking pads for manure or feed are permitted, as are temporary structures and improvements for agricultural or forestry uses. Permanent structures within the easement area are prohibited, except that permanent agricultural structures may be permitted with prior approval of the holder and BAFRR as to design and location if they cannot practicably be sited on grantor's reserved land. (Note to applicants - unlike NRCS, WFAPP does not require a specific limit on impervious surface areas, but this limit may be included if the project also receives NRCS funding or if the applicant prefers to include a limit. Proposals to protect farms with large areas of impervious surfaces should explain how this is consistent with the agricultural viability of the property, however.)
- **Fencing.** Existing fences may be maintained, and new fencing may be constructed.
- **Signs.** Signs are prohibited in the easement area (or outside the farmstead area if this is included in the easement).
- **Mining.** No mining, quarrying, etc., is permitted, except for removal of material incidental to an allowed use. Limited borrow pits may be permitted on the property to provide material for permitted roads or structures for on farm use only (Note to applicants – use of material on adjacent or nearby properties under the same ownership may be allowed. Contact BAFRR staff for more information.)
- **Alteration of topography.** Grading, filling, removal of soil, or otherwise altering the surface of the land or any wetlands or water courses on the property is prohibited, except as necessary for an allowed use.
- **Utilities.** Utilities are generally prohibited on the property, except for utilities serving permitted improvements on the property. Existing utility rights of way remain in place, but new utility easements across the property may not be granted except with the approval of the holder and BAFRR.
- **Energy generation.** Energy generation is prohibited on the property (or restricted to the farmstead area)



- **Water systems.** Water systems, including pumps, wells, cisterns, and irrigation systems, are permitted in furtherance of agricultural use or other permitted uses or improvements on the property. Construction of new ponds is permitted with approval of the holder and notification sent to BAFRR. Interests in water or water rights appurtenant to the property may not be conveyed separately from the property.
- **Waste and wastewater.** The discharge of wastewater and disposal or storage of trash, rubbish, debris, hazardous substances, etc., in the easement area is prohibited. This does not restrict the storage and application of agricultural chemicals. (Note – if there are existing dump sites, abandoned vehicles, etc., on the property, applicants should consult with BAFRR and LMF to determine whether waste will need to be removed or if accommodations can be made in the easement language.)
- **Roads.** Existing roads on the property may be maintained, and new roads for management of the property are permitted. New access rights of way across the property may not be granted except with the approval of the holder and notification to BAFRR.
- **Specific prohibitions.** Residential and industrial uses within the easement area are prohibited, as well as several specific uses and improvements that are inconsistent with agricultural uses (see the easement template for the full list). Any activity illegal under federal, state, or local law is prohibited.
- **Research and education.** Use of the Protected Property for research and education is permitted, consistent with the other provisions of the easement. Excavation of archaeological sites is specifically permitted as an exception to the prohibition on surface alterations. Alteration or removal of historic or archaeological resources is prohibited without prior approval.
- **[OPTIONAL] View preservation.** If the easement seeks to preserve views of the property from a public road, water body, or similar, maintenance of these open areas is required.
- **Habitat improvements.** Management activities to enhance habitat on the property are permitted.
- **[OPTIONAL] Habitat protection area.** Within a designated habitat (or ecological) protection area, agricultural and other uses are prohibited in favor of habitat protection. The property management plan must include a section addressing preservation of the habitat/ecological values in this area. These provisions are required if the proposal includes protection of habitat, ecological, or riparian resources.
- **Public access.** The easement is not required to include any public right of access to the property.
- **Trails.** Trails for motorized and non-motorized recreational use are permitted.
- **Recreational use.** Recreational uses of the property (public or private) are allowed. Minor structures and improvements associated with recreational use, such as kiosks, picnic tables, and signs, are permitted. If use will be intensive due to public access, agritourism, or commercial recreation, the holder and landowner should develop a recreation management plan so that these uses do not interfere with agricultural uses or other protected conservation values of the property.

# Appendix E

## Project Agreement Template

### LAND FOR MAINE'S FUTURE FUND PROJECT AGREEMENT (Pursuant to P.L. 2009 c. 645, Sec. J) *[ Conservation Easement Version ]*

Cooperating Entity: \*

Project Name: \*

Parcel Name: \*

Location: \*

Designated State Agency: \*

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#### Premises Covered by this Agreement:

(1) The \* Property, being a conservation easement over lands located on the \* side of \*, Town of \*, \* County, Maine, hereinafter called the "Protected Property", and as more fully described in a \* Deed from \* and \* to the \*, dated \* and recorded \* in the \* County Registry of Deeds in Book \*, Page \*; and see also plan by \*, File No. \*, dated \* and recorded in said Registry in Plan Book \*, Page \*.

#### *[Delete Item 2 if no match lands]*

(2) **Match Lands:** The \* Property by deed dated \*, and recorded in the \* County Registry of Deeds ("\*") on \* in Book \*, Page \*, and depicted on a Plan of Land \* prepared by \*, dated \*, a copy of which is on file with the Land for Maine's Future Fund application and with the Maine Department of \* and \*. This parcel is offered as Match Land. See Item 4 below for other conditions pertaining to this parcel.

All of the foregoing hereinafter referred to as "the Premises".

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**Scope (Description of Project):** \*

---

#### Project Cost:

LMF Contribution to Cooperating Entity: \$\*

Cooperating Entity: \$\*

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The following are hereby incorporated into this Agreement:

1. General Provisions
2. Project Application and Attachments by reference
3. Project Boundary Map
4. Other: [~~*Delete following language if no match lands. Substitute applicable language*~~]  
That portion of the “Premises” designated as the Match Parcel above is subject to the management restrictions and covenants of this Project Agreement, but is not subject to the Project Agreement General Provisions Part II, section Paragraph H subsection (iv).

The Land for Maine’s Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of [*insert agency name*], represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes , Section 6200 et seq., as amended, and augmented by P.L. 2009 c. 645, Sec. J, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB’s share of the costs of the above described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

1. Under the terms of the Conservation Easement, the Protected Property, including any structures located thereon, must remain as a single parcel, under one ownership, and may not be divided into parcels or lots, except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers the conservation purpose and objectives of the project as defined in this Agreement and its attachments.

2. Under the terms of the Conservation Easement, the Cooperating Entity agrees that any fees or charges imposed for public access to, or use of, the Protected Property shall be reasonable and comparable to those charged in Maine for similar facilities, and any such fees must be approved in advance and in writing by the DSA.

3. The Conservation Easement or any interest therein may not be sold or transferred without prior written approval of the DSA and LMFB as provided under Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a “qualified organization” under Section 170(h) of the United States Internal Revenue Code, and a "qualified holder" under Title 33, Maine Revised

Statutes , Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

4. At least annually, on or before the anniversary date of this Agreement, the Cooperating Entity will review the following matters with the DSA:

- i) the stewardship monitoring report of the Premises, such annual report to reflect the Cooperating Entity's obligation to monitor the landowner's management of the Premises primarily for continued use of its agricultural soils and for the multiple resource public benefit values which include open space, wildlife habitat, wetlands and other natural resources;
- ii) any stewardship management plan between the Cooperating Entity and the landowner for the Premises, if such plan has changed since a previous report;
- iii) updated financial statement reporting the status of that portion of the Cooperating Entity's stewardship fund that applies to the funds allocated to its responsibilities under the Easement; and
- iv) a written summary of communications between the Cooperating Entity and the landowner for any landowner activities that required either (60) day notice or one-hundred twenty (120) day requests for prior written consent and approval.

5. etc. *\*[ Other terms to be inserted as needed]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \*, 200\*.

**THE LAND FOR MAINE'S FUTURE BOARD**

By: \_\_\_\_\_  
Patick Keliher, Its Chairman

**STATE OF MAINE  
Department of Agriculture, Conservation and Forestry**

By: \_\_\_\_\_  
Amanda E. Beal, Its Commissioner

**COOPERATING ENTITY**

\*

By: \_ Print Name:

Title:

**STATE OF MAINE**

County of \*

Date: \*

Then personally appeared the above-named \*, duly authorized \* (title) of \*  
***[Insert name of Cooperating Entity]*** and acknowledged the foregoing to be his/her free act  
and deed in his/her capacity and the free act and deed of said \*.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

My Commission Expires:

Seal:

**LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – DEFINITIONS**

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation, which will implement the Project as provided in this Agreement.

**Part II – CONTINUING ASSURANCES**

The Cooperating Entity specifically recognizes that Land for Maine’s Future Fund project assistance creates an obligation to acquire, use and maintain the conservation easement described in this Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2009 c..645, Sec. J, and the following requirements:

**A. LEGAL AUTHORITY:** The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Conservation Easement on the Protected Property or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:** The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine’s Future Fund, share stated on the cover page of this Agreement.

**C. USE OF FUNDS:** The Cooperating Entity shall use moneys granted by LMFB only for the

purposes of acquisition/access improvement of the Project as approved by LMF Board and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:** The Cooperating Entity shall assure that the Protected Property shall be forever used, operated, and maintained as prescribed in the Conservation Easement and this Agreement and all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2009 c. 645, Sec. J. Permits and licenses necessary for the implementation of this Agreement or use of the Protected Property shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Conservation Easement shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMF Board as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Protected Property subject to the Conservation Easement in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:** The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMF Board and the Director of the DSA.

Financial records, supporting documents, statistical records, monitoring records, and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMF Board and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:** On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMF Board. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMF Board. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:** Under the terms of the Conservation Easement, the DSA, its employees, agents, and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

**H. PROVISIONS IN THE EVENT OF TRANSFER:**

**i. PRIOR NOTICE AND APPROVAL:** In the event of any intended sale or transfer, in whole or in part, of the Conservation Easement or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMF Board and shall obtain written consent from the same prior to such transfer.

**ii. DISSOLUTION:** In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2)

Director, LMF Board. Prior written consent to the transfer and disposal of the Conservation Easement shall be obtained from LMF Board as with a conveyance of the Conservation Easement under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under Subsection I(d).

**iii. SUCCESSORS AND ASSIGNS:** Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest in all or a portion of the Conservation Easement. In the event that the LMF Board or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

**iv. SHARE IN PROCEEDS:** In the event of any sale, transfer, termination, or condemnation of any or all of the Conservation Easement or disposal of the Conservation Easement pursuant to dissolution (hereinafter “transfer”), the Cooperating Entity shall pay to the Land for Maine’s Future Fund, or to another fund designated by the LMF Board, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF’s contribution to the value of the Conservation Easement as a whole as of the date of this Agreement, hereby established as %, multiplied by
- (b) the appraised value of the Conservation Easement, or portion thereof, which value shall determined as the amount by which the fair market appraisal value of the Protected Property unrestricted by this Conservation Easement is reduced by the terms and conditions imposed by this Conservation Easement as of the date of transfer.

The LMF Board may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMF Board. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage, and use the Premises under the terms of this Agreement.

The State’s share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation or dissolution.

**I. ENFORCEMENT ALTERNATIVES:** In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Conservation Easement, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:



- (a) any of the remedies or rights set forth in the Cooperating Entity’s deed to the Conservation Easement;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State’s share of proceeds as defined in Section H (iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Conservation Easement to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable trust entitled to all the protections thereof under state law.

**J. AMENDMENT:** This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:** Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:**        *[insert name & address]*

**To DSA:**                                **c/o Director, Bureau of Agriculture, Food and Rural Resources  
90 Blossom Ln.  
Augusta, Maine 04333**

**To LMFB:**                                c/o Director, Land for Maine’s Future Program  
28 State House Station  
Augusta, Maine 04333

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMF Board shall be referred to collectively as the “State,” and when being sent, notices shall be sent to both entities.

- (a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity’s last known address on file with the tax assessment records of the municipality of *[insert name of town where project land is located]*, Maine, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable, and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity’s notices must include sufficient information to enable the State to determine whether Cooperating Entity’s

plans are consistent with the terms of this Agreement and the conservation purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

[remainder of page left blank]

**Exhibit A**

[Insert final Legal Description of Project Agreement property]

# Appendix F

## Post-Closing Grant Fact Sheets

### Land for Maine's Future Access Improvement Grants Fact Sheet for Applicants *UPDATED January 2021*

#### **Purpose**

Access improvement grants are available to enhance the public accessibility to land that is acquired with proceeds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund.

Access improvement grants enhance Land for Maine's Future (LMF) acquisition dollars by making conserved land more accessible to the public. Grants may be for the upgrade of access roads, the addition of parking, trails, and boat launches, or the installation of signage, information kiosks, and picnic tables. Grant funds can be used to reimburse work that has already been done, assuming the Board approves funding for all aspects of the work completed.

#### **Funding Availability**

In statute, access improvement grants are limited to 5% of the appraised value of the acquired property, but the Land for Maine's Future Board routinely establishes a set-aside for these grants based on funds available. For the 2023 funding cycle, the LMF Board has authorized up to 5% of the LMF award for these grants.

#### **Eligibility**

A landowner of LMF funded land may apply for an access improvement grant to fund minor capital improvements to improve accessibility on the LMF funded land and on adjoining lands in the same ownership or under the same management. Access improvement grants are not offered for lands which are protected by conservation easements unless easement terms explicitly allow the easement holder to make access improvements to the land covered by the easement. LMF staff will contact the applicant to inform them of the application process and amount of funds available for their access improvement project.

#### **Application Criteria**

Projects must meet the following criteria for access improvement grants:

- The proposed improvements do not compromise the original intent for which the property was purchased.
- The proposed project improves accessibility of the LMF funded lands, consistent with management objectives. If access improvement funding is for abutting lands under the same ownership or management, then the access improvements must offer a benefit to users of the LMF funded parcel.
- Public uses are supported and/or enhanced by the project.

## **Application Process**

1. LMF staff will contact you with information about the funds available, application process and deadline for submissions.
2. Applications are reviewed by LMF staff to determine eligibility and completeness.
3. If the applicant is an entity other than the State (e.g. land trust or municipality), the application is reviewed by staff from the sponsoring state agency for farmland protection and access projects, the Department of Agriculture, Conservation and Forestry's Bureau of Agriculture, Food and Rural Resources, to ensure the project is consistent with the objectives of the original acquisition project.
4. Upon recommendation from BAFRR, LMF staff reviews the application against the purposes and objectives of the access improvement funds and makes a recommendation to the Board for their approval.

## **Application Format and Instructions**

Applicants should complete an Application Summary Form and provide a proposal narrative that contains the following information:

1. Map(s) - General property map, map depicting the location of the primary access point of the site, any other public access points to the property, and the location of the property to which access improvements are proposed to be made. Maps should be at a scale suitable to show the location of the proposed improvements.
2. Project Description - Narrative of what improvements are proposed, how the improvements will enhance accessibility and public use of the LMF funded lands.
3. Suitability of Intended Use - Description that demonstrates that the property has no legal constraints preventing the development and use of the proposed access and that the physical characteristics of the site are suitable for the intended access.
4. Impact on Natural Resources - Description of any impact the proposed access will have on the natural and cultural resources of the property and the surrounding land. Demonstrate that the intended access is consistent with property's management objectives. Consultation with the Maine Natural Areas Program, Maine Department of Inland Fisheries and Wildlife, and Maine Historic Preservation is recommended.
5. Project timeline - Identify key milestones and dates for completion.
6. Adaptive Access - If the applicant is seeking supplemental funding for adaptive access, include a description of the specific design aspects of the project that will encourage and increase use of the property by people with physical impairments or disabilities. Describe what resources you have used to ensure your improvements are consistent with accessibility guidelines.
7. Signage - The Board requires that the Land for Maine's Future Program be acknowledged in permanent signage at the primary access point of the site. LMF provides silk-screened, metal signs with LMF logo for this purpose. Please indicate in your proposal if you will need additional signs.
8. Project Budget - Itemization of how the funds will be used and identification of sources and amounts of matching funds.

**A hard copy of your proposal should be sent to:**

Land for Maine's Future Program  
Department of Agriculture, Conservation &  
Forestry  
22 State House Station  
Augusta ME 04333-0022

**Completion of Access Improvement Grant Projects**

Projects must be completed within 18 months of the grant award date, unless the project finalist has prior written approval from the LMF project manager for an extension. A one- year extension may be granted at the project manager's discretion if circumstances warrant, following notice to the LMF Director. Any additional extensions must be approved by the LMF board.

**Grant Reporting Requirements**

Grant recipients must submit a written report upon completion of the access improvement project. The report must describe the access improvements made and the ways it enhances public uses and include documentation of how the funds were expended and photographs of the completed work.

Completed access improvement projects will be included in the LMF Biennial Report, as part of the report to the public about progress achieved by the program.

**Advance and return of access improvement funds**

LMF will enter into a contract with each Cooperating Entity selected for an access improvement grant. LMF will be responsible for managing the contracts and ensuring funds are used consistent with the project proposal. LMF staff will approve payments for work that has been completed. Any unspent funds will remain available for future Board allocations.

For access improvement grants to state agencies, the funds will be journaled directly to the state agency upon approval of application. The agency is responsible for returning all unused funds within 6 months of completion of project. LMF shall enter into a Memorandum of Agreement with BAFRR for all access improvement grants. The MOA will state the terms and indicate the expiration dates and be signed by the Commissioner of DACF.

***Resources:***

USFS trail accessibility guidelines: <http://www.fs.fed.us/recreation/programs/accessibility/>

American Trails: <http://www.americantrails.org/resources/trailbuilding/>

National Park Service boat launch guidelines:  
<https://www.nps.gov/ncrc/programs/rtca/helpfultools/launchguide.pdf>

**Land for Maine's Future**  
**Farm Business Planning and Capital Improvement Grants**  
**Fact Sheet for Applicants**  
*February 2021*

**NOTE TO APPLICANTS:** Updated guidance and procedure for Capital Improvement Grants may be developed. Additional information will be provided to all applicants by BAFRR staff. This version is provided for informational purposes only.

**Purpose**

After completion of a farmland protection project through the Land for Maine's Future program, Farm Business Planning and Capital Improvement Grants ("farm grants") are available to provide for the land's continuing use as a working farm.

Farm grants enhance Land for Maine's Future (LMF) acquisition dollars by investing in the viability of agricultural operations on protected land. Grant funds may be used for professional assistance in developing a farm business plan or for capital improvements to the farm such as improved drainage or construction of needed structures. These capital improvements should enhance the agricultural productivity of the property and/or improve the economic viability of the farm enterprise, and must be in compliance with the terms of the conservation easement.

**Funding Availability**

By statute, farm grants are available in an amount up to 5% of the appraised value of the agricultural conservation easement funded by LMF. For the 2023 funding cycle, the LMF Board has authorized up to 5% of the LMF award value for Capital Improvement Grants. BAFARR will make a recommendation to the LMF Board regarding the grant request, and the LMF Board will vote on whether to approve the request.

Farm grants must be matched. Applicants should provide an overall project budget that includes cash and in-kind match so that the LMF Board has a clear picture of the projects supported by these grants.

**Eligibility**

The owner or operator of the protected farmland may apply to LMF for farm grant funds in the year after the easement is acquired. The application must include a letter of support from the easement holder to ensure that the planned improvements are consistent with the purpose and terms of the conservation easement. Funds may also be used for improvements on adjacent land that is under the same ownership or management. Further, for capital improvement projects, it is highly recommended that farm applicants have a current business plan or include farm business planning as part of their proposal.

Eligible expenses for farm grants include professional assistance in developing a business plan, as well as capital improvements to the farm. Grant funds may be used to pay for contracted services or materials used in making improvements.

Farm grant funds may not be applied to operating expenses of the farm, such as farm labor, fuel, feed, or chemicals. Additionally, capital investments must be for improvements to the property; expenses such as equipment or livestock are not eligible.

**Application Criteria**

Projects must meet the following criteria for farm grants:

- Any proposed improvements do not compromise the original intent for which the easement was

funded by LMF and do not conflict with the terms of the conservation easement.

- The proposed project provides for the land's continuing use as a working farm through business planning, enhancements to the agricultural productivity of the property, and/or improvements supporting the economic viability of the farm enterprise.

### **Application Process**

1. LMF staff will contact you with information about the funds available, application process, and deadline for submissions.
2. In developing the proposal, the applicant must consult with staff from the Bureau of Agriculture, Forestry, and Rural Resources (BAFRR) to ensure the project is consistent with State policies and objectives for improving agricultural viability.
3. Applications are reviewed by LMF staff to determine eligibility and completeness.
4. LMF staff reviews the application against the purposes and objectives of the farm grant funds and makes a recommendation to the Board for their approval.

### **Application Format and Instructions**

Applicants should complete an Application Summary Form and provide a proposal narrative that contains the following information:

1. Map(s) - General property map and a map depicting the location of existing and proposed improvements. Maps should be at a scale suitable to show the location of the proposed improvements.
2. Project Description - Narrative of what business planning and/or improvements are proposed and how the proposed activities will enhance the agricultural productivity of the property, protect other conservation values identified in the conservation easement, and/or improve the economic viability of the farm enterprise.

If you have a current farm business plan, describe how any proposed improvements fit into this plan. If your proposal includes developing or updating a farm business plan, briefly describe your expected planning process and desired outcomes. (Note: If you do not yet have a business plan but propose to develop one, you may request capital improvement funds to be used to implement the resulting plan, even if the exact improvements will not be known until the plan is complete. In this case, BAFRR and LMF must approve the specific use of these funds before you begin work on improvements.)

3. Suitability of Intended Use (capital improvement proposals only) - Description that demonstrates that the property has no legal constraints preventing the development and use of the proposed improvements and that the physical characteristics of the site are suitable for the intended improvements.
4. Impact on Natural Resources (capital improvement proposals only) - Description of any impact the proposed improvements will have on the natural and cultural resources of the property and the surrounding land. Demonstrate that the intended improvements are consistent with the property's management objectives. Consultation with the Maine Natural Areas Program, Maine Department of Inland Fisheries, and Wildlife and Maine Historic Preservation is recommended.
5. Project timeline - Identify key milestones and dates for completion.
6. Signage - The Board requires that the Land for Maine's Future Program be acknowledged in permanent signage on the site. LMF provides silk-screened, metal signs with LMF logo for this purpose. Please indicate in your proposal if you will need additional signs.

7. **Project Budget** - Itemization of how the funds will be used and identification of sources and amounts of matching funds. Identify any federal funding such as EQIP or CSP related to the proposed improvements (Note: If receiving federal cost share assistance for a project, LMF funds may only be applied to costs in excess of the federal assistance).

**A hard copy of your proposal should be sent to:**

Land for Maine's Future Program  
Dept. of Agriculture, Conservation & Forestry  
22 State House Station  
Augusta ME 04333-0022

Your proposal should also be sent electronically to the LMF Project Manager and BAFRR representative.

**Completion of Farm Grant Projects**

Projects must be completed within 18 months of the grant award date, unless the applicant has prior written approval from the LMF project manager for an extension. A one year extension may be granted at the project manager's discretion if circumstances warrant, following notice to the LMF Director. Any additional extensions must be approved by the LMF board.

**Grant Reporting Requirements**

Grant recipients must submit a written report upon completion of the farm grant project. The report must describe any improvements made and the ways they advance the purposes of the grant funding. Photographs should be included with the report.

Completed farm grant projects will be included in the LMF Biennial Report, as part of the report to the public about progress achieved by the program.

**Advance and Return of Farm Grant Funds**

Farm grants are reimbursement grants. Funds will be disbursed by LMF after receipt and approval of a final grant report and invoices or receipts documenting all expenses to be reimbursed. In the case of large awards or awards for work that will take place in multiple phases, interim reports and disbursements may be possible on a case by case basis with the prior approval of LMF. If requesting interim disbursements, the project timeline must indicate when payments will be requested. LMF will enter into a contract with each farm owner or operator selected for a farm grant. LMF will be responsible for managing the contracts and ensuring funds are used consistent with the project proposal. Any unspent funds will remain available for future Board allocations.

***Resources:***

Maine Department of Agriculture, Conservation and Forestry's (DACF) Agricultural Resource Development Division (for technical and other resource support):

<https://www.maine.gov/dacf/ard/index.shtml>

DACF Business Planning Information:

[https://www.maine.gov/dacf/ard/resources/business\\_planning.shtml](https://www.maine.gov/dacf/ard/resources/business_planning.shtml)

NRCS programs: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/me/programs/financial/#>

Legal Food Hub: <https://www.legalfoodhub.org/>



## Appendix G

### WFAPP Statutes

#### §6203-C. Maine Working Farmland Access and Protection Fund

**1. Fund established.** The Maine Working Farmland Access and Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Agriculture, Conservation and Forestry under the provisions of this chapter and Title 7, section 164. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

**2. Grants.** The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. Grants are made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**3. Fund proceeds.** The proceeds of the fund may be applied and expended to acquire property or interests in property that are designed to protect access to working farmland. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its availability for commercial production of agricultural products.

**4. Matching funds.** For each grant made under this section, the board shall require the applicant or the grant recipient to provide matching funds at least equal to the amount of the grant.

**5. Uses of the fund.** When an interest in land or an interest in working farmland is acquired with proceeds from the fund, the board may fund minor capital investments in the stewardship of that land. Funds for stewardship investments must be held in a dedicated stewardship endowment and identified for use on the funded property. The stewardship investments may not exceed 5% of the appraised value of the acquired property.

A. When an interest in land is acquired with proceeds from the fund, the board may fund minor capital improvements on the land and on adjoining lands in the same ownership or under the same management to improve public access, as long as these improvements do not exceed 5% of the appraised value of the acquired property. [PL 2021, c. 135, §4 (NEW).]

B. When an interest in working farmland is acquired with proceeds from the fund, the board may fund the development of a business plan and capital improvements to provide for the land's continuing use as working farmland, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on adjoining farmland in the same ownership or under the same management.

## §164. Maine Working Farmland Access and Protection Program

**1. Program established; administration.** The Maine Working Farmland Access and Protection Program, referred to in this section as "the program," is established to provide protection to strategically significant working farmland properties as defined in Title 5, section 6201, subsection 4-A whose continued availability to commercial agricultural businesses is essential to the long-term future of the economic sector. The department shall administer the program either directly or by contract with a suitable organization.

**2. Review panel.** The department shall establish a review panel to advise the commissioner in the operation of the program, including, but not limited to, evaluating applications and recommending to the department applicants for participation in the program.

**3. Selection criteria.** The selection criteria with which to evaluate applications for protection of working farmland property under the program must include, but are not limited to:

A. The interest of the owner of the working farmland property to make the farmland available via lease or transfer the protected property to another farmer or other farmers to advance the department's goal of preserving and increasing access to farmland for new and growing farms;

B. The threat of conversion of the working farmland property such that it would become unavailable for commercial production of agricultural products;

C. The percentage of soils classified by the United States Department of Agriculture as prime farmland, unique farmland, farmland of statewide importance and farmland of local importance;

D. The agricultural structures and improvements associated with the working farmland property;

E. The economic viability of the working farmland property in terms of current and potential future commercial agricultural activities in local, regional and statewide markets; connection of the working farmland property to agricultural services including processors, aggregators and distributors; and number of on-farm jobs supported by the working farmland property;

F. The proximity of other working farmland properties in the town or region;

G. The degree of community support for the proposed protection of the working farmland property;

H. The multiple natural resources values associated with the working farmland property, including open space land, forested land and wetlands; riparian buffers; wildlife habitat; and freshwater aquifers; and

I. Whether the applicant is from or serving an underserved or underprivileged community as defined by the department by rule. Rules adopted under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**4. Grant agreements.** The commissioner shall enter into grant agreements with state agencies and cooperating entities for the purpose of receiving grants from the Maine Working Farmland Access and Protection Fund under Title 5, section 6203-C.

# **APPENDIX G1**

## **LMF PARTNER CHECKLIST**

## Purpose of this checklist



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

Please note:

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

## Contact Us

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

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

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

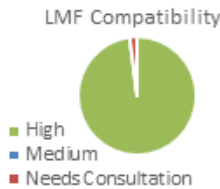


Tumbledown Mountain

# Table of Contents

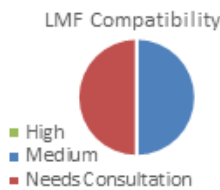
- Potential Funding Partners ..... 2
- Program Requirements..... 4
  - Maine Outdoor Heritage Fund ..... 4
  - Maine Natural Resource Conservation Program..... 4
  - North American Wetlands (NAWCA)..... 4
  - Forest Legacy ..... 4
  - Community Forest Program..... 4
  - Land and Water Conservation (LWCF-Stateside)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

# Potential Funding Partners



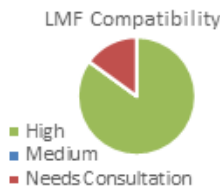
## Maine Outdoor Heritage Fund

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



## Maine Natural Resource Conservation Program

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



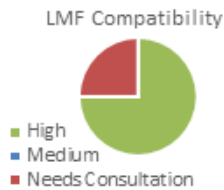
## North American Wetlands Conservation Act (NAWCA)

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

# Potential Funding Partners (cont'd.)

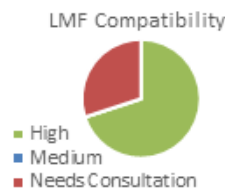
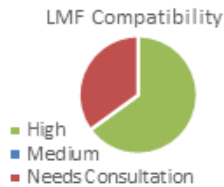
## Forest Legacy

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



## Community Forest Program

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



## Land and Water Conservation (LWCF - stateside)

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

## National Coastal Wetlands Conservation Grants

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

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

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

# Program Requirements

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



## Maine Outdoor Heritage Fund

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



## Forest Legacy

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



## Maine Natural Resource Conservation Program

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



## Community Forest Program

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



## North American Wetlands Conservation Act (NAWCA)

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



## Land and Water Conservation (LWCF - stateside)

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



# Program Requirements (cont'd)



## Coastal Wetlands Conservation Grants

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

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

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



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

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

Photo credits:

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



# Requirements Table

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

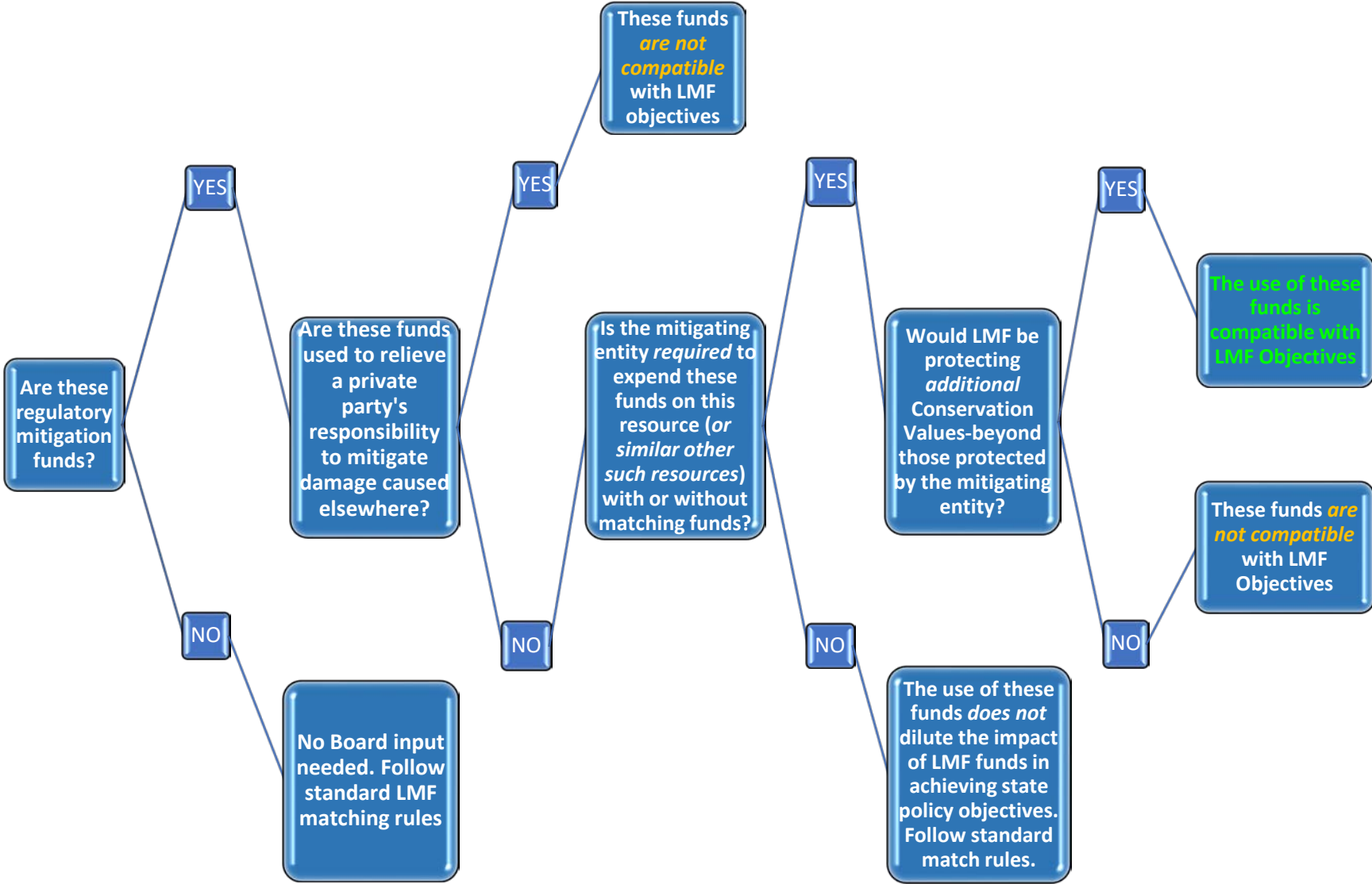
<p><b>Forest Legacy</b></p>	<p>1.this funding source is compatible with projects when Designated State Agencies intend to hold title. Non-profits are entitled to hold title to “cost-share” parcels. 2.Conservation easements and fee acquisitions are <b>both</b> eligible for funding. Follow up with BPL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

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

## **APPENDIX G2**

# **LMF BOARD MITIGATION FUNDS DECISION TREE**

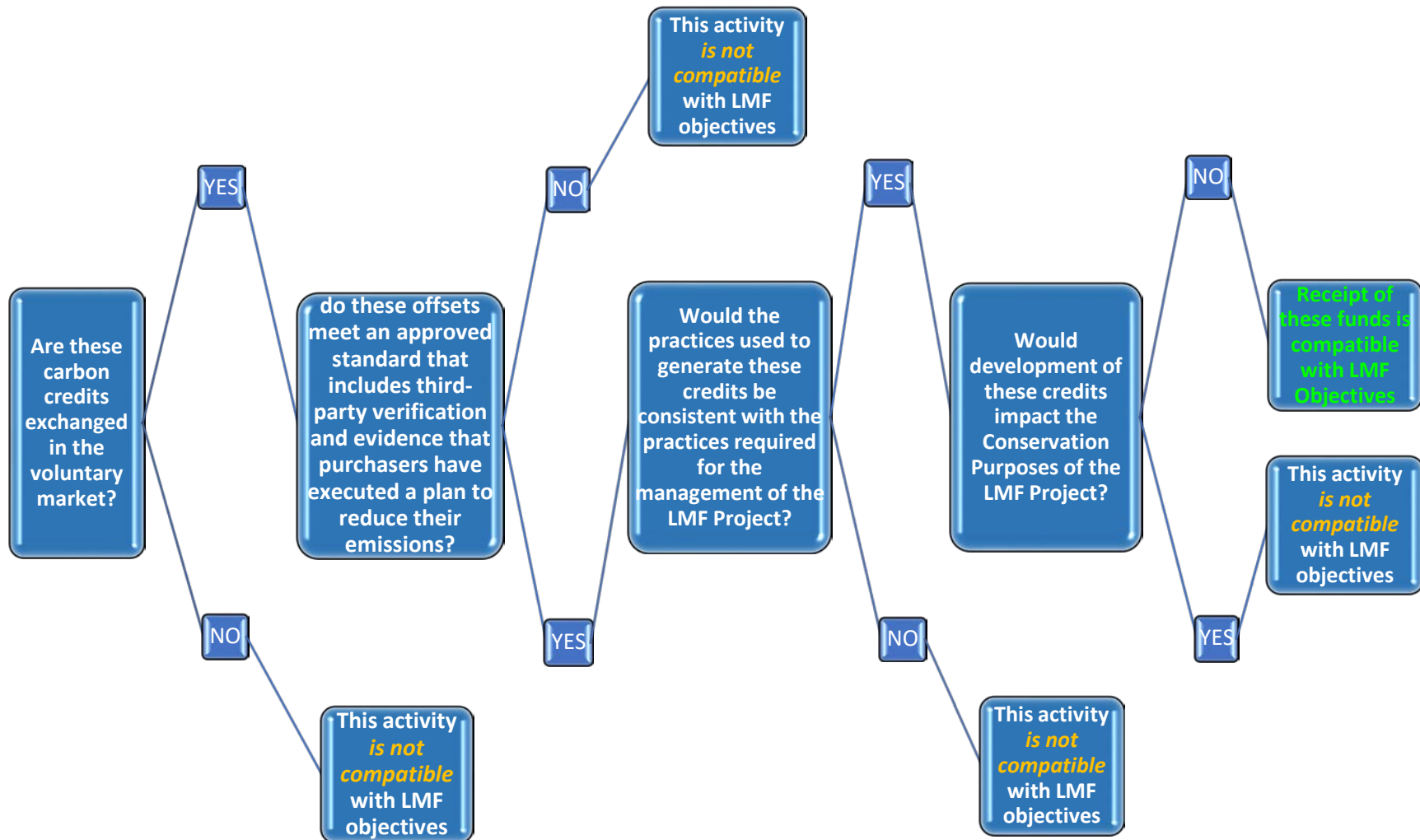
# Mitigation Funds Decision Tree



## **APPENDIX G3**

# **LMF LMF BOARD CARBON CREDITS DECISION TREE**

## Sale of Carbon Credits Decision Tree\*



# **APPENDIX H**

## **ALL LMF PROJECTS**



LMF CONSERVATION RECREATION 1987- October 30, 2023

APPENDIX H

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?
Dodge Point	1989	Newcastle	Lincoln	497.00	497.00	0.00	DACF-BPL	fee	-
Dodge Point - MATCH	1989	Newcastle	Lincoln	2.00	2.00	0.00	DACF-BPL	fee	-
Shackford Head	1989	Eastport	Washington	90.00	90.00	0.00	DACF-BPL	fee	-
Androscoggin - DOFI	1990	Turner, Leeds	Androscoggin	1,972.00	1,972.00	0.00	DACF-BPL	fee	-
Bradbury Mtn State Park Addition	1990	Pownal	Cumberland	100.00	100.00	0.00	DACF-BPL	fee	-
Commissary Point	1990	Edmunds Twp	Washington	250.00	200.00	50.00	DIFW	fee	-
Cutler Coast	1990	Cutler	Washington	2,100.00	2,100.00	0.00	DACF-BPL	fee	-
Kennebunk Plains I	1990	Kennebunk, Sanford	York	1,041.00	1,041.00	0.00	DIFW	fee	-
Kennebunk Plains I Egypt Bay (MATCH)	1990	Franklin	Hancock	105.00	105.00	0.00	DIFW	fee	-
Little Concord Pond Addition	1990	Woodstock, Peru, Sumner	Oxford	64.00	64.00	0.00	DACF-BPL	fee	-
Little Ossipee River	1990	Waterboro	York	300.00	300.00	0.00	DIFW	fee	-
Mattagodus Stream	1990	Kingman Twp, Webster Plt	Penobscot	1,425.00	1,425.00	0.00	DIFW	fee	-
Mattawamkeag River	1990	Drew Plt	Penobscot	4,119.00	4,119.00	0.00	DIFW	fee	-
Morgan Meadow	1990	Raymond	Cumberland	1,072.00	1,072.00	0.00	DIFW	fee	-
Mt Kineo	1990	Kineo Twp	Piscataquis	800.00	800.00	0.00	DACF-BPL	fee	-
Nahmakanta & Rainbow Twps	1990	Nahmakanta/Rainbow Twps	Piscataquis	29,692.00	29,692.00	0.00	DACF-BPL	fee	-
Sabattus Mountain	1990	Lovell	Oxford	90.00	90.00	0.00	DACF-BPL	fee	-
Sandy Point Beach	1990	Stockton Springs	Waldo	100.00	100.00	0.00	DACF-BPL	fee	-
Jamie's Pond	1991	Hallwll, F'dale, Manch	Kennebec	550.00	550.00	0.00	DIFW	fee	-
Mt. Agamenticus- Paul	1991	York, S Berwick	York	144.00	144.00	0.00	DIFW	fee	-
Mt. Agamenticus- Ramsdell	1991	York, S Berwick	York	55.00	55.00	0.00	DIFW	fee	-
Mt. Agamenticus-Weare	1991	York, S Berwick	York	8.00	8.00	0.00	DIFW	fee	-
Sebago Lake Beach	1991	Raymond	Cumberland	35.00	35.00	0.00	DACF-BPL	fee	-
Androscoggin River- (3 CR project: Bradford, Twitchell, W)	1992	Turner	Androscoggin	315.00	315.00	0.00	DACF-BPL	fee	-
Aroostook Valley RR ROW	1992	Various	Aroostook	144.00	144.00	0.00	DACF-BPL	fee w/18 mi	-
Aroostook Valley RR ROW (Match lands)	1992	Various	Aroostook			0.00	DACF-BPL	fee w/1 mile	-
Dodge Point Inholding	1992	Newcastle	Lincoln	9.00	9.00	0.00	DACF-BPL	fee	-
Forest City	1992	Forest City	Washington	536.00	523.00	13.00	DIFW	fee & CE	-
Lake George	1992	Canaan, Skowhegan	Somerset	254.00	254.00	0.00	DACF-BPL	fee	-
Mark Island	1992	Harpwell	Cumberland	24.00	24.00	0.00	DIFW	fee	-
Mark Island - South Lubec Sand Bar (Match land)	1992	Lubec	Washington	12.00	12.00	0.00	DIFW	fee	-
Mt. Agamenticus- Amoskeag parce	1992	York, S Berwick	York	266.00	266.00	0.00	DIFW	fee	-
Sabattus Mountain Addition	1992	Lovell	Oxford	87.00	87.00	0.00	DACF-BPL	fee	-
Bald Mountain	1993	Rangeley	Franklin	1,873.00	1,873.00	0.00	DACF-BPL	fee	-
Mt. Agamenticus- Parent parce	1993	York, S Berwick	York	600.00	600.00	0.00	DIFW	fee	-
Salmon Brook Lake Bog	1993	Perham	Aroostook	1,857.00	1,857.00	0.00	DACF-BPL	fee	-
BARR Rail Trail Phase I	1994	Various	Aroostook	746.00	746.00	0.00	DACF-BPL	53 miles of railbed	-
Horan Head	1994	Lubec	Washington	235.00	235.00	0.00	DIFW	fee	-
Mt. Agamenticus- Ruch parce	1994	York, S Berwick	York	31.00	31.00	0.00	DIFW	fee	-
Mt. Agamenticus- Nowell parce	1994	York, S Berwick	York	67.00	20.00	47.00	DIFW	fee & CE	-
Spednic Lake	1994	T11R3 NBPP	Washington	849.00	19.00	830.00	DIFW	fee & CE	-
Spring River Lake	1994	T10SD	Hancock	7,187.00	7,187.00	0.00	DACF-BPL	fee	-
Forest City-Mud Lake	1995	Forest City	Washington	1.00	1.00	0.00	DIFW	fee	-
Grand Lake Stream	1995	T27ED BPP	Washington	271.00	108.00	163.00	DIFW	fee & CE	-

Date: 10/30/2023

Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry

**LMF CONSERVATION RECREATION 1987- October 30, 2023**

LMF CONSERVATION & RECREATION 1987- October 2023										
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?	
Mt Agamenticus- Hasteyparcel	1995	South Berwick	York	9.00	9.00	0.00	DIFW	fee	-	
Mt. Agamenticus- Moore's Falls parcel	1995	York, S Berwick	York	292.00	292.00	0.00	DIFW	fee	-	
Back River- Lyons parcel	1996	Arrowsic	Sagadahoc	168.00	168.00	0.00	DIFW	fee	-	
Burnt & Sheep Islands	1996	North Haven, Vinalhaven	Knox	40.00	40.00	0.00	DIFW	fee	-	
Ducktrap River - Shettler/Dyer parcel	1996	Lincolnvill	Waldo	123.00	123.00	0.00	DACF-BPL	fee	-	
Mt. Agamenticus- Whicher parcel	1996	South Berwick	York	22.00	22.00	0.00	DIFW	fee	-	
Spednic Lake, Birch Island	1996	Forest City	Washington	25.00	25.00	0.00	DIFW	fee	-	
Rangeley River Cons Easement	1997	Rangeley	Franklin	150.00	0.00	150.00	DIFW	CE	-	
Rapid River Cons Easement	1997	Upton	Oxford	446.00	0.00	446.00	DIFW	CE	-	
Donnell Pd-Tunk Lake/Fiery Mountain	1998	Franklin	Hancock	1,126.00	336.00	790.00	DACF-BPL	fee & CE	-	
Birch Point State Park Addition	1999	Owls Head	Knox	4.00	4.00	0.00	DACF-BPL	fee	-	
Ducktrap River - LaCombe parcel	1999	Lincolnvill	Waldo	68.00	68.00	0.00	DIFW	fee	-	
Jay-Farmington Branch CMRR	1999	Jay, Farmington, Wilton	Franklin	138.50	138.50	0.00	DACF-BPL	w/15 miles of railbed	-	
Lower Kennebec Estuary	1999	Bowdoinham, Dresden, Georgetown, Tonsham	Sagadahoc	1,031.50	1,031.50	0.00	DIFW	fee	-	
Scarborough Beach- Massacre Pd parcel	1999	Scarborough	Cumberland	62.00	62.00	0.00	DACF-BPL	fee	-	
Aroostook State Park	2000	Presque Isle	Aroostook	93.00	93.00	0.00	DACF-BPL	fee	-	
Narraguagus River-Little Falls	2000	Cherryfield	Washington	215.00	215.00	0.00	ASC/DMR-BSRF	fee	-	
Nicatous and West Lakes	2000	T40MD, T3ND	Hancock	22,370.00	469.00	21,901.00	DACF-BPL	fee & CE	-	
Thorne Head	2000	Bath	Sagadahoc	96.50	0.00	96.50	DIFW	CE	-	
Choice View Farm	2001	Dresden	Lincoln	16.00	16.00	0.00	DIFW	fee	-	
Crooked Farm	2001	Bristol	Lincoln	130.00	125.00	5.00	DACF-BPL	fee & CE	PA	
East Ridge Project	2001	Washington County	Washington	3,649.00	3,649.00	0.00	ASC/DMR-BSRF	fee	-	
Fuller Farm Conservation Project	2001	Scarborough	Cumberland	180.00	180.00	0.00	DIFW	fee	PA	
Kennebec Highlands Project	2001	Mount Vernon, New Sharon, Rome, Vienna	Kennebec	5,988.00	5,988.00	0.00	DACF-BPL	fee	-	
Kennebunk Plains II	2001	Kennebunk, Sanford	York	644.00	644.00	0.00	DACF-BPL	fee	PA	
Lake George Regional Park	2001	Canaan	Somerset	37.00	37.00	0.00	DACF-BPL	fee	-	
Little Pond Acquisition	2001	Franklin	Hancock	882.00	882.00	0.00	DACF-BPL	fee	-	
Mt. Abraham	2001	Mt Abraham, Salem	Franklin	6,317.00	6,317.00	0.00	DACF-BPL	fee	-	
Mt. Blue/ Tumbledown	2001	T6 NW, Weld, others	Franklin	20,785.00	12,953.00	7,832.00	DACF-BPL	fee	-	
Black Brook Preserve	2002	Windham	Cumberland	105.00	105.00	0.00	DACF-BPL	fee	PA	
Blackstrap Hill	2002	Falmouth	Cumberland	285.00	285.00	0.00	DACF-BPL	fee	PA	
Boothbay Harbor Wetlands	2002	Boothbay Harbor	Lincoln	65.00	65.00	0.00	DIFW	fee	PA	
Bradbur-Pineland Corridor-Jackson	2002	Pownal	Cumberland	0.00	0.00	0.00	DACF-BPL	fee	-	
Brunswick to the Ocean Trail	2002	Brunswick	Cumberland	101.00	101.00	0.00	DACF-BPL	fee	PA	
Denny's River	2002	Cooper & Meddybemps	Washington	1,039.00	1,039.00	0.00	ASC/DMR-BSRF	fee	-	
Devil's Head	2002	Calais	Washington	319.00	319.00	0.00	DACF-BPL	fee	PA	
Florida Lake	2002	Freeport	Cumberland	151.00	148.00	3.00	DACF-BPL	fee & CE	PA	
Jugtown Plains	2002	Casco, Naples, Otis	Oxford	3,281.00	0.00	3,281.00	DACF-BPL	CE	-	
Morong Cove Acquisition	2002	Lubec	Washington	136.00	136.00	0.00	DIFW	fee	-	
Presumpscot River Preserve	2002	Portland & Falmouth	Cumberland	103.00	103.00	0.00	DACF-BPL	fee	PA	
Robinson Woods	2002	Cape Elizabeth	Cumberland	81.30	81.30	0.00	DACF-BPL	fee	PA	
Tinker Island	2002	Tremont & Blue Hill Bay	Hancock	225.00	225.00	0.00	DACF-BPL	fee	PA	

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**LMF CONSERVATION RECREATION 1987- October 30, 2023**

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?
Truffant-Summerton	2002	Harpswell	Cumberland	99.00	99.00	0.00	DACF-BPL	fee	PA
Whaleboat Island	2002	Harpswell	Cumberland	125.00	125.00	0.00	DACF-BPL	fee	PA
Beech Hill	2003	Rockport	Knox	295.00	295.00	0.00	CF-BPL & DACF-BAFF	fee	PA
Ferry Beach State Park	2003	Saco	York	6.00	6.00	0.00	DACF-BPL	fee	-
Flag Island	2003	Harpswell	Cumberland	26.20	26.20	0.00	DIFW	fee	-
Frenchman's Hole	2003	Riley Township	Oxford	385.00	385.00	0.00	DACF-BPL	fee	-
Leavitt Plantation Forest	2003	Parsonsfield	York	8,603.00	0.00	8,603.00	DACF-BPL	CE	-
Machias River Phase 1	2003	Multiple Twps.	Washington	13,177.00	5,772.00	7,405.00	DACF-BPL	fee & CE	-
Mattawamkeag Lake	2003	T4-R3 WELS	Aroostook	3,216.00	190.00	3,026.00	DACF-BPL	fee & CE	-
Newport-Dover Foxcroft Rail Trail	2003	Newport, Corinna, Dexter,	Penobscot	261.00	260.00	1.00	DACF-BPL	fee & CE	&
Page Farm	2003	Drew Pltn & Kingman Twp	Penobscot	1,279.00	1,279.00	0.00	DIFW	fee	-
Sebago Headwaters Preserve	2003		Cumberland				DACF-BPL		-
Sebago Headwaters Preserve - Webster Jones parcel	2003	Bridgton	Cumberland	52.00	52.00	0.00	DACF-BPL	fee	PA
Skolfield Farm	2003	Harpswell	Cumberland	19.00	19.00	0.00	DACF-BPL	fee	PA
West Branch Phase 1	2003	Multiple	Somerset	46,985.00	46,985.00	0.00	DACF-BPL	fee	-
Camden Hills State Park	2004	Camden, Lincolnville	Knox	49.00	49.00	0.00	DACF-BPL	fee	-
Crowley Island	2004	Addison	Washington	183.00	183.00	0.00	DIFW	fee	PA
Downeast Lakes Phase 1	2004	TWP 5, Northern Division BPP	Washington	11,748.00	11,748.00	0.00	DACF-BPL	fee	PA
Hoopar Pond	2004	Green	Androscoggin	174.00	174.00	0.00	DIFW	fee	PA
Indian Point	2004	Ellsworth	Hancock	13.00	13.00	0.00	DACF-BPL	fee	PA
Killick Pond - Gannet Tract	2004	Hollis	York	93.00	93.00	0.00	DIFW	fee	-
Marshall Island Phase I & 2	2004	Jericho Bay (Unorg.Ter.)	Hancock	878.00	878.00	0.00	DACF-BPL	fee	PA
Mount A to the Sea - Davis parcel	2004	York	York	296.00	296.00	0.00	DIFW	fee	PA
Parker Pond	2004	Fayette	Kennebec	99.00	99.00	0.00	DACF-BPL	fee	PA
Riverlink Phase I (3 parcels)	2004	Edgecomb, Newcastle	Lincoln	161.00	161.00	0.00	DIFW	fee	PA
Royal River Estuary - Phase 1	2004	Yarmouth	Cumberland	33.00	33.00	0.00	DACF-BPL	fee	PA
Sebago Headwaters Preserve - Lee-Mariposa Farm parcel	2004	Bridgton	Cumberland	118.00	118.00	0.00	DACF-BPL	fee	PA
Seboeis Lake	2004	Lakeview Plantation	Piscataquis	789.00	789.00	0.00	DACF-BPL	fee	-
Spednic/St.Croix	2004	various	Washington	2,773.00	2,773.00	0.00	DACF-BPL/ DIFW	fee	-
Sprague Pond	2004	Phippsburgh	Sagadahoc	64.00	64.00	0.00	DACF-BPL	fee	PA
BARR Rail Trail Phase II	2005	various	Aroostook	428.00	428.00	0.00	DACF-BPL	fee	-
Bradbury-Pineland Corridor	2005	Pownal	Cumberland	398.60	336.60	62.00	DACF-BPL	fee	PA
Bradbury-Pineland Corridor - Lanzo parcel	2005	Pownal	Cumberland	0.00	0.00	0.00	DACF-BPL	fee	-
Bradbury-Pineland Corridor - MATCH - Tryon C	2005	Pownal	Cumberland	0.00	0.00	0.00	DACF-BPL	fee	-
Caribou Bog - Penjajwoc - Phase I	2005	Bangor, Veazie, Orono, Old Town, Alton, Hudson	Penobscot	1,031.00	1,031.00	0.00	DIFW	fee	-
Caribou Bog - Penjajwoc Marsh Phase II	2005		Penobscot				DACF-BPL		-
Caribou Bog - Penjajwoc Marsh Phase II - Hsu parcel	2005	Orono	Penobscot	0.00	0.00	0.00	DACF-BPL	fee	PA
Bog - Penjajwoc Marsh Phase II - MATCH - Newman parcel	2005	Orono	Penobscot	0.00	0.00	0.00	DACF-BPL	fee	PA
Crowley Island Phase II	2005	Addison	Washington	100.00	100.00	0.00	DACF-BPL	fee	-
Downeast Lakes Phase II	2005	TWP 6, Northern Division BPP	Washington	15,250.00	15,250.00	0.00	DACF-BPL	fee	PA
Kennebunkport Greenbelt	2005	Kennebunkport	York	324.00	324.00	0.00	DACF-BPL	fee	PA

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# LMF CONSERVATION RECREATION 1987- October 30, 2023

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?
Lower Kennebec Estuary Ph II	2005	Bowdoinham, Phippsburg	Sagadahoc	534.50	534.50	0.00	DACF-BPL	fee	-
Mowry Beach	2005	Lubec	Washington	48.00	48.00	0.00	DIFW	fee	PA
Mt. Agamenticus	2005	South Berwick	York	938.00	938.00	0.00	DIFW	fee	-
Pike Lands Acquisition	2005	Lubec	Washington	128.00	92.00	36.00	DACF-BPL	CE	PA
Riverlink Phase II	2005	Edgecomb	Lincoln				DACF-BPL	fee	PA
Royal River Estuary - Phase 2	2005	Yarmouth	Cumberland	13.00	13.00	0.00	DACF-BPL	fee	PA
Sawyer Mountain Highlands	2005	Limington	York	767.00	767.00	0.00	DIFW	fee	PA
Sawyer Mt. Highlands	2005	Limerick, Limington	York	0.00	0.00	0.00	DIFW	fee	PA
Schoodic Bog, Ph 1	2005	Sullivan	Hancock	584.60	584.60	0.00	DACF-BPL	fee	PA
Sebago Headwaters Preserve - K&W parcel	2005	Sebago	Cumberland	6.00	6.00	0.00	DACF-BPL	fee	PA
Sebago Headwaters Preserve - Parker parcel	2005	Bridgton	Cumberland	42.00	42.00	0.00	DACF-BPL	fee	PA
Additions to WMA's Phase I	2006	Augusta	Kennebec	0.00	0.00		DIFW		
Additions to WMA's Phase I - Hicks parcel	2006	Newfield	York	59.00	59.00	0.00	DIFW	fee	-
Katahdin Forest Project	2006	var. unorganized	Piscataquis	194,751.00	0.00	194,751.00	DACF-BPL	CE	-
Machias River Phase II	2006	T35 MD, T36 MD, T41 MD,	Washington	7,630.00	7,630.00	0.00	DACF-BPL	fee	-
Quarry Woods & Wetland	2006	Freeport	Cumberland	35.00	0.00	35.00	DACF-BPL	CE	PA
Riverlink Phase II - Church parcel	2006	Edgecomb	Lincoln	104.00	104.00	0.00	DACF-BPL	fee	PA
Sabbathday Lake - Conservation	2006	New Gloucester, Poland	Cumberland	1,755.00	0.00	1,755.00	DACF-BPL	CE	PA
Additions to WMA's Phase I - Clark parcel	2007	Augusta, Vassalboro	Kennebec	94.00	94.00	0.00	DIFW	fee	-
Appleton Preserve	2007	Appleton	Knox	121.00	121.00	0.00	DACF-BPL	fee	PA
Bald & Ragged Mountains	2007		Knox				DACF-BPL		-
Bald & Ragged Mountains - Brown parcel	2007	Rockport	Knox	113.00	113.00	0.00	DACF-BPL	fee	PA
Bald & Ragged Mountains - Dickey parcel	2007	Camden	Knox	11.00	11.00	0.00	DACF-BPL	fee	PA
Bald & Ragged Mountains - Gates parcel	2007	Hope	Waldo	97.00	97.00	0.00	DACF-BPL	fee	PA
Bald & Ragged Mountains - Wright parcel	2007	Lincolntonville	Waldo	68.00	68.00	0.00	DACF-BPL	fee	PA
Bradbury-Pineland Corridor - Sweetser	2007	Pownal	Cumberland	0.00	0.00		DACF-BPL	fee	-
Camden Hills	2007	Lincolntonville	Waldo	248.00	248.00	0.00	DACF-BPL	fee	-
Crystal Spring	2007	Brunswick	Cumberland		0.00		DACF-BAFRR	CE	PA
Grafton Notch	2007	Grafton TWP	Oxford	3,688.00	3,688.00	0.00	DACF-BPL	fee	NA
Greater Pleasant Bay	2007		Washington				DIFW		
Greater Pleasant Bay - Pigeon Hill	2007	Steuben	Washington	117.00	117.00	0.00	DIFW	fee	-
Greater Pleasant Bay - Tibbett Island	2007	Addison	Washington	25.00	25.00	0.00	DIFW	fee	PA
Height of Land	2007	Township D	Franklin	500.00	500.00	0.00	DACF-BPL	fee	PA
Katahdin Iron Works Ph I and II	2007	Bowdoin College Grant East	Piscataquis	37,000.00	0.00	37,000.00	DACF-BPL	CE	-
Maquoit Bay	2007	Brunswick	Cumberland	126.00	126.00	0.00	DIFW	fee	PA
Mitchell - Ledge Farm	2007	Freeport	Cumberland		0.00		DACF-BAFRR	CE	PA
Rumford-Whitecap	2007	Rumford	Oxford	752.00	752.00	0.00	DACF-BPL	fee	PA
Sebago Headwaters Preserve - Verrill parcel	2007	Bridgton	Cumberland	110.00	110.00	0.00	DACF-BPL	fee	PA
Sucker Brook	2007	Lovell	Oxford	199.00	199.00	0.00	DACF-BPL	fee	PA
Tatnic Turtle Corridor	2007		York				DIFW		-
Tatnic Turtle Corridor - Allen parcels	2007	South Berwick	York	98.00	98.00	0.00	DIFW	fee	PA
The Lord Parcel	2007	Wells	York	2.00	2.00	0.00	WNERR	fee	PA
Turner Cove	2007	Turner	Androscoggin	326.00	326.00	0.00	DACF-BPL	fee	-
Wells Conservaton Lands- McLatchey Stevens parcel	2007	Wells	York	16.00	16.00	0.00	DACF-BPL	fee	PA

Date: 10/30/2023

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**LMF CONSERVATION RECREATION 1987- October 30, 2023**

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?
<b>Bald &amp; Ragged Mountains Phase II Connector</b>	2008	Rockport	Knox	18.00	18.00	0.00	DACF-BPL	fee	PA
<b>Bog Brook &amp; Moose Cove</b>	2008		Washington				DACF-BPL		
Bog Brook & Moose Cove - Bog Brook Farm Cove Cutler	2008	Cutler, Trescott	Washington	270.00	0.00	270.00	DACF-BPL	CE	PA
Bog Brook & Moose Cove - Mountains & Meadows	2008	Cutler	Washington	501.00	0.00	501.00	DACF-BPL	CE	PA
<b>Bradbury-Pineland Corridor - MATCH - Wentworth</b>	2008	Pownal	Cumberland	0.00	0.00	0.00	DACF-BPL	fee	
<b>Caribou Bog - Penjajwoc Marsh Phase II - Kelly parcel</b>	2008	Bangor	Penobscot	52.00	52.00	0.00	DACF-BPL	fee	PA
<b>Caribou Bog - Penjajwoc Marsh Phase II - Molean Parcel</b>	2008	Bangor	Penobscot	28.00	28.00	0.00	DACF-BPL	fee	PA
<b>Colonial Pemaquid</b>	2008	Bristol	Lincoln	0.40	0.40	0.00	DACF-BPL	fee	
<b>Dead River Corridor</b>	2008	T3R4, T3R5, Lower Enchanted, West Forks	Somerset	1,175.00	1,120.00	55.00	DACF-BPL	CE	PA
<b>Great Pond Mountain Wildlands</b>	2008	Orland	Hancock	4,230.00	4,230.00		DACF-BPL	fee	PA
<b>Kennebec River Estuary</b>	2008		Sagadahoc	756.00	596.00	160.00	DIFW	fee	
Kennebec River Estuary - MATCH - Cote parcel	2008	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	
Kennebec River Estuary - MATCH - Rudolph Lovell parcel	2008	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	
Kennebec River Estuary - MATCH - Stanton parcel	2008	Woolwich	Sagadahoc	0.00	0.00	0.00	DIFW	fee	
Kennebec River Estuary - Wallentine parcel	2008	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	CE	
<b>Pigeon Hill, Phase II</b>	2008		Washington				DACF-BPL		
Pigeon Hill, Phase II - Rice parcel	2008	Steuben	Washington	34.00	34.00	0.00	DACF-BPL	fee	PA
Riverlink Phase II - Garber parcel	2008	Newcastle	Lincoln	26.00	26.00	0.00	DACF-BPL	fee	PA
Riverlink Phase II - MATCH - O'Brien parcel	2008	Newcastle	Lincoln	21.00	21.00	0.00	DACF-BPL	fee	PA
<b>Wabassus Lake Project</b>	2008	T42 & 43 BPP	Washington	6,628.00	6,628.00	0.00	DACF-BPL	fee	PA
<b>Amherst Mountains</b>	2009	Amherst	Hancock	4,974.00	4,974.00	0.00	DACF-BPL	fee	
Caribou Bog - Penjajwoc Marsh Phase II - Sewall parcel	2009	Bangor	Penobscot	850.00	850.00	0.00	DIFW	fee	PA
<b>Expanding Wildlife Management Area</b>	2009		Cumberland				DIFW		
Expanding Wildlife Management Area - Scarborough Marsh - Gervais parcel	2009	Scarborough	Cumberland	46.00	46.00	0.00	DIFW	fee	
<b>Federal Harbor (Phase II Horan Head)</b>	2009		Washington				DIFW		
Federal Harbor (Phase II Horan Head) - Lyons parcel	2009	Lubec	Washington	93.00	93.00	0.00	DIFW	fee	
<b>Fields &amp; Forests (Conservation) - Perkins Backland parcel</b>	2009	Unity & Albion	Waldo	137.00	0.00	137.00	DACF-BAFRR	CE	PA
<b>Four Season Trail</b>	2009	Madawaska	Aroostook	64.00	64.00	0.00	DACF-BPL	fee	PA
<b>Head of Estuaries</b>	2009		Washington				DIFW		
Head of Estuaries - Boncore parcel	2009	Jonesboro	Washington	160.00	160.00	0.00	DIFW	fee	PA
Head of Estuaries - Cormo & Bernstein parcel	2009	Jonesboro	Washington	80.00	80.00	0.00	DIFW	fee	PA
Head of Estuaries - Long Creek Point parcel	2009	Jonesboro	Washington	12.00	12.00	0.00	DIFW	fee	
Head of Estuaries - MATCH - Adler parcel	2009	Addison	Washington	86.00	86.00	0.00	DIFW	fee	
Head of Estuaries - Outward Bound parcel	2009	Addison	Washington	40.00	40.00	0.00	DIFW	fee	PA
Head of Estuaries - Rowse parcel	2009	Jonesport	Washington	5.00	5.00	0.00	DIFW	fee	PA
<b>Heart of the Watershed</b>	2009	Barth parcels	Newcastle & Alna	184.00	184.00	0.00	DIFW	fee	
<b>Highland Farm</b>	2009	York	York	91.00	91.00	0.00	DACF-BPL	fee	PA
<b>Kennebec Highlands Expansion</b>	2009	Mount Vernon, New Sharon, Rome, Vienna	Franklin				DACF-BPL		
Kennebec Highlands Expansion - DiStefano	2009	New Sharon	Franklin	106.00	106.00	0.00	DACF-BPL	fee	
Kennebec Highlands Expansion - Krause III	2009	Vienna	Kennebec	29.00	29.00	0.00	DACF-BPL	fee	
Kennebec Highlands Expansion - MATCH Chalaby	2009	Vienna	Kennebec	19.00	19.00	0.00	DACF-BPL	fee	
Kennebec Highlands Expansion - MATCH Gordon	2009	Vienna	Kennebec	133.00	133.00	0.00	DACF-BPL	fee	



**LMF CONSERVATION RECREATION 1987- October 30, 2023**

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?
Kennebec Highlands Expansion - MATCH Goucher	2009	Vienna	Kennebec	180.00	180.00	0.00	DACF-BPL	fee	-
Kennebec Highlands Expansion - MATCH Kelley	2009	Vienna	Kennebec	77.00	77.00	0.00	DACF-BPL	fee	-
Kennebec Highlands Expansion - MATCH Krause I parcel	2009	Vienna	Kennebec	45.00	45.00	0.00	DACF-BPL	fee	-
Kennebec River Estuary - Lund parcel	2009	Woolwich	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Match - Steen parcel	2009	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - MATCH-Wallace parcel	2009	Woolwich	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
<b>Libby Hill - Gray</b>	2009	Gray	Cumberland	29.00	29.00	0.00	DACF-BPL	fee	PA
<b>Moose River - #5 Bog</b>	2009	T4 R7, T6 R7, T54 R7	Somerset	4,720.00	4,720.00	0.00	DACF-BPL	fee	-
Pigeon Hill, Phase II - Sawyer parcel	2009	Steuben	Washington	17.00	17.00	0.00	DACF-BPL	fee	PA
<b>Pleasant Mountain Preserve</b>	2009		Oxford				DACF-BPL		-
Pleasant Mountain Preserve - Shawnee Peak Holding parcel	2009	Bridgton	Cumberland	61.00	61.00	0.00	DACF-BPL	fee	PA
<b>Roberts Farm</b>	2009	Norway	Oxford	151.00	151.00	0.00	DACF-BPL	fee	PA
<b>Saco River Indian Cellar</b>	2009	Hollis	York	100.00	100.00	0.00	DACF-BPL	fee	PA
<b>Schoodic Trail Connector, (a/k/a Schoodic Bog Phase II)</b>	2009	Sullivan	Hancock	253.00	253.00	0.00	DACF-BPL	fee	PA
<b>Seboeis Unit Additions- Northwest Pond</b>	2009	T4_R9	Piscataquis	2,256.00	2,256.00	0.00	DACF-BPL	fee	-
<b>South Pond Conservation</b>	2009	Buckfield	Oxford	14.00	14.00	0.00	DIFW	fee	PA
<b>Stowe Mountain (Grafton)</b>	2009	Newry	Oxford	3,360.00	0.00	3,360.00	DACF-BPL	fee	-
Tatnic Turtle Corridor - Smith parcel	2009	South Berwick	York	20.00	20.00	0.00	DIFW	fee	PA
<b>The Basin, Vinalhaven - Swanson property</b>	2009	Vinalhaven	Knox	40.00	40.00	0.00	DACF-BPL	fee	PA
<b>Androscoggin River Corridor - Dupuis - Turner parcel River Rise Farm Woodlot</b>	2010	Turner	Androscoggin	435.00	87.00	348.00	DACF-BPL	fee	PA
Bog Brook & Moose Cove - Moose Cove III parcel	2010	Trescott	Washington	50.00	50.00	0.00	DACF-BPL	fee	PA
<b>Branch Lake Conservation Project</b>	2010	Ellsworth	Hancock	1,164.00	0.00	1,164.00	DACF-BPL	CE	PA
<b>Caribou Bog - Penjajwoc Marsh Phase III</b>	2010		Penobscot				DACF-BPL		
Caribou Bog - Penjajwoc Marsh Phase III - Benson parcel	2010	Bangor	Penobscot	43.00	43.00	0.00	DACF-BPL	fee	PA
Caribou Bog - Penjajwoc Marsh Phase III - Woods of Maine parcel	2010	Bangor	Penobscot	44.00	44.00	0.00	DACF-BPL	fee	PA
<b>Central Falmouth Conservation Corridor</b>	2010		Cumberland				DACF-BPL		-
Central Falmouth Conservation Corridor - Dictar parcel	2010	Falmouth	Cumberland	15.00	15.00	0.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - Harriman parcel	2010	Falmouth	Cumberland	30.00	30.00	0.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - MATCH - Community Park Land	2010	Falmouth	Cumberland	30.00	0.00	30.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - MATCH - Paddock Way	2010	Falmouth	Cumberland	11.00	0.00	11.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - MATCH - Town Forest	2010	Falmouth	Cumberland	21.00	0.00	21.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - Old Route 202 Associates parcel	2010	Falmouth	Cumberland	4.00	4.00	0.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - Philmoor parcel	2010	Falmouth	Cumberland	10.00	10.00	0.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - Stiles & Terison parcel	2010	Falmouth	Cumberland	17.00	17.00	0.00	DACF-BPL	fee	PA
Central Falmouth Conservation Corridor - Stiles Lot	2010	Falmouth	Cumberland	20.00	20.00	0.00	DACF-BPL	fee	PA
<b>Wildlife Management Area - Crossman parcel (Killick Pond)</b>	2010	Hollis	York	51.00	51.00		DIFW	fee	NA
Expanding Wildlife Management Area - James parcel	2010	Newfield	York	100.00	100.00	0.00	DIFW	fee	-
Wildlife Management Area - Morgan Meadow - Meier parcel	2010	Raymond	Cumberland	19.00	19.00	0.00	DIFW	fee	-
Wildlife Management Area - Morgan Meadow - Tripp parcel	2010	Raymond	Cumberland	20.00	20.00	0.00	DIFW	fee	-
<b>Extending Dennys River Corridor</b>	2010	Meddybemps	Washington	50.00	50.00	0.00	DMR-BSRF	fee	-
<b>Great Pond Lower Penobscot - Madden parcel</b>	2010	Bradley	Penobscot	245.00	245.00	0.00	DACF-BPL	fee	-
Head of Estuaries - Meadow Brook - Kennedy parcel	2010	Jonesport	Washington	29.00	29.00	0.00	DIFW	fee	PA
Head of Estuaries - Redmarker parcel	2010	Addison	Washington	4.00	4.00	0.00	DIFW	fee	PA

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**LMF CONSERVATION RECREATION 1987- October 30, 2023**

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<b>Hunter Cove</b>	2010	Rangeley	Franklin	172.00	172.00	0.00	DACF-BPL	fee	PA
Kennebec River Estuary - Berry parcel	2010	Woolwich	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Bouscaren parcel	2010	Topsham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Dyer parcel	2010	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - MATCH- Robinson West parcel	2010	Topsham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Robinson East	2010	Topsham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
<b>Lagrange Multi-Use Trail</b>	2010	Lagrange, Medford	Penobscot	136.00	136.00	0.00	DACF-BPL	fee	-
<b>Northern Headwaters Preserve</b>	2010	Montville	Waldo	410.00	410.00	0.00	DACF-BPL	fee	PA
<b>Piney Knoll</b>	2010	Orono	Penobscot	20.00	20.00	0.00	DACF-BPL	fee	PA
Pleasant Mountain Preserve - Pleasant Mountain Farm parcel	2010	Denmark	Oxford	350.00	350.00	0.00	DACF-BPL	fee	PA
<b>River Rise Farm (Forest)</b>	2010	Turner	Androscoggin	0.00	0.00	0.00	DACF-BPL	CE	PA
<b>Archaeological Dresden Phase I</b>	2011	Dresden	Lincoln	10.20	10.20	0.00	MHPC	fee	-
<b>Belfast-Moosehead Lake Rail Trail</b>	2011	Belfast	Waldo	92.00	92.00	0.00	DACF-BPL	fee	PA
<b>Clark Farm &amp; Forest Phase I</b>	2011	Windham	Cumberland	0.00	0.00	0.00	DACF-BAFRR	CE	PA
Kennebec Highlands Expansion - Linkletter	2011	New Sharon	Franklin	265.00	0.00	265.00	DACF-BPL	CE	PA
Kennebec River Estuary - Wilson	2011	Georgetown	Sagadahoc	0.00	0.00	0.00	DIFW	CE	-
<b>Millinocket Forest</b>	2011		Penobscot				DACF-BPL		
Millinocket Forest - Mud Brook (aka Hunt Farm) tract	2011	T3 R7 WELS	Penobscot	2,849.00	0.00	2,849.00	DACF-BPL	CE	-
Millinocket Forest - Sandy Stream (aka Millinocket Forest) tract	2011	T2 R8 WELS	Penobscot	5,061.00	5,061.00	0.00	DACF-BPL	fee	-
<b>Pisgah Hill</b>	2011		Cumberland				DACF-BPL		
Pisgah Hill - MATCH - Powers parcel	2011	New Gloucester	Cumberland	10.00	0.00	10.00	DACF-BPL	CE	PA
Pisgah Hill - Arbuckle parcel	2011	New Gloucester	Cumberland	45.00	45.00	0.00	DACF-BPL	fee	PA
Pisgah Hill - Hobson parcel	2011	New Gloucester	Cumberland	102.00	102.00	0.00	DACF-BPL	fee	PA
<b>Roberts Farm- Homestead parcel</b>	2011	Norway	Oxford	2.00	2.00	0.00	DACF-BPL	fee	PA
<b>Archaeological Dresden Phase II</b>	2012	Dresden	Lincoln	4.30	4.30	0.00	MHPC	fee	PA
Bald & Ragged Mountains - Twitchell parcel	2012	Rockport	Knox	9.00	9.00	0.00	DACF-BPL	fee	PA
<b>Camden Hills State Park-Dunning</b>	2012	Camden	Knox	69.00	69.00	0.00	DACF-BPL	fee	-
Expanding Wildlife Management Area - Delogue parcel	2012	TAR2WELS Tp	Aroostook	100.00	100.00	0.00	DIFW	fee	-
Expanding Wildlife Management Area - Maloney parcel	2012	Gray	Cumberland	100.00	100.00	0.00	DIFW	fee	-
Expanding Wildlife Management Area - Merrill parcel	2012	Gray	Cumberland	20.00	20.00	0.00	DIFW	fee	-
Expanding Wildlife Management Area - Merrill parcel II	2012	Casco	Cumberland	64.00	64.00	0.00	DIFW	fee	-
Greater Pleasant Bay - Willard Point	2012	Harrington	Washington	127.00	127.00	0.00	DIFW	fee	PA
<b>Hackers Hill</b>	2012	Casco	Cumberland	29.00	29.00	0.00	DACF-BPL	fee	PA
<b>Kennebec River Estuary - Phase II</b>	2012		Sagadahoc	378.00	378.00		DIFW		
Kennebec River Estuary - Phase II - Gorman parcel (Match land)	2012	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Phase II - Lamoreau parcel	2012	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
Kennebec River Estuary - Phase II - Lenna parcel	2012	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-
<b>Pleasant Bay Wildlife Management Area</b>	2012		Washington				DIFW		
Management Area - Oscar Pond South parcel (Match land)	2012	Addison	Washington	64.80	64.80	0.00	DIFW	fee	-
Riverlink Phase II - Ripley parcel	2012	Edgecomb	Lincoln	69.00	69.00	0.00	DACF-BPL	fee	PA
<b>Seboeis Lake South</b>	2012	Lake View Pt	Piscataquis	5,791.00	5,791.00	0.00	DACF-BPL	fee	-
<b>Sipp Bay Gateway</b>	2012	Perry	Washington	16.00	16.00	0.00	DIFW	fee	PA
<b>West Grand Lake</b>	2012	Grand Lake Stream T6 ND B	Washington	21,870.00	0.00	21,870.00	DACF-BPL	CE	PA
<b>Crocker Mountain</b>	2013	Carrabassett Valley & Mt.	Franklin	11,798.00	11,798.00	0.00	DACF-BPL	fee	-

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LMF CONSERVATION & RECREATION 1987- October 2023										
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?	
Federal Harbor (Phase II Horan Head) - Black Head parcel	2013	Lubec	Washington	100.00	100.00	0.00	DIFW	fee	-	
Pleasant Bay Wildlife Management Area - Oscar Pond North parcel	2013	Addison	Washington	52.00	52.00	0.00	DIFW	fee	-	
<b>Schoodic Bog, Ph 1 - Amendment</b> - Dunbar parcel	2013	Sullivan	Hancock	65.00	65.00	0.00	DACF-BPL	fee	PA	
<b>Sousa property</b>	2013	Burnham	Waldo	201.50	201.50	0.00	DIFW	fee	-	
<b>Androscoggin Greenway - Expanding Androscoggin River Greenway - Expanding Androscoggin River Greenway - (Match land)</b>	2014	Canton	Oxford	1,225.00	1,225.00	0.00	DACF-BPL	fee	PA	
<b>Androscoggin River Greenway - Jay/greenway parcels</b>	2014	Jay	Franklin	0.00	0.00	0.00	DACF-BPL	fee	in above	
<b>Orbeton Stream</b>	2014	Madrid	Franklin	5,798.00	0.00	5,798.00	DACF-BPL	CE	-	
<b>Central Maine Sportsman</b>	2015		Somerset				DIFW			
Central Maine Sportsman - Burnham Deeryard parcel	2015	Burnham	Waldo	1,094.00	1,094.00	0.00	DIFW	fee	-	
Central Maine Sportsman - Dexter Road parcel	2015	Ripley	Somerset	97.43	97.43	0.00	DIFW	fee	-	
Central Maine Sportsman - Hancock Pond parcel	2015	Embden	Somerset	425.41	425.41	0.00	DIFW	fee	-	
Central Maine Sportsman - Sandy Pond parcel	2015	Embden	Somerset	113.00	113.00	0.00	DIFW	fee	-	
Central Maine Sportsman - Tuttle Road parcel	2015	Detroit	Somerset	1,034.00	1,034.00	0.00	DIFW	fee	-	
<b>Cold Stream Forest</b>	2016	W.Forks Plt., Parlin Twp., Johnson Mountain Twp.	Somerset	8,159.00	8,159.00	0.00	DACF-BPL	fee	-	
<b>Crooked River &amp; Forest</b> Intervale parcel	2016	Harrison	Oxford	296.00	296.00	0.00	DIFW	fee	PA	
<b>Crooked River &amp; Forest</b> - Twin Bridges North & South parcels	2016	Otisfield	Oxford	247.00	247.00	0.00	DIFW	fee	PA	
<b>Crooked River &amp; Forest</b> - Oakhill parcel	2016	Otisfield	Oxford	130.00	130.00	0.00	DIFW	fee	in above	
<b>Crooked River &amp; Forest</b> - Watkins South parcel	2016	Otisfield	Oxford	56.00	56.00	0.00	DIFW	fee	in above	
<b>Kennebec Highlands - Kimball Pond</b>	2016	New Sharon	Franklin	278.00	278.00	0.00	DACF-BPL	fee	PA	
Kennebec River Estuary - Phase II - Fawcett parcel	2016	Bowdoinham	Sagadahoc	0.00	0.00	0.00	DIFW	fee	-	
Knights Pond (conserved land tract straddles two towns)	2016	North Yarmouth	Cumberland	49.50	49.50	0.00	DACF-BPL	fee	PA	
<b>Knights Pond</b> (conserved land tract straddles two towns)	2016	Cumberland	Cumberland	165.00	165.00	0.00	DACF-BPL	fee	PA	
Pleasant Bay Wildlife Management Area - Big Dick North parcel	2016	Addison	Washington	51.63	51.63	0.00	DIFW	fee	-	
Pleasant Bay Wildlife Management Area - Ports Harbor North parcel	2016	Addison	Washington	232.90	232.90	0.00	DIFW	fee	-	
Pleasant Bay Wildlife Management Area - Ports Harbor South parcel	2016	Addison	Washington	50.50	50.50	0.00	DIFW	fee	-	
<b>Save Eagle Bluff</b>	2016	Clifton	Penobscot	165.00	165.00	0.00	DACF-BPL	fee	PA	
<b>Braveboat Headwaters</b>	2017	Kittery	York	55.80	55.80	0.00	DACF-BPL	fee	PA	
<b>Caribou Bog Conservation Area</b>	2017		Penobscot				DIFW	fee	PA	
Caribou Bog Conservation Area - Beyenberg parcel	2017	Old Town	Penobscot	27.70	27.70	0.00	DIFW	fee	-	
Caribou Bog Conservation Area - Lucien parcel	2017	Old Town	Penobscot	89.94	89.94	0.00	DIFW	fee	PA	
Caribou Bog Conservation Area - UMaine donated Lot	2017	Old Town	Penobscot	146.80	146.80	0.00	DIFW	fee	-	
<b>Crow Island</b>	2017	South Bristol	Lincoln	2.90	2.90	0.00	DIFW	fee	PA	
<b>Ellis River to Whitecap Mountain</b>	2017	Rumford	Oxford			0.00	DACF-BPL	fee	PA	
Ellis River to Whitecap Mountain - Ellis River Conservation Area parcel	2017	Rumford	Oxford	227.70	227.70	0.00	DACF-BPL	fee	PA	
Ellis River to Whitecap Mountain - Lot 36 & Lot 37 (Match Lands)	2017	Rumford	Oxford	140.30	140.30	0.00	DACF-BPL	fee	in above	
<b>Gulf Hagas - White Cap</b>	2017	Bowdoin College Grant East	Piscataquis	8,450.00	1,225.00	7,225.00	DACF-BPL	fee & CE	-	
<b>High Island</b>	2017	Saint George	Knox	19.70	19.70	0.00	DACF-BPL	fee	PA	
<b>Howard Hill</b>	2017	Augusta	Kennebec	164.00	164.00	0.00	DIFW	fee	PA	
<b>Raymond Community Forest</b>	2017	Raymond	Cumberland	356.10	356.10	0.00	DACF-BPL	fee	PA	
<b>Lower Weskeag Fields &amp; Forest</b>	2018		Knox				DIFW			
Lower Weskeag Fields & Forest - Bartlett parcel	2018	South Thomaston	Knox	91.70	91.70	0.00	DIFW	fee	PA	
Lower Weskeag Fields & Forest - Firth parcel	2018	South Thomaston	Knox	46.48	46.48	0.00	DIFW	fee	-	

Date: 10/30/2023

Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry



LMF CONSERVATION RECREATION 1987- October 30, 2023

LMF CONSERVATION & RECREATION 1987- October 2023											
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?		
Lower Weskeag Fields & Forest - Philbrook Fields parcel	2018	South Thomaston	Knox	41.10	41.10	0.00	DIFW	fee	PA		
Lower Weskeag Fields & Forest - Philbrook Woods parcel	2018	South Thomaston	Knox	26.70	26.70	0.00	DIFW	fee	-		
The Goslings: East Gosling Island and West Gosling Island	2018	Harpswell	Cumberland	12.70	12.70	0.00	DACF-BPL	fee	PA		
The Goslings: Irony Island (Match land)	2018	Harpswell	Cumberland	1.10	1.10	0.00	DACF-BPL	fee	in above		
Bethel Community Forest	2019	Bethel	Oxford	853.30	853.30	0.00	DACF-BPL	fee	PA		
Hope Woods	2019	Kennebunk	York	72.34	0.00	72.34	DACF-BPL	CE	PA		
Mirror Lake Conservation Easement	2019	Rockport	Knox	1,288.00	0.00	1,288.00	DIFW	CE	PA		
Robinson Pond South	2019	Cape Elizabeth	Cumberland	51.90	51.90	0.00	DACF-BPL	fee	PA		
Woodward Point	2019	Brunswick	Cumberland	59.90	59.90	0.00	DIFW	fee	PA		
Yarmouth Riverfront Woods Preserve	2019	Yarmouth	Cumberland	19.48	19.48	0.00	DACF-BPL	fee	PA		
Clapboard Island	2020	Falmouth	Cumberland	15.20	15.20	0.00	DACF-BPL	fee	PA		
Caterpillar Hill	2021	Sedgwick	Hancock	32.00	32.00	0.00	DACF-BPL	fee	PA		
Madison Branch Rail Trail	2021	Oakland - Embden	Somerset	357.00	357.00	0.00	DACF-BPL	fee	PA		
North Falmouth Conservation Corridor	2021	Falmouth	Cumberland	263.80	263.80	0.00	DACF-BPL	fee	PA		
Schooner Cove (Reversing Falls Parcel)	2021	Pembroke	Washington	14.00	14.00	0.00	DIFW	fee	PA		
Buck's Ledge Community Forest	2022	Woodstock	Oxford	646.00	646.00	0.00	DACF-BPL	fee	PA		
East Grand Weston	2022	Weston	Aroostook	4,396.00	0.00	4,396.00	DACF-BPL	CE			
Kennebec Highlands - Vienna Mountain & York Hill	2022	Vienna	Kennebec	813.00	813.00	0.00	DACF-BPL	fee			
Plaisted Preserve	2022	Owls Head	Knox	7.14	7.14	0.00	DACF-BPL	fee	PA		
Schooner Cove East (Parcel 2 of Schooner Cove Project)	2022	Pembroke	Washington	34.20	0.00	34.20	DIFW	CE	PA		
Camp Gustin	2023	Sabattus	Androscoggin	95.00	95.00	0.00	DACF-BPL	fee	PA		
Kezar Corridor - Patterson Hill	2023	Lovell	Oxford	352.41	352.41	0.00	DACF-BPL	fee	PA		
North Deering Park	2023	Portland	Cumberland	15.17	15.17	0.00	DACF-BPL	fee	PA		
Porter Hills	2023	Porter	Oxford	567.00	567.00	0.00	DIFW	fee	PA		
Thayer Brook - Heron Colony	2023	Gray	Cumberland	147.00	147.00	0.00	DIFW	fee	PA		
Bauneg Beg Mountain 2011 BOND \$181,700/183,300	2023	North Berwick	York	61.00	61.00	0.00	DACF-BPL	fee	PA		
Caribou Stream DWA	2023	Washburn & Woodland	Aroostook	917.90	917.90	0.00	DIFW	fee			
Reed Deadwater - Juniper Brook	2023	N. Yarmouth Academy Grant	Aroostook	6,326.00	6,326.00	0.00	DIFW	fee			
East Windham Community Forest	2023	Windham	Cumberland	697.40	697.40	0.00	DACF-BPL	fee	PA		
<b>Project TOTALS:</b>				<b>244</b>	<b>Acreege TOTALS:</b>				<b>624,316.13</b>	<b>286,170.09</b>	<b>338,146.04</b>

Date: 10/30/2023

Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry

# LMF CONSERVATION RECREATION 1987- October 30, 2023

LMF CONSERVATION & RECREATION 1987- October 2023									
Completed Project Name	Year	Town	County	Acres Total	Acres Fee	Acres Ease	DSA or Agency Owner	State Interest	PA?

SUMMARY - LMF C&R Projects 1987 -October 2023				
Maine County Breakdown	Projects	Total Acres	Fee Acres	Ease Acres
Androscoggin	7	3,317	2,969.00	348.00
Aroostook	10	18,288	10,865.90	7,422.00
Cumberland	41	7,814	5,887.35	1,927.00
Franklin	11	48,181	34,135.50	14,045.00
Hancock	13	44,089	20,233.60	23,855.00
Kennebec	6	8,191	8,191.00	0.00
Knox	13	2,290	1,001.82	1,288.00
Lincoln	12	1,302	1,296.80	5.00
Oxford	20	17,610	10,522.71	7,087.00
Penobscot	13	17,872	15,022.44	2,850.00
Piscataquis	8	279,529	40,553.00	238,976.00
Sagadahoc	6	3,029	2,772.00	256.50
Somerset	8	63,357	63,301.84	55.00
Waldo	7	2,639	2,501.50	137.00
Washington	34	91,578	60,405.83	31,172.20
York	28	15,232	6,509.80	8,722.34
<b>TOTALS (rounded)</b>	<b>244</b>	<b>624,316</b>	<b>286,170.09</b>	<b>338,146.04</b>

Sponsoring State Agency:	#Projects	#Acres
DACF-BPL	158	578,308.94
DIFW	73	37,832.69
DACF-BAFRR	3	137.00
DACF-BPL/ DIFW	1	2,773.00
DMR-BSRF	1	50.00
ASC/DMR-BSRF	4	4,903.00
WNERR	1	2.00
MHPC	2	14.50
DACF-BPL & DACF-BAFRR	1	295.00
	<b>244</b>	<b>624,316.13</b>

**NOTE:**

PA = Project Agreement w/ a Cooperating Entity (typically a land trust or municipality).  
 CE = conservation easement  
 ASC = ME Atlantic Salmon Commission, [abolished in 2010 by PL Chapter 561]  
 WNERR = Wells Natural Estuarine Research Reserve  
 DMR = ME Department of Marine Resources  
 DMR-BSRF= ME Department of Marine Resources, Bureau of Sea-Run Fisheries  
 DACF-BPL = ME Dept of Agriculture Conservation & Forestry, Bureau of Parks & Lands  
 DIFW = ME Department of Inland Fisheries & Wildlife  
 MHPC = ME Historic Preservation Commission  
 DACF-BAFRR = ME Dept of Agriculture Conservation & Forestry, Bureau of Agriculture Food & Rural Resources

Water Access 2000- June 2023											
Project Name	Year	Town	County	Total Acres	Fee Acres	Ease Acres	State Agency	State Interest	Locally Held (PA) *	Shore Type	e (Mile)
Round Pond "The Pines"	2000	Livermore	Androscoggin	19.00	19.00	0.00	DIFW	fee	n/a	Pond	0.3
Jacob Buck Pond	2001	Bucksport	Hancock	2.49	2.49	0.00	DIFW	fee	n/a	Pond	0.04
Presumpscot River Bridge Site	2001	Falmouth	Cumberland	4.40	4.40	0	DACF	fee	PA-Town of Falmouth	River	0.19
Clary Lake	2001	Jefferson	Lincoln	5.00	5.00	0.00	DIFW	fee	n/a	Lake	0.4
Kennebec - Shawmut	2001	Fairfield	Kennebec	32.80	32.80	0.00	DIFW	fee	n/a	River	0.5
Pocomoonshine Lake	2002	Princeton	Washington	1.30	1.30	0.00	DIFW	fee	n/a	Lake	0.02
Pettegrow Beach	2002	Machiasport	Washington	1.80	1.80	0.00	DACF	fee	Machiasport	Coast	0.06
Big Falls - Grand Lake Stream,	2002	T27 ED BPP	Washington	0.60	0.60	0.00	DIFW	fee	n/a	Stream	0.06
Middle Bay - Mere Point	2002	Brunswick	Cumberland	5.50	5.50	0.00	DIFW	fee	n/a	Coast	0.08
Bear River Rips	2002	Hanover	Oxford	4.70	4.70	0.00	DACF	fee	PA	River	0.11
Tidal Falls Acquisition	2002	Town of Hancock	Hancock	4.00	0.00	4.00	DACF	ease	n/a	Coast	0.20
Kennebec- Gardiner	2002	Gardiner	Kennebec	1.90	1.90	0.00	DACF	fee	PA-Town of Gardiner	Tidal River	0.28
Lambert Lake	2003	Lambert Lake	Washington	6.20	6.20	0.00	DIFW	fee	n/a	Lake	0.05
Mill Pond	2003	Swan's Island	Hancock	10.00	10.00	0.00	DACF	fee	Swans Island	Coast	0.15
Tibbetts Pond	2003	Concord TWP	Somerset	14.90	14.90	0.00	DIFW	fee	n/a	Pond	0.28
Presumpscot Falls	2003	Falmouth	Cumberland	4.00	4.00	0.00	DACF	fee	PA	River	0.32
Worthley Pond	2004	Peru	Oxford	0.70	0.70	0.00	DIFW	fee	n/a	Pond	0.03
Patrick Lake	2004	Marion Twp.	Washington	2.80	2.80	0.00	DACF	fee	n/a	Lake	0.08
Indian Lake	2004	Whiting	Washington	4.00	4.00	0.00	DIFW	fee	n/a	Lake	0.15
Sheepscot Pond	2004	Palermo	Waldo	1.00	0.00	1.00	DACF	ease	n/a	Pond	0.2
Androscoggin - Canton	2004	Canton	Oxford	51.00	51.00	0.00	DIFW	fee	n/a	River	0.24
Schoodic Lake	2004	LakeView Plant	Piscataquis	5.70	5.70	0.00	DIFW	fee	n/a	Lake	0.27

Date: 7/7/2023

Data Source: Land for Maine's Future, ME Department of Agriculture, Conservation, and Forestry, Augusta, Maine

Water Access 2000- June 2023											
Project Name	Year	Town	County	Total Acres	Fee Acres	Ease Acres	State Agency	State Interest	Locally Held (PA) *	Shore Type	e (Mile)
Cold Rain Pond	2004	Naples	Cumberland	192.00	192.00	0.00	DIFW	fee	n/a	Pond	1.14
Seboeis Lake water access	2004	LakeView Plant	Piscataquis	see C&R	see C&R	see C&R	DACF	fee	n/a	Lake	23.8
Westport Island	2005	Westport	Lincoln	1.80	1.80	0.00	DACF	fee	Westport Island	Coast	0.04
Prong Pond	2005	Greenville	Piscataquis	2.60	2.60	0.00	DIFW	fee	n/a	Pond	0.06
Messalonskee Lake	2006	Sidney	Kennebec	1.40	1.40	0.00	DACF	fee	n/a	Lake	0.02
Attean Pond Lots	2006	AtteanTWP	Somerset	6.00	6.00	0.00	DACF	fee	n/a	Lake	0.2
Coos Canyon	2006	Byron	Oxford	9.00	9.00	0.00	DACF	fee	Byron	River	0.3
Sebec River Milo	2006	Milo	Piscataquis	46.00	46.00	0.00	DACF	fee	n/a	River	0.46
Cupsuptic Lake Park	2006	Adamstown TWP	Oxford	125.00	125.00	0.00	DACF	fee	PA	Lake	2.0
Billings Pond	2007	Blue Hill	Hancock	3.50	3.50	0.00	DIFW	fee	n/a	Pond	0.03
Skowhegan Gorge	2007	Skowhegan	Somerset	5.60	5.60	0.00	DACF	fee	PA	River	0.16
Jasper Beach	2007	Machiasport	Washington	28.00	28.00	0.00	DACF	fee	Machiasport	Coast	0.17
Belgrade Stream	2007	Mt. Vernon	Kennebec	4.00	4.00	0.00	DIFW	fee	n/a	Stream	0.26
Androscoggin River Park	2007	Lewiston	Androscoggin	14.00	14.00	0.00	DACF	fee	PA	River	0.30
Maquoit Bay WA - see CR	2007	Brunswick	Cumberland	see C&R	see C&R	see C&R	DIFW	fee	PA	Coast	0.5
Turner Cove	2007	Turner	Androscoggin	see C&R	see C&R	see C&R	DACF	fee	n/a	River	1.7
Height of Land	2007	Township D	Franklin	see C&R	see C&R	see C&R	DACF	fee	RLHT	Stream	2
Upper Cold Stream Pond	2008	Lincoln	Penobscot	1.60	1.60	0.00	DIFW	fee	n/a	Pond	0.02
Stillwater Orono	2008	Orono	Penobscot	0.50	0.50	0.00	DACF	fee	Orono	River	0.07
Lubec Salt Ponds	2008	Lubec	Washington	4.40	4.40	0.00	DIFW	fee	PA	Coast	0.10
Wabassuss Lake WA	2008	T42 MD BPP & T43 MD BPP	Washington	see C&R	see C&R	see C&R	DACF	fee	DLT	Lake	14.5
Stockton Harbor	2009	Stockton Springs	Waldo	1.20	1.20	0.00	DACF	fee	Stockton Springs	Coast	0.04

Date: 7/7/2023

Data Source: Land for Maine's Future, ME Department of Agriculture, Conservation, and Forestry, Augusta, Maine

Water Access 2000- June 2023											
Project Name	Year	Town	County	Total Acres	Fee Acres	Ease Acres	State Agency	State Interest	Locally Held (PA) *	Shore Type	e (Mile)
Gordon's Wharf Sullivan	2009	Sullivan	Hancock	1.60	1.60	0.00	DACF	fee	Sullivan	Tidal River	0.16
Cathance - Topsham	2009	Topsham	Sagadahoc	4.00	4.00	0.00	DACF	fee	PA-Town of Topsham	River	0.28
Heads of Estuaries WA	2009	Addison	Washington	see C&R	see C&R	see C&R	DIFW	fee	PRWF	Coast	4.19
Seboomook Campground WA	2009	Seboomook Twp	Somerset	147.00	147.00	0.00	DACF	fee	n/a	Lake	1.0
Saco River Indian Cellar WA	2009	Hollis	York	see C&R	see C&R	see C&R	DACF	fee	Town of Hollis	Tidal River	1.0
Kilkenny Cove Higgins Beach - Scarborough	2010	Hancock	Hancock	8.00	8.00	0.00	DACF	fee	PA	Coast	0.03
Lily Pond	2010	Deer Isle	Hancock	6.40	6.40	0.00	DACF	fee	PA	Pond	0.10
Androscoggin - 3 McCoy Parcels	2010	Bethel & Gilead	Oxford	43.00	43.00	0.00	DIFW	fee	n/a	River	0.27
Brown's Pond	2010	Sebago	Cumberland	102.00	102.00	0.00	DACF	fee	n/a	Pond	0.44
South Pond	2011	Buckfield	Oxford	1.00	1.00	0.00	DIFW	fee	PA	Pond	0.1
Hunter Cove WA	2012	Rangeley	Franklin	1.00	0.00	1.00	DIFW	ease	n/a	Lake	0.05
Caribou Water Access	2012	Caribou	Aroostook	8.50	8.50	0.00	DIFW	fee	n/a	River	0.1
Frenchville WA	2012	Frenchville	Aroostook	3.00	3.00	0.00	DIFW	fee	n/a	River	0.1
Penobscot River, Orono Miller St.	2013	Orono	Penobscot	1.11	1.11	0.00	DACF	fee	PA-Town of Orono	River	0.05
Penobscot River, Eddington	2013	Eddington	Penobscot	4.29	4.29	0.00	DACF	fee	PA-Town of Eddington	River	0.07
Merritt Cove	2016	Addison	Washington	8.80	8.80	0.00	DIFW	fee	PA	Tidal River	0.25
Woodward Cove	2016	Brunswick	Cumberland	25.00	25.00	0.00	DACF	fee	PA	Coast	0.29
Lily Pond - Phase II	2017	Deer Isle	Hancock	10.27	10.27	0.00	DACF	fee	PA	Pond	0.15

Date: 7/7/2023

Data Source: Land for Maine's Future, ME Department of Agriculture, Conservation, and Forestry, Augusta, Maine

Water Access 2000- June 2023											
Project Name	Year	Town	County	Total Acres	Fee Acres	Ease Acres	State Agency	State Interest	Locally Held (PA) *	Shore Type	e (Mile)
Lubec Boat Launch	2018	Lubec	Washington	1.80	1.80	0.00	DACF	fee	Lubec	Coast	0.09
Head of Tide Park Addition, WA	2018	Topsham	Sagadahoc	6.97	6.97	0.00	DACF	fee	PA-Town of Topsham	River	0.13
Annabessacook Lake	2019	Winthrop	Kennebec	13.10	13.10	0.00	DIFW	fee	n/a	Lake	0.15
Moosehead Lake	2020	Greenville	Piscataquis	0.48	0.48	0.00	DACF	fee	PA	Lake	0.05
Magalloway River Water Access	2020	Lincoln Plt.	Oxford	21.40	21.40	0.00	DIFW	fee	PA	River	0.21
Pond Cove Island	2021	Roque Bluffs	Washington	49.80	49.80	0.00	DACF	fee	PA	Coast	1.8
Sysladobsis and Horseshoe Lakes	2021	Lakeville	Penobscot	2015.00	2015.00	0.00	DACF	fee	PA	Lake	2.7
St. George River	2022	Thomaston	Knox	1.00	1.00	0.00	DACF	fee	PA	Coast	0.01
Eggemoggin Reach & Mill Pond	2022	Sedgwick	Hancock	15.30	15.30	0.00	DACF	fee	PA	Coast	0.09
Merrymeeting Park	2022	Brunswick	Cumberland	121.00	121.00	0.00	DACF	fee	PA	River	0.66
Getchell Park	2023	Appleton	Knox	4.08	4.08	0.00	DIFW	fee	PA	Pond	0.14
<b>Total Projects:</b>	<b>73.0</b>		<b>Total acres:</b>	<b>3256.84</b>	<b>3250.84</b>	<b>6.00</b>				<b>Total miles shoreline:</b>	<b>66.6</b>

SUMMARY - LMF Water Access Projects 2000 - June 2023 Maine County Breakdown				
County	Project	Total Acres	Fee Acres	Easemnt Acres
Androscoggin	3	33.00	33	0
Aroostook	2	11.50	12	0
Cumberland	9	455.45	455	0
Franklin	2	1.00	0	1
Hancock	9	61.56	58	4
Kennebec	5	53.20	53	0
Knox	2	5.08	5	0
Lincoln	2	6.80	7	0

By Sponsoring State Agency		
Agency	Projects	Acres
DACF	43	2,796
DIFW	30	461
<b>Totals</b>	<b>73</b>	<b>3,257</b>

Date: 7/7/2023

Data Source: Land for Maine's Future, ME Department of Agriculture, Conservation, and Forestry, Augusta, Maine

Water Access 2000- June 2023											
Project Name	Year	Town	County	Total Acres	Fee Acres	Ease Acres	State Agency	State Interest	Locally Held (PA) *	Shore Type	e (Mile)
Oxford	8	255.80	256	0							
Penobscot	4	2,022.50	2,023	0							
Piscataquis	5	54.78	55	0							
Sagadahoc	2	10.97	11	0							
Somerset	4	173.50	174	0							
Waldo	2	2.20	1	1							
Washington	13	109.50	110	0							
York	1	0.00	0	0							
<b>TOTALS (rounded)</b>	<b>73</b>	<b>3,256.84</b>	<b>3,250.8</b>	<b>6</b>							

**NOTES:**  
 PA = LMF Project Agreement w/ a Cooperating Entity which is typically a land trust or municipality.  
 Ease. = Public access easement  
 DIFW = ME Department of Inland Fisheries & Wildlife  
 DACF= ME Department of Agriculture, Conservation and Forestry

Farmland Conservation 1990 - June 2023									
Completed Project Name	Year	Town	County	Total Acres	Acres Fee	Acres Ease	Sponsoring A	State Interest	PA?
Alice Wheeler Farm a/k/a Noble Farm	1990	Richmond	Sagadahoc	307.0	0.0	307.0	MEDACF-BAFRR	ease	-
Tide Mill Farm	1990	Edmunds Twp	Washington	1523.0	3.0	1520.0	MEDIFW	Fee & ease	-
Wilshire Farms	1996	Falmouth	Cumberland	183.0	0.0	183.0	MEDIFW	ease	-
Bowden Farm	2001	Blue Hill	Hancock	208.0	0.0	208.0	MEDACF-BAF	ease	-
Hiatt Farm	2001	Dresden	Lincoln	92.0	0.0	92.0	MEDACF-BAF	ease	-
Lakeside Orchards	2002	Manchester	Kennebec	188.9	0.0	188.9	MEDACF-BAF	ease	-
Beech Hill - agriculture	2003	Rockport	Knox	0.0	0.0	0.0	MEDACF	fee	PA
Clarry Hill Phase 1	2003	Waldoboro, Union	Knox	242.0	0.0	242.0	MEDACF-BAF	ease	-
Lorio-Brayton Farm	2003	Penobscot	Hancock	116.0	0.0	116.0	MEDACF-BAF	ease	-
Meserve Farm Project a/k/a Broadturn Farm	2004	Scarborough & Buxton	Cumberland	434.3	0.0	434.3	MEDACF-BAF	ease	-
Packard-Littlefield Farm	2004	Lisbon	Androscoggin	194.7	0.0	194.7	MEDACF-BAF	agric. ease	PA
William Jordan Farm - The Farm Stand	2004	Cape Elizabeth	Cumberland	47.0	0.0	47.0	MEDACF-BAF	ease	-
Five Fields Farm	2005	Bridgton	Cumberland	205.0	0.0	205.0	MEDACF-BAF	agric. ease	PA
Hanson Farm	2005	Sanford	York	283.7	0.0	283.7	MEDACF-BAF	agric. ease	PA
Lover's Brook Farm	2005	Berwick, South Berwick	York	83.3	0.0	83.3	MEDACF-BAF	agric. ease	PA
Sabbathday Lake - Shaker Village-Agric	2006	New Gloucester, Poland	Cumberland	1,635.0	0.0	1,635.0	MEDACF-BAF	agric. ease	PA
Crystal Spring Farm	2007	Brunswick	Cumberland	155.0	0.0	155.0	MEDACF-BAF	agric. ease	PA
Fields & Forest -Hawes (Prairie Road)	2007	Unity	Waldo	163.8	0.0	163.8	MEDACF-BAF	agric. ease	PA
Mitchell Ledge Farm	2007	Freeport	Cumberland	105.0	0.0	105.0	MEDACF-BAF	agric. ease	PA
Tibbetts Farm	2007	Berwick	York	259.5	0.0	259.5	MEDACF-BAF	agric. ease	PA
Davis Farm (a/k/a Old Crow Farm)	2008	Durham	Androscoggin	70.0	0.0	70.0	MEDACF-BAF	agric. ease	PA
Fields & Forest -Rudolph Farm	2008	Unity	Waldo	114.3	0.0	114.3	MEDACF-BAF	agric. ease	PA
Fields & Forest -Smith-Dutton Farm	2008	Unity	Waldo	217.7	0.0	217.7	MEDACF-BAF	agric. ease	PA
Hallelujah Farm	2008	Lisbon	Androscoggin	169.9	0.0	169.9	MEDACF-BAF	agric. ease	PA
Fields & Forest - Perkins Backland	2009	Albion, Unity	Waldo	137.0	0.0	137.0	MEDACF-BAF	agric. ease	PA
Noon Family Sheep Farm	2009	Sanford	York	72.0	0.0	72.0	MEDACF-BAF	agric. ease	PA
Fields & Forest - Albion Bread Bakery Farm	2010	Albion	Kennebec	235.1	0.0	235.1	MEDACF-BAF	agric. ease	PA
Kelley Farm	2010	Bowdoinham	Sagadahoc	84.0	0.0	84.0	MEDACF-BAF	agric. ease	PA
River Rise Farm I	2010	Turner	Androscoggin	116.0	0.0	116.0	MEDACF-BAF	agric. ease	PA
River Rise Farm II	2010	Turner	Androscoggin	128.0	0.0	128.0	MEDACF-BAF	agric. ease	PA

Date: 7/7/2023

Data Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry



LMF Farmland Conservation  
1990 - June 2023

<b>Belle Vue Farm</b> (formerly Kent's Hill Orchard)	2011	Readfield	Kennebec	91.6	0.0	91.6	MEDACF-BAF	agric. ease	PA
<b>Clark Farm &amp; Forest Phase I</b>	2011	Windham	Cumberland	217.4	0.0	217.4	MEDACF-BAF	agric. ease	PA
<b>King Hill Farm</b>	2011	Penobscot	Hancock	84.5	0.0	84.5	MEDACF-BAF	agric. ease	PA
<b>Fields &amp; Forests - Cheeseman Farm</b>	2012	Unity	Waldo	185.0	0.0	185.0	MEDACF-BAF	agric. ease	PA
<b>Marsh Field Farm</b>	2012	Bowdoinham	Sagadahoc	59.0	0.0	59.0	MEDACF-BAF	agric. ease	PA
<b>Meadow Brook Farm</b>	2012	Fayette	Kennebec	256.0	0.0	256.0	MEDACF-BAF	agric. ease	PA
<b>Fields &amp; Forest - Bog Road Farm</b>	2013	Albion	Kennebec	412.0	0.0	412.0	MEDACF-BAF	agric. ease	PA
<b>Winter Hill Farm</b>	2013	Freeport	Cumberland	49.0	0.0	49.0	MEDACF-BAF	agric. ease	PA
<b>Randall Orchards</b>	2014	Standish	Cumberland	278.2	0.0	278.2	MEDACF-BAF	agric. ease	PA
<b>Randall Orchards</b>	2014	Gorham	Cumberland	18.0	0.0	18.0	MEDACF-BAF	incl. above	incl. above
<b>Randall Orchards Match Land</b>	2014	Gorham	Cumberland	185.0	0.0	185.0	n/a	agric. ease	-
<b>Ricker-Scammon Farm</b>	2014	Topsham	Sagadahoc	110.5	0.0	110.5	MEDACF-BAF	agric. ease	PA
<b>Winterwood Farm</b>	2016	Freeport	Cumberland	38.5	0.0	38.5	MEDACF-BAF	agric. ease	PA
<b>Old Talbot Farm</b>	2020	Arundel	York	129.0	0.0	129.0	MEDACF-BAF	agric. ease	PA
<b>TOTALS</b>	<b>41</b>			<b>9,883.8</b>	<b>3.0</b>	<b>9,880.8</b>			

<b>SUMMARY - LMF Farmland Conservation 1990 - June 2022</b>				
<b>Maine County Breakdown</b>	<b>Project</b>	<b>Total Acres</b>	<b>Fee Acres</b>	<b>Ease Acres</b>
Androscoggin	4	678.6	0.0	678.6
Aroostook	0	0.0	0.0	0.0
Cumberland	12	3,550.4	0.0	3,550.4
Franklin	0	0.0	0.0	0.0
Hancock	3	408.5	0.0	408.5
Kennebec	5	1,183.6	0.0	1,183.6
Knox	2	242.0	0.0	242.0
Lincoln	1	92.0	0.0	92.0
Oxford	0	0.0	0.0	0.0
Penobscot	0	0.0	0.0	0.0
Piscataquis	0	0.0	0.0	0.0
Sagadahoc	4	560.5	0.0	560.5
Somerset	0	0.0	0.0	0.0
Waldo	4	817.8	0.0	817.8
Washington	1	1,523.0	3.0	1,520.0
York	5	827.5	0.0	827.5
<b>TOTALS (rounded)</b>	<b>41</b>	<b>9,884</b>	<b>3</b>	<b>9,881</b>

**Notes:**

PA = LMF Project Agreement with a Cooperating Entity. The Cooperating Entity is typically a land trust.

Ease. = Conservation easement

Agric. Ease. = Agricultural Conservation Easement

ME DIFW = ME Department of Inland Fisheries and Wildlife

ME DACF-BAFRR = ME Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food & Rural Resources

Date: 7/7/2023

Data Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry

LMF WORKING WATERFRONT ACCESS PROTECTION PROGRAM

2008 - June 30, 2023

WORKING WATERFRONT 2008 - June 2023										
Completed Project Name	Year	Town	County	Total Acres	Acres Fee	Acres Ease	State	Agency	Shore Type	Shore Frontage (Miles)
Port Clyde Fisherman's Coop	2008	St George	Knox	0.79	0.0	0.79	ME	DMR	coast	0.06
Holbrook's Wharf	2008	Harpowell	Cumberland	0.77	0.0	0.77	ME	DMR	coast	0.04
Bremen Coop	2009	Bremen	Lincoln	12.00	0.0	12.00	ME	DMR	coast	0.13
Pemaquid Fisherman's Coop	2009	Bristol	Lincoln	4.50	0.0	4.50	ME	DMR	coast	0.13
Vinalhaven Coop	2009	Vinalhaven	Knox	1.00	0.0	1.00	ME	DMR	coast	0.07
Davis Wharf	2009	Tremont	Hancock	0.57	0.0	0.57	ME	DMR	coast	0.06
Town Landing, Isle Au Haut	2009	Isle Au Haut	Knox	0.40	0.0	0.40	ME	DMR	coast	0.04
Roberts Wharf	2009	Boothbay	Lincoln	1.91	0.0	1.91	ME	DMR	coast	0.04
The Wharf on Johnson Bay	2010	Lubec	Washington	1.00	0.0	1.00	ME	DMR	coast	0.09
John Hancock Wharf	2010	York	York	0.71	0.0	0.71	ME	DMR	coast	0.09
Owls Head - Ship to Shore Co-op	2010	Owls Head	Knox	0.25	0.0	0.25	ME	DMR	coast	0.04
Potts Harbor - Bibbers Wharf	2010	Harpowell	Cumberland	0.50	0.0	0.50	ME	DMR	coast	0.03
Fishermen's Heritage Coop	2010	Friendship	Knox	1.00	0.0	1.00	ME	DMR	coast	0.02
FriendShip Lobsterman's Coop	2010	Friendship	Knox	1.00	0.0	1.00	ME	DMR	coast	0.02
Sprucehead CoOp	2010	S.Thomaston	Knox	0.25	0.0	0.25	ME	DMR	coast	0.01
Pine Point - Scarborough	2011	Scarborough	Cumberland	2.00	0.0	2.00	ME	DMR	coast	0.11
North End Lobster Co-op	2011	Westport	Lincoln	4.61	0.0	4.61	ME	DMR	coast	0.06
Moosabec Mussel	2012	Jonesport	Washington	0.77	0.0	0.77	ME	DMR	coast	0.08
Quoddy Bay Lobster	2012	Eastport	Washington	0.94	0.0	0.94	ME	DMR	coast	0.06
J.O. Brown	2013	North Haven	Knox	1.10	0.0	1.10	ME	DMR	coast	0.80
Great Wass Lobster & Bait Co., Inc.	2013	Beals	Washington	1.00	0.0	1.00	ME	DMR	coast	0.06
South Bristol Coop	2013	South Bristol	Lincoln	1.25	0.0	1.25	ME	DMR	coast	0.05
Maine Fresh Lobster	2013	Bremen	Lincoln	3.10	0.0	3.10	ME	DMR	coast	0.04
Beals Town Landing	2014	Beals	Washington	0.45	0.0	0.45	ME	DMR	coast	0.10
ANR Enterprises, (a/k/a Millers Wharf)	2016	St. George	Knox	0.36	0.0	0.36	ME	DMR	coast	0.44
Stonington Lobster Cooperative	2020	Stonington	Hancock	1.00	0.0	1.00	ME	DMR	coast	0.18
Wotton's Lobster Wharf	2020	Bristol	Lincoln	0.13	0.0	0.13	ME	DMR	coast	0.01
Interstate Lobster	2021	Harpowell	Cumberland	0.40	0.0	0.40	ME	DMR	coast	0.03
Sprucehead CoOp(2)	2021	South Thomasto	Knox	0.53	0.0	0.53	ME	DMR	coast	0.02
Carter's Wharf (Sea Pier)	2022	Boothbay Hbr.	Lincoln	0.20	0.0	0.20	ME	DMR	coast	0.014

Totals 30 44.49 0.0 44.49 2.92400

Date: 7/7/2023

Data Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry

LMF WORKING WATERFRONT ACCESS PROTECTION PROGRAM  
 2008 - June 30, 2023

<b>SUMMARY 2008 - June 2023</b>			
<b>Maine County Breakdown: 2008 - 2022</b>	<b>Project</b>	<b>Acres</b>	<b>Frontage Miles (rounded)</b>
Androscoggin	0	0.00	0.000
Aroostook	0	0.00	0.000
Cumberland	4	3.67	0.210
Franklin	0	0.00	0.000
Hancock	2	1.57	0.240
Kennebec	0	0.00	0.000
Knox	10	6.68	1.520
Lincoln	8	27.70	0.474
Oxford	0	0.00	0.000
Penobscot	0	0.00	0.000
Piscataquis	0	0.00	0.000
Sagadahoc	0	0.00	0.000
Somerset	0	0.00	0.000
Waldo	0	0.00	0.000
Washington	5	4.16	0.390
York	1	0.71	0.090
<b>TOTALS</b>	<b>30</b>	<b>44.49</b>	<b>2.924</b>

Date: 7/7/2023

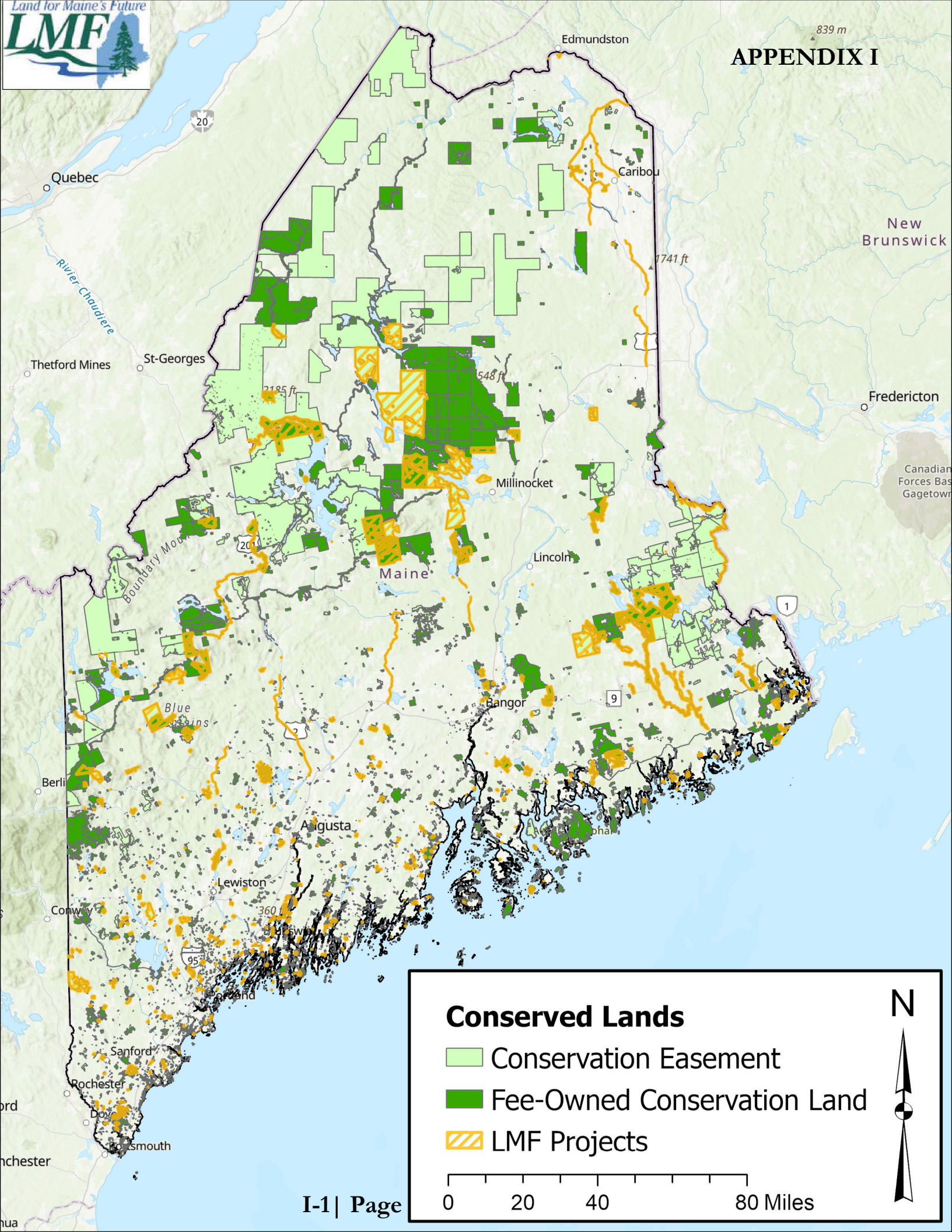
Data Source: Land for Maine's Future

ME Department of Agriculture, Conservation and Forestry

# **APPENDIX I**

## **MAPS**





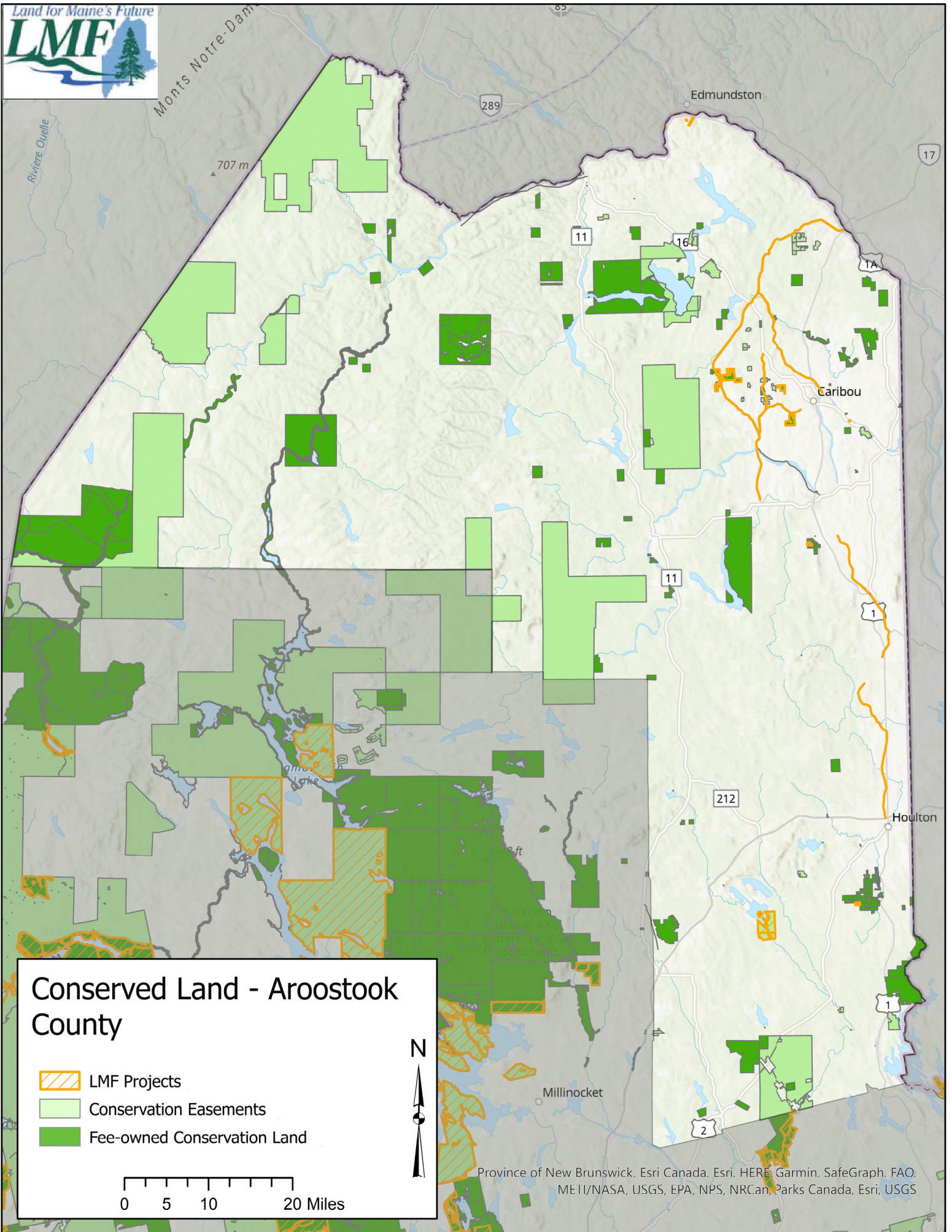
**Conserved Lands**

- Conservation Easement
- Fee-Owned Conservation Land
- LMF Projects

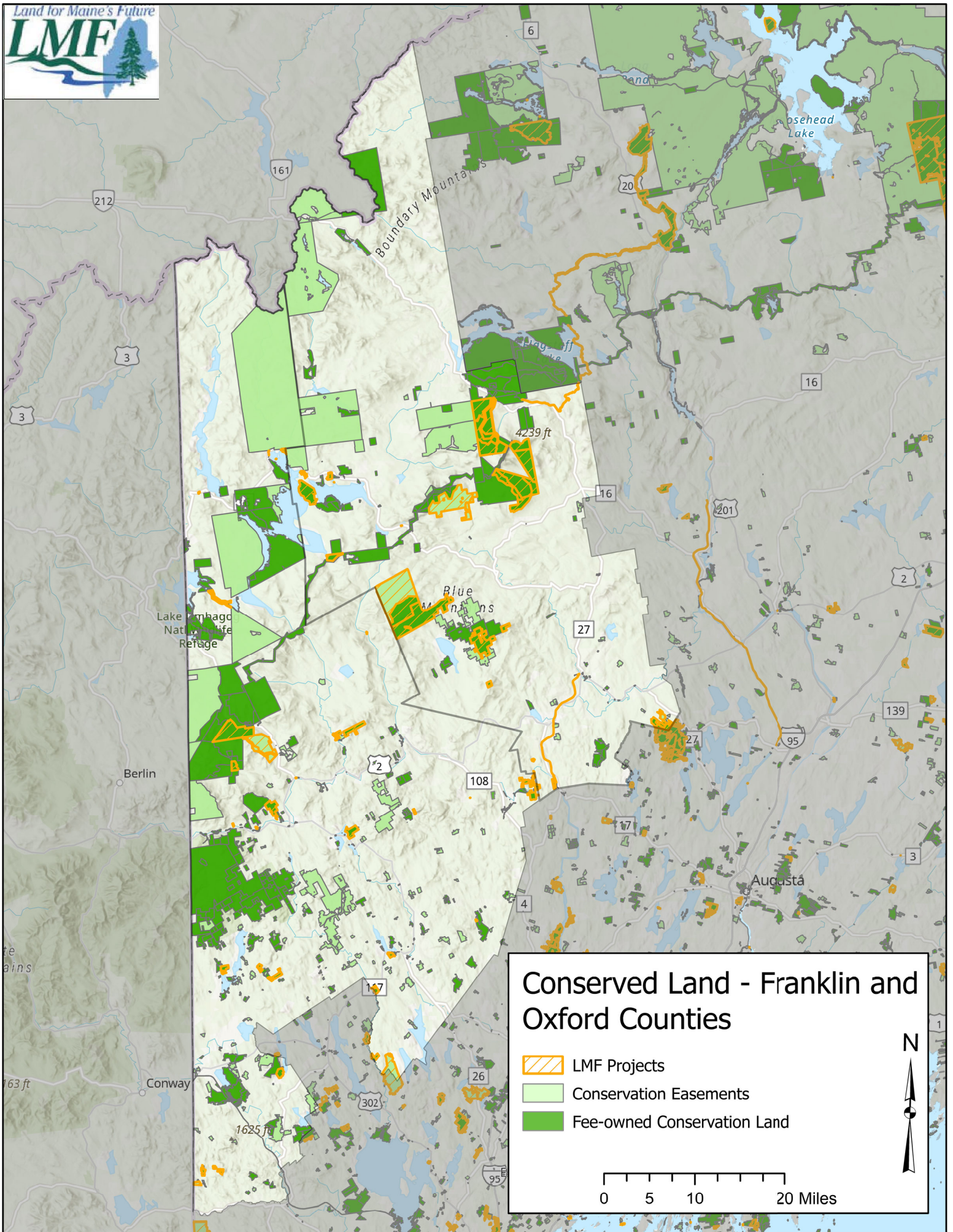
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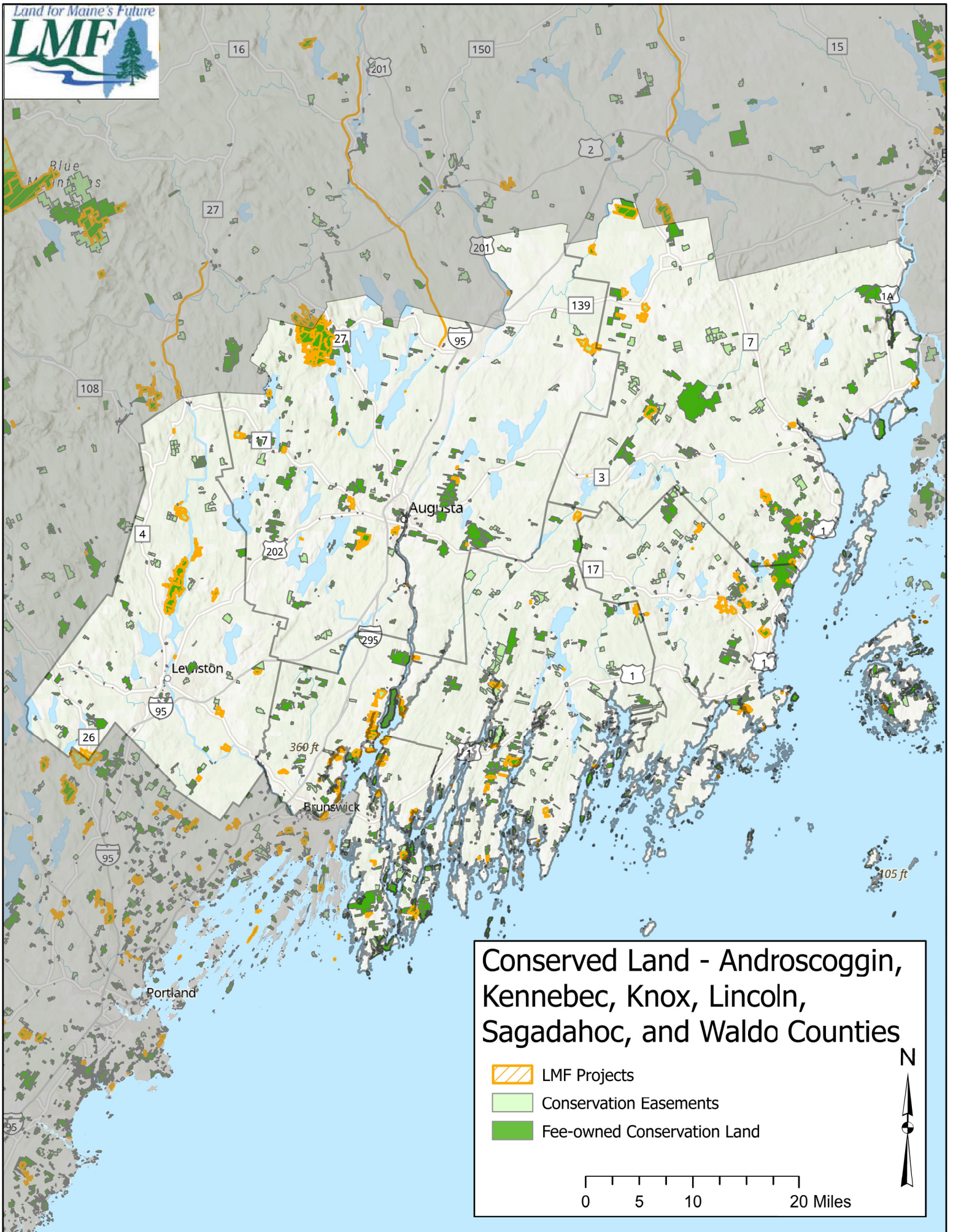
### Conserved Land - Franklin and Oxford Counties

- LMF Projects
- Conservation Easements
- Fee-owned Conservation Land

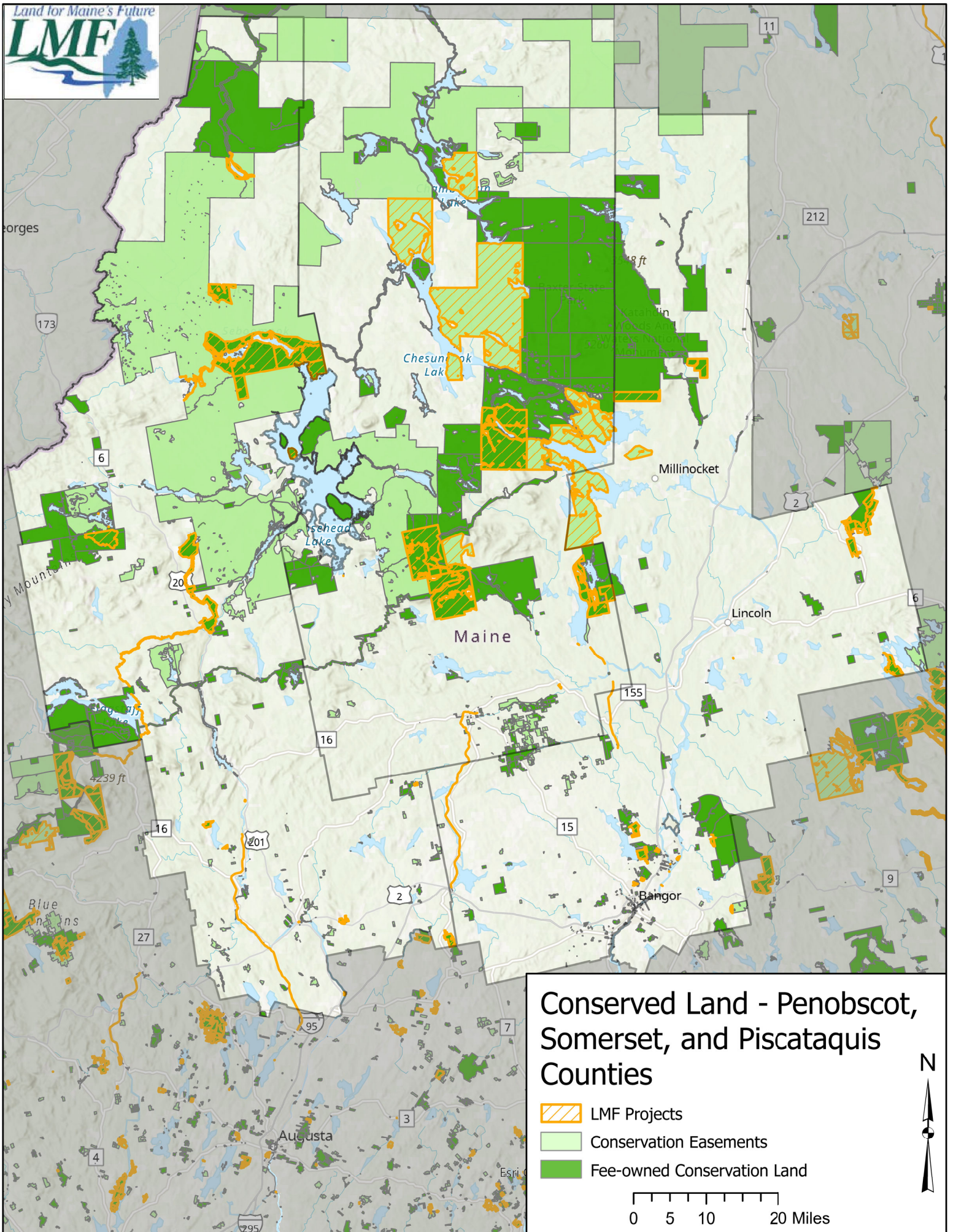
0 5 10 20 Miles

N

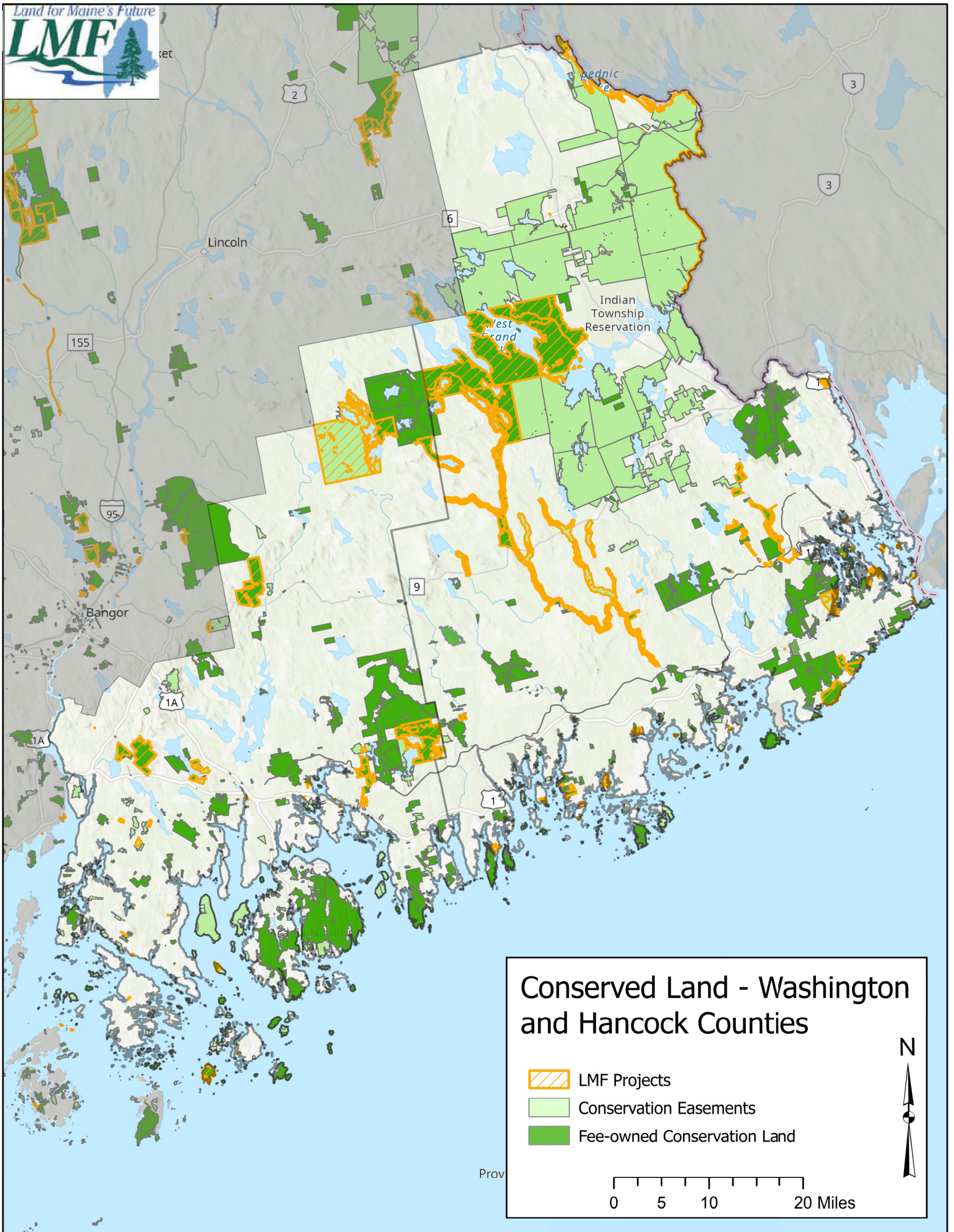
















### Conserved Land - Washington and Hancock Counties

-  LMF Projects
-  Conservation Easements
-  Fee-owned Conservation Land

0 5 10 20 Miles

N  


# **APPENDIX J**

## **LMF PROJECT AGREEMENT TEMPLATES**

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DO NOT WRITE ABOVE THIS LINE: FOR REGISTRY USES ONLY

**LAND FOR MAINE'S FUTURE TRUST FUND**  
**PROJECT AGREEMENT**  
(Pursuant to P.L. 2021, c. 398, Part FFFF)  
[Fee Version]

**Cooperating Entity:**  
**Project Name:**  
**Location:**  
**Designated State Agency:**

---

**Premises Covered by this Agreement:**

**1. Fee-Owned Parcels.**

The \_\_\_\_\_ Parcels, being \_\_\_\_\_ ± acres of fee ownership lands in the Town of \_\_\_\_\_, County, Maine, as more fully set forth in Exhibit A-1 and depicted on Exhibit B-1, both being attached hereto. For source of title, reference is made to the \_\_\_\_\_ Deed from \_\_\_\_\_, to \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ on \_\_\_\_\_. See also plan by \_\_\_\_\_, dated \_\_\_\_\_ and recorded in said Registry on \_\_\_\_\_ in Plan Book \_\_\_\_, Page \_\_\_\_ as document number \_\_\_\_\_.

**2. Match Lands.**

\_\_\_\_\_, being \_\_\_\_\_ ± acres of fee ownership lands in the Town of \_\_\_\_\_, County, Maine, as more fully set forth in Exhibit A-2 and depicted on Exhibit B-2, both being attached hereto. For source of title, reference is made to the \_\_\_\_\_ Deed from \_\_\_\_\_, to \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_ on \_\_\_\_\_.

All of the foregoing hereinafter referred to as “the Premises”.

---

**Scope (Description of Project):**

The premises consist of ± acres of land in the Town of in the County of (the “Cooperating Entity” or “”) will acquire the Premises in fee and will receive funding from the Land for Maine’s Future (“LMF”) in accordance with Title 5, Maine Revised Statutes section 6200, et seq., for the primary purpose of protecting public access to recreational lands for traditional recreational pursuits including hunting, trapping, fishing, and hiking.

Additional purposes include protecting natural communities, wildlife and their habitat, public access to areas of scenic interest and prime physical features, and other purposes identified in the Project Application.

The purpose of this Agreement is to support and preserve the multiple resource values for which this Project was chosen. All of the foregoing values and priorities are referred to herein as the “Conservation Purposes,” all of which are subject to applicable state, local, and federal laws and regulations.

---

**Project Cost:**

LMF Contribution to Cooperating Entity:	\$
Cooperating Entity:	\$
TOTAL COST:	\$

---

The following are hereby incorporated into this Agreement:

1. Project Agreement General Provisions attached hereto provided, however, that the portion of the “Premises” designated as the Match Lands above is subject to the management restrictions and covenants of this Project Agreement but is not subject to the Project Agreement General Provisions Part II, Section H subsection (iv).
2. Project Application and Attachments by reference
3. Exhibits A-1, A-2, B-1, and B-2 attached hereto

The Land for Maine’s Future Board, represented by its Chair (hereinafter “LMFB”), and the State of Maine, Department of , represented by its Commissioner, as the Designated State Agency (hereinafter “DSA”), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above-described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

**1. No Subdivision.**

The Premises, including any structures located thereon, must remain in their current configuration, under unified ownership, and may not be further divided into parcels or lots except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under General Provisions, Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers the conservation purpose and objectives of the project as defined in this Agreement and its attachments.

**2. Hunting, Fishing, Trapping.**

The Cooperating Entity shall not prohibit hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local, or federal laws and regulations.

**3. Public Access.**

The Cooperating Entity shall ensure that the Premises are available for access by the general public for daytime low-impact outdoor recreation, nature observation and study; provided, however, that such access may be limited or controlled on a temporary basis under terms identified in the Management Plan as provided in paragraph 6 of this section, and then only for the purposes of public safety, wildlife management, or resource protection to assure that access is limited for specific reasons and specific time periods and conditions. The Cooperating Entity shall not prohibit, limit, or control public access to the Premises except as described in this paragraph.

**4. Permitted Fees and Charges.**

The Cooperating Entity agrees that any fees or charges imposed for public access to or use of the Premises shall be reasonable and comparable to those charged in Maine for similar facilities, and any such fees must be approved in advance and in writing by the DSA.

**5. Limits on Transfer.**

The Premises or any interest therein may not be sold or transferred without prior written approval of the DSA and LMFB as provided under General Provisions, Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a "qualified organization" under Section 170(h) of the United States Internal Revenue Code, and a "holder" under Title 33,

Maine Revised Statutes , Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

## **6. Permitted Uses and Management.**

The Cooperating Entity will hold and manage the Premises for the multiple resource values and Conservation Purposes (as defined in “Scope”, above) for which the Premises were chosen, with the greatest emphasis placed on the protection of vital ecological functions and values.

- i. Management Plan. All permitted uses and management of the Premises shall be in accordance with a Management Plan that is developed by the Cooperating Entity and submitted to the DSA for review within 18 months of the recording of this Agreement. Thereafter, the Plan shall be updated by the Cooperating Entity at least every ten years and submitted to the DSA for review. The plan shall identify 1) the property’s conservation values, 2) the vision and overall management goals, 3) activities to achieve those goals and to reduce risks or threats to the conservation values, 4) appropriate uses, 5) plans for public access and associated facilities, 6) plans for forest management, if applicable, and 7) management strategies for climate adaptation. Any major revisions to the Management Plan affecting public access, recreational use, wildlife habitat conditions, or vegetation conditions shall be submitted to the DSA for review.

## **7. Structures or Improvements.**

As of the date of this Agreement, there are the following structures on the Premises:

- i. \_\_\_\_\_,

There are no other structures on the Premises.

The following structures or improvements associated with permitted uses shall be allowed on the Premises subject to receipt of all state and local permits prior to the commencement of construction:

- i. minor structures and improvements associated with permitted outdoor activities, such as unlighted signs, information kiosks, benches, picnic tables, viewing platforms, fishing platforms, and/or blinds for wildlife observation;
- ii. pervious surface trails;
- iii. trail improvements such as ramps and/or stairs to accommodate steep grades;
- iv. barriers necessary for discouraging unauthorized access to adjacent lands; and
- v. boundary markers.

The placement and use of other structures intended to enhance permitted uses of the Premises may be allowed after written approval from the DSA based upon a written proposal, including a site plan, and receipt of all state, federal and local permits. Only those structures, alterations, improvements, or other development that enhance permitted uses of the Premises shall be permitted.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by their duly authorized representatives.

**THE LAND FOR MAINE’S FUTURE BOARD**

By: \_\_\_\_\_  
Patrick Keliher, Its Chair

**STATE OF MAINE**

**Department of Agriculture, Conservation and Forestry**

By: \_\_\_\_\_  
Amanda E. Beal, Its Commissioner



COOPERATING ENTITY

By: \_\_\_\_\_, [Authorized Signer]

STATE OF MAINE

County of \_\_\_\_\_

Date: \_\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_, duly authorized \_\_\_\_\_ of the \_\_\_\_\_ and acknowledged the foregoing to be his free act and deed in his capacity and the free act and deed of said \_\_\_\_\_.

Before me,

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission Expires:

Seal:

**LAND FOR MAINE’S FUTURE TRUST FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – DEFINITIONS**

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

**Part II – CONTINUING ASSURANCES**

The Cooperating Entity specifically recognizes that Land for Maine’s Future Trust Fund project assistance creates an obligation to acquire, use and maintain the property described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and the following requirements:

**A. LEGAL AUTHORITY:**

The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement and has either marketable title to the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:**

The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including

for monitoring and management, except the Land for Maine's Future Trust Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:**

The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:**

The Cooperating Entity shall assure that the Premises shall be forever used, operated and maintained as prescribed in this Agreement and in compliance with all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2021, c. 398, Part FFFF. Permits and licenses necessary for the implementation of this Agreement or use of the Premises shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Premises shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:**

The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Trust Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA.

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:**

On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:**

The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

## **H. PROVISIONS IN THE EVENT OF TRANSFER:**

### **i. PRIOR NOTICE AND APPROVAL:**

In the event of any intended sale or transfer, in whole or in part, of the Premises or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

### **ii. DISSOLUTION:**

In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Premises shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Premises to the DSA or a successor designated by the DSA under Subsection I(d).

### **iii. SUCCESSORS AND ASSIGNS:**

Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest (including leasehold interest) in all or a portion of the Premises. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

### **iv. SHARE IN PROCEEDS:**

In the event of any sale, transfer, or condemnation of any or all of the Premises or disposal of the Premises pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Trust Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Premises as a whole as of the date of this Agreement, hereby established as 50.0%, multiplied by
- (b) the appraised value of the transferred Premises or portion thereof at the time of the transfer, unencumbered by this Agreement or other encumbrances recorded after the date of this Agreement (excluding value attributable to authorized

improvements to the Premises made after the date of this grant and not paid for by the State).

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation, or dissolution.

**I. ENFORCEMENT ALTERNATIVES:**

In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Premises, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the Premises;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State's share of proceeds as defined in Section H(iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Premises to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys' fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable TRUST entitled to all the protections thereof under state law.

**J. AMENDMENT:**

This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:**

Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:**

**To DSA:** Department of

Augusta, ME 04333-0022

**To LMFB:**

c/o Land for Maine's Future Program  
22 State House Station  
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the "State", and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity's last known address on file with the tax assessment records of the municipality of \_\_\_\_\_, \_\_\_\_\_, and with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity's notices must include sufficient information to enable the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the Conservation Purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

**Exhibit A-1**

[Metes & bounds/Legal description for Fee Acquisition Parcels]

**Exhibit A-2**  
Legal Description for Match Parcels



**Exhibit B-1**  
Survey of Fee Acquisition Parcels

**Exhibit B-2**  
Tax Map for Match Parcels

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DO NOT WRITE ABOVE THIS LINE: FOR REGISTRY USES ONLY

**LAND FOR MAINE'S FUTURE FUND  
PROJECT AGREEMENT**  
(Pursuant to P.L. 2021, c. 398, Part FFFF)  
[Conservation Easement Version]

**Cooperating Entity:**  
**Project Name:**  
**Location:**  
**Designated State Agency:**

---

**Premises Covered by this Agreement:**

**1. Conservation Easement Parcels.**

The \_\_\_\_\_ Parcels, being \_\_\_\_\_ ± acres of lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Maine, as more fully set forth in Exhibit A-1 and depicted on Exhibit B-1, both being attached hereto. For source of title, reference is made to the \_\_\_\_\_ Deed from \_\_\_\_\_, to \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ on \_\_\_\_\_. See also plan by \_\_\_\_\_, dated \_\_\_\_\_ and recorded in said Registry on \_\_\_\_\_ in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ as document number \_\_\_\_\_.

**2. Match Lands.**

\_\_\_\_\_, being \_\_\_\_\_ ± acres of fee ownership lands in the Town of \_\_\_\_\_, \_\_\_\_\_ County, Maine, as more fully set forth in Exhibit A-2 and depicted on Exhibit B-2, both being attached hereto. For source of title, reference is made to the \_\_\_\_\_ Deed from \_\_\_\_\_, to \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ on \_\_\_\_\_.

All of the foregoing hereinafter referred to as “the Premises”

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**Scope (Description of Project):**

The premises consist of \_\_\_\_\_ ± acres of land in the Town of \_\_\_\_\_ in the County of \_\_\_\_\_ (the “Cooperating Entity” or “\_\_\_\_\_”) will acquire a conservation easement (the “Conservation Easement”) on the Premises to further the Conservation Purposes identified in Section \_\_\_ of the Conservation Easement, and will receive funding from the Land for Maine’s Future (“LMF”) in accordance with Title 5, Maine Revised Statutes section 6200, et seq..

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**Project Cost:**

LMF Contribution to Cooperating Entity:	\$ _____
Cooperating Entity:	\$ _____
<b>TOTAL COST:</b>	<b>\$ _____</b>

---

The following are hereby incorporated into this Agreement:

1. Project Agreement General Provisions attached hereto provided, however, that the portion of the “Premises” designated as the Match Lands above is subject to the management restrictions and covenants of this Project Agreement but is not subject to the Project Agreement General Provisions Part II, Section H subsection (iv).
2. Conservation easement on the Premises
3. Project Application and Attachments by reference
4. Exhibits A-1, A-2, B-1, and B-2 attached hereto

The Land for Maine’s Future Board, represented by its Chair (hereinafter “LMFB”), and the State of Maine, Department of \_\_\_\_\_, represented by its Commissioner, as the Designated State Agency (hereinafter “DSA”), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB’s share of the costs of the above-described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

- 1. Public Access.** To the extent that the Conservation Easement allows the Cooperating Entity to control public access to the Premises, the Cooperating Entity shall not prohibit, discourage, or charge a fee for public access, hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local, or federal laws and regulations.
- 2. Transfer and Assignment.** The Conservation Easement or any interest therein may not be transferred or assigned without prior written approval of the DSA and LMFB as provided under Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a “qualified organization” under Section 170(h) of the United States Internal Revenue Code, and a "qualified holder" under Title 33, Maine Revised Statutes , Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.
- 3. Enforcement.** The Cooperating Entity will enforce the terms of the Easement to ensure that use of the Protected Property is consistent with the Purpose and terms of the Easement and this Project Agreement and does not harm the Conservation Values of the Protected Property. In enforcing the Easement, the Cooperating Entity will:
  - a)** Upon receiving a request for approval from the landowner for any matter described in the Conservation Easement as requiring the review or approval of the DSA, provide a copy to the DSA and consult with the DSA prior to granting or withholding approval;
  - b)** Provide the DSA with copies of all correspondence or agreements related to actual, threatened, or suspected violations of the Easement, including but not limited to Notices of Violation pursuant to Section \_\_\_\_ of the Easement, third-party contracts to correct violations, or agreements intended to prevent or resolve a violation;
  - c)** Consult with the DSA during discussions to resolve violations and, if appropriate, invite the DSA to participate;
  - d)** Provide notice to the DSA prior to initiating any proceeding in law or equity to resolve a violation, and provide the DSA with copies of all court filings in such a proceeding prior to the filing thereof;
  - e)** In the case of emergency enforcement pursuant to Section \_\_\_\_ of the Easement, provide the DSA with notice of the enforcement action within thirty (30) days; and
  - f)** Consult with the DSA before granting any discretionary approval pursuant to Section \_\_\_\_ of the Easement. Such consultation shall not preclude the DSA from exercising its rights under Part II, Section I of this Agreement if the DSA determines that discretionary approval is not warranted.
  - g)** Consult with the DSA and the Land for Maine’s Future program regarding any proposed amendment of the Conservation Easement. The Conservation Easement may not be amended without prior written approval of the DSA and LMFB.

4. **Annual Reporting.** The annual report described in Part II, Section F of this Agreement shall include the following:
- a) the stewardship monitoring report of the Protected Property,
  - b) A written summary of any notices or requests for approval the Cooperating Entity received from the owner of the Protected Property and the Cooperating Entity's response. Upon request, the Cooperating Entity will provide the DSA with copies of notices and requests for approval from the landowner and the responses sent to the landowner by the Cooperating Entity;
  - c) The Agricultural Conservation Plan, Forest Management Plan, or any stewardship management plan for the Protected Property that has been developed pursuant to the Easement, if such plan has changed since a previous report;
  - d) Any amendments, updates, or addenda to the Baseline Documentation Report.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by their duly authorized representatives.

**THE LAND FOR MAINE'S FUTURE BOARD**

By: \_\_\_\_\_  
Patrick Keliher, Its Chair

**STATE OF MAINE**

**Department of Agriculture, Conservation and Forestry**

By: \_\_\_\_\_  
Amanda E. Beal, Its Commissioner

COOPERATING ENTITY

By: \_\_\_\_\_, [Authorized Signer]

STATE OF MAINE

County of \_\_\_\_\_

Date: \_\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_, duly authorized \_\_\_\_\_ of the \_\_\_\_\_ and acknowledged the foregoing to be his free act and deed in his capacity and the free act and deed of said \_\_\_\_\_.

Before me,

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission Expires:

Seal:

**LAND FOR MAINE’S FUTURE FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – DEFINITIONS**

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

**Part II – CONTINUING ASSURANCES**

The Cooperating Entity specifically recognizes that Land for Maine’s Future Fund project assistance creates an obligation to hold and enforce the conservation easement described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and the following requirements:

**A. LEGAL AUTHORITY:**

The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement and has either a valid and enforceable conservation easement on the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:**



The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and enforcement, except the Land for Maine's Future Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:**

The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:**

The Cooperating Entity shall forever hold and enforce the Conservation Easement as prescribed in this Agreement and in compliance with all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2021, c. 398, Part FFFF. All costs of acquisition or implementation of the Project and holding and enforcing the Conservation Easement shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:**

The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property interest described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA. Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:**

On each anniversary of this Agreement, or annually on another date agreed to in writing by the parties, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:**

The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises as provided for in Section \_\_\_ of the Conservation Easement to assure

compliance with the terms of this Agreement, the Conservation Easement, and any applicable laws.

## **H. PROVISIONS IN THE EVENT OF TRANSFER:**

### **i. PRIOR NOTICE AND APPROVAL:**

In the event of any intended assignment or transfer, in whole or in part, of the Conservation Easement or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

### **ii. DISSOLUTION:**

In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the assignment and transfer of the Conservation Easement shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity assign the Conservation Easement to the DSA or a successor designated by the DSA under Subsection I(d).

### **iii. SUCCESSORS AND ASSIGNS:**

Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity assigns or transfers any interest in all or a portion of the Conservation Easement. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

### **iv. SHARE IN PROCEEDS:**

In the event of any sale, transfer, termination or condemnation of any or all of the Conservation Easement or disposal of the Conservation Easement pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Conservation Easement as a whole as of the date of this Agreement, hereby established as 50%, multiplied by
- (b) the appraised value of the Conservation Easement, or portion thereof, which value shall be determined as the amount by which the fair market appraisal value of the Protected Property unrestricted by this Conservation Easement is reduced by the terms and conditions imposed by this Conservation Easement as of the date of

transfer.

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation, or dissolution.

**I. ENFORCEMENT ALTERNATIVES:**

In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the Conservation Easement, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Conservation Easement;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State's share of proceeds as defined in Section H(iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer the Conservation Easement to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys' fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable TRUST entitled to all the protections thereof under state law.

**J. AMENDMENT:**

This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:**

Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:**

**To DSA:**

Department of

Augusta, ME 04333-0022

**To LMFB:**

c/o Land for Maine's Future Program  
22 State House Station  
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the "State", and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity's last known address on file with the Bureau of Corporations, Secretary of the State of Maine, if applicable and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity's notices must include sufficient information to enable the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the Conservation Purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Premises.

(d) In the event that more than one Cooperating Entity holds an interest in the Premises, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

**Exhibit A-1**

[Metes & bounds/Legal description for Easement Parcels]

**Exhibit A-2**  
Legal Description for Match Parcels

**Exhibit B-1**  
Survey of Easement Parcels

**Exhibit B-2**  
Tax Map for Match Parcels



# **APPENDIX K**

## **WWAPP WORKING WATERFRONT COVENANT**

# APPENDIX K: Working Waterfront Model Covenant

*DRAFT FOR REVIEW ONLY: NOT AGENCY POLICY* 11/3/08tg; 07/02/09hh; 09/02/09hh&fs; 09.15.09hh; 10.01.10hh; 10.04.09 edits accepted; 11.17.09 Drafter edits added Page 7; 12.02.09 coop edits; [06-30-10 DMR edits](#), version 05.25.13 edits.

## MODEL WORKING WATERFRONT COVENANT AND RIGHT OF FIRST REFUSAL

This Working Waterfront Covenant, entered into this \_\_\_ day of \_\_\_, 201\_\_\_, by and between [Entity Name], of [insert residency] with a mailing address of [insert address], owner of land and buildings located on [insert general location/street address] in the municipality of [insert name], County of [insert county], and State of Maine and the **STATE OF MAINE** (hereinafter the "Grantor"), **acting by and through its DEPARTMENT OF MARINE RESOURCES** with a mailing address of 21 State House Station, Augusta, ME 04333-0021, its successors and assigns (hereinafter, the "Holder" or the "Qualified Holder") pursuant to 33 M.R.S., Chapter 6-A, Section 131 *et seq.*

### Section 1. PURPOSE:

The purpose of this covenant is to ensure the permanent availability and affordability of this strategically significant Working Waterfront property for use by Commercial Fisheries Businesses as those terms are defined in Section 8 .

### Section 2. RECITALS:

**WHEREAS**, Grantor is the owner of real property and improvements located on [insert address] in said [insert town name], [insert county name] County, Maine located adjacent to the [name of navigable water body] and described in the attached **Exhibit A** [legal description, including deed references] and depicted on the attached **Exhibit A-1** [sketch plan, optional] (hereinafter the "Protected Waterfront"); and

**WHEREAS**, the Protected Waterfront has significant values as working waterfront real estate to provide access to tidal waters for or to provide direct services for Commercial Fisheries Businesses that requires the use of working waterfront land, namely a waterfront parcel of [number] acres with [number] feet of deepwater frontage accessed by about [number] square feet of pier space plus floats, buildings, and other associated improvements and spaces needed to support commercial fishing activities on the property. All of the foregoing will provide and support commercial fishing access from the protected waterfront and are more fully described in **Exhibit B**, and

**WHEREAS**, Grantor seeks permanently to preserve and conserve the Protected Waterfront for long term use as a working waterfront by Commercial Fisheries Businesses, and to maintain the future affordability of the Protected Waterfront by the

grant of a Right of First Refusal to the Holder to purchase the Protected Waterfront at its working waterfront value in accordance with the attached **Exhibit C**; and

**WHEREAS**, the people of the State of Maine are concerned about the loss of adequate access to tidal waters for the commercial harvesting of wild and aquacultured marine organisms within the State of Maine; and

**WHEREAS**, the people of the State of Maine by public referendum have indicated their support of the acquisition of working waterfront properties and the continued availability of such properties to Commercial Fisheries Businesses as essential to the future of fisheries in Maine and have codified such support pursuant to the issuance of bonds, under Public Laws 2009, Chapter 645 Part J, and by the enactment of Chapter 574 of the Laws of 2006, codified as Title 33, Maine Revised Statutes, Section 131 *et seq.*; and

**WHEREAS**, the Holder is a qualified holder as defined by 33 M.R.S., Section 131(2) and may acquire a working waterfront covenant, as defined by 33 M.R.S., Section 131 *et seq.*, in perpetuity over the Protected Waterfront to preserve its availability and affordability for commercial fisheries operations by limiting its use, alteration, or development in any manner that precludes its use by Commercial Fisheries Businesses; and

**WHEREAS**, the Holder has as one of its purposes the permanent protection of working waterfront and enlargement of working waterfront opportunities for commercial fisheries businesses through its marine resources programs so that commercial fishermen, aquaculturists, fishermen's cooperatives and other commercial fisheries businesses may have future opportunities to acquire and manage working waterfront properties at working waterfront prices when such lands become available for sale; and

**WHEREAS**, the State of Maine intends to manage this Covenant by and through its Department of Marine Resources pursuant to 12 M.R.S., Section 6022, Subsection 5; and

**WHEREAS**, the continued availability of the Protected Waterfront to the Commercial Fisheries Businesses in the State of Maine is contingent in part upon a resale structure that will assure affordability of the Protected Waterfront at a working waterfront resale price and not a price which could reflect other more economically valuable uses; and

**WHEREAS**, the Holder is acquiring for value the right to preserve working waterfront on the Protected Waterfront, including a Right of First Refusal with a resale formula that limits the purchase price upon any future sale of the Protected Waterfront to a price that reflects the working waterfront value thereof, to assure the permanent availability and affordability of the same to Commercial Fisheries Businesses; and

**WHEREAS**, the parties acknowledge that the Holder has paid value for the Covenant and the Right of First Refusal described and granted herein, for which the Grantor acknowledges adequate compensation; and

**WHEREAS**, the Grantor and the Holder understand and agree that in order to effectuate their intentions and those of the people of the State of Maine, this Covenant constitutes a restriction and covenant that shall forever run with the land and is binding upon the Grantor, its successors, and assigns in the event of any transfer, sale or foreclosure of the Protected Waterfront.

**NOW, THEREFORE**, in consideration of the mutual covenants, terms, conditions and restrictions herein and for good and valuable consideration paid, and pursuant to the laws of the State of Maine, and in particular Title 33, Maine Revised Statutes, Section 131 *et seq.*, and P.L. 2009, Chapter 645, Part J, [*Insert Grantor name*], does hereby voluntarily, unconditionally and irrevocably COVENANT and AGREE with the **STATE OF MAINE, acting by and through the Department of Marine Resources**, as Holder, its successors and assigns forever, as follows, to wit:

**GRANTOR COVENANTS AND AGREES** to hold, manage and preserve the Protected Waterfront in accordance with the following terms and conditions:

**Section 3. GRANTOR OBLIGATIONS:**

**3.1.** Except as allowed under this Section 3, Grantor shall reserve use of the Protected Waterfront as a Working Waterfront for Commercial Fisheries Businesses.

**3.2.** Grantor may not use the Protected Waterfront for any of the following uses except as allowed under Section 4.1 or by the express written consent of Holder: retail stores or operations; hotels, motels or bed and breakfast operations; housing, whether temporary or otherwise; restaurants; recreational businesses or facilities; sporting facilities; and other uses that interfere with or reduce the utility of the Protected Waterfront for Commercial Fishing Business.

**3.3** Grantor may not change the use of, alter, develop, or improve the Protected Waterfront in any manner that is inconsistent with the purposes and terms of this Covenant. At the time of this Covenant, the existing structures and improvements on the Protected Waterfront are set forth on the attached **Exhibit B**. Notwithstanding the foregoing, alterations, improvements, or uses that do not change the utility of the Protected Waterfront for commercial fishing activities, and that will not otherwise interfere with or alter the intended uses for Commercial Fisheries Business, are allowed. To the extent that the value of any alteration, repair, replacement or improvement to the Protected Waterfront exceeds ten percent (10%) of the assessed value of the Protected Waterfront on file with the records of the municipality of [*insert name of municipality in which Protected Waterfront is located*], Grantor, prior to the commencement of such alteration, shall provide Holder with ninety (90) days written notice thereof. No use of or alteration or change to the Protected Waterfront shall materially impair or interfere with parking or access necessary for the commercial fishing businesses using the Protected Waterfront.

**3.4.** Grantor shall not subdivide, divide or convey the Protected Waterfront in separate parcels by any means, nor shall ownership of any present or future buildings, structures or improvements on the Protected Waterfront be separated from the ownership of the underlying fee of the Protected Waterfront by any means, direct or indirect. For purposes of this Section 3.4, the term "subdivision" means the division of the Protected Waterfront, by physical means, conveyance, devise, or other legal process as now or hereafter defined under Maine law, into two or more parcels, except that leases or rental agreements as defined under Section 4.2 shall not be construed as subdivision for purposes of this Covenant.

**3.5.** Other than as specified herein, this Covenant is not intended to impose any legal or ownership responsibility on Holder, or in any way affect any existing obligation of Grantor as owner of the Protected Waterfront. Without limitation of the generality of the foregoing, Grantor shall continue to be solely responsible for the following:

**3.5.1. Taxes.** Payment of all taxes and assessments levied against the Protected Waterfront;

**3.5.2. Upkeep and Maintenance.** Upkeep and maintenance of the Protected Waterfront in keeping with its Working Waterfront Uses; and

**3.5.3. Liability.** All costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Waterfront. Grantor acknowledges that Holder has no possessory rights in the Protected Waterfront, nor any responsibility or right to control, maintain, or preserve the Protected Waterfront other than as set forth in Section 5.

**3.6.** Grantor shall prepare annual written reports describing in general the business activities on the Protected Waterfront property, including any proposed uses of the property, any maintenance, alterations, repairs, and improvements to the Protected Waterfront, and shall submit the same to Holder, together with a written outline of proposed activities for the subsequent year, for Holder's review and comment. If Grantor is a cooperative subject to Section 9.1 of Holder's Right of First Refusal, attached hereto as **Exhibit C**, Grantor shall include within its annual report a list of current members of the cooperative. Such reports shall be delivered to Holder on or before [*insert agreed date for annual reporting, either one year from the date of signing of the Covenant, or other agreed date*].

#### **Section 4. GRANTOR RIGHTS:**

**4.1. Grantor Retained Rights** Grantor reserves all customary rights and privileges of real property ownership that are not prohibited or limited by this Covenant, provided that such activity is consistent with the purposes of this Covenant and is carried out in compliance with all applicable laws and legal requirements. These reserved ownership rights include, but are not limited to the right to prohibit trespass upon the Protected Waterfront by any person, including any unauthorized member of the public and the right

to take such lawfully permitted action as is necessary regarding same, and the right to sell, lease, devise, or otherwise transfer the Protected Waterfront, subject to the terms of this Covenant and subject to Holder's Right of First Refusal set forth in **Exhibit C**.

Notwithstanding the foregoing the following shall be permitted: *[list as subsections any existing or planned uses that are exceptions to section 3.2]*

**4.2. Leases** The Grantor must receive written approval from Holder prior to leasing the Protected Waterfront or any portion thereof for a term of more than 2 years. At any time Grantor intends to lease the Protected Waterfront, or any portion thereof, to any lessee for a lease term of more than two (2) years, Grantor shall notify Holder in writing at least ninety (90) days prior to the execution of such lease. Holder shall have the right to review and approve in writing or require modification of any such proposed lease prior to execution to ensure that the Working Waterfront purposes of this Covenant are protected and that such a lease is consistent with the terms of this Covenant. In making its determination, the Holder shall consider the potential for and degree to which the proposed lease would materially impair the utility of the Protected Waterfront for Working Waterfront Uses. Grantor agrees to incorporate the terms of this Covenant by reference in any legal instrument by which the Grantor divest themselves of any interest in all or a portion of the Protected Waterfront.

**4.3. Transfers** At such time as Grantor desires to convey or otherwise transfer any interest in the Protected Waterfront other than to a mortgagee or other secured party for financing purposes pursuant to Section 7, Grantor shall give written notice of its intention to Holder pursuant to the Right of First Refusal attached hereto as **Exhibit C**. Conveyances or transfers in violation of this Covenant shall be null and void and of no legal effect. Transfers pursuant to Sections 9 and 9.1 of the Right of First Refusal shall not trigger Holder's Right of First Refusal. Grantor shall provide notice of transfer of such shares to Holder within 30 days of such transfer.

**4.4. General Release of Rights** Grantor and Holder hereby acknowledge and agree that all development rights, except as specifically reserved herein that are now or hereafter allocated to, implied, reserved, or inherent in the Protected Waterfront, are terminated and extinguished, and may not be used or transferred to any other property, person or entity.

## **Section 5. HOLDER RIGHTS:**

**5.1. Right to Enforce.** Holder has the right to prevent and correct violations of the terms of this Covenant. Holder shall have the right to enter the Protected Waterfront for the purpose of monitoring the terms of this Covenant and inspecting for violations, provided that Holder shall not in any case unreasonably interfere with Grantor's use and quiet enjoyment of the Protected Waterfront under the terms of this Covenant. If Holder finds what it believes is a violation or threatened violation, Holder may, at its discretion, notify



Grantor and require remediation or take appropriate legal action. Except when an ongoing or imminent violation will, in Holder's judgment, immediately and irreversibly materially diminish or impair the Working Waterfront Uses of the Protected Waterfront, Holder shall give Grantor written notice of the violation and thirty (30) days to correct the violation before filing any legal action. In the event that Grantor retains a third party to correct the violation, Grantor shall provide Holder with a copy of a fully executed contract for such services within thirty (30) days of the notice of violation, and said contract shall provide that the corrective action be completed within ninety (90) days of said notice of violation. If a court of competent jurisdiction determines that a violation exists, has occurred, or is threatened, Holder may obtain an injunction to stop such violation, temporarily or permanently. A court may also issue an injunction requiring Grantor to restore the Protected Waterfront to its condition prior to the violation. In any case where a court finds that a violation has occurred, Grantor shall reimburse Holder for all its expenses incurred in stopping and correcting the violation, including but not limited to reasonable attorney's fees. The failure of Holder to discover a violation or to take immediate legal action shall not bar it from doing so at a later time. Enforcement of the terms of this Covenant shall be at the sole discretion of Holder. Grantor waives all defenses of laches, estoppel, and prescription.

**5.2. Acts beyond Grantor control.** Grantor shall not be responsible for any changes to the Protected Waterfront due to causes beyond Grantor's control, such as fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons, except that the Grantor is responsible for the actions of employees, contractors, licensees, invitees, or any person acting for the benefit of Grantor or using the Protected Waterfront with the permission of the Grantor. In the event of violations of this Covenant caused by unauthorized wrongful acts of third persons, at Holder's option, Grantor agrees to assign its right of action to Holder, to join in any suit, and/or to appoint Holder its attorney-in-fact for the purposes of pursuing enforcement action. Grantor shall take all reasonable actions, but consistent in any event with customary standards for the management of comparable areas utilized for the same purposes as the Protected Waterfront, to prevent or abate third persons from taking such unlawful or unauthorized actions on the Protected Waterfront.

**5.3. Assignment.** Holder has the right to assign this Covenant to another qualified holder, subject to such terms and conditions as the Holder may determine, consistent with the provisions of 33 M.R.S., Chapter 6-A.

**5.4. Amendments and Discretionary Consents.** Grantor and Holder acknowledge that, they are unable to foresee all potential future technologies and future evolution of natural resources affecting Commercial Fisheries Businesses in Maine, and other future occurrences affecting the purposes of this Covenant. Holder therefore may determine whether (a) proposed uses or proposed improvements not contemplated by or addressed in this Covenant and (b) alterations in existing uses or structures are consistent with the purposes of this Covenant. Any legally permissible amendment and any discretionary consent by Holder may be granted only if Holder has determined, in its discretion, that the proposed use furthers or is not inconsistent with the purposes of this Covenant,

substantially conforms to the intent of this Covenant, meets all applicable conditions expressed herein, does not change the utility of the Protected Waterfront for commercial fishing activities, will not otherwise interfere with or alter the intended uses for Commercial Fisheries Business, and does not materially increase the adverse effect on Commercial Fisheries Businesses of the non-working waterfront uses and activities permitted in this Covenant.

**5.5. Termination by Judicial Action.** An action to terminate this Covenant may be brought pursuant to 33 M.R.S., Section 133. As a part of such action, the court must find that, due to a change in circumstance, this Covenant no longer serves the public interest in protecting or enhancing the commercial marine fisheries or related businesses of the State of Maine. Grantor shall repay to Holder the fair market value of this Covenant at the time of its extinguishment, such value to be calculated in accordance with Section 5.7. Any appraisal carried out pursuant to this Section 5.5 shall be done by a Maine licensed general appraiser qualified to evaluate commercial waterfront properties and commercial fisheries businesses, at the expense of the party bringing the action.

**5.6. Termination by Condemnation.** This Covenant constitutes a property right owned by the Holder. Notwithstanding that this Covenant is an obligation, and not a financial asset, should it be extinguished by the exercise of the power of eminent domain or acquired by purchase in lieu of condemnation subject to the prior written consent of Holder, Holder is entitled to a share of the proceeds of any sale, exchange or involuntary conversion of the property, according to Holder's proportional interest in the Protected Waterfront, such share to be calculated in accordance with Section 5.7.

*Drafter's Note: For the following provisions (Option A or Option B), LMF staff will instruct which Option applies to the Project. Thereafter, the alternate language should be deleted as part of the initial drafting.*

**OPTION A** – for projects whose grant has been set by Board policy decision at 25% of appraised, unencumbered value (subject to possible further downward adjustment due to availability of funding.)

**5.7. Valuation upon Termination.** Grantor and Holder agree that the grant of this Covenant creates a property right vesting immediately in Holder. Grantor and Holder further agree that the value of Holder's interest in the Protected Waterfront may change as market conditions, land values and development occur in the area of the Protected Waterfront. In the event that this Covenant is extinguished or reduced by judicial decree, eminent domain or other legal authority for which action Grantor or Holder is entitled to receive compensation, the parties agree that notwithstanding the valuation process used by the judicial authority or the acquiring entity to calculate compensation due to Grantor and Holder, Holder shall be entitled to a portion of the proceeds of such sale, exchange or conversion, or the increase in such value, equal to **the greater of:**

- (i) the percentage of value that this Covenant bore to the value of the unrestricted Protected Waterfront as of the date of execution of this Covenant, such value being \_\_\_\_\_ percent ( %); or



(ii) the proportion that the value of this Covenant bears to the fair market appraisal value of the Protected Waterfront unrestricted by this Covenant on the date of such sale, exchange or conversion, computed as follows: the entire proceeds multiplied by a fraction, the numerator of which is the amount by which the fair market appraisal value of the interest taken at the time of such taking (unrestricted by this Covenant) is reduced by the terms and conditions of this Covenant, and the denominator of which is the fair market appraisal value of the interest taken at the time of taking unrestricted by this Covenant.

***OPTION B** – for projects for which the grant has been established by full “before and after” appraisal*

**5.7. Valuation upon Termination.** Grantor and Holder agree that the grant of this Covenant creates a property right vesting immediately in Holder. Grantor and Holder further agree that the value of Holder’s interest in the Protected Waterfront may change as market conditions, land values and development occur in the area of the Protected Waterfront. In the event that this Covenant is extinguished or reduced by judicial decree, eminent domain or other legal authority for which action Grantor or Holder is entitled to receive compensation, the parties agree that notwithstanding the valuation process used by the judicial authority or the acquiring entity to calculate compensation due to Grantor and Holder, Holder shall be entitled to a portion of the proceeds of such sale, exchange or conversion, or the increase in such value, equal to the proportion that the value of this Covenant bears to the fair market appraisal value of the Protected Waterfront unrestricted by this Covenant on the date of such sale, exchange or conversion, computed as follows: the entire proceeds multiplied by a fraction, the numerator of which is the amount by which the fair market appraisal value of the interest taken at the time of such taking (unrestricted by this Covenant) is reduced by the terms and conditions of this Covenant, and the denominator of which is the fair market appraisal value of the interest taken at the time of taking unrestricted by this Covenant.

Whenever all or part of the Protected Waterfront is taken in the exercise of eminent domain so as to abrogate the restrictions imposed by this Covenant, Grantor and Holder shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate value of Grantor’s and Holder’s interests as specified in this Section. Holder shall use its share of the proceeds or other moneys received under this Section in a manner consistent with the purposes of this Covenant.

**Section 6. NOTICES AND REQUESTS FOR APPROVAL:** Any notices or requests for approval required by this Covenant shall be in writing and shall be personally delivered or sent certified mail, return receipt requested, or by such other commercial carrier as requires written proof of delivery to Grantor and Holder, respectively, at the following addresses, unless one has been notified by the other of a change of address:

**To Grantor:** [Insert Grantor name and address]

**To Holder:** State of Maine, Department of Marine Resources  
21 State House Station  
Augusta, ME 04333-0021  
Attention: Commissioner

In the event that notice mailed to Grantor at the last address on file with Holder is returned as undeliverable, Holder shall send notice by certified mail, return receipt requested, or by such other commercial carrier as requires written proof of delivery, and by regular mail to Grantor's last known address on file with the municipality of [*insert town where land located*], Maine, and with the Secretary of the State of Maine, if applicable, and the mailing of such notice shall be deemed compliance with the notice provisions of this Covenant.

Grantor's notices to Holder must include sufficient information to enable Holder to determine whether Grantor's plans are consistent with the terms of this Covenant and the conservation purposes hereof.

In the event that the Protected Waterfront is owned by a trust, a business entity, or is held in common by more than one individual, the Grantor entity or the common owners shall designate an agent to be responsible for the receipt of notices from Holder. In the event that no single owner or agent is so designated, the notice to any executive officer of the entity, or to any one common owner shall be deemed to be notice to all.

**Section 7. SUBSEQUENT LIENS ON PROPERTY:** No provisions of this Covenant should be construed as impairing the ability of Grantor to use the Protected Waterfront as collateral for subsequent borrowing, provided that any mortgage or lien arising from such a borrowing must be expressly subordinated to this Covenant. Grantor shall notify Holder in writing ninety (90) days prior to grant of mortgage or any other interest in the Protected Waterfront except as may be set forth under Section 4. Any such grant of a mortgage or any other interest in the Protected Waterfront is expressly subject to the terms of this Covenant. Grantor shall provide a complete copy of this Covenant to any grantee of any rights in the Protected Waterfront prior to any such grant. The failure of Grantor to perform any act required by this paragraph shall not impair the validity of this Covenant or limit its enforceability in any way.

Grantor shall pay and discharge when due all property taxes and assessments imposed upon the Protected Waterfront and any uses thereof, and to avoid the imposition of any liens that may impact Holder's rights hereunder. Grantor shall keep the Protected Waterfront free of any liens or encumbrances, including without limitation those arising out of any work performed for, materials furnished to or obligations incurred by Grantor.

## **Section 8. DEFINITIONS**

**8.1 Commercial Fisheries Business(es).** "Commercial Fisheries Businesses" means any enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial Fisheries Businesses" includes without limitation:

**8.1.1.** Licensed commercial fishermen, aquaculturists and fishermen's cooperatives;

**8.1.2.** Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront real estate; and

**8.1.3.** Municipal and private piers and wharves operated primarily to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives.

**8.2 Marina.** "Marina" shall be defined as a facility that repairs vessels not engaged in Commercial Fisheries Businesses, or provides berthing space for vessels not engaged in Commercial Fisheries Businesses as defined herein.

**8.3 Working Waterfront and Working Waterfront Uses.** For the purposes of this Covenant, "Working Waterfront" and "Working Waterfront Uses" shall be defined as the use of land and interests in land that comprise the Protected Waterfront for commercial fishing activities and uses incidental thereto including, but not limited to, the:

**8.3.1.** erection, maintenance, operation and repair of the following: wharves; hoists, cranes, winches and related equipment and improvements; cold storage facilities for aquatic organisms; and docks and floats for vessels used to harvest aquatic organisms, provided that such docks and floats comprise or are attached to the Protected Waterfront;

**8.3.2.** berthing, landing, loading, unloading, cleaning, maintaining, repairing, supplying, provisioning, and outfitting vessels used to harvest aquatic organisms for retailing or wholesaling.

**8.3.3.** fueling of vessels that are berthed on the Protected Waterfront and are used to harvest aquatic organisms;

**8.3.4.** purchase, fabrication, storage, repair and maintenance of equipment for vessels used to harvest aquatic organisms;

**8.3.5.** purchase of aquatic organisms for retailing or wholesaling;

**8.3.6.** preparation or processing of aquatic organisms for retailing;

**8.3.7.** retailing of fresh or processed aquatic organisms for off-site consumption;

**8.3.8.** wholesaling of fresh aquatic organisms;

**8.3.9.** retail shops, offices, restaurants, and administrative services, provided that such facilities provide direct services to Commercial Fisheries Businesses, require the use of working waterfront real estate, and are derived from and related to the uses described in Sections 8.3.1 through 8.3.8, subject to prior written approval of Holder under Section 3.2, as applicable;

**8.3.10.** parking to support uses described in Sections 8.3.1 through 8.3.8 and not uses described in Section 8.3.9; and

**8.3.11.** uses supportive of or related to uses described in Sections 8.3.1 through 8.3.8, except that no such use shall reduce the availability of or access to float or dock space for berthing or other water dependent uses of the Protected Waterfront by persons engaged in commercial fisheries businesses, and prior written approval of Holder is obtained pursuant to Section 3.2.

Notwithstanding the foregoing, the incidental and temporary dockage of vessels not engaged in Commercial Fisheries Businesses at the Protected Waterfront for the purpose of buying fuel and seafood, and the incidental and temporary mooring of vessels not engaged in Commercial Fisheries Businesses in the area of the Protected Waterfront, shall be allowed, provided that Commercial Fisheries Businesses are not adversely affected by such incidental and temporary uses.

“Working Waterfront Uses” uses shall not include apartments, residences, condominiums, hotels, lodging, gas stations, yacht clubs and Marinas.

## **Section 9. OTHER GENERAL PROVISIONS:**

**9.1.** Any activity permitted under this Covenant remains subject at all times to all applicable state, federal and local laws and regulations.

**9.2.** In executing this Covenant, Grantor has considered the fact that uses prohibited hereby may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. It is the intent of both Grantor and Holder that any such changes not be deemed to be changed conditions permitting alteration or termination of this Covenant.

**9.3.** Only Holder, Grantor, the Attorney General, or the municipality of *[insert name]* pursuant to 33 M.R.S., Chapter 6-A, Section 133, may bring an action to enforce this Covenant, and nothing herein should be construed to grant the public standing to bring an

action hereunder, nor any rights in the Protected Waterfront by adverse possession or otherwise.

9.3.1. Holder hereby designates the Department of Marine Resources as the primary agency responsible for monitoring, management and enforcement of this Covenant. All notices to Holder shall be delivered to said Department, as set forth in Section 6.

9.4. Grantor agrees to incorporate the terms of this Covenant by reference in any deed or other legal instrument by which Grantor divests themselves of any interest in all or a portion of the Protected Waterfront, including, but not limited to, a security or leasehold interest.

9.5. This Covenant shall be interpreted under the laws of Maine to resolve any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its working waterfront purposes. Failure of any section or provision of this Covenant shall not affect the validity or enforceability of the remainder of this Covenant. If uncertainty should arise in the interpretation of this Covenant, such uncertainty should be resolved in favor of conserving the Protected Waterfront for use by Commercial Fisheries Business.

9.6. This Covenant is of unlimited duration. Every provision of this Covenant that applies to Grantor or Holder shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear.

9.7. Grantor and Holder claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S. Section 159-A, *et seq.* as amended and any successor provision thereof (Maine Recreational Use Statute), and under any other applicable provision of law and equity.

9.8. Captions: Captions and headings in this agreement are for convenience only and do not form a substantive part of this agreement.

**IN WITNESS WHEREOF**, the said [*Grantor name*]. has caused these presents to be executed in its name and behalf by \_\_\_\_\_, its \_\_\_\_\_ hereunto duly authorized and sealed with its corporate seal this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
[*Grantor name*]  
By: [*authorized signatory*]

STATE OF MAINE

Kennebec, ss. \_\_\_\_\_, 201\_\_

Then personally appeared the above-named \_\_\_\_\_, \_\_\_\_\_ as aforesaid and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me.

\_\_\_\_\_  
Notary Public/Maine Attorney at Law  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ACCEPTANCE BY HOLDER:**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
State of Maine  
Department of Marine Resources  
By: Patrick Keliher, Commissioner

STATE OF MAINE  
KENNEBEC, SS. \_\_\_\_\_, 201\_\_

Then personally appeared before me, PATRICK KELIHER, Commissioner as aforesaid, hereunto duly authorized, and acknowledged the foregoing to be his free act and deed in his capacity as Commissioner of the Department of Marine Resources, and the free act and deed of the State of Maine.

\_\_\_\_\_  
Notary Public/ Maine Attorney at Law  
Print name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**Attachments:**

- Exhibit A Legal Description
- Exhibit A-1: Sketch of Protected Waterfront [*optional*]
- Exhibit B: List of Improvements
- Exhibit C: Right of First Refusal

**EXHIBIT A**

*[Legal Description, including deed references, sketches]*

*[optional]*

**EXHIBIT A-1**

*[sketch of Protected Waterfront]*

**EXHIBIT B**

*[Schedule of Improvements, including list of existing leases in excess of 2 years]*

**EXHIBIT C**

**RIGHT OF FIRST REFUSAL:**

1. For the purposes of this Right of First Refusal, unless otherwise noted, terms use shall be defined as follows:

A. "Premises" shall include:

1. The land, structures and other improvements located on \_\_\_\_\_ *[insert general description, including book/page references]* in said \_\_\_\_\_, \_\_\_\_\_ County, Maine as described in a deed to the Grantor, recorded in *[Book, Volume, Page numbers]* in the *[name of County]* County Registry of Deeds and more fully described in **Exhibit A** to the Working Waterfront Covenant between said Grantor and the State of Maine to which this Right is attached; and
2. Any share or shares of a corporation, partnership, limited partnership or other form of entity not a natural person that owns or has any interest in the land described in Paragraph 1.A.1 above.

B. "Transfer" and "sale" shall include:

1. The transfer, sale or conveyance of any or all portions of the Premises or any interest therein, whether for cash or other consideration, and whether by legal or equitable means or by operation of law, by gift, pledge, or exchange;
2. If Grantor is a corporation, the transfer or pledge of a share or shares or interest to a person or entity not the owner of such shares or interest at the time this right is initially granted to the State of Maine;
3. If Grantor is a trust, limited liability corporation, limited partnership or other form of ownership that is not held by a natural person, the transfer of any interest in such entity or organization, whether legal or equitable in nature at the time this right is initially granted to the State of Maine;
4. For the purposes of verification of ownership of shares or interests, Grantor shall provide to Holder verification of legal and equitable ownership of the Premises on an annual basis. Prior to the transfer of



ownership of the Premises to a corporation, trust, limited liability company, or other non-individual form of ownership, Holder may require that the shares or other evidence or documentation of such ownership be restricted as to transfer on the face of the documentation of ownership to provide evidence of this Right of First Refusal. In the alternative, Holder may require that all shares of ownership or other evidence of ownership be held in trust by a third party trustee who shall report on an annual basis to the Holder.

- C. "Agreement" shall mean this Right of First Refusal.
  - D. "Grantor" shall mean the [*insert name of Grantor*] its successors and assigns.
  - E. "Holder" shall mean the State of Maine, acting by and through its Department of Marine Resources, an entity of the State of Maine, its successors and assigns.
2. Grantor agrees that no transfer or sale of the Premises or any interest therein to any third party will occur without first offering to sell the Premises to Holder for a price and terms (hereinafter the "Offer Price") to be determined under the provisions of this Agreement.
3. At such time as Grantor receives a binding bona fide offer to purchase or acquire in any manner or means the Premises or any interest therein, which such offer Grantor wishes to accept, Grantor shall offer to sell the same interest in the Premises to Holder at a price that is the lesser of:
- A. The Offer Price, or;
  - B. The full fair market value of the Premises subject to the Offer (including the site of any structures) assuming its highest and best use is for commercial fisheries businesses commonly occurring within the market area where the Premises is located on the date of the Offer, as determined by a mutually approved disinterested appraiser selected by Grantor and Holder, with the expense of such appraisal divided equally between Grantor and Holder. This appraisal shall take into consideration the permitted and restricted uses set forth in, and the impact on value caused by this Working Waterfront Covenant.
4. Nothing in this agreement shall be construed to prevent Grantor from notifying the Holder directly of Grantor's interest in transfer of the Premises, without the existence of any offer to purchase the Premises.
5. Any offer made by Grantor to Holder pursuant to this Agreement shall be carried out in accordance with the following procedures:



- A. Grantor shall provide to Holder: 1) written notice stating its intent to sell the Premises (hereinafter “Notice”); and 2) a true, correct and complete copy of the binding bona fide offer to purchase the Premises.
  - B. Upon receipt of Notice, Holder shall have 180 days to notify Grantor in writing of Holder’s election to either purchase the Premises in accordance with the provisions of Paragraph 3 above, or to decline to purchase, in which event, the provisions of Paragraph 7 below shall apply to any surplus price.
6. In the event that Holder elects to purchase the Premises, whether in its own name or in the name of its nominee, the deed shall be delivered and the consideration paid at the offices of Holder in Augusta, Maine at 9 o'clock a.m. on or before the 45<sup>th</sup> day after the date of mailing of notice of election to purchase by Holder to Grantor or, if a Saturday, Sunday or holiday, on the next business day thereafter, and the deed shall convey a good and clear record and merchantable title to the Premises free of all encumbrances except the Working Waterfront Covenant, with this incorporated Right of First Refusal, and such other encumbrances as shall have been permitted under the Covenant, and the Premises shall be in the same condition as it was at the time of the acceptance of such offer and as otherwise required by the Covenant, reasonable wear and tear and use thereof excepted. The date, time and place of the closing may be amended by written mutual agreement of the parties.
7. Grantor may sell the Premises to the purchaser who has made the binding bona fide offer referred to in paragraph 3 above (hereinafter “the Purchaser”), within one (1) year of the date of Holder's receipt of Notice, following written notice from Grantor to Holder of Grantor’s intent to convey the Premises to a purchaser, only in the event that the Holder:
- A. declines in writing to elect its Right within 180 days, such declination to be attached to the deed of conveyance in proof of Holder’s declination, and, following such conveyance, shall provide written notice to Holder of Grantor’s conveyance to the Purchaser upon the terms and conditions set forth in Paragraph 7; or
  - B. fails to provide notice of its exercise of its Right in writing within 180 days, in which event Grantor shall attach to the conveyance being recorded a written notice of failure to exercise, signed by Holder, and, following such conveyance, shall provide written notice to Holder of Grantor’s conveyance to the Purchaser upon the terms and conditions of this Right; or
  - C. having elected its Right in writing, fails to complete the purchase within the specified time period for reasons other than defective title or failure of Grantor to convey title to Holder without waiver and consent by Holder in which event Grantor shall attach to the conveyance being recorded a written notice of failure to complete the purchase, signed by Holder, and shall provide written notice to Holder of Grantor’s conveyance to the Purchaser upon the terms and conditions of this Right.

Any transfer to the Purchaser shall be in accordance with the terms of the binding bona fide offer, and shall not occur without written certification from Holder that the transfer is being carried out in accordance with such offer. Such certification shall be attached to any deed or transfer conveying any title or interest to such Purchaser and no transfer shall be effective without such attached certification. To the extent that the price or other consideration of such transfer exceeds the sales price determined in accordance with the appraisal process set forth in Paragraph 3.B of this Agreement, any amount in excess of the appraised value shall be turned over to Holder to be deposited with the Land for Maine's Future Program or its successor entity for working waterfront preservation.

**8. NOTICE TO GRANTOR, ITS SUCCESSORS AND ASSIGNS:** Any attempt to transfer any or all interest in the Protected Waterfront to an individual or entity other than the individual or entity set forth in the binding third party offer or which does not carry out the transfer of the Protected Waterfront in accordance with the terms of this Agreement, shall be a nullity and of no effect. Holder State of Maine may challenge any transfer by recording notice of such transfer in the [*county where land located*] County Registry of Deeds and by commencement of legal action against Grantor and any person or entity who takes title to the Premises without the consent and agreement of Holder State of Maine. Grantor, its successors and assigns, shall be liable for all legal costs and attorney fees arising out of or related to such legal proceedings to preserve the rights of Holder State of Maine.

**9. EXEMPT TRANSFERS. Individuals.** The following events shall not trigger Holder's Right of First Refusal, provided that notice thereof is given to Holder at least 60 days in advance of any transfer of title thereunder, in which event Grantor shall provide written notice to Holder of Grantor's transfer subject to this Right of First Refusal and shall record such transfer together with an affidavit setting forth evidence of notice to Holder in the [*county where land located*] County Registry of Deeds:

- A. a bona fide gift for no or nominal consideration to Grantor's spouse, parents, siblings, children or grandchildren (whether by blood or adoption), and their respective spouses, children or grandchildren (whether by blood or adoption), subject to the terms of this Right; or
- B. the devise of said Premises by the will or intestacy of Grantor, their heirs, successors or assigns, provided that a transfer pursuant to order of the probate court, in accordance with the terms of this Agreement shall be to a qualified person set forth in Section 9.A herein, subject to the terms of this Right.

**9.1. EXEMPT TRANSFERS: Cooperatives.** The following events shall not trigger Holder's Right of First Refusal if the Grantor is a member-owned cooperative organized under Maine Revised Statutes, Title 13, Chapters 85 or 87, or other provision of Maine law providing for one-member, one-vote ownership of a cooperative:

The issuance, transfer or retirement of shares, whether distributed or redistributed, as the case may be, to members or not, PROVIDED THAT this Right of First Refusal shall be triggered if the number of member owners of the cooperative is reduced to less than three (3) members.

Transfers of shares or mergers of cooperatives not described in this Section 9.1, transfers of shares or ownership of corporations, and mergers of cooperatives, corporations or other entities, shall be governed by the provisions of this Right of First Refusal.

10. Any notices required by this Agreement shall be in writing and shall be deemed delivered upon receipt if delivered in hand or mailed, postage prepaid by certified mail, or by any commercially available carrier or entity that requires a signed and dated receipt upon delivery, addressed as follows:

Grantor: *[name and address of Grantor]*

or such address as is on file at the offices of the Town of *[insert municipality where land located]* as the owner of the Protected Waterfront if Holder has no current address on file for Grantor

Holder: State of Maine, Department of Marine Resources, 21 State House Station, Augusta, ME 04333-0021, Attention: Commissioner

or at such other address as to which either party has provided notice to the other in accordance with this Agreement.

11. Holder may assign its Right of First Refusal at any time after providing notice to Grantor of Holder's election to exercise in accordance with the terms of paragraph 3 above, provided that the Right may only be assigned to a party which, in Holder's opinion, will use or facilitate the use of the Premises for working waterfront uses set forth in the Covenant and in 33 M.R.S., Chapter 6-A. Any assignment shall be effective only when made in writing, signed by Holder, and duly recorded with the *[county where land located]* County Registry of Deeds.

12. Any decision by Holder not to proceed with acquisition of the Premises hereunder shall be in writing, signed by Holder, and in a form suitable for recording in said registry of deeds. Such a decision shall serve to satisfy Grantor's obligations to Holder under this Right with regard to the named third party purchaser only, and only on such terms and conditions as are stated in the decision.

13. Notwithstanding a decision by Holder not to acquire the Premises under this Right, Holder shall continue to hold this right in perpetuity, and such Right shall be a servitude on the Premises, and shall run with the land and shall be binding upon Grantor, its successors and assigns forever for the benefit of Holder, its successors and assigns, so long as the Working Waterfront Covenant is in effect. In the event of termination of the

DRAFT FOR REVIEW ONLY: NOT AGENCY POLICY 11/3/08tg; 07/02/09hh; 09/02/09hh&fs;  
09.15.09hh; 10.01.10hh; 10.04.09 edits accepted; 11.17.09 Drafter edits added Page 7; 12.02.09 coop edits;  
06-30-10 DMR edits, version 05.25.13 edits.

Working Waterfront Covenant, Holder shall have the right to purchase the Protected Waterfront in accordance with the terms of this Right of First Refusal

14. The rights and obligations of each Grantor hereunder shall inure to and be binding upon Grantor and Grantor's heirs, legal representatives, successors in title and assigns.

\*\*\*\*\*

IN WITNESS WHEREOF, the said [*Grantor name*] has caused these presents to be executed in its name and behalf by \_\_\_\_\_, its \_\_\_\_\_ hereunto duly authorized and sealed with its corporate seal this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
[*Grantor name*]  
By: [*authorized signatory*]

STATE OF MAINE  
Kennebec, ss. \_\_\_\_\_, 201\_\_

Then personally appeared the above-named \_\_\_\_\_, \_\_\_\_\_ as aforesaid and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me.

\_\_\_\_\_  
Notary Public/Maine Attorney at Law  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# **APPENDIX L1**

## **2022 SCORING WORKBOOK COMMITTEE MEETING MATERIALS**



STATE OF MAINE  
 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
 LAND FOR MAINE'S FUTURE PROGRAM  
 22 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333

JANET T. MILLS  
 GOVERNOR

AMANDA E. BEAL  
 COMMISSIONER

Land for Maine's Future Program  
 Scoring Committee Workshop  
 September 28, 2022  
 9:00 – 12:30  
 90 Blossom Lane, Augusta, Deering Room 212

Committee Task: Participate in a one-day workshop in advance of the next LMF C&R Request For Proposals to review and make recommended changes to those scoring criteria identified as a priority for review. Present these recommendations at the November 29<sup>th</sup> Board meeting for Board consideration. The committee is asked to accomplish what it can in a single meeting, with the understanding this it may wish to identify additional scoring criteria for future review.

Resources: [LMF Workbook - Conservation & Recreation](#) includes current scoring criteria. Additional resources are listed below and enclosed with the agenda.

1. Welcome, Introductions, Overview – Sarah Demers, LMF Director 9:00 - 9:10
2. [Land Assets](#) 9:10 - 10:00
  - See enclosed Appendix D Land Assets
  - [LAPAC Report](#)
3. Public Access 10:00 - 10:15
4. [Climate – Jennifer Melville, OSI](#) 10:15 - 11:00
  - See enclosed proposal for discussion
5. [Proximity – Sarah Demers, LMF Director](#) 11:00 - 11:30
  - See enclosed proposal for discussion
6. [Drinking Water – Jason Bulay, LMF Staff](#) 11:30 - 11:40
  - See enclosed proposal for discussion
7. [Project Structure/Community & Economic Benefit](#) – Flora Drury, LMF Staff 11:40 - 12:20
  - See enclosed proposals for discussion
8. Wrap Up & Next Steps 12:20 - 12:30



LAND FOR MAINE'S FUTURE PROGRAM  
 22 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333



PHONE: (207) 287-3200  
 FAX: (207) 287-7548  
 WWW.MAINE.GOV/DACF/LMF

## Land Assets

The major land assets are established in the Act and are listed here with additional logical sub-categories. Those specifically identified by the Act are noted with an asterisk (\*). Those subcategories not listed in the companion legislation are those logical components of the major categories.

In 1996 the Land Acquisition Priorities Advisory Committee convened. The Committee's final report outlined a comprehensive set of goals and recommendations to guide future public land acquisitions and other conservation strategies.

As part of its preparation for issuing this workbook, the current LMF Board reviewed the LMF statutory requirements, LMF bond requirements and LAPAC report to develop the priorities and scoring system described herein.

### Land Assets

#### Recreational Lands\*

- Lands offering hunting and fishing opportunities \*
- Lands having trail corridors or hiking trails
- Lands offering opportunities for nature study
- Lands having cross-country skiing opportunities
- Lands having snowmobile trails
- Lands offering traditional camping or picnicking areas

#### Water Access Lands\*

- Coastal beach access for swimming or sunbathing
- Inland beach access for swimming or sunbathing
- Fishing access on streams and lakes
- Fishing access on oceanfront (including clamming and worming)
- Coastal boat launching sites
- Inland boat launching sites
- Canoe access sites (rivers, lakes, ocean)
- Recreational sites (camping or picnic sites) on streams, lakes
- Recreational sites (camping or picnic sites) on the coast

#### Lands Supporting Vital Ecological or Conservation Functions and Values

## Land for Maine's Future Workbook

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- Wildlife habitat \*
- Wetlands \*
- Lands of importance to fish and wildlife because of their limited occurrence or biological diversity/productivity (e.g., coastal islands, salt marshes, inland wetlands, riparian areas)
- Lands providing public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter.\*
- Lands of special importance to specific species in Maine (e.g. deer wintering areas\*, blue heron rookeries, fish spawning areas)
- Lands essential to maintaining wildlife migration corridors, or shore and seabird nesting habitats
- Lands representative of ecosystem types of Maine and essential to the preservation of the range of natural biological diversity

### Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat \*

- Habitats which are naturally rare due to range limitations
- Habitats of special importance to the restoration of endangered and threatened species (e.g. bald eagle nesting territories, least tern nesting beaches)
- Fragile mountain areas \* (e.g. alpine tundra vegetation)
- Peatlands (certain types)
- Old-Growth Forests (representatives of common & rare types)
- Rare wetland types (e.g. fens, cedar swamps, patterned bogs)

### Areas of Scenic\* Interest and Prime Physical Features\*

- Undeveloped shorelines\* (coastal, rivers, & lakes)
- Significant, undeveloped archaeological sites\*<sup>1</sup>
- Mountain viewsheds
- Visual access to water (rivers, lakes, ocean)
- Areas along state highway system
- Headlands
- Waterfalls
- Gorges
- Whitewater rapids
- Mountain ridges
- Beach-dune systems
- Eskers
- Cobble beaches

### Farmland and Open Space\*

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<sup>1</sup> In 2007, the Legislature authorized the Board to consider protection of “significant, undeveloped archaeological sites”. Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site.



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- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- River corridor greenways

### Ecological Reserves

- Ecological Reserves are lands specifically set aside to protect and monitor the State of Maine's natural ecosystems. These lands are managed by the Bureau of Parks and Public Lands, and the Maine Natural Areas Program oversees the long-term ecological monitoring plan. Ecological reserves should serve as benchmarks which will provide important information about changes to our environment. These sites should be used for scientific research, long-term environmental monitoring, education, and in most cases may also provide important outdoor recreation opportunities.

The project must state that the applicants intend to actively seek designation as an ecological reserve or to be added to an existing ecological reserve, and to manage the project property as such in perpetuity. Ecological reserve as defined by MRS 12 Chap. 220 Subchapter 1 section 1805. Applicants must have a letter of support from the Bureau of Parks and Lands for the inclusion of this property in the state's Ecological Reserve system.

### River or Trail System

- The project must provide documentation that the project lands will enhance the protection and integrity of the proposed river segment by fostering an upgrade in water quality, or preventing further degradation of water quality, increasing critical riparian habitat for fish and waterfowl, fish passage, and recreational opportunities. It's the intent of this category that the property include frontage on a water course.
- A number of trail development efforts in Maine including the State snowmobile trail network, the Appalachian Trail, and the island trail network have proven very successful. However, there are additional recreational trail needs and opportunities that require attention including the development of extended loop hiking trails (2-5 days), as well as the creation of extended interconnected multi-use trail systems for uses such as hiking, biking, skiing, and snowmobiling and ATV riding. In particular, acquisition efforts should focus on opportunities to link existing public land holdings by trail corridors and to acquire trail corridors such as abandoned railroad beds. The project must provide documentation of the trail attributes.

### Islands and Undeveloped Coastline

- Islands, particularly coastal islands, have become increasingly sought after for development, threatening bird nesting habitat and other sensitive ecological values. The State, private conservation organizations, and the federal government have successfully

## Land for Maine's Future Workbook

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protected many valuable islands in recent years. However, additional acquisition efforts are needed to protect those islands identified as having important resource values that remain vulnerable to development and habitat loss. To qualify for this multiplier, the project must provide documentation of the island attributes.

- Maine is famous for its coastline. However, only a small percentage of the coast is in conservation ownership. In particular, there are significant undeveloped stretches of shore, including coastal wetlands and estuaries that provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation. The land must be on tidal water and the proposal must provide documentation that the project lands are undeveloped and will provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation.

### Significant Mountains

- While many of the state's highest peaks are currently in the public domain, there are still a number of significant mountains in private hands that are worthy of public acquisition. Acquisition efforts should focus on those mountain areas with outstanding vistas, established recreational uses, or significant ecological values, as well as those that are in close proximity to population centers. The proposal must provide documentation of the significant mountain attributes.

## **Climate Considerations in Land for Maine’s Future Conservation & Recreation Criteria**

### ***Context***

To meet the carbon mitigation and climate adaptation goals of Maine’s Climate Action Plan, *Maine Won’t Wait*, the LMF board is engaged in an iterative process to incorporate climate considerations into its grant requirements. The Action Plan calls for an *increased pace of land protection* and directs agencies to “*revise scoring criteria for state conservation funding to incorporate climate mitigation and resiliency goals*”.

At its December 17, 2021, meeting the board considered

- “To what extent should LMF require applicants to demonstrate how they will manage the property to protect or enhance resources in a way that has a positive impact on climate and resilience? LMF does not currently require management that focuses specifically on carbon sequestration, maintaining or enhancing wildlife corridors, or other climate friendly farming and forestry practices. Should LMF funding require landowners to actively manage for these resources?”
- “What percentage of points (on a 100-pt. scale) should climate change be allocated, understanding that LMF has many statutory requirements that require prioritization for scoring?”

To help answer these and other relevant questions, LMF staff have been working with the Open Space Institute (OSI) over the last six months to develop recommendations for the LMF board to consider for Conservation and Recreation (C& R) Projects. OSI’s suggestions draw on its experience as a re-granter that has been making climate focused land conservation grants for a decade.

### ***Recommendations***

This memo lays out recommended approaches and language to help ensure that LMF projects

- Sustain and support biodiversity in a changing climate and,
- Maximize forest carbon storage (and reduce atmospheric carbon) by 2050.

(Note that OSI’s recommendations do not address sea level rise, community resilience to flooding and other climate stressors, or carbon protection through improved practices on farms, wetlands, or other non-forested natural systems.)

### **Climate Resilience**

#### ***1) Enhance Climate Change Bonus***

LMF’s application currently includes a bonus question for “Climate Change Adaptations” that was based on OSI’s climate resilience criteria. MNAP provides applicants with data that

indicate the projects' resilience score, geophysical settings, and regional flow. Currently five points are awarded if the project scores above average for resilience, regardless of the settings or flow data.

We recommend:

- 1) Increasing the importance of climate adaptation by awarding up to 15 points;
- 2) Awarding points based on a) climate resilience, b) presence and extent of Maine-based under-represented settings, and c) commitment to stewardship for climate resilience; and,
- 3) Relocating the questions on regional scale migration to Question 3, "Proximity to Conservation Lands or Larger Conservation Efforts"

Based on these recommendations, here is suggested wording for the LMF workbook:

*" Climate Change Adaptations (Maximum Points = 15)*

*Projects that demonstrate contribution toward climate resilience will be awarded up to 15 points based on*

- *Amount and/or extent of the property that ranks above average for resilience. If you have a rationale for why the resilience score may not be accurate, please share that information. (5 points),*
- *Extent and type of underrepresented geophysical settings on the property. Resilient projects with 100+ acres or that are more than 50% of the property receive an additional 5 points, and,*
- *Commitment to manage the land to support species adaptation and resilience (5 points)."*

(Note that LMF and MNAP will continue to provide climate resilience data support to applicants.)

## *2) Regional Scale Movement*

We suggest shifting the question about regional scale movement of plants and animals from the Climate Change Adaptation bonus question and into Question 3, "Proximity to Conservation Lands or Larger Conservation Efforts". Here is some suggested language to add to the list in Question 3: *"Project plays an important role in facilitating regional migration of plants and animals northward or upslope animals based on The Nature Conservancy's regional flow data, IF&W's flow data or BwH data."*

We suggest that the board consider how to ensure that this important attribute – the role a project plays in enabling plants and animals to move as the climate changes – is not diluted by the long list of attributes in this question. We suggest either consolidating the existing list and/or giving an extra point for conservation projects with strong regional flow scores.

*3) Evaluate Rare, Threatened or Endangered Plants, Natural Communities, Wildlife, and their Habitat Land Asset for climate attributes*

We recommend that LMF and MNAP staff evaluate applications that choose the Rare Species Land Asset for the project's climate resilience and regional flow attributes. To ensure that LMF projects are effective despite a changing climate, it's important to understand whether a site is likely to support species and natural communities into the future. The presence of a rare community or species today does not necessarily guarantee that it will persist in a new climate regime. The climate resilience and flow data can help LMF evaluate the value of a species focused project in the face of change.

### **Evaluate Ecosystem Carbon Benefits**

To play a key role in meeting *Maine Wont Wait* goals, we recommend that LMF evaluate Forest Ecosystem Carbon to accelerate protection of high carbon forests and support increased sequestration rates on protected lands. Below we suggest carbon criteria, carbon data, management considerations, and options for integrating forest carbon into the LMF application.

#### *Criteria*

LMF would assess 1) current carbon storage on the land, 2) future sequestration potential of the forest, and 3) proposed land stewardship. Specifically, LMF would consider:

- What is the land's potential 2050 carbon storage and is it above or below average for the project's geographic region?
- Should this 2050 average be adjusted to account for major harvests or disturbances since 2010 (the start date for the forest carbon data)?
- What is the land's sequestration rate? Is this above or below average for the relevant geographic region?
- Will the property's proposed stewardship support carbon sequestration and storage?

#### *Carbon Data*

We recommend using data developed by Dr. Chris Williams at Clark University that uses USDA Forest Inventory and Analysis to assess standing forest carbon stocks and potential 2050 sequestration. OSI can work with LMF and MNAP to refine this data for Maine and provide guides that help grantees use and interpret the data. Applicants would use data for 2010 and 2050 forest and soil carbon and expected sequestration by 2050. The data indicates if a major harvest or conversion occurred since 2010 and the applicant would note any other disturbances. LMF would evaluate each project relative to an average for its relevant geography.

#### *Management for Carbon*

To ensure the carbon benefits of a project are realized, applicants would demonstrate how their conservation easement and/or management plan will retain and enhance forest carbon stocks. We recommend that LMF provide applicants with the Northern Institute of Applied Climate Science's "Menu of Adaptation and Mitigation Strategies and Approaches" (**attached**) to inform development of management activities. We suggest that to secure all available LMF points, an

applicant would show strong commitment to managing the land to maintain and enhance forest carbon. LMF can use the Adaptation Menu as a guide to assess this commitment.

### *LMF Application Options*

LMF could incorporate ecosystem carbon into its grant application in one or more ways, each with pros and cons summarized below. The board could try one approach in the next round and then reassess that approach for its effectiveness and impact. Considerations in deciding which approach to take include 1) impact on the atmosphere, 2) relative importance of carbon sequestration compared to other criteria, and 3) time investment for applicants. Here are four potential ways for LMF to address ecosystem carbon, starting with those that are likely to be most effective.

- 1) *Ecosystem Carbon Criteria*: Create a new Ecosystem Carbon criteria that all applicants would address.  
*Pros*: Because all projects would be scored for carbon benefits this approach should have the greatest impact on protecting high carbon forests, reducing carbon loss, and meeting the state's carbon goals.  
*Cons*: Every applicant would have to understand and use the data. Also, adding a new criteria could potentially dilute impact of other LMF criteria.
- 2) *Bonus Question*: Add a new Ecosystem Carbon bonus question, similar to the approach used for climate change adaptation.  
*Pros*: Most applicants would likely choose to apply for this bonus so this approach would also be relevant for most projects. There is no penalty for applicants that do not choose to apply for these bonus points.  
*Cons*: Making carbon an optional consideration, may signal to applicants that carbon values are a good but not essential attribute for LMF. Also because it is an optional consideration – and not a core criteria - it would have less impact as fewer high carbon forests would likely be protected.
- 3) *Land Asset*: Create a new Ecosystem Carbon Land Asset that applicants could chose as either a Major or Additional Land Asset.  
*Pros*: Provides applicants with the ability to showcase a project's carbon benefits but projects with low carbon values would not be penalized.  
*Cons*: LMF impact on Maine's climate goals would be less because not all projects would be scored for their carbon benefits. Applicants might use different approaches to validating the carbon contribution of their project, potentially creating confusion for LMF staff and board.
- 4) *Add to "Vital Ecological or Conservation Functions & Values" Land Asset*: Include Ecosystem Carbon as one of the attributes listed under this existing asset.

*Pros:* It would be relatively simple to add carbon to an existing Asset. Applicants would only need to assess this value if they chose to do so.

*Cons:* Few projects would likely be assessed for their carbon benefits. Impact on Maine's climate goals would be low.

**Proximity Memo:**

Proposed revisions to the proximity criteria combine “adjacent to existing conservation holdings” and “connects existing conservation lands” into a single attribute and make each attribute worth 2 points. With this framework, the final score would be determined by adding the total number of proximity attributes a project demonstrates. Scoring ranges (e.g. 8-10 points for 4 or more attributes) would be removed.

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**PROPOSED CRITERIA:**

**3. Proximity to Other Conservation Lands or Larger Conservation Efforts**  
**(Maximum Points = 10)**

**The project will enhance the connectivity of existing conservation efforts, will address regional conservation needs and has one or more of the following attributes:**

- Is identified as part of an adopted strategic conservation plan that addresses regional or statewide conservation needs; 2 pts
- Is linked to a regional conservation effort to protect open space, recreational opportunities or other natural resource values such as a greenbelt, trail network or river corridor; 2 pts
- Is immediately adjacent to or connects existing conservation lands (state, federal, town, land trust, etc.); 2 pts
- Is part of a locally adopted comprehensive plan and implementation strategies for the protection of open space, recreation, wildlife habitat and/or rural areas that are consistent with the State’s Growth Management Act; 2 pts
- Serves as a stopping off point on a recognized route such as an “island trail” or “birding trail” that includes other publicly or privately conserved lands. 2 pts

SCORE: \_\_\_\_\_

\*NOTE: If your project serves as an anchor parcel in an area of the state without existing conservation lands, or increases LMF investments to a part of the state that has had no or minimal investment, please provide a detailed description of how your project will address regional conservation needs and whether the project will serve as a catalyst for additional conservation and recreation opportunities.



## **Proposed Public Drinking Water Protection scoring criteria for LMF proposals:**

### **Public Water Supply (Maximum Points = 5)**

Proposed projects that provide a direct benefit to a public water supply may be awarded 5 points if the following criteria are met:

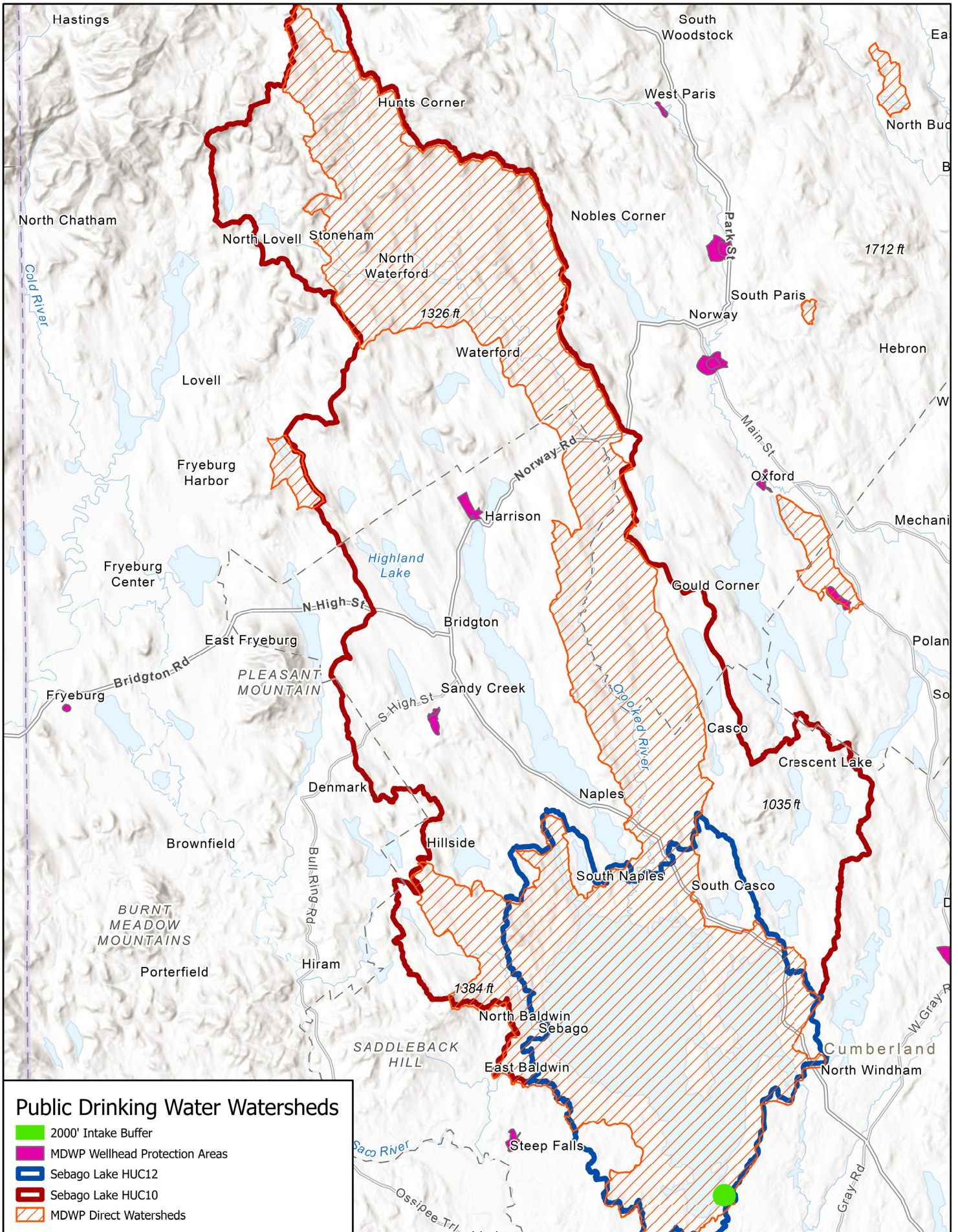
- The protected property is within the direct watershed of a surface water body that is a Community Water System or within the wellhead protection area of a well that is a Community Water System, as these areas are identified by the Maine Drinking Water Program – see <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml>;
- Proposal includes a letter of support from the applicable water district; and
- The protection of the property is consistent with and does not conflict with the natural resource conservation and recreation purposes of LMF. In practice this means that the protected land must be available for public recreational use.

Changes from current scoring:

- Removes the requirement that the project be within 2000 feet of a surface water intake, expanding eligibility to all projects within the direct watershed.
- Adds eligibility for projects within the wellhead protection area for community wells. These areas are defined based on the 2,500-day groundwater travel zone and vary in size.
- Clarifies that the eligible areas are those identified by the Maine Drinking Water Program and adds a link. Note that direct watersheds designated by MDWP are different from HUC 10 or HUC 12 watersheds as mapped by USGS (we are in contact with MDWP to understand why this is). Applicants are responsible for using the MDWP data to determine eligibility; LMF staff will verify eligibility for reviewers.

Other notes:

- Only projects benefitting a Community Water System are eligible; projects that protect private water systems or non-community public systems like a campground or office park are not eligible for bonus points.
- Projects that meet these criteria may receive bonus points; reviewers choose whether or not to award these points based on their own impressions of the project's benefits to public drinking water supplies. For instance, reviewers might feel that a very small project far upstream from an intake would have no appreciable benefit to water quality, or that a proposed conservation easement allowed activities that were inconsistent with protecting water quality.





## **MEMO: Community Impact, Economic Benefit, & Municipal Support**

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These proposed changes would combine Community Impact, Economic Benefit, and Municipal Support into a single criterion. This criterion would be divided into subcategories and would replace the existing Community and Economic Benefit and Project Structure criteria.

Two proposals, labeled Version 1 and Version 2, are included. The Municipal Support subcategory is the same in both versions, but Community Impact and Economic Benefit are addressed differently in Version 1 and Version 2.

Information on these subcategories, and how they are addressed in the two different versions, is below:

### **Changes to Project Structure (To be Renamed Municipal Support):**

- Removes the scoring preference for easements
- Was drafted to address the concern that because unique factors shape every project, LMF should not have preferred project structures, but instead should provide points to projects that municipal/regional governments have opted to support
- Addresses ambiguity in the current criteria, which do not define how projects spanning multiple municipalities, which have provided differing levels of support, should be scored
- The Proposal Format and Instructions section of the workbook would continue to state: For projects in the Unorganized areas of Maine, please describe what efforts have been made to partner with the County and include a letter of support from the County Commissioners.

### **Changes to Economic Benefit and Community Impact:**

- Adds eligibility for projects that serve low income or otherwise disadvantaged communities and/or equitable access to greenspace. These additions are the result of recommendations from the [Maine Climate Council's Equity Subcommittee's Initial Report](#).
- Version 1: Separates Community Impact from Economic Benefit, to reduce the complexity of each subcategory and to allow the Board to give more consideration to each.
- Version 2: Keeps Community Impact and Economic Benefit as a single category and has a point system that would show preferences for projects demonstrating a variety of community and economic benefits, and diverse support.

**Community Impact, Economic Benefit, & Municipal Support (Maximum Points= 15)**

**A. Community Impact (Maximum Points = 5)**

The Board encourages applicants to explicitly describe potential community impact in the form of community health benefits, service of low income or otherwise disadvantaged communities<sup>1</sup>, and/or the provision of greenspace or outdoor recreational opportunities in areas where outdoor recreation may be limited. Community impact is demonstrated through a narrative in the proposal and with letters of support from local or regional governments, community health and recreation organizations, and/or civic and community organizations describing how the proposal supports the community.

- The proposal demonstrates substantial community impact 5
- The proposal demonstrates moderate community impact 3
- The proposal demonstrates minimal community impact 0

**B. Economic Impact (Maximum Points = 5)**

The Board encourages applicants to explicitly describe potential economic benefit of the project and includes letters of support from businesses, business trade organizations, community partners, and/or local or regional governments, describing how the proposal supports the economy.

- The proposal demonstrates substantial economic benefit that will affect a large number of individuals 5
- The proposal demonstrates moderate economic benefit that will affect a moderate number of individuals 3
- The proposal demonstrates very minor economic benefit that will affect a small number of individuals 0

**C. Municipal Support (Maximum Points = 5)**

- Municipal letter(s) of support and/or matching funds received from all municipalities in which the proposal is located 5
- Municipal letters of support and/or matching funds received from some municipalities in which the proposal is located 3
- No municipal letters of support or matching funds received 0

**Community Impact + Economic Benefit + Municipal Support Score = \_\_\_\_\_**

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<sup>1</sup> Defined by the Equity Subcommittee of the Maine Climate Council as: those who have experienced historical and ongoing systemic discrimination, restricted power, and underrepresentation in state policy making, inclusive of communities of color and indigenous communities, low income Mainers, rural and otherwise geographically isolated communities, older adults, LGBTQ+ people, differently abled populations, immigrants, seasonal workers, impacted industries, and other differently impacted communities.

**VERSION 2:**

**Community Impact, Economic Benefit, & Municipal Support (Maximum Points= 15)**

**A. Community and Economic Benefit (Maximum Points = 10)**

The Board encourages applicants to explicitly describe potential community and economic benefits of the proposed projects. The board seeks to cultivate and support closer working relationships between land conservation efforts, businesses, and the community and encourage equitable participation in the program. No form letters please.

**The project has one or more of the following attributes:**

- Demonstrates preservation of, or an increase to, economic benefits and includes letters of support from relevant groups such as businesses, business trade organizations, and/or community partners that describe how the proposal supports the economy. 2 pts.
- Serves low income or otherwise disadvantaged communities. In this workbook, disadvantaged communities are defined as those who have experienced historical and ongoing systemic discrimination, restricted power, and underrepresentation in state policy making.<sup>1</sup> 2 pts.
- Demonstrates community mental and physical health benefits and includes letters of support from relevant groups such as community health, recreational, or civic organizations that describe how the proposal supports community health. 2 pts.
- Provides greenspace or outdoor recreational opportunities in areas where outdoor recreation may be limited. 2 pts.
- Promotes connections between conserved lands and population centers. 2 pts.

**B. Municipal Support (Maximum Points = 5)**

Municipal letter(s) of support and/or matching funds received from all municipalities in which the proposal is located	5
Municipal letters of support and/or matching funds received from some municipalities in which the proposal is located	3
No municipal letters of support or matching funds received	0

**Community and Economic Benefit + Municipal Support Score = \_\_\_\_\_**

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<sup>1</sup> This definition was borrowed from the MCC Equity Subcommittee, and per [Maine Climate Council's Equity Subcommittee's Initial Report](#), is inclusive of communities of color and indigenous communities, low income Mainers, rural and otherwise geographically isolated communities, older adults, LGBTQ+ people, differently abled populations, immigrants, seasonal workers, impacted industries, and other differently impacted communities.

## **APPENDIX L2**

### **LMF CLIMATE, CARBON, AND RESILIENCE WORKSHOP**

# Land for Maine's Future Program

## Climate, Carbon, Resilience

### November 17 and 18, 2020

#### Day 1, November 17, 1:00-4:30

##### 1 hr Opening Speakers

- **Bob Marvinney**, Director Bureau of Resource Information & Land Use Planning, DACF, Co-Chair of Science & Technical Sub-committee, ME Climate Council
- **Amanda Beal, Commissioner DACF/Tom Abello**, Governor's Office and Co-Chairs of Natural and Working Lands Sub-committee of the ME Climate Council
- **Ivan Fernandez**, UMaine Distinguished Maine Professor, Climate Change Institute & School of Forest Resources, Co-Chair Science & Technical Sub-committee, ME Climate Council
- **Sarah Demers**, Director Land for Maine's Future Program



##### 15 min Questions

##### 5 min Break

##### 2 hr. Data & Tools

- TNC Terrestrial Resiliency Data - Mark Anderson
- SLR & Coastal Hazards, Marsh Migration, Coastal Resiliency – Pete Slovinsky/Kristen Puryear/Jeremy Bell
- Carbon Sequestration – Forests, Farms and Marine ecosystems - Mark Berry/ Adam Daigneault/Claire Enterline



##### 15 min Questions

##### 5 min Introduction to Day 2





# Land for Maine's Future Program

## Climate, Carbon, Resilience

### Day 2, November 18, 1:00-4:30

2 hr. **Real World Examples** – How partners are incorporating this information into their conservation planning and land management decisions.

- MDIFW
- Maine Coast Heritage Trust
- Western Foothills & Loon Echo LTs
- 12 Rivers Collaboration
- Maine Farmland Trust
- Appalachian Mountain Club
- Bureau of Parks and Lands, DACF

15 min **Questions**

5 min **Break**

1 hr. **Strategies** - Discussion and brainstorming strategies LMF could adopt to ensure we are a strong partner in the State's goal of promoting and enhancing the resiliency of Maine's natural resources.

- Proposal
- Scoring
- On the ground implementation (easement terms and ongoing stewardship)
- Other ideas?

10 min **Next Steps for the LMF Board**

- Update on LAPAC review - incorporating climate change, resiliency and carbon sequestration considerations and recommendations into LMF priorities;
- Other next steps for the LMF Board to consider





## **APPENDIX L3**

# **MAINE CLIMATE COUNCIL EQUITY SUBCOMMITTEE FINAL RECOMMENDATIONS**



# Final Recommendations of the Equity Subcommittee

March 2023

# Table of Contents

<b>TABLE OF CONTENTS.....</b>	<b>2</b>
<b>LETTER FROM THE CO-CHAIRS .....</b>	<b>3</b>
<b>ACRONYMS USED IN THIS REPORT.....</b>	<b>5</b>
<b>INTRODUCTION .....</b>	<b>7</b>
<b>PRIORITY POPULATIONS AND EQUITY METRICS .....</b>	<b>11</b>
<b>STRATEGY A: TRANSPORTATION.....</b>	<b>19</b>
<b>STRATEGY B: MODERNIZE MAINE’S BUILDINGS .....</b>	<b>28</b>
<b>STRATEGY C: CARBON EMISSIONS IN CLEAN ENERGY AND INDUSTRIAL SECTORS .....</b>	<b>38</b>
<b>STRATEGY D: GROW MAINE’S CLEAN ENERGY ECONOMY AND PROTECT OUR NATURAL RESOURCE INDUSTRIES.....</b>	<b>45</b>
<b>STRATEGY E: PROTECT MAINE’S ENVIRONMENT AND WORKING LANDS AND WATERS.....</b>	<b>55</b>
<b>STRATEGY F: HEALTHY AND RESILIENT COMMUNITIES .....</b>	<b>63</b>
<b>STRATEGY G: INVEST IN CLIMATE-READY INFRASTRUCTURE.....</b>	<b>72</b>
<b>STRATEGY H: ENGAGE WITH MAINE PEOPLE AND COMMUNITIES .....</b>	<b>78</b>
<b>PROCEDURAL EQUITY .....</b>	<b>82</b>
<b>CONCLUSION AND RECOMMENDED NEXT STEPS .....</b>	<b>89</b>
<b>APPENDIX 1: ASSESSING EQUITY USING BENCHMARK AND BASELINE DATA .....</b>	<b>92</b>
<b>APPENDIX 2: OPPORTUNITIES FOR FURTHER CONSIDERATION OF EQUITY .....</b>	<b>95</b>
<b>APPENDIX 3: MEMBERS OF THE MAINE CLIMATE COUNCIL EQUITY SUBCOMMITTEE .....</b>	<b>97</b>

## Letter from the Co-Chairs

The effects of climate change will affect us all in profound ways, and will create significant hardships for people and communities in more vulnerable positions in society, such as low-income residents, older adults, indigenous people, people of color, and others, who are less able to respond. We are already seeing, for example, the significant impacts of more frequent storm events on residents, communities, and ecosystems.

Maine has an opportunity and a responsibility to help our future selves through our climate actions. We can help Maine people reduce energy costs by installing a heat pump and weatherizing our homes. We can help our communities recover from storms by investing in resilient infrastructure and climate planning. And we can help our neighbors get to school and work, healthcare and recreation, by making clean and reliable transportation more available. We must work together to ensure that strategies to reduce greenhouse gas emissions and prepare for the impacts of climate change benefit all people in Maine, especially those most vulnerable.

On December 1, 2020, the Maine Climate Council released *Maine Won't Wait* ([pdf](#)), the state's four-year Climate Action Plan. *Maine Won't Wait* establishes four goals: Reduce Maine's Greenhouse Gas Emissions; Avoid the Impacts and Costs of Inaction; Foster Economic Opportunity and Prosperity; and Advance Equity Through Maine's Climate Response. Following the release of *Maine Won't Wait*, the Maine Climate Council established the Equity Subcommittee to support ongoing planning and implementation of the state's climate strategies to ensure shared benefits reach diverse populations in Maine.

The Equity Subcommittee was tasked with setting equity outcomes for climate actions, monitoring progress and making recommendations to the Council to ensure programs and benefits reach diverse and isolated populations and communities. Over the course of our work, we have reviewed the strategies in *Maine Won't Wait* to identify opportunities to ensure that Maine's climate response reaches those most in need, worked with state agencies and the Climate Council's Working Groups to refine those recommendations and highlight actions already underway, and developed equity metrics to ensure that programs and benefits reach priority populations and communities.

The equity recommendations in this report are organized to align with the strategies in *Maine Won't Wait*. They include actions to ensure that the benefits of Maine's climate actions reach those who most need it, and to support increased participation in state climate and energy processes. There are specific recommendations for the Maine Climate Council to consider to more firmly integrate equity into the state's climate action plan going forward.

The report is an important first step for Maine to ensure that as we confront climate change and its effects, we ensure that our efforts benefit all people in Maine.

We are grateful to the members of the Equity Subcommittee who have given generously of their time and knowledge, to the state agency staff and Maine Climate Council working group members for their collaboration, and to the many members of the public who shared their ideas and suggestions. We look forward to continuing this work together.



Gabriela Alcalde, Executive Director  
Elmina B. Sewall Foundation



Ambassador Maulian Dana  
Penobscot Nation

Co-Chairs, Maine Climate Council Equity Subcommittee

## Acronyms used in this report

### State of Maine Agencies or Quasi-State Agency Partners

BMV	Bureau of Motor Vehicles
BRILUP	Bureau of Resource Information and Land Use Planning
ME CDC	Maine Center for Disease Control and Prevention (we do not reference the US CDC in this document)
DACF	Department of Agriculture, Conservation, and Forestry
DECD	Department of Economic and Community Development
DEP	Department of Environmental Protection
DHHS	Department of Health and Human Services
DMR	Department of Marine Resources
DOE	Department of Education
DOL	Department of Labor
DVEM	Department of Veterans & Emergency Management
EMT	Efficiency Maine Trust
GEO	Governor's Energy Office
GOPIF	Governor's Office of Policy Innovation and the Future
IFW	Department of Inland Fisheries & Wildlife
MaineDOT	Department of Transportation
MaineHousing	Maine State Housing Authority
MEMA	Maine Emergency Management Agency
OPA	Office of the Public Advocate
OPHE	ME CDC's Office of Population Health Equity
PFR	Department of Professional & Financial Regulation
PUC	Maine Public Utilities Commission

### Partner and Program Acronyms

CBA	Community Benefits Agreement
CCAP	Climate Change Adaptation Providers Network
CHIP	Central Heating Improvement Program
CMP	Central Maine Power
CRP	Community Resilience Partnership
ESC	Equity Subcommittee of the Maine Climate Council
EVs	Electric Vehicles
FEMA	Federal Emergency Management Agency
HEAP	Home Energy Assistance Program, Maine's affiliate of the federal Low Income Home Energy Assistance Program (LIHEAP)
HVAC	Heating, Ventilation, and Cooling
IECC	International Energy Conservation Code
IIJA	Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL)

IRA	Inflation Reduction Act
LIAP	Low Income Assistance Program
LMI	Low-to-Moderate Income
MCSIE	Maine Climate Science Information Exchange
MeCAP	Maine Community Action Partnership
MJRP	Maine Jobs and Recovery Plan
MNRCP	Maine Natural Resource Conservation Program
MUBEC	Maine Uniform Building and Energy Code
MUDs	Multi-Unit Dwellings
MWBE	Minority- or Women-owned Business Enterprises
<i>MWW</i>	<i>Maine Won't Wait</i>
NEVI	National Electric Vehicle Infrastructure Formula Program
OSHA	US Occupational Safety and Health Administration
OSW	Offshore Wind
PHEV	Plug-in Hybrid Electric Vehicles
PLA	Project Labor Agreement
QAP	Qualified Allocation Plan
SLR	Sea Level Rise
SVI	Maine Social Vulnerability Index
TCFD	Taskforce on Climate-Related Financial Disclosures
TNC	The Nature Conservancy
TPI	Third Party Inspectors
USEPA	United States Environmental Protection Agency
ZEV	Zero-Emission Vehicles

## Introduction

In Maine and across the world, climate change poses the greatest threat to communities which are already marginalized. Low-income communities and communities of color, among others, are often already subject to both social and environmental harm—experiencing disparities in health outcomes, and inequitable access to healthy, efficient, and secure housing, potable drinking water, and reliable transportation. Due to these ongoing inequities, these communities often have a weakened capacity to respond to climate stressors and recover from climate shocks.

Equitable climate action requires the thoughtful distribution of climate benefits and mitigation of climate burdens, so that policies intended to fight climate change do not instead cause further harm. Essential to delivering these equitable outcomes is participation. To understand the needs of Maine’s impacted and frontline communities, these very same communities must have a role in creating the plans and policies that will affect their current and future well-being.

LD 1679,<sup>1</sup> which established the Maine Climate Council (MCC) and the Clean Energy Transition plan, set equity as a core objective, naming low-to-moderate income households, rural and economically distressed communities, workers, and businesses as priority populations:

- “Ensuring equity for all sectors and regions of the State and that the **broadest group of residents benefit** from the achievement of the greenhouse gas emissions reduction levels in section 576-A, with consideration of **economic, quality-of-life and public health benefits**” (Climate Council objective)
- “Pursuing actions that minimize deleterious effects, including those on **persons of low income and moderate income**, to public health and the environment and that support **economic sectors that face the biggest barriers** to emissions reductions...”
- “...and creating, when feasible, additional employment and economic growth in the State, especially in **rural and economically distressed regions** of the State;
- “Highlight strategies for the State’s **rural communities, workers and businesses** as the State transitions to a low-carbon future that are designed to encourage good paying jobs and long-term employment” (Clean Energy Transition plan)

Accordingly, *Maine Won’t Wait (MWW)*, the state’s climate action plan, contains numerous directives to consider, serve and invest in vulnerable communities. Equity was considered — along with multiple other outcomes — during the climate planning process in 2019-2020. Reflecting the consideration of multiple objectives, the MCC established the Equity Subcommittee (ESC), to make recommendations to the MCC to “**ensure shared benefits across diverse populations**”, as well as propose tracking and monitoring to ensure “**programs and benefits reach the intended populations and communities.**”<sup>2</sup>

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<sup>1</sup> Source: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0550&item=3&num=129>

<sup>2</sup> See *Maine Won’t Wait*, pages 37 and 107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)



Over the last 18 months, working with the MCC working groups, state agencies, along with input from other experts and members of the public, the ESC has developed equity recommendations specific to the programs and policies proposed in *MWW*, as well as proposed equity metrics.

This report is the final outcome of the ESC’s deliberations and serves to transmit this work for consideration by the MCC. The ESC recommends that the MCC consider these recommendations and metrics for adoption. Following adoption, the ESC recommends that responsible state entities begin taking action and collecting data identified as necessary for baseline studies, monitoring metrics, and equity outcome metrics, so that equity outcome metrics can be reported annually as part of the state’s annual climate reporting process.

### About the Equity Subcommittee’s Work

The ESC was formed by the MCC in February 2021. Over nearly 12 months, the ESC worked together to develop 57 draft equity recommendations, grounded in thorough review of *MWW* and building on the equity analysis conducted by the Senator George J. Mitchell Center for Sustainability Solutions at the University of Maine in 2020.<sup>3</sup> These recommendations were presented to the MCC in an interim report in February 2022.<sup>4</sup> In addition to its draft recommendations, the interim report identified common definitions related to equity, as well as a framework for consideration of equitable climate policy and programs.<sup>5</sup>

In the interim report, the ESC proposed further consultation with MCC working groups to refine and revise their recommendations. Starting in March 2022, ESC members selected to support these sector specific working groups. Each working group and the Science and Technical Subcommittee (STS) met two times between April and November 2022 to consider and comment on the interim recommendations: once to discuss actions, and once to discuss priority populations and metrics. At the same time, the ESC staff team at the Governor’s Office of Policy Innovation and the Future (GOPIF) consulted with state agencies (listed below) to learn about equity actions already underway and to develop equity metrics. The collective input from these processes — and examples of actions underway — helped refine and restructure the original 57 interim equity recommendations and shape them into goals and recommended actions that align with *MWW*.

Members of the public and impacted agencies have played a critical role in helping finalize this body of work. As detailed in its interim report, the ESC conducted a robust and geographically diverse stakeholder process in 2021, gathering feedback on its interim recommendations. This process included creating a plain language version of the recommendations and taking them into conversations across diverse communities in Maine. In 2022, the ESC continued to gather feedback, focusing on each of the MCC’s working groups. As mentioned above, each working group met twice: those meetings were public, and many included public comment. And the GOPIF equity staff team met with every state agency and quasi-state agency partner implicated in the recommended equity actions. These consultations helped identify examples of work underway — some of which substantively met the intent

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<sup>3</sup> See: [https://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC\\_EquityAssessmentReport\\_201007.pdf](https://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC_EquityAssessmentReport_201007.pdf)

<sup>4</sup> See: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC\\_EquitySubcommitteeInterimReport\\_Feb2022.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC_EquitySubcommitteeInterimReport_Feb2022.pdf)

<sup>5</sup> See definitions and framework in: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC\\_EquitySubcommitteeInterimReport\\_Feb2022.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC_EquitySubcommitteeInterimReport_Feb2022.pdf)

of the interim equity recommendations — and helped identify revisions to the interim recommendations. Finally, draft final recommendations were made available for additional public comment for two weeks at the end of 2022 and beginning of 2023.

This final equity report is the product of these deliberations, consultations, and revisions. It contains 18 equity goals; 57 equity actions, which nest under each goal and which are most closely aligned with the content from the ESC’s interim report; 15 equity outcome metrics, which break down existing *MWW* indicators to assess **where** climate actions are happening and **who** is benefiting; and more than 20 proposed monitoring metrics, meant to serve as intermediate indicators indicating progress towards equity outcomes.

*Table 1: Consulted State Agencies and Quasi State Agency Partners*

BMV	Bureau of Motor Vehicles
ME CDC	Maine Center for Disease Control and Prevention
DACF	Department of Agriculture, Conservation, and Forestry
DECD	Department of Economic and Community Development
DEP	Department of Environmental Protection
DHHS	Department of Health and Human Services
DMR	Department of Marine Resources
DOE	Department of Education
DOL	Department of Labor
DPS	Department of Public Safety
EMT	Efficiency Maine Trust
GEO	Governor’s Energy Office
GOPIF	Governor’s Office of Policy Innovation and the Future
IFW	Department of Inland Fisheries & Wildlife
MaineDOT	Department of Transportation
MaineHousing	Maine State Housing Authority
MEMA	Maine Emergency Management Agency
OPA	Office of the Public Advocate
PFR	Department of Professional & Financial Regulation
PUC	Maine Public Utilities Commission

### Layout of This Report

The report begins by identifying Priority Populations for climate action and a framework for equity metrics and summarizes the equity outcome metrics from the subsequent chapters.

The report then follows the chapter structure of *MWW*, with the intention that equity goals, actions, and indicators align directly with existing *MWW* strategies. In most instances, equity goals nest into *MWW* strategies: the goal statements, in many instances, restate existing *MWW* recommendations and identify a priority population or community for focused intervention. In far fewer instances, the goal statements establish a new recommendation. Similarly, equity outcome metrics nest under *MWW* progress indicators, breaking down the 11 statewide indicators further by location, or by demographic or economic characteristics of participating individuals or households.

In addition to the goals and recommended actions, each chapter contains more context about equity in each sector, including priority populations; lists and recognition of related work underway or completed by the state; and metrics.

The report concludes by considering cross-cutting goals and public engagement — referred to as procedural equity — focusing on recommendations for considering and involving people in planning and decision-making in state climate and energy processes. Finally, the ESC proposes both a model for continuing the ESC’s work in the next climate planning process, as well as additional recommendations for equity in the MCC. Appendices to the report include potential benchmarks and data sources for state agencies to consider, as well as gaps that the next climate action planning process could consider.

This final report stayed within the bounds of what the ESC recommended through its initial year-long process in 2021. Entirely new ideas, including some of the ideas and recommendations that MCC working groups offered in their meetings, as well as ideas provided in public comment, are included in an appendix, in lieu of being incorporated directly into the report. Recommendations that were out of scope for the climate action plan have been removed; actions from the interim report that are already underway or completed have been removed and are reflected in the introduction to related goals.

Substantively, this final report builds on the ESC’s interim recommendations, providing helpful revisions and identifying opportunities to better serve priority populations. It is structurally aligned with *MWW* and has undergone significant review by implementing partners.

### Related Work

The ESC’s work is occurring in parallel with other important, equity-driven work in the state and nationally. Chief amongst this is the federal Justice40 initiative, a whole-of-government effort to ensure that federal agencies deliver at least 40 percent of the overall benefits from federal investments in climate and clean energy to disadvantaged communities. This includes federal investments in clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. Justice40 requires federal agencies to identify the benefits of covered programs, determine how covered programs distribute benefits to disadvantaged communities, and calculate and report on reaching the 40% goal.

In Maine, this work is complemented by a new law adopted in 2022 which seeks to promote equity by enhancing the state’s ability to collect, analyze and apply data.<sup>6</sup> It requires the state Economist to collect demographic data in addition to economic data and requires the state to establish a data governance program.

This work stands amongst numerous other programs, initiatives, and leadership across state government seeking to improve the lives and livelihoods of Maine people.

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<sup>6</sup> See: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1199&item=5&snum=130>

# Priority Populations and Equity Metrics

## Introduction

“Like other dislocations and disruptions to society, from recessions to pandemics, climate change creates the greatest hardships for marginalized communities, many of whom are most vulnerable to its effects.”

*Maine Won't Wait, Page 9*

*Maine Won't Wait (MWW)* emphasizes the need to advance equity through the state's climate response. The plan highlights the disproportionate impact of climate change on lower-income communities and individuals, older adults and populations already experiencing health disparities, and the need to ensure under-resourced communities are prepared to respond, adapt, and thrive. The plan also highlights the potential benefits of Maine's climate strategies, and the opportunity for climate-related job growth, in communities and among workers facing the greatest climate disruptions.

The Equity Subcommittee (ESC) of the Maine Climate Council (MCC) was established to support ongoing planning and implementation of Maine's climate strategies, and to ensure shared benefits across diverse populations of Maine people. In its deliberations, the ESC considered the following people, workers, communities, or businesses as “priority populations” for climate action, either because of their vulnerability to climate change impacts, limited resources,<sup>7</sup> or capacity to respond and adapt, or because of intersections between these vulnerabilities:

- **Individuals and Households:** Households with low-income individuals, older adults (age 65+), people with asthma or other health vulnerabilities, people with disabilities, people with limited access to transportation, Black, Indigenous and People of Color (BIPOC), people with limited English proficiency, low-income residents of rental housing (especially multifamily), mobile home residents, low-income homeowners, unhoused individuals, and families. Individual worker characteristics include employment and work authorization status,<sup>7</sup> students, people with limited English proficiency including New Mainers,<sup>8</sup> gender,<sup>9</sup> people transitioning from prison or in recovery, and/or migrant workers.
- **Geographic Areas and Communities:** Low-income communities, rural communities, small towns with limited staff capacity,<sup>10</sup> disadvantaged communities (discussed below), climate-frontline communities,<sup>11</sup> and/or Tribal and Indigenous communities.

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<sup>7</sup> For example, job seekers interested in training and employment but ineligible for some opportunities pending work authorization (e.g., refugees, asylum seekers)

<sup>8</sup> New Mainers can include immigrants, refugees, and — in the instance of workforce programs — other foreign trained individuals.

<sup>9</sup> For example, women and nonbinary people in (a) clean energy and (b) natural resource industries

<sup>10</sup> For example, limited staff capacity may be a challenge to municipalities' ability to apply for funding for climate projects

<sup>11</sup> The ESC defines frontline communities as those “first and worst” impacted by climate change, and least able to respond. See page 11, ESC Interim Report (Feb 2022):

[https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC\\_EquitySubcommitteeInterimReport\\_Feb2022.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MCC_EquitySubcommitteeInterimReport_Feb2022.pdf)

- **Businesses:** Businesses in the natural resource industries like agriculture, forestry, and fishing,<sup>12</sup> clean energy industry (including energy efficiency), small businesses, minority- or women-owned business enterprises (MWBEs).

Not all individuals, households and workers in these groups and communities are equally disadvantaged or climate vulnerable. Climate and clean energy programs and resources should be prioritized for people and communities facing **multiple vulnerabilities**. For example, among renters, weatherization programs should include strategies to reach and serve renters with low incomes and/or with health vulnerabilities. Among rural communities, resilience planning assistance should consider those communities without local or regional planning staff; encouraging regional partnerships can help address the lack of bandwidth in those small, rural communities. Among unemployed or underemployed jobseekers, clean energy training or apprenticeship programs could seek to prioritize New Mainers or workers in industries more negatively impacted by climate change.

Many state agencies and programs already prioritize people and communities facing multiple vulnerabilities. The recommendations in this report seek to build on what these programs and agencies are already doing, and to institute monitoring to understand **who** is participating and benefiting from Maine’s climate and energy programs, **where** resources and benefits are being delivered, and **what** impact climate programs and investments are having on those communities in most need.

### Identifying Priority Populations

Implementing and measuring climate action equity will require defining and identifying priority populations. However, the criteria to define priority populations may vary by sector and program depending on existing federal or state criteria or definitions, or community input. For example, “low income” may be defined by different thresholds depending on federal guidelines (such as <60% of **state** median income for the Low-Income Home Energy Assistance Program (LIHEAP);<sup>13</sup> <80% of **area** median income for the US Department of Housing and Urban Development). Similarly, federal agencies have multiple definitions for “rural communities”, there are several lists of “disadvantaged communities” in use by federal programs,<sup>14</sup> and specific criteria for climate “frontline communities” are not defined at the federal or state level.

The table below summarizes general criteria for the four types of communities prioritized by the ESC. In each case, there is no singular definition. Considering multiple and emerging federal and state definitions and guidelines, the ESC does not expect Maine to establish one overarching definition or list for each of these communities. Rather, each agency may develop or adopt criteria that align with guidance from their federal counterparts, and/or with sector-specific considerations. The most important outcome is that programs, communities, and service providers can easily access information about the risks, vulnerabilities and classification(s) of each community, and can maximize impact in support of those communities.

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<sup>12</sup> Priority businesses/sectors will be described further in subsequent chapters.

<sup>13</sup> This is the same program known as the Home Energy Assistance Program (HEAP) in Maine.

<sup>14</sup> For example, the White House Climate and Economic Justice Screening Tool (CEJST) definitions of Disadvantaged Communities, US Department of Transportation’s interim definition of Transportation Disadvantaged Communities, US Department of Energy’s interim definition of Disadvantaged Communities; US Environmental Protection Agency’s definition(s) of Disadvantaged Communities for Clean Water State Revolving Fund.

Table 2: Potential Criteria for Priority Communities

Population	Potential Criteria
<b>Low-Income Communities</b>	<p>Percentage of households in town or census tract reporting incomes below threshold (e.g., at least 30% of households with &lt;80% Area Median Income (AMI),<sup>15</sup> or 20% of households below poverty level)</p> <p><i>Criteria and thresholds may vary by sector and program</i></p>
<b>Rural Communities</b>	<p>Non-urban areas with relatively low population density; typically identified by community population, density, distance from urban area</p> <p><i>There are several definitions and lists from US Census<sup>16</sup> and US Department of Agriculture,<sup>17</sup> amongst others.</i></p>
<b>Disadvantaged Communities</b>	<p>Areas with higher sociodemographic, health, economic, climate or environmental vulnerabilities, burdens or exposures as compared to other areas</p> <p><i>Maine has not adopted a statewide definition or list, though the federal government has adopted a consistent definition across all federal agencies in the areas of climate, environmental, and clean energy spending (CEJST)<sup>18</sup></i></p>
<b>Frontline Communities</b>	<p>People and communities that experience the consequences of climate change first and to a greater degree than other people and communities, and who have limited resources to respond</p> <p><i>Maine has not developed or published a specific list of frontline communities, though several federal<sup>19</sup> and state<sup>20</sup> screening tools exist.</i></p>

In many instances, state agencies administering climate-related programs can use existing program data such as (a) participant characteristics (e.g., income or enrollment in means-tested state programs)<sup>21</sup> or

<sup>15</sup> AMI is the household income for the median or ‘middle’ household in a given region.

<sup>16</sup> See: <https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=49cd4bc9c8eb444ab51218c1d5001ef6>

<sup>17</sup> See: <https://www.ers.usda.gov/topics/rural-economy-population/rural-classifications/what-is-rural/>

<sup>18</sup> Federal agencies will use the Climate and Economic Justice Screening tool to track compliance with the White House Justice40 Initiative, which requires the distribution of spending and benefits from climate and clean energy programs to disadvantaged communities. See: <https://screeningtool.geoplatform.gov/en/#8/0/0>

<sup>19</sup> Such as: <https://resilience.climate.gov/#assessment-tool>

<sup>20</sup> Such as: <https://maps.coastalresilience.org/maine/>

<sup>21</sup> The ESC recognizes challenges in asking, collecting, or recording information about individual or community sociodemographic, health or employment characteristics. When it is necessary to ask for income or other characteristics, the ESC recommends following transparent data collection practices, such as describing how and why information will be used and finding confidential and non-intrusive ways to identify low-income individuals or households (e.g., those already enrolled in other means-tested programs).

(b) location<sup>22</sup> to classify a project or spending as serving a priority population or a priority community.<sup>23</sup> This information can then be aggregated to estimate equity outcomes by priority populations — for example, total heat pumps in homes of low-income Mainers, or total spending on climate resilient infrastructure in rural communities. In this way, reporting equity outcomes will not require sharing any individual or personally identifiable data.

## Reporting by Priority Population

Climate actions and investments must reach priority populations and communities, especially those most vulnerable to climate change impacts. To monitor equitable outcomes, agencies and programs need to know **where** actions are happening geographically, and **who** is benefiting. Across climate-related programs and investments, state agencies will need to track:

**Where:** Geographic distribution of participation,<sup>24</sup> projects or spending in priority communities to determine share among priority communities<sup>25</sup>

**Who:** Participant characteristics (such as income level or demographic information), or workforce characteristics (such as employment status or gender), to determine share among priority populations

*MWW* identified multiple statewide progress indicators to determine if the state is on track to reach its overall climate goals.<sup>26</sup> **Equity outcome metrics** proposed in this report break down the *MWW* indicators to assess **where** climate actions are happening and **who** is benefiting. For example, equity outcome metrics might include the share of climate-resilient infrastructure spending in frontline communities (“where”) or the share of weatherization projects, heat pumps, etc. among low-income households (“who”). State agencies can aggregate results to calculate statewide spending, participation, or benefits among priority populations. Two examples are provided below.

The first example shows how reporting for individuals might work, and looks at weatherization projects, where low-income households are a priority. In fiscal years 2021-2022, 22% of weatherization projects — the combined impact of Efficiency Maine Trust’s (EMT) residential and low-income programs and Maine State Housing Authority’s (MaineHousing) programs — were in low-income households. This equity outcome metric could be compared with population benchmarks or baseline data to determine if outcomes are nearing equity. For example, how does the 22% of home weatherization projects in low-income homes compare to the 29%<sup>27</sup> of Maine households who report low incomes?

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<sup>22</sup> To categorize participation or spending by location, if granular location data is not available, reporting by county is a way to assess geographic distribution of spending. For example, workforce statistics such as natural resource or clean energy jobs are published by county.

<sup>23</sup> To categorize participation or spending by community type (e.g., percent among rural communities), agencies can match town and/or census tract with a federal or state list of priority communities (depending on guidelines) to classify outcomes within or outside of priority communities.

<sup>24</sup> “Participation” includes state program participation (e.g., energy bill assistance) as well as participants in climate-related processes (e.g., public hearings).

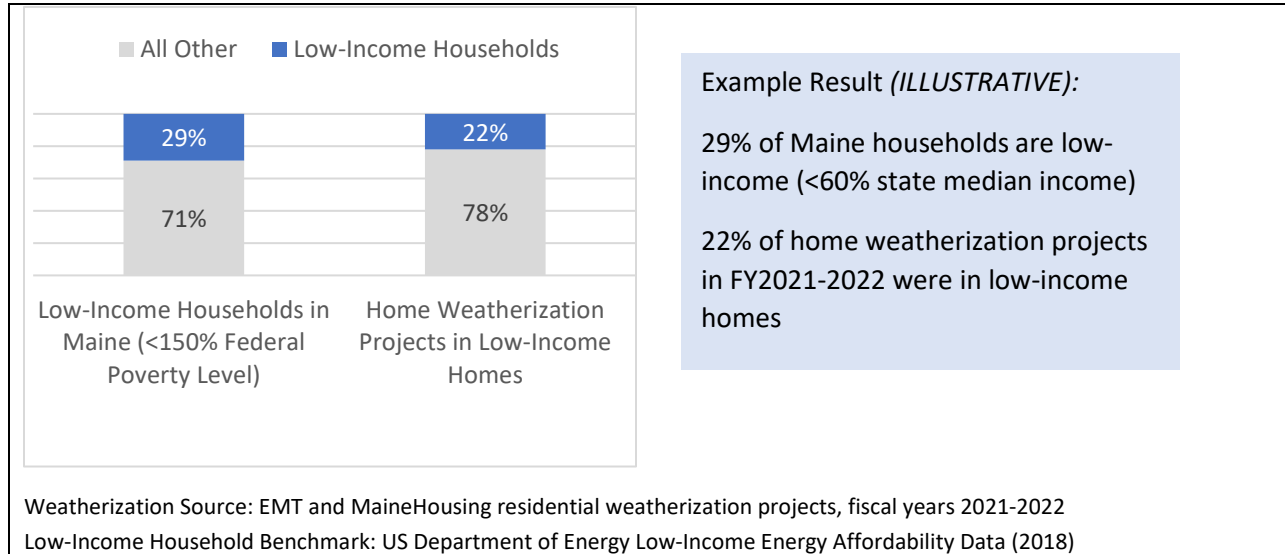
<sup>25</sup> Per above, priority communities could include low-income, rural, disadvantaged, or frontline communities.

<sup>26</sup> See *Maine Won’t Wait*, page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

<sup>27</sup> Source: Department of Energy Low-Income Energy Affordability Data (LEAD) Tool. <https://www.energy.gov/eere/slsc/maps/lead-tool>

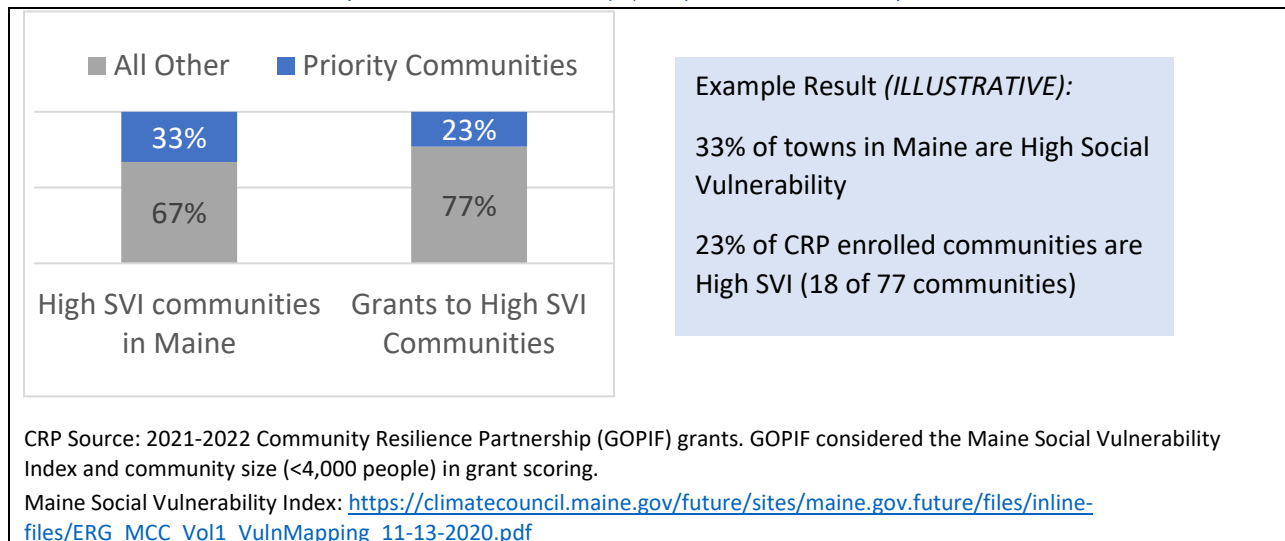


Figure 1: Example of Reporting among Low-Income Households:  
Home Weatherization Projects among Low-Income Households (FY2021-2022)



The second example shows how reporting for priority communities might work. This example focuses on a single program — the Community Resilience Partnership (CRP) — though some equity outcome metrics may aggregate results across programs. The equity outcome metric shows the percentage of CRP communities that are High Social Vulnerability, and the benchmark metric is the percentage of Maine communities considered High Social Vulnerability. The CRP used the Maine Social Vulnerability Index (SVI) and community size (<4,000 people) to prioritize communities, though other agencies or programs may use different criteria to identify priority communities.

Figure 2: Example of Reporting by Community Type:  
Community Resilience Partnership (CRP) awards to Priority Communities





The ESC did not establish specific numeric targets for programs serving priority populations, though some climate and clean energy programs already have their own targets.<sup>28</sup> Instead, the ESC recommends that the state identify benchmark population or community proportions -- such as the percentage of low-income homes, disadvantaged communities, or frontline communities -- to gauge progress. Appendix 1 provides potential data sources for benchmarks.

### Summary: Establishing Equity Metrics

The ESC was ultimately charged with recommending metrics to the MCC that allow the Council to monitor progress towards equitable implementation of *MWW*. Each chapter of this report lists recommended equity goals, actions, and metrics. Equity metrics include:

- **Actions Tracking:** Yes/No indicators on whether and when recommended equity actions are implemented;
- **Monitoring Metrics:** Intermediate indicators including progress towards equity outcomes, or the results of research or analysis; and
- **Equity Outcome Metrics:** Quantify **where** actions/programs/ investments occurred, and **who** participated or benefited.

Equity outcome metrics are aligned with *MWW*'s goals and indicators,<sup>29</sup> and assess **share (distribution) of participation, projects, and funding** among priority people, businesses, and communities. Equity outcome metrics are only established for outcomes with an existing corresponding *MWW* goal or indicator; for recommendations without a corresponding measure, monitoring metrics are established to identify and track progress towards equitable outcomes.

Table 3 summarizes equity outcome metrics associated with *MWW* indicators and proposed by this report. These metrics are intended to track and aggregate the percentage of participation, and funding for climate, energy and resilience that goes to priority populations and communities, across the entire economy as captured in *MWW*. They complement Yes/No Actions tracking and reporting detailed in each chapter.

The ESC recognizes that simply targeting a proportional number of priority populations or communities is not sufficient to achieve equitable climate outcomes; rather, equity outcomes should seek to over-serve or represent vulnerable populations. The equity outcome metrics in Table 3 provide a necessary starting point for determining appropriate equity goals and targets; the ESC recommends setting such targets as an activity for the next statewide climate planning process.

Each of the metrics in Table 3 are described in subsequent chapters; this table serves as a reference.

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<sup>28</sup> For example, see EMT's 5<sup>th</sup> Triennial Plan, Long Term Targets, which states: For the period beginning January 1, 2020, and ending January 1, 2030, weatherizing 35,000 homes and businesses, with at least 10,000 of such weatherization projects completed in low-income households through the combined efforts of the Trust and the Maine State Housing Authority. Source: [https://www.efficiencymaine.com/docs/Triennial-Plan-V\\_FY2023-2025.pdf](https://www.efficiencymaine.com/docs/Triennial-Plan-V_FY2023-2025.pdf)

<sup>29</sup> See *Maine Won't Wait*, page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

Table 3: Equity Outcome Metrics for Maine Won't Wait Indicators

Statewide Indicator	Equity Outcome Metrics
<b>Existing MWW Indicators</b>	
Progress toward 80% renewable energy by 2030 and 100% by 2050	N/A
Energy saved via ongoing efficiency measures	Energy cost burden <sup>30</sup> among low-income households and energy bill assistance recipients # and % weatherization and energy efficiency projects in low-income homes, and among energy bill assistance recipients # and % of affordable housing units built or renovated with clean or efficient energy technologies
Clean-energy jobs created	Geographic distribution <sup>31</sup> of clean energy jobs # and % of clean energy jobs held by priority populations <sup>32</sup>
Electric Vehicles (EV) on the road, Plug-in EVs, total	% of EVs owned or leased by Low-and Moderate-Income households (proxy: rebates to Low- and Moderate-Income households) Distribution of clean transit projects and spending by priority population and geography
Heat-pump installations total	# and % of heat pumps in low-income homes
Total percentage of Mainers with access to high-speed broadband <sup>33</sup>	High-speed broadband access in rural and priority communities <sup>34</sup> % of low-income households with high-speed internet
Percentage of state lands conserved	Geographic distribution of publicly accessible natural and working lands <sup>35</sup>

<sup>30</sup> Energy Cost Burden is a cross-sector equity outcome metric that reflects the combined impact of many interventions, investments, and policies. It is calculated as the percentage of a household's income spent on home energy expenses.

<sup>31</sup> Geographic distribution could include counts, percentages, or per capita results in and among priority communities. Where tracking to a town or census tract is not possible, agencies can report by county (e.g., workforce statistics).

<sup>32</sup> The term "priority populations" in this table refers to individual, household or workforce characteristics, such as income level and other characteristics described above. Specific criteria may vary depending on federal or state program criteria.

<sup>33</sup> The ESC considered broadband as an enabling technology for reducing transportation emissions, accessing and participating in state decision making processes, and otherwise engaging in Maine's climate planning processes. Recognizing the multiple ongoing equity efforts led by the Maine Connectivity Authority, the ESC did not propose additional broadband interventions in this report. However, it does recommend these equity outcome metrics, related to existing statewide metrics contained in *MWW*.

<sup>34</sup> Priority communities for these metrics could include low-income, rural, disadvantaged, or frontline communities, depending on federal or state funding or program criteria.

<sup>35</sup> Recognizing that state agencies may play a role in access to or conservation of privately-owned natural and working lands, the equity outcome metric expands the *MWW* indicator beyond state lands to include privately held natural and working lands and waterfronts which are accessible to the public.

Number of towns or regions with resilient community plans	# and % of priority communities with Resilient Community Plans
Significant critical adaption infrastructure projects completed	Distribution of climate-ready infrastructure projects by priority community and geography <sup>36</sup>
Climate infrastructure and investment funding and leveraged	Distribution of climate-ready infrastructure funding by priority population and geography <sup>37</sup> Distribution of natural resource grant funding by priority population and geography <sup>38</sup>
Federal and private dollars leveraged per state dollar	N/A (federal funding covered by metrics above)

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<sup>36</sup> Funding metrics can include allocated or awarded funds from federal or state programs (from formula, competitive, grant or other processes) by priority community.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid

## Strategy A: Transportation

In Maine, transportation accounts for 49% of carbon dioxide emissions from fossil fuel combustion, and reducing emissions from the transportation sector is a key strategy in Maine’s climate plan. Reducing transportation emissions should be done in a way that equitably distributes the benefits of cleaner transportation, including to rural and low-income residents. Clean transportation options may save people money through reduced vehicle operation and maintenance costs and can contribute to better public health outcomes by reducing air pollution.

All people in Maine should have access to affordable and clean transportation systems, whether personal, shared, or public transportation. *MWW* emphasizes the importance of public transportation for people who lack access to other transportation options or who would benefit from alternatives to driving, like older Mainers.<sup>39</sup> In addition, it recommends increasing the number of electric vehicles (EVs) on the road, including for low- and moderate-income (LMI) drivers. It includes strategies to reduce vehicle miles traveled, through investments in public and shared transportation and the deployment of broadband to facilitate teleworking and remote access to other online services in Maine homes. It also supports the development of village, city, and rural centers in ways which allow safe active transportation, including walking and biking.

The ESC recommended several actions designed to support *MWW* and increase access to affordable, efficient, clean transportation for all Maine people. State agencies and partners are already implementing many of those recommendations:

- In 2022, EMT expanded eligibility for low-income EV purchase incentives to include individuals participating in an expansive array of means tested programs. EMT also expanded its EV rebate amount for low-income customers, including for used vehicles sold in dealerships, and established a rebate tier for moderate-income customers. Historically, very few low-income customers have taken advantage of EMT’s rebates, due to a combination of factors, including the price of vehicles still being too high, a disruption in the vehicle supply chain caused by the COVID-19 pandemic, lack of information about their use or usability and limited access to charging. EMT will be monitoring the outcome of their recent rebate enhancements.
- The DOE’s new Clean School Bus Program<sup>40</sup> provides support directly to schools to apply for generous federal clean school bus funding, including the purchase of electric school buses. Through its first round of funding, the US Environmental Protection Agency (EPA) awarded more than \$13 million to 13 Maine school districts to purchase up to 34 electric school buses.<sup>41</sup> All 13 districts were designated as priority<sup>42</sup> by the EPA, reflecting high needs, rural, or tribal school designations. Maine received the 4<sup>th</sup> most funding per capita in the nation.
- DHHS recently completed a study on opportunities to improve access to shared transportation services for individuals receiving social services.

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<sup>39</sup> Source: <https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/FINAL-Age-Friendly-Update.pdf>

<sup>40</sup> Source: <https://www.maine.gov/doe/transportation/cleanbus>

<sup>41</sup> Source: <https://www.epa.gov/newsreleases/biden-harris-administration-announces-more-13-million-epas-clean-school-bus-program-13>

<sup>42</sup> Source: <https://www.epa.gov/system/files/documents/2022-05/2022-csb-rebates-prioritized-school-districts-2022-05.pdf>

- The opportunity to work remotely can lower transportation expenses and emissions and can provide flexibility for workers with children and other responsibilities. Multiple state agencies have collaborated to help increase access to remote working for underserved Maine people and communities. The Maine Connectivity Authority is implementing a Digital Equity Plan for Maine, helping increase access to broadband and internet-connected devices for priority populations and communities. The Department of Economic and Community Development (DECD) is developing an online resource for remote workers and employers looking to incorporate remote or hybrid employees into their existing workforce, providing access to resources and training. DECD is also working with communities to identify remote/coworking spaces, including libraries, where workers can find some of the shared office service support that remote workers may lack. And the state, through funding provided by the Governor’s Maine Jobs and Recovery Plan (MJRP), has made significant investments in affordable childcare and affordable housing, critical needs for all workers in Maine.

In addition, the ESC recommends the transportation and equity goals below for the state’s climate action plan. These goals are meant to achieve more equitable outcomes for priority populations and communities by addressing barriers to participation in, and access to, clean transportation opportunities and funding. For individuals and households, these barriers might include but are not limited to income, housing type (particularly for renters whose landlords may not have an incentive to install EV charging), people with limited physical mobility or without access to reliable transportation, and people who rely on limited public transportation. For communities, these barriers might include geographic isolation and sparsely populated rural areas, which make current public transportation options unsustainable, limited, or inconvenient, low-income communities with limited resources for investment in transportation infrastructure, and areas with higher exposure to transportation emissions (e.g., near urban centers, highways or trucking depots) or emissions from other sources, where vehicle electrification could contribute to reduction of overall burden.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### **Goal #1: Increase EV ownership among low-to-moderate income (LMI) households, renters, and multifamily renters, and LMI households in rural areas.**

Rural and low-income populations in Maine are often unable to access affordable and convenient public transportation, and affordable personal vehicles. Vehicles in rural areas tend to be older, less efficient, less reliable, and more expensive to operate than vehicles in urban areas.<sup>43</sup> Increasing ownership of high efficiency vehicles has the potential to reduce emissions and reduce a household’s spending on transportation, particularly given the recent volatility in, and increasingly high, fuel prices. However, the upfront costs of high efficiency vehicles can be cost-prohibitive for Maine drivers with low or moderate incomes. Programs that incentivize clean transportation should prioritize LMI people, especially those in rural areas.

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<sup>43</sup> Source: [https://digitalcommons.library.umaine.edu/mcspsc\\_transport/3/](https://digitalcommons.library.umaine.edu/mcspsc_transport/3/)

#### Actions underway include:

- EMT offers point-of-sale, instantaneous rebates for the purchase or lease of qualifying EVs. This includes enhanced rebates for LMI customers, as well as EV rebates for non-profit organizations providing services to low-income individuals and rebates for tribal governments.
- EMT also maintains a website to help Maine people learn about a wide variety of EV issues. The website provides educational videos and written guidebooks on topics such as buying used EVs in Maine,<sup>44</sup> how to charge an EV at home or on the road, where to find public EV chargers, how to compare the costs of owning an EV to a traditional car, available federal tax incentives, how to get enhanced rebates for LMI Maine people, and more.<sup>45</sup>

#### Proposed next steps include:

- **Expand EV rebate opportunities and locations**, including (a) increasing the used vehicle EV rebate and (b) increasing the number of dealerships offering rebates in rural areas.
- **Engage with low-income drivers** to understand barriers to accessing existing vehicle rebate programs and navigation of forthcoming federal tax incentives.<sup>46</sup>
- **Enhance financing options and decrease purchase costs for LMI drivers**, including through the assessment of (a) a loan-loss reserve<sup>47</sup> program for qualified, low-income customers buying high efficiency vehicles, zero-emission vehicles (ZEV), or plug-in hybrid EVs (PHEVs); (b) the feasibility of providing tax incentives for new and used electric and plug-in vehicles for qualified low-income vehicle customers. Consider future federal funding opportunities<sup>48</sup> to capitalize loan or other financing opportunities for LMI drivers.
- **Establish baseline data on EV vehicle availability, ability to purchase, and access to financing**, including (a) numbers of new and used electric vehicles purchased by LMI drivers; (b) the number of EV rebates accessed by LMI drivers by geography; (c) the distribution of dealerships offering EV rebates; (d) barriers to accessing rebate programs; (e) the number of LMI drivers with insufficient credit to access market-rate financing for new or used vehicle purchases; and (f) the relative cost impact of taxes levied on electric vehicle purchases by LMI customers.

Agencies and Partners: EMT, MaineDOT, GEO, GOPIF, BMV, Department of Tax

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<sup>44</sup> Source: <https://www.energymaine.com/docs/Used-EV-Shopping-Tips.pdf>

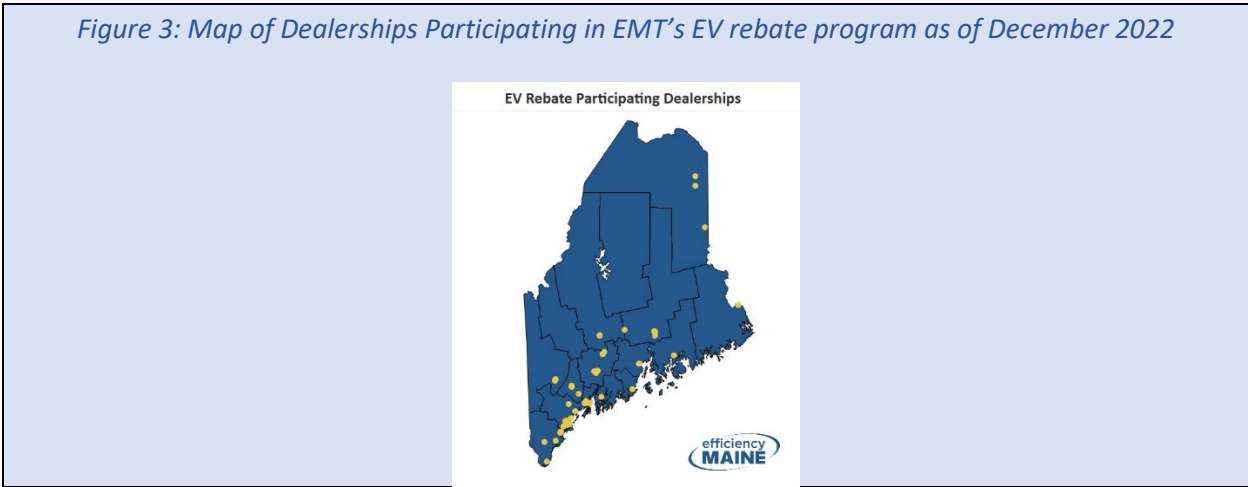
<sup>45</sup> Source: <https://www.energymaine.com/electric-vehicle-resources/>

<sup>46</sup> The Inflation Reduction Act makes significant investments in electric vehicles, including through a federal tax rebate. See for more information: <https://pluginamerica.org/inflation-reduction-act-ira-ev-incentives-explained>

<sup>47</sup> The Maine Climate Council's Transportation Working Group recommended the development of a loan loss reserve (LLR) program in its initial recommendations to the climate council. In addition, University of Maine Professor Jonathan Rubin recently co-authored a peer-reviewed paper exploring credit enhancing mechanisms including loan-loss reserve. See: [https://digitalcommons.library.umaine.edu/mcspc\\_transport/8/](https://digitalcommons.library.umaine.edu/mcspc_transport/8/)

<sup>48</sup> Including the Greenhouse Gas Reduction Fund, amongst others. See for more information: <https://www.epa.gov/inflation-reduction-act/greenhouse-gas-reduction-fund>

Figure 3: Map of Dealerships Participating in EMT's EV rebate program as of December 2022



**Goal #2: Increase EV charging availability among LMI and rural drivers, renters, and multifamily residents**

Access to reliable, convenient, and affordable charging is critical to EV usage. An estimated 80% of charging occurs at home,<sup>49</sup> and tenants of rental housing often lack access to charging infrastructure due to a lack of dedicated off-street parking, cost, or interest of landlords to install chargers.

**Actions Underway include:**

- The state's EV charging investment plan, which includes funds from the federal National Electric Vehicle Infrastructure Formula Program (NEVI) as well as other state and EMT funding, includes a focus on tenant occupied spaces, as well as charging locations in rural communities and at affordable housing locations. EMT's Fifth Triennial Plan<sup>50</sup> also includes this focus.
- In 2022, EMT ran a competitive solicitation for EV charging at multi-unit dwellings (MUDs). Through this solicitation, EMT provided grant funding for 24 plugs to five affordable housing developments in Portland and Biddeford to install EV chargers. Additionally, EMT offered generous incentives for the expansion of Level 2 (L2) EV charging in rural communities and forecasts adding 140 new L2 charging plugs through this initiative by the end of 2023.
- MaineHousing requires EV Readiness for new affordable housing construction.
- The PUC concluded a proceeding which adopted a range of new optional electric rates to support beneficial electrification, including bill savings for homes with high electric use, including those that have adopted electric vehicles — without shifting costs on to other ratepayers. The proceeding also provides new rates which enable electrification for transit agencies, supporting access to clean public transportation for Maine people who are unable, or choose not to, drive.

<sup>49</sup> Source: <https://www.energy.gov/energysaver/articles/ev-charging-home>

<sup>50</sup> Source: [https://www.energymaine.com/docs/Triennial-Plan-V\\_FY2023-2025.pdf](https://www.energymaine.com/docs/Triennial-Plan-V_FY2023-2025.pdf)

Proposed next steps include:

- **Expand EV charging network and locations**, including enhanced program strategies, rebates, or other funding opportunities for chargers in rental and multifamily properties, particularly for housing serving LMI residents. This may require additional engagement with landlords, to determine incentive and program structures that would encourage them to participate.
- **Establish baseline data** on the availability of, and public funding spent on, EV charging by housing type and geography, as well as the overall availability of funding for EV charging by housing type and geography, including a focus on rural communities.

Agencies and Partners: EMT, MaineDOT, GEO, GOPIF, MaineHousing

### Goal #3: Expand access to affordable, efficient, and safe active, shared, and public transportation for LMI people, non-drivers, and other disadvantaged populations, particularly in rural areas (MWW Strategy A.3)

Shared and active transportation can help support increased public health and better mobility. Since the COVID-19 pandemic began, cities across the country have seen a decrease in use of shared transportation and increase in single occupant vehicle transportation.<sup>51</sup>

Actions Underway include:

- MaineDOT has taken several steps to increase access to shared and active transportation for Maine people and workers, including:
  - Relaunching GOMaine, a statewide travel resource program which matches up carpoolers, helps form vanpools, and rewards members for doing any sort of green commute, like carpooling, vanpooling, walking, biking, taking the bus, or teleworking. GOMaine has been expanded to provide connections to all modes of transportation throughout the state, providing a critical service for Mainers who do not drive.
  - Launching a workforce transportation pilot funding opportunity, seeking to expand access to reliable transportation, especially in rural Maine, to connect workers to employment opportunities. The first award made through this pilot was for a project offering free transportation for workers from nearby towns to Sunday River ski resort and other local businesses, supporting existing employees and reducing barriers to work for new employees. Additional awards are forthcoming.
  - Partnering with the Maine Department of Labor (DOL) and the Bicycling Coalition of Maine to launch an e-bike pilot to support people in recovery in Bangor with access to employment, appointments, and other daily needs. Participants in the program will be provided with a bike at no cost, and with training on the use and maintenance of the vehicle. Training will be provided in partnership with members of the local social service agency and individually with the participants through DOL.
  - Supporting an e-bike bikeshare program in Portland since late summer 2022, and, in partnership with Bicycle Coalition of Maine, developing a statewide library e-bike loan program pilot.
- MaineDOT is actively supporting the expansion, and electrification, of transit, including:

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<sup>51</sup> Solomonow, J. S.-K., Seth. (2020, June 14). Fear of Public Transit Got Ahead of the Evidence. The Atlantic. Source: <https://www.theatlantic.com/ideas/archive/2020/06/fear-transit-bad-cities/612979/>



- Funding a study on transit electrification for the eight major transit operators statewide and supporting the purchase of six electric buses in Greater Portland area and Biddeford/Saco and Old Orchard Beach.
- Purchasing one hybrid electric ferry, applying for federal funding to support a second, and committing to looking at hybrid and electric options for all future ferry replacements.
- Supporting several Greater Portland Council of Governments initiatives intend to improve coordination, effectiveness, and accessibility of the region’s public transportation system. These include Transit Tomorrow, a 30-year strategic plan to enhance public transportation in the region; Transit Together, a study to identify opportunities for increased coordination among the region’s seven transit providers; ongoing and planned vehicle and equipment purchases, including hybrid and electric vehicles; and planning and land acquisition for a new facility for Greater Portland METRO.
- MainedOT is currently updating its Long-Range Transportation Plan, which ties together its strategic transit and active transportation plans to help achieve an equitable and multimodal transportation system serving the needs of all Maine people. As part of this work, MainedOT will:
  - Establish cost estimates to maintain and expand the transit system, including high level estimates for passenger rail and ferries.
  - Establish costs estimates for improved active transportation infrastructure. This includes several policy recommendations to improve safety and accessibility, and incentives in project selection to ensure equity considerations and investments directly support disadvantaged populations.
  - Optimize active transportation and transit opportunities to consider first/last mile travel.
  - Inventory curb ramps on Maine’s highway and bridge system, to provide improved data on accessibility.
  - Identify ways to improve the efficiency and effectiveness of Maine’s public transportation system, with a particular focus on rural areas. This will include different approaches in different areas based on circumstances (e.g., fixed route service may be appropriate in denser, more urban areas, and on-demand service may be more appropriate in more rural areas), and the use of technology to improve access to, and efficiency of, public transportation.
  - Collect information on the types of trips Maine people currently take using transit and additional types of trips and locations they would like to be able to utilize, and baseline data on riders using shared rides and transit by geography.
- MainedOT has taken several steps to improve infrastructure for shared and active transportation across Maine, including:
  - A new Village Partnership Initiative, working with more than 50 communities to visualize, plan, design, fund, and build transformative improvements to their villages and downtowns, and exploring ways to make investments in Maine’s quintessential community centers.

- A new partnership program to help communities hire a licensed professional engineer and share in the cost of planning and design to assist communities in developing robust and successful applications for federal transportation funding.
- Revising the state’s Complete Streets Policy, to incorporate results from the statewide Active Transportation Plan and focus on safety for all highway users, especially bicyclers and pedestrians. As part of this process, MaineDOT hosted community meetings with 23 communities with a history of pedestrian fatalities, to understand how best to fund safety projects. Proposed changes to the policy will result in considering more locations for pedestrian and bicycle improvements increasing safety and access.
- Training communities on crosswalk safety, helping ensure that crossings are safe and American Disability Act compliant and accessible. As part of this training, MaineDOT has provided rapid flashing beacons to each town.

Proposed next steps include:

- **Pilot innovative clean transit programs in disadvantaged communities.** Options may include expanding access to programs like GOMaine or developing first-mile/last-mile connections, rides-to-wellness, and recovery and job access rides pilot programs.
- **Develop and launch public educational campaigns** which communicate the benefits of, and address hesitancy to use, shared, public, and active transportation modes, including the health impacts of transportation choices, particularly for non-drivers.
- **Publish transit and active transportation baseline data** generated by the planning efforts above in a single accessible location for communities.

Agencies and Partners: MaineDOT

### Tracking Progress toward Cleaner Transportation

MWW established the following indicators related to clean transportation: <sup>52</sup>

- Electric Vehicles on the road, Plug-in EVs, total

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan’s overall transportation metrics and can serve as progress indicators towards equitable access to, and distribution of, clean transportation benefits. The table below establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

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<sup>52</sup> See page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

Table 4: Transportation Goals, Progress Indicators and Metrics

Goal #1: Increase EV ownership among low-to-moderate income households, renters, and multifamily residents		
<b>Actions</b> <ul style="list-style-type: none"> <li>- Increase used EV rebates</li> <li>- Expand dealer network offering rebates</li> <li>- Engage with low-income drivers</li> <li>- Assess feasibility of loan-loss reserve program</li> </ul>	<b>Monitoring Metrics</b> <ul style="list-style-type: none"> <li>- Geographic distribution<sup>53</sup> of EV rebates and ownership, by priority communities</li> <li>- Geographic distribution of dealers participating in rebate program</li> </ul>	<b>Equity Outcome Metric(s)</b> <ul style="list-style-type: none"> <li>- Total # and % of EVs owned or leased by LMI households (proxy: rebates to LMI households)</li> </ul>
Goal #2: Increase EV charging availability among LMI and renter households, rural drivers and multifamily		
<b>Actions</b> <ul style="list-style-type: none"> <li>- Enhanced program or funding opportunities for rental housing, especially multi-unit and affordable housing</li> <li>- Enhanced program or funding opportunities for rural EV charging</li> </ul>	<b>Monitoring Metrics</b> <ul style="list-style-type: none"> <li>- Geographic distribution<sup>54</sup> of MUD, non-residential and public charging stations, and funding (including proximity to affordable housing)</li> </ul>	<b>Equity Outcome Metric(s)</b> <ul style="list-style-type: none"> <li>- Same as above</li> </ul>
Goal #3: Expand access to affordable, efficient, and safe active, shared, and public transportation for disadvantaged populations, and for non-drivers.		
<b>Actions</b> <ul style="list-style-type: none"> <li>- Innovative Clean Transit Pilots</li> <li>- Public education on shared rides and health</li> <li>- Provide access to transit and active transportation baseline data</li> </ul>	<b>Monitoring Metrics</b> <ul style="list-style-type: none"> <li>- Use of shared, transit or active transportation, by location and rider characteristics</li> </ul>	<b>Equity Outcome Metric(s)</b> <ul style="list-style-type: none"> <li>- Distribution of clean transit projects and spending by priority population and geography<sup>55</sup></li> </ul>

### Baseline Studies Needed

To inform agency and partner strategies, establish goals and a baseline for measuring progress, the ESC recommends the following baseline studies:

1. **Barriers to Clean Vehicle Purchase Baseline Study:** Distribution of EV rebates across incomes; of new/used vehicles purchased, by income level; credit score data and study for low-income customers seeking financing to determine if current financing mechanisms are sufficient; relative cost study on impact of taxes on vehicle purchase; further understanding of barriers to rebate access and EV purchase by low-income customers.

<sup>53</sup> Geographic distribution metrics could include counts, percentages, or per capita results in/among priority communities, or by county.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

2. **Multifamily and Landlord EV charging baseline and barriers study:** Availability of, and funding spent on, EV charging by housing type and geography.

## Strategy B: Modernize Maine’s Buildings

In Maine, the heating, cooling, and lighting of buildings accounts for almost one-third of the state’s greenhouse gas emissions. Nearly 60% of Maine’s households use fuel oil as their primary energy source for home heating, a larger share than any other state and as compared to about four percent nationally.<sup>56</sup> And thousands of Maine residents rely on kerosene, a relatively niche fuel with a limited market, to heat their homes - with many in manufactured housing that is reliant on outdoor fuel tanks. In addition, Maine has some of the oldest housing stock in the country, with 23% of homes built before 1940.<sup>57</sup> With global, national, and regional factors driving high and volatile energy costs and limited fuel supplies — the price of kerosene alone reached historic highs, with some customers unable to find supply — paying for home heating will be a significant hardship for low-income households this winter. It has never been more urgent to help these households access energy efficient and affordable heating options, reduce energy costs, and address health problems stemming from unhealthy or inefficient housing — while reducing emissions.

To support energy efficient building practices and retrofits, *MWW* sets targets for heat pump installation, the pace of weatherization, and the adoption of energy-efficient building codes and increased building code training programs. It also recommends using lower carbon building materials, exploring options for a Renewable Heating Fuels Standard, and phasing out hydrofluorocarbons. The plan also calls for the state to promote clean energy strategies in publicly funded buildings, and improve grant and loan programs for efficiency and renewable energy programs in municipal, tribal, school, and public-housing projects and construction.

The ESC recommended actions to ensure that the benefits of building modernization and clean energy upgrades reach all Maine people, with an emphasis on renters.<sup>58</sup> State agencies are already implementing many of those recommendations:

- **Weatherization and Rebates for Low-Income Households:** Over the past year, funding opportunities have increased dramatically for low-income households. MaineHousing’s heat pump program pays for the cost and installation of a heat pump for eligible Maine homeowners, including those eligible for the Home Energy Assistance Program (HEAP)<sup>59</sup> or Central Heating Improvement Program (CHIP) assistance payments. And, through EMT, LMI households are eligible to receive elevated rebates. For example, in 2022, low-income households could receive up to 90% of the project cost for insulation projects up to \$9,000. EMT has additionally expanded its eligibility for low-income incentives for efficiency contracting and heat pumps and offers a \$2,000 rebate for the first heat pump in an eligible low-income home. Since 2019, EMT

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<sup>56</sup>Source:

<https://www.eia.gov/state/print.php?sid=ME#:~:text=Three%2Dfifths%20of%20Maine's%20households,the%20largest%20share%20at%2027%25>

<sup>57</sup> Source: Winner, B., MacDonald, S., Smith, L., & Juillerat, J. 2018. See:

<https://link.springer.com/article/10.1007/s12053-019-09798-8>

<sup>58</sup> “The split incentive, in which the building owner pays for upgrades but the tenants pay the utility bills, thus reaping the rewards, is the most common commercial lease structure and has long stood in the way of deep energy retrofits in tenant-occupied commercial space.” Source: <https://facilityexecutive.com/2021/02/the-time-is-now-to-finally-crack-the-split-incentive-barrier/>

<sup>59</sup> This is the same program known as the Low-Income Home Energy Assistance Program, or LIHEAP, at the federal level.

and MaineHousing have supported the installation of more than 80,000 heat pumps, of which more than 5,000 are in low-income households.

- **Energy Efficiency in Affordable Housing:** MaineHousing-financed larger-scale multifamily properties have long had energy efficiency standards that exceed statewide energy codes. MaineHousing will continue to lead by example and expects to introduce even stronger new standards for new construction, larger-scale, multifamily properties<sup>60</sup> In 2022, MaineHousing began requiring all new construction projects to install electrical service capacity and conduits for EV chargers and rooftop solar as well as mandating the use of electricity for heating, cooking, and domestic hot water in MaineHousing’s smaller development programs, including the Rural Affordable Rental Housing Program,<sup>61</sup> Affordable Housing Initiative for Maine Islands<sup>62</sup> and Affordable Homeownership Program.<sup>63</sup>

In addition, the ESC recommends the goals and actions below for inclusion in the state’s climate action plan. These goals are meant to achieve more equitable outcomes for priority populations and communities by addressing barriers to accessing clean heating, sustainable and affordable housing, and energy bill assistance. Priority individuals and households include low-income households, for whom energy burden -- influenced by inefficient, fossil-based heating systems -- is disproportionately high; renters with low-incomes, who may not be able to choose cleaner heating technology due to living in a landlord-controlled property; residents of older mobile homes, for whom home safety improvement and weatherization assistance may not be available due to program restrictions; affordable housing residents, who stand to benefit among the most from cost saving efficiency retrofits; and recipients of HEAP, the Low Income Assistance Program (LIAP), and other energy benefit programs, for whom heat pump conversions and weatherization can decrease energy bills and, subsequently, reliance on state and federal energy subsidies. Priority communities include low income, rural, and disadvantaged communities, where there may be fewer weatherization contractors and/or code enforcement officials. Further, in this sector, workers in the weatherization and energy efficiency industries should be prioritized for training, particularly for federal weatherization program certification, due to the unique role they play in providing services to priority households and communities.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### Goal #1: Increase weatherization, home retrofits and heat pump installation for low-income households, renters, and in rural communities

Identifying people and communities in greatest need of adequate, safe, and healthy, and energy efficient housing and buildings across Maine is a starting point for equitable building improvements.

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<sup>60</sup> Source: [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=1656&PID=1456&snum=130](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1656&PID=1456&snum=130)

<sup>61</sup> Source: [https://www.mainehousing.org/docs/default-source/development/program-guides/rural-affordable-rental-housing-program-guide.pdf?sfvrsn=32c08615\\_1](https://www.mainehousing.org/docs/default-source/development/program-guides/rural-affordable-rental-housing-program-guide.pdf?sfvrsn=32c08615_1)

<sup>62</sup> Source: [https://www.mainehousing.org/docs/default-source/development/program-guides/2022-affordable-housing-initiative-for-maine-islands.pdf?sfvrsn=a0c18615\\_4](https://www.mainehousing.org/docs/default-source/development/program-guides/2022-affordable-housing-initiative-for-maine-islands.pdf?sfvrsn=a0c18615_4)

<sup>63</sup> Source: [https://www.mainehousing.org/docs/default-source/development/program-guides/affordable-homeownership-program-guide.pdf?sfvrsn=66da8715\\_11](https://www.mainehousing.org/docs/default-source/development/program-guides/affordable-homeownership-program-guide.pdf?sfvrsn=66da8715_11)

Individuals who live in unhealthy, inefficient housing are more likely to face health issues<sup>64</sup> and more likely to face income barriers to energy efficiency upgrades.<sup>65</sup> Older homes and mobile homes tend to be less energy efficient than newer homes;<sup>66</sup> across the United States, residents of mobile homes spent 70% more per square foot on energy than those living in site-built homes.<sup>67</sup> In addition, renters often lack the ability to upgrade the homes where they live. Finally, workforce shortages of federally certified contractors in Maine have resulted in challenges expending MaineHousing’s annual weatherization budget, which delays much needed interventions in low-income homes.

#### Actions Underway Include:

- By mid-2023, MaineHousing, in partnership with DECD and the Governor’s Office of Policy Innovation and the Future (GOPIF), will conduct an updated comprehensive housing assessment.<sup>68</sup> Last conducted in 2009, this information is essential as the state faces challenges with housing access, costs, and the age and maintenance of housing stock.<sup>69</sup> While current resources, such as MaineHousing’s Affordability Indexes for Homeownership<sup>70</sup> and Rental properties<sup>71</sup> and the Maine Development Foundation’s *Measures of Growth* report,<sup>72</sup> offer valuable insights into Maine’s housing market and broader economic indicators, updated and localized information is necessary for expanding programs and services. The updated assessment will consider production goals, comparing Maine’s current housing stock with the housing stock necessary to align with projections of economic and population growth and including both rental and homeownership markets, including for low- and moderate-income households, data on the frequency of use of short-term rentals as well as policy recommendations.

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<sup>64</sup> “Elevated energy burdens have also been correlated with negative health outcomes, especially for children and the elderly, that may result from extreme temperatures in the home or dampness and mold.” (Page 3) from Ross, L., Drehobl, A., & Stickles, B. (2018). *The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency*. American Council for and Energy Efficient Economy. <https://www.aceee.org/sites/default/files/publications/researchreports/u1806.pdf>

<sup>65</sup> “Rural communities have high concentrations of low-income households that experience high energy burdens and often cannot afford the upfront capital costs needed for energy efficiency improvements” (Page 4) Ross, L., Drehobl, A., & Stickles, B. (2018). *The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency*. American Council for and Energy Efficient Economy. <https://www.aceee.org/sites/default/files/publications/researchreports/u1806.pdf>

<sup>66</sup> NMR Group. (2015). *Maine Single-Family Residential Baseline Study*. Submitted to Efficiency Maine. <https://www.energymaine.com/docs/2015-Maine-Residential-Baseline-Study-Report-NMR.pdf>

<sup>67</sup> Ross, L., Drehobl, A., & Stickles, B. (2018). *The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency*. American Council for and Energy Efficient Economy. <https://www.aceee.org/sites/default/files/publications/researchreports/u1806.pdf>

<sup>68</sup> Source: [https://www.mainehousing.org/docs/default-source/rfps/housing-production-goals-rfp---9.6.22.pdf?sfvrsn=8dc8315\\_1](https://www.mainehousing.org/docs/default-source/rfps/housing-production-goals-rfp---9.6.22.pdf?sfvrsn=8dc8315_1)

<sup>69</sup> Source: <https://mainehousingcoalition.org/wp-content/uploads/2016/02/Housing-Affordability-in-Maine-Final.pdf>

<sup>70</sup> Dalton, M., Horrigan, H., & Nusser, S. (2009). *Housing Affordability in Maine: Taking Stock*. Housing Affordability Initiative at the MIT Center for Real Estate for the Maine Affordable Housing Coalition. <https://mainehousingcoalition.org/wp-content/uploads/2016/02/Housing-Affordability-in-Maine-Final.pdf>

<sup>71</sup> MaineHousing. 2020 Rental Housing Facts and Affordability Index for Maine [Rental Affordability Indexes]. <https://www.mainehousing.org/policy-research/housing-data/affordability-indexes>

<sup>72</sup> Maine Development Foundation. (2021). 2021 Measures of Growth Report. <https://www.mdf.org/economic-policy-research/measures-of-growth-report/>

- MaineHousing is taking steps to increase and streamline access to weatherization services and health and safety retrofits to low-income households in Maine, including:
  - Existing criteria helps prioritize weatherization services to those with the highest needs first, based on household income, home energy costs, and household composition.
  - Adding two additional funding components to the Home Accessibility and Repair Program for Weatherization Readiness:
    - The Weatherization Readiness component will address structural and health and safety issues of homes that are in the queue to be weatherized. This funding will reduce the frequency of deferred homes that require other services, outside the scope of weatherization, before weatherization services can commence.
    - Households that receive services through this program and are eligible for MaineHousing’s Weatherization Program will automatically receive an energy audit. If energy efficiencies are identified, the home will be required to be weatherized.
  - Providing funding for landlords who participate in the Housing Choice Voucher Program<sup>73</sup> to complete health and safety repairs that may be barriers to weatherization or retrofit.
  - Expanding current weatherization programs to support multifamily buildings containing 5 or more units, increasing weatherization access for more tenants.
- In its 5<sup>th</sup> Triennial Plan, EMT included several initiatives for affordable multi-unit dwellings.<sup>74</sup> These include:
  - Increased efforts to target landlords and affordable housing providers, who hold the authority to make key purchasing decisions that impact the energy use of tenants;
  - Time-limited enhanced incentives to affordable housing owners, including affordable housing authorities and private landlords, through its Commercial & Industrial Program; and
  - Funding to develop EV charging at multi-unit dwellings.
- Several municipalities are providing additional incentives for installation of heat pumps in low-income households. These incentives are designed to be used in conjunction with current rebates from EMT and the state. Some examples include:
  - Sustainable Auburn’s Matching Rebate program,<sup>75</sup> which provides up to \$1000 in match for any EMT at-home rebate (excluding vehicles);
  - Residents of towns in Eastern Maine Electric Cooperative's service area can access an exclusive, limited-time heat pump rebate of \$250 from Eastern Maine Electric;<sup>76</sup>
  - The City of Bangor Heat Pump & Weatherization Assistance Grants,<sup>77</sup> which provides funding of up to \$2,000 to single family homes for heat pump and weatherization projects through the City’s Community Development Block grant program;

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<sup>73</sup> Source: [https://www.mainehousing.org/docs/default-source/rental/hcv-landlord-resources.pdf?sfvrsn=61418815\\_2](https://www.mainehousing.org/docs/default-source/rental/hcv-landlord-resources.pdf?sfvrsn=61418815_2)

<sup>74</sup> Source: [https://www.energymaine.com/docs/Triennial-Plan-V\\_FY2023-2025.pdf](https://www.energymaine.com/docs/Triennial-Plan-V_FY2023-2025.pdf)

<sup>75</sup> Source: <https://www.auburnmaine.gov/pages/neighborhood/matching-rebates>

<sup>76</sup> Source: <https://www.emec.com/rebate>

<sup>77</sup> Source: <https://bangormaine.gov/heatpump>



- Presque Isle’s new Landlord Loan Program, which will offer low-interest, four- to ten-year loans, to landlords for energy efficiency and safety upgrades;<sup>78</sup> and
- Portland and South Portland, in partnership with ReVision Energy, launched their Electrify Everything! Program, which provides incentives for electrification projects. These incentives stack with other existing state incentives.
  - In Portland, residents can receive incentives for solar installation, air source heat pumps, heat pump water heaters, and home EV chargers for a maximum of \$1,250 per address. Additional incentives are eligible for solar for income-eligible residents.
  - In South Portland, income qualified residents can receive incentive for air source heat pumps, heat pump water heaters, air sealing with an energy assessment, insulation, and EVs. Additionally, South Portland provides incentives for e-bikes and electric lawn maintenance equipment.
- MaineHousing will receive weatherization funding as part of the Bipartisan Infrastructure Law, which will provide \$31,200,000 over five years. The agency awaits final approval on a spending plan, but its proposal included plans to develop training opportunities and incentive programs for new workers entering the weatherization industry, and to assist existing weatherization contractors to achieve federally required certifications. In addition, it has proposed the creation of a new weatherization training center in Maine.

**Proposed Next Steps Include:**

- **Expand the comprehensive housing assessment to consider household and housing characteristics** including health and safety, energy sources and cost burdens, and occupant characteristics and vulnerabilities (e.g., health vulnerabilities, linguistic isolation, demographics etc.).
- **Continue to coordinate weatherization, heating system and building upgrade resources for the most vulnerable households**, including, if needed, pre-weatherization and structural repairs to enable weatherization or heating system upgrades. If weatherization is not possible, assess alternatives for occupants to access safe and efficient housing and energy options.
- **Assess and address remaining barriers to energy efficiency and clean energy improvements in rental housing, particularly in rural and low-income communities.** Work with service providers and partners to identify barriers, best practices, and lessons from current programs, including whether current programs are reaching target populations. Barriers could include but are not limited to costs and financing, structural or pre-weatherization barriers, contractors or workforce availability, and landlord awareness or interest in energy solutions, programs, and incentives. Actions could include working with multifamily lenders to identify energy efficiency or clean energy upgrade candidates at time of refinancing and provide financing options or programs for these upgrades.
- **Continue to prioritize HEAP-enrolled and HEAP-eligible households for weatherization and heating system conversions** including targeted outreach and education and assistance finding providers and services. This could include improved data security and database integration among social service, energy, and housing programs to allow energy programs to pinpoint eligible low-income renters for weatherization or heat pump conversion.

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<sup>78</sup> Source: <https://www.bangordailynews.com/2022/08/31/news/aroostook/presque-isles-landlord-loan-program-joam40zk0w/>

Agencies and Partners: MaineHousing, EMT, DHHS, GEO, GOPIF

## Goal #2: Increase enrollment in energy bill assistance among income-eligible households

Energy burden refers to the amount of household income spent on energy expenditures. In Maine, low-income households spend, on average, 24% of their income on energy, as compared to 4% in moderate- and high-income households.<sup>79</sup> While programs and incentives for weatherization, efficient heating and cooling, and building standards, and the clean energy transition, are designed to reduce energy burden and benefit low-income households in the long-term, multiple barriers and intersecting vulnerabilities may delay uptake of these programs, preventing households with low-incomes from realizing reductions in energy costs from Maine’s building and energy improvements immediately.

Because of this, energy bill assistance, including HEAP and LIAP, is essential for many families to maintain heat and electricity through variable and rising energy costs. However, historically only an estimated 40% of eligible households applied and received funding for these programs. With rising energy costs statewide, driven by global fossil fuel markets, an equitable transition of Maine’s buildings and energy sources requires *both* improving access to weatherization services and enrollment in assistance programs.

### Actions Underway Include:

- In 2022, the Public Utilities Commission expanded the Low-Income Assistance Program (LIAP), which adds credits to the electric bills of low-income customers, and customers who participate in a DHHS means-tested program who are at or below 75% of the Federal poverty line, doubling the number of customers eligible for the program and doubling funding for the program from \$7.8 to \$15 million. Approximately 62,500 customers are eligible for LIAP this year.
- Also in 2022, DHHS provided one-time assistance with heating costs for Mainers with low incomes, complementing Governor Mills’ Emergency Winter Energy Relief Plan. Assistance was made available to approximately 13,000 households with adults over the age of 65 who had received Supplemental Nutrition Assistance Program (SNAP) benefits. This one-time assistance followed separate rounds of heating cost relief for families participating in other social benefit programs as well as for low-income families with children. These benefits are critical to families facing unusually high and volatile energy costs.
- Maine agencies are collaborating to streamline access to heating and energy assistance for Maine people with low incomes, including by:
  - Initiating online applications for heating assistance from MaineHousing;
  - Investigating opportunities to establish a single application across MaineHousing programs;
  - Adopting automatic eligibility for HEAP for households who already receive other social service benefits, including Temporary Assistance for Needy Families (TANF) and SNAP; and
  - Streamlining enrollment in HEAP by improving data sharing between DHHS and MaineHousing. This collaboration is ongoing and depends on both technology and budget capacity.

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<sup>79</sup> Sources: <https://www.energy.gov/eere/slsc/maps/lead-tool> and <https://www.maine.gov/meopa/reports-and-testimony>

- EMT offers low- and no-cost energy upgrades and other enhanced rebates for eligible low- and moderate-income Mainers.<sup>80</sup> These rebates are higher than the standard incentives, with the highest amounts for those who are low-income. Qualified low-income households include those who currently receive service through HEAP, SNAP, TANF, or MaineCare, or who have a tax assessed valuation of land/buildings at or under average county values.

**Proposed Next Steps Include:**

- **Identify and address barriers to accessing energy bill assistance (e.g., HEAP and LIAP) among eligible households.** Quantify gaps between eligible and enrolled households, characteristics of eligible households who are not enrolled, and potential barriers (including but not limited to: program or administrative processes, number of qualified partners, information, linguistic isolation, literacy, socio-cultural hesitancy). Develop an outreach and implementation plan to increase enrollment in energy bill assistance for those low-income households with the highest energy burden, including automatic enrollment in LIAP and streamlined eligibility for HEAP for individuals qualifying for other social service programs.
- **Streamline process for HEAP recipients to transfer payments between fuel sources,** particularly following a heat pump conversion. This might include providing materials to heat pump installers to help educate customers about payment transfers or developing clear marketing materials to help assure customers that they won't lose their energy benefits.

Agencies and Partners: DHHS, EMT, PUC, OPA, and MaineHousing

**Goal #3: Incorporate clean energy and energy efficient building practices and equipment in affordable housing and housing in rural and disadvantaged communities**

While energy efficiency standards are part of statewide Maine building codes for new construction and renovation, these codes are not systematically applied or enforced, and enforcement is not required in smaller communities (<4,000 people).<sup>81</sup> Further, applying new codes requires changes to decades-long design and building practices across Maine's home contractor community. It is important to extend access to training about new codes and standards to all building trades and professionals involved in design specifications, construction, and municipal code enforcement, to facilitate adoption of and compliance with increased energy efficiency standards across new construction.

**Actions Underway Include:**

- EMT is supporting the construction of two new affordable housing projects in FY22. These projects have agreed to modify their baseline construction standards and build to Passive House standards. EMT will gain a better understanding of actual energy use after the builds are complete.
- Over the past year, EMT provided a series of subsidized trainings on the new building energy code. Through their "Introduction to the IECC" workshop series and six subsequent workshops

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<sup>80</sup> Eligible moderate-income households include those with an Adjusted Gross Income below \$70,000 for an individual filing as single, head of household or married filing separately, or \$100,000 if married filing jointly or individual filing as a qualifying widower. See: <https://www.energymaine.com/income-based-eligibility-verification/>

<sup>81</sup> See Chapter 1 of MUBEC rules and laws: <https://www.maine.gov/dps/fmo/building-codes/mubec-rules>

on best practices for the residential and commercial codes, EMT was able to train 765 code enforcement officers and contractors.

- In its first round of funding, the Clean Energy Partnership, which was established in 2022 to advance Maine’s clean energy, economic development, and workforce goal, supported an expanded Code Builder Training for energy-efficient building techniques, which will implement trainings across the state to upskill current energy-efficiency workers and those entering the space from the traditional building trades.
- In December 2022, MaineHousing awarded a new contract to Genesis Fund to pilot several technical assistance initiatives that will help Maine cities and towns, regional planning groups, and new developers in their efforts to create more affordable rental housing.<sup>82</sup>

#### Proposed next steps include:

- **Strengthen building code education in small and rural communities**, by providing additional resources and training for code education, particularly for components of the code related to energy efficiency and among code enforcement officers and building professionals in smaller and rural communities. Resources may include an increase in the format, schedule, and outreach about training opportunities and potentially offering stipends and/or travel assistance for participants from small and rural communities if virtual attendance is not an option. In addition, coordinating resources for interlocal or contractual agreements or Third-Party Inspectors<sup>83</sup> may be helpful for code enforcement in small and rural communities. This includes competing for new federal funds available for code engagement from the U.S. Department of Energy.
- **Expand project planning and financial assistance for clean energy in affordable housing**. To complement sustainable affordable housing requirements for publicly funded affordable housing, expand educational, project planning and financing options for clean energy and energy efficiency solutions (solar, heat pumps, EV charging, weatherization) among community leaders, housing advocates and residents as well as developers, builders, and code enforcement officials.

Agencies and Partners: MaineHousing, Office of the State Fire Marshal/MUBEC, EMT, GEO, GOPIF

#### Tracking Progress in Buildings and Energy Efficiency

MWW established the following indicators related to buildings and energy efficiency:<sup>84</sup>

- Energy saved via ongoing efficiency measures
  - Newly weatherized households
- Heat-pump installations total
  - Number of households with retrofit heat pumps
  - Number of households with whole-house heat pumps

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<sup>82</sup> Source: <https://www.mainehousing.org/news/news-detail/2022/12/05/the-genesis-fund-wins-contract-to-expand-affordable-housing>

<sup>83</sup> Source: <https://legislature.maine.gov/statutes/25/title25sec2373.html>

<sup>84</sup> See page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan’s overall clean buildings metrics and can serve as progress indicators towards equitable access to, and distribution of, benefits associated with the modernization of Maine’s buildings. Table 5 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

*Table 5: Buildings and Housing Goals, Progress Indicators and Metrics*

<b>Goal #1: Increase weatherization, home retrofits and heat pump installation low-income households, renters, and rural communities</b>		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Expand the housing assessment underway to further consider household and housing characteristics</li> <li>- Identify people and communities with pre-weatherization, weatherization and retrofit needs</li> <li>- Assess and address remaining barriers to energy efficiency and clean energy improvements in rental housing</li> <li>- Prioritize HEAP enrolled and HEAP-eligible households for weatherization and heating system conversions</li> </ul>	<ul style="list-style-type: none"> <li>- Housing assessment study (ongoing) among low-income households, renters, multifamily homes, older and health-vulnerable people, and priority communities</li> <li>- Low-income energy efficiency spending vs. low-income population</li> </ul>	<ul style="list-style-type: none"> <li>- Weatherization, energy efficiency projects, and heat pumps (# and %) in low-income households</li> <li>- # of % weatherization projects among energy bill assistance recipients</li> </ul>
<b>Goal #2: Increase enrollment in energy bill assistance among income-eligible households</b>		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Identify and address barriers to accessing energy bill assistance</li> <li>- Streamline ability to transfer HEAP between fuel sources</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of income-qualified households enrolled in energy bill assistance</li> <li>- Gap between eligibility and enrollment in energy assistance (# and characteristics of non-enrolled eligible households)</li> </ul>	<ul style="list-style-type: none"> <li>- Energy cost burden (% of income) among households eligible for fuel assistance</li> </ul>
<b>Goal #3: Incorporate clean energy and energy efficient building practices and equipment in affordable housing and housing in rural and disadvantaged communities</b>		

Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Expand building codes outreach, training options and funding in small and rural communities</li> <li>- Expand project planning and financial education for developers, builders, community hosts and advocates of affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>- Number, location, and attendees in state Building Codes training (including county/region, town size, and job title)</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of affordable housing units built or renovated with clean or efficient energy technologies</li> </ul>

### Baseline Studies Needed

To inform agency and partner strategies, establish goals and identify a baseline for measuring progress, the ESC identified the need for the following baseline studies:

1. **Expanded Comprehensive Housing Assessment** including the following characteristics, with a statistically significant sample of rental units, affordable housing, mobile homes, and rural housing:
  - a. **Building conditions and needs:** Structural and envelope conditions, health and safety risks related to building structure or envelope;
  - b. **Energy sources and needs:** Heating and water heating fuels, system, age, and upgrade needs; health or safety risks related to heating systems;
  - c. **Geography:** Collect and report findings by county, urban/rural location, low-income communities, disadvantaged communities, tribal/indigenous areas; and
  - d. **Occupant and Owner characteristics:** Collect and report findings by own/rent status, building type (single-family, multi-family, mobile homes), affordable housing (market rate, subsidized), income level, demographics (age, household size), and (if possible) health vulnerabilities and language needs.

This baseline data may be partially collected by MaineHousing in their forthcoming Housing Supply Needs Assessment (which will assess housing stock including quality) and the Governor’s Energy Office (comprehensive assessment of energy burden in Maine), but the above scope of work is broader and more comprehensive.

2. **Rental housing Barriers & Opportunities study** — Identify remaining barriers to rental housing efficiency and energy retrofits, including:
  - a. **Non-price barriers:** Awareness and interest of building or energy retrofit options, rebate awareness, contractor or workforce needs/shortages, time/capacity constraints, etc.;
  - b. **Cost or financial barriers:** Interest and availability in loans or financing, credit barriers;
  - c. **Rental housing characteristics:** Collect and report findings by housing type (single-family, multi-family, mobile/manufactured), affordability level (market rate, affordable market, affordable subsidized), landlord type (small/family vs. corporate or public); and
  - d. **Geography:** Differentiate findings for rural vs. urban areas, region of state.

## Strategy C: Carbon Emissions in Clean Energy and Industrial Sectors

Maine has ambitious renewable energy requirements of 80% renewable energy by 2030, and a goal of 100% renewable electricity by 2050. The state's transition to clean energy must ensure affordability and reliability and ensure that renewable power is accessible for all Mainers.

*MWW* recommends setting targets for offshore wind, distributed generation, and energy storage, to ensure adequate affordable clean-energy supply to meet our 100% renewable energy goal. The plan notes that renewable energy sources can provide energy at a lower cost than or comparable to non-renewable sources. As renewable energy technology continues to advance, its cost is expected to further decrease, ensuring lower and more stable energy costs for Maine's families and businesses, and creating economic opportunity for the state and workers. To effectively manage the modernization of Maine's grid, including increased use of electricity to heat homes and power electric vehicles, *MWW* recommends a comprehensive stakeholder process to examine this power sector transition, and ensure the state can meet its greenhouse gas emission and other climate goals, and help ensure the state's competitiveness. The plan also recommends the creation of an Industrial Task Force to partner with industry to accelerate industrial emissions reductions and encourages the advancement of high-efficient combined heat and power facilities.

The ESC recommended additional actions to ensure an equitable, affordable, and reliable clean energy future for Maine. State agencies are already implementing many of those recommendations:

- **Renewable energy decommissioning:** As part of project permitting, solar and onshore wind projects are required to file a decommissioning plan with the Maine Department of Environmental Protection (DEP). In addition, Maine and other states have laws regulating battery disposal and recycling; states are working collaboratively with the federal government to identify opportunities and standards for battery secondary markets and sustainable recycling. Chapter 400 of DEP standards requires consideration of environmental justice communities in the expansion of existing, or siting of new, waste facilities, providing additional access and recourse for disadvantaged communities concerned with waste disposal in Maine.
- **Planning and Technical Assistance for Communities:** The Community Resilience Partnership (CRP) provides opportunities for communities to access planning or technical support for the siting of community-owned or distributed renewable energy resources.
- **Setting Clean Energy Targets:** Since the publication of *MWW*, the state has established a target for energy storage,<sup>85</sup> set a goal for distributed generation development,<sup>86</sup> and established a stakeholder process to identify priorities for grid planning.<sup>87</sup> These actions support the state's ambitious transition to lower cost, clean energy solutions.

In addition, the ESC recommends the goals and actions below for inclusion in the state's climate action plan. These goals are meant to achieve more equitable outcomes for priority populations and communities by addressing barriers to participation in, and access to, affordable clean energy projects.

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<sup>85</sup> see 35-A MRS section 3145: <https://www.mainelegislature.org/legis/statutes/35-A/title35-Asec3145.html>

<sup>86</sup> see 35-A MRS section 3209-A (7): <https://www.mainelegislature.org/legis/statutes/35-a/title35-Asec3209-A.html>

<sup>87</sup> See Public Law 2021, section 702: [https://legislature.maine.gov/legis/bills/display\\_ps.asp?LD=1959&snum=130](https://legislature.maine.gov/legis/bills/display_ps.asp?LD=1959&snum=130)



They are also meant to provide meaningful opportunities for these populations and communities to participate in decision making about Maine’s clean energy future. Priority individuals and households include low-income households, renters (particularly those whose landlords may not have an incentive to pursue clean energy), and other individuals facing high energy burdens for whom less-expensive renewable energy projects might have the greatest benefit. Priority communities include low income, rural, disadvantaged, and frontline communities, for whom limited planning and financial resources, as well as disproportionate climate burden, are barriers to achieving equitable clean energy outcomes. Finally, natural resource industry and other small businesses are prioritized for access to clean energy opportunities, due to their unique exposure to climate risks and their lack of resources to access clean energy solutions.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### Goal 1: Increase access to clean energy projects or benefits which reduce energy burden for vulnerable households and communities, including LMI households, renters, and other disadvantaged communities

Energy burden refers to how much a household spends on energy as a percentage of income. In Maine, low-income households spend up to 24% of their income on energy, compared to 4-6% in moderate- and high-income households.<sup>88</sup> This results in less money for other essential needs, such as food, transportation, and healthcare. Many clean energy projects have the potential to reduce energy costs for all of Maine, including low-income households and disadvantaged communities, while improving reliability of service and reducing greenhouse gases (GHGs). However, disadvantaged communities and other priority populations may face barriers accessing clean energy projects or benefits, including lack of financial capital, awareness about project plans or programs, and ability to participate in decision making.

Actions underway include:

- The GEO convened a Distributed Generation stakeholder group, which produced a report that, among other items, considered best practices for incorporating equity into community solar and other community-owned distributed energy programs.
- The GEO facilitated the involvement of Central Maine Power and Versant Power in research conducted by Lawrence Berkeley National Laboratory (LBNL)<sup>89</sup> to explore sociodemographic characteristics of residential solar adopters in Maine, marking Maine's inclusion for the first time in the national research effort. Interim results are available,<sup>90</sup> with additional data expected in early 2023.
- The PUC is collaborating with LBNL to evaluate best practices in equitable energy decision making, including rate design, to implement equity and affordability into Maine’s rate design and energy decision-making process.

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<sup>88</sup> Source: <https://www.maine.gov/meopa/sites/maine.gov.meopa/files/inline-files/Maine%20Low%20Income%20Energy%20Burden%20Study%20June%202019.pdf>

<sup>89</sup> Source: <https://emp.lbl.gov/solar-demographics-tool>

<sup>90</sup> Source: [https://eta-publications.lbl.gov/sites/default/files/solar-adopter\\_income\\_trends\\_nov\\_2022.pdf](https://eta-publications.lbl.gov/sites/default/files/solar-adopter_income_trends_nov_2022.pdf)



- EMT offers below-market interest rates on loans for home energy improvements.<sup>91</sup>
- EMT recently established a Property Assessed Clean Energy (PACE) program for commercial entities in Maine. PACE programs allow a property owner to finance the up-front cost of energy or other eligible improvements on a property and then pay the costs back over time through a voluntary assessment tied to the property, not the property or business owner. PACE enhances financing for a wide variety of commercial property owners, including landlords and small businesses.

Proposed Next Steps include:

- **Conduct a comprehensive assessment of energy burden in Maine** to assess energy burden for low-income households, rural and disadvantaged communities, and for occupants of affordable housing. The study should identify communities and individuals experiencing the highest energy burden, and interventions to reduce that burden, including the role of distributed generation.
- **Increase LMI household enrollment in affordable community solar<sup>92</sup> projects.** Require or incentivize community solar developers to enroll and serve LMI and other disadvantaged households, such as renters. This could include a minimum requirement for LMI household enrollment or service, an incentive to serve greater shares of LMI households, or automatic enrollment (“opt-out”) in lower cost subscription-based renewable energy projects.
- **Develop a clean energy outreach and navigator program for households, businesses, and communities.** Provide technical assistance to small and disadvantaged communities, especially those with little/no clean or renewable energy assets, as well as LMI, renter, linguistically isolated, or other priority populations. Improve and coordinate outreach, education and enrollment processes in community and distributed energy, including solar, wind or battery storage.
- **Expand financing options for clean energy and energy efficiency projects serving low-income households and affordable rental properties, climate or economically vulnerable natural resource industries and small businesses.** This could include expanding outreach about, or access to, PACE, tariffed on-bill financing, or energy-as-a-service opportunities, where the customer pays for energy efficiency using utility bill savings, as well as developing new financing opportunities through Efficiency Maine Trust and other “green bank” financing entities.

Agencies and Partners: GEO, PUC, OPA, MaineHousing, EMT

## Goal 2: Ensure fair costs and benefits to disadvantaged people, communities, and industries from large-scale renewable energy and energy infrastructure projects

Siting of large-scale land-based renewable energy projects can present opportunities and challenges for communities which host them.<sup>93</sup> Nationally, utility scale solar and wind projects tend to be sited in areas with relatively lower income levels, similar to fossil fuel plants; in the case of wind, project siting skews toward low-income levels even when controlling for other factors such as resource intensity and access to open land areas.<sup>94</sup> A study on the siting of wind turbines in Michigan found that “residents who

<sup>91</sup> Source: <https://www.energymaine.com/at-home/energy-loans/>

<sup>92</sup> Community solar refers to local solar facilities shared by multiple community subscribers who receive credit on their electricity bills for their share of the power produced.

<sup>93</sup> See Appendix 2 for recommendation related to Offshore Wind.

<sup>94</sup> Source: <https://www.tandfonline.com/doi/abs/10.1080/1523908X.2022.2099365?src=&journalCode=cjoe20>

perceived a fair planning process tended to perceive greater benefits of wind turbines, job creation, and revenues for landowners specifically, while residents who perceived an unfair process perceived significantly greater negative impacts.”<sup>95</sup> When planned with attention to equity, large-scale renewable energy and infrastructure projects have the potential to benefit all Maine people, and to deliver meaningful local benefits to communities who host them.

#### Actions Underway Include:

- In recent large scale renewable energy procurements, the PUC has been directed to include consideration of project benefits to ratepayers (statewide) and local economic benefits. In northern Maine, Public Law 2021, Chapter 380 requires the commission to “promote energy equity with particular consideration given to the economic circumstances and opportunities in the state’s socially vulnerable counties and communities.”<sup>96</sup>
- A new law passed in 2022 directs the PUC to investigate opportunities to provide additional and advanced access to intervenor funding for environmental justice populations. Intervenor funding provides necessary financial support to organizations and communities to participate in PUC adjudicatory processes, including those related to large scale renewable procurement.<sup>97</sup>
- State law requires the negotiation of project labor agreement associated with the development of a floating offshore wind research array.<sup>98</sup>
- State law requires community benefits for wind energy projects greater than 100kW in size.<sup>99</sup>
- The Agricultural Solar Stakeholder Group, convened by DACF and the GEO, released a report to help ensure responsible siting of solar energy on agricultural lands.<sup>100</sup> This report recommended the creation of a publicly-accessible database of key characteristics related to approved and constructed renewable energy projects, including solar projects; as well as the development of additional technical assistance capacity and financial support for municipalities, councils of governments, or other networks to help municipalities consider responsible solar siting. These two recommendations increase the ability of priority communities to participate fully in renewable energy siting decisions.
- As part of the permitting process at DEP, large scale renewable energy projects which occupy more than 20 acres trigger requirements for developers to conduct a public information meeting prior to submitting a siting permit application. The rule requires that the notice of the meeting be sent to property abutters of the proposed project, as well as published in the

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<sup>95</sup> Mills, S. B., Bessette, D., & Smith, H. (2019). Exploring landowners’ post-construction changes in perceptions of wind energy in Michigan. *Land Use Policy*, 82, 754–762. <https://doi.org/10.1016/j.landusepol.2019.01.010>

<sup>96</sup> For the purposes of this paragraph, “socially vulnerable counties and communities” means those counties and communities in the State containing populations that are disproportionately burdened by existing social inequities or lack the capacity to withstand new or worsening burdens. See:

[https://mainelegislature.org/legis/bills/display\\_ps.asp?PID=1456&snum=130&paper=&paperId=l&ld=1710](https://mainelegislature.org/legis/bills/display_ps.asp?PID=1456&snum=130&paper=&paperId=l&ld=1710)

<sup>97</sup> Source: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1500&item=6&snum=130>

<sup>98</sup> Public Law 2021, chapter 327 See:

<https://legislature.maine.gov/doc/7177#:~:text=Public%20Law%202021%2C%20chapter%20327,related%20to%20the%20deployment%20of>

<sup>99</sup> 12MRSA §685-B, see: <https://www.mainelegislature.org/legis/statutes/12/title12sec685-B.html>

<sup>100</sup> Source: [https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/FINAL%20Report%20of%20the%20Agricultural%20Solar%20Stakeholder%20Group\\_Jan%202022%20with%20Appendices.pdf](https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/FINAL%20Report%20of%20the%20Agricultural%20Solar%20Stakeholder%20Group_Jan%202022%20with%20Appendices.pdf)

newspaper. DEP is currently revisiting publication notification and frequency, to assess whether newspaper or other media sources are most effective.

- DEP is developing an online portal to allow community members to see all pending permits, decisions, opportunities for comment, and other documentation related to all projects that the DEP permits, including renewable energy projects.
- DEP is working with other states and the US Department of Energy to identify opportunities for regional battery and solar panel recycling facilities.

#### Proposed Next Steps Include:

- **Develop formal mechanisms to consider and involve disadvantaged communities in siting large-scale renewables and energy infrastructure improvements in their communities.** The state should consider the differential impacts and benefits of large-scale renewable energy siting and transmission and distribution projects on disadvantaged communities. This could include (a) adopting additional outreach requirements for developers (e.g., to linguistically isolated, historically disadvantaged or under-represented people and communities) and (b) developing guidance to require consideration of equity in project siting to ensure impacts and benefits (environmental, economic, transportation, cultural or otherwise) are equitably distributed.
- **Develop guidance to assist communities and municipalities in determining host community benefits.** Guidance should include community input to identify and deliver community-identified meaningful benefits from large-scale renewable projects (e.g., access to jobs, local tax revenue or payments, energy discounts or other benefits identified by community).

Agencies and Partners: PUC, DEP, GEO, OPA

#### Tracking Progress in Clean Energy and Industrial Sectors

*MWW* established the following indicators related to clean energy and industrial sectors:<sup>101</sup>

- Progress toward 80% renewable energy by 2030
- Energy saved via ongoing efficiency measures

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan's overall clean energy metrics and can serve as progress indicators towards equitable access to, and distribution of, climate and clean energy benefits. Table 6 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state's climate plan.

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<sup>101</sup> See page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

Table 6: Clean Energy Goals, Progress Indicators and Metrics

Goal #1: Increase access to clean energy projects or benefits which reduce energy burden for vulnerable households and communities		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Conduct a comprehensive assessment of energy burden in Maine</li> <li>- Increase LMI household access to community solar projects</li> <li>- Develop a clean energy navigator and outreach program</li> <li>- Expand financing options for clean energy and energy efficiency serving low-income households and affordable rental properties, climate or economically vulnerable natural resource industries and small businesses</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of low-income, moderate-income households enrolled in community solar projects or benefitted by renewable energy projects</li> <li>- \$ and % spent by Clean Energy Accelerator and other state-sponsored clean energy and energy efficiency financing mechanisms, by priority population</li> </ul>	<ul style="list-style-type: none"> <li>- Energy cost burden<sup>102</sup> (\$ as % of income) among low-income households (longer-term: among renters, and in priority communities)</li> </ul>
Goal #2: Ensure fair costs and benefits to disadvantaged people, communities, and industries from large-scale renewable energy and energy infrastructure projects		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Develop mechanisms to consider disadvantaged communities in siting large-scale renewables and energy infrastructure improvements</li> <li>- Develop guidance to assist communities and municipalities in determining host community benefits</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of state renewable energy, grid reliability or infrastructure decision processes that consider and involve disadvantaged communities</li> </ul>	N/A

### Baseline Studies Needed

To inform agency and partner strategies, establish goals and a baseline for measuring progress, the ESC and agencies identified the following baseline studies:

1. **Energy Baseline Study** covering fuel uses, costs, reliability and burdens in Maine’s homes and businesses. This study could be conducted as part of, or alongside, the Comprehensive Housing Assessment recommended in Strategy B. Recommended topics to cover include:

<sup>102</sup> Energy Cost Burden is a cross-sector equity outcome metric, included in this Strategy and in Strategy B: Modernizing Maine Buildings. Energy cost burden reflects the combined impact of state and utility renewable energy investments, utility rate design and policy, energy efficiency, housing construction and quality, and energy bill assistance.

- a. **Energy Sources and Uses**, including fuels (heating and water heating fuel; industrial/process uses), renewable energy (on-site or subscription models), and consideration of metrics like Energy Use Intensity
- b. **Energy Service and Costs**, including utility and fuel service providers, rates, seasonal electricity and heating costs, energy cost burden, and energy cost variability
- c. **Reliability**, including outages and shut offs, and proximity to climate or otherwise vulnerable infrastructure

Sample sizes should be sufficient to aggregate results by:

- a. Geography: county, for rural or remote areas, among low-income or disadvantaged communities, and tribal or indigenous communities
- b. Household and occupant characteristics: LMI, renters, older adults (or other vulnerable populations), home type (mobile home, multifamily, single-family)
- c. Business characteristics: Small and MWBE businesses; natural resource industries
- d. Municipal customers and buildings (cities/towns)

**2. Renewable Energy Awareness, Access and Barriers** study among Maine’s towns, businesses, landlords and household. Recommended topics to cover include:

- a. Awareness of on-site distributed renewable energy, financing options, ownership, and subscription models (including leasing, community solar), power purchase agreements and energy storage.
- b. Awareness of rebate and financing options
- c. Barriers to planning, construction and financing, including non-price barriers (information, contractors, time/capacity) and financing (e.g., credit)

This study should focus on:

- a. Landlords, renters, and homeowners, including affordable housing rental units, multifamily landlords. rural housing, mobile/manufactured housing Renters
- b. Small businesses and natural resource industries
- c. Municipal customers

## Strategy D: Grow Maine’s Clean Energy Economy and Protect Our Natural Resource Industries

Climate change presents both significant challenges and opportunities for Maine’s natural resource industries, including forestry, farming, fishing, and agriculture. To help these industries and workers adapt to a changing climate, participate in new market opportunities, and benefit from Maine’s transition to a clean energy economy, *MWW* recommends providing them with climate information and decision-support tools, including establishing the University of Maine as the coordinating hub for research on climate concerns related to forestry, agriculture, and natural lands and launching the Maine Seafood Business Council. The plan also recommends growing Maine’s forest-products industry through innovation and increasing the amount of local food consumed in Maine from in-state producers.

Maine’s transition to a clean energy economy and investments in energy efficiency also offer the state — and historically disadvantaged workers - new economic opportunities. A skilled workforce is key. *MWW* recommends launching a workforce initiative to coordinate among clean energy industry, educational, and training organizations, and establishing programs and partnerships for clean-tech innovation and climate solutions.

The ESC recommends additional actions to ensure equitable access to clean energy jobs and to growth in Maine’s natural resource industries. State agencies and partners are already implementing many of those recommendations:

### *Natural Resource Industries and Workforce:*

- The University of Maine launched the Maine Climate Science and Information Exchange (MCSIE) to serve as a coordinating hub with state and non-state partners for climate change research and monitoring. Created in 2022 with federal and private funding support, MCSIE focuses on providing access to climate change research taking place in Maine and building connections among researchers and stakeholders so that Maine stakeholders can help to inform research priorities. MCSIE particularly targets the needs of the state’s marine, agriculture, and forestry sectors.
- The University of Maine and other Maine research institutions are researching and exploring new crops, farming, and aquaculture practices to respond to a changing climate, including climate-resilient potatoes, blueberry management, improving soil health, kelp farming and carbon sequestration, and more.

### *Clean Energy Economy and Workforce:*

- Several recent studies by the GEO have assessed clean energy industry employment demand, skill requirements, and employer sentiment; as well as workforce characteristics, skills barriers to entry, and interest in clean energy jobs in Maine:
  - The 2021 Maine Clean Energy Industry report<sup>103</sup> details employment needs and characteristics (including demographics) across five key sectors of the clean energy economy: Energy Efficiency, Clean Energy Generation, Alternative Transportation, Clean Grid and Storage, and Clean Fuels. Data for the 2021 Report was collected in the fourth quarter of 2020 - an exceptional year throughout the world economy due to the COVID-19 pandemic, and Maine’s clean energy economy was not immune. An updated 2022

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<sup>103</sup> Source: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2021%20ME%20Clean%20Energy%20Industry%20Report.pdf>

- Maine Clean Energy Industry Report will document the recovery in clean energy employment and may reveal growth from pre-pandemic levels in some subsectors.
- The 2022 Maine Offshore Wind (OSW) Talent Analysis<sup>104</sup> quantified the existing potential OSW workforce with direct or relevant experience and skills, as well as an analysis of the demographics of that workforce; examined existing talent pools and as well as potential gaps in workers needed; and examined wind-specific and relevant training programs around the state to better understand the capacity of existing pipelines. Through ongoing stakeholder coordination, the needs of clean energy workforce and employers will be quantified to a greater degree of detail.
  - The 2022 Maine Clean Energy Workforce Analysis report<sup>105</sup> details the results of primary and secondary research into the workforce and hiring landscape for Maine’s clean energy industry, and details employer sentiments on growth and hiring, availability of appropriately trained workers, the awareness and interest of sector employment among potential clean energy workers, and their barriers to entry into the sector.
  - Funded by the Maine Jobs and Recovery Plan (MJRP), the Clean Energy Partnership is an initiative of the GEO focused on preparing Maine people for jobs in the growing clean energy & energy efficiency fields, providing avenues for business support, advancing innovation in the clean energy sector, and achieving Governor Mills’ goal of reaching 30,000 clean energy jobs in Maine by 2030. The GEO was awarded \$6.5 million in funds from the MJRP to support this Partnership’s workforce and innovation focus, including \$2.9 million in funding for qualified individuals and entities to advance workforce development and training for the clean energy and energy efficiency fields. In its first round of funding, nine workforce development proposals were awarded, representing a broad range of entities, programs, and activities, including extensive investments in pathways to clean energy and efficiency related employment. Many of these projects are intentionally designed to recruit and attract underserved populations for training and job opportunities in clean energy and energy efficiency. These projects include:
    - **Comprehensive support for Maine’s weatherization and energy efficiency workforce:** Includes a statewide workforce needs assessment to identify worker, skill, and credential needs among contractors, paired with outreach and recruitment to connect learners and jobseekers with training and employment opportunities.
    - **New and expanded internship, Registered Apprenticeship, and on-the-job training models:** Funds new and expanded construction, weatherization, and solar pre-apprenticeship, Registered Apprenticeship, and on-the-job training program offerings. A new clean energy internship program will be implemented to place Maine-based college and university students in paid positions at clean energy companies, with outreach and recruitment intentionally focused on increasing diversity among the clean energy and energy efficiency workforce.
    - **Low-barrier training and credentialing for skilled trades professionals:** Creates new, flexible, and low-cost training programs to provide workers with industry-relevant training and credentialing in energy efficient building standards and techniques, and offshore wind safety and construction.
  - Southern Maine Community College launched the first electric vehicle program in Maine, which trains vehicle repair technicians to service electric and hybrid vehicles. The College received

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<sup>104</sup> Source: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2022%20ME%20OSW%20Talent%20Analysis.pdf>

<sup>105</sup> Source: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2022%20Maine%20Clean%20Energy%20Workforce%20Report.pdf>



\$750,000 through Congressionally Directed Spending requests contained in the 2023 federal Omnibus Appropriations Package to expand the number of annual enrollees in the program.

- In 2020, the Department of Professional and Financial Regulation (PFR) completed a report<sup>106</sup> identifying barriers to credentialing and professional licensure for a) skilled individuals with foreign credentials; and b) out-of-state license-holders. PFR has made progress in addressing many of these barriers.

In addition to this ongoing work, the ESC recommends the goals and actions below for incorporation into the state's climate action plan. These goals are meant to achieve more equitable outcomes for priority populations and communities by addressing barriers to employment in clean energy and natural resource industries, as well as by providing additional employment resources for workers or industries facing disproportionate climate risks. Priority individuals include but are not limited to migrant workers in natural resource industries, particularly those with limited English proficiency or lack of awareness of or hesitancy to exercise workplace protections due to permit and visa concerns. In addition, they include young Mainers, New Mainers, underemployed and unemployed people, who may lack access to capital and land to enter the market or expand operations, who may have limited or non-transferrable experience or credentials, and who may, in the case of New Mainers and other BIPOC individuals, face cultural or other unique barriers to entry into this sector. Finally, they may include other Maine people who face barriers to accessing workforce training opportunities, such as lack of access to transportation, childcare, or inability to participate in unpaid training opportunities; or who are disproportionately underrepresented in these fields, such as women. Priority communities include areas with high proportions of the population employed in agriculture, fishing, or forestry, where local economies, livelihoods, and cultures depend on these industries.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### Goal #1: Attract, prepare, and position people and businesses in disadvantaged communities for jobs and economic growth in clean energy and energy efficiency industries

With more than 14,000 clean energy jobs throughout the state, Maine's clean energy economy accounts for a substantial and growing portion of the state's workforce.<sup>107</sup> Governor Mills has set the goal of reaching 30,000 clean energy jobs in Maine by 2030. These new clean energy jobs will provide career opportunities for Mainers from a wide range of backgrounds and a variety of skillsets.<sup>108</sup>

The 2021 Maine Clean Energy Industry Report<sup>109</sup> found that clean energy workers are largely representative of the broader workforce along ethnic and racial lines, and clean energy boasts a greater proportion of veterans than the overall workforce. However, women only make up 26% clean energy

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<sup>106</sup> Source: <https://www.maine.gov/pfr/sites/maine.gov.pfr/files/inline-files/Resolve%202019%20c.%2079%20%20030220.pdf>

<sup>107</sup> Source: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2022%20Maine%20Clean%20Energy%20Workforce%20Report.pdf>

<sup>108</sup> Source: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2021%20ME%20Clean%20Energy%20Industry%20Report.pdf>

<sup>109</sup> Sources: <https://www.maine.gov/energy/sites/maine.gov.energy/files/inline-files/2021%20ME%20Clean%20Energy%20Industry%20Report.pdf>



workforce, compared to 52% of the state’s overall workforce – a similar trend seen across the clean energy industry.

The clean energy transition will have a transformative economic impact in Maine. However, attracting and training the necessary workforce will take new models and locations of training, and attention to reducing barriers in order attract workers traditionally underrepresented in the energy sector and building trades.

A fair and equitable climate and economic transition requires the state to plan for and respond to climate change in a way that does not negatively impact — and, indeed, strengthens where possible — workers in industries already facing disproportionate climate impact. These industries may include those based on fossil fuels but also natural resource industries, which may face disproportionate economic and job loss driven by climate change. The rapidly growing clean energy economy can help keep workers and communities in these industries whole throughout this transition, an idea that some states refer to as a **just transition**. A fair and equitable climate transition should ensure that communities who have been left behind have access to high-quality clean energy and other climate friendly jobs. Investment in workers and communities can help revitalize and diversify local economies and address inequities while ensuring the retention and creation of—and accessible pathways into— high quality and good-paying jobs. Below, the ESC recommends further work to define Maine’s approach to a just transition.

Actions underway include:

- The ESC supports the recommendations of the 2022 Maine Clean Energy Workforce Analysis report by the GEO, related to the equitable distribution of benefits of a growing clean energy economy. These recommendations include:
  - **Expanding access to Registered Apprenticeships and other earn-and-learn models for under-engaged populations** as a pipeline into sustainable clean energy careers. Increased outreach to women, immigrants and refugees, migrant workers and their families, middle and high schoolers, underrepresented groups, individuals with disabilities, workers transitioning out of low wage jobs, and individuals re-entering the workforce for other reasons could build a significant talent pipeline for the clean energy sector. This effort should seek to support pre-apprenticeships and pathways to Registered Apprenticeships and embed pre-apprenticeship offerings in relevant educational and workforce development programming. Outreach efforts should be coupled with other employment support programs, such as wrap-around services, to ensure individuals are able to effectively participate in training programs.
  - **Developing a clean energy workforce clearinghouse**, featuring clean energy career information including internship and Registered Apprenticeship opportunities, training and educational programs, available job openings, and an outline of clean energy sector career pathways. The clearinghouse will seek to connect job seekers including those who are unemployed with relevant career information. In addition, the Clean Energy Partnership is supporting several projects to increase the visibility of clean energy careers through targeted stakeholder outreach, the development of tools to assist jobseekers and students in the identification of clean energy career pathways, the development and expansion of existing and new trainings and Registered Apprenticeship, and the creation of best practices which address barriers to participation for underrepresented populations. The MJRP awarded \$800,000 to the GEO to develop the clearinghouse.
  - **Providing pathways to career mobility and entrepreneurship in weatherization, particularly for people starting in lower-wage jobs.** Though most clean energy careers

offer career mobility and high job quality, there is opportunity for improvement in the weatherization sector. Subsidizing training costs for individuals to receive Building Performance Institute (BPI) certification, stipends to purchase tools and other equipment, business coaching, and other forms of entrepreneurial support could ensure more sustainable career outcomes for weatherization workers.

- The DOL has a long history of supporting underserved or disadvantaged Maine people in accessing high quality jobs, including in the clean energy industries. For example, within the Bureau of Rehabilitation Services, vocational counselors promote equity and inclusion of people with disabilities of all ages within the workforce, offering a wide range of education, training and work-based learning opportunities, and providing numerous resources to employers as well. Recent work at DOL includes:
  - The launch of a peer workforce navigator pilot program, to engage with organizations working with underserved populations who have been disproportionately impacted by the pandemic to connect them to employment, skills development, and resources for needs such as childcare and transportation. Underserved populations may include immigrants, individuals with low literacy or limited English proficiency, unemployed and underemployed individuals, individuals without a credential of value, low-income individuals, unhoused individuals, and individuals with disabilities.
  - \$12.3 million from MJRP to more than double Registered Apprenticeships and pre-apprenticeships across Maine, including the creation of new apprenticeships across 50 new occupations, in fields which include construction, electricians, Heating, Ventilation, and Cooling (HVAC) technicians, maintenance mechanics, clean energy, and aquaculture — all critical for achieving climate goals. This funding is expected to support at least 500 new trainees in the clean energy sector over the next year.
  - DOL has committed to increasing the number of underrepresented workers completing Registered Apprenticeships, through developing partnerships with trusted community organizations representing priority communities to build clear on-ramps to pre-apprenticeship and Registered Apprenticeship programs, developing wraparound services to help support the basic needs of workers, and providing tools, training, and accountability mechanisms to support apprenticeship sponsors in fostering equitable and inclusive workplaces.
  - Receipt of a federal Quality Jobs, Equity, Strategy and Training (QUEST) grant,<sup>110</sup> designed to support employment equity and individual, community, and industry resilience as the nation prioritizes economic and employment recovery from the COVID-19 pandemic. Project elements include partnership development, community outreach, business engagement (particularly in the three prioritized sectors of clean energy, infrastructure, and care economy), and comprehensive career and training services. Grant funding will focus on serving individuals whose employment has been negatively impacted by the pandemic, including individuals from historically marginalized and underserved populations who have been disproportionately impacted, including justice involved individuals and those in recovery.
- The Maine Community College Workforce Training Programs (funded by \$35 million in funding from the MJRP) will offer free training to 8,500 Mainers to improve their skills or career opportunities for clean energy, trades, manufacturing, and other critical industries. Funding will

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<sup>110</sup> Source: <https://ocgnews.com/u-s-dol-announces-140m-in-available-grants-to-create-high-quality-jobs-and-training-in-underserved-communities/>

support student tuition costs, the purchase of new equipment needed for training, and added staffing for project management, instruction, and learner navigation.

- PFR introduced legislation in the 129<sup>th</sup> Legislative session that would have allowed a licensed master or journeyman to supervise two helpers. A similar bill was introduced by a legislator in the 130<sup>th</sup> that would have expanded the number of permitted helpers to three. Thus far, these legislative efforts have been unsuccessful.

Proposed Next Steps include:

- **Explore opportunities to grow the number of licensed electricians.** There is a tremendous need for growing the workforce of licensed electricians and expanding opportunities for electrician apprenticeships and education in the state; electricians are the primary workforce bottleneck in achieving the state's beneficial electrification goals. One opportunity may be expanding the number of helper electricians a licensed electrician can supervise; the current limitation of 1 supervisee impacts the pool of individuals available to work on projects and limits exposure to the trade as an occupational path.
- **Ensure that the clean energy workforce clearinghouse is designed to support disadvantaged students and job seekers** to access resources about clean energy career pathways, training, and job opportunities. The clearinghouse should adopt best practices in procedural equity including but not limited to engaging people with limited English proficiency, creating opportunities for workers with limited literacy or educational attainment, addressing cultural barriers to entry into these sectors, and conducting proactive and targeted outreach through trusted partners to underrepresented people. The clearinghouse should include resources for employers to better engage and retain underrepresented populations, including wraparound services such as transportation and childcare, as well as creating pathways for employers to work with organizations such as those which provide adult education or refugee support.
- **Identify workers and industries disproportionately impacted by climate change and identify pathways into clean energy and climate friendly careers.** This analysis should include skill and credential mapping, seeking to leverage unique skills of existing workers within new fields. It should be informed by government, industry stakeholders, and impacted communities, and should prioritize workforce retraining initiatives, especially in these industries and communities most impacted by climate change, and among historically marginalized and underemployed workers.

Agencies and Partners: GEO, DOL, GOPIF, DECD, PFR

## Goal #2: Help natural resource industries diversify and adapt to climate change through economic and workforce diversification and participation in the clean energy transition

*MWW* recognizes that helping Maine's natural resource industries and workforce adapt to climate change involves preparing for impacts as well as taking advantage of opportunities presented by new technologies and markets. Already struggling natural resource businesses may lack the time or resources to pursue money saving clean energy technologies. The state must focus on the most vulnerable industries and individuals and ensure that climate adaptation resources are equitably distributed.

The state should also ensure that the promise of a just transition reaches natural resource businesses, workers and communities who may be impacted by climate change. Amongst other impacts, this includes fishermen in areas where their income is impacted by climate driven migrations and species

changes, farmers experiencing extreme weather events and impacts on crops and infrastructure, and loggers facing harvesting challenges driven by unpredictable freeze and thaw cycles.

Actions underway include:

- The Agriculture, Food and Forest Products Infrastructure Investment Fund was established by the 130th Maine Legislature, to make capital investments and provide technical assistance to Maine’s agricultural, food and forest products industries. While not yet capitalized, the Fund was created to complement existing sources of capital and meaningfully address the state’s commitment to redress racial and other inequities within these sectors. As required by the legislation, an assessment was designed and conducted by DACF in collaboration with DECD; industry stakeholder groups, financial institutions, policymakers, business owners, and members of Maine’s diverse Black, Indigenous, and People of Color (BIPOC) communities were consulted directly through this assessment. The assessment included a landscape and gap analysis, to evaluate the ecosystem of currently available funding resources for agriculture, food, and forest products businesses and to identify gaps; a stakeholder assessment, to explore capital and technical assistance needs as well as current challenges associated with accessing both across diverse Maine people; and recommendations surrounding Fund structure and investment objectives. DACF will be exploring opportunities to capitalize the Fund in the 2023 legislative session.
- The Maine Department of Marine Resources (DMR), University of Maine, Maine Center for Coastal Fisheries, and Maine Lobstermen’s Association have been collaborating on social resilience work in the lobster fishery. While DMR has historically monitored biological information about the Maine lobster fishery, no one — until now — has attempted to monitor the social and economic status of the fishery. Through interviews with industry participants and local community leaders, this project seeks to establish a set of indicators to monitor how the lobster industry is doing in these rapidly changing times. Initial results are expected at the end of 2022, with final results developed in 2023.
- DACF acts as a partner, funder, and technical resource to several agricultural service providers throughout the state to amplify their efforts to support both new and socially disadvantaged farmers including Maine Farmland Trust, Cultivating Community, the Maine Farmer Resource Network, the Somali Bantu Community Association, Maine Organic Farmers and Gardeners Association and more.
- As part of the MJRP, DOL is providing “Industry Partnership” grants to six training and educational organizations to develop initiatives to recruit and retain skilled workers who can meet the needs of businesses across the state.<sup>111</sup> Grantees include The Maine Development Foundation, which will work to implement recommendations from the Forest Opportunity Roadmap,<sup>112</sup> by developing career and educational pathways for important forestry jobs in partnership with industry and educational partners.
- In 2022, 11 rural organizations throughout Maine received a combined total of more than \$28 million toward renewable energy projects through the US Department of Agriculture’s Rural Development’s Rural Energy for America Program Renewable Energy Systems & Energy

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<sup>111</sup> Source: [https://www.maine.gov/labor/news\\_events/article.shtml?id=9100699](https://www.maine.gov/labor/news_events/article.shtml?id=9100699)

<sup>112</sup> Source: <https://formaine.org/>

Proposed next steps include:

- **Develop a comprehensive natural resource industry report to establish baseline data on the characteristics of current natural resource industry businesses and workers and barriers to entering this industry.** This could include business and type, size, and ownership structure, licenses/certifications required and attained by workers, and minority, veteran or women-owned businesses; as well as worker demographics including age, education/training, geography, gender, and race/ethnicity. The state should seek to identify barriers to entry, opportunities, and drivers of change to increase diversity and access to natural resource industry careers for priority populations and disadvantaged communities. Barriers might include licensure requirements, access to education or training, access to capital or financing, and immigration/visa requirements that may limit opportunities of New Mainers.
- **Prioritize the development of new and value-added markets for climate vulnerable natural resource industries,** particularly for struggling business or individuals most threatened by climate change, and among historically marginalized and underemployed workers. This may include (a) expanding opportunities for diversification, such as aquaculture, to climate vulnerable participants in the fishing industry, (b) expanding opportunities for value added crop development, such as Certified Organic and implementation of other practices such as “healthy soils” practices, and processing, for small farmers and other economically and climate vulnerable businesses and (c) exploring options to support business management structures, such as Benefit Corporations and cooperatives, that reduce the capital burden of owning a natural resource business.
- **Provide workforce training opportunities for natural resource industry workers to help adapt to a changing climate.** Analyze existing skills, credentials, and opportunities for job retraining for climate-impacted industries. Develop training for diversification opportunities within industries and, where necessary and appropriate, training for new industries and livelihoods for workers existing climate-impacted jobs.
- **Develop a pilot program to support clean technology and clean fuels transitions in natural resource industries,** particularly for small businesses and self-employed individuals who may lack information or resources to transition to new technologies. Programs should seek to help stabilize operating costs, and to educate business owners about appropriate and available clean technology through peer-to-peer learning.

Agencies and Partners: DECD, DACF, DOL, GOPIF, GEO, IFW, DMR

### Tracking Progress in Maine’s Clean Energy Economy and Natural Resource Industries

MWW established the following indicator related to the clean energy and natural resource industries:<sup>114</sup>

- Clean energy jobs created

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<sup>113</sup> Source: <https://www.rd.usda.gov/newsroom/news-release/usda-invests-more-283-million-11-organizations-across-rural-maine-renewable-energy-projects>

<sup>114</sup> See page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

And as part of the 2021 MJRP, Governor Mills established goals for 30,000 clean energy jobs in Maine by 2030.

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan’s overall employment metrics and can serve as progress indicators towards equitable access to, and distribution of, family sustaining climate friendly jobs. Table 7 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

*Table 7: Clean Energy and Natural Resource Economy Goals, Progress Indicators and Metrics*

<b>Goal #1: Attract, prepare, and position people and businesses in disadvantaged communities for jobs and economic growth in clean energy and energy efficiency industries</b>		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Explore opportunities to grow the number of licensed electricians</li> <li>- Ensure that the clean energy workforce clearinghouse is designed to support disadvantaged students and job seekers</li> <li>- Identify energy workers and industries disproportionately impacted by climate change and</li> </ul>	<ul style="list-style-type: none"> <li>- # of licensed electricians</li> <li>- # of priority population trainees and participants in state-funded clean energy industry workforce development programs<sup>115</sup></li> <li>- Geographic distribution of spending on clean energy workforce development programs</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of clean energy jobs<sup>116</sup> held by priority populations</li> <li>- Geographic distribution of clean energy jobs<sup>117</sup></li> </ul>

<sup>115</sup> For example, the Clean Energy Partnership requires reporting by grant recipients on any two priority populations from this list: age, gender, race/ethnicity, education level, students, veteran status, unemployed people.

<sup>116</sup> A clean energy job is defined as any worker that is directly involved with the research, development, production, manufacture, distribution, sales, implementation, installation, or repair of components, goods, or services related to the following sectors of Clean Energy Generation; Clean Grid and Storage; Energy Efficiency; Clean Fuels; and Alternative Transportation. These jobs also include supporting services such as consulting, finance, tax, and legal services related to energy. See [2021 Maine Clean Energy Industry report](#) for additional detail.

<sup>117</sup> Geographic distribution could include counts, percentages, or per capita results in/among priority communities, or by county. If it is not possible to track location to a census tract or town (to categorize “priority” communities), we recommend reporting at the county level. For example, for labor statistics gathered through surveys, data is not granular enough by town or census tract to categorize as occurring in frontline or disadvantaged communities, while it is often reported by county. Geographic distribution could also be by location of the job site, employer, or employee; programs will need to determine which measure is most appropriate.

analyze pathways into clean energy careers		
<b>Goal #2: Help natural resource industries diversify and adapt to climate change through economic and workforce diversification and participation in the clean energy transition</b>		
<b>Actions</b> <ul style="list-style-type: none"> <li>- Develop a comprehensive natural resource industry report to establish baseline data</li> <li>- Prioritize the development of new and value-added markets for climate vulnerable natural resource industries</li> <li>- Provide workforce training opportunities for natural resource industry workers to help adapt to a changing climate</li> <li>- Develop a pilot program to support clean technology and clean fuels transitions in natural resource industries</li> </ul>	<b>Monitoring Metrics</b> <ul style="list-style-type: none"> <li>- # and % of Minority and Women Owned Business Enterprises (MWBE) in natural resource industries</li> <li>- Workforce characteristics in natural resource industries</li> <li>- Geographic distribution of training programs/initiatives for natural resource workers</li> </ul>	<b>Equity Outcome Metric(s)</b> <ul style="list-style-type: none"> <li>- n/a</li> </ul>

### Baseline Studies Needed

To inform agency and partner strategies, establish goals and a baseline for measuring progress, the ESC and agencies identified the following baseline studies:

1. **Comprehensive Natural Resource Industry Report** to establish baseline data about makeup of firms and workers. Characteristics to baseline and track *for each industry* could include but are not limited to:
  - a. Demographics: Age, race and ethnicity, gender
  - b. Skills/licenses: Licenses, certifications, education, or training; skill level
  - c. Geography: County, town size, island/coastal or inland
  - d. Business and industry type: business size, ownership structure (e.g., self-employed), minority, veteran or women-owned businesses.



## Strategy E: Protect Maine’s Environment and Working Lands and Waters

Maine’s natural and working lands and waters represent livelihoods, recreation, and identity for many Maine people. Climate change and development are harming these landscapes, which provide carbon sequestration and other environmental co-benefits and are key to the state’s carbon neutrality goal. The state must continue to protect these areas, ensure access for all Maine people, promote natural climate solutions, support heritage industries, and explore opportunities for further collaboration with tribal nations.

*MWW* recommends increasing the total acreage of conserved lands, focusing conservation efforts on high biodiversity areas to maintain habitat connectivity and ecosystem health, incorporating climate into scoring criteria for state conservation funding, and minimizing the impact of energy projects on natural and working lands. *MWW* further recommends developing new incentives to increase carbon storage, expanding outreach on climate solutions to communities and those involved in natural resource industries, launching a platform for exchange about marine and coastal climate impacts, and enhancing monitoring and data for climate change research.

The ESC recommends additional actions related to equitable access to natural areas, further collaboration with tribal nations in the management of natural resources and protecting livelihoods of those who work with Maine’s natural and working lands and waters. State agencies are already implementing many of those recommendations:

- Several state and federal funding opportunities seek to improve access to green spaces and natural and working lands and waters for Maine people, including:
  - The Land for Maine’s Future (LMF) program, the state’s primary funding vehicle for conserving land for its natural and recreational value. With \$40 million in new funding for the conservation of working forests, farms, and commercial waterfronts; public access to our woods and waters; the protection and management of wildlife; and a commitment to community conservation and recreation, LMF seeks to provide access to natural and working lands and waters for all Maine people.
  - DACF and MDIFW recently received a Maine Outdoor Heritage Fund grant to update statewide conservation priorities, including a focus on lands close to population centers. The Maine Outdoor Heritage Fund supports critical wildlife and conservation projects throughout Maine.
  - Project Canopy works to create and maintain healthy urban and community forests, helping keep Maine’s communities green and livable. Through a grant program and technical assistance, the program promotes planting and maintaining of trees in Maine communities.
  - The Department of Inland Fisheries & Wildlife (IFW) has a goal of suitable hunting, fishing, and tracking locations within one hour of all state population hubs through the department’s strategic conservation plan for land acquisition, to provide free and open access to Maine’s fish and wildlife resources.
  - The federal Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), includes funding for climate resilience and natural resource projects, including to improve the natural capacity of watersheds and ecosystems. Programs include opportunities for non-profits, and regional, municipal,



and Tribal governments. GOPIF is helping to support applications for landscape or watershed scale climate resilience projects, including partnerships with local and regional entities, and developing channels of communication and connecting organizations with technical assistance capacity to groups with limited federal grant experience.

- The University of Maine launched the Maine Climate Science and Information Exchange (MCSIE) to serve as a coordinating hub with state and non-state partners for climate change research and monitoring. Created in 2022 with federal and private funding support, MCSIE focuses on providing access to climate change research relevant to the state’s marine, agriculture, and forestry sectors, and building connections among researchers and stakeholders so that Maine stakeholders can help to inform research priorities.
- The Maine State Legislature recently enacted the *Tribal-State Collaboration Act*,<sup>118</sup> which requires all state agencies to designate a tribal liaison and adopt a collaboration policy to guide interactions with tribal communities. The goal of this law is to promote respectful, government-to-government dialogue, and improve communication between state agencies and the Houlton Band of Maliseet Indians, the Mi’kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Nation.
  - DACF staff have participated in the First Light Learning Journey program, a year-long program for the Conservation Community in Maine, including NGOs and government agencies that own or manage lands and/or work with private landowners, funders, advocacy organizations. First Light’s goal is to expand Wabanaki access and stewardship of land for prosperity and to create a stronger conservation movement that includes and reflects Indigenous expertise and perspective.

In addition, the ESC recommends the following goals. These goals are meant to enhance access to natural and working lands as well as climate and natural resource data for priority populations and communities. For individuals and households, priority populations include but are not limited to low-income people, who may have difficulty paying for access to greenspace or may lack reliable transportation to get to greenspace; BIPOC individuals, who may face cultural or other unique barriers to accessing and using primarily white spaces; and people with physical or mobility challenges, for whom accessible greenspace may be limited. For communities, these goals seek to meet the needs of indigenous and tribal communities, who may have relevant data in the form of traditional ecological knowledge to add to the state’s climate discourse but who may face challenges from non-inclusive scientific research practices; disadvantaged communities, who may not trust the collection of personal data; and low income, rural, and disadvantaged communities, who may lack resources to apply for natural resource funding and may face challenges collecting or generating the data they need for use in climate and vulnerability assessments and grant applications.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

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<sup>118</sup>Source: <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0428&item=14&snum=130>

## Goal #1: Ensure equitable access to natural resources to improve the lives and health of people in Maine, particularly for historically disadvantaged and low-income people

A recent study in New England found that communities with the largest proportions of lowest income residents, or people of color, experience significantly less access to protected open spaces.<sup>119</sup> The 2022 Maine Land Acquisitions Priorities Advisory Committee draft report documents disparities in access to conserved lands statewide, and proposes additional conserved land acquisition near urban areas, especially Portland and Lewiston.

Access to greenspace and natural areas comes with many benefits — green space and blue space<sup>120</sup> have been shown to improve mental and physical wellbeing, enhance immunity, and improve social capital and community.<sup>121</sup> These benefits can help lessen the health equity gap which exists between disadvantaged and well-resourced communities.<sup>122</sup>

There are many state and federal funding sources which help conserve or expand greenspace, natural and working lands, increase access to and use of these spaces, and improve ecological health of natural areas. However, disadvantaged communities — including those with historically less access to greenspace than others — may have fewer resources to seek and apply for funds:

### Actions Underway Include:

- Two DOE programs support outdoor learning for disadvantaged children. Reinventing Responsive Education Ventures (RREV), a \$16.9M federal grant which supports innovative approaches to education, has provided over \$4 million in funding for innovative pilots in outdoor and nature-based education, and prioritizes funding for economically disadvantaged districts. The Maine Outdoor Learning Initiative, which launched summer 2022, similarly prioritizes economically disadvantaged students from rural, inland communities with little or no access to coastal opportunities based on socioeconomic status and geographic location. The Maine Outdoor Learning Initiative has awarded nearly \$1 million in grants so far and plans to release a second round of funding in 2023.
- Several of Maine’s natural resource grant programs consider community socioeconomic characteristics and existing resources or needs and are beginning to incorporate further consideration of equity. These include:
  - The DEP’s Maine Natural Resource Conservation Program (MNRCP) is in the process of revising criteria to assess potential wetland mitigation projects. New criteria will include equity and environmental justice and award points to projects that are within or adjacent to land managed by Indigenous tribes, projects near socially vulnerable or underserved and disadvantaged communities, or projects that improve community

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<sup>119</sup> Source: [https://iopscience.iop.org/article/10.1088/1748-9326/ac6313/pdf?\\_vbrk=MTAxNDZAzOjU3NDI5MDc1OjM5ld3NsZXROZlI=&\\_uax=MTAxNDZAzOjU3NDI5MDc1](https://iopscience.iop.org/article/10.1088/1748-9326/ac6313/pdf?_vbrk=MTAxNDZAzOjU3NDI5MDc1OjM5ld3NsZXROZlI=&_uax=MTAxNDZAzOjU3NDI5MDc1)

<sup>120</sup> Source: <https://www.nature.com/articles/s41598-021-87675-0>

<sup>121</sup> James, P., Banay, R. F., Hart, J. E., & Laden, F. (2015). A Review of the Health Benefits of Greenness. *Current Epidemiology Reports*, 2(2), 131–142. <https://doi.org/10.1007/s40471-015-0043-7>

<sup>122</sup> Kabisch, N., Korn, H., Stadler, J., & Bonn, A. (2017). Nature-Based Solutions to Climate Change Adaptation in Urban Areas—Linkages Between Science, Policy and Practice. In N. Kabisch, H. Korn, J. Stadler, & A. Bonn (Eds.), *Nature-Based Solutions to Climate Change Adaptation in Urban Areas* (pp. 1–11). Springer International Publishing. [https://doi.org/10.1007/978-3-319-56091-5\\_1](https://doi.org/10.1007/978-3-319-56091-5_1)

climate change resiliency (e.g., reduced flooding). The proposed changes will take effect in the 2023 funding cycle.

- DMR's Maine Coastal Program<sup>123</sup> and DEP's Municipal Stream Crossing Upgrade Grant Program<sup>124</sup> both prioritize available funding for those communities at highest risk of climate change by considering previous flooding events, safety and community impact of failed infrastructure, and a Maine-specific analysis of community vulnerability to sea level rise.<sup>125</sup>
- LMF recently updated its grant scoring criteria, adding consideration of applications that serve low income or otherwise disadvantaged communities to existing Community and Economic Benefits criteria.
- The Bureau of Public Lands (BPL) at DACF recently partnered with the Nature Based Education Consortium to donate parks passes to programs serving and engaging BIPOC Mainers. In addition, BPL is exploring opportunities to offer free Parks access to members of Maine's tribal nations.
- BPL is partnering with the University of Maine to investigate outdoor recreation participation, perspectives, and barriers. This study will assess racial diversity of users of outdoor recreational resources in Maine, as well as perspectives about outdoor recreation from persons of color, persons with a disability, and persons impacted by poverty. The results of this study will be available in 2023.
- Through her MJRP, Governor Mills made a historic \$50 million investment in state parks' infrastructure. Coming at a time of record numbers of visitors, these investments are addressing major safety and stewardship concerns, including increasing accessibility for visitors. Among other improvements, BPL is installing accessibility mats for those with disabilities at four beach state parks. These investments build on work at IFW, which focuses on improved water access near populations centers, including the goal of having at least one ADA accessible site within a 10-mile radius of each county seat.

#### Proposed Next Steps Include:

- **Establish baseline data** on the distribution of, access to, and use of green space, natural and working lands and waters across the state, especially for disadvantaged communities. This should include assessing visitor diversity at, and access to, working and recreational waterfronts. Identify barriers to access and affordability for low-income families and economically and climate vulnerable businesses. Identify interventions which improve access and reduce costs.
- **Expand access to natural resource grants for disadvantaged communities.** Establish equity criteria across all state natural resource grant making and establish baseline data on applications and funding for natural resource grants by community or applicant characteristics. Expand outreach about funding opportunities into historically underserved communities; identify and address barriers in application processes; offer technical assistance to lesser-resourced communities and other applicants; prioritize funding awards to historically underserved people, communities, or businesses; and consider lower match requirements in communities with fewer

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<sup>123</sup> Source: <https://www.maine.gov/dmr/programs/maine-coastal-program>

<sup>124</sup> Source: <https://www.maine.gov/dep/land/grants/stream-crossing-upgrade.html>

<sup>125</sup> Source: <https://www.nature.org/en-us/about-us/where-we-work/united-states/maine/stories-in-maine/helping-communities-prepare-for-sea-level-rise/>

resources (including but not limited to economic, financial, staff capacity time or training, physical or technical resources).

- **Assess the impacts of climate risks on the food supply chain in Maine**, particularly in communities which experience food insecurity or rely on subsistence agriculture. Explore opportunities to ensure that Maine grown food can mitigate supply chain risks while improving access to food for all people.

Agencies and Partners: DACF, IFW, DEP, DMR

## Goal #2: Improve climate change-related data collection, practices, and usability in partnership with frontline, disadvantaged and tribal communities

Accurate, disaggregated, and accessible data that protects privacy and cultural norms is critical to just climate action. Many kinds of data are required to inform Maine’s climate response, including data about changing ecosystems, climate risks and hazards, the location of climate vulnerable infrastructure, and community social, demographic, economic, and health characteristics.

Working with community partners and establishing just principles for data collection and access can increase climate literacy, help communities plan and prioritize climate action, and carry forward new ways of understanding environmental change.

Actions underway include:

- The Biden administration has instructed all US agencies to require immediate access to federally funded research after it is published, starting in 2026, which will decrease barriers to accessing findings from federally funded climate research in Maine.
- The Maine Municipal Planning Assistance program at DACF assembles and distributes community specific data from multiple state agencies for communities to prepare a comprehensive plan.<sup>126</sup> While communities are not required to have a comprehensive plan, data packages can decrease the planning burden for less well-resourced communities, allowing them to access the multiple benefits<sup>127</sup> associated with creating a comprehensive plan consistent with Maine’s Growth Management Act.
- A new law passed in 2022 requires the state to develop a data governance program to enable effective use of data and systems to support decision making and improve citizen access to government services.<sup>128</sup> This law has a specific focus on demographic and economic data and requires consultation with the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations.

Proposed next steps include:

- **Scientific and technical assessments conducted for the state climate plan, including the Scientific Assessment of Climate Change and its effects in Maine, should include sociodemographic and economic impacts from climate change.** This includes expanded

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<sup>126</sup> See here for recent community data packages:

[https://www.maine.gov/dacf/municipalplanning/comp\\_plans/planning\\_data.shtml](https://www.maine.gov/dacf/municipalplanning/comp_plans/planning_data.shtml)

<sup>127</sup> Source: [https://www.maine.gov/dacf/municipalplanning/docs/Comp%20Plan%20Incentives%20\(rev.%202016-01-04\).pdf](https://www.maine.gov/dacf/municipalplanning/docs/Comp%20Plan%20Incentives%20(rev.%202016-01-04).pdf)

<sup>128</sup> Source: [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=1610&PID=1456&snum=130](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1610&PID=1456&snum=130)

membership of the Science and Technical Subcommittee of the MCC to include social scientists focused on the intersection of physical climate hazards and Maine communities, especially disadvantaged communities.

- **Provide state climate data in an accessible and useful format for communities.** Develop a platform to help communities understand climate vulnerability, and to view climate or environmental impacts (such as natural climate hazards, infrastructure, climate change risks), community resilience planning resources, and sociodemographic or economic characteristics (e.g., social vulnerability) in the same place. Work with communities to (a) understand what data they may need for use in climate and vulnerability assessments, grant applications and tracking, and (b) improve data layers, access and usability of online tools or maps to support community planning and applications. Increase transparency about the types and sources of data used in climate planning and funding decisions, and about the practices for sharing sensitive data (e.g., socioeconomic or demographic characteristics of a community; climate vulnerable properties, neighborhoods, or towns).
- **Consult with tribal communities on governance, collection, ownership, and application of climate data.** Value and honor the role of local and traditional ecological knowledge, especially from tribal nations and natural resource dependent communities, in state climate planning and assessments.
- **Prioritize participatory approaches** for climate data collection that ensure transparency and build trust, climate literacy, and support for community-driven climate action. Community participatory approaches should seek to engage, train, and empower historically disadvantaged individuals and communities.

Agencies and Partners: GOPIF, MEMA, DACF, IFW, DEP, DMR

### Tracking Progress in Maine’s Natural Resource Activities

*MWW* established the following indicators related to natural resource and working lands equity goals:<sup>129</sup>

- Percentage of state lands conserved
- Climate infrastructure and investment funding and leveraged

Strategy E in *MWW* establishes a goal of increasing the “total acreage of conserved lands in the state to 30% through voluntary, focused purchases of land and working forest or farm conservation easements.” “Conserved land” can include natural and working land owned by the state, municipalities, land trusts or private parties.

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan’s overall natural resource metrics and can serve as progress indicators towards equitable access to, and distribution of, natural and working lands and waters. Table 8 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.

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<sup>129</sup> See page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

- **Monitoring Metrics:** designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

*Table 8: Protect Maine’s Environment Goals, Progress Indicators and Metrics*

<b>Goal #1: Ensure equitable access to the bountiful natural resources and places in the state, improving the lives and health of people in Maine, particularly for historically disadvantaged and low-income people</b>		
<b>Actions</b>	<b>Monitoring Metrics</b>	<b>Equity Outcome Metric(s)</b>
<ul style="list-style-type: none"> <li>- Identify barriers to access and affordability for low-income families at state owned and funded sites</li> <li>- Expand access to natural resource grants for priority communities</li> <li>- Assess the impacts of climate risks on the food supply chain in Maine</li> </ul>	<ul style="list-style-type: none"> <li>- Use of publicly accessible<sup>130</sup> natural and working lands by priority populations and communities</li> <li>- Visitor characteristics of state-owned park and recreational space (including income level and distance traveled)</li> </ul>	<ul style="list-style-type: none"> <li>- Geographic distribution<sup>131</sup> of publicly accessible natural and working lands</li> <li>- Distribution of natural resource agency grant funding by priority population and geography</li> </ul>
<b>Goal #2: Improve climate change-related data collection, practices, and usability <u>in partnership with</u> priority and tribal communities</b>		
<b>Actions</b>	<b>Monitoring Metrics</b>	<b>Equity Outcome Metric(s)</b>
<ul style="list-style-type: none"> <li>- Include socioeconomic analysis and impacts in scientific and technical analyses for the state climate action plan</li> <li>- Improve usability of climate data for communities (including sociodemographic layers)</li> <li>- Consult with tribal communities on climate data principles</li> <li>- Prioritize participatory approaches in climate data collection</li> </ul>	<ul style="list-style-type: none"> <li>- # of state agencies with guidance on climate data consultation with tribal communities</li> <li>- # of state climate research efforts that include community participatory approaches<sup>132</sup></li> <li>- Use of, or reference to, traditional ecological knowledge in state climate planning and assessments</li> </ul>	<ul style="list-style-type: none"> <li>- n/a</li> </ul>

<sup>130</sup> Recognizing that state agencies may play a role in access or conservation of privately owned natural and working lands, the equity outcome metric expands the *MWW* indicator beyond state lands to include privately held natural and working lands accessible to the public.

<sup>131</sup> Geographic distribution metrics could include acreage in and/or near priority communities (e.g., low-income, urban, disadvantaged or frontline), or by county.

<sup>132</sup> Participatory practices including but not limited to: Engage community stakeholders in research design, data collection, analysis, or sharing findings.

## Baseline Studies Needed

To inform agency and partner strategies, establish goals and a baseline for measuring progress, the ESC and agencies identified the following baseline studies:

- 1. Access and Use of State-Owned Lands**, including distribution, access, and use of green space across the state, especially for historically disadvantaged communities. Green space should include but not be limited to state-owned lands, town/municipal lands, privately held public lands (e.g., land trusts), and access to working and recreational waterfronts. Gather information on visitor diversity (including income and demographics) and distance traveled at state-owned parks and other sites, and barriers to access or use. BPL is currently collaborating with the University of Maine to generate data that will address some of these metrics.
- 2. Baseline study of grant distribution from natural resource agencies**, including current reach, scope, and expenditure of natural resource agency grants by community (e.g., rural, low income, disadvantaged, frontline, tribal) or applicant characteristics, as well as barriers to finding out about, accessing, and applying for natural resource grants.



## Strategy F: Healthy and Resilient Communities

Climate change impacts the health and safety of all people in Maine, through exposure to extreme temperatures, drought, increased allergens, extreme precipitation, storms and flooding, and other threats. People may experience heat- or cold-related health impacts, poor air quality, food insecurity, flooding of homes and businesses, power outages, and transportation and work disruptions, among other impacts. These impacts disproportionately affect frontline communities, low-income or otherwise under-resourced communities or people, and those who may suffer from pre-existing health conditions, lack of access to resources to respond to climate impacts, and higher exposure to physical climate hazards. Comprehensive resilience planning is a key step toward mitigating potential health and safety impacts and bolstering the ability of communities to respond and adapt to climate change.

*MWW* recommends supporting local and regional community resilience efforts through funding and technical assistance; adopting official sea-level rise projections; developing and implementing updated land-use regulations and practices; and strengthening public health monitoring, education, and prevention.

The ESC recommended additional actions toward equitable outcomes of community resilience and public health investments. State agencies are already implementing many of those recommendations:

- Through the Community Resilience Partnership (CRP), towns and tribes can access capacity-building resources, technical assistance, and grant funding to pursue climate resilience, emissions reduction, and clean energy projects. The CRP offers capacity-building assistance through Service Provider Grants to help communities assess needs, hold community engagement sessions, identify priority projects, and apply for grant funding. The CRP's Community Action Grant has an extensive list of project options that do not require a local cost share, as well as a reduced cost share for communities with populations lower than 10,000 for other projects. Both grant programs employ scoring criteria that help smaller and more socially vulnerable communities compete effectively for funding. As of December 2022, 77 communities and tribes had enrolled in the Partnership, representing 35% of the state's population. Of these communities, 65 are small and medium sized communities with populations below 10,000, and 42 are classified as moderately or highly vulnerable according to the Maine SVI.
- The ME CDC's Maine Tracking Network tracks certain health effects, exposures, and environmental hazards that have known or suspected relationships. Individuals can explore data related to heart attacks, air quality, asthma, cold and heat related illness, tick borne diseases, and more, and can create customized tables, charts, trend charts, and maps.<sup>133</sup> By making health and environmental data available through the Maine Tracking Network, more people have access to data they need to think critically about health outcomes and their relationships to conditions in the environment.

In addition, the ESC recommends the goals below for inclusion in the state's climate action plan. These goals are meant to increase access to resilience planning resources, address climate-related health hazards, and improve information about climate-driven natural hazards for priority populations and communities. For individuals and households, priority populations include health-vulnerable individuals, people with limited mobility (including lack of access to transportation), and people with limited English

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<sup>133</sup> Source: <https://data.mainepublichealth.gov/tracking/home>



proficiency. They also include outdoor workers, with an emphasis on migrant or other workers with limited English proficiency or who may experience limited access to employee protections. Priority communities include frontline, rural, low-income, and disadvantaged communities, particularly those with limited planning capacity.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### Goal #1: Increase participation in, and technical assistance and funding for, climate resilience planning and action in disadvantaged and frontline communities

Maine's small, rural, and low-income communities have variable experience and staff capacity to help access state climate-related funding. Through the CRP, less well-resourced communities and municipalities can access additional capacity, grant funding and other support to pursue climate mitigation, adaptation, and resiliency projects.

Actions underway include:

- Regional Service Providers are available at no cost to communities to help them apply for the CRP.
- The DEP, in partnership with The Nature Conservancy, University of Maine, Maine Sea Grant and others are finalizing a Community Resilience Workbook to help communities include resilience, climate adaptation, and assessment in their planning processes. The workbook takes into consideration equity and community engagement, adaptive capacity and climate vulnerability, socioeconomic and cultural impacts of climate change and adaptation, and many other factors that can inform equitable design and implementation of a community's resilience planning efforts. The Bureau of Resource Information and Land Use Planning (BRILUP) at DACF has hired a new Senior Planner, whose responsibilities include developing and distributing technical assistance and materials associated with the workbook.

Proposed Next Steps include:

- **The Community Resilience Partnership will continue to track geographic, socioeconomic, and climate-vulnerability of enrolled communities**, and work with partners to actively recruit smaller and more socially vulnerable communities, with the goal of achieving proportional or better representation of these communities in the program. In addition, the CRP will promote best practices to increase participation in regional and local climate resilience planning efforts by vulnerable and priority community members and their representatives.
- **Establish climate vulnerability and equity criteria across all resilience funding opportunities**, creating increased access to funding opportunities for disadvantaged communities and those most at risk from climate impacts.
- **Climate resilience and adaptation funding opportunities and programs should track participant characteristics** to monitor and ensure equitable distribution of climate funding and other benefits. Characteristics may include geographic distribution by community (e.g., rural, low income, disadvantaged, frontline, tribal) and applicant characteristics including income level and demographic characteristics.

Agencies and Partners: GOPIF, DMR, DACF, MEMA, DOT, DEP, ME CDC

## Goal #2: Support planning, monitoring, and education for climate-related health hazards in disadvantaged and frontline communities

Climate-related public health concerns, including both indoor and outdoor air quality, extreme temperatures, and psychological resilience to climate change, have the potential to disproportionately impact priority populations and communities. And climate-driven exposure to more frequent natural hazard events can increase risks to critical healthcare infrastructure, both for traditional hospitals and for healthcare providers that provide local or mobile care to priority populations. The intersection of vulnerabilities related to health, climate and pollution exposure, income, and poor housing layer on top of one another to disproportionately impact disadvantaged communities.

Air pollution, including ozone and particulate matter, as well as increases in pollen, can increase risk for asthma and other respiratory illnesses — and can aggravate symptoms for those who already have respiratory health challenges. These air quality indicators are worsening due to climate change. Improving monitoring systems — as well as public understanding of how to use them — will improve public health.

Extreme temperatures are also increasing due to climate change, and disproportionately impact people with existing health disparities, as well as outdoor workers who may have limited ability to respond to unsafe environmental conditions. In 2021, the United States Department of Labor’s Occupational Safety and Health Administration (OSHA) announced enhanced and expanded measures to protect workers from hazards of extreme heat.<sup>134</sup>

In addition to physical health risks, climate change can affect mental health directly — through the personal experience of living through a disaster, climate-driven unemployment, the loss of familiar and important outdoor spaces or cultural centers, and personal interpretations of climate facts — and indirectly, through experiences such as climate disaster storytelling and reporting. Building psychological resilience is part of the process of engaging people in creating resilient communities.<sup>135</sup>

Actions underway include:

- DEP, in partnership with federal and tribal partners, operates a statewide network of more than 35 ambient air quality monitors, addressing national ambient air quality standards, hazardous air pollutants, and regional haze. In 2019, DEP initiated a comprehensive community-scale monitoring study focusing on hazardous air pollutants in South Portland and Portland.<sup>136</sup> However, air quality monitoring data are currently unavailable in Franklin, Lincoln,

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<sup>134</sup> Source: Occupational Safety and Health Administration. (2021, September 20). US Department of Labor announces enhanced, expanded measures to protect workers from hazards of extreme heat, indoors and out. United States Department of Labor. <https://www.osha.gov/news/newsreleases/national/09202021>

<sup>135</sup> Ojala, M. (2012). How do children cope with global climate change? Coping strategies, engagement, and well-being. *Journal of Environmental Psychology*, 32(3), 225–233. <https://www.sciencedirect.com/science/article/abs/pii/S0272494412000138> ; and Van Zomeren, M., Spears, R., & Leach, C. W. (2010). Experimental evidence for a dual pathway model analysis of coping with the climate crisis. *Journal of Environmental Psychology*, 30(4), 339–346. <https://psycnet.apa.org/record/2010-06210-001>

<sup>136</sup> See for more information: <https://www.maine.gov/dep/air/monitoring/index.html>

Piscataquis, Sagadahoc, Somerset, and Waldo counties,<sup>137</sup> and these areas carry the most significant burdens of lung-related illness, and disparities in health care access in the state.<sup>138</sup>

- DEP has taken several actions to help improve outdoor air quality and reduce exposure to air pollutants. These include:
  - Adopting statutory anti-idling requirements for motor vehicles.<sup>139</sup>
  - Receiving federal funding for additional equipment to improve the statewide air quality monitoring network.
  - Providing free “Clean Air Zone” educational signs to school districts and municipalities which have adopted a no-idling policy, resulting in the distribution of more than 200 signs across Maine.
  - Installing no-idling signage at all Maine DOT ferry terminals.
- ME CDC is continuing to implement projects related to a 5-year grant to advance public health initiatives related to extreme temperatures and pollen exposure. This includes:
  - Partnering with DEP to develop and implement a pollen monitoring network across the state, including siting and operation of at least four pollen monitoring sites around the state, and the concurrent engagement of a pollen monitoring network advisory group to provide input on questions of monitor location, data management and dissemination, and potentially impacted populations.
  - Publishing near real-time data on the Maine Tracking Network describing daily and weekly counts of heat- and cold-related illnesses at the state and county levels and worked with the State Climatologist to display weather data matched to the same time and geographic units as the available health data.
  - Planning a comprehensive communication campaign to educate people in Maine, especially those most vulnerable or likely to be exposed to extreme temperatures, about how to identify, prevent, and improve resilience to heat- and cold-related illnesses. This campaign will be implemented in 2023.
- ME CDC is planning a pilot project with MidCoast Hospital to develop and present a series of lectures to healthcare providers and staff on the connections between climate change and patient health, and to present tools and resources that providers and staff can use to support patient health during extreme temperature events. ME CDC hopes to expand this effort to additional hospital and healthcare settings in future years.
- ME CDC and GOPIF are collaborating to improve and expand the Maine Climate Science Dashboard on **MaineWontWait.org** into a climate and health impacts compendium that addresses climate impacts to land temperatures, ocean temperatures, sea levels, and related human health challenges; updates will be released in 2023.
- ME CDC’s Office of Population Health Equity (OPHE) is launching a set of programs to work with Community Based Organizations to employ Community Health Workers to address social determinates of health in their communities, including but not limited to environmental factors.

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<sup>137</sup> Source: Maine Climate Council Public Health Subgroup Strategies. (2020). [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/PublicHealthSubgroup\\_FinalStrategyRecommendations\\_June2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/PublicHealthSubgroup_FinalStrategyRecommendations_June2020.pdf)

<sup>138</sup> *ibid.*

<sup>139</sup> See: <https://legislature.maine.gov/statutes/38/title38sec585-L.html>

Proposed next steps include:

- **Improve access to information about indoor air quality improvements associated with climate action.** Conduct a review of the literature regarding indoor air quality and health outcomes. Provide accessible resources about improving indoor air quality due to fuel combustion inside the home, particularly in poorly or improperly weatherized homes,<sup>140</sup> and opportunities to increase healthy air through improved ventilation, weatherization, and beneficial electrification.
- **Assess air quality exposures and health outcomes in low income and rural communities.** Conduct community-scale air quality monitoring in high-risk communities as identified by existing air quality monitoring efforts and emissions risk assessment tools. Develop and distribute outreach and educational materials on the relationship between air pollutant exposure and health impacts.
- **Increase adoption of idling restrictions in municipalities,** through activities such as the development and distribution of (1) a model anti-idling ordinance for communities and (2) educational resources for communities to understand the impacts of idling.
- **Adopt United States Environmental Protection Agency (US EPA) guidance on evaluating multi-pollutant cumulative impacts** in disadvantaged communities. This guidance is currently under development and is expected to be available for adoption in 2023.
- **Consider incorporation of climate vulnerability into the Maine Shared Community Health Needs Assessment (MSCHNA).** The MSCHNA produces county and state health assessments every three years and provides valuable data on population health and community health priorities to help design community benefit programs and develop public health plans. The MSCHNA data committee will review opportunities to strengthen data around climate and health and will continue to provide robust community engagement opportunities for those priority populations facing the highest climate-worsened health vulnerabilities or disparities.
- **Incorporate climate vulnerability into community health readiness assessments.** Assessments currently help healthcare systems understand and plan to respond to physical and patient health hazards associated with emergencies, many of which will increase in both strength and frequency due to climate change.
- **Provide accessible education about OSHA recommendations related to extreme heat,** particularly for migrant and other outdoor workers. Include information about pathways for enforcement.
- **Explore opportunities to strengthen psychological resilience to climate change,** including (a) addressing climate-driven trauma and resilience in climate communications and (b) developing and providing free psychological climate resilience resources for community members, municipal officials, businesses, healthcare systems, schools, and other entities.

Agencies and Partners: DHHS, ME CDC, DEP, DOL

Goal #3: Increase access to information provided via state natural hazard emergency alert systems for disadvantaged individuals within Maine communities

Frontline communities are those who are at higher risk of exposure to, and impacts from, climate-driven natural hazards. Due to systemic and structural disadvantages, many have limited resources and

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<sup>140</sup> Source: <https://www.energymaine.com/weatherization-can-improve-your-homes-air-quality/>

capacity respond to these natural hazards.<sup>141</sup> Some may also be further from emergency response personnel or facilities. Demographic factors — such as age, gender, race/ethnicity, and socioeconomic status — are associated with differences in perceived and actual risk of harm from natural disasters and help account for differences in how individuals obtain and react to information about natural disasters, extreme weather, and environmental conditions. Reaching and protecting vulnerable people and households in emergencies will require both community and interpersonal connections and targeted outreach and educational resources.

Actions underway include:

- ME CDC posts health advisories on its website,<sup>142</sup> and sends messages related to high heat and air quality to healthcare providers on behalf of the DEP. The ME CDC is identifying and implementing opportunities to better reach populations in Maine who may have linguistic barriers to accessing current information about environmental health alerts available through the Health Alert Network.
- DEP posts daily air quality updates on its website and issues press releases for days with air quality health notices.<sup>143</sup> The public can sign up to receive daily air quality notifications through the EPA mobile app “AirNow” or subscribe to the EPA EnviroFlash service to receive alerts by email.<sup>144</sup> In addition, DEP maintains a toll-free “Air Quality Hotline” for those without internet access.<sup>145</sup>
- DEP will expand access to its existing air quality notification systems to further reach people most vulnerable to poor air quality and extreme heat, including migrant workers. DEP will identify and establish relationships with community-based organizations who serve these priority populations, resulting in broader distribution of existing alerts.
- The Maine Emergency Management Agency (MEMA) partners with 211 Maine to share communication about emergencies that may require evacuations or relocation of residents. 211 Maine shares critical information with callers and visitors to their website including emergency shelter locations, basic safety precautions, locations for food distribution, and transportation evacuation routes. This partnership makes use of a trusted conduit of information for Maine people seeking help with health or human services to reach populations who may not otherwise have access to MEMA alerts.
- MEMA works closely with Maine Voluntary Organizations Active in Disasters (ME-VOAD) to promote response and recovery programs for vulnerable populations impacted by a natural or human-caused disaster. ME-VOAD organizations such as Catholic Charities, Salvation Army, and Good Shepherd Food Bank support response and recovery efforts to meet the needs of the diverse populations they serve, and to help address gaps in services not available at the local level.

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<sup>141</sup> In the Eye of the Storm: A People’s Guide to Transforming Crisis & Advancing Equity in the Disaster Continuum. (2021, May 20). The National Association for the Advancement of Colored People.

<https://naacp.org/resources/eye-storm-peoples-guide-transforming-crisis-advancing-equity-disaster-continuum>

<sup>142</sup> Source: <https://www.maine.gov/dhhs/mecdc/>

<sup>143</sup> Source: <https://apps.web.maine.gov/cgi-bin/online/dep/air/aqforecast/index.pl>

<sup>144</sup> Subscribe here: <https://enviroflash.epa.gov/cdx-enviroflash2/otag/Subscriber.do?method=start>

<sup>145</sup> The Air Quality Hotline number is (800) 223-1196.

- Several communities, in partnership with state agencies, are working closely with emergency service providers to expand information, access, and response for vulnerable people during natural hazard emergencies including extreme heat and cold events. These projects include:
  - ME CDC is developing an Extreme Temperature Resilience Guidebook for use by community leaders and town and municipal officials. This Guidebook will provide information, guidance, and resources for those at the local level about determining when extreme temperature events become dangerous, identifying vulnerable community members, identifying and activating cooling and warming centers, and developing longer-term strategies to improve the resilience of local resources, facilities, and populations.
  - ME CDC is partnering with select County Emergency Management Agencies to update or develop Extreme Temperature Response Plans; these establish actions to be taken at the county and local levels to identify and respond to extreme temperature events, including guidance on recognizing dangerously hot or cold weather events, identifying community members most vulnerable to the effects of extreme temperatures, locating, establishing, and opening cooling or warming centers, and identifying alternative strategies for protecting residents not best served by cooling or warming centers.
  - The Midcoast Social Resilience Project<sup>146</sup> aims to strengthen connections between emergency management, conservation, social service, and municipal sectors to better prepare, respond, and recover from storms, and to better serve residents whose circumstances make them more vulnerable to storm impacts in midcoast Maine.

Proposed Next steps include:

- **Increase access to information provided via state natural hazard emergency notification systems**, through (a) assessing ability to respond to natural hazard emergencies and developing accessible avenues of response for at-risk individuals (b) expanding media and communication channels (e.g. SMS, TV, municipal websites, social media) to inform individuals about hazards (c) ensuring that notifications are available in languages other than English where appropriate, and (d) including climate hazard information in other relevant alert channels, such as the Maine Health Alert Network.

Agencies and Partners: DHHS, ME CDC, DEP, MEMA

### Tracking Progress toward Healthy and Resilient Communities

*MWW* established the following indicators related to Healthy and Resilient Communities:<sup>147</sup>

- Number of towns or regions with resilient community plans
- Climate infrastructure and investment funding and leveraged

The ESC was tasked with recommending clear equity outcomes for *MWW*, monitoring progress, and making recommendations to ensure that climate programs and benefits reach the intended populations and communities. The following indicators and metrics build on metrics in *MWW* and can serve as

<sup>146</sup> For more information, see: <https://nne.planning.org/sections/maine/front-page/new-cross-sector-collaboration-tackles-planning-climate-change-and-social-vulnerability-midcoast-maine/>

<sup>147</sup> See *Maine Won't Wait* page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

progress indicators towards equitable access to, and distribution of, climate resilience, public health, and related benefits. Table 9 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

*Table 9: Healthy and Resilient Community Goals, Progress Indicators and Metrics*

<b>Goal #1: Increase participation in, and technical assistance and funding for, climate resilience planning and action in disadvantaged and frontline communities</b>		
<b>Actions</b>	<b>Monitoring Metrics</b>	<b>Equity Outcome Metric(s)</b>
<ul style="list-style-type: none"> <li>- The Community Resilience Partnership will continue to track geographic, socioeconomic, and climate vulnerability of enrolled communities</li> <li>- Establish climate vulnerability and equity criteria for resilience funding</li> <li>- Track climate resilience and adaptation funding in disadvantaged communities</li> </ul>	<ul style="list-style-type: none"> <li>- # and % Community Resilience Partnership grants in priority communities<sup>148</sup></li> <li>- \$ and % of community resilience planning funds for priority communities<sup>149</sup></li> </ul>	<ul style="list-style-type: none"> <li>- # and % of priority communities with Resilient Community Plans</li> </ul>
<b>Goal #2: Support planning, monitoring, and education for climate-related health hazards in disadvantaged and frontline communities</b>		
<b>Actions</b>	<b>Monitoring Metrics</b>	<b>Equity Outcome Metric(s)</b>
<ul style="list-style-type: none"> <li>- Improve access to information about indoor air quality improvements associated with climate action</li> <li>- Assess air quality exposures and health outcomes in low income and rural communities</li> <li>- Increase adoption of idling restrictions in municipalities</li> <li>- Consider incorporation of climate vulnerability into the Maine State Community Health Needs Assessment</li> </ul>	<ul style="list-style-type: none"> <li>- Geographic distribution<sup>150</sup> of air quality monitoring stations</li> <li>- # of hospital hazard vulnerability analyses that consider climate change</li> <li>- Heat- and cold-related illness and emergency department visits by location and priority population (if possible)</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

<sup>148</sup> Priority communities could include low-income, rural, disadvantaged, or frontline communities, defined to align with federal or state program criteria.

<sup>149</sup> Ibid

<sup>150</sup> Geographic distribution metrics could include counts, percentages, or per capita results in/among priority communities, or by county.



<ul style="list-style-type: none"> <li>- Incorporate climate vulnerability into community health readiness assessments</li> <li>- Adopt guidance on cumulative impact analysis</li> <li>- Provide accessible education about, and access to enforcement resources for, OSHA recommendations related to extreme heat</li> <li>- Explore opportunities to strengthen psychological resilience to climate change</li> </ul>		
<b>Goal #3: Increase access to information provided via state natural hazard emergency notification systems for disadvantaged individuals within Maine communities</b>		
<b>Actions</b> <ul style="list-style-type: none"> <li>- Review and update, if needed, the reach and access of emergency response messaging (including channels and language)</li> </ul>	<b>Monitoring Metrics</b> <ul style="list-style-type: none"> <li>• Reach of emergency and natural hazard notifications, including (a) channels, (b) languages, and (c) vulnerable populations reached</li> </ul>	<b>Equity Outcome Metric(s)</b> <ul style="list-style-type: none"> <li>• n/a</li> </ul>

### Baseline Studies Needed

The following baseline studies are recommended to provide baseline data to measure progress.

1. **Baseline study of climate resilience and adaptation funding grant distribution**, including current reach, scope, and expenditure of grants by community (e.g., rural, low income, disadvantaged, frontline, tribal) or applicant characteristics, as well as barriers to finding out about, accessing, and applying for grants. See Strategy G: Invest in Climate-Ready Infrastructure for parallel recommendation for infrastructure funding.
2. **Reach of** natural hazard emergency alerts across priority populations and disadvantaged communities.



## Strategy G: Invest in Climate-Ready Infrastructure

Functioning infrastructure is a basic requirement for public safety and health and supports state and local economies and the flow of people, goods, and information. Maine’s state agencies, municipalities, tribal governments, and industries need a clear understanding of the risks to infrastructure assets posed by climate change, and opportunities to act.

Transportation infrastructure, water infrastructure, energy infrastructure, communications infrastructure, and community infrastructure<sup>151</sup> are all vulnerable to climate-related natural hazards. The state and federal government must make equitable investments in climate-resilient infrastructure, providing increased resources in climate vulnerable communities with less human and financial capital.

State agencies are working closely with federal counterparts to secure additional infrastructure funding from revolving programs and the Infrastructure Investment and Jobs Act (IIJA) and are beginning to consider generous climate-funding opportunities contained in the recently passed Inflation Reduction Act (IRA). Many federal infrastructure funding programs require projects to consider and serve disadvantaged communities; therefore, complete and consistent data is needed on infrastructure condition and community characteristics to help disadvantaged and frontline communities compete successfully for these funds, and successfully implement their projects. To improve the climate readiness and resilience of infrastructure, and position Maine’s communities for federal funding, *MWW* recommends a statewide infrastructure vulnerability assessment, including the development and implementation of design standards for resilience in infrastructure projects, and launching a State Infrastructure Adaptation Fund.

The ESC recommended additional actions for the equitable distribution of infrastructure adaptation funding. State agencies are already implementing many of those recommendations:

- The Maine Infrastructure Adaptation Fund, administered through MaineDOT, provided grants to municipalities and tribal governments to improve stormwater, wastewater, and drinking water infrastructure.<sup>152</sup> To ensure funding was distributed across all geographical and social classes of Maine, projects were reviewed for location and social vulnerability, relating to the circumstances of a person or community that affect their capacity to anticipate, confront, repair, and recover from the effects of a disaster. The SVI was used to help identify vulnerable populations and what factors drive those vulnerabilities.<sup>153</sup> In its first round of funding, 13 communities in Maine received nearly \$20 million in grants for municipal investments to protect vital infrastructure from effects of climate change. Of these, eight of the thirteen projects are in locations of either high or medium social vulnerability, comprising approximately 75% of total award funds. The required local match funds are lower for applicants in high vulnerability areas.
- MaineDOT, in collaboration with several state agencies, is developing a Statewide Sea Level Rise (SLR) model that will be available to municipalities for use in climate resilience planning, as well as an inland vulnerability assessment to identify transportation assets that are at risk from

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<sup>151</sup> See page 93 of *MWW* for additional details regarding assets included in each class of infrastructure:

[https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

<sup>152</sup> Source: <https://www.maine.gov/jobsplan/program/maine-infrastructure-adaptation-fund>

<sup>153</sup> Source: [https://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/ERG\\_MCC\\_Vol1\\_VulnMapping\\_11-13-2020.pdf](https://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/ERG_MCC_Vol1_VulnMapping_11-13-2020.pdf)

riverine and storm-related flooding. MaineDOT intends to use both tools to inform infrastructure funding, helping ensure that at risk communities aren't cut off by flooding, SLR or storm surge. Finally, MaineDOT has adopted a 4' SLR standard for road infrastructure projects, and updated culverts sizing to prepare for larger storm events.

- Maine Geological Survey, the DHHS ME CDC Drinking Water Program, and MEMA are cooperating on a groundwater well monitoring network project, as well as creating maps of groundwater and wells to determine potential exposure to increased rates of salinization (due to SLR or coastal storms) or potential susceptibility of wells to increased levels of arsenic (due to more frequent drought) in disadvantaged communities.
- In 2022, Governor Mills' Executive Order 2 established the Infrastructure Implementation Committee, as well as a Resilience Working Group, to coordinate the activities of state agencies to maximize the benefit of the federal IIA for Maine's people and communities. The Committee is developing strategies to leverage the funding allocated to Maine in line with the current MaineDOT Work Plan, Maine's Climate Action Plan, and the Maine Economic Development Strategy. In addition, the Committee has established an informal working group to consider Justice 40, the federal requirement that 40% of program investments in environmental, climate, hazard mitigation, and clean energy programs flow to disadvantaged communities.

In addition, the ESC recommends the goals and actions below for inclusion in the state's climate action plan. These goals are meant to increase access to infrastructure adaptation funding for priority communities. These communities include frontline, low-income, and otherwise disadvantaged communities with climate vulnerable infrastructure, and communities with limited planning capacity.

The ESC recognizes that not all individuals in these groups face equal risks or vulnerabilities, and encourages state agencies, partners, and stakeholders to further assess opportunities to serve priority populations.

### Goal #1: Identify and Invest in climate resilient infrastructure in frontline and disadvantaged communities

Disadvantaged communities often lack financial capital and other resources to improve infrastructure,<sup>154</sup> leading to negative outcomes after natural disasters and compounding the effects of systemic disinvestment.<sup>155</sup> Financial assistance programs, outreach, and preemptive support are particularly impactful and meaningful for these communities to respond, adapt and prepare for climate change. The state can help communities and regions identify vulnerable infrastructure, support municipalities in acquiring and implementing funding for planning and engineering, and help citizens better understand climate risks and hazards.

Maine currently has a significant backlog of infrastructure adaptation projects, located across the state.<sup>156</sup> In both funding and pre-development assistance, attention should be directed toward

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<sup>154</sup> Vajjhala, J. K. and S. (2020, December 17). Prioritize people, not projects: Addressing the harms of legacy infrastructure in the COVID-19 recovery. Brookings. <https://www.brookings.edu/research/prioritize-people-not-projects-addressing-the-harms-of-legacy-infrastructure-in-the-covid-19-recovery/>

<sup>155</sup> Ryder, S. (2017). A Bridge to Challenging Environmental Inequality: Intersectionality, Environmental Justice, and Disaster Vulnerability. Social Thought and Research. <https://doi.org/10.17161/1808.25571>

<sup>156</sup> See Page 95: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

communities where high social and climate vulnerability overlap with low capacity to develop and plan for infrastructure projects and limited access to funding.

Actions underway include:

- MEMA is assisting the Town of Tremont with Direct Technical Assistance under the federal Emergency Management Agency’s (FEMA) Building Resilient Infrastructure and Communities grant program. The program provides federal support to communities that may not have adequate resources to begin climate resilience planning and project solution design. Through direct technical assistance spanning 36 months, this funding can help enhance a community’s capacity to design holistic, equitable climate adaptation solutions that advance numerous community-driven objectives. FEMA currently aids fewer than 30 communities across the United States and its territories through this program.
- MEMA is implementing new FEMA guidance to consider equity in the Hazard Mitigation planning processes. This involves collaborating with agencies and organizations that work directly with socially vulnerable and disadvantaged communities in Maine to identify the heightened risk of these communities from natural hazards, and how risk could change in the future. This includes:
  - Meeting with state agencies to understand demographic trends in disadvantaged communities across Maine, current capabilities supporting resilience, and strategies for improving resilience in the next 5 years.
  - Developing the Maine Risk Assessment App to improve ease of access to, and use of, risk assessment data related to natural hazards, community and state assets, demographics and equity, municipal jurisdictions, and the status of hazard mitigation projects.<sup>157</sup> In 2023, MEMA will develop technical assistance, training, and social media campaigns to support widespread community use of the app, while continuing to work with disadvantaged communities to ensure this information is accessible, useful, and applicable to decision-making processes.
  - Developing a statewide list of resources that support mitigation and resilience activities in communities.
- DEP, in partnership with several organizations, is finalizing a Community Resilience Workbook to help communities include resilience, climate adaptation, and assessment in their planning processes. The workbook includes a list of resources and service providers who provide infrastructure planning, design, and construction services. DACF, DEP, and The Nature Conservancy are collaborating to develop an online version of the workbook that will allow communities to easily and quickly access the information that is pertinent to them. This will offer communities of various levels of understanding and sophistication a user-focused way to navigate to the resources available in the workbook. Additional details are available in Strategy F: Healthy and Resilient Communities.
- Several state agencies consider equity in infrastructure adaptation funding. These include:
  - DEP provides proportionally greater assistance to communities that have fewer financial resources by considering income and unemployment data, population trends, poverty,

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<sup>157</sup> Source:

<https://maine.maps.arcgis.com/apps/mapviewer/index.html?webmap=eb8ec0935ce544dbaa80aec18c8db785>

and the cost of sewer services as a percentage of median household income in the scoring of grant applications for wastewater treatment facilities.

- Maine’s Drinking Water State Revolving Fund defines disadvantaged communities served by public water systems and provides additional funding in the form of principal forgiveness on existing loans for drinking water infrastructure.<sup>158</sup>
- MaineDOT ensures geographic diversity of their funding through allocations across all five regions of the state. They are seeking funding to expand their transportation infrastructure funding programs to provide additional assistance to smaller communities, including for lower priority and town-owned bridges, which often can’t access existing state funding and are also the only way in or out of a town. This new program will help smaller towns with less expertise or fewer financial resources to rebuild larger bridges.
- DACF, in partnership with DMR, administers the Coastal Community Grant program, a program funded by the National Oceanic and Atmospheric Association. In 2022, funding prioritized the preparation of plans related to *MWW*, and awarded bonus points for proposals that served communities identified by the SVI.
- PFR participates in several partnerships related to climate risk and infrastructure. These include:
  - Maine’s Bureau of Insurance is one of 15 members of the National Association of Insurance Commissioners Climate and Resiliency Task Force of the National Association of Insurance Commissioners. As a member, Maine requires an annual climate risk disclosure survey for insurance companies who collect premium amounts of more than \$100 million dollars nationwide; Maine’s first survey was completed in 2021. The new standard aligns with the Task Force on Climate-Related Financial Disclosures (TCFD), an international best practice benchmark for disclosure.
  - The Maine Bureau of Financial Institutions, along with other northeastern state banking departments, participates in monthly climate change calls hosted by the New York State Department of Banking. Together with these states, NY is developing a Climate Guidance document to be issued to state-chartered financial institutions. Maine will have the option of sharing this document with Maine-based institutions upon its completion.
  - The Maine Office of Securities assists investors with making wise, safe, and informed decisions, including about climate change. To that end, the Office is collating resources from several national and federal sources about Environmental, Social, and Governance (ESG) funds — which often include climate disclosure requirements — for investors. These resources will be available on the Office’s website in 2023.

Proposed next steps include:

- **Help disadvantaged communities identify climate vulnerable infrastructure** by maintaining a list and map of infrastructure projects identified through prior and ongoing planning processes. This may include centralizing or consolidating existing maps or resources. Work with communities, regional planning organizations, or service providers to improve access and usability of these resources.

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<sup>158</sup> Source: <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/imt/documents/2021DWSRFIUP.pdf>

- **Increase technical assistance for infrastructure adaptation projects in disadvantaged communities.** Assistance should help communities and regional planning organizations (a) plan and prioritize climate vulnerable infrastructure projects, (b) identify and apply for end-to-end state and federal grant funding to complete projects, and (c) implement projects.
- **Establish climate vulnerability and equity criteria across all infrastructure funding opportunities,** creating increased access to funding for disadvantaged communities with infrastructure most at risk from climate impacts.
- **State and federal infrastructure adaptation funding opportunities and programs should track participant and project characteristics** to monitor and ensure equitable distribution of funding and other benefits. Characteristics may include geographic distribution by community (e.g., rural, low income, disadvantaged, frontline, tribal) and applicant characteristics including income level and demographic characteristics.
- **Promote climate risk literacy and resources for real estate professionals and lenders.** This could include developing SLR, flooding and other climate risk disclosure resources and requirements for residential or commercial building transactions.

Agencies and Partners: GOPIF, MEMA, DOT, PFR, DEP, DHHS, DACF

### Tracking Progress toward Climate Ready Infrastructure

*MWW* established the following indicators related to Climate Ready Infrastructure:<sup>159</sup>

- Significant critical adaptation infrastructure projects completed
- Climate infrastructure and investment funding
- Federal and private dollars leveraged per state dollar

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on metrics in *MWW* and can serve as progress indicators towards equitable access to, and distribution of, climate resilient infrastructure funding. Table 10 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

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<sup>159</sup> See *Maine Won’t Wait* page 106-107: [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf)

Table 10: Infrastructure Goals, Progress Indicators and Metrics

Goal #1: Identify and Invest in climate resilient infrastructure in disadvantaged communities		
Actions	Monitoring Metrics	Equity outcome metrics
<ul style="list-style-type: none"> <li>- Maintain a list and map of climate vulnerable infrastructure projects</li> <li>- Increase technical assistance for planning, design, and construction of infrastructure adaptation projects in priority communities</li> <li>- Establish climate vulnerability and equity criteria across all infrastructure funding opportunities</li> <li>- State and federal infrastructure adaptation funding opportunities and programs should track participant and project characteristics</li> <li>- Promote climate risk literacy and resources for real estate professionals and lenders</li> </ul>	<ul style="list-style-type: none"> <li>- # and % of applications for climate resilient infrastructure funding<sup>160, 161</sup> among priority communities<sup>162</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Distribution of climate-ready infrastructure projects and funding by priority population and geography<sup>163</sup></li> </ul>

### Baseline Studies Needed

The following baseline studies are recommended to provide baseline data to measure progress.

1. **Baseline study of state and federal infrastructure adaptation funding grant distribution,** including current reach, scope, and expenditure of grants by community (e.g., rural, low income, disadvantaged, frontline, tribal) or applicant characteristics, as well as barriers to finding out about, accessing, and applying for grants. See Strategy F: Healthy and Resilience Communities for parallel recommendations for resilience and adaptation planning and project funding.

<sup>160</sup> Among climate-resilient infrastructure funding or programs that can be geographically targeted. For federal programs, this could include Justice40 Eligible Programs. For state programs without federal guidelines, agencies may need to identify eligible programs.

<sup>161</sup> Including allocated or awarded funds from federal or state programs (from formula, competitive, grant or other processes), for planning, design, and construction.

<sup>162</sup> Priority communities could include Low-Income, Rural, Disadvantaged or Frontline Communities, with criteria to be defined by implementing agency or federal guidelines as available.

<sup>163</sup> Geographic distribution could include dollars, percentages, or per capita spending among priority communities, or by county.

## Strategy H: Engage with Maine People and Communities

Achieving Maine’s climate goals will require effective communication about climate impacts and opportunities to act. Vulnerable populations are most at risk from climate impacts, and many of the strategies in *Maine Won’t Wait* offer important co-benefits, such as reduced household heating costs from transitioning to heat pumps. Focused communication efforts will help ensure that diverse populations of Maine people can participate in Maine’s climate strategies.

*MWW* recommends an ongoing communications effort to raise public awareness and understanding about climate change in Maine, the state’s climate response, and climate related programs and opportunities. It also recommends increasing public education offerings related to climate and energy, organizing a “Maine Climate Corps” for climate-related workforce development, and launching the Governor’s Climate Leadership Council to recognize leadership by Maine businesses and the private sector.

The ESC recommended several additional actions to engage Maine people and communities in climate action. Several of those actions are reflected in the chapter on Procedural Equity, and state agencies are already implementing many of those recommendations:

- The MCC launched a comprehensive communications campaign about *MWW* and opportunities for climate action. This included hosting the Communities Leading on Climate Conference in 2022, featuring stories and resources to support community climate action, which was attended by more than 500 people both in-person and virtually,<sup>164</sup> offering regular presentations and an email newsletter with updates on community action, funding, and other opportunities; and sharing success stories about climate action around the state.
- The MCC launched the Climate Science Dashboard,<sup>165</sup> to enable Maine people to explore historical observations and future scenarios for three key climate change indicators: land temperatures, ocean surface temperatures, and sea level rise. The dashboard will be updated in early 2023 to add climate change-related health data as the result of a partnership with the ME CDC.
- DOE has taken several steps to help increase access to climate education for schoolchildren, including:
  - Developing a pilot grant program for climate education.<sup>166</sup>
  - Launching interdisciplinary, project-based PreK-12 climate science modules in on the Maine Online Opportunities for Sustained Education (MOOSE) platform.<sup>167</sup> They include Data Literacy: Collecting, understanding, and using data related to climate; Systems & Connections: The interconnected influences of all elements and individuals on climate and climate on those elements and individuals; and Communication: Combining data literacy with systems and connections to effectively convey and interpret ideas about climate.
- Volunteer Maine launched the Maine Climate Corps, which has taken significant steps to incorporate equity into its programming, such as:

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<sup>164</sup> Source: <https://www.maine.gov/climateplan/conferences/community>

<sup>165</sup> Source: <https://www.maine.gov/climateplan/climate-impacts/climate-data>

<sup>166</sup> Source: [http://www.mainelegislature.org/legis/bills/display\\_ps.asp?id=1902&PID=1456&snum=130](http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1902&PID=1456&snum=130)

<sup>167</sup> Source: <https://learnwithmoose.maine.gov/>



- Incorporating questions about community and Indigenous collaboration, non-discrimination and accessibility, recruitment and demographics of members, and demographics of service areas and beneficiaries in the Request for Applications.
- Including youth members and broad geographic representation on the Climate Corps Task Force.
- Engaging in conversations with the Partnership for the Civilian Climate Corps to envision an expanded federal Civilian Climate Corps that would increase living allowance for members, giving more people the opportunity for service.<sup>168</sup>
- Prioritizing climate corps assistance to disproportionately affected communities.
- Ensuring equity between rural and more urbanized regions of Maine.
- Planning to collect the following monitoring metrics: geography of service area, demographics of Corps members, youth participation, recruitment strategies, advisory councils and community collaborations, and member experience.

The ESC recommends the following goals for inclusion in the state’s climate action plan. These goals are meant to increase access to climate information amongst priority populations by using diverse channels and building diverse partnerships to translate, interpret, and communicate climate opportunities. Priority populations include people who currently lack awareness of climate action opportunities and face barriers including but not limited to income, use of diverse communication and information networks, language or literacy barriers, or who lack access to internet or computers.

In addition to the below goals, the ESC recommends that the MCC consider goals, actions, and metrics contained within the chapter on Procedural Equity; and that those recommendations become part of the effort to further engage Maine’s communities and people in the next climate planning process.

### Goal #1: Increase awareness and participation in climate education and engagement among priority populations and disadvantaged communities

Many Maine communities have already taken steps to respond to climate change and improve climate resilience. However, participation in climate planning processes may be more limited in disadvantaged communities, as explored in prior chapters. Trusted partner organizations can act as a ‘bridge’ to facilitate discussions and information about climate change to these frontline communities.<sup>169</sup> Using places and buildings that are familiar and easily reachable for climate engagement and educational events can improve accessibility and receptiveness.<sup>170</sup> Research has shown that sharing scientific

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<sup>168</sup> Source:

[https://www.serviceyearalliance.org/the\\_pccc\\_statement\\_on\\_the\\_inflation\\_reduction\\_act\\_of\\_2022#:~:text=The%20Partnership%20for%20the%20Civilian%20Climate%20Corps%20\(CCC\)%20is%20optimistic,Inflation%20Reduction%20Act%20of%202022.](https://www.serviceyearalliance.org/the_pccc_statement_on_the_inflation_reduction_act_of_2022#:~:text=The%20Partnership%20for%20the%20Civilian%20Climate%20Corps%20(CCC)%20is%20optimistic,Inflation%20Reduction%20Act%20of%202022.)

<sup>169</sup> Fighting Redlining & Climate Change with Transformative Climate Communities. (2021). The Greenlining Institute. <https://greenlining.org/wp-content/uploads/2021/10/Fighting-Climate-Change-and-Redlining-with-Transformative-Climate-Communities-Final-Report.pdf>

<sup>170</sup> Humm, C., & Schrögel, P. (2020). Science for All? Practical Recommendations on Reaching Underserved Audiences. *Frontiers in Communication*, 5, 42. <https://doi.org/10.3389/fcomm.2020.00042>



information in the native language of a target audience yields greater participation, motivation, and optimism, and leads to stronger connections to concepts in the native culture.<sup>171</sup>

Actions underway include:

- The Communities Leading on Climate Conference offered several avenues for participation by priority populations, including
  - A lower registration or waived fee for individuals experiencing financial hardship.
  - A low-cost or free virtual option for participation for individuals lacking access to transportation or childcare.
  - An event-specific carpool site to help defray travel costs for in-person attendees.
  - Access to information from, and recordings of, the event.
- MaineWontWait.org, launched by the GOPIF in December 2021, provides plain-language stories, articles, climate data, and videos about climate action for the public.

Proposed next steps include:

- **Adopt equity plans for climate communications and outreach.** Identify practices, partners, and channels to reach and engage rural and low-income Maine people, as well as Maine people with limited English proficiency or low literacy. Communication plans should identify opportunities to incorporate diverse and culturally appropriate understandings of climate action and impacts.
- **Identify and fund climate education and engagement partners and service providers to reach priority populations.** This could include partnerships with (a) social service providers or non-governmental organizations who can reach targeted priority populations with climate messaging and opportunities and (b) organizations who can help translate climate engagement materials.

Agencies and partners: GOPIF, in partnership with state agencies and community partners

### Tracking Progress toward Engaging Maine People

*MWW* did not establish indicators related to Engaging Maine Communities.

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and metrics build on the climate action plan's overall metrics, can serve as progress indicators towards equitable access to, and distribution of, climate and energy program benefits. Table 11 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** assess equity in achievement of statewide climate goals. To be reported as outcomes of the state's climate plan.

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<sup>171</sup> Márquez, M. C., & Porras, A. M. (2020). Science Communication in Multiple Languages Is Critical to Its Effectiveness. *Frontiers in Communication*, 5, 31. <https://doi.org/10.3389/fcomm.2020.00031>

Table 11: Engagement Goals, Progress Indicators, and Metrics

Goal #1: Increase awareness and participation in climate education and engagement among priority populations and disadvantaged communities		
Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Adopt equity guidelines for climate communications and outreach to reach and engage rural, low-income, limited English proficiency and low literacy Maine people</li> <li>- Identify climate education and engagement partners and service providers to reach priority populations</li> </ul>	<ul style="list-style-type: none"> <li>- Number of partner organizations conducting climate outreach to disadvantaged communities, by geography</li> </ul>	<ul style="list-style-type: none"> <li>- N/A</li> </ul>

### Baseline Studies Needed

The following baseline studies are recommended to provide baseline data to measure progress.

1. **Awareness of** (a) climate marketing education & outreach, (b) local climate risks, and (c) potential actions/programs among priority populations

## Procedural Equity

Throughout this report, the ESC recognizes several different ways to understand equity:

**Distributive** equity is how benefits and burdens are distributed; **procedural** equity includes input and participation in decision-making processes; **contextual or historical** equity recognizes historical or systemic injustices that lead to inequity; and **corrective** equity recognizes the “uneven playing field” and seeks greater than proportional participation or investment.

Many of the recommended goals and actions in this report are about **distributive equity** – ensuring that programs related to Maine’s climate action plan reach and serve all Maine people. The path to achieving those goals requires **contextual equity**– understanding different vulnerabilities and barriers across Maine communities and implementing processes for priority populations that work for them.

In addition, the ESC recommends several cross-cutting goals and strategies for **procedural equity**. These are intended to enable meaningful participation in climate-related policy development, planning, and implementation, and to help ensure that priority populations and communities are aware of, and can access, state programs and funding opportunities for climate action.

Maine state agencies are already beginning to work on procedural equity:

- State agencies, including the Maine Department of Transportation (MaineDOT)<sup>172</sup> and the Maine Department of Education (DOE),<sup>173</sup> are adopting equity statements to guide their engagement with, and work in, priority populations and communities.
- The Maine Secretary of State’s Office, as well as other state agencies, have adopted training requirements related to diversity, equity, inclusion, and justice for all employees.
- The Permanent Commission on the Status of Racial, Indigenous & Tribal Populations is working to establish trusted relationships with disadvantaged communities across Maine, to provide avenues for engagement with these communities for all Maine government processes.
- The Maine Bureau of Human Resources is developing digital accessibility and diversity, equity, inclusion, and belonging trainings for State of Maine employees.

Building on these existing efforts, the ESC recommends the following procedural equity goals for inclusion in the state’s climate action plan. These goals are meant to achieve more equitable outcomes for priority populations and communities across all climate programs and opportunities by addressing barriers to participating in planning, decision-making, programs, and funding. For individuals and households, these barriers might include but are not limited to lack of awareness about opportunities, use of diverse communication and information networks, lack of time or financial resources to access opportunities, language access challenges, lack of technical education or training, and lack of access to transportation to in-person meetings. For communities, these barriers might also include lack of staff or capacity to apply for funding opportunities.

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<sup>172</sup> Source: <https://www1.maine.gov/mdot/publications/docs/2022/MaineDOTEquityStatement6-5-22.pdf>

<sup>173</sup> Source: <https://www.maine.gov/doe/learning/content/socialstudies/resources/DEI>

Moving forward, the ESC sees this work as integral to achieving the outcomes related to Engaging Maine People in *MWW* and recommends that these recommendations be integrated into that workstream during the MCC's future work.

### Goal #1: Increase participation by priority populations and communities in climate-related planning, program design, decision-making processes, and funding opportunities

Members of disadvantaged, low income, rural, and frontline communities face challenges to participating in climate planning, decision making, funding, and programs. Some of these challenges may require state agencies to update their policies and practices to better enable participation by priority populations. For example, mechanisms that offer low-income people logistical support or reimbursement for transportation, childcare or missed work are strategies to help reduce barriers to participation in climate and clean energy policy making.

The ways in which climate information is shared is also important. Equitable and inclusive communication requires engagement strategies that recognize the voices and experiences of priority communities.<sup>174</sup> Culturally relevant expressions, metaphors,<sup>175</sup> experiences,<sup>176</sup> and storytelling approaches<sup>177</sup> can all be employed to engage communities in conversations about science-based climate action. Outreach materials presented in the native language of the target audience are also critical to effective communication.<sup>178</sup> Further, working with community-based partners who community members trust can expand awareness about, and interest in, state decision-making.

Priority populations and communities should be invited and supported to engage with state and local entities to design climate policies, programs, and projects. In many instances, state and federal agencies already offer, and are expanding, resources and opportunities for disadvantaged people and communities to engage in climate-related programs, decisions, or funding opportunities. As the previous chapters detail, many state agencies are working to incorporate equity considerations into program outreach, eligibility, or funding scoring criteria.

However, the *availability* of these resources does not guarantee that the most vulnerable or in-need people, communities and businesses will learn about them, and have time or capacity to apply. To ensure that priority populations and communities access and use climate-related programs and funds,

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<sup>174</sup> Canfield, K. N., Menezes, S., Matsuda, S. B., Moore, A., Mosley Austin, A. N., Dewsbury, B. M., Feliú-Mójer, M. I., McDuffie, K. W. B., Moore, K., Reich, C. A., Smith, H. M., & Taylor, C. (2020). Science Communication Demands a Critical Approach That Centers Inclusion, Equity, and Intersectionality. *Frontiers in Communication*, 5, 2. <https://doi.org/10.3389/fcomm.2020.00002>

<sup>175</sup> Taylor, C., & Dewsbury, B. M. (2018). On the Problem and Promise of Metaphor Use in Science and Science Communication. *Journal of Microbiology & Biology Education*, 19(1). <https://doi.org/10.1128/jmbe.v19i1.1538>

<sup>176</sup> Djonko-Moore, C. M., Leonard, J., Holifield, Q., Bailey, E. B., & Almughyirah, S. M. (2018). Using Culturally Relevant Experiential Education to Enhance Urban Children's Knowledge and Engagement in Science. *Journal of Experiential Education*, 41(2), 137–153. <https://doi.org/10.1177/1053825917742164>

<sup>177</sup> Dahlstrom, M. F. (2014). Using narratives and storytelling to communicate science with nonexpert audiences. *Proceedings of the National Academy of Sciences*, 111(Supplement\_4), 13614–13620.

<https://doi.org/10.1073/pnas.1320645111>; Hunter-Doniger, T., Howard, C., Harris, R., & Hall, C. (2018). STEAM Through Culturally Relevant Teaching and Storytelling. *Art Education*, 71(1), 46–51. <https://doi.org/10.1080/00043125.2018.1389593>

<sup>178</sup> Márquez, M. C., & Porras, A. M. (2020). Science Communication in Multiple Languages Is Critical to Its Effectiveness. *Frontiers in Communication*, 5, 31. <https://doi.org/10.3389/fcomm.2020.00031>

Maine must ensure procedural equity from end-to-end, starting with awareness and trust, through navigating program or project options and applications, and applying and receiving rebates or funds.

Actions underway include:

- The Maine Department of Labor (DOL), the Office of the Secretary of State,<sup>179</sup> and the Department of Health and Human Services (DHHS)<sup>180</sup> each have accessible language access policies.<sup>181</sup> In addition, the Maine Judicial Branch has a language access plan<sup>182</sup> which provides a comprehensive framework for engaging in the continuous improvement of access to justice in the Maine state courts for individuals with limited English proficiency. The State of Maine Bureau of Human Resources is exploring opportunities for training for state employees to access translation and interpretation services when interacting with Maine people who speak languages other than English or who have hearing disabilities.
- The Maine Center for Disease Control and Prevention's (CDC) Office of Population Health Equity (OPHE) is supporting projects based in the Office of MaineCare Services and the Office of Family Independence aimed at improving culturally and linguistically appropriate messaging across DHHS.
- The Maine Public Utilities Commission (PUC) and the Office of the Public Advocate (OPA) work together to make energy decision making processes accessible to all Maine people. Specific actions include:
  - A new law<sup>183</sup> directs the PUC to investigate opportunities to increase access to, and use of, intervenor funding for environmental justice and other disadvantaged community members. Intervenor funding provides necessary financial support to organizations and communities to participate in PUC adjudicatory processes, including those related to large scale renewable procurement.
  - The PUC will hold in-person public hearings in the area impacted by a particular decision, as well as schedule hearings for evening hours, upon request.
  - The PUC has sign language interpreters at all public witness hearings.
  - The OPA offers plain language how-to guides and templates<sup>184</sup> to help interested parties participate in energy decision making.
  - As proposed in its 2024-25 biennial budget, the PUC is committed to hiring new community engagement staff to enhance public engagement with Maine communities, non-profits, small utilities, and other stakeholders who need assistance. This position will conduct educational outreach on regulatory processes and assist these groups with participating in PUC cases.

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<sup>179</sup> Source: <https://www.maine.gov/sos/language/index.html>

<sup>180</sup> Source: <https://www.maine.gov/dhhs/ada/ada-civil-rights-compliance/effective-communication-language-access>

<sup>181</sup> Under Title VI of the Civil Rights Act, any state agency receiving government funding is required to provide access to language services; the state has a standing vendor list that state agencies can use to respond to requests from constituents for these services. The examples herein describe those agencies that make information about those services easier to access. See <https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964>

<sup>182</sup> Source: <https://www.courts.maine.gov/programs/lep/mjb-language-access-plan.pdf>

<sup>183</sup> Source: [https://legislature.maine.gov/legis/bills/display\\_ps.asp?LD=2018&snum=130](https://legislature.maine.gov/legis/bills/display_ps.asp?LD=2018&snum=130)

<sup>184</sup> Source: <https://www.maine.gov/meopa/puc-information>

- The Maine Secretary of State’s office is taking the following steps to improve access to services:
  - Hiring specialists from the American Association of Retired Persons (AARP) and disability rights organizations to test screen readers at Bureau of Motor Vehicles locations to identify language and use challenges.
  - Conducting comprehensive outreach to New Mainer communities to examine barriers to access associated with language.
  - Working with DHHS to lower cost barriers to accessing driver education for low-income individuals.
- Various state agencies and partners have explored creative mechanisms to compensate disadvantaged individuals and communities for participation in state processes. Examples include:
  - In 2020, the Maine Department of Agriculture, Conservation and Forestry (DACF) worked with the non-profit organization Resources for Organizing and Social Change to recruit individuals experiencing poverty, hunger, and food insecurity to review the *Interim Report on Ending Hunger in Maine by 2030*. Through this external partnership, DACF was able to ensure compensation of disadvantaged people impacted by this report for providing their expert knowledge.
  - In 2022, the Children’s Cabinet included compensation for disadvantaged individuals participating in decision making processes as part of their Early Childhood Comprehensive Systems Grant.
- State agencies can access GOMaine,<sup>185</sup> the statewide travel resource program, to establish optional carpools and other shared transportation options for any meeting, conference, or other in-person gathering inviting members of the public. Use of this platform may provide opportunities for people with limited access to transportation to participate in state processes.

Proposed next steps include:

- **Develop and adopt guidance for conducting outreach in, and increasing participation by, priority populations and disadvantaged communities in climate programs.**<sup>186</sup> Guidance should identify barriers to participation among priority populations and address the following areas recommended by the ESC, where possible:
  - **Ensure end-to-end language accessibility** for written and online materials, assistance, and advisory services (e.g., help lines) and meetings. Develop plain language guidance, and a language access policy for both translation and interpretation services. Ensure access to translation services, and to interpretation services for people with hearing loss,<sup>187</sup> for any interaction with the public. This recommendation is included in sector-specific recommendations in Strategy F: Healthy and Resilient Communities.
  - **Offer a variety of meeting times, agendas, and avenues to participation to align with work and childcare schedules.** There is no “perfect” meeting time when all people can

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<sup>185</sup> <https://gomaine.org/>

<sup>186</sup> This recommendation is included in several sector-specific recommendations related to Strategies A, C, F, and H.

<sup>187</sup> According to the 2020 census, in Maine, 6% of people speak a language other than English at home; 1.4% of people speak English less than very well. In addition, 15.9% of people experience a disability, including hearing-related disabilities. Source: <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-main.html>

participate, and this is true for disadvantaged and low-income individuals. Often, daytime and evening meetings are necessary to accommodate schedules; even then, people may not have time to sit through a meeting for an opportunity to speak. In addition to holding in-person meetings in a variety of community locations, state agencies should provide opportunities to engage virtually, including phone-only participation for those individuals without access to broadband or with limited technical acumen. Provide accessible summary materials (e.g., transcripts, slides, recordings) and feedback channels for those who cannot attend in person and consider extending input timelines to allow for asynchronous participation where appropriate.

- **Develop a mechanism for disadvantaged individuals to access stipends or reimbursement for participating in climate and clean energy committees or work groups.** This mechanism should seek to reduce barriers for disadvantaged people to provide their expert knowledge and perspectives to the state. At minimum, disadvantaged people should have access to reimbursement for costs of transportation, childcare, or lost work hours.
- **In-person meetings should seek to provide shared transportation options** where possible, to facilitate participation by non-drivers or those with limited access to transportation.
- **Work with communities and community-based organizations to align outreach with people’s existing and trusted social and community networks and channels.** Considering the diversity of information and community networks of all Maine people, and different levels of interest and trust in government processes, determine where partnerships could help encourage participation among priority populations and communities. Identify partners who have existing relationships with these populations, and work with them to (a) identify information channels used by the populations they serve and (b) develop messaging and easy to share materials to reach their communities. Identify mechanisms to compensate partner or contributing organizations who help with outreach and review. This recommendation is included in several sector-specific recommendations related to Strategy F: Healthy and Resilient Communities and Strategy H: Engage with Maine People.
- **Identify and include disadvantaged people or representatives in program design.** At the outset of a program design process (including grant or funding criteria), identify disadvantaged people or communities impacted by a particular program, and opportunities for co-design or input. Work with trusted organizations to invite identified individuals to participate. As above, ensure appropriate compensation for their expertise. This recommendation is included in several sector-specific recommendations related to Strategy A: Clean Transportation and Strategy C: Carbon Emissions in Clean Energy and Industrial Sectors.
- **Consider community capacity in application, scoring and award processes.** For programs or funding targeting small, rural, or disadvantaged communities, consider the responsibilities, available time, and resources of existing staff to find, plan and apply for funding. Identify ways to ease application burden, including state-driven processes to identify and recruit eligible communities, automatic enrollment or eligibility, direct outreach to provide technical, planning or grant-writing assistance, or non-competitive awards. For competitive awards, consider

community size and capacity in application requirements or scoring. This recommendation is included in several sector-specific recommendations related to Strategy C: Carbon Emissions in Clean Energy and Industrial Sectors, Strategy E: Protect Maine’s Environment and Working Lands and Waters, and Strategy G: Invest in Climate-Ready Infrastructure.

- **Fund and staff person-to-person advisory and assistance services** to (a) connect people with climate-related state programs and planning processes, and (b) guide priority populations and communities through application processes. Even with improved and plain-language communications, people with less familiarity with program applications or rebates for example, or less trust in government programs or processes, may require assistance. This recommendation is included in several sector-specific recommendations related to Strategy B: Modernize Maine’s Buildings (Chapter B), Strategy C: Carbon Emissions in Clean Energy and Industrial Sectors, Strategy E: Protect Maine’s Environment and Working Lands and Waters, and Strategy G: Invest in Climate-Ready Infrastructure.

Agencies and partners: all

### Tracking Progress toward Procedural Equity

The ESC was tasked with recommending clear equity outcomes for proposed actions in *MWW*, monitoring progress, and making recommendations to ensure that programs and benefits reach the intended populations and communities. The following indicators and tracking metrics can be applied overall (across sectors and projects) or by sector (e.g., among transportation, housing, or energy investments). Table 12 establishes:

- **Actions:** Summary of recommended actions. Please refer to text above for details on proposed actions.
- **Monitoring Metrics:** Designed to track progress over time, helping ensure that actions and programmatic recommendations reach the intended populations and communities.
- **Equity Outcome Metrics:** Assess equity in achievement of statewide climate goals. To be reported as outcomes of the state’s climate plan.

*Table 12: Procedural Equity Actions, Monitoring Metrics and Equity Outcome Metrics*

**Goal #1: Increase participation of vulnerable, impacted, historically underserved, disadvantaged, and low-income people, businesses and communities in state planning and decision-making around climate actions, projects, and decisions**

Actions	Monitoring Metrics	Equity Outcome Metric(s)
<ul style="list-style-type: none"> <li>- Language accessibility and resources including plain language materials and/or translated materials</li> <li>- Accessible meeting policies/procedures</li> <li>- Consider stipends or reimbursement for participation in climate and clean energy committees and work groups</li> <li>- Partnership-based outreach using existing social,</li> </ul>	<ul style="list-style-type: none"> <li>- # of agencies and programs with policies and procedures for procedural equity</li> <li>- # and % of people from priority populations or communities who participate in state-led climate, energy, and resilience planning or decision-making processes</li> <li>- # and % of priority populations, businesses or</li> </ul>	<ul style="list-style-type: none"> <li>- NA</li> </ul>



<p>community or communication networks</p> <ul style="list-style-type: none"> <li>- Identify and include disadvantaged people or representatives in program design</li> <li>- Consider community capacity in application, scoring and award processes</li> <li>- Fund and staff person-to-person advisory services to connect priority populations and communities to state programs and resources</li> </ul>	<p>communities who seek or apply for programs or funding</p> <ul style="list-style-type: none"> <li>-</li> </ul>	
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The ESC recognizes that data about individuals who participate in state decision making processes will have to be provided on a voluntary basis, such as at registration for a particular event; this will require new procedures to be implemented across programs and processes. The ESC suggests that the MCC lead by example and track participation metrics throughout the next climate planning process.

## Conclusion and Recommended Next Steps

The Maine Climate Council established the Equity Subcommittee to make recommendations to the Climate Council to “**ensure shared benefits across diverse populations**”, as well as propose monitoring and evaluation metrics to ensure “**programs and benefits reach the intended populations and communities**” (*MWW* page 37).

Over the last 18 months, working with the MCC working groups, state agencies, and with input from other experts and members of the public, the ESC has developed equity recommendations specific to the programs and policies proposed *MWW*, as well as proposed equity metrics.

This report is the final outcome of the ESC’s deliberations and serves to transmit this work for consideration by the MCC.

The ESC recommends that the MCC consider these recommendations and metrics for adoption. Following adoption, the ESC recommends that responsible state entities begin acting and collecting data identified as necessary for baseline studies, monitoring metrics, and equity outcome metrics, so that equity outcome metrics can be reported annually as part of the state’s annual climate reporting process. As information is collected, additional barriers identified, and baselines established, the ESC recommends the MCC and its working groups consider adjusting these goals, actions, and metrics.

The ESC recognizes that the implementation of these recommendations requires additional resources across state agencies and programs. To accomplish the goals set out herein and in *MWW* requires an ongoing commitment across state government and the staff, knowledge, and funding necessary to help Maine’s communities respond, adapt, and thrive. The ESC recommends that the MCC work in close partnership with agencies, the legislature, and external funders to appropriately resource this work.

This report establishes a strong equity foundation for the ongoing work of the Climate Council and its working groups. To facilitate this, the ESC recommends (1) updating the structure and role of the Equity Subcommittee, to better integrate its process with the work of the Council and its working groups; and (2) the adoption of procedural equity guidelines for the next statewide climate planning process.

### Recommended Structure of the Equity Subcommittee

During the Maine Climate Council’s climate planning process, the Council and its working groups considered equity as they developed recommendations; *Maine Won’t Wait* includes specific recommendations to consider, serve and invest in vulnerable communities. At the same time, recognizing the importance of equity in Maine’s climate response, *Maine Won’t Wait* also established the Equity Subcommittee, to continue this work. The ESC worked together over the course of 2021 and 2022 to develop equity recommendations for climate plan implementation.

The ESC’s work is grounded in the strategies contained in *Maine Won’t Wait*. In many ways, their work was developed in response to the *existing* climate action plan; this report proposes recommendations to be incorporated into a body of work that is already underway.

The ESC proposes a more integrated structure moving forward, recognizing both their unique expertise in meaningful involvement and the critical role of sector-specific expertise within each Working Group. They recommend the Equity Subcommittee be comprised of:

- At least two sector-specific equity experts appointed to each working group, to serve as full members of each working group and additionally as members of the ESC.
- At least two social scientists appointed to the Science and Technical Subcommittee, as referenced in Strategy E: Protect Maine’s Environment and Working Lands and Waters, and also as members of the ESC.
- 5 members appointed at-large to advise the Climate Council on equitable and meaningful involvement of priority populations in the state’s climate planning process. These should include members of the Maine Climate Council, and ESC chairs will be selected from this group.

The ESC, comprised of the 19 members (minimum) above, will convene twice annually to discuss progress across working groups and across the state’s climate action plan. The at-large members will meet more frequently with Council and working group leadership to advise on procedural equity. ESC members will be appointed to terms co-terminus with working group and Council membership.

### Recommended Procedural Equity Guidelines for the Maine Climate Council

In this report, the ESC recommends several cross-cutting goals and strategies for procedural equity. These are intended to allow for meaningful participation in climate-related policy development, planning, and implementation, and to help ensure that disadvantaged communities are aware of, and can access, state programs and funding opportunities for climate action.

*Maine Won’t Wait* was developed with the input of hundreds of Maine people, ensuring a plan that reflects both the best science available to respond to climate change as well as the priorities of communities around the state. In the Procedural Equity chapter, the Equity Subcommittee recommends several actions to **increase** participation by priority populations, recognizing that members of disadvantaged, low income, rural, and frontline communities may face challenges to participating in climate planning, decision making, funding, and programs; and recommends that Maine Climate Council **lead by example** and track participation metrics — including the number and percent of people from priority populations who participate — throughout the next climate planning process.

**In addition to incorporating recommendations from the Procedural Equity chapter**, the Equity Subcommittee recommends the following procedural equity guidelines for the Maine Climate Council and its working groups:

- Incorporate equity training into orientation for all MCC and Working Group members in advance of the next climate planning process. The ESC recommends that this training cover topics related to diversity, equity, inclusion, justice, and implicit bias.
- Identify additional opportunities to hear from priority populations and communities, including storytelling, listening sessions, and increased opportunities for statewide, virtual and in-person, participation. The ESC will solicit ideas and make recommendations to the MCC to increase participation by impacted people and communities.
- Establish a mechanism for collaboration with the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations. Collaboration will be supported by the at-large members of the ESC. Such collaboration will inform the ESC’s recommendations to the MCC about meaningful involvement.

- Develop tools and guidance to formalize the process by which working groups consider and respond to equity concerns throughout the next climate planning process, including guidance on the establishment of equity goals or targets.
- Seek to achieve greater than proportional representation by BIPOC persons and other priority populations on the Council and its working groups.
- Explore opportunities to offer reimbursement of expenses for impacted members of working groups, as is currently allowed for Council members.

As the state takes on the enormous task of confronting climate change and its effects in Maine, the Equity Subcommittee is committed to continuing to work with the Climate Council and its working groups to help ensure an equitable and just path towards a future with reduced emissions, increased carbon sequestration, and improved resilience across the state. Together, we will create a safe and thriving future for all Maine people.

## Appendix 1: Assessing Equity using Benchmark and Baseline Data

This final report to the MCC does not include numeric targets or goals for serving priority populations or communities, though the ESC recommends that the MCC develop such goals in the future. Recognizing the overarching goal of achieving equity in climate program participation, spending and benefits among Maine people and businesses, the ESC recommends comparing equity outcomes to population or community benchmarks or baselines:

(1) **Compare share among priority population to a Benchmark:**

Use population proportions of priority populations or communities to understand whether projects, actions or investments are reaching a fair share of Maine’s people.

Example: About 22% of FY2021-22 weatherization projects were in low-income homes (**equity metric**) compared to 29% of Maine households reporting less than 60% of state median income (**benchmark**).

(2) **Assessing progress over time against a Baseline:**

Use current or historical data about a cost, burden, experience etc. as a starting point to assess change over time among priority populations.

Example: Average energy burden among low-income households is ##% in 2023 (**equity metric**), compared with 19% in 2015 (**baseline**).<sup>188</sup> The statewide average across all income levels is about 6% (**baseline**).

The ESC considers these benchmarks and baselines to be minimum thresholds. State climate actions and spending should at a minimum reach, serve and benefit priority populations proportionally, though the ESC urges the state to reach, serve and benefit priority populations quickly, and to a greater degree, than less-vulnerable people or communities.

As a starting point for benchmarking, tables 13, 14, and 15 contain potential benchmarks and sources.

Recognizing that priority populations may vary by sector and program, including federal guidelines and criteria, state agencies and partners should identify benchmarks to align with their priority populations and program criteria across climate, clean energy, and community resilience programs.

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<sup>188</sup> Source: Synapse Energy Economics. Maine Low-Income Home Energy Burden Study. Prepared for the Office of the Public Advocate, June 2019. Data is from the DOE LEAD tool, using 2015 Census microdata.

Table 13. Potential Benchmarks and Sources for Individual and Household Characteristics

Potential Benchmarks	Sources
<b>Income Level</b>	
31% of households below 200% of Federal Poverty Line (FPL)	Maine State Economist: <a href="#">Maine State Data Center</a>
29% of households below 60% of state median income <sup>189</sup>	US Census American Community Survey, 5-year estimates (available through <a href="#">Data Explorer</a> )
28% of households were eligible for LIHEAP in 2020 <sup>190</sup>	US Census <a href="#">QuickFacts</a>
Also: Proxy benchmarks may include eligibility for SNAP, TANF, LIAP	US DOE Low-Income Energy and Affordability Data ( <a href="#">LEAD</a> ) <a href="#">Tool</a> <a href="#">National Energy &amp; Utility &amp; Affordability Coalition</a>
<b>Housing and Energy</b>	
23% of housing units are rented	Same as above, plus: US DOT <a href="#">Transportation-Disadvantaged Census Tracts</a> Synapse Energy Economics. <a href="#">Maine Low-Income Home Energy Burden Study</a> (2019) EIA <a href="#">State Energy Indicators</a> (2021)
21% are multifamily homes (2+ units)	
9% are mobile homes	
73% of homes use fuel oil, propane, or other bottled/tank fuels for heat (highest in country)	
6% average energy cost burden (19% among low-income households)	
<b>Transportation and Communications</b>	
16% of households do not have a broadband internet subscription	Same as above
7% of households do not have a private vehicle	
<b>Race, Ethnicity and Language</b>	
9% of Mainers identify as Black, Indigenous or Persons-of-Color (including Hispanic/Latino)	Same as above
8% of households report limited English proficiency	
<b>Age and Health</b>	
22% of Mainers are age 65 or older	Same as above, plus: ME CDC <a href="#">Environmental Public Health Tracking Network</a>
12% of Mainers under age 65 report living with a disability	
% receive disability benefits or SSI	
ED or hospital visits from Asthma, COPD, myocardial infarction, heat-related or cold-related illness	

Table 14: Potential Benchmarks and Sources for Community Characteristics

Potential Benchmarks	Sources
<b>Low-Income and Disadvantaged Communities</b>	
35% of census tracts are considered “disadvantaged” based on federal screening criteria (29% of Maine’s population)	United States <a href="#">Climate and Economic Justice Screening Tool</a> (CEJST)
34% of communities are low-income (per CEJST and NMTC) <sup>191</sup>	New Market Tax Credit <a href="#">Eligible Census Tracts</a> US CDC <a href="#">Social Vulnerability Index</a>
<b>Rural Communities</b>	

<sup>189</sup> Source: US DOE Low-Income Energy and Affordability Data ([LEAD](#)) [Tool](#)

<sup>190</sup> Source: NATIONAL ENERGY & UTILITY AFFORDABILITY COALITION. <https://neuac.org/wp-content/uploads/2021/02/Maine-State-Sheet-2022.pdf>

<sup>191</sup> These census tracts qualify for NMTC investments because they have a poverty rate of at least 20% and/or a median family income that is at or below 80% of the applicable area median family income.

24% of census tracts and 19% of the population are considered Rural using USDA criteria	USDA <a href="#">Rural-Urban Commuting Area Codes</a> (RUCA) Maine Climate Council <a href="#">Municipal Vulnerability Assessment</a> (2020)
83% of minor civil divisions (towns, plantations, etc.) have <4,000 people	
35% of minor civil divisions have no in-house planning staff and minimal to no support for resilience planning	
<b>Environmental Exposures</b>	
Cumulative environmental burdens in community	US EPA <a href="#">Environmental Justice Screening and Mapping Tool</a> (EJScreen)
Public and private water quality	ME CDC <a href="#">Environmental Public Health Tracking Network</a>
Air quality and/or traffic density	Maine DEP <a href="#">Maps and Data</a>
<b>Climate Risk and Vulnerability</b>	
Flood risk and vulnerability (inland and coastal)	Maine Climate Council <a href="#">Municipal Vulnerability Assessment</a> (2020)
Sea level rise projections	Maine DEP <a href="#">Climate Trends and Data</a> sources
Vulnerability to extreme weather (considering weather projections, populations, and health)	First Street Foundation <a href="#">Climate Risk Public Data</a>
Drought risk	Maine DACF Floodplain <a href="#">Mapping Resources</a>
<b>Natural and Working Lands</b>	
% working lands (farmland, timber land)	Maine DACF (including Bureau of Parks and Lands, and Department of Inland Fishing and Wildlife)
% conserved land by town (including public and private ownership) (22% of the state is conserved)	Maine Coast Heritage Trust

*Table 15: Potential Benchmarks and Sources for Workforce and Industry Characteristics*

Potential Benchmarks	Sources
<b>Workforce</b>	
% of workforce works directly in natural resource industries (agriculture, fishing, forestry)	Maine Department of Labor: <a href="#">Center for Workforce Research and Information</a> . For example, <a href="#">Quarterly and Annual Industry Employment and Wages</a> and <a href="#">Demographics of Employment</a>
3% of workforce in energy sector <sup>192</sup>	US Department of Energy: <a href="#">Maine State Report</a>
10-11% of labor force is self-employed	
49% of labor force is female	
9% of labor force is over age 65	
% labor force is under age 25	
<b>Businesses</b>	
Minority-, Women- or Veteran-Owned Businesses	US Census <a href="#">Annual Business Survey</a>
Natural Resource businesses	Maine Department of Marine Resources
% community with commercial fishing/harvester license	

<sup>192</sup> Source: US DOE State Report, 2022. Includes electric power generation, fuels, transmission distribution & storage, and energy efficiency; excludes motor vehicle sector.

## Appendix 2: Opportunities for Further Consideration of Equity

This report seeks to identify clear equity outcomes for the programs and policies proposed within *MWW*. There are instances where the ESC discussed issues beyond the original scope of *MWW*, which are yet still related to climate action. In addition, there are instances where members of the MCC's working groups and the interested public suggested opportunities for further consideration of equitable climate action, while outside of the scope of the ESC's original discussions, they remain related to climate action.

The following topics were identified through these discussions and may be considered by the MCC and its associated working groups during the next statewide climate planning process.

### Strategy A: Transportation

- **Assessing “make-ready” costs in multifamily, rental, and low-income households.** Given the age of Maine's housing stock, and the likely need for electrical upgrades in support of beneficial electrification, the ESC recommends further assessment of the expected costs and mechanisms to make multifamily, rental, and low-income households “ready” for EV charger (and other electrical uses, like heat pump) installation.
- **Assess EV Charger reliability.** The ESC recommends that the state consider the reliability of EV chargers installed with support from public monies, especially those serving low-income communities and households, to ensure they are meeting contractual reliability agreements in support of further vehicle electrification.

### Strategy B: Modernize Maine's Buildings

- **Gentrification and Displacement:** The ESC recommends further consideration of the various drivers of gentrification and displacement across Maine's housing stock, and whether and how climate-related investments may influence housing cost and availability.
- **Energy upgrades and retrofits for small businesses:** The ESC focused on climate impacts and benefits flowing to individuals, households, and communities, as well as workers in climate-impacted industries. They recommend further consideration of barriers to accessing energy and efficiency programs for small and family-owned businesses, which may include capacity, access to financing, and awareness, as well as the expansion of navigator or other technical assistance resources for businesses.
- **Lead by Example in Public Buildings.** The ESC recommends further consideration of equity in Maine's Lead by Example initiatives.
- **Consultation with Joint Select Committee on Housing.** The ESC recommends that the appropriate MCC working group consider engagement with the new Joint Select Committee on Housing, established by Senate President Jackson and Speaker of the House Talbot Ross.

### Strategy C: Clean Energy and Industrial Sectors

- **Renewable energy technical assistance for small businesses and municipalities:** *MWW* recommends that Maine's public sector “lead by example” in adopting renewable energy. The ESC recommends further consideration of benefits to small businesses and other priority organizations, such as schools and hospitals, associated with procuring or owning clean energy; and the development of technical assistance resources to help them assess and access projects.



- **Community benefits:** The ESC recommends that the MCC Energy Working Group consider the value of monitoring community benefits from renewable energy projects in priority communities, by project.

### Strategy D, Grow Maine’s Clean Energy Economy and Protect Our Natural Resource Industries

- **Contracting and procurement:** The ESC recommends consideration of procurement mechanisms across climate and clean energy programs that advance and protect family sustaining jobs. Mechanisms might include project labor agreements, or other similar tools.
- **Quality of Clean Energy Jobs:** The ESC recommends that, in addition to measuring the number of clean energy jobs held by members of priority populations, the MCC consider information about the quality of those jobs.
- **Natural Resource Industry transitions:** The ESC recommends that the MCC consider the number of transitions into, and out of, natural resource industry jobs in priority populations. They recommend considering those transitions driven by climate impacts or climate-informed decision making.
- **Offshore wind:** The ESC recommends that the MCC continue to explore opportunities for close coordination with Maine’s fisheries industry and other stakeholders impacted by offshore wind, and work to identify, avoid, and minimize impacts to the industry, harvesters, and communities. Ehen planning and developing offshore wind, such collaboration is necessary to avoid negative impacts and create opportunities for shared successes to support the industry’s sustainability.

### Strategy F: Healthy and Resilient Communities

- **Assess air quality exposures and health outcomes in communities located near emissions sources, as well as communities with pre-existing health vulnerabilities.** In addition to its recommendation about air quality monitoring in high-risk communities — including low income and rural communities — the ESC recommends further consideration of air quality in communities which are co-located with, or near, an emitter; as well as in areas with people experiencing high pre-existing health vulnerabilities, such as near hospitals. The ESC recognizes that increasingly local air quality monitoring requires extensive resources, and that there may be approaches to screening communities for poor air quality that can be deployed at lower cost to identify those at potential risk.
- **Consider using the US EPA Human Exposure Model (HEM) to assess cumulative impact.** As an interim approach to its recommendation to adopt the US EPA’s under-development approach to multi-pollutant cumulative impacts, the ESC recommends that the state consider use of the HEM.<sup>193</sup>

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<sup>193</sup> See: [https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem#:~:text=The%20Human%20Exposure%20Model%20\(HEM,air%20toxics%20to%20ambient%20air](https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem#:~:text=The%20Human%20Exposure%20Model%20(HEM,air%20toxics%20to%20ambient%20air)

## Appendix 3: Members of the Maine Climate Council Equity Subcommittee

Co-chairs of the Subcommittee are Ambassador Maulian Dana of the Penobscot Nation and Gabriela Alcalde, Executive Director of the Elmina B. Sewall Foundation. Members of the Equity Subcommittee represent a variety of communities, industries, and interests. The full member list is below:

### Maine Legislators

- Senator Craig Hickman, D-Winthrop
- Senator Jeffrey Timberlake, R-Androscoggin\*
- Representative Tom Martin, R-Greene\*
- Representative Rachel Talbot Ross, D-Portland

### Co-Chairs

- Ambassador Maulian Dana, Penobscot Nation
- Gabriela Alcalde, Executive Director of the Elmina B. Sewall Foundation

### Additional Members

- Becca Boulos, Maine Public Health Association; Maine Climate Council Community Resilience Planning, Public Health, and Emergency Management Working Group
- Curt Brown, Ready Seafood
- Shanna Cox, Lewiston Auburn Chamber of Commerce\*
- Lesley Fernow, Central Hall Commons
- Steve Golieb, Maine Climate Council; Town Councilor for the Town of Millinocket
- Corey Hinton, Drummond Woodsum
- Amara Ifeji, Maine Environmental Education Association
- Melissa Law, Maine Climate Council; Owner of Bumbleroot Organic Farm\*
- Nick Battista, Island Institute\*
- Matt Marks, Maine Climate Council; Principal at Cornerstone Government Affairs
- Gabe McPhail, Town of Vinalhaven
- Fortunat Mueller, Revision Energy
- Jason Parent, Aroostook County Action Program
- Ambureen Rana, Maine Equal Justice
- Darren Ranco, University of Maine
- Isaiah Reid, University of Maine at Farmington Student; Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations
- Jonathan Rubin, University of Maine
- Matt Schlobohm, Maine Climate Council; Executive Director of the Maine AFL-CIO
- Adelaide Taylor, Revision Energy
- Claudette Townsend, Dead River
- Ania Wright, Maine Climate Council Representative of Maine Youth; Sierra Club Maine

\* Former members of the Subcommittee

\*\* Replaced Suzanne MacDonald, formerly of the Island Institute

### Acknowledgements

Consultants: Thank you to Carole Martin for process guidance and meeting facilitation. Thank you to Amanda Dwelley at Beech Hill Consulting for her expertise in evaluating equitable outcomes of climate and clean energy programs.

Staff: Thank you to the staff of the Governor's Office of Policy Innovation and the Future (GOPIF) for their work on the report and staff support to the Equity Subcommittee, led by Jessica Scott and including Sarah Curran, Cassandra Rose (former GOPIF staff person), and Katie Moody (equity intern).

## **APPENDIX M**

# **DEER WINTERING AREA CRITERIA**

## APPENDIX M

### Deer Wintering Area Criteria

#### LMF Round 11 Workbook:

#### **12. Deer Wintering Area (Max Points = 10)**

A total of 10 bonus points will be awarded to projects that include conservation of deer wintering areas and meet all of the following:

- Holder of fee or easement interest will be the Maine Department of Inland Fisheries and Wildlife. (yes/no)
- Lands will be managed by the Maine Department of Inland Fisheries and Wildlife as a Wildlife Management Area with deer as the highest management priority. (yes/no)
- Lands identified as priority deer wintering areas by Maine Department of Inland Fisheries and Wildlife. (yes/no)

SCORE =

**Note:** LMF may fund other projects protecting deer habitat but only projects meeting the above criteria will be considered for bonus points.

#### **Statutory Requirements:**

#### **§6207. Acquisition criteria**

**1. Distribution of funds.** The board shall authorize the distribution of funds from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund to state agencies and cooperating entities for the acquisition of natural lands that meet the criteria set forth in this chapter.

[PL 2023, c. 284, §15 (AMD).]

**2. Determination of statewide significance.** In determining whether a proposed acquisition must be funded, in full or in part, by the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund, the board shall consider whether the site is of statewide significance and:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values; [PL 2007, c. 64, §1 (AMD).]

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; [PL 2007, c. 353, §1 (AMD).]

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; [PL 2021, c. 409, §2 (AMD).]

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter; or [PL 2021, c. 409, §2 (AMD).]

E. Contains deer wintering areas and satisfies all the requirements of [subsection 3, paragraph](#)

[A](#). [PL 2021, c. 409, §2 (NEW).]

[PL 2023, c. 284, §15 (AMD).]

**3. Priorities.** Whenever possible, the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Trust Fund and the Conservation and Recreation Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.

A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in [Title 12, section 10001, subsection 74](#), with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph. [PL 2023, c. 284, §15 (AMD).]

# **APPENDIX N1**

## **LMF PROCESS WORKGROUP RECOMMENDATIONS**

**Recommendations to the Land for Maine's Future Board**

**from the**

**Land for Maine's Future Workgroup**

January 11, 2021

**Workgroup Members**

**LMF Board Members**

Amanda Beal, Commissioner, Department of Agriculture, Conservation and Forestry (DACF)  
Roger Berle, public member  
Judith Camuso, Commissioner, Department of Inland Fisheries and Wildlife (DIFW)  
Don Kleiner, public member  
Barbara Trafton, public member

**Public Members (Cooperating Entities)**

Adam Bishop, Maine Farmland Trust  
Kate Dempsey, Maine Chapter of The Nature Conservancy  
Tom Duffus, The Conservation Fund  
Tim Glidden, Maine Coast Heritage Trust  
Karin Tilberg, Forest Society of Maine  
Nat Tupper, Town of Yarmouth  
Angela Twitchell, Brunswick-Topsham Land Trust, Maine Land Trust Network

**Designated State Agency (DSA) Staff Members**

Sarah Demers, Land for Maine's Future Program  
Deirdre Gilbert, Department of Marine Resources (DMR)

**Facilitator**

Jo D. Saffeir

Bethany Atkins (DIFW) and Liz Petruska (DACF) also participated in this process as Designated State Agency representatives.

Thanks to Jason Bulay (LMF), Kathy Eastman (DACF), Tom Gordon (DACF), and Laura Graham (LMF) for their administrative and technical support.



## Table of Contents

	<b>Page</b>
<b>I. Overview</b>	<b>3</b>
<b>II. DSA Sponsorship and LMF Application, Scoring, and Awards</b>	<b>4</b>
<b>III. LMF Appraisal Process and Appraisal Oversight Committee's (AOC) Role</b>	<b>6</b>
<b>IV. Easements - Development, Review, and Use of Models</b>	<b>10</b>
<b>V. Project Agreements and Management Plans</b>	<b>13</b>

## I. Overview

At its July 21, 2020 Board meeting, the Land for Maine's Future Board authorized the establishment of a Workgroup consisting of select LMF Board members, Cooperating Entity representatives, and Designated State Agency (DSA) representatives to develop recommendations that would help ensure the Program and its partners collaborate effectively to conserve natural, recreational, and working lands. This action stemmed from an LMF staff-led process, conducted in partnership with state agencies and project partners, to surface LMF process concerns.

The LMF Board supported this Workgroup discussing the foundational aspects of the relationship between LMF, DSA representatives, and Cooperating Entities, and developing recommendations for consideration by the full LMF Board that would help ensure the Program is accessible, impactful, efficient, and cost-effective while also maintaining the qualities that have engendered strong public support since the Program's establishment in 1987.

At its first meeting on September 11, 2020, the Workgroup agreed it would recommend improvements to the LMF Program that would better enable it to carry out its statutory purpose, that of advancing "the public interest in the future quality and availability for all Maine people of lands for recreation and conservation...best served by significant additions of lands to the public domain," understanding that, by statute, "the State, as the public's trustee, has a responsibility and duty to pursue an aggressive and coordinated policy to assure that this Maine heritage is passed on to future generations."

The Workgroup met four times, once a month from September to December, 2020. The meeting schedule and meeting materials were posted to the LMF website. Meetings were open to the public, with an opportunity for public input provided at each meeting.

What follows are the Workgroup's recommendations for the LMF Board's consideration. Unless otherwise noted, all recommendations represent a consensus of the full Workgroup.

To the degree possible, the recommendations are organized chronologically, following the flow of an application through the LMF application process. Some recommendations are highly specific and immediately actionable, while others suggest a recommended direction or objective that will require more work by Board and Staff to put in place, ideally accomplished by the end of 2021.

**The Workgroup respectfully requests that the LMF Board accept this report, and recommends that the Board engage in a process to review and implement these recommendations over the coming year.**

## II. DSA Sponsorship and LMF Application, Scoring, and Awards

Due to time constraints, the Workgroup did not address the fundamental question of whether the current roles that DSAs play with regard to the LMF Program actually serve as the best and most efficient structure for the Program. **The Workgroup believes this is a question worthy of exploration.** However, for its work, the Workgroup assumed that DSAs would continue to serve in the roles that they currently do - including sponsoring applications from Cooperating Entities - and that the Workgroup would identify efficiencies that could be implemented within this structure.

**The Workgroup is concerned about the ongoing capacity of DSAs - with their limited staffing - to take on ever greater review, approval, and stewardship responsibilities associated with LMF projects. Given this, the Workgroup sought opportunities to minimize the long-term or perpetual obligations placed on DSAs, while still ensuring the highest Program integrity,** and developed recommendations aligned with this objective.

- Many action items recommended by the Maine Land Conservation Task Force (see [Shaping the Next Generation of Land Conservation in Maine, 2019](#)) specifically reference the LMF Program. Without minimizing the importance of any of the other action items, the LMF Workgroup flags Action Item 3.C as necessary to enable LMF to adequately address current and future Program needs. This states, **“Increase LMF Program staffing and legal assistance (at least to previous levels) and provide related state agency support (from DACF, IF&W, and DMR) in order to eliminate the backlog of acquisition projects now in the pipeline and adequately handle those to be created through new bonding.”**
- LMF should eliminate its requirement that applicants submit 8 paper copies of applications, which can be a considerable expense for smaller organizations. LMF should confirm with Procurement Services that submitting electronic applications is acceptable.
- LMF should establish a more predictable and consistent application schedule, enabling applicants and agency staff to better manage their workloads.
- LMF should develop a process that enables LMF and DSA staff to understand more details about each project at an earlier stage, understanding project complexities upfront, so as to avoid unexpected and time-consuming complications further into the process. The Workgroup considered approaches such as an expanded Inquiry Form, or a pre-application, but had insufficient time to arrive at a specific recommended approach (see further in Section V.2.b.).
- The Workgroup discussed at length the growing desire among Maine residents for accessible lands of local or regional significance, an issue brought into even sharper focus as a result of the pandemic. It recognized there are many approaches LMF could take to place a higher priority on these land categories than they have historically received. The Workgroup does not recommend adopting an approach that requires a certain percentage of funds be allocated to projects of more local or regional significance, thereby constraining LMF from making full use of bond funds if the number and quality of applications does not align with these prescribed allocations (a problem the Program currently faces, with certain “stranded” bond

funds that are unable to be spent). However, it *does* recommend revisiting project scoring criteria or another comparable mechanism that would elevate the importance of these categories in future funding rounds, and potentially help drive the number and quality of applications that address this need. Various approaches have recently been proposed to address this issue in part, such as replacing the categories of local and regional significance with a “community conservation” category. The Workgroup did not have sufficient time to arrive at a specific recommendation to address this issue fully, but it does recommend that LMF develop a system that reduces the sense of competition that has historically existed between projects of state vs. local or regional significance.

- LMF should ensure transparency in regard to funding decisions. The Workgroup recommends LMF accomplish this by committing to funding projects in the order in which they are ranked by score, and by clarifying in advance whether the technique of awarding projects partial funding will be employed to allocate funding more broadly. The Board should consider how to make explicit any considerations it includes in its decision-making process to the extent these are not already incorporated in the scoring process.
- Notwithstanding LMF’s bond-directed fiscal responsibilities, LMF’s funding policy should revert back to its original funding formula, in which 50% of project costs are eligible for award. This may result in increased applicant diversity, and will reduce the degree to which lesser resourced organizations may be discouraged from applying due to the challenge of raising funds for due diligence.
- LMF should determine which state and federal funding programs are a good fit as potential match for the LMF program, and work to eliminate or reduce existing impediments to accessing these matching funds, with an early focus on the Maine Natural Resource Conservation Program.
- LMF should prioritize the processing of certain projects that would clearly benefit from an accelerated timeline (assuming readiness requirements have been met). Working lands projects are one example, as LMF funding is likely to directly impact the financial viability of a business. Further criteria should be identified to clarify other circumstances that merit this level of priority.

### III. LMF Appraisal Process and Appraisal Oversight Committee's (AOC) Role

The Workgroup's overarching objective was to develop recommendations that: a) reduce subjectivity, and perceptions of subjectivity, in the appraisal review process, b) require less of LMF Board members who are not themselves certified Appraisers, c) acknowledge the rigorous federal requirements that many LMF projects already must meet with respect to appraisals in order to secure federal funding, and d) actually increase accountability by ensuring the highest quality review of appraisals. The recommended process changes - which are significant - rely heavily on Uniform Standards of Professional Appraisal Practice (USPAP). The recommendations also call for further exploration of whether a tiered approach to project appraisals could be implemented that simplifies the process for projects involving smaller financial commitments. Note: Workgroup member Don Kleiner does not support this proposed approach, preferring the current appraisal review process.

#### 1. Proposed New Purpose Statement for the AOC:

It is the purpose of the AOC to work in cooperation with the Applicant to ensure a property value that provides accountability for the public investment in the proposed project.

#### 2. Proposed New Appraisal Process:

- 1) Applicant submits to LMF Staff an appraisal, following the Revised LMF Appraisal Standards (Appendix F as revised), and an Overview Summary (note: a sample should be included in Appendix F).
- 2) Staff evaluates the appraisal according to the LMF Appraisal Standards and provides a *Staff Summary & Recommendation to AOC* (note: a sample should be included in Appendix F).
- 3) AOC uses the *LMF Appraisal Guide/Checklist* as a guide to evaluate the *Staff Summary & Recommendation* (note: this Guide will need to be revised).

#### 3. Proposed New AOC Evaluation Process:

The AOC evaluates the appraisal, using the *Staff Summary and Recommendation* and its *Appraisal Guide/Checklist*. It then can act in one of four ways:

- 1) For a project requiring federal appraisal standards (Yellow Book, as well as USPAP) and an appraisal is accepted by a federal agency, the Applicant may choose to submit said appraisal (and review, if applicable) and documentation of acceptance in lieu of an LMF appraisal and AOC evaluation. Alternatively, the Applicant may choose to follow the LMF Appraisal Standards and Process; in which case the AOC may either:
  - 2) Accept the appraisal as presented; *or*

3) In the event that the AOC has limited questions or concerns aimed at clarifying the Appraiser’s analysis, it will pose those questions to the Applicant and request they be addressed by the Applicant’s Appraiser, and then evaluate the responses before making a final determination; *or*

4) If the AOC is unable to satisfy itself that it understands the basis for the Appraiser’s conclusion of value, it will commission a review Appraiser, working on behalf of LMFB/AOC, to conduct a Compliance Review of the appraisal (under USPAP Standards 3 and 4 or their successor) to ensure that the appraisal’s methodology is sound and meets LMF Appraisal Standards. A copy of the Compliance Review report will also be provided to the Applicant.

- If the appraisal review finds no major issues that would have a significant impact on the Appraiser’s conclusion of value, the AOC will accept the appraisal.
- If the appraisal review finds significant problems with the appraisal, the AOC can elect to either:
  - give the Applicant the opportunity to request that its Appraiser correct the deficiencies, *or*
  - reject the appraisal.

#### **4. Proposed Revised Appendix F: Appraisal Standards/Instructions for Applicants and Appraisers**

NOTE: This is a proposed simplification of how the LMF Appraisal Standards are presented. The base requirement is USPAP, with no need to repeat those standards in Appendix F, and adding to that standard a list of LMF-specific requirements (listed below as 1-14). This is not a “Track Changes” of the current Appendix F.

#### **General Requirements**

The Land for Maine’s Future Program requires that all appraisal reports comply with the most recent edition of the USPAP and Appraisal Standards required by LMF. For proposals using other sources of funding (e.g. federal), additional appraisal standards may be required for those programs (e.g. Yellow Book). Any appraisal submitted to LMF must be conducted by a Maine Certified General Appraiser with no conflicts.

## Appraisal Standards

For LMF's purposes, an acceptable appraisal must:

- 1) Be in the form of an Appraisal Report. A Restricted Appraisal Report or "form" appraisal is not acceptable. The Appraisal Report shall be clearly written and reasoned and contain sufficient narrative to describe the data collection and analysis so that non-Appraisers can understand how the valuation conclusion was derived.
- 2) Comply with ALL applicable standards. LMF will accept appraisals that comply with USPAP as well as any additional standards appropriate for a given transaction, e.g., Treasury Regulations for gifts/bargain sales and/or the Uniform Appraisal Standards for Federal Land Acquisitions ("UASFLA" a.k.a. "Yellow Book").
- 3) Appropriately identify the property and address any enhancement or larger parcel identification issues pursuant to the relevant standards. Any added value accruing to reserved lots, abutting land or lands in the same neighborhood under related ownership as a result of the conservation acquisition must be considered.
- 4) Address the appropriate Client. The appraisal must identify the "Client" as the purchaser of the property, another project partner that does not have an ownership interest in the property being acquired, or the seller and the purchaser jointly.
- 5) Intended User. The State of Maine must be identified as an additional Intended User (also satisfactory is LMF, DACF, DIFW, DMR or Maine Historic Preservation Commission).
- 6) Review. The appraisal *may* be subject to Compliance Review by a third-party Appraiser.
- 7) Sales between Private Entities. LMF requires that the direct sales comparison approaches to valuation be accomplished primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or nonprofit conservation owners, the use of the sale must conform to the UASFLA.
- 8) Hypothetical Conditions. In the unusual instance when an appraisal analysis includes Extraordinary Assumptions or Hypothetical Conditions, the applicants and Appraiser should discuss the approach taken with the LMF project manager and Director prior to finalizing the appraisal. This does not apply in the case of conservation easement appraisals where the "after" situation is generally considered a hypothetical condition.
- 9) Appraisal Report Presentation. Applicants may submit electronic PDF-format appraisals.
- 10) Subject Property Sales History. The appraisal report must include a ten-year history and analysis of conveyances of the subject property, and must include and analyze the last deed of conveyance in an addendum.

11) Value Conclusion. The Appraiser shall state a single value in the reconciliation, not a range of value.

12) LMF Standards Met. The appraisal must include a statement that the appraisal meets LMF Appraisal Standards.

13) Public Availability. The appraisal shall not contain statements limiting public availability. (*note: this requires further elaboration*)

14) Conservation Easements – Additional Requirements.

- The proposed conservation easement or other similar protection agreement must be included in an addendum. **In order to ensure an accurate valuation, the draft easement must be complete enough that it clearly states what rights are being retained and what rights are being conveyed and restricted.** This easement should be reviewed with the LMF project manager before being used for the appraisal. Appraisers may include an extraordinary assumption, stating that “assignment results may be affected if the recorded deed differs from the draft deed of conservation easement that was appraised, and I reserve the right to prepare a new appraisal if necessary.”
- A careful discussion of the proposed restrictions should be included in the after-value analysis.
- Any improvements, including reserved building rights and their envelopes allowed in restrictions, must be discussed in the appraisal and shown on the map of encumbered land.

## **The Tiered System Appraisal Approach And Procedures**

NOTE: The Workgroup did not fully tackle this tiered system concept referenced in the current Appendix F: LMF Appraisal Standards, aside from noting that a higher dollar threshold for a more simplified appraisal approach might be appropriate. It is recommended that a follow-up discussion explore this to come up with a workable approach that still meets LMF’s high standards.

The issue is that according to qualified Appraisers, USPAP no longer sanctions a shorter/cheaper appraisal approach as intended by LMF’s tiered approach. A “short approach” such as a Restricted Report may not be appropriate as the information that forms the basis of the appraisal is not included within the document itself, and there may be limitations on Intended Users. Those types of reports are generally for situations in which a minimal disclosure of the support and rationale for the Appraiser’s opinions and conclusions is appropriate, which may not satisfy LMF. This type of report is often appropriate for uses such as loan servicing or portfolio monitoring, although it can be used in other situations as well. Residential form appraisals generally do not include the analysis and all the information found in a USPAP appraisal.



## **IV. Easements - Development, Review, and Use of Models**

The Workgroup's overarching objective was to develop recommendations that direct LMF's easement-related focus to the public values that an easement seeks to protect. These recommendations aim to: a) create a clear distinction between the drafting and review process for State-held easements vs. Cooperating Entity-held easements, b) consolidate and update all LMF easement expectations (including aligning these with Maine Climate Action Plan recommendations) for ease of understanding by applicants and ease of review by LMF, c) explore the option of a tiered approach to LMF-funded forest easements, based on project complexity, and d) eliminate the LMF easement template. Noted elsewhere (see Section V, subsection 1) is also a recommendation that Project Agreements no longer be required for LMF-funded easements.

### **1. Distinguish the review process for State-held easements and Cooperating Entity-held easements.**

While the State would continue its process for easement development and review of State-held easements, a clear and preferably simpler review process (to assure compliance with LMF requirements) would be undertaken for easements held by Cooperating Entities. For easements held by Cooperating Entities, attorneys and other representatives for LMF and the State would only review the draft easement language to be sure that the LMF-required public values are addressed in the easement and would not be otherwise involved in negotiating the easement terms.

### **2. Update and consolidate LMF expectations for forest and agriculture easements in the LMF workbook.**

It would be extremely helpful to have the LMF program requirements clearly set forth in one place. This would give the Board a chance to review what is there now, centralize, and update if appropriate. This could be addressed through the Board's on-going review of conservation priorities.

### **3. Consider the concept of two tiers of easements for forest conservation easements.**

Tier 1 easements would be those that meet baseline requirements determined by the LMF Board. Tier 2 easements would incorporate protection of multiple conservation values and include stronger protections of those values.

Appendix H currently has both required terms and optional easement terms and this could evolve to the Tier 1 and Tier 2 approach. Cooperating Entities with landowners could choose the Tier 1 or Tier 2 type easement. Tier 1 easements might receive a smaller award (perhaps a smaller percentage of the purchase price) in return for simplicity and fewer protections. The current LMF "required" forest easement terms are (in summarized form):

1. No additional (or very limited and clearly defined) additional non-forestry or non-recreation related development, and prohibition of commercial, industrial, and residential uses except for forestry and recreational uses.
2. Strict limits on division of the property, with the goal of maintaining large enough parcels to be cost-effective to manage for timber production and recreation, and cost effective for the holder to monitor compliance with easement terms.

3. Rights for the public to use the property for traditional pedestrian recreational uses, extinguishing the landowner's right to enjoy or provide exclusive, private use.
4. An enforceable commitment to maintain (or enhance) the property's potential (though not requirement) to provide a perpetual yield of fiber and timber, including clearly defining sustainable management, and how it will be measured, verified, and enforced.

Note that the concept of Tier 1 and Tier 2 easements may not apply to agricultural easements, as protecting agricultural land from non-farm development is the central objective. More discussion will be beneficial.

#### **4. Eliminate the LMF easement template.**

The last significant update appears to be in 2002. There are a number of provisions that are outdated (e.g. carbon credit provisions), and guidance from LTA and court rulings that are incorporated over time by land trusts and monitored by the MLCAN group have not been incorporated into the LMF easement template. Rather than having LMF attempt to do this, the process outlined in 1 and 2 above would be the appropriate path to follow.

**5. Update LMF policies and scoring criteria to reflect current state policy initiatives related to climate resilience and carbon sequestration.** With Maine's recently completed Climate Action Plan recommending increased conservation of natural and working lands to help achieve the State's carbon neutrality and greenhouse gas emissions reduction goals,\* LMF should ensure the Program advances relevant Climate Action Plan policy objectives. See examples of updates below (\*\*) for how Climate Action Plan recommendations could be incorporated.

\*Excerpt from the Maine Climate Action Plan: "Conserving forests and farmland through conservation easements is one of the more cost-effective strategies to help reach carbon neutrality by maintaining forest cover and ensuring the lands will be available for future forest and farmland ecosystem services."

\*\* Examples of possible updates for working forest conservation easements:

Appendix H -- revise #4 required term (addition in green):

4. An enforceable commitment to maintain (or enhance) the property's potential to provide a perpetual yield of fiber and timber **and to sequester and store forest carbon**. Recognizing the duration (forever) of an easement and the inability to predict the future of current forest uses, the emphasis here is on *potential* to provide, not a requirement to provide. Clear language must be included that defines sustainable management (taking into account forest history, productivity, and potential for natural catastrophe), stipulates specifically how it shall be measured, and provides for independent review to determine if ongoing forest management meets these requirements. Remedies for non-compliance should be clear, stringent, and easily enforceable.

Possible addition (in green) to #1 and #2 in the Optional section of Appendix H:

1. The Board recognizes that protection of ecological sustainability **and habitat connectivity** is very important. Additional protection of sensitive, rare, or representative ecological features may be desirable. As part of the LMF proposal process, the potential holder will have assessed the ecological values of the property. Grantor and grantee should consider fee acquisition of areas of high ecological value in addition to the easement, or more stringent protections of certain natural communities, habitats, or ecological health.

2. Requirements to include additional protections of visual quality, recreational features, riparian zones, **and/or other habitat connectivity features**, or restrictions on intensive forest management practices such as herbicides and plantations.

## V. Project Agreements and Management Plans

The Workgroup’s overarching objective was to identify opportunities for streamlining project agreement (PA) and management plan requirements for LMF-funded fee and conservation easement projects conducted by Cooperating Entities. The Workgroup believes that PAs on fee projects have become more detailed and prescriptive over time and that this imposes an unnecessary workload on both State and Cooperating Entity staff, increasing these entities’ perpetual obligations beyond what realistic staffing levels can reasonably and effectively fulfill. In addition, the emergence of “multi-resource management plans” in fee PAs seems to have its source in DSA practice, not LMF requirements. Specifically, the model appears to have migrated in from the Plum Creek easements. With these recommendations, the Workgroup seeks to better allocate scarce resources and advance sound stewardship of LMF projects.

**1. Eliminate the requirement for Project Agreements for LMF-funded easements.**

LMF and DSAs should explore whether key PA terms can be incorporated into LMF-funded easements. The State should determine whether it needs to be a third-party holder to the easement to ensure PA-type terms are sufficiently enforceable or if there is another mechanism to accomplish this.

**2. Project Agreements for fee acquisition projects should be streamlined with a goal of reducing workload on both State and Cooperating Entity staff and minimizing prescriptive language in the PA. If this can be achieved, the participating DSAs suggest eliminating or significantly reducing the requirements for ongoing review and approval of Cooperating Entity management decisions. Specific suggestions include:**

- a. Provide a robust “Scope of Project” description grounded in and referencing representations made in the application. This would effectively provide the performance standards by which project performance could be evaluated over time without the routine need for a management plan with ongoing review and approval.
- b. Encourage DSA and Applicant to meet much earlier in the process (perhaps a pre-application?) to develop project goals and objectives and the substance necessary to draft a clear Scope of Project.
- c. Consider a provision in the annual project report (currently to both LMF and DSA) that includes a brief description of anticipated management actions in the coming year. This would be a way of keeping the State informed without requiring an approved management plan with detailed review and approval requirements.
- d. Broad conservation objectives should be clear and well described in the PA with opportunities for communication between DSAs and Cooperating Entities on a regular basis (perhaps less frequently than annually). In place of annual monitoring, the State should consider an audit process to serve the ultimate accountability goal shared by all.

3. **Management Plans should not be routinely required in the Project Agreement.**

LMF and DSA staff suggest that DSAs should retain the ability to require a management plan if necessary, for example in unusual situations such as special wildlife habitat needs, complex public access arrangements, etc. NOTE: As a separate matter, concern was raised about the applicability of management plans in the context of agricultural conservation easements – this issue requires more attention even if the PA requirement is eliminated for LMF-funded agricultural farm conservation easements.

**APPENDIX N2**

**LMB BOARD SUBCOMMITTEE  
WORKGROUP  
RECOMMENDATIONS**



**Land for Maine's  
Future Program**  
22 SHS  
Augusta, Maine 04333

# Memo

**To:** LMF Board Members  
**From:** Sarah Demers, Director  
**CC:** LMF and Agency Staff  
**Date:** September 13, 2021  
**Re:** Funding Strategy to Address LMF and Agency Capacity Needs

---

The Board has now completed their high-level overview of recommendations generated from the LMF process workgroup meetings which culminated in December 2020. The agreed upon next step is the establishment of several sub-committees to learn more about the issues, prioritize which recommendations to address and recommend actions or solutions for Board consideration and adoption.

Below you will find each of the work group recommendations grouped by sub-committee with Board members assigned as requested. Please take a look and make sure you are on the committees you requested and if there are other committee you would like to participate on

I recommend that the Board encourages 3 to 4 members of the public to join the Appraisal, Finance/Budget and Workbook sub-committees. Policy discussions should occur during the Board's regularly scheduled public meetings where public participation is routinely permitted.

How quickly these sub-committees convene and begin work is dependent upon the Board's time frame for issuing a call for proposals.

# Appendix N2

## Board Policy Considerations

- **Role and Requirements of the Designated State Agencies in light of capacity.** Workgroup recommends finding opportunities to minimize long term or perpetual obligations placed on DSAs, while still ensuring Program integrity. (AGs guidance)
- **Distinguish the easement review process for state-held easements from Cooperating Entity easements.** While the State would continue its process for easement development and review of State-held easements, a clear and preferably simpler review process (to assure compliance with LMF requirements) would be undertaken for easements held by Cooperating Entities. For easements held by Cooperating Entities, attorneys and other representatives for LMF and the State would only review the draft easement language to be sure that the LMF-required public values are addressed in the easement and would not be otherwise involved in negotiating the easement terms.
- **Consider the concept of 2 tiers of easements for working forest conservation easements.**
  - Tier 1 easements would be those that meet baseline requirements determined by the LMF Board.
  - Tier 2 easements would incorporate protection of multiple conservation values and include stronger protections of those values.Tier 1 easements might receive a smaller award (perhaps a smaller percentage of the purchase price) in return for simplicity and fewer protections.
- **Eliminate the LMF easement template.**

There are a number of provisions that are outdated (e.g. carbon credit provisions), and guidance from LTA and court rulings that are incorporated over time by land trusts and monitored by the MLCAN group have not been incorporated into the LMF easement template.
- **Eliminate the Requirement for Project Agreements for LMF funded easements.**

LMF and DSAs should explore whether key PA terms can be incorporated into LMF funded easements. The State should determine whether it needs to be a third-party holder of the easement to ensure PA terms in the easement are sufficiently enforceable or if there is another mechanism to accomplish this. (AGs guidance)
- **Project Agreements for fee acquisition projects should be streamlined.**

Reduce workload of LMF, DSA and Cooperating Entity staff and minimize prescriptive language. Eliminate or significantly reduce the requirements for ongoing review and approval by DSA of property use and management. (AGs guidance)
- **Management Plans should not be routinely required in the Project Agreement.**
- **LMF policy on carbon credits and mitigation funds**
- **Establish a more predictable and consistent application schedule,** enabling applicants and agency staff to better manage their workloads.

Committee Members: Bob Meyers, Don Kleiner, Jim Norris (sub-committee to prioritize topics to be addressed)

LMF Staff: Sarah Demers

DSA Representative(s)

Proposed Time Frame:



# Appendix N2

## Appraisal Sub-Committee

- **Update Appraisal Standards**

Propose simplification of how the LMF Appraisal Standards are presented in the workbook. The base requirement is USPAP and adding to that standard a list of LMF-specific requirements.

- **Revise AOC Purpose and Role.**

Current: The role of the AOC is to evaluate appraisals submitted by applicants seeking LMF funding, and to make a recommendation to the LMF Board for their vote to allocate LMF funds

Proposed Change: It is the Purpose of the AOC to work in cooperation with the Applicant to ensure a property value that provides accountability for the public investment in the proposed project.

- **Revise Appraisal submission process**

1) Applicant submits to LMF Staff an appraisal, following the Revised LMF Appraisal Standards and an Overview Summary (note: a sample should be included in the workbook).

2) Staff evaluates the appraisal according to the LMF Appraisal Standards and provides a *Staff Summary & Recommendation to AOC* (note: a sample should be included in the workbook) (LMF staff note: this is current process)

3) AOC uses the *LMF Appraisal Guide/Checklist* as a guide to evaluate the *Staff Summary & Recommendation* (note: this Guide will need to be revised)

- **Revise AOC Evaluation Process**

The AOC evaluates the appraisal, using the Staff Summary and Recommendation and its Appraisal Guide/Checklist. It then can act in one of four ways.

- **Tiered Appraisal Approach**

Recommendation to review this option in light of current appraisal standards.

Committee Members: Don Kleiner, Bob Meyers, Jim Norris

LMF Staff: Sarah Demers, Laura Graham

DSA Representative(s):

Proposed Time Frame:

# Appendix N2

## Finance & Budget Sub-Committee

- **Simplify LMF budget worksheet**
- **Ensure transparency of funding decisions. Clarify in advance whether projects will receive partial funding.**
- **Allow 50% of project costs to be eligible for award.**
- **Recommend a funding strategy, including Board allocations for set-asides:**
  - Legal costs
  - MNAP & MHPC inventories
  - Access Improvement Grants
  - Farmland Capital Improvement Grants
  - Stewardship & Management Grants

Committee Members: Barbara Trafton, Catherine Robbins-Halstead

LMF Staff: Jason Bulay, Sarah Demers

DSA Representative(s):

Proposed Time Frame:

# Appendix N2

## Workbook Sub-Committee

- Update and consolidate LMF expectations for forest & agriculture easements in the workbook (staff to provide options)
- Update LMF policies and scoring to reflect climate resilience and carbon sequestration as a priority (staff to provide options)
- Revisit Scoring to elevate local and regionally significant projects & develop a system that reduces the sense of competition btwn. state, local and regional projects (staff to provide options)
- Eliminate requirement for 8 paper copies of applications. Confirm with Procurement Services that submitting electronic applications is acceptable. (staff to research)
- Establish a process providing LMF & DSA more details about each project at an earlier stage to avoid unexpected and time-consuming complications and delays. Examples could include an expanded Inquiry Form (currently in use) or a pre-application.
- Make explicit any considerations made in the award making process to the extent that these are not already incorporated in the scoring process (already in workbook)
- Commit to funding projects in the order in which they are ranked by score.
- Prioritize projects that would benefit from an accelerated timeline. Working lands projects are one example, as LMF funding is likely to directly impact the financial viability of a business. Develop criteria to clarify other circumstances that may merit priority processing.

Committee Members: Barbara Trafton, Catherine Robbins-Halsted

LMF Staff: Sarah Demers, Jason Bulay, Laura Graham

DSA Representative(s):

Proposed Time Frame:

**APPENDIX O**

**EMERGING ISSUES**

## APPENDIX O: Emerging

### Issues Emerging Issues in 2023

#### i. Public Access

Public access is important to LMF, so important that it is common to see it described as a core purpose of the program.

The LMF Statute describes two different concepts of public access in the LMF statute. The first provides that:

*Public uses. Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.*

This suggests that the statutory requirement of public access may be satisfied by the public's absolute right to be on any land acquired with LMF funds – but that the landowner's obligation does not go beyond their obligation to permit entry (and allow hunting, fishing, and trapping, except as prohibited by law), should members of the public appear.

The LMF Board reads this provision alongside the reference to guaranteed public **vehicular** access:

*When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.*

The importance of guaranteed public **vehicular** access is underscored by 5 MRSA §6206(1)(E), (Board Responsibilities):

*On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. **This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land...***

The LMF Board interprets the obligation to obtain guaranteed public vehicular access to mean the obligation to ensure (whenever possible and appropriate) that title to the roadways leading to any parcel acquired with LMF funds must explicitly identify the public's right to travel those roadways.

The LMF Board has been willing to waive this requirement on a case by case basis but requires that an applicant alert the LMF Board of the need for a waiver at the proposal stage (before qualifying as a finalist) or as soon as they learn of it.

## ii. Staff Capacity and Access to Professional Support

If LMF continues to be well-funded, accelerating the pace of conservation will require more staff capacity, both at LMF and at sister agencies that administer programs through LMF (particularly BAFRR and DMR). A current challenge to swift project completion is the relative scarcity of appraisers and related real estate professionals necessary for project support.

## Emerging Issues identified in the 2015 GEA Report

Improving information technology - availability & distribution of data. What specific data is needed and what analysis tools?

Assessment of scoring & project evaluation - does it work? Does it emphasize current priorities?

Improve public awareness and use of public lands acquired with LMF money.

## Emerging Issues identified in the 2007-2008 GEA report

The 2007-2008 GEA report provided an update on status of the 4 emerging issues identified in 2001 (listed below) and identified 2 new emerging issues

### Conserving Regional Landscapes

- Many land trusts and their partners have shifted their approach from single parcel conservation to a larger regional context (Mt. A to Sea, Grand Lake Stream, River-Link). The program will need to continue to adapt and mature to support these regional landscape conservation efforts.

### Assuring Public Access

- There is high public demand for access to recreational lands, yet in some areas traditional access to private lands is diminishing. The need to promote and manage public access is increasingly important and challenging. LMF program continues to work with landowners, management agencies, funders and recreational groups and to participate in state policy discussions to assure continues public access to recreation.

## Emerging Issues identified in the 2001 GEA report

### Protecting the State's investments in conservation easements

- The State does not have sufficient capacity to adequately steward state-held easements
- Development of "working farm value" to aid in valuation of agricultural lands and tracking data to support the working farm valuation process. *NOTE: This valuation process is no longer used by LMF*

### Large-Scale conservation easements

- Review LMF policies to ensure that the State is making use of CEs in a consistent manner among all of its land protection projects

Workload at the Board level

- Success of the LMF Program is due in large part to the quality and commitment of the Board. Maintaining this excellence in the future and avoiding board member burn out will be essential.

Workload at the Staff level

- In context with the amount of bond funds and number of active projects, the recommendation was to increase staff from 1 dedicated position to 2 dedicated positions. *NOTE: LMF also had 3 staff that were shared with other programs within the State Planning Office.*

## **APPENDIX P**

# **EXPANDING EQUITABLE ACCESS TO CONSERVATION LANDS**



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# EXPANDING EQUITABLE ACCESS TO MAINE CONSERVATION LANDS

ALEXANDRA COURTNEY

MPPM, MUSKIE SCHOOL OF PUBLIC SERVICE



## WHY EQUITABLE ACCESS?

- Sarah said, “What’s the equity component?”
- Unlike biodiversity and carbon sequestration, equitable access to conserved land has not been as widely discussed and analyzed as a priority for land acquisition.
- I needed something to map that hadn’t been mapped yet (at least not extensively).

## INCREASING ACKNOWLEDGEMENT OF THE IMPORTANCE OF EQUITABLE ACCESS OVER TIME

Recommendations Report or Strategic Plan	#Accessibility #Equity #EquitableAccess #Inclusion
<b>1997</b> Maine Land Acquisition Priorities Advisory Committee (LAPAC) Report	Highlights need for “public access of private lands”; need for municipal open space for “maintaining the quality of life in our towns and cities”
<b>2019</b> Land Conservation Task Force Report	<p>Calls on the state to “initiate a planning effort... to develop a clear vision for the state’s conserved lands that includes... a State Park System, Public Lands and IF&amp;W Wildlife Management Areas that reflect the diversity of the state and offers clear guidance on such matters as natural resource protection, facilities, accessibility, accommodating changing recreational demands, amenities and fee structure.”</p> <p>Acknowledges “the need to create access to Maine’s natural heritage for all Maine citizens regardless of economic circumstance or physical ability”</p>
<b>2020</b> 30 X 30 Initiative	<p>Identifies “inequitable access to the outdoors” as a primary concern.</p> <p>“As a result of discrimination and segregation in housing, transportation, conservation, and natural resource policy, communities of color and low-income communities have disproportionately less access to nature’s benefits, such as clean water, clean air, and access to nature. These same communities, meanwhile, shoulder a disproportionate share of the costs of nature’s decline, including more pollution nearby, loss of subsistence fishing and hunting, and encroaching industrial development.”</p>

## INCREASING ACKNOWLEDGEMENT OF THE IMPORTANCE OF EQUITABLE ACCESS OVER TIME

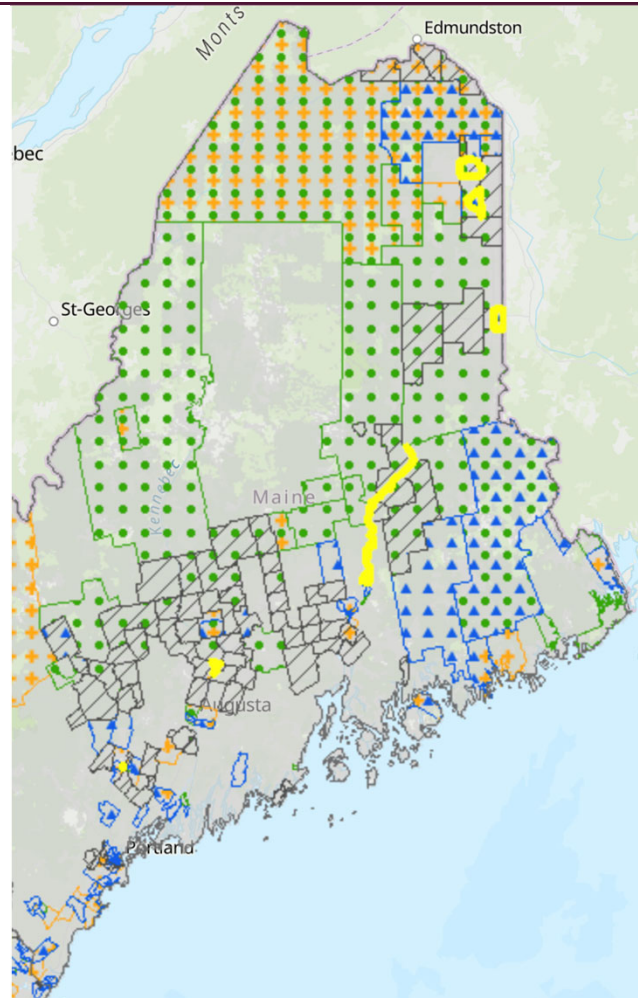
Recommendations Report or Strategic Plan	#Accessibility #Equity #EquitableAccess #Inclusion
<b>2020</b> Maine Won't Wait	Does not discuss equitable access to conservation land as a priority.
<b>2023</b> Climate Council Equity Subcommittee Recs	<p>Recommends a conservation goal of “ensuring equitable access to the bountiful natural resources and places in the state, improving the lives and health of people in Maine, particularly for historically disadvantaged and low-income people.”</p> <p>Defines “priority populations” in terms of the individuals and households, as well as the geographic areas and communities, that should receive the most attention and resources from climate action programs.</p>

# WHO HAS MAPPED CONSERVATION LAND ACCESSIBILITY FOR MAINE?

“Environmental justice criteria for new land protection can inform efforts to address disparities in access to nearby open space”

Katharine RE Sims, Lucy G Lee, Neenah Estrella-Luna, Margot R Lurie, Jonathan R Thompson, May 19, 2022

- Looks at distribution of protected open space
- Uses New England Protected and Open Space Dataset by Harvard Forest
- Determined that lowest income quartile has 52% as much nearby protected land as those in most affluent quartile.
- Determined that communities w/ highest proportion people of color have just 47% as much nearby protected land as communities with lower proportions of people of color.



## Environmental Justice Criteria

EJ Focus Area



EJ Focus Area + Language Isolated



Protected open space - lowest 25%



People of color - highest 25%



Income - lowest 25%



Language isolation - highest 25%



## Available Land

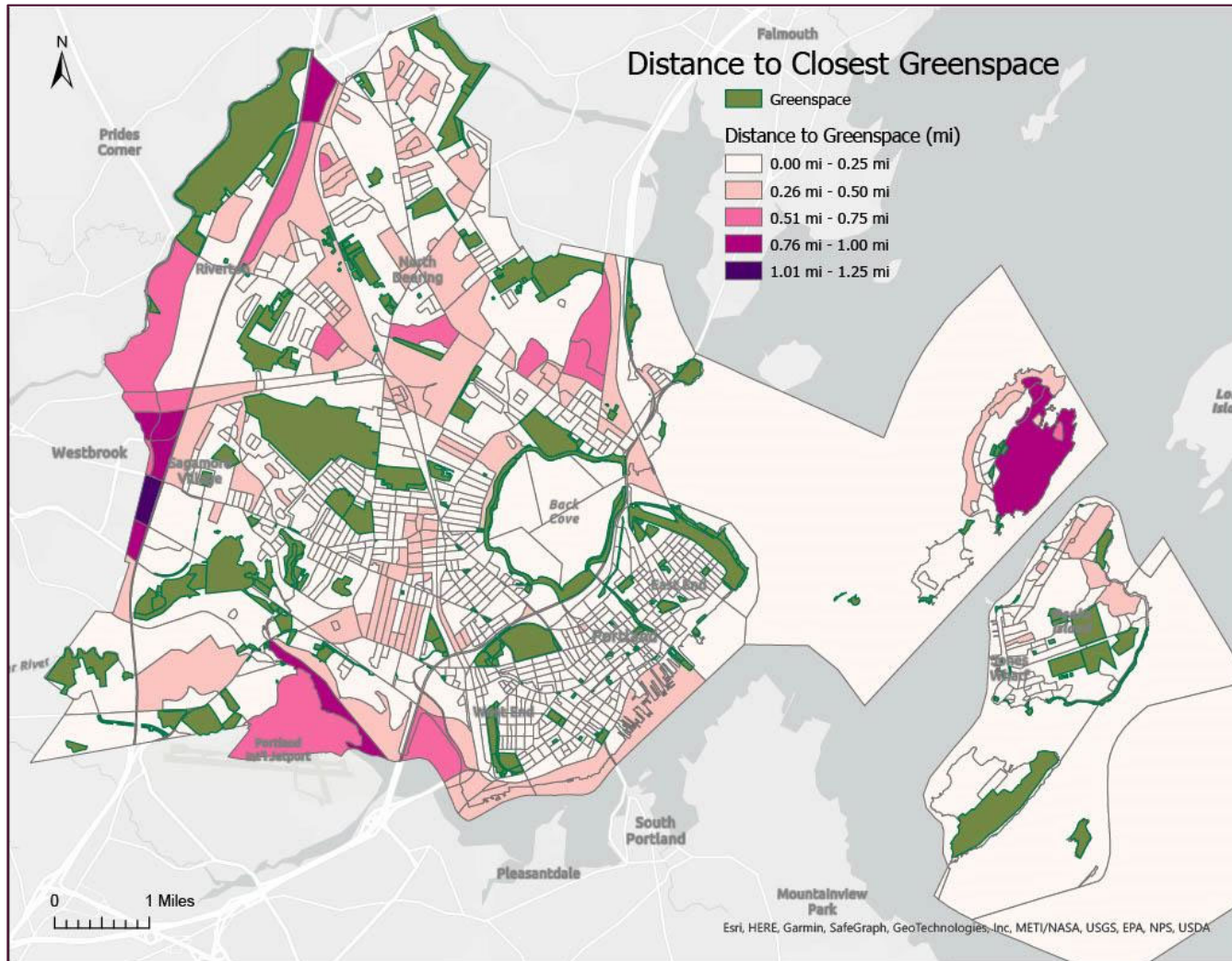
undeveloped\_unprotected\_land



1

## WHAT ARE SOLID NEXT STEPS FOR STRENGTHENING EQUITY GOALS FOR STATE CONSERVATION PROGRAMS?

- How do we *define* **Equitable Access**?
- We can map biodiversity, we can map carbon storage capacity, but how do we *map* equitable access?



**DISTANCE TO CLOSEST GREENSPACE**

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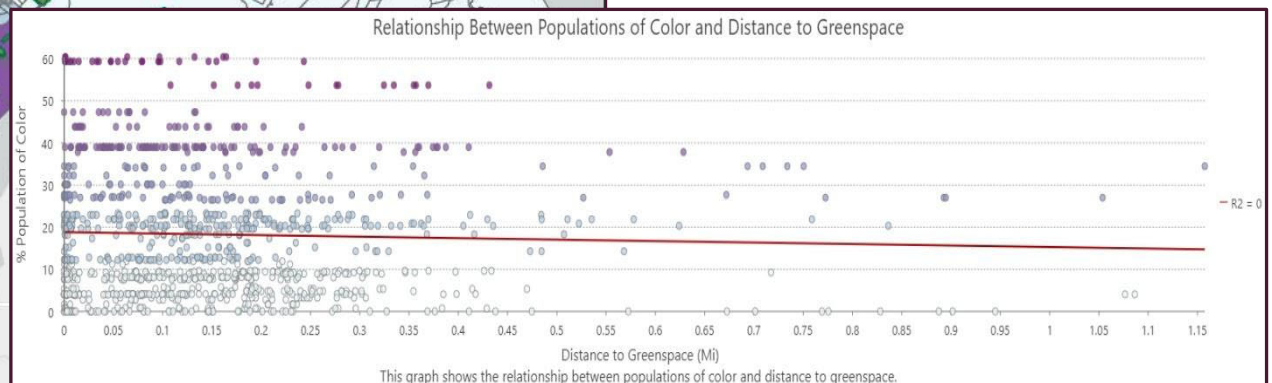
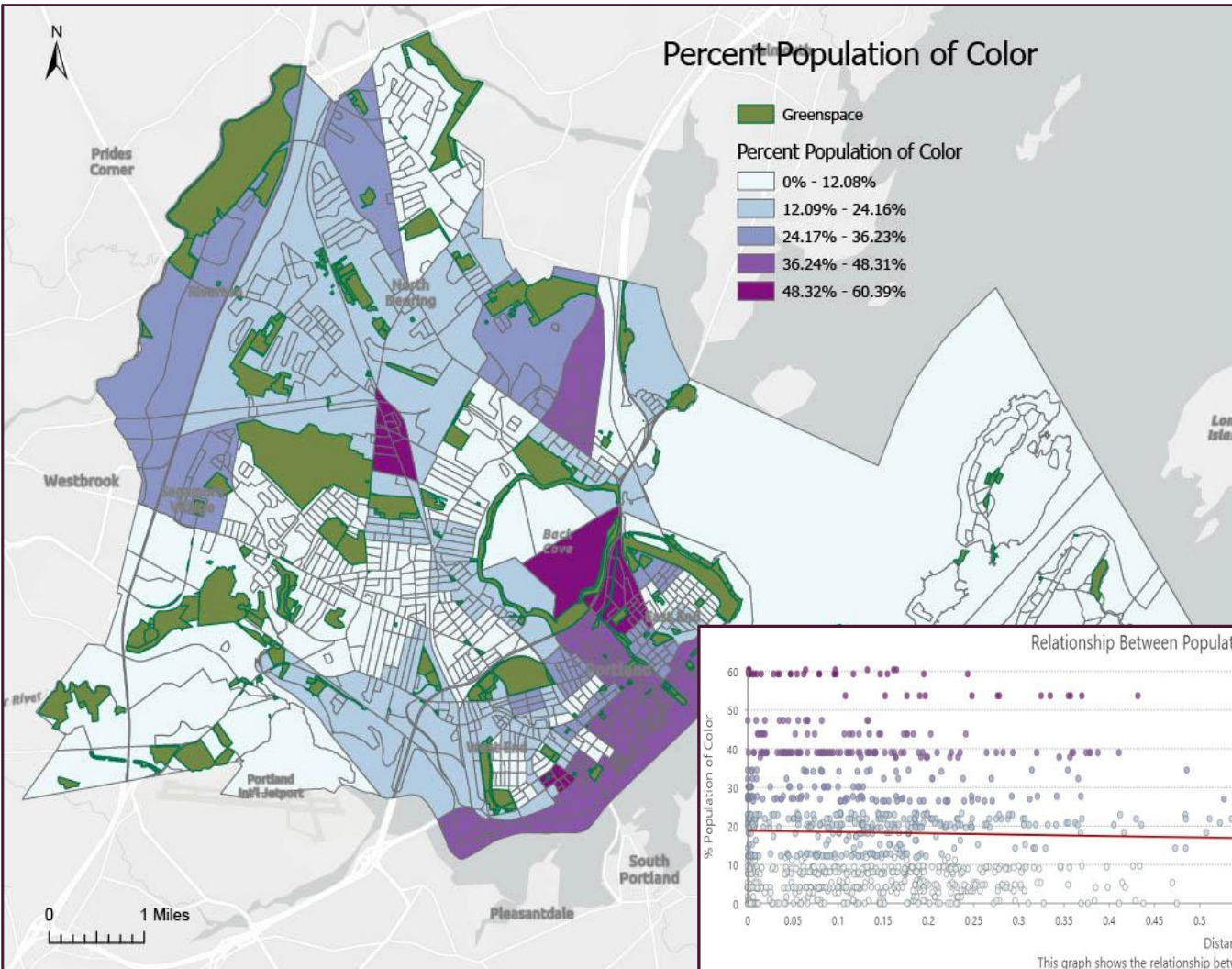
**0.15 mi**

Average distance from census block centroids to greenspace boundary

There is no significant relationship between distance to greenspace, race, and income within Portland municipal boundary.

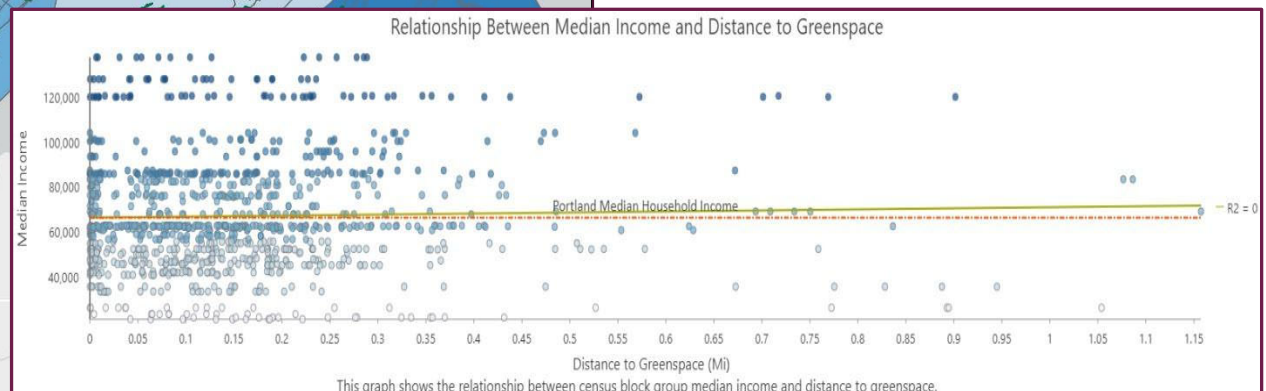
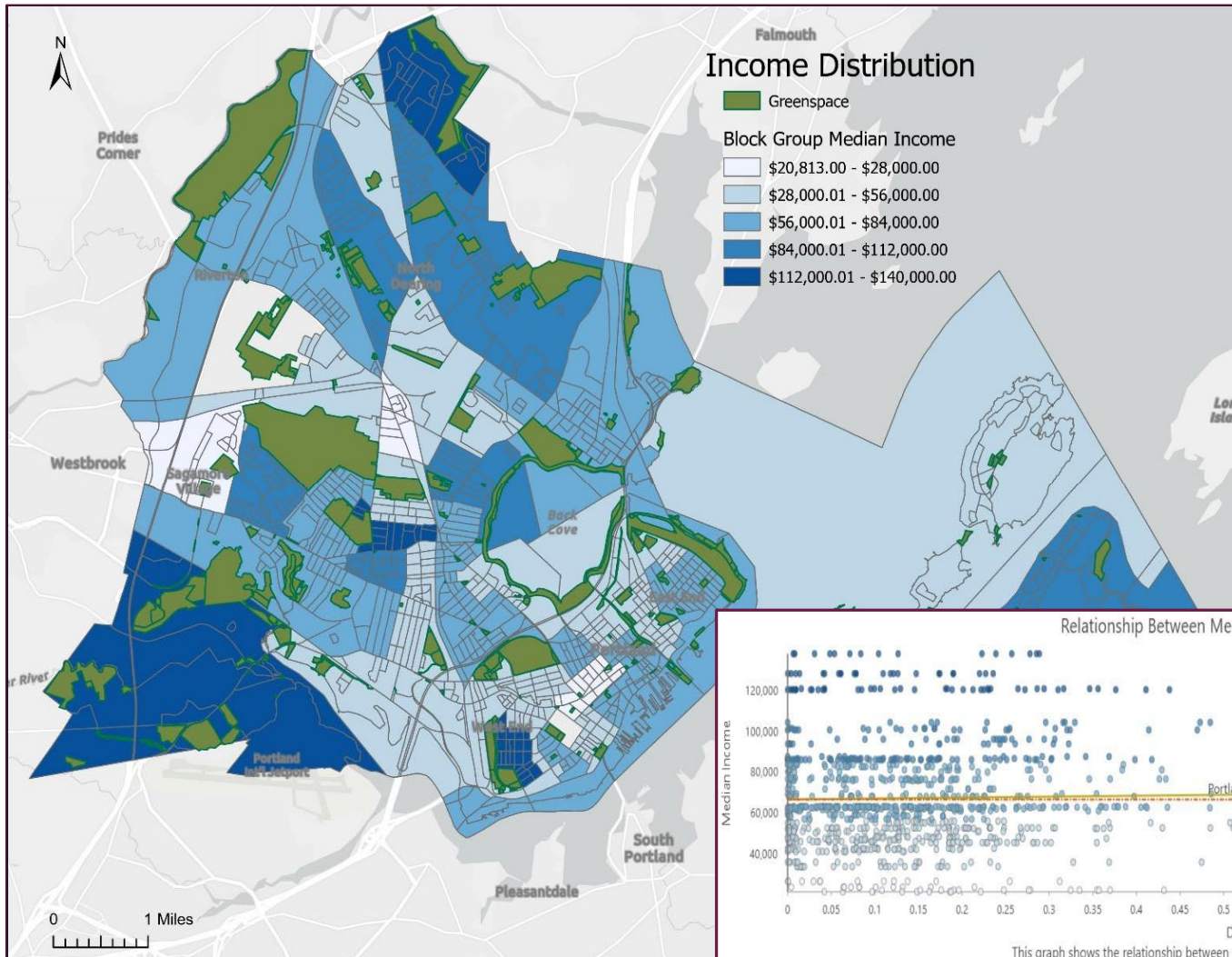


# POPULATIONS OF COLOR & DISTANCE TO GREENSPACE



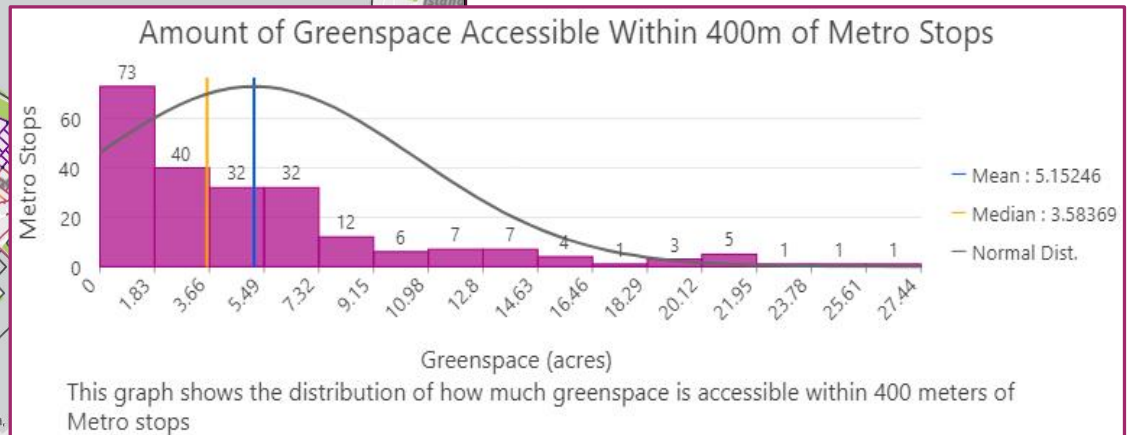
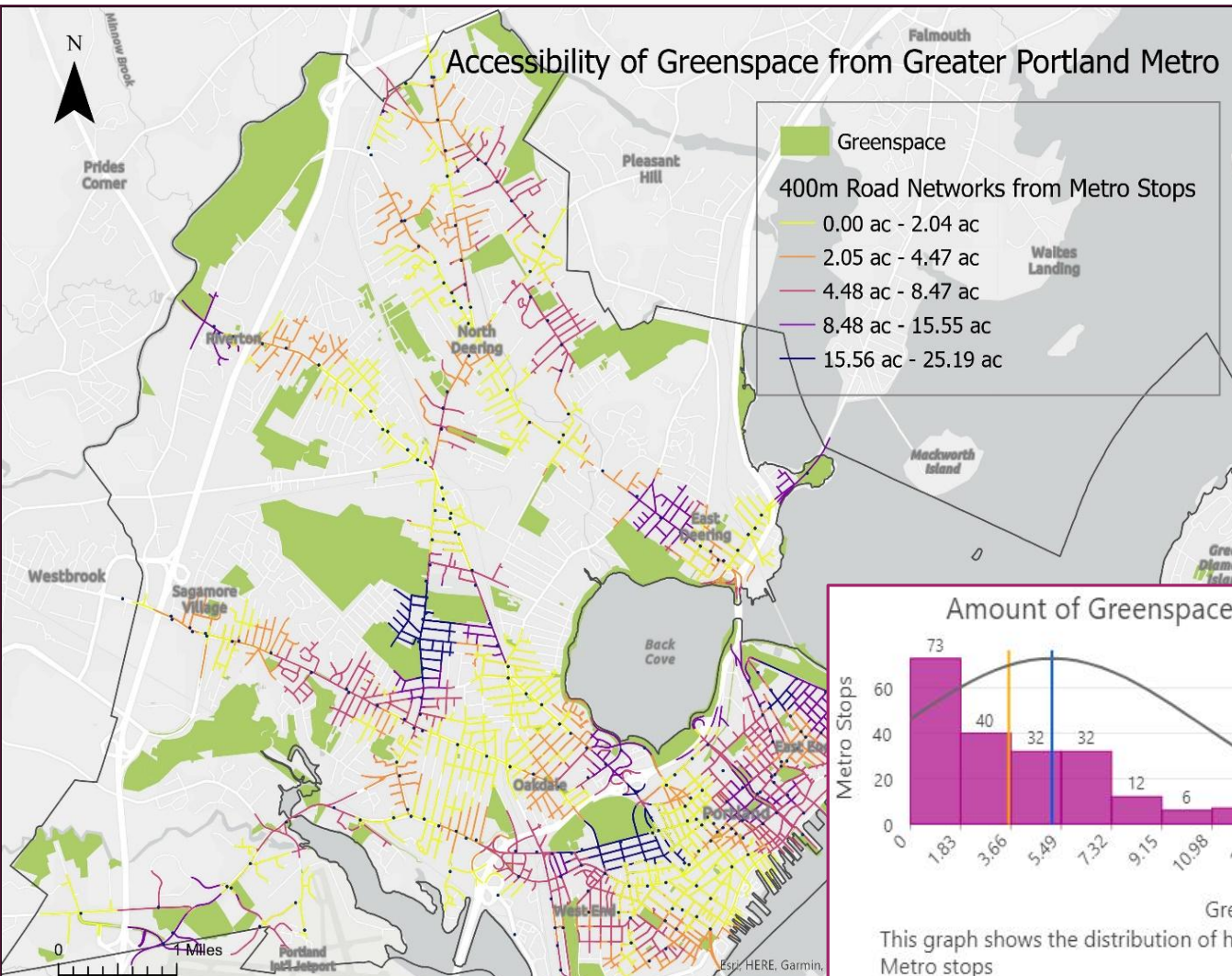


# MEDIAN INCOME & DISTANCE TO GREENSPACE



Accessibility of Greenspace from Greater Portland Metro

GREENSPACE  
ACCESS FROM  
METRO STOPS



## WHAT'S MISSING

- Analyses of equitable access to conservation land in Maine so far have focused solely on the *distribution* of land, using metrics of *proximity*.
- However, the design factors of, and accommodations at, conservation lands can also increase the accessibility of greenspace for more Maine people.

## BUSHWHACKING & WAYFINDING

- Engage in facilitated conversations with other conservation groups to define *Equitable Access*
  - Start with MCC ESC definition for ‘Disadvantaged Communities’
  - Proximity vs Equity Components
- Find examples in other states of quality accessibility initiatives and mapping tools (like this one! <https://metrotransitmnh.shinyapps.io/regional-parks-equity-tool/>)
- Accessibility Assessment of Maine State conserved lands → how are Maine state conserved land accessible? To whom are they inaccessible? How?
- Incorporate the definition into guidelines and policies
- Collaborate with other state conservation programs, land trusts, and municipalities
- Determine what’s reasonable for you

# **APPENDIX Q**

## **LMF ROUND 12 WORKBOOK (2024)**

# Land for Maine's Future Program

## Workbook for Conservation & Recreation and Water Access Proposals

### **Board Adopted Policy & Guidelines**



November 2023

Maine Department of Agriculture, Conservation and Forestry

[www.maine.gov/dacf/lmf](http://www.maine.gov/dacf/lmf)



# Introduction

## About This Workbook

This is the thirteenth edition of the Proposal Workbook since the Land for Maine's Future Board initiated its grants program in 1988. The Workbook reflects the previous work, experience, and public input since the program began in 1987. This Workbook has been revised for the purpose of incorporating new statutory requirements, updating and more clearly stating existing policy, updating the scoring criteria, and updating the names of current staff and board members.

This workbook contains four sections plus appendices.

**Section I** contains vital information on a wide range of Land for Maine's Future topics. Applicants should read this section first; it provides information on the Board's policies, process, and the Program's background.

**Section II** is for "Conservation and Recreation Land" proposals, this is the section that will be appropriate for most proposals.

**Section III** is for "Water Access" projects appropriate for the Public Access to Maine Waters Fund. Managed by the Board, this Fund is generally earmarked for smaller parcels that provide water access for boating, fishing, and swimming.

**Section IV** explains what you need to do to move your project from initial approval to final award (and receipt of funds).

**Appendices** include important background information for projects.

For this workbook, the Board has established a **single Conservation and Recreation funding round** for projects of Statewide Significance and Community Conservation Projects, including Working Forest Projects. **Water Access proposals may be submitted at any time.**

## Land for Maine's Future Workbook

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### PROPOSAL DUE DATES:

Applicants should use the [Project Readiness criteria](#) to evaluate whether their project is ready for submission.

#### **Conservation and Recreation Funding Round for Projects of Statewide Significance and Community Conservation Projects**

January 19, 2024 - Inquiry Forms ([Appendix A](#)) due no later than 5:00 p.m.

March 22, 2024 - Final Proposals due no later than 5:00 p.m.

The Proposal Workbook is available in Portable Document Format (PDF). It can be downloaded from the Land for Maine's Future website ([www.maine.gov/dacf/lmf](http://www.maine.gov/dacf/lmf)).

### SUBMISSION REQUIREMENTS:

**Inquiry Form:** Submit an [Inquiry Form](#) to LMF via email or hard copy at the address below.

**Proposal:** Submit an electronic PDF and one printed copy of your Proposal to:

**LMF Address:**

Land for Maine's Future  
22 SHS / 19 Elkins Lane / Elkins Bldg.  
Augusta, ME 04333-0022

**LMF Submissions Email:**

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

**\*Please note** that printed copies submitted via mail must be postmarked by the date proposals are due.



## Land for Maine's Future Workbook

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# Acknowledgments

The Land for Maine's Future Board wishes to acknowledge key individuals and organizations that assisted in the development and production of this edition of the *Land for Maine's Future Program Proposal Workbook*.

Special thanks go to all of the Board members, especially those private citizen members who give so generously of their time and knowledge to make the Land for Maine's Future Program an enormous success. Their tireless work and attendance at meetings are reflected in the outstanding public lands funded through the Program.

In addition to Board members, hundreds of Maine citizens and organizations provided essential input to the earlier versions of the Proposal Workbook as well as Board policies and goals that provide the foundation of this edition.

State agencies also provided input. The staff of the Departments of Agriculture, Conservation and Forestry (DACF), and Inland Fisheries and Wildlife (MDIFW) contributed significantly.

Finally, thanks go to the staff of the Land for Maine's Future Program who have collected and kept track of public comments, applicant feedback and Board concerns, and drawn from their own experience to help produce this new edition of the Proposal Workbook.

Land for Maine’s Future Workbook

Table of Contents

About this Workbook..... [i](#)  
 Acknowledgments ..... [iii](#)

**[SECTION I: THE LMF BOARD & PROGRAM](#)**

Land for Maine’s Future Board and Staff..... [2](#)  
 Legislative and Policy Objectives..... [3](#)  
 Needs Assessment ..... [4](#)  
 Board Policies & Guidelines..... [5](#)  
 Threshold Criteria ..... [10](#)  
 List of Contacts ..... [12](#)

**[SECTION II: CONSERVATION AND RECREATION LAND](#)**

Overview & Proposal Process..... [14](#)  
 Scoring System ..... [17](#)  
 Proposal Format & Instructions ..... [26](#)

**[SECTION III: WATER ACCESS \(PUBLIC ACCESS TO MAINE WATERS FUND\)](#)**

Overview ..... [33](#)  
 Proposal Process ..... [34](#)  
 Proposal Format & Instructions ..... [36](#)

**[SECTION IV: STANDARD CONDITIONS AND NEXT STEPS](#)** ..... [40](#)

**Appendices**

Conservation & Water Access Inquiry Form ..... [Appendix A](#)  
 State Land Acquisition & Access Programs ..... [Appendix B](#)  
 LMF Project Budget..... [Appendix C](#)  
 Land Assets ..... [Appendix D](#)  
 Appraisal Standards..... [Appendix E](#)  
 Model Project Agreements..... [Appendix F](#)  
 Guidance for Working Forest Easements..... [Appendix G](#)  
 Public Access Policy..... [Appendix H](#)  
 Access Improvement Grants ..... [Appendix I](#)  
 Stewardship Award Policy..... [Appendix J](#)  
 Frequently Asked Questions..... [Appendix K](#)

# Section I

## The Land for Maine’s Future Board & Program



## Land for Maine's Future Workbook

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# Land for Maine's Future Board & Staff

### Public Members

Barbara Trafton  
Brunswick, Maine

James Norris  
Winthrop, Maine

Robert L. Meyers  
Bath, Maine

Catherine Robbins-Halsted  
Searsmont, Maine

Dr. Mac Hunter  
Amherst, Maine

Roger Berle  
Falmouth, Maine

### State Agency Members

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State House Station #21  
Augusta, Maine 04333

Amanda Beal, Commissioner  
Department of Agriculture, Conservation and Forestry  
State House Station #22  
Augusta, Maine 04333

Judith Camuso, Commissioner  
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State House Station #41  
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### Program Staff

Laura Graham, Director  
Jason Bulay, Senior Planner  
Flora Drury, Senior Planner  
Vacant, Senior Planner  
Vacant, Office Specialist

## Land for Maine's Future Workbook

# Legislative & Policy Objectives

The Land for Maine's Future Program is managed by a 9-member board, of which six are private citizens and three are State Agency Commissioners. The program staff is responsible for providing support for Board activities relating to acquisitions.

Recent Policy Objectives initiated in the 131<sup>st</sup> legislative session:

In 2023, the 131<sup>st</sup> Legislature passed (and the Governor signed into law) LD 1969. This legislation repealed and replaced the Land for Maine's Future Fund with the Land for Maine's Future Trust Fund. By moving LMF funds into a protected account, and by permitting these funds to earn interest (which is then deposited back into the LMF Trust Fund), the legislation has helped the LMF Program to address the need for "dedicated and sustained sources of funding to ... protect natural and working lands".

Significant legislative changes to the LMF Program were also initiated during the 130<sup>th</sup> legislative session, including \$40,000,000 in new funding for LMF projects approved by the Governor and Legislators through the biennial budget. Up to \$30,000,000 may be allocated to conservation and recreation projects and at least \$2,000,000 must be allocated toward water access projects. At least \$4,000,000 must be allocated to each of farmland preservation and working waterfront as well – these categories are addressed in separate workbooks. New funding priorities were also established:

***Priorities...*** *For acquisitions funded by the Land for Maine's Future Trust Fund and the Conservation and Recreation Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.*<sup>1</sup>

<sup>1</sup> 5 MRS §6207. Acquisition criteria. PL 2021 c. 676. Emphasis added.

## Land for Maine's Future Workbook

# Needs Assessment

The Board conducted its original needs assessment in 1988, which consisted of public participation meetings and the establishment of priority land categories, including the legislatively mandated land types found in the LMF statute. This list created the foundation of the Land for Maine's Future Program's detailed land classification types which are used in the scoring process:

- Recreational 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
- Open Space

In 1996, Governor King established the Land Acquisition Priorities Advisory Committee (LAPAC). This committee performed a new needs assessment and its recommendations form the basis for some of the scoring process, most notably the "Land Assets" found in [Appendix D](#), and the Conservation and Recreation Lands [Scoring System](#) in this workbook.

Since then, the program has updated its criteria to keep current with emerging needs, public input, and legislative action.

As part of its preparation for issuing this workbook, the current LMF Board drew upon the previous LMF Workbook, updated statutory requirements, recommendations from the Maine Climate Council, on-going work to review the program and policies, and the Board's recent experience in scoring and selecting project finalists to develop the priorities and scoring system described herein.

## Land for Maine's Future Workbook

## Board Policies & Guidelines

The Land for Maine's Future Board follows well-established policies and guidelines as it conducts its business. The following is a brief summary of the most important of these. Please contact LMF staff with any questions.

**Primary Purpose of the Program** - The primary purpose of the LMF Program is to conserve land in its undeveloped state, provide public recreational water access, working waterfront protection, and continuing productive farms and farmlands. The LMF Program works to protect access to our most cherished lands and waters on behalf of our citizens, preserving Maine's quality of life for all.

**Providing Public Recreational Access** – Public recreational access is a core purpose of the Land for Maine's Future Program. All lands acquired with LMF Conservation & Recreation and Water Access Funds are open to the public. Unless waived by the LMF Board, all projects acquired with LMF Conservation & Recreation or Water Access Funds must also demonstrate a guaranteed legal right of public access. The LMF Board's Public Access Policy for Conservation & Recreation and Water Access lands is included in [Appendix H](#).

**Hunting, Fishing & Trapping** – Pursuant to statute, hunting, fishing, trapping and public access may not be prohibited on conservation and recreation lands acquired with LMF funding, except to the extent of applicable state, local and federal laws and regulations. Exceptions include farms and commercial working waterfront properties, or for protection of critical natural resources.

**Discriminatory Fees and Access** – Public access may not be limited in any way based on the location of a visitor's residence. If entrance or usage fees are established, they must be uniform for all visitors. Generally, the establishment of fees must be allowed in the Project Agreement and approved by the Designated State Agency.

**Willing Sellers Only** - The Board requires proposals to include a signed consent from the owner(s) of land being proposed for consideration.

**Municipal and County Approval** - Municipal approval is required for LMF funding when property interests representing more than 1% of a municipality's state valuation are considered for acquisition. Board policy is to encourage applicants to seek municipal input on all acquisitions. Within unorganized territories, approval of the appropriate County Commissioners is required if the land value of a proposed project constitutes more than 1% of the state valuation of the unorganized territory within that county.

**Public Notice of Intent to Purchase** - The Board publishes a notice of a vote to acquire property 10 days in advance of the meeting. Notices are placed in a general circulation newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.

## Land for Maine's Future Workbook

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**Public Participation Welcome at All Meetings** - All Board meetings are open to the public and include opportunity for public input. Meetings are publicly announced in advance on the LMF website, DACF website, and State of Maine public meetings calendar. Additionally, as noted above, when projects come before the Board for their final allocation, public notices are printed in applicable newspapers and on the LMF website.

**No Fee Acquisition of Lands for Timber Production** - By statute, LMF is prohibited from funding the fee acquisition of land for which the primary use value has been or will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the rights to harvest timber are retained by the landowner.

**Addressing Land and Easement Management Costs** - The Board requires all applicants to address stewardship and management costs as part of a proposal. LMF statute requires that applicants provide estimates of the management costs associated with the project over the first 10 years of ownership.

**Project Ownership** - The proposal must specify how the project's ownership will be held. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

When a cooperating entity will hold the property in fee or easement, a Project Agreement (see [Appendix F](#)) is signed between the entity and the State of Maine to define the terms of the project. When a state agency will hold a property in fee or easement, the project must include reference to the fact that the parcel has been acquired as part of an LMF funded project.

When a project involves an easement that is to be held by a local entity (a “cooperating entity”, per LMF statute, includes land trusts and municipalities), language may be added to the easement giving the State of Maine third party enforcement rights on the terms of the easement. If this is not done, a Project Agreement between the cooperating entity and the State of Maine will define the terms of the project and be recorded with the easement (see [Appendix F](#)). Because all projects have differences, the description of project goals and management expectations may change from project to project.

**Designated State Agency Sponsorship:** To apply for LMF funding, applicants must first submit an Inquiry Form. The Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. Once sponsored, applicants may submit a proposal. DSAs include the Department of Inland Fisheries & Wildlife, the Department of Agriculture, Conservation and Forestry, or the Maine Historic Preservation Commission.

**Pre-Acquired Properties** - Lands acquired within 2 years prior to the date of the project proposal deadline may be considered for reimbursement. All LMF due diligence and policy requirements apply to pre-acquired properties. Only in rare circumstances will the Board consider reimbursement for a pre-acquired easement. Contact LMF staff with questions.



## Land for Maine's Future Workbook

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**Purchases Above Appraised Value Strongly Discouraged** - The Board's basic rule is that it will not participate in a transaction where the purchase price exceeds fair market value based on an independent appraisal that is accepted by the Appraisal Oversight Committee and approved by the Board. However, it is recognized that the market will, on rare occasions, offer opportunities that may require exceptions to the basic rule. **Applicants should be aware that this exception is seldom invoked and consult with program staff prior to making any commitments that would require an exception.**

**Board Allocation of Project Funding** - The Board's allocation is considered preliminary until the actual value is determined by an LMF Board approved appraisal. The value determined by this appraisal will guide the amount of funds LMF contributes to the project. In the event that the project changes in scope or size, the Board's approval of funding may differ from the original allocation. Final funding awards are at the approval of the LMF Board. Awards are subject to the availability of funds and subject to state budget and finance procedures.

**Project Adjustments** - The Director and Project Manager must be notified if, at any point prior to closing, a proposal selected as a project finalist has adjustments to its scope and size from what was accepted for funding by the LMF Board. Staff will review and determine what adjustments are appropriate or if the proposed changes require the project to return to the LMF Board for approval.

Project funding may be reduced from the original allocation amount based upon the impact of the project change to the attributes of the original project.

Proposals must return to the LMF Board for reconsideration when:

1. Reductions in size
  - Reductions in land are more than 10% of the original total project land area. This includes instances in multi parcel projects
  - A parcel is removed from a multi-parcel project.
2. Reductions in scope  
If changes in project scope substantially affect public access, recreational opportunities, uses of the land, ecological or conservation attributes.
3. Change in project parcels  
Substitute parcels must be approved by the Board.

**Reserved Rights and Title Issues** - All reserved rights and issues affecting the property's title encountered during the due diligence process must be reviewed by the Project Manager and Director, including changes to conservation easement terms, mineral ownership, reserved rights, etc. to determine if these could materially affect the conservation values of the property and the investment of public funds.

## Land for Maine's Future Workbook

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**Environmental Concerns** – Properties that receive LMF funds must be free from all environmental concerns at the time of closing. Prior to closing, all projects must submit a Phase I Environmental Site Assessment (ESA) report to LMF dated within 1 year of closing. The ESA report must be conducted in accordance with then-current applicable ASTM standards for a Phase 1 Environmental Site Assessment at the time the report is created and under conditions that permit inspection of ground conditions (snow on the ground is not acceptable). Debris, trash, tires or other forms of refuse or encroachments from abutting lands identified in the ESA report must be removed from the property, with documentation provided to LMF staff prior to the release of LMF funds.

Buildings are generally not allowed on LMF properties, except under specific circumstances. Contact LMF staff if you have questions about existing buildings on the property.

For properties acquired for State of Maine ownership, (fee & easement), an ESA may not be necessary. Contact LMF staff with questions.

**Acquisition Awards** – LMF will consider requests for up to 50% of the appraised value of the land or interest in land to be acquired. In the case of multi-parcel projects, this limit applies to the total value of all parcels; LMF may contribute more than 50% towards the purchase of an individual parcel as long as the total award is no greater than 50% of the total value of all parcels. LMF funds may be applied only to the purchase of land or interests in land and may not be used for reimbursement of other project costs.

**Supplemental Awards** – By statute, the LMF Board may also award up to 5% of the appraised land value for access improvements, and up to 5% of the appraised land value for stewardship and management. Access improvement awards are made by the LMF Board after the land is acquired. Access Improvement Grants must be matched 1:1 by 1) excess cash and land value, 2) the applicant's contribution to a dedicated stewardship fund, and/or 3) applicant funds invested in access improvements. See [Appendix I](#) for more information on access improvement awards.

Stewardship Awards are made by the LMF Board at the same time as project awards. These funds must be held in a dedicated stewardship endowment fund and restricted to use on the property receiving LMF funding. Stewardship Awards must be matched 1:1 by funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as the stewardship funds awarded by LMF. However, the LMF Board may allow excess match from the acquisition of the property (above 50% of land value) to serve as all or a portion of the match required for LMF stewardship awards when after demonstrable efforts the applicant is not able to provide stewardship funds as match AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means. See [Appendix J](#) for more information on stewardship and management awards.

## Land for Maine's Future Workbook

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**Match** – An applicant is expected to provide matching funds greater than or equal to 100% of the total award amount. This means that for every \$1 of LMF funds, there must be \$1 of match value. For this round, 100% of the required match value must be supplied in the form of cash or land value. The value of lands or interest in lands may be used as tangible match when the property interests have a direct relationship to the project. This value must be validated by an independent appraisal which meets LMF appraisal standards. This appraisal must be reviewed and accepted by the LMF Appraisal Oversight Committee.

Lands donated as matching funds are subject to the same requirements and restrictions as lands acquired with LMF funds.

**Purchase Price Determined by Appraised Value** - Board policy requires that the fair market value of a property or a conservation easement is determined through a qualified independent appraisal. Appraisals should follow the Appraisal Standards found in [Appendix E](#). Board policy requires that the acquisition price be equal to or less than the appraised value. Purchases above appraised value are strongly discouraged.

Applicants may use an estimate of value for the purposes of applying for LMF funds. Once a proposal is selected by the Board as a finalist, an appraisal must be conducted in accordance with the LMF appraisal standards described in [Appendix E](#). The Board will typically require appraisals with a valuation date no more than a year old at the time of the Appraisal Oversight Committee's review, unless an executed purchase and sales agreement is in place with a value based on the appraisal. In all instances, appraisals for LMF funded properties must be reviewed and accepted by the LMF Appraisal Oversight Committee.

**Press Releases** - All press releases or media advisories announcing any phase of an acquisition with LMF funds must be coordinated with the LMF staff. Media coverage is encouraged.

**LMF Signage** - LMF will provide silk-screened metal signs upon completion of a project and will provide additional or replacement signs upon request. If they wish, an applicant may incorporate a digital copy of the LMF sign into their own signage, so long as the aspect ratio of the jpeg is maintained, and the sign is a minimum of 9 inches in height. Applicants are responsible for ensuring these signs are placed and maintained on all conserved properties.

## Land for Maine's Future Workbook

### Threshold Criteria

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. These "threshold criteria" supplement policies and guidelines that are found in Section I and refer to the Board's expectation that all proposals meet the following minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered.

**Adequate Title:** Clear title is required. If clear title is not available at the time of application then the applicant is required to obtain clear title prior to closing.

**Appraised Value:** The owner is willing to accept an offer at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see [Appendix E](#)). The appraisal valuation date should be less than a year old at the time of the Appraisal Oversight Committee review, unless an executed purchase and sales agreement is in place with a value based on the appraisal.

**Applicant's Capacity:** Applicants must demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Land trusts that have been accredited by the Land Trust Accreditation Commission may submit proof of accreditation as proof of capacity. Non-profit applicants without proof of accreditation must submit their most recent financial audit if one exists and the most recent financial statement that represents the organization's current financial condition. The Board may consider all relevant factors including without limitation: organizational debt, fund raising ability, past land conservation activity and transactions, track record with LMF projects, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns.

In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Relationship to Local Comprehensive Planning Efforts:** For community conservation projects, the project must be consistent with an adopted comprehensive plan (if one exists) meeting the standards of the Growth Management Act (30-A MRSA sections 4301-4349) with evidence that the municipality had adopted strategies to implement the plan. For strongest Board consideration, a project should be an explicit component of a larger integrated effort by the applicant and municipality to achieve the conservation, recreation, and other goals of the comprehensive plan.

## Land for Maine's Future Workbook

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A project proposed within a locally designated growth area must be able to demonstrate that the project doesn't diminish the intent of the designation.

### Other Board Considerations:

- Does the property increase geographic distribution of LMF investments?
- Does the property provide benefit to people from multiple towns and/or address regional conservation needs?
- Does the property serve as an anchor parcel for conservation in an area of the state without existing conservation lands?
- Does the budget include >50% in matching funds?
- Are >50% of matching funds secured (in hand)?
- Does the relative cost of the property align with the values offered by the property? Is it a good bang for the buck?
- Will the property require an average or low level of ongoing management needs? In the case of conservation easements, sufficient matching funds are needed to monitor and enforce the easement. The Board will evaluate whether the proposal includes an adequate contribution, as identified by the sponsoring state agency, to the State's conservation stewardship or easement monitoring endowment fund.
- Does the applicant have a good track record of completing projects to LMF standards?
- Is this a new applicant that has not previously received an LMF award?
- Does applicant demonstrate financial & staff capacity to adequately steward the property?
- Does the project design result in a good investment of public funds and a good resource for the public?
- Does the applicant demonstrate that the property is under threat from losing public access or conversion to a use that would minimize the value of the resources present?
- Does the project have a high level of readiness and minimal complications?

## Land for Maine's Future Workbook

### List of Contacts

As an applicant begins to develop a proposal, they may seek information sources, conservation partners, and the required sponsorship from State agencies associated with the acquisition and management of public lands. The organizations listed below can assist you in this effort. For more about the mission and priorities of Designated State Agencies, please see [Appendix B](#). If you need any further guidance, contact the Land for Maine's Future Program.

#### Dept. of Agriculture, Conservation and Forestry

##### Land for Maine's Future Staff

Laura Graham, Director	(207) 287-5619	<a href="mailto:laura.graham@maine.gov">laura.graham@maine.gov</a>
Jason Bulay, Senior Planner	(207) 287-7532	<a href="mailto:jason.bulay@maine.gov">jason.bulay@maine.gov</a>
Flora Drury, Senior Planner	(207) 446-8917	<a href="mailto:flora.m.drury@maine.gov">flora.m.drury@maine.gov</a>

##### Bureau of Parks & Lands

Director of Planning and Acquisition  
Bureau of Parks and Lands  
22 State House Station  
Augusta, Maine 04333

##### Maine Natural Areas Program

Molly Docherty  
Maine Natural Areas Program  
93 State House Station  
Augusta, Maine 04333  
(207) 287-8045  
[molly.docherty@maine.gov](mailto:molly.docherty@maine.gov)

##### Maine Dept. of Inland Fisheries & Wildlife

Bethany Atkins  
41 State House Station  
Augusta, Maine 04333  
(207) 557-2264  
[bethany.atkins@maine.gov](mailto:bethany.atkins@maine.gov)

##### Maine Historic Preservation Commission

Arthur Spiess  
65 State House Station  
Augusta, Maine 04333  
(207) 287-2132  
[arthur.spiess@maine.gov](mailto:arthur.spiess@maine.gov)

J. N. Leith Smith  
65 State House Station  
Augusta, Maine 04333  
(207) 287-2132  
[leith.smith@maine.gov](mailto:leith.smith@maine.gov)

#### Land Trusts and Non-Profit Organizations

For the name of the land trust nearest your property, please contact the Maine Land Trust Network ([www.mltm.org](http://www.mltm.org)) or the Land for Maine's Future Program.

# Section II

## Conservation & Recreation Fund



## Land for Maine's Future Workbook

### Overview

The Conservation and Recreation Fund is administered by the Land for Maine's Future Board. Most proposals submitted to the Land for Maine's Future Program fall under this section.

Conservation and Recreation proposals include projects of Statewide Significance and Community Conservation Projects. Applicants should select which category to apply in based on the criteria below:

**Projects of Statewide Significance** include lands with one or more resources that are rare and/or exceptional in Maine based on published report(s), database(s), or credible testimony and/or the recreational activity associated with the parcel will frequently and routinely attract users to travel to the land from across the state or even from out-of-state to the parcel.

**Community Conservation Projects** are projects of local or regional significance that promote one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.

Note that neither category has any advantage in scoring; applicants should select the category that is most applicable based on the characteristics of the project.

**Working & Community Forest Projects**, which are a type of Conservation and Recreation Project, can be classified either as projects of Statewide Significance or Community Conservation Projects. Working & Community Forest Projects are those that maintain existing forestland and provide economic, environmental, educational, and/or recreational benefits to the public. Timber harvest is not required on Working & Community Forest projects but cannot be prohibited.

There is a separate expedited process for proposals for projects eligible for the **Public Access to Maine Waters** Fund. These proposals may be submitted at any time. See [Section III](#) for information on the process for this category.



## Land for Maine's Future Workbook

# Proposal Process

The following outlines the steps necessary to apply for Conservation and Recreation Funds. If you have any questions about your proposal or the Land for Maine's Future process, please call (207) 287-5619 and speak with a member of our staff.

### Proposal Requirements for Conservation and Recreation Lands

#### Project Inquiries

Before submitting a proposal, applicants must submit an Inquiry Form. The Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. The Inquiry Form is located in [Appendix A](#).

Inquiries will be accepted on a continuous basis from **November 29, 2023 to January 19, 2024**. Applicants are encouraged to submit the [Inquiry Form](#) as early as possible during the inquiry period to give themselves ample time to respond to any follow-up questions and prepare a full proposal.

**Inquiry Process:** LMF and DSA staff will jointly evaluate inquiries for consistency with agency priorities and LMF workbook requirements and may request additional information in order to make a final determination on eligibility and sponsorship. Applicants who believe a specific DSA is a good fit for their project based on the criteria in [Appendix B](#) or who have a preferred DSA to work with may indicate their preference as part of their inquiry, but final decisions on sponsorship will be made by the DSA.

Applicants are required to submit a Pre-Acquisition Review [from the Maine Natural Areas Program](#) of all project parcels with their Inquiry Form. It can take up to several weeks for MNAP to complete this review; applicants are responsible for contacting MNAP in a timely manner.

#### Sponsorship

Applicants will be notified whether a project has been selected for sponsorship by no later than two weeks after the Inquiry Form submission deadlines. DSAs may require a site visit and/or review of the final proposal as a condition of sponsorship.

In the event that your project is not selected to submit a full proposal, you will receive feedback from the committee outlining the justification for their decision.

## Land for Maine's Future Workbook

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### Proposal Development

Applicants eligible to submit a full proposal should rely on this workbook as the primary source of information about the proposal process and program requirements but should also feel free to contact LMF and DSA staff with questions. Questions about the LMF proposal and award process, due diligence, appraisals, requirements contained in this Workbook, or other questions related to LMF funding, should be directed to LMF staff. Questions about managing natural resources and recreation on the property, and similar issues related to property use and management should be directed to the DSA.

### Proposal Deadline

Electronic proposals and hard copies must be received by **5:00 PM on March 22, 2024**. Proposals must be complete with responses to all the numbered subject headings found in the **Format and Instruction Section** and any additional information listed in this section. Incomplete proposals will be returned for additional information and may not be considered further at the Board's discretion.

### Project Readiness

The LMF Board is requesting proposals that meet the following criteria:

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement or conservation plan meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of proposal review, the proposal should include a description of fundraising and/or grant application efforts; and
- The applicant has a plan for completing LMF's due diligence requirements.

Projects not meeting these criteria are eligible to apply, but the proposal should include an explanation of why the proposal would not be more timely in a future round. All applicants will be notified of the status of their proposal after final Board decisions. Projects not selected on the basis of readiness may be invited to reapply in a subsequent round.

### **Board Process for Reviewing Proposals** - After your proposal has been submitted:

- LMF staff review proposals for completeness.
- LMF staff contact applicants if clarification or additional information is needed.
- LMF staff scores proposals.
- Board reviews proposals and staff scores.
- Board hears presentations from applicants and adjusts their scores accordingly.
- Board meets to review [Other Board Considerations](#) and determine the consensus Board score.
- The Board enters executive session to select finalists and makes preliminary funding allocations.
- The Board then votes in a public session to select finalists.

## Land for Maine's Future Workbook

# Scoring System for Evaluating Conservation and Recreation Land Proposals

The scoring system assigns points according to the relative value of twelve criteria associated with an acquisition proposal. These are:

	<b>Maximum Points</b>
<input checked="" type="checkbox"/> Naturalness of the Land	10 points
<input checked="" type="checkbox"/> Accessibility of the Land for its Intended Use	15 points
<input checked="" type="checkbox"/> Proximity to Conservation Lands and/or Larger Efforts	10 points
<input checked="" type="checkbox"/> Project Need	20 points
<input checked="" type="checkbox"/> Land Assets	
Multiple Land Assets	30 points
<i>or</i>	
Single Exceptional Value	30 points
<input checked="" type="checkbox"/> Community and Economic Impact	10 points
<input checked="" type="checkbox"/> Municipal Support	<u>5 points</u>
	100 points
 BONUS	
<input checked="" type="checkbox"/> Significant Undeveloped Archaeological Sites	10 points
<input checked="" type="checkbox"/> Public Water Supply	10 points
<input checked="" type="checkbox"/> Community Accessibility	10 points
<input checked="" type="checkbox"/> Climate Change Adaptation	10 points
<input checked="" type="checkbox"/> Deer Wintering Area(s)	<u>10 points</u>
	50 points
 <b>Total Possible Points:</b>	 <b>150 points</b>

## Land for Maine's Future Workbook

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<b>1. <u>Naturalness of the Land (Max Points = 10)</u></b>	<b>Points</b>
The land has little or no discernible human impact	10
The land has some site disturbance but the disturbance does not negatively impede/affect the intended uses of the property	7-9
In the case of rail-to-trails projects, the site is significantly disturbed but the disturbance does not negatively impede/affect the intended uses of the property	7-9
The land has been significantly disturbed by human activity and restoration (or time) will be required to return the site to a more natural condition	2-6
The property has extensive site disturbance or improvements which will severely impede the use of the property for its intended purposes, or the site does not have a high probability of being successfully restored	0-1
SCORE _____	
<b>2. <u>Accessibility of the Land for its Intended Use (Max Points = 15)</u></b>	
The property abuts and public access is provided by a maintained public road, access to which is not restricted or limited.	15
The property abuts and public access is provided by a private road, discontinued road, or right-of-way with documented access for all purposes of a public way, AND the proposal includes a commitment to maintain the road in a condition allowing access by passenger vehicles.	10
The property is located on an island or shoreline accessible from a nearby public boat launch, has adequate water depth to land or moor recreational boats, and it is appropriate for the purposes of the project that the primary access be by water.	10
The property abuts and will be accessed across adjacent existing conservation land held by the applicant and which is located adjacent to a public way and accessible by vehicle, and the proposal includes a commitment by the applicant to provide at least pedestrian public access across the adjacent land.	10
The property is accessed by a private road, discontinued road, easement, or right-of-way that does not allow access by passenger vehicles but allows public access by other means, or the proposal does not include a commitment to maintain the road in a condition allowing vehicular access.	5
The property is accessed by a private road that provides access for passenger vehicles and is open to the public, but public access is not guaranteed as defined by LMF in Appendix H.*	5
The proposal does not identify legal and physical public access to the property.*	0
SCORE _____	

**Land for Maine’s Future Workbook**

**Accessibility of the Land for its Intended Use Scoring Notes:**

**\*Note 1:** Projects that are unable to provide guaranteed public access as defined by LMF in Appendix H must receive a waiver from the LMF Board to receive LMF funding. Please refer to Appendix H for more information.

**Note 2:** If legal access to the property is not in place at the time of the proposal but will be secured at or before closing (if a right-of-way will be granted by an abutting owner, for instance), the proposal may be scored as though access has been secured, but LMF funds will not be released until access has been secured as described in the proposal. If it is later learned that guaranteed public access cannot be secured, the applicant may request a waiver of this requirement from the LMF Board as a modification to the approved project.

**Note 3:** In the case of projects made up of multiple parcels that would receive different accessibility scores based on these criteria, the LMF Board may choose to award the project a score representing the average of the scores of its component parcels or a score that the Board otherwise determines best represents the accessibility of the project as a whole.

**3. Proximity to Conservation Lands or Larger Conservation/Recreation Effort  
(Max Points = 10)**

**A. Plan Implementation (Max Points = 5)**

Projects are awarded points if they implement one or more conservation or recreation plans. Acceptable plans include: 1) Adopted strategic conservation plans that address regional or statewide, multi-state or multi-country conservation needs; 2) Regional conservation efforts to protect open space, recreational opportunities or other natural resource values such as a greenbelt, trail network, recognized route, or river corridor; and/or 3) Protection strategies for open space, recreation, wildlife habitat and/or rural areas in a locally adopted comprehensive plan that are consistent with the State’s Growth Management Act.

**Note:** Conservation initiatives that all proposals submitted to LMF would further (such as the 30x30 Conservation Initiative) are not eligible for points.

- The project location is specifically identified as a priority in statewide, regional, or local conservation/recreation planning. 5
- The project furthers the goals of two or more conservation/recreation plans, but the plans do not identify priority areas or the project is outside of specified priority areas. 3
- The project furthers the goals of a single conservation/recreation plan, but the plan does not identify priority areas or the project is outside of specified priority areas. 1
- The project does not implement any conservation or recreation plans. 0

Plan Implementation Score \_\_\_\_\_

Land for Maine’s Future Workbook

B. Connectivity (Max Points = 5)

The project builds upon or connects existing conservation holdings.

The project connects two or more significant conservation holdings (state, federal, town, land trust, etc.) and/or is surrounded or nearly surrounded by existing conservation lands. 5

The project is adjacent to existing conservation holdings (state, federal, town, land trust, etc.). 3

The project is not adjacent to existing conservation lands. 0

Connectivity Score \_\_\_\_\_

SCORE (Plan Implementation + Connectivity) \_\_\_\_\_

4. Project Need (Max Points = 20)

The need to protect the property and the land assets identified in the proposal due to the relative rarity of natural or recreational resources on the property on a local, regional, or statewide level, the threat that the resources will be lost if not protected, and/or the fact that resources on the property are underrepresented on conserved lands in Maine, as substantiated by published reports, databases, or credible testimony.

**Great Need:** The project will protect resources that are rare or unique, are under severe threat, are in high demand and/or are not well-represented on conserved lands in Maine. 20

**Moderate Need:** The project will protect resources that are uncommon, are under moderate threat, and/or are not fully represented on conserved lands. 10-15

**Minor Need:** Resources to be protected by the property cannot be considered rare, threatened, or underrepresented due to an abundance of similar resources. 5

SCORE \_\_\_\_\_

**Land for Maine’s Future Workbook**

**5. Land Assets (Max Points = 30)**

LMF prioritizes projects that that conserve lands with multiple outstanding resource or recreation values or a single exceptional value. Applicants are asked to determine whether their project qualifies for Multiple Land Assets **OR** Single Exceptional Value using the criteria below. Additional information is contained in the [Proposal Format and Instructions](#) section on how to determine which of these categories is appropriate for your project. See [Appendix D](#) for descriptions of each land asset.

**A. Multiple Land Assets**

Projects are awarded points for each land asset of minor, moderate, or major significance, up to a maximum of 30 points (if scores total more than 30 points, 30 points are awarded).

**Major Significance \_\_\_\_\_ 6 points**

A resource that is rare and/or exceptional within a statewide or regional area, as substantiated by published report(s), database(s), or credible testimony, and protection of this resource will benefit communities across a large portion of the state and address statewide or regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space.

**Moderate Significance \_\_\_\_\_ 4 points**

A resource that is rare and/or exceptional within at least a regional area, as substantiated by published report(s), database(s), or credible testimony, and protection of this resource will benefit multiple municipalities and address regional conservation needs, including public access to recreation, wildlife and habitat conservation and open space.

**Minor Significance \_\_\_\_\_ 2 points**

A resource that is relatively common (or where data gaps prevent rarity from being documented), and/or protection of the resource will primarily benefit only a small number of communities.

Recreation lands	2	4	6
Water Access Lands	2	4	6
Lands Supporting Vital Ecological Functions and Values	2	4	6
Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat	2	4	6
Areas of Scenic Interest and Prime Physical Features	2	4	6
Open Space	2	4	6
Ecological Preserve	2	4	6
River or Trail System	2	4	6
Island or Undeveloped Coastline	2	4	6
Significant Mountain	2	4	6

SCORE \_\_\_\_\_

**Land for Maine’s Future Workbook**

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**B. Single Exceptional Value (Max Points = 30)**

If the land proposed for acquisition is documented to demonstrate a single exceptional value that is exceptionally rare and of outstanding significance in a statewide context then it shall be evaluated to determine if it will be awarded 30 points. An award of points in the category will be infrequent. This is an “all or nothing” point score.

The land is documented to demonstrate a single exceptional value recognized as being the best or among the best in the state of its type, and this value is supported by comprehensive published report(s), data, and credible testimony.

SCORE \_\_\_\_\_

**6. Community and Economic Impact (Max Points= 10)**

Points for each applicable attribute from the following list will be summed to determine the Community and Economic Impact Score:

Demonstrates a positive impact on economic development through letters of support from relevant groups such as businesses, business trade organizations, legislators, and/or community partners that describe how the proposal supports the economy. 2-4

Demonstrates inclusion of low income or otherwise disadvantaged communities<sup>2</sup> via narrative, letters of support from relevant groups or documentation of initiatives that demonstrate involvement in the project. 2

Demonstrates community health and wellness impact via narrative and letters of support from relevant groups such as community health, recreational, educational, or civic organizations that describe such impacts. 2

Provides greenspace or outdoor recreational opportunities in areas where outdoor recreation may be limited and/or increases connections between conserved lands and one or more of Maine’s Service Centers, as defined by the Municipal Planning Assistance Program . 2

SCORE \_\_\_\_\_

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<sup>2</sup> In this workbook, disadvantaged communities are defined as those who have experienced historical and ongoing systemic discrimination, restricted power, and underrepresentation in state policy making This definition was borrowed from the MCC Equity Subcommittee, and per [Maine Climate Council’s Equity Subcommittee’s Initial Report](#), is inclusive of communities of color and indigenous communities, low income Mainers, rural and otherwise geographically isolated communities, older adults, LGBTQ+ people, differently abled populations, immigrants, seasonal workers, impacted industries, and other differently impacted communities.



Land for Maine’s Future Workbook

7. **Municipal Support (Max Points = 5)**

The Board will give preference to projects that demonstrate municipal support. Projects in multiple municipalities are eligible for points when evidence of support is demonstrated by at least one municipality in which the project is located.

The Board requests that projects in the Unorganized areas of Maine demonstrate support from County Commissioners.

The proposal provides evidence of substantial support from the municipality(ies) in which it is located including municipal letters of support and further evidence of support such as matching funds and/or commitments to stewardship responsibilities. 5

The proposal provides municipal letters of support from the municipality(ies) in which it is located. 3

The proposal does not provide evidence of support from the municipality(ies) in which it is located. 0

SCORE \_\_\_\_\_

**BONUS:**

8. **Significant Undeveloped Archaeological Site (Max Points = 10)**

Proposals claiming points for “significant, undeveloped archaeological sites” must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site. A proposal for which the “Major Land Asset Category” is based primarily on archaeological values must be sponsored by the Commission.

SCORE \_\_\_\_\_

9. **Public Water Supply (Max Points = 10)**

Proposed projects that provide a direct benefit to a public water supply may be awarded 10 points if the following criteria are met:

- A. The protected property is located within one of the following areas mapped by the Maine Drinking Water Program – see <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/pws/maps.shtml>:
  - o The source water protection area of a surface water body that is a Community Water System;
  - o The wellhead protection area of a well that is a Community Water System;
  - o Within five miles upgradient of a river or stream surface water intake or riverbank well for a Community Water System;
  - o Projects in other areas may be eligible if the applicable water district provides information documenting the benefit the project will have on the public water supply;

**Land for Maine’s Future Workbook**

- B. Proposal includes a letter of support from the applicable water district; and
- C. The protection of the property is consistent with and does not conflict with the natural resource conservation and recreation purposes of LMF. In practice this means that the protected land must be available for public recreational use.

SCORE \_\_\_\_\_

**10. Community Accessibility (Max Points = 10)**

Projects that will improve the connection between population centers and conservation that provides increased access to open space and outdoor recreation will receive up to 10 bonus points based on the following criteria:

- A. The project is located within ½ mile of, and accessible on foot from, a residential neighborhood, public school, downtown area, public transportation stop, or will otherwise be accessible on foot for a large number of Maine residents. 10

OR

- B. The project is accessible by vehicle and has a trailhead within approximately 10 miles of one or more of Maine’s Service Centers, as defined by the Municipal Planning Assistance Program. 5

SCORE \_\_\_\_\_

**11. Climate Change Adaptations (Max Points = 10)**

Please note the information used to determine eligibility in the following subcategories is contained in the Maine Natural Areas Program Pre-Acquisition Review, which is required to be submitted with a project’s inquiry form. If you feel your property provides important contributions to climate resiliency that are not represented, please provide a brief narrative explaining those attributes.

**A. Climate Resilience (5 points)**

LMF rewards projects where land conservation has the potential to increase the resiliency of our plant and wildlife communities to persist in the face of a changing climate.

- More Resilient** (>1 SD), 5

- Marsh Migration:** marsh migration modeling suggests the project could support 2 or more acres of new saltmarsh under MNAP’s 6.1-foot sea level rise scenario, OR; 5

- Slightly More Resilient** (0.5 to 1.0 SD) 3

SCORE \_\_\_\_\_

## Land for Maine's Future Workbook

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### **B. Underrepresented Geophysical Settings (5 points)**

Geophysical settings are defined by the geology, soil, and elevation that underpin the differences in the plants and animals they support. Some geophysical settings such as granitic rocky outcrops on mountain summits and open wetlands have been well protected in Maine's conservation portfolio. Others such as calcareous bedrock and silt floodplains are not well represented. Ensuring the representation of all geophysical settings in our State's suite of conservation lands increases the likelihood that all plants and animals will have the habitat they need to adapt to a changing climate.

The property contains at least one geophysical setting that is underrepresented within the biophysical region in which it is located and;

The underrepresented geophysical setting(s) is 100 acres or larger in size or covers at least 50% of the property

SCORE \_\_\_\_\_

SCORE (Climate Resilience+ Underrepresented Geophysical Settings) \_\_\_\_\_

### **12. Deer Wintering Area (Max Points = 10)**

A total of 10 bonus points will be awarded to projects that include conservation of deer wintering areas and meet all of the following:

- Holder of fee or easement interest will be the Maine Department of Inland Fisheries and Wildlife. (yes/no)
- Lands will be managed by the Maine Department of Inland Fisheries and Wildlife as a Wildlife Management Area with deer as the highest management priority. (yes/no)
- Lands identified as priority deer wintering areas by Maine Department of Inland Fisheries and Wildlife. (yes/no)

SCORE \_\_\_\_\_

**Note:** LMF may fund other projects protecting deer habitat but only projects meeting the above criteria will be considered for bonus points.

## Proposal Format and Instructions for Conservation & Recreational Land Proposals

All applicants are required to provide maps, visual aids (e.g. photos) and as much supporting information as necessary for the Board to better understand the project and the values it addresses. Carefully read this section to learn what the Board wishes to see in a well-developed proposal. Program staff can make available examples of successful proposals that may provide useful models.

All applicants are required to use the following proposal structure and numbering sequence and to provide complete information. If not applicable, indicate so by placing a N/A.

Submit an electronic PDF and one printed copy of your proposal to:

Land for Maine's Future

22 SHS / 18 Elkins Ln. / Harlow Building Augusta, ME 04333-0022

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

### 1) Proposal Summary page

**a) Project Title:** This is the title by which your proposal will be catalogued by Program staff.

**b) Proposal Category:** Indicate whether your project is a Community Conservation Project or a Project of Statewide Significance (see description in "[Overview](#)" for guidance). If your project is a Working Forest Project, please indicate so here.

**c) Applicant Name & Contact Information:** Provide the applicant's name, address, email, and phone number of the primary contact person. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

**d) Location of Project:** Provide the name of the municipality/township and county. Include the district number of the Senate and House Districts where the property is located. For this section, please include 1 map depicting the property and regional context. Additional maps are required in subsequent sections.

**e) Size:** Indicate how many acres your project encompasses and identify fee acres vs. easement acres.

**f) Status of Title:** Clear title is required prior to closing. Provide a brief status of title and documentation if available. Include a copy of the recorded deed, including book and page reference of subject property.

## Land for Maine's Future Workbook

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**g) Funding request for acquisition:** Indicate the amount of LMF funding you are requesting for the fee or interest acquisition of the (See full budget information below).

**h) Agency Sponsor & Proposed Ownership:** Possible agency sponsors for Conservation and Recreation Projects are the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries & Wildlife, or the Maine Historic Preservation Commission. A letter of agreement from the sponsoring agency must be included in the proposal. The letter must state that the sponsoring agency is prepared to hold the real estate interest proposed for protection either directly or via a project agreement.

**i) Current landowner(s):** Include name and address of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the proposal.

**j) Partners:** Other entities supporting this project. Include names of individuals, address, phone number, and e-mail address.

**k) Date of Proposal:** Indicate the date you submitted your proposal.

**l) Proposal Budget:** Use the form in [Appendix C](#). Note: the Board will not consider a proposal with an incomplete budget.

### 2) Summary Project Description

Include a brief narrative description of the project and its context. The summary description should describe whether the proposed acquisition is fee, easement, or a combined strategy. Provide the Project's objectives and the benefits. Please discuss the conservation and/or recreational assets that the project seeks to protect and other potential benefits. Subsequent sections of the proposal provide opportunity for more detailed discussion of specific aspects of the project that correspond to the scoring criteria.

Photographs of the property are required.

\*NOTE: Applicants should review the [Board Policies and Guidelines](#), and the previous section on "[Threshold Criteria](#)" including the list of "[Other Board Considerations](#)". Use the summary project description to address any of these criteria that are not part of other sections of the proposal, including if there are municipal ordinances that limit or prohibit hunting, trapping or other traditional uses of the property.

### 3) Location Information

Project boundaries of all parcels included in the proposal must be delineated on:

- 1) A map showing project location and regional perspective
- 2) A USGS Topographic Base Map showing entire boundary of proposed project, legal access and adjacency of other conservation lands

## Land for Maine's Future Workbook

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3) Aerial Photo(s) - showing project location and boundaries

4) Other Maps as Appropriate – showing endangered species, significant natural communities, soils, outstanding physical features, proposed public access, trails, camping sites, etc., context of the project within a greenbelt plan, trail system, river corridor, comprehensive plan, etc. Data and maps related to fish, wildlife and plants is available through the Beginning with Habitat Program housed at IFW and is a resource that may help applicants satisfy this requirement. BWH Map Viewer: <https://webapps2.cgis-solutions.com/beginningwithhabitat/mapviewer/>

5) Please also include a GIS-compatible shapefile of project boundaries if your project area changed after submitting your inquiry form.

### 4) Project Readiness

Describe whether your project is ready to proceed rapidly to closing if selected as a finalist, based on the following criteria:

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement or conservation plan meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- The applicant has a plan for completing LMF's due diligence requirements.

If your project does not meet all of the above criteria, describe the current status of the project and the timeline for completion of these criteria, and explain why your proposal is timely now and/or the harm that would result from waiting to apply in a future round.

### 5) Naturalness of the Land

Please provide a complete description of the physical and natural features of the proposed property and comment on all evidence of all existing disturbance. Based upon your evidence provided please identify which of the [scoring criteria](#) best represents your project and why.

### 6) Accessibility of the Land for its Intended Use

Describe the plans for public use of the property and the degree to which access to the proposed property is currently available, is suitable for the intended use, or needs to be developed to accommodate the intended use. Identify which of the [scoring criteria](#) best represents access to your property and supplement with specific descriptions and evidence supporting this.

### 7) Proximity to Conservation Lands or Larger Conservation/Recreation Effort

The narrative for this section should demonstrate how the project implements existing conservation/recreation planning, will address regional conservation needs, and enhances the connectivity of existing conservation holdings. Responses should provide evidence and be structured by referring to the [scoring criteria](#).

## Land for Maine's Future Workbook

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**Note:** If your project serves as an anchor parcel in an area of the state without existing conservation lands, or increases LMF investments to a part of the state that has had no or minimal investment, please provide a detailed description of how your project will address regional conservation needs and whether the project will serve as a catalyst for additional conservation and recreation opportunities.

### 8) Project Need

Using the definitions provided in the [Project Need section](#), identify the associated level of need to protect the property and the land assets identified in the proposal. This need must be substantiated by a published report(s) data base(s), or credible testimony.

### 9) Land Assets

Please describe either the project's A) Multiple Land Assets or B) Single Exceptional Value. To determine which of these options is most appropriate for your project, please refer to the [scoring criteria](#) and to [Appendix D: Land Assets](#) to review the eligible land asset categories. Projects with Single Exceptional Value are recognized as being the best or among the best in the state of their type, and because of this, Multiple Land Assets will be the most appropriate choice for most projects.

#### Notes:

- Applicants considering Single Exceptional Value scoring should consult with LMF and DSA staff prior to making this selection.
- If the LMF Board determines that a project seeking Single Exceptional Value scoring does not meet the criteria for this scoring, the proposal will be scored on Multiple Land Assets based on the information provided in the proposal.

#### A) Multiple Land Assets

Identify each land asset that your project demonstrates, and determine the level of significance of each land asset using the definitions of significance provided in the [scoring section](#). Be sure that you provide information (reports, database information, credible testimony, etc.) that supports your selection.

OR

#### B) Single Exceptional Value

Describe the project's documented single exceptional value that is exceptionally rare and of outstanding significance in a statewide context. Be sure that you provide information (reports, database information, credible testimony, etc.) that supports your selection.

### 10) Community and Economic Impact

The Board seeks to cultivate and support closer working relationships between land conservation efforts, businesses, and the community. Please review the community and economic impact attributes outlined in the [Community and Economic Impact section](#) and describe the impact of your project via all applicable attributes.



## Land for Maine's Future Workbook

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### 11) Municipal Support

Please describe what efforts have been made to partner with the municipality(ies) where your project is located and provide evidence of municipal support for the project, such as matching funds, stewardship commitments, and/or letters of support. The Board requests that projects in the Unorganized areas of Maine demonstrate support from County Commissioners.

### BONUS:

### 12) Significant Undeveloped Archaeological Site

Proposals claiming points for “significant, undeveloped archaeological sites” must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site. Please also include a description of the archaeological resources in your proposal.

### 13) Public Water Supply

Using the criteria provided in the [Public Water Supply section](#), describe whether your proposal is located within an area eligible for public water supply bonus points, and if so, describe how the intended use and management of the property is consistent with the protection of the public water supply. Please remember to include a letter of support from the water district.

### 14) Community Accessibility

Determine if the proposal is eligible for Community Accessibility bonus points by referring to the [scoring criteria](#). In this section, please describe this eligibility, along with how the project will improve the ability of Maine residents to access open space and outdoor recreation.

### 15) Climate Change Adaptations

Describe how your proposal supports climate change adaptations using the criteria provided in the [Climate Change Adaptations section](#) and referencing information provided in the project's [Maine Natural Areas Program](#) pre-acquisition review.

### 16) Deer Wintering Area

See criteria provided in [Deer Wintering Areas](#). These bonus points are available for DIFW proposals only, other applicants should describe protection of deer wintering areas in their Proposal, as appropriate.

### 17) Estimate of monitoring and management costs

Every applicant submitting a proposal to acquire property or an interest in property shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. The proposal must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State and/or the cooperating entity;



## Land for Maine's Future Workbook

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- Estimates of the costs to the State and/or the cooperating entity of managing the land for the uses proposed in the proposal. Please indicate if you are applying for a LMF Stewardship Award as part of the proposal (if yes, Stewardship Award request information must be entered in the [Project Budget](#)); and
- Estimates of the costs associated with monitoring for compliance when an easement is acquired.

### 18) Organizational capacity

Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board will consider all relevant factors including without limitation: level of debt, fundraising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Land trusts that have been accredited by the Land Trust Accreditation Commission may submit proof of accreditation as proof of capacity. Non-profit applicants without proof of accreditation must submit their most recent financial audit if one exists and the most recent financial statement that represents the organization's current financial condition. Describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

### 19) Easement Projects

Easement projects must include a draft of the easement or a conservation plan. Working Forest Projects should refer to the Guidelines for Working Forest Conservation Easements published in July 2002 by LMF and available on the LMF website and from LMF staff (see [Appendix G](#) for a discussion of these easements). The easement will be subject to a separate LMF review.

## Section III

### Public Access to Maine Waters Fund



## Land for Maine's Future Workbook

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### Overview

#### Purpose

The Public Access to Maine Waters Fund is designed “to get people to the water.” The Board will accomplish this by acquiring fee simple or public access rights on small parcels of land to create or enhance access points to lakes, ponds, rivers, and coastal waters. Lands for access could support a facility for trailered boats and/or small, hand-launched craft (canoes, kayaks, for example) and provide bank fishing (shoreline angling and wading), swimming, clamming, worming, or other water contact opportunities. Access is primarily intended for general public use but may be used for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

#### Use of the Fund

Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project fits under the narrow and well-defined purpose of the Public Access to Maine Waters Fund or if it is more appropriate in the Conservation and Recreation Land category. Refer to the purpose statement above to make this distinction and determine which proposal category you should use.

#### State Agency Involvement

The majority of public water access sites are acquired, developed, and managed by - or with assistance from - the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife. These departments often need to act quickly to acquire water access sites for the following reasons: the scarcity of good sites; the high level of demand for the sites; and the time required to carry out appraisals and site suitability assessments. Recognizing these factors, the Board created an expedited process allowing State agencies and cooperating entities to take quick action to secure water access sites. State agencies use established priority lists and other qualifying criteria to select sites. The Board will review funding requests and determine the amount of funds it will contribute to the project. See [“List of Contacts”](#).

#### Who Can Apply

DACF and MDIFW have the primary responsibility for public water access projects. However, this process is open to any party qualified to receive LMF funding. Any applicant (municipality, land trust or other cooperating entity) wishing to take advantage of this expedited process must work with one of these State agencies in advance of their proposal to the Board. An applicant may take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

## Land for Maine's Future Workbook

# Access to Maine's Waters Fund Proposal Process

The Departments use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (MDIFW and DOC, 1995) and *Coastal Water Access Priority Areas for Boating and Fishing* (SPO and DMR, 2000). These lists are updated periodically as new information becomes available. Applicants should consult with the appropriate agency to determine if the potential water access site is in one of the priority areas or otherwise meets the Agency criteria for water access needs. LMF staff can assist in this process.

Priorities for inland and coastal water access sites are determined based on the following:

- \* Location of the water in relation to population centers and other water access sites;
- \* Size of the water body and the diversity of recreational opportunities it offers;
- \* Level of and proximity to existing public access sites and access needs;
- \* Value of fisheries opportunities based on MDIFW and/or DMR's evaluation;
- \* Expected demand and diversity of uses of the site, current or anticipated;
- \* Threat of conversion to other uses, such as development.

### Inquiry Form

When a water access acquisition opportunity becomes available and it conforms to the LMF criteria, the agency or cooperating entity will notify the LMF Program Director and submit an Inquiry Form. This short form can be submitted at any time (see [Appendix A](#)). The Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. The applicant will be informed of sponsorship decisions.

### Proposal

If the project is sponsored by a DSA, the applicant may submit a proposal to the LMF Director following the [Proposal Format and Instructions](#). This proposal must be submitted at least 30 days in advance of a scheduled Board Meeting, so LMF Board Members are able review the information prior to their meeting discussion. At the Board meeting, the agency or cooperating entity will present the proposal to the Board.

### Expedited Process Guidelines for Applicants

- Applicant complete appraisal(s) ahead of negotiations and makes the appraisal(s) available to the Appraisal Oversight Committee (AOC), so that if issues arise, they can be addressed prior to an offer. This review can be done even before the project becomes a proposal to the Board.
- Use an appraiser who follows the Land for Maine's Future [Appraisal Standards](#).

## Land for Maine's Future Workbook

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- If a Purchase and Sales contract must be in place before Committee and Board discussions take place, make sure it is conditioned on AOC and Board approval. It is also important that you make it clear to the seller that it is the Board's policy not to participate in projects where the purchase price exceeds fair market value as determined by an appraisal.
- When presenting a proposal to the full Board, be familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal. Staff can assist you in anticipating questions and designing proposal materials which will contribute to an expeditious Board review.

**Land for Maine's Future Workbook****Water Access Proposal Format and Instructions**

**Please use the following proposal structure and numbering sequence to provide information. If not applicable, please indicate by placing a N/A.**

Submit an electronic PDF and one printed copy of your proposal to:  
Land for Maine's Future  
22 SHS / 18 Elkins Ln. / Harlow Building Augusta, ME 04333-0022  
LMFSubmissions.DACF@maine.gov

**1) Applicant**

Name, address, and phone number of the applicant and the primary contact person. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

**2) Agency Sponsor**

Indicate which of the following is the project sponsor and include a letter from the sponsoring agency:  
Department of Inland Fisheries & Wildlife, Department of Agriculture, Conservation and Forestry, or Department of Marine Resources

**3) Date of Proposal**

Indicate the date you submitted your proposal.

**4) Project Title - Body of Water**

This is the title by which your proposal will be catalogued by Program staff.

**5) Location of Project**

Provide the name of the municipality/township and county. Provide the numbers of Senate and House Districts.

**6) Status of Title**

Clear title is required prior to closing. Provide a brief status of title and documentation if available. Include a copy of the recorded deed, including book and page reference of subject property.

**7) Interest to be acquired**

Indicate if your project is an acquisition in fee, an easement, or a combination.

**8) Size**

Indicate how many acres your project encompasses and identify fee acres versus easement acres if appropriate.

## Land for Maine's Future Workbook

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### 9) Owner(s)

Include name and address of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the proposal.

### 10) Partners

List other entities participating in this project. Include address, phone, and e-mail.

### 11) Proposal Budget

Use the form in [Appendix C](#). Note: the Board will not consider a proposal with an incomplete budget.

### 12) Project Description

Include a narrative description of the project as well as the context surrounding it.

### 13) Location Information

Provide a selection of easy-to-read maps including:

- 1) A map showing project location and regional perspective;
- 2) A USGS Topographic Base Map - showing entire boundary of proposed project, legal access and proximity to other public and private conservation lands.
- 3) A GIS-compatible shapefile;
- 4) Other Maps as Appropriate

### 14) Demonstration of Need

Indicate whether the project has been designated as a priority water access site, and by which agency. Contact the sponsoring agency for further information. If it is not, provide documented, credible evidence that supports the need for public access to the lake, river or coastal area. The sponsoring agency must support this need.

### 15) Suitability for Intended Use

Demonstrate that the property has no legal constraints preventing its development and use for the intended access, and that the physical characteristics of the site are suitable for the intended access and development needed.

### 16) Impact on Natural Resources

Describe what, if any, impact the proposed access will have on the natural and cultural resources of the water body and the surrounding land. This assessment is to be performed by the appropriate natural resource agency (DACF, MDIFW, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

### 17) Existing Public Access on Proposed Water Body

List and describe all other public access sites that exist on the lake or pond along which your parcel is located. If the site is along coastal or riverine waters, list the closest public water access site and the type of site (e.g., boat launch site, place for shoreline angling).

## Land for Maine's Future Workbook

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### 18) Value of Fisheries Opportunities

List and document any significant fisheries that are currently or will be enjoyed by future users of this access site.

### 19) Expected Demand and Diversity of Uses

Describe the type of use - either current if it is an existing privately owned site, or anticipated - at the proposed site and the number of different user groups that will benefit from the proposed site.

### 20) Threat of Conversion to Other Uses, Especially Development or Non-Water-Dependent Uses

Indicate the degree of threat to development, or the conversion to other non-water dependent uses, of the proposed site.

### 21) Estimate of monitoring and management costs

Provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the proposal involves acquiring an interest in property, the proposal must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Estimates of the costs to the State or cooperating entity of managing the land for the uses proposed in the proposal. Please indicate if you are applying for a LMF Stewardship Award as part of the proposal (if yes, Stewardship Award request information must be entered in the [Project Budget](#)); and
- Estimates of the costs associated with monitoring compliance with an easement when an easement is acquired.



## Land for Maine's Future Workbook

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### 22) Project Readiness

To ensure that the project can be completed in a timely manner, the LMF Board considers how many due diligence items are completed at the time the proposal is submitted.

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement or conservation plan meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- The applicant has a plan for completing LMF's due diligence requirements.

### 23) Organizational capacity

Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Land trusts that have been accredited by the Land Trust Accreditation Commission may submit proof of accreditation as proof of capacity. Non-profit applicants without proof of accreditation must submit their most recent financial audit if one exists and the most recent financial statement that represents the organization's current financial condition. The Board may consider all relevant factors including without limitation: organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Be sure to describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

## Section IV

### Standard Conditions and Next Steps

When the Board approves its final award for a project, it does so subject to the requirement that the project meet all Standard Conditions. The Board may also assign additional special conditions to a project but, if it does, those special conditions will be identified in the final award letter.

Unless specifically waived by LMF, a project will only be ready for closing when all Standard Conditions (and any special conditions) are satisfied. Please be aware that additional follow-up actions may be required to resolve issues identified during due diligence phase to ensure that the project will accomplish the purposes of LMF funding.

#### Standard Conditions

##### Continuing Requirements

- The proposal **must remain in** compliance with all Board Policies and Threshold Criteria in Section I of this Workbook to the satisfaction of the LMF Board and LMF staff.
- The applicant is responsible for obtaining documentation required by LMF Counsel, in their sole discretion, to ensure that LMF and State interests are protected upon the transfer of State funds. These may include (but are not limited to), documents required to clear title or verify public access, documentation of authority to acquire the land and encumber it with an LMF project agreement, and documentation to verify that LMF maintains priority of title upon closing.

##### Due Diligence Requirements

- An acceptable boundary survey, with all property corners monumented, suitable for recording. The surveyor should also provide a metes-and-bounds legal description of the property, provide a surveyor's affidavit to applicant's counsel specifying that the property is free of encroachments, and provide LMF with a GIS-compatible electronic version of survey (so called "Shape" or ".SHP" files). If possible, the survey should be complete *before* the appraisal.
- An appraisal to current USPAP and LMF standards to determine fair market value. See appraisal standards in [Appendix E](#). All appraisals must be reviewed and accepted by the Appraisal Oversight Committee prior to submission to the LMF Board. If a review appraisal is required by other funders, this review should be submitted to LMF with the appraisal.

## Land for Maine's Future Workbook

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- A Purchase and Sales Contract with all appurtenant conditions and extensions (if applicable). This is required for all (including pre-acquired) properties.
- Documentation of good title. Provide a title commitment for appraised value (not purchase price) identifying all existing encumbrances on the property, including those that will be removed at or prior to closing. Source documents for all encumbrances and exceptions identified in the commitment, as well as deeds showing current ownership, must also be provided. NOTE: Most title commitments include an exception for matters that could be determined by a survey (such as boundary encroachments). LMF requires that this “survey exception” be removed or a same-as-survey endorsement be included. NOTE: Unless waived by the LMF Board, all projects acquired with LMF Conservation & Recreation or Water Access Funds must also demonstrate a guaranteed legal right of public access. The LMF Board’s Public Access Policy for Conservation & Recreation and Water Access lands is included in [Appendix H](#).
- A Phase I Environmental Site Assessment (ESA) meeting the requirements of the then-current applicable ASTM standard. The ESA should be scheduled so that it is no more than 1 year old at the time of release of LMF funds. ESA reports older than one year will need an update. NOTE: For properties acquired for State of Maine ownership (fee & easement), an ESA may not be necessary. Contact LMF staff with questions.
- A letter of approval from elected officials if the project represents more than 1% of a municipality’s state valuation or a letter of approval from County Commissioners if the project constitutes more than 1% of the state valuation of unorganized territory within the county. The letter of approval should acknowledge that the project represents >1% of relevant valuation.
- Documentation of matching funds. If a stewardship endowment has been included as match, this documentation must include a letter from the applicant’s governing body that this commitment has been fulfilled.
- An executed LMF Project Agreement developed by LMF staff, the applicant and the DSA representative. NOTE: The Project Agreement will include an agreement on signage acknowledging LMF support. LMF Staff will supply you with a silk-screened metal sign. If you plan to incorporate a digital copy of the LMF sign into your own signage instead, please be in touch with your project manager for guidance.

## Land for Maine's Future Workbook

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### Next Steps: Closing Requirements, and Post-Closing Responsibilities

When the above Standard Conditions have been satisfied, an applicant will be ready to prepare for the closing process.

#### Closing Requirements

- The applicant may choose their own or LMF's counsel to serve as the closing attorney. Any attorney wishing to serve as a closing attorney for an LMF transaction must first be qualified to conduct a real estate closing and be willing to sign the State of Maine's LMF service contract. The service contract contains LMF's escrow instructions and governs the conduct of the closing attorney from the receipt of funds through their post-closing obligations.
- Attorneys wishing to serve as closers must **also** be entered in the State of Maine system as a vendor. LMF staff will provide the necessary forms upon request.
- The applicant is responsible for all closing costs and closing attorney's fees, whether the closing is performed by applicant's or LMF's counsel.
- Applicant's counsel is responsible for preparing a closing agenda, closing statement, and closing materials for approval by LMF. In addition to conveyancing documents to be recorded and other typical closing documents, the applicant will be asked to provide, at a minimum:
  - Certificate of corporate good standing (for non-governmental applicants)
  - Certificate of corporate authority or documentation of municipal authority to acquire and encumber the land (this may be documentation of a town vote if a town vote was required)
  - Confirmation that property taxes are paid in full
  - Final title insurance commitment for appraised value (not purchase price)

Obtaining some of these documents may require advance planning, others may "expire" if they're not within the required number of days of closing. Consult your counsel and your project manager for guidance.

- Funds will be placed in escrow with the closing attorney according to the escrow instructions in the closing attorney's service contract with the State of Maine.

## Land for Maine's Future Workbook

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- Prior to disbursing LMF funds, the closing attorney must follow all requirements identified in the service contract, including the requirement to update title to the time of recording, confirm that all closing documents are recorded correctly, and that the recording has been verified by the applicable registry of deeds. The time it takes for the registry to verify its recordings varies from registry to registry and can take more than 24 hours to resolve. Please prepare for this delay.

### Post-Closing Responsibilities

- If the applicant prepares a press release, it should be provided to LMF for review and approval prior to publication
- A final title insurance policy matching the final title commitment in all its material terms is due within 30 days of closing.
- The closing attorney should return the original recorded Project Agreement to LMF and all other original documents to the applicant as provided in the service contract.
- Within 30 days of closing, the closing attorney provides LMF with the final closing package including all executed and recorded documents
- LMF will provide signs to be displayed at public access points on the property
- LMF will arrange for ecological and/or archaeological surveys to assess any features of the property that may require special management
- LMF will provide information about applying for [Access Improvement Grants](#)
- The applicant is responsible for crediting LMF in future maps, brochures, websites, and other communications about the property
- If there is a Project Agreement, the applicant is responsible for providing annual reports to LMF and to the Designated State Agency.
- If there is a Project Agreement, a management plan for the property must be submitted to the DSA for review within 18 months of closing.

# Appendices

Conservation & Water Access Inquiry Form ..... [Appendix A](#)

State Land Acquisition & Access Programs ..... [Appendix B](#)

LMF Project Budget ..... [Appendix C](#)

Land Assets ..... [Appendix D](#)

Appraisal Standards ..... [Appendix E](#)

Model Project Agreements ..... [Appendix F](#)

Guidance for Working Forest Easements ..... [Appendix G](#)

Public Access Policy ..... [Appendix H](#)

Access Improvement Grants ..... [Appendix I](#)

Stewardship Award Policy ..... [Appendix J](#)

Frequently Asked Questions..... [Appendix K](#)

# Appendix A

## Inquiry Form

The LMF Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. Before preparing your Inquiry Form, please review the Board Policies and Guidelines and Threshold Criteria published in the LMF workbook. You can read more about the DSA land conservation priorities in Appendix B.

The proposal process begins with the submission of your Inquiry Form and the required attachments to LMF. LMF and DSA staff will jointly review inquiries to determine whether the project meets program eligibility requirements and to identify the appropriate sponsoring agency based on the purposes of the project, the resources to be protected, and DSA staff capacity. Applicants should not contact DSA staff before submitting the Inquiry Form to LMF.

Conservation and Recreation inquiries will be accepted on a continuous basis from **November 29, 2023 to January 19, 2024**. Water Access inquiries may be submitted at any time. Applicants are encouraged to submit this Inquiry Form as early as possible to give themselves ample time to prepare a full proposal. Inquiry Forms should be submitted to LMF via email or hard copy at the address below.

### LMF

LMFSubmissions.DACF@maine.gov  
Land for Maine's Future  
22 SHS / 19 Elkins Lane / Elkins Bldg.  
Augusta, ME 04333-0022

Applicants will be notified whether their project has been determined to be consistent with LMF requirements and selected for sponsorship by no later than two weeks after the Inquiry Form submission deadlines.

In the event that your project is not selected to submit a full proposal, you will receive feedback from the committee outlining the justification for their decision.

POTENTIAL PROJECT INFORMATION:

Lead Applicant: \_\_\_\_\_ Project Name: \_\_\_\_\_

Inquiry Contact Person: (please list full name and mailing address)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Town & State: \_\_\_\_\_

(Tel.#) \_\_\_\_\_ (E-Mail) \_\_\_\_\_

Property Location: Municipality/Twp \_\_\_\_\_ County: \_\_\_\_\_

Project Size (Total acres) \_\_\_\_\_ with Shoreland (Length of frontage) \_\_\_\_\_

Type of Project:  Acquisition in Fee  Conservation Easement  Combination of both

Potential Partners (list any other entities that will play an active role in completing due diligence and/or owning or managing the property after acquisition)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Designated State Agency (If you believe your project is a good fit for a particular DSA or if you have a preferred agency you would like to work with, you may indicate it here. Final sponsorship decisions will be made by the DSA.): \_\_\_\_\_

Land Assets: (Please check all of the land categories that apply.)

- Recreation Land
- Water Access Land -  Inland  Coastal
- Areas of Scenic Interest and Prime Physical Features
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat
- Open Space
- Ecological Preserve
- River or Trail System
- Island or Undeveloped Coastline
- Significant Mountain

Single Exceptional Value

If you are considering seeking single exceptional value scoring for your project (see the Scoring Criteria in Section 2), describe the exceptional resource on the property and explain what makes it unique or exceptional within the State of Maine. (Note: even if you plan to seek single exceptional value scoring when you submit your proposal, please also indicate all the multiple land assets of the property above so that the review team receives a full impression of your project)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**P**

**PROJECT DESCRIPTION:**

Please provide an in-depth description of the property to be acquired and the overall project design such as: information regarding the suitability for public acquisition, the primary conservation values of the property, any special features on the property to be protected and how that protection will be accomplished, and proximity to existing public lands.

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**STEWARDSHIP AND MANAGEMENT:**

1. Please explain the proposed ownership of the property and identify any other entity sharing management responsibilities.

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2. Describe how the public will access the property including any existing or needed parking or proximity to a public boat launch for properties accessed by water.

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3. Describe how the property will be used by the public and any planned development of recreational infrastructure and/or how existing recreational infrastructure will be used.

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4. Describe the proposed management of any natural resources on the property.

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5. Describe any existing buildings and plans to use or remove those buildings.

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6. Describe any planned management activities not captured above.

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**PROJECT READINESS:**

1. Please explain your projected timeline to project completion, including an estimated closing date.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Indicate whether any parcels have been pre-acquired or will be acquired before LMF funds are awarded. Pre-acquisitions may be allowed but are not encouraged.

\_\_\_\_\_  
\_\_\_\_\_

3. Provide the status and expected completion dates for key due diligence including an appraisal, title commitment, and boundary survey.

\_\_\_\_\_  
\_\_\_\_\_

4. If known, describe any encroachments, retained rights, or encumbrances on the property and explain how these will be addressed prior to closing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BUDGET SUMMARY**

Estimated property value: \_\_\_\_\_

Anticipated LMF Funding Request: \_\_\_\_\_

Match Funding – amounts, sources, status:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**REQUIRED ATTACHMENTS**

- Property map on an aerial photograph showing existing and planned trails, parking areas, and other infrastructure
- Topographic map of the property
- GIS Shapefile (via email)
- Maine Natural Areas Program pre-acquisition review: <https://www.maine.gov/dacf/mnap/assistance/preacquisition.html>. Note that MNAP may take up to several weeks to complete this review; applicants are responsible for contacting MNAP in a timely manner.
- For conservation easement projects, an easement outline/conservation plan that describes a high-level view of the easement objectives and how they will be accomplished and the rights to be retained by the landowner.

Mapping assistance may be available from the Maine Natural Areas Program. Contact information can be found in the [List of Contacts](#).

## Appendix B

### State Land Acquisition & Access Programs

#### Maine Department of Inland Fisheries & Wildlife

The primary mission of the Department of Inland Fisheries and Wildlife (MDIFW) is to conserve, protect, and enhance the fish and wildlife resources of Maine, and to provide appropriate public access and use of these resources. MDIFW pursues many different strategies, including land conservation, to achieve its mission.

MDIFW currently owns and manages 69 Wildlife Management Areas which encompass approximately 112,000 acres of land across the state. The Department also owns and manages 167 water access sites for recreational use of Maine's public inland and coastal waters. Together MDIFW's landholdings protect diverse fish and wildlife habitats including lakes, ponds, streams, riparian areas, islands, large and small wetlands, unfragmented forests, and shrublands. These lands provide habitat for Maine's rare and common species and as well as the state's important game species. Additionally, MDIFW lands provide hunting, fishing, trapping, wildlife watching and boating opportunities to the people of Maine and visitors to the state.

MDIFW supports habitat conservation, management and associated public recreational access efforts of partner organizations (federal and state agencies, towns, and land trusts, etc.) across the state as well. As part of the LMF program, MDIFW serves as a Designated State Agency, sponsoring LMF proposals from cooperating entities to acquire lands and conservation easements where the primary conservation project priorities are focused on fish and wildlife habitat conservation and management or public recreational access to fish and wildlife resources.

MDIFW may sponsor projects containing the following Land Assets as identified by LMF:

- Recreation Lands
- Water Access Lands
- Lands Supporting Vital Ecological Functions and Values
- Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat
- Island or undeveloped coastline

When considering requests for Designated State Agency Sponsorship through the LMF Program, MDIFW prioritizes projects which:

- acquire and manage habitats essential for the conservation of endangered or threatened fish and wildlife;
- acquire lands necessary to achieve objectives identified in species management plans;

**Land for Maine's Future Workbook**

- 
- acquire and manage lands that contain habitats for other fish and wildlife requiring special management attention, such as Species of Greatest Conservation Need as identified in the State Wildlife Action Plan;
  - acquire fish and wildlife habitats that provide opportunities for public use and access and/or to demonstrate wildlife habitat management;
  - acquire parcels as additions to existing conservation lands to enhance their conservation values by consolidating or expanding current boundaries;
  - acquire lands with fish and wildlife values that complement land acquisitions of other public or private agencies;
  - acquire large landholdings in western, northern, and eastern Maine that currently or potentially have high value deer habitat;
  - provide access for open water angling, bank and riparian angling, boating, hunting, wildlife viewing and other water-related uses; and/or
  - provide access to high value fishery resources, particularly to those waterbodies where access is currently limited.

For more information contact:

Bethany Atkins  
41 State House Station  
Augusta, Maine 04333  
(207) 287-5878  
[bethany.atkins@maine.gov](mailto:bethany.atkins@maine.gov)

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## Department of Agriculture, Conservation and Forestry Bureau of Parks & Lands

Director of Planning and Acquisition  
22 State House Station  
Augusta, Maine 04333

The Maine Bureau of Parks and Lands (BPL) protects and manages the natural and cultural resources under its care to provide a wide range of recreational and educational opportunities and provide environmental and economic benefits for present and future generations.

As of November 2022, BPL owns approximately 88,000 acres in State Parks, Historic Sites, and Boat Access sites that are managed primarily for public recreation, conservation, or historical and archaeological interest. BPL also manages approximately 630,000 acres of Public Reserved and Non-reserved lands that are managed for multiple uses including wildlife habitat, recreation, ecological reserves, and timber management. BPL also holds conservation easements on over 60 properties encompassing approximately 373,000 acres and is the “Designated State Agency” for over 100 Project Agreements with local “cooperating entities” who have conserved land with LMF funds.

BPL manages several funding programs that are often used as match for LMF, including the Forest Legacy Program, which provides funds through the U.S. Forest Service to protect forest land for its multiple values, and the Land and Water Conservation Fund (LWCF) which directs National Park Service funding to permanently conserve outdoor recreation areas for public use and enjoyment.

BPL sponsors proposals for others to acquire lands and conservation easements in the following LMF categories:

- Recreation Lands
- Water Access Lands
- Lands Supporting Vital Ecological Functions and Values
- Rare, Threatened, or Endangered Plants, Natural Communities, Wildlife and their habitat
- Areas of Scenic Interest and Prime Physical Features
- Open Space

BPL considers the following attributes and priorities when evaluating requests for sponsorship. Projects which:

- offer outdoor recreational opportunities that welcome a range of experiences and abilities;
- increase the understanding of and appreciation for the state's natural and cultural heritage;

- provide benefits to communities statewide and support the state's significant natural-resource-based forest products and outdoor recreation economies;
- ensure the climate resilience and sustainability of wildlife, water, and timber resources;
- promote an ecologically functional landscape with intact and connected forest blocks, riparian areas, wetlands, and other natural communities and aquatic habitats, and
- provide opportunities for hunting, fishing, trapping, and foraging consistent with state rules and policies

Other considerations include:

- the evidence of need for conservation and/or the public recreation opportunity, including proximity to population centers;
- whether the project's attributes are of well-documented significance at local, regional, state, or national levels;
- the level of vehicular and pedestrian public access;
- whether the project provides multiple priority attributes;
- the envisioned management of the property and the capacity of the managing entity to implement that vision over the long term, and
- a successful track record or documentation demonstrating the ability of the applicant and partners to acquire the funds necessary for the acquisition.

Additional Considerations for Water and Boat Access Projects:

- location of the water in relation to population centers and other water access sites;
- size of the water body and the diversity of recreational opportunities it offers;
- level of and proximity to existing public access sites and access needs;
- value of fisheries opportunities based on MDIFW and/or DMR's evaluation;
- expected demand and diversity of uses of the site, current or anticipated, and
- threat of conversion to other uses, such as development.

Additional Conditions for Trails related projects:

- inclusion of a variety of landscapes;
- connections to existing trail routes or trail facilities;
- connections to other public recreation areas or community facilities;
- connections to needed services (parking, food, water, shelter, fuel, repair services), and
- limited impact on sensitive natural features.

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## Maine Historic Preservation Commission

Arthur Spiess  
65 State House Station  
Augusta, Maine 04333  
(207) 287-2132  
[arthur.spiess@maine.gov](mailto:arthur.spiess@maine.gov)

J. N. Leith Smith  
65 State House Station  
Augusta, Maine 04333  
(207) 287-2132  
[leith.smith@maine.gov](mailto:leith.smith@maine.gov)

The Maine Historic Preservation Commission (MHPC) carries out the provisions of the National Historic Preservation Act in Maine, and various Maine statutes, involving survey, registration, construction project review, comprehensive planning and other activities involving historic, archaeological, and architectural sites and buildings. Staff archaeologists at the MHPC maintain statewide archaeological survey records and files, prepare documents summarizing historic and archaeological information, determine site significance (eligibility to the National Register), and direct some archaeological fieldwork.

The MHPC does not acquire fee interest in land or manage land owned by the State. MHPC does have an active conservation easement program designed specifically to protect archaeological sites. The documents establishing conservation protection are called Preservation Agreements and are enabled by a distinct statute, 33 M.R.S.A. §1551-1555 (and see 27 M.R.S.A. §371-378 which makes it illegal to dig on protected land without a permit).

Since the beginning of the LMF program, land acquisitions have been reviewed for the presence of significant archaeological sites for use in post-acquisition planning of public access and use of the property. In many cases this review is based on maps and archaeological records held by MHPC. The information on archaeological sites on LMF acquired property is provided to the LMF and the land owning or land managing entity for use in protecting significant sites for the future.

MHPC can sponsor an LMF project when the land contains exceptional archaeological value. In 2007 the legislature passed a bill to amend 5 MRSA §6207, LMF land acquisition criteria, to include one or more significant archaeological sites. The land that contains the site(s) must be primarily undeveloped with other landscape or conservation values.

The presence of significant archaeological sites does often overlap with the other land acquisition values of the LMF program. The vast majority (greater than 95 percent) of prehistoric archaeological sites in Maine are habitation/workshop sites where Native Americans both lived and worked. For most of Maine prehistory the state was covered by a dense forest and people tended to live and travel along waterways. They camped for a season or built their villages on areas of low slope adjacent to water shorelines, usually on the best drained area of low slope within a stretch of several hundred yards of shoreline. Thus, any canoe navigable water body shoreline is considered a potential area for a prehistoric archaeological site.

**Land for Maine’s Future Workbook**

# Appendix C

## LMF Project Budget

The following format should be used to present the budget for the proposed project. Please consult with LMF staff with any questions and prior to modifying this form. Proposals with incomplete budget information will not be accepted for Board consideration.

**Project Name:** \_\_\_\_\_

**PROJECT PARCELS**

List all parcels included in this project, including pre-acquired or match parcels.

PARCEL NAME	VALUE	ESTIMATED/APPRaised
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
<b>TOTAL LAND VALUE</b>	<b>\$ _____</b>	
<b>LMF ACQUISITION FUNDS REQUESTED</b> (May not exceed 50% of land value)	<b>\$ _____</b>	

**ACQUISITION MATCH**

List all bargain sales, match parcels, or funds applied directly to the purchase of land.  
Do not include funds that will be applied to other project costs.

MATCH SOURCE	AMOUNT	PENDING/SECURED
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
<b>TOTAL ACQUISITION MATCH</b>	<b>\$ _____</b>	

**STEWARDSHIP AWARDS**

Applicants may request LMF funds to be placed in a stewardship endowment. The maximum award amount is 5% of the first \$200,000 of land value in your project, then 2% of land value over \$200,000, to a maximum of \$25,000. These awards must be matched 1:1 with the applicant’s stewardship funds unless the LMF Board’s approves alternate match as described in Section 1.

<b>LMF STEWARDSHIP AWARDS REQUESTED</b>	\$ _____
<b>APPLICANT’S MATCHING STEWARDSHIP FUNDS</b>	\$ _____
<b>TOTAL STEWARDSHIP ENDOWMENT</b>	\$ _____

**PROJECT TOTALS**

<b>TOTAL PROJECT COST (LAND + STEWARDSHIP)</b>	\$ _____	100%
<b>TOTAL LMF FUNDS REQUESTED</b>	\$ _____	_____%
<b>TOTAL MATCHING FUNDS</b>	\$ _____	_____%



# Appendix D

## Land Assets

Land Assets are established in the Act and are listed here with additional logical sub-categories. Those specifically identified in statute are noted with an asterisk (\*).

In 1996 the Land Acquisition Priorities Advisory Committee convened. The Committee's final report outlined a comprehensive set of goals and recommendations to guide future public land acquisitions and other conservation strategies.

As part of its preparation for issuing this workbook, the current LMF Board reviewed the LMF statutory requirements, LMF bond requirements and LAPAC report to develop the priorities and scoring system described herein.

### Land Assets

#### Recreational Lands\*

- Lands offering hunting and fishing opportunities \*
- Lands having trail corridors or hiking trails
- Lands offering opportunities for nature study
- Lands having cross-country skiing opportunities
- Lands having snowmobile trails
- Lands offering traditional camping or picnicking areas

#### Water Access Lands\*

- Coastal beach access for swimming or sunbathing
- Inland beach access for swimming or sunbathing
- Fishing access on streams and lakes
- Fishing access on oceanfront (including clamming and worming)
- Coastal boat launching sites
- Inland boat launching sites
- Canoe access sites (rivers, lakes, ocean)
- Recreational sites (camping or picnic sites) on streams, lakes
- Recreational sites (camping or picnic sites) on the coast

Lands Supporting Vital Ecological or Conservation Functions and Values

- Wildlife habitat \*
- Wetlands \*
- Lands of importance to fish and wildlife because of their limited occurrence or biological diversity/productivity (e.g., coastal islands, salt marshes, inland wetlands, riparian areas)
- Lands providing public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter.\*
- Lands of special importance to specific species in Maine (e.g. deer wintering areas\*, blue heron rookeries, fish spawning areas)
- Lands essential to maintaining wildlife migration corridors, or shore and seabird nesting habitats
- Lands representative of ecosystem types of Maine and essential to the preservation of the range of natural biological diversity

Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat \*

- Habitats which are naturally rare due to range limitations
- Habitats of special importance to the restoration of endangered and threatened species (e.g. bald eagle nesting territories, least tern nesting beaches)
- Fragile mountain areas \* (e.g. alpine tundra vegetation)
- Peatlands (certain types)
- Old-Growth Forests (representatives of common & rare types)
- Rare wetland types (e.g. fens, cedar swamps, patterned bogs)

Areas of Scenic\* Interest and Prime Physical Features\*

- Undeveloped shorelines\* (coastal, rivers, & lakes)
- Significant, undeveloped archaeological sites\*<sup>31</sup>
- Mountain viewsheds
- Visual access to water (rivers, lakes, ocean)
- Areas along state highway system
- Headlands
- Waterfalls
- Gorges
- Whitewater rapids
- Mountain ridges
- Beach-dune systems
- Eskers
- Cobble beaches

<sup>3</sup> In 2007, the Legislature authorized the Board to consider protection of “significant, undeveloped archaeological sites”. Applicants claiming value under this category must have a written endorsement from the Maine Historic Preservation Commission that describes the significance of the archaeological resources on the site.

Farmland and Open Space\*

- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- River corridor greenways

Ecological Reserves

- Ecological Reserves are lands specifically set aside to protect and monitor the State of Maine's natural ecosystems. These lands are managed by the Bureau of Parks and Public Lands, and the Maine Natural Areas Program oversees the long-term ecological monitoring plan. Ecological reserves should serve as benchmarks which will provide important information about changes to our environment. These sites should be used for scientific research, long-term environmental monitoring, education, and in most cases may also provide important outdoor recreation opportunities.

The project must state that the applicants intend to actively seek designation as an ecological reserve or to be added to an existing ecological reserve, and to manage the project property as such in perpetuity. Ecological reserve as defined by MRS 12 Chap. 220 Subchapter 1 section 1805. Applicants must have a letter of support from the Bureau of Parks and Lands for the inclusion of this property in the state's Ecological Reserve system.

River or Trail System

- The project must provide documentation that the project lands will enhance the protection and integrity of the proposed river segment by fostering an upgrade in water quality, or preventing further degradation of water quality, increasing critical riparian habitat for fish and waterfowl, fish passage, and recreational opportunities. It's the intent of this category that the property include frontage on a water course.
- A number of trail development efforts in Maine including the State snowmobile trail network, the Appalachian Trail, and the island trail network have proven very successful. However, there are additional recreational trail needs and opportunities that require attention including the development of extended loop hiking trails (2-5 days), as well as the creation of extended interconnected multi-use trail systems for uses such as hiking, biking, skiing, and snowmobiling and ATV riding. In particular, acquisition efforts should focus on opportunities to link existing public land holdings by trail corridors and to acquire trail corridors such as abandoned railroad beds. The project must provide documentation of the trail attributes.

Islands and Undeveloped Coastline

- Islands, particularly coastal islands, have become increasingly sought after for development, threatening bird nesting habitat and other sensitive ecological values. The State, private conservation organizations, and the federal government have successfully

protected many valuable islands in recent years. However, additional acquisition efforts are needed to protect those islands identified as having important resource values that remain vulnerable to development and habitat loss. To qualify for this multiplier, the project must provide documentation of the island attributes.

- Maine is famous for its coastline. However, only a small percentage of the coast is in conservation ownership. In particular, there are significant undeveloped stretches of shore, including coastal wetlands and estuaries that provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation. The land must be on tidal water and the proposal must provide documentation that the project lands are undeveloped and will provide critical habitat to many species of wildlife and offer opportunities for expanded coastal recreation.

#### Significant Mountains

- While many of the state's highest peaks are currently in the public domain, there are still a number of significant mountains in private hands that are worthy of public acquisition. Acquisition efforts should focus on those mountain areas with outstanding vistas, established recreational uses, or significant ecological values, as well as those that are in close proximity to population centers. The proposal must provide documentation of the significant mountain attributes.

## Appendix E

### Appraisal Standards

#### Instructions for Applicants and Appraisers

##### General Requirements

The Land for Maine's Future Program requires that all appraisal reports comply with the most recent edition of the USPAP and Appraisal Standards required by LMF. For proposals using other sources of funding (e.g. federal), additional appraisal standards may be required for those programs (e.g. Yellow Book). If a Yellow Book appraisal is submitted, the Applicant must submit a copy of the appraisal review and any documentation of its acceptance by other agencies. Any appraisal submitted to LMF must be conducted by a Maine Certified General Appraiser with an active license in good standing.

##### Appraisal Standards

For LMF's purposes, an acceptable appraisal must:

- 1) Be in the form of an Appraisal Report. A Restricted Appraisal Report or "form" appraisal is not acceptable. The Appraisal Report must be in the form of a complete, USPAP-compliant appraisal report, clearly written and reasoned and containing sufficient narrative to describe the data collection and analysis so that non-Appraisers can understand how the valuation conclusion was derived. "Sufficient narrative" for LMF as an intended user includes:
  - a) A Title Page
  - b) A Transmittal Letter (including specification that landowner or designated represented was provided the opportunity to participate in the inspection, summary of appraisal assignment, size of property, effective date, estimated value, and statement that the appraisal meets LMF standards).
  - c) A Table of Contents
  - d) A summary of important facts and conclusions
  - e) Each sale discussed in the narrative *as well as* presented in table or grid form, showing adjustment for times, size, location, appeal, soils, improvements (buildings, etc.) and circumstances of the transaction that may affect value (as applicable to type of subject).
  - f) A discussion of any document included within the report material to the appraiser's conclusions.
  - g) A clear description of the appraiser's approach, reasoning behind decisions, and resulting conclusions.

- h) An Addendum containing:
- A **legible** site map of the subject showing all relevant features with "North" clearly identified. A copy of a survey map is best but, in the absence of a survey, a tracing of the property boundaries from an ortho-photo is preferred.
  - A map showing the location of all comparable sales and listings.
  - Photographs of subject and all recent comparable sales
  - Citations to applicable portions of zoning ordinances, by-laws, and other local regulations
  - Wetlands or flood plain map, if applicable. If these are present, you **must** delineate boundaries within the subject property.
  - Statement of any limiting conditions
  - Appraiser's qualifications
  - Copy of recorded deed
- 2) Comply with ALL applicable standards. LMF will accept appraisals that comply with USPAP as well as any additional standards appropriate for a given transaction, e.g., Treasury Regulations for gifts/bargain sales and/or the Uniform Appraisal Standards for Federal Land Acquisitions ("UASFLA" a.k.a. "Yellow Book").
- 3) Appropriately identify the property and address any enhancement or larger parcel identification issues pursuant to the relevant standards. Any added value accruing to reserved lots, abutting land or lands in the same neighborhood under related ownership as a result of the conservation acquisition must be considered.
- 4) Address the appropriate Client. The appraisal must identify the "Client" as the purchaser of the property, another project partner that does not have an ownership interest in the property being acquired, **or** the seller and the purchaser **jointly**. However, in the case of a Yellow Book appraisal with an accompanying appraisal review, the seller may be identified as the only Client.
- 5) Intended User. The Land for Maine's Future must be identified as an additional Intended User (also satisfactory is State of Maine, DACF, DIFW, DMR or Maine Historic Preservation Commission).
- 6) Review. The appraisal *may* be subject to Compliance Review by a third-party Appraiser.
- 7) Sales between Private Entities. LMF requires that the direct sales comparison approaches to valuation include at least three properties and be accomplished primarily through comparison with sales between private parties. Sales to nonprofit conservation organizations or to government agencies must be limited to a supplementary role in the analysis. If any comparison sales are employed that involve governmental or nonprofit conservation owners, the use of the sale must conform to the UASFLA.

- 
- 8) Hypothetical Conditions. In the unusual instance when an appraisal analysis includes Extraordinary Assumptions or Hypothetical Conditions, the applicants and Appraiser should discuss the approach taken with the LMF project manager and Director prior to finalizing the appraisal. This does not apply in the case of conservation easement appraisals where the “after” situation is generally considered a hypothetical condition.
  - 9) Appraisal Report Presentation. Applicants may submit electronic PDF-format appraisals.
  - 10) Subject Property Sales History. The appraisal report must include a ten-year history and analysis of conveyances of the subject property and must include and analyze the last deed of conveyance in an addendum.
  - 11) Value Conclusion. The Appraiser shall state a single value in the reconciliation, not a range of value.
  - 12) LMF Standards Met. The appraisal must include a statement that the appraisal meets LMF Appraisal Standards.
  - 13) Public Availability. Appraisals received by LMF are public documents and should not contain statements limiting public availability.
  - 14) Conservation Easements – Additional Requirements.
    - The proposed conservation easement or other similar protection agreement must be included in an addendum. **In order to ensure an accurate valuation, the draft easement must be complete enough that it clearly states what rights are being retained and what rights are being conveyed and restricted.** This easement should be reviewed with the LMF project manager before being used for the appraisal. Appraisers may include an extraordinary assumption, stating that “assignment results may be affected if the recorded deed differs from the draft deed of conservation easement that was appraised, and I reserve the right to prepare a new appraisal if necessary.”
    - A careful discussion of the proposed restrictions should be included in the after-value analysis.
    - Any improvements, including reserved building rights and their envelopes allowed in restrictions, must be discussed in the appraisal and shown on the map of encumbered land.

# Appendix F

## Model Project Agreements

These Model Project Agreements are provided as a representation of what a successful applicant can expect. The first project agreement is for fee acquisitions and the second is for easement acquisitions. The project agreement for your project will vary from these models.

### LAND FOR MAINE'S FUTURE TRUST FUND PROJECT AGREEMENT

(Pursuant to P.L. 2021, c. 398, Part FFFF)

[Fee Version]

**Cooperating Entity:**

**Project Name:**

**Location:**

**Designated State Agency:**

#### Premises Covered by this Agreement:

##### Fee-Owned Parcels.

The \* Parcels, being \* acres of fee ownership lands in the Town of \*, \* County, Maine, as more fully set forth in Exhibit A-1 and depicted on Exhibit B-1, both being attached hereto. For source of title, reference is made to the \* Deed from \*, to \*, dated \* and recorded in the \* County Registry of Deeds in Book \*, Page \* on \*. See also plan by \*, dated \* and recorded in said Registry on \* in Plan Book \*, Page \* as document number \*.

##### Match Lands.

\*, being \* acres of fee ownership lands in the Town of \*, \* County, Maine, as more fully set forth in Exhibit A-2 and depicted on Exhibit B-2, both being attached hereto. For source of title, reference is made to the \* Deed from \*, to \*, dated \* and recorded in the \* County Registry of Deeds in Book \*, Page \* on \*.

All of the foregoing hereinafter referred to as “the Premises”.



**Scope (Description of Project):**

The premises consist of \* acres of land in the Town of \* in the County of \*. \* (the “Cooperating Entity” or “\*”) will acquire the Premises in fee and will receive funding from the Land for Maine’s Future (“LMF”) in accordance with Title 5, Maine Revised Statutes section 6200, et seq., for the primary purpose of protecting natural communities, wildlife and their habitat.

Additional purposes include protecting public access to recreational lands for traditional recreational pursuits including hunting, trapping, fishing, and hiking, public access to areas of scenic interest and prime physical features, and other purposes identified in the Project Application.

The purpose of this Agreement is to support and preserve the multiple resource values for which this Project was chosen. All of the foregoing values and priorities are referred to herein as the “Conservation Purposes,” all of which are subject to applicable state, local, and federal laws and regulations.

**Project Cost:**

LMF Contribution to Cooperating Entity:	\$
Cooperating Entity:	\$
TOTAL COST:	\$

The following are hereby incorporated into this Agreement:

1. Project Agreement General Provisions attached hereto provided, however, that the portion of the “Premises” designated as the Match Lands above is subject to the management restrictions and covenants of this Project Agreement but is not subject to the Project Agreement General Provisions Part II, Section H subsection (iv).
2. Project Application and Attachments by reference
3. Exhibits A-1, A-2, B-1, and B-2 attached hereto

The Land for Maine’s Future Board, represented by its Chair (hereinafter “LMFB”), and the State of Maine, Department of \*, represented by its Commissioner, as the Designated State Agency (hereinafter “DSA”), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB’s share of the costs of the

above-described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

**1. No Subdivision.**

The Premises, including any structures located thereon, must remain in their current configuration, under unified ownership, and may not be further divided into parcels or lots except for boundary adjustments to resolve bona fide boundary disputes, subject to the approval of the DSA, or as may be approved under General Provisions, Part II, section H subsection (i) of this Agreement. In order to grant any such approval under this provision, the DSA and LMFB must find that the proposed division of the Premises furthers the conservation purpose and objectives of the project as defined in this Agreement and its attachments.

**2. Hunting, Fishing, Trapping.**

The Cooperating Entity shall not prohibit hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local, or federal laws and regulations.

**3. Public Access.**

The Cooperating Entity shall ensure that the Premises are available for access by the general public for daytime low-impact outdoor recreation, nature observation and study; provided, however, that such access may be limited or controlled on a temporary basis under terms identified in the Management Plan as provided in paragraph 6 of this section, and then only for the purposes of public safety, wildlife management, or resource protection to assure that access is limited for specific reasons and specific time periods and conditions. The Cooperating Entity shall not prohibit, limit, or control public access to the Premises except as described in this paragraph.

**4. Permitted Fees and Charges.**

The Cooperating Entity agrees that any fees or charges imposed for public access to or use of the Premises shall be reasonable and comparable to those charged in Maine for similar facilities, and any such fees must be approved in advance and in writing by the DSA.

**5. Limits on Transfer.**

The Premises or any interest therein may not be sold or transferred without prior written approval of the DSA and LMFB as provided under General Provisions, Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a "qualified organization" under Section 170(h) of the United States Internal Revenue Code, and a "holder" under Title 33, Maine Revised Statutes, Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

**6. Permitted Uses and Management.**

The Cooperating Entity will hold and manage the Premises for the multiple resource values and Conservation Purposes (as defined in "Scope", above) for which the Premises were chosen, with the greatest emphasis placed on the protection of vital ecological functions and values.

Management Plan. All permitted uses and management of the Premises shall be in accordance with a Management Plan that is developed by the Cooperating Entity and submitted to the DSA

for review within 18 months of the recording of this Agreement. Thereafter, the Plan shall be updated by the Cooperating Entity at least every ten years and submitted to the DSA for review. The plan shall identify 1) the property's conservation values, 2) the vision and overall management goals, 3) activities to achieve those goals and to reduce risks or threats to the conservation values, 4) appropriate uses, 5) plans for public access and associated facilities, 6) plans for forest management, if applicable, and 7) management strategies for climate adaptation. Any major revisions to the Management Plan affecting public access, recreational use, wildlife habitat conditions, or vegetation conditions shall be submitted to the DSA for review.

### **7. Structures or Improvements.**

As of the date of this Agreement, there are the following structures on the Premises:

- i. \_\_\_\_\_,

There are no other structures on the Premises.

The following structures or improvements associated with permitted uses shall be allowed on the Premises subject to receipt of all state and local permits prior to the commencement of construction:

- i. minor structures and improvements associated with permitted outdoor activities, such as unlighted signs, information kiosks, benches, picnic tables, viewing platforms, fishing platforms, and/or blinds for wildlife observation;
- ii. pervious surface trails;
- iii. trail improvements such as ramps and/or stairs to accommodate steep grades;
- iv. barriers necessary for discouraging unauthorized access to adjacent lands; and
- v. boundary markers.

The placement and use of other structures intended to enhance permitted uses of the Premises may be allowed after written approval from the DSA based upon a written proposal, including a site plan, and receipt of all state, federal and local permits. Only those structures, alterations, improvements, or other development that enhance permitted uses of the Premises shall be permitted.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \* day of 20\*\* by their duly authorized representatives.

**THE LAND FOR MAINE’S FUTURE BOARD**

By: \_\_\_\_\_  
\*, Its Chair

**STATE OF MAINE**

**Department of \***

By: \_\_\_\_\_  
\*, Its Commissioner

**COOPERATING ENTITY**

By: \_\_\_\_\_, [Authorized Signer]

STATE OF MAINE  
County of \*

Date: \*

Then personally appeared the above-named \*, duly authorized \* of the \* and acknowledged the foregoing to be his free act and deed in his capacity and the free act and deed of said \*.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires:  
Seal:

**LAND FOR MAINE'S FUTURE TRUST FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – DEFINITIONS**

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

**Part II – CONTINUING ASSURANCES**

The Cooperating Entity specifically recognizes that Land for Maine's Future Trust Fund project assistance creates an obligation to acquire, use and maintain the property described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and the following requirements:

**A. LEGAL AUTHORITY:**

The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement and has either marketable title to the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:**

The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and management, except the Land for Maine's Future Trust Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:**

The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:**

The Cooperating Entity shall assure that the Premises shall be forever used, operated and maintained as prescribed in this Agreement and in compliance with all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2021, c. 398, Part FFFF. Permits and licenses necessary for the implementation of this Agreement or use of the Premises shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the Project and ownership and management of the Premises shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:**

The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Trust Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA.

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:**

On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:**

The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises at all times and in any manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

**H. PROVISIONS IN THE EVENT OF TRANSFER:****i. PRIOR NOTICE AND APPROVAL:**

In the event of any intended sale or transfer, in whole or in part, of the Premises or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

**ii. DISSOLUTION:**

In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the transfer and disposal of the Premises shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity transfer title to the Premises to the DSA or a successor designated by the DSA under Subsection I(d).

**iii. SUCCESSORS AND ASSIGNS:**

Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest (including leasehold interest) in all or a portion of the Premises. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

**iv. SHARE IN PROCEEDS:**

In the event of any sale, transfer, or condemnation of any or all of the Premises or disposal of the Premises pursuant to dissolution (hereinafter "transfer"), the Cooperating Entity shall pay to the Land for Maine's Future Trust Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

- (a) the ratio of the value of the LMF's contribution to the value of the Premises as a whole as of the date of this Agreement, hereby established as \*%, multiplied by
- (b) the appraised value of the transferred Premises or portion thereof at the time of the transfer, unencumbered by this Agreement or other encumbrances recorded after the date of this Agreement (excluding value attributable to authorized improvements to the Premises made after the date of this grant and not paid for by the State).

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State's share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation, or dissolution.

**I. ENFORCEMENT ALTERNATIVES:**

In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Premises, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the Premises;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State's share of proceeds as defined in Section H(iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer title to the Premises to the

DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys' fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable TRUST entitled to all the protections thereof under state law.

#### **J. AMENDMENT:**

This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

#### **K. NOTICES:**

Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

#### **To Cooperating Entity:**

**To DSA:** Department of \*  
\*  
Augusta, ME 04333-0022

**To LMFB:** c/o Land for Maine's Future Program  
22 State House Station  
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the "State", and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity's last known address on file with the **tax assessment records of the** municipality of \*, \*, and with the Bureau of Corporations, Secretary of the State of Maine, **if applicable** and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity's notices must include sufficient information to enable the State to determine whether Cooperating Entity's plans are consistent with the terms of this Agreement and the Conservation Purposes hereof.

(b) When the Cooperating Entity is required to obtain the State's prior written consent and approval, the Cooperating Entity's request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.



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(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Protected Property.

(d) In the event that the Protected Property is owned by more than one Cooperating Entity, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

**LAND FOR MAINE’S FUTURE TRUST FUND  
PROJECT AGREEMENT**

(Pursuant to P.L. 2021, c. 398, Part FFFF)

**[Conservation Easement Version]**

**Cooperating Entity:**  
**Project Name:**  
**Location:**  
**Designated State Agency:**

---

**Premises Covered by this Agreement:**

**Conservation Easement Parcels.**

The \* Parcels, being \* acres of lands in the Town of \*, \* County, Maine, as more fully set forth in Exhibit A-1 and depicted on Exhibit B-1, both being attached hereto. For source of title, reference is made to the \* Deed from \*, to \*, dated \* and recorded in the \* County Registry of Deeds in Book \*, Page \* on \*. See also plan by \*, dated \* and recorded in said Registry on \* in Plan Book \*, Page \* as document number \*.

**Match Lands.**

\*, being \* acres of fee ownership lands in the Town of \*, \* County, Maine, as more fully set forth in Exhibit A-2 and depicted on Exhibit B-2, both being attached hereto. For source of title, reference is made to the \* Deed from \*, to \*, dated \* and recorded in the \* County Registry of Deeds in Book \*, Page \* on \*.

All of the foregoing hereinafter referred to as “the Premises”.

**Scope (Description of Project):**

The premises consist of \* acres of land in the Town of \* in the County of \*. (the “Cooperating Entity” or “\*”) will acquire a conservation easement (the “Conservation Easement”) on the Premises to further the Conservation Purposes identified in Section \* of the Conservation Easement, and will receive funding from the Land for Maine’s Future (“LMF”) in accordance with Title 5, Maine Revised Statutes section 6200, et seq.

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**Project Cost:**

LMF Contribution to Cooperating Entity:	\$
Cooperating Entity:	\$
<b>TOTAL COST:</b>	<b>\$</b>

---

The following are hereby incorporated into this Agreement:

1. Project Agreement General Provisions attached hereto provided, however, that the portion of the “Premises” designated as the Match Lands above is subject to the management restrictions and covenants of this Project Agreement but is not subject to the Project Agreement General Provisions Part II, Section H subsection (iv).
2. Conservation easement on the Premises
3. Project Application and Attachments by reference
4. Exhibits A-1, A-2, B-1, and B-2 attached hereto

The Land for Maine’s Future Board, represented by its Chair (hereinafter “LMFB”), and the State of Maine, Department of \*, represented by its Commissioner, as the Designated State Agency (hereinafter “DSA”), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes, Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby agrees, in consideration of the agreements made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB’s share of the costs of the above-described project. The Cooperating Entity hereby agrees, in consideration of the agreements made by the LMFB herein, to provide the matching funds, and lands, if applicable, and to implement the project described above in accordance with the terms of this Agreement.

**The following special project terms and conditions are added to this Agreement:**

**1. Public Access.** To the extent that the Conservation Easement allows the Cooperating Entity to control public access to the Premises, the Cooperating Entity shall not prohibit, discourage, or charge a fee for public access, hunting, fishing, or trapping on the Premises, except to the extent of applicable state, local, or federal laws and regulations.

**2. Transfer and Assignment.** The Conservation Easement or any interest therein may not be transferred or assigned without prior written approval of the DSA and LMFB as provided under Part II, section H subsection (i) of this Agreement, and then only to a federal, state, or local government agency or a non-profit conservation organization which is a "qualified organization" under Section 170(h) of the United States Internal Revenue Code, and a "qualified holder" under Title 33, Maine Revised Statutes, Section 476(2), subject to the condition that the qualified organization expressly agrees to assume the rights and obligations of the Cooperating Entity provided for by this Agreement.

**3. Enforcement.** The Cooperating Entity will enforce the terms of the Easement to ensure that use of the Protected Property is consistent with the Purpose and terms of the Easement and this Project Agreement and does not harm the Conservation Values of the Protected Property. In enforcing the Easement, the Cooperating Entity will:

- a) Upon receiving a request for approval from the landowner for any matter described in the Conservation Easement as requiring the review or approval of the DSA, provide a copy to the DSA and consult with the DSA prior to granting or withholding approval;
- b) Provide the DSA with copies of all correspondence or agreements related to actual, threatened, or suspected violations of the Easement, including but not limited to Notices of Violation pursuant to Section \* of the Easement, third-party contracts to correct violations, or agreements intended to prevent or resolve a violation;
- c) Consult with the DSA during discussions to resolve violations and, if appropriate, invite the DSA to participate;
- d) Provide notice to the DSA prior to initiating any proceeding in law or equity to resolve a violation, and provide the DSA with copies of all court filings in such a proceeding prior to the filing thereof;
- e) In the case of emergency enforcement pursuant to Section \* of the Easement, provide the DSA with notice of the enforcement action within thirty (30) days; and
- f) Consult with the DSA before granting any discretionary approval pursuant to Section \* of the Easement. Such consultation shall not preclude the DSA from exercising its rights under Part II, Section I of this Agreement if the DSA determines that discretionary approval is not warranted.
- g) Consult with the DSA and the Land for Maine's Future program regarding any proposed amendment of the Conservation Easement. The Conservation Easement may not be amended without prior written approval of the DSA and LMFB.

**4. Annual Reporting.** The annual report described in Part II, Section F of this Agreement shall include the following:

- a) the stewardship monitoring report of the Protected Property,
- b) A written summary of any notices or requests for approval the Cooperating Entity received from the owner of the Protected Property and the Cooperating Entity's response. Upon request,

the Cooperating Entity will provide the DSA with copies of notices and requests for approval from the landowner and the responses sent to the landowner by the Cooperating Entity;

c) The Agricultural Conservation Plan, Forest Management Plan, or any stewardship management plan for the Protected Property that has been developed pursuant to the Easement, if such plan has changed since a previous report;

d) Any amendments, updates, or addenda to the Baseline Documentation Report.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \* day of 20\*\* by their duly authorized representatives.

**THE LAND FOR MAINE’S FUTURE BOARD**

By: \_\_\_\_\_  
\*, Its Chair

**STATE OF MAINE**

**Department of \***

By: \_\_\_\_\_  
\*, Its Commissioner

**COOPERATING ENTITY**

By: \_\_\_\_\_, [Authorized Signer]

STATE OF MAINE

County of \*

Date: \*

Then personally appeared the above-named \*, duly authorized \* of the \* and acknowledged the foregoing to be his free act and deed in his capacity and the free act and deed of said \*.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires:  
Seal:

**LAND FOR MAINE’S FUTURE FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – DEFINITIONS**

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision or instrumentality of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this Agreement.

**Part II – CONTINUING ASSURANCES**

The Cooperating Entity specifically recognizes that Land for Maine’s Future Fund project assistance creates an obligation to hold and enforce the conservation easement described in the Project Agreement consistent with Title 5, M.R.S., Section 6200 et seq., as amended, and augmented by P.L. 2021, c. 398, Part FFFF, and the following requirements:

**A. LEGAL AUTHORITY:**

The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement and has either a valid and enforceable conservation easement on the Premises or a binding Agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.

**B. FINANCIAL ABILITY:**

The Cooperating Entity warrants and represents that it has the funds and the commitment to finance the cost share of acquisition together with all other costs of the Project, including for monitoring and enforcement, except the Land for Maine’s Future Fund share stated on the cover page of this Agreement.

**C. USE OF FUNDS:**

The Cooperating Entity shall use moneys granted by LMFB only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

**D. USE AND MAINTENANCE OF PREMISES:**

The Cooperating Entity shall forever hold and enforce the Conservation Easement as prescribed in this Agreement and in compliance with all applicable laws, including without limitation Title 5, M.R.S. Section 6200 et seq., as amended and augmented by P.L. 2021, c. 398, Part FFFF. All costs of acquisition or implementation of the Project and holding and enforcing the Conservation Easement shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein. The Cooperating Entity shall ensure that appropriate signage is established and maintained on the Premises in a prominent location to acknowledge the support of the Lands for Maine's Future Program.

**E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS:**

The Cooperating Entity shall keep a permanent record in the Cooperating Entity's property records, available for public inspection, to clearly document that the property interest described in this Project Agreement, and the signed and dated Project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to uses other than those specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA.

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the Project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

**F. ANNUAL REPORTING REQUIREMENTS:**

On each anniversary of this Agreement, or annually on another date agreed to in writing by the parties, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB. For the purposes of this Agreement, the anniversary date for reporting purposes shall be the date of recording of this instrument in the applicable registry of deeds.

**G. RIGHT OF ENTRY:**

The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises as provided for in Section \* of the Conservation Easement to assure compliance with the terms of this Agreement, the Conservation Easement, and any applicable laws.

**H. PROVISIONS IN THE EVENT OF TRANSFER:****i. PRIOR NOTICE AND APPROVAL:**

In the event of any intended assignment or transfer, in whole or in part, of the Conservation Easement or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

**ii. DISSOLUTION:**

In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB. Prior written consent to the assignment and transfer of the Conservation Easement shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(i) unless the DSA requires that the Cooperating Entity assign the Conservation Easement to the DSA or a successor designated by the DSA under Subsection I(d).

**iii. SUCCESSORS AND ASSIGNS:**

Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity assigns or transfers any interest in all or a portion of the Conservation Easement. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

**iv. SHARE IN PROCEEDS:**

In the event of any sale, transfer, termination or condemnation of any or all of the Conservation Easement or disposal of the Conservation Easement pursuant to dissolution (hereinafter “transfer”), the Cooperating Entity shall pay to the Land for Maine’s Future Fund, or to another fund designated by the LMFB, a share of the proceeds of the transfer. For the purposes of this Agreement, this share is defined as the product of:

(c) the ratio of the value of the LMF’s contribution to the value of the Conservation Easement as a whole as of the date of this Agreement, hereby established as 50%, multiplied by

(d) the appraised value of the Conservation Easement, or portion thereof, which value shall be determined as the amount by which the fair market appraisal value of the Protected Property unrestricted by this Conservation Easement is reduced by the terms and conditions imposed by this Conservation Easement as of the date of transfer.

The LMFB may waive receipt of any proceeds, provided that the said funds are applied to conservation of a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

The State’s share of proceeds shall be paid to the LMF at the time of the transfer, sale, condemnation, or dissolution.

**I. ENFORCEMENT ALTERNATIVES:**

In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the Conservation Easement, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default:

- (a) any of the remedies or rights set forth in the Conservation Easement;
- (b) the right to require specific performance on the part of the Cooperating Entity;
- (c) the right to a return of the State’s share of proceeds as defined in Section H(iv); and
- (d) any other rights or remedies available at law or in equity including, but not limited to, the right to require that the Cooperating Entity perform remedial work and transfer the Conservation



Easement to the DSA or a successor designated by the DSA under such terms and conditions as the court may require. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys’ fees.

In addition to the foregoing remedies, it is understood and agreed that the Project creates a public charitable TRUST entitled to all the protections thereof under state law.

**J. AMENDMENT:**

This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.

**K. NOTICES:**

Any notices or requests for approval required by this Agreement shall be in writing and shall be personally delivered or sent registered or certified mail, return receipt requested, or by other courier providing reliable proof of delivery, to the Cooperating Entity, the DSA and the LMFB at the following addresses, unless one has been notified by the others of a change of address:

**To Cooperating Entity:**

**To DSA:** Department of \*  
\*  
Augusta, ME 04333-0022

**To LMFB:** c/o Land for Maine’s Future Program  
22 State House Station  
Augusta, Maine 04333-0022

NOTE: For the purposes of notice provisions under this Section K, the DSA and the LMFB shall be referred to collectively as the “State”, and when being sent, notices shall be sent to both entities.

(a) In the event that notice mailed to the Cooperating Entity at the last address on file with the State is returned as undeliverable, the State shall send notice by certified mail, return receipt requested, or by such commercial carrier as requires a receipt, and by regular mail to the Cooperating Entity’s last known address on file with the Bureau of Corporations, Secretary of the State of Maine, **if applicable** and the mailing of such notice shall be deemed compliance with the notice provisions of this Agreement. The Cooperating Entity’s notices must include sufficient information to enable the State to determine whether Cooperating Entity’s plans are consistent with the terms of this Agreement and the Conservation Purposes hereof.

(b) When the Cooperating Entity is required to obtain the State’s prior written consent and approval, the Cooperating Entity’s request shall be in the form of a written application and shall include sufficient details and specifications for the State to adequately review and analyze the same.

Within 60 days of receipt of a complete application, the State shall provide a written decision which shall grant, grant with conditions, withhold approval, or, with consent of the Cooperating Entity, extend the time within which to complete analysis of the application. The parties agree that the application and review process shall be completed as expeditiously as possible.

(c) The State shall not give written consent and approval unless the Cooperating Entity demonstrates to the satisfaction of the State that the proposed use or facilities is consistent with the terms, conditions, and purposes of this Agreement and will not diminish or impair the natural resources and scenic values of the Premises.

(d) In the event that more than one Cooperating Entity holds an interest in the Premises, the Cooperating Entity or its successor owners shall designate an agent responsible for the seeking of approvals from the State, and for the receipt of notices from the State. In the event that no single entity or agent is so designated, the approval of or notice to any executive officer of the Cooperating Entity shall be deemed the approval of or notice to all such owners.

## Appendix G

### Guidance for Working Forest Easements

In early 2001, an LMF Board easement subcommittee was formed to identify

- the essentials for any easement funded by the Land for Maine's Future Program (LMF)
- elements that are desirable but not always necessary, and
- cautions related to various elements

The following guiding principles were adopted by the LMF Board on May 9, 2001. The Board recognizes that this is a working document, and that amendments and refinements are likely as experience dictates. The Board has also adopted a set of drafting guidelines for this type of easement that every potential applicant should read before preparing the easement. The guidelines describe both the required process for developing these easements and the recommended provisions to implement the intent of the policy objectives below. A copy of the guidelines is available on the LMF website.

There are two types of working forest easements – strip easements (primarily along water bodies), and landscape easements. Some elements are appropriate for one type and not the other. The Board further recognizes that in many cases, (e.g. ecological reserves, key recreation areas, boat launches and parking areas) fee purchase is probably a better tool and should be used alone or in concert with an easement.

The basic intention of a working forest easement is to protect both the natural values and economic values of the forest, along with its potential to provide traditional recreation opportunities for the public. Each easement will vary depending on the property involved and the goals of the grantor and grantee. Each easement should define existing conditions, contain a clear statement of goals, remedies for non-compliance and outline a process by which the landowner and easement holder can meet to review the easement and its implementation, ideally annually. It should enable the parties to mutually determine acceptable amendments to the easement to reflect changes in science or society while remaining faithful to the original goals.

**For working forest easements funded by the LMF, the Board will require:**

1. No additional (or very limited and clearly defined) additional non-forestry or non-recreation related development. Prohibition of commercial, industrial and residential uses except for forestry and recreational uses, while allowing for existing types and scales of non-forestry uses to continue when consistent with easement goals.

2. Strict limits on division of the property, with the goal of maintaining large enough parcels to be a) cost effective to manage for timber production and recreation and b) cost effective for the holder to monitor compliance with easement terms. Allowable subdivision may include limited divisions of very large tracts and small subdivisions to correct boundary issues with abutters.
3. Rights for the public to use the property for traditional pedestrian recreational uses such as fishing, hiking, hunting, snowshoeing and nature observation. Central to this is extinguishing the landowner's right to enjoy or provide exclusive, private use. (Certain areas may be designated off limits to the public to protect fragile ecological or archaeological resources, privacy related to buildings, or public safety. A process should be established to incorporate additional areas at the mutual consent of the landowner and holder and to identify and close areas such as active harvest operations that involve safety hazards.)
4. An enforceable commitment to maintain (or enhance) the property's potential to provide a perpetual yield of fiber and timber. Recognizing the duration (forever) of an easement and the inability to predict the future of current forest uses, the emphasis here is on *potential* to provide, not a requirement to provide. Clear language must be included that defines sustainable management (taking into account forest history, productivity and potential for natural catastrophe), stipulates specifically how it shall be measured, and provides for independent review to determine if ongoing forest management meets these requirements. Remedies for non-compliance should be clear, stringent and easily enforceable.

**On a case by case basis, depending on size of the easement, conditions on the land or other factors, additional easement elements may significantly strengthen the value to the public as listed below. Whenever additional protections of forest conditions or rights to provide public use are included in an easement, the Board will require of the holder an estimate of annual costs for monitoring or management and how it plans to cover them.**

1. The Board recognizes that protection of ecological sustainability is very important. Additional protection of sensitive, rare or representative ecological features may be desirable. As part of the LMF proposal process, the potential holder will have assessed the ecological values of the property. Grantor and grantee should consider fee acquisition of areas of high ecological value in addition to the easement, or more stringent protections of certain natural communities, habitats or ecological health.
2. Requirements to include additional protections of visual quality, recreational features and/or riparian zones, or restrictions on intensive forest management practices such as herbicides and plantations.
3. Limitation of mining on the property to surface deposits of gravel, sand and shale for purposes of road construction and maintenance on the property only. Include caps on the number and size of borrow pits and establish reclamation procedures. In some cases

(e.g. large landscape easements) it may be appropriate to allow mining of subsurface minerals. In such cases, strict limitations on areas disturbed and associated development should be stipulated to protect the main values of the working forest, undeveloped forest land and traditional public recreation, including associated aesthetics.

4. Rights to manage public recreation on the property. Clear goals for such management should be stated in the easement.
5. The right to construct, maintain, relocate and/or limit trails, parking, signs, and other structures on the property for motorized and/or non-motorized recreation.
6. The right to provide to the public vehicular use of certain roads across the property or to specific features (e.g. trail heads, water bodies) on the property. This may apply to motorized (e.g. snowmobile) trails, as well.

Such rights should not necessarily be required on strip easements. Since their primary aim is to keep water frontage undeveloped, water access is probably sufficient. Rights of way to the water or boat launches at specific locations may be stipulated or purchased in fee where appropriate.

When vehicular use is required, rights and obligations to maintain roads and trails must be addressed. The easement should define standards to which private roads and trails will be maintained as well as how maintenance costs are to be divided between the landowner and the holder.

7. Road access to the property. In many cases in the Maine woods, vehicle access may be customary, but not guaranteed by law. The Board should acquire access to properties under easement whenever possible.

## Appendix H

### LMF Public Access Policy for Water Access and Conservation and Recreation Projects

- A primary purpose of the LMF program is to secure lands for hunting, fishing, trapping, and outdoor recreation by the general public. Accordingly, as a standard condition of LMF funding, all parcels must be both physically accessible and have a guaranteed legal right of public access (guaranteed public access) in one of the following forms (in all cases, documentation will be required prior to closing):
  - Access via a public road;
  - Access via an abandoned public road over which there is a public right of way;
  - Access via a private road where the applicant holds or will acquire deeded rights allowing the public to access the property;
  - Access (by vehicle, foot, or other means) across adjacent conservation land or via a trail easement that is either owned/controlled by the applicant or permanently protected with guaranteed public access (provisions to further secure this access may be added to the Project Agreement);
  - Access by water when the property is on an island, tidal shoreline or includes navigable river or lake frontage and, in the judgment of the LMF Board, it is consistent with the purposes of the project for the primary public access to be by water.
- An access easement granting the applicant the right to access the property over a private road does not provide guaranteed public access for the purpose of receiving LMF funding unless the easement clearly provides for access by the general public.
- The LMF Board recognizes that many parcels throughout Maine are accessed by private roads or are bisected by utility corridors that do not include public access rights, and that there is a long history of public use in many of these areas. The Board further recognizes that some purposes and benefits of conservation projects (e.g., habitat protection or climate change mitigation) do not rely on public access. If a parcel will not have guaranteed public access, the applicant may request that this standard condition be waived, allowing the project to receive LMF funding with existing access. This waiver is at the discretion of the LMF Board, and may be granted only if:

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- The primary purposes and benefits of the project do not depend on public access, and/or the parcel has historically been accessible by the public and public access is likely to continue in the foreseeable future even if it is not guaranteed;
  - The sponsoring State agency supports the acquisition even if guaranteed public access is not secured; AND
  - The applicant has exhausted all reasonable avenues for securing guaranteed public access.
- If a parcel does not have guaranteed public access at the time of the proposal, or if guaranteed public access to a portion of the parcel is prevented due to the presence of a utility corridor that does not include public access rights, the proposal should include the following information:
    - Existing and traditional public access to and use of the property;
    - What would be needed in order to secure guaranteed public access to the property; and
    - The status of efforts to secure guaranteed public access and whether any agreement is in place.
  - If a project is selected as a finalist without guaranteed public access to all parcels, or if guaranteed public access to the entirety of the parcel is prevented due to the presence of a utility corridor that does not include public access rights, the LMF Board will indicate at the time of the selection whether the standard condition requiring guaranteed public access is waived or conditionally waived (e.g., the applicant should continue to attempt to secure guaranteed public access but the standard condition is waived if those efforts fail), whether the standard condition is not waived but the applicant may request this waiver at a later date, or whether the project will receive LMF funds only if the standard condition is met.
  - If a proposal states that there is guaranteed public access to all parcels or it will be secured, and it is later learned that one or more parcels in the project will not have guaranteed public access, the applicant may request a waiver of the standard condition as a modification to the approved project requiring LMF Board approval.

## Appendix I

# Access Improvement Grants Fact Sheet for Applicants

### **Purpose**

Access improvement grants are available to enhance the public accessibility to land that is acquired with proceeds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund.

Access improvement grants enhance Land for Maine's Future (LMF) acquisition dollars by making conserved land more accessible to the public. Grants may be for the upgrade of access roads, the addition of parking, trails, and boat launches, or the installation of signage, information kiosks, and picnic tables. Grant funds must be applied to the purchase of materials or contracted services; staff time and expenses are not an eligible expense. Grant funds can be used to reimburse work that has already been done, assuming the Board approves funding for all aspects of the work completed.

### **Funding Availability**

In statute, access improvement grants are limited to 5% of the appraised value of the acquired property, but the Land for Maine's Future Board (LMFB) routinely establishes a set-aside for these grants based on funds available. At the present, LMFB may fund access improvement grants in an amount up to 5% of the first \$200,000 in appraised value, then 2% of appraised value over \$200,000, up to a maximum access improvement grant of \$25,000.

### **Matching Funds**

All LMF awards must be matched 1:1 by the applicant. Matching funds include funds spent by the applicant on the same expenses that would have been eligible for use of grant funds. With approval from LMF, excess match from the acquisition of the property may also be applied as match for an access improvement grant. Contact LMF staff prior to submitting your application if you would like to apply excess acquisition match to your access improvement grant.

### **Eligibility**

A landowner of LMF funded land may apply for an access improvement grant to fund minor capital improvements to improve accessibility on the LMF funded land and on adjoining lands in the same ownership or under the same management. Access improvement grants are not offered for lands which are protected by conservation easements unless easement terms explicitly allow the easement holder to make access improvements to the land covered by the easement. LMF staff will contact the applicant to inform them of the application process and amount of funds available for their access improvement project.

### **Application Criteria**

Projects must meet the following criteria for access improvement grants:

- The proposed improvements do not compromise the original intent for which the property was purchased.



- The proposed project improves accessibility of the LMF funded lands, consistent with management objectives. If access improvement funding is for abutting lands under the same ownership or management, then the access improvements must offer a benefit to users of the LMF funded parcel.
- Public uses are supported and/or enhanced by the project.

### Application Process

1. LMF staff will contact you with information about the funds available, application process and deadline for submissions.
2. Applications are reviewed by LMF staff to determine eligibility and completeness.
3. If the applicant is an entity other than the State (e.g. land trust or municipality), the application is reviewed by staff from the Designated State Agency: Department of Agriculture, Conservation and Forestry, Department of Inland Fisheries and Wildlife, or Maine Historic Preservation Commission, to ensure the project is consistent with the objectives of the original acquisition project.
4. LMF staff reviews the application against the purposes and objectives of the access improvement funds and makes a recommendation to the Board for their approval.

### Application Format and Instructions

Applicants should complete an Application Summary Form and provide a proposal narrative that contains the following information:

1. Map(s) – General property map, map depicting the location of the primary access point of the site, any other public access points to the property, and the location of the property to which access improvements are proposed to be made. Maps should be at a scale suitable to show the location of the proposed improvements.
2. Project Description - Narrative of what improvements are proposed, how the improvements will enhance accessibility and public use of the LMF funded lands and how the project is consistent with the recreation, public access and conservation objectives of the original acquisition project.
3. Suitability of Intended Use - Description that demonstrates that the property has no legal constraints preventing the development and use of the proposed access and that the physical characteristics of the site are suitable for the intended access.
4. Impact on Natural Resources – Description of any impact the proposed access will have on the natural and cultural resources of the property and the surrounding land. Demonstrate that the intended access is consistent with property's management objectives. Consultation with the Maine Natural Areas Program, Maine Department of Inland Fisheries and Wildlife and Maine Historic Preservation is recommended.
5. Project timeline - Identify key milestones and dates for completion.
6. Signage - The Board requires that the Land for Maine's Future Program be acknowledged in permanent signage at the primary access point of the site. LMF provides silk-screened, metal signs with LMF logo for this purpose. Please indicate in your proposal if you will need additional signs.
7. Project Budget - Itemization of how the funds will be used and identification of sources and amounts of matching funds

### A hard copy of your proposal should be sent to:

Land for Maine's Future Program  
Dept. of Agriculture, Conservation & Forestry 22 State House Station  
Augusta ME 04333-0022

### Completion of Access Improvement Grant Projects

Projects must be completed within 18 months of the grant award date, unless the project finalist has prior written approval from the LMF project manager for an extension. A one year extension may be granted

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at the project manager's discretion if circumstances warrant, following notice to the LMF Director. Any additional extensions must be approved by the LMF board.

**Grant Reporting Requirements**

Grant recipients must submit a written report upon completion of the access improvement project. The report must describe the access improvements made and the ways it enhances public uses and include documentation of how the funds were expended and photographs of the completed work.

Completed access improvement projects will be included in the LMF Biennial Report, as part of the report to the public about progress achieved by the program.

**Advance and return of access improvement funds**

LMF will enter into a contract with each cooperating entity selected for an access improvement grant. LMF will be responsible for managing the contracts and ensuring funds are used consistent with the project proposal. LMF staff will approve payments for work that has been completed. Any unspent funds will remain available for future Board allocations.

For access improvement grants to state agencies, the funds will be journaled directly to the state agency upon approval of application. The agency is responsible for returning all unused funds within 6 months of completion of project. LMF shall enter into a Memorandum of Agreement with the DSA for all access improvement grants. The MOA will state the terms and indicate the expiration dates and be signed by the Commissioner of the DSA.

**Resources:**

USFS trail accessibility guidelines: <http://www.fs.fed.us/recreation/programs/accessibility/>

American Trails: <http://www.americantrails.org/resources/trailbuilding/>

National Park Service boat launch guidelines:

<https://www.nps.gov/ncrc/programs/rtca/helpfultools/launchguide.pdf>

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# Appendix J

## LMF Stewardship Award Policy

### Eligibility

Cooperating Entities purchasing land or interests in land with LMF funding are eligible to receive stewardship awards upon completion of the project. Stewardship awards are not currently available to State agencies.

### Award amount

Projects will be eligible to receive a stewardship award of up to 5% of the first \$200,000 of appraised property value, then 2% of appraised property value over \$200,000, to a maximum stewardship award of \$25,000. These amounts are calculated based on the total value of all parcels receiving LMF funding, not individually for each parcel, and are subject to match requirements.

### Timing of awards

For future rounds, stewardship awards will be requested by applicants as part of the project budget included with the LMF proposal. The Board's vote to approve the final acquisition award will include the stewardship award. Projects that received funding in Rounds 10 and 11 will be given the opportunity to request stewardship awards following the adoption of this policy. Funds will be disbursed at closing or within 30 days following closing, subject to required documentation, except that Round 10 or 11 projects that have already closed will receive stewardship awards upon approval and when all required documentation has been provided.

### Matching funds

All stewardship awards must be matched 1:1 by the recipient. Except as otherwise approved by the LMF Board, match must take the form of funds placed in a stewardship fund by or on behalf of the applicant, subject to the same restrictions as LMF funds. However, the LMF Board may allow excess match from the acquisition of the property (above 50% of land value) to serve as all or a portion of the match required for LMF stewardship awards when the applicant is not able to provide stewardship funds as match AND the applicant demonstrates that stewardship of the property is adequately provided for through operating funds, a pooled stewardship fund, or other means.

### Required documentation

Prior to receiving stewardship funds, the applicant must provide LMF with their endowment policy, a projected stewardship budget for the property, proof of matching funds, and authorization from its governing body to accept the award and apply the award and matching funds in accordance with LMF policy.

### Award mechanism

Stewardship funds will be disbursed directly to the cooperating entity. Funds may be disbursed to a third party to hold on behalf of the cooperating entity if there is an appropriate mechanism to ensure accountability, as determined by LMF staff with the assistance of counsel.

### Use of funds

All LMF stewardship awards and matching funds committed by the applicant are subject to the following conditions.

Land for Maine’s Future Workbook

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- Funds must be held and managed as an endowment of perpetual duration in accordance with 13 MRS §5101 et. seq. Appropriation for expenditure in any year of an amount greater than 7% of the fair market value of the fund, calculated on the basis of market values determined at least quarterly and averaged over a period of not less than 3 years immediately preceding the year in which the appropriation for expenditure is made (or the life of the fund if less than 3 years), is permitted only in extraordinary circumstances with the prior approval of the LMF Director.
- To comply with the statutory requirement that awards be “identified for use on the funded property,” funds, including matching funds, must be held separate from all other funds and may be spent only for expenses related to the parcel or parcels receiving LMF funding as part of the project for which the stewardship award was made. This does not prohibit LMF stewardship funds from being combined with other funds for investment purposes, provided that the LMF funds are accounted for separately.
- When other lands held by the recipient are managed together with LMF-funded parcels as a single management unit, expenses that cannot reasonably be identified as being specific to the LMF-funded parcels (e.g., the cost of preparing a forest management plan for the entire area, or management of an access road that serves multiple landowners) may be apportioned based on acreage or other relevant measurement.
- Funds may be used for any expense related to stewardship, management, monitoring, legal defense, or ownership of the protected property.
- Recipients will report annually to LMF on any expenditures, current fund balance, and any planned expenditures in the year ahead.
- If the property is transferred to a new holder, the endowment funds, including any matching funds, must be transferred as well, and the recipient must agree to assume all of these responsibilities for holding and using the funds.
- If the property is converted to a non-conservation use, the endowment funds must be returned to LMF or, if the LMF Board accepts replacement property in lieu of repayment of the LMF acquisition award, placed in an endowment for the replacement property.

**Other organizational funds**

These provisions apply only to funds awarded by LMF for stewardship or committed by the applicant as match for LMF stewardship awards. Other funds the applicant may apply to stewardship of the protected property, including additional funds placed in a pooled stewardship account at the time of the acquisition, are not subject to this policy and are not considered matching funds.

## Appendix K

### Frequently Asked Questions

**Q1. What types of land can be acquired through the Land for Maine's Future's Conservation and Recreation and Water Access Programs?**

Lands and interests in lands offering opportunity for conservation of lands supporting vital natural areas, wildlife and fish habitat, water access, and traditional outdoor recreation.

**Q2. Who can be a "cooperating entity"?**

Private nonprofit charitable organizations, private foundations, municipal conservation commissions, and local governments are considered cooperating entities. For a private nonprofit organization seeking to hold easements funded by Land for Maine's Future Program, the holder/applicant shall provide documentation that the organization meets the holder requirements, as per Maine Conservation Easement statute, (M.R.S.33 Chapter 7, Subchapter 8-A), and has a mission statement pertaining to land conservation activities. In addition, the Land for Maine's Future Board may designate other groups to assist the State in the acquisition and management of public lands.

**Q3. Who will own the land or conservation easements acquired by the Program?**

Title may be held by State Agencies and cooperating entities as defined in statute. An approved cooperating entity may hold title providing that entity can demonstrate to the Board their ability to manage the land for the purpose for which it was acquired. The State of Maine and the cooperating entity enter into a project agreement that is filed at the respective registry of deeds.

**Q4. Who will manage the land acquired by the Program?**

Management responsibilities for the acquired lands and interests in lands will be the responsibility of the State Agency or cooperating entity holding title. Management of lands held by the State may be accomplished through a partnership with a cooperating entity through a management agreement. When a cooperating entity holds the land or interest in land it will execute a project agreement with the sponsoring state agency that contractually binds the terms of the project's management. This agreement is recorded with the deed or easement. Model Project Agreements are included in [Appendix F](#).

**Q5. What are "matching funds" and what guidelines apply?**

See the [Match section](#) of Board Policies.

**Q6. When is municipal or county approval of a land acquisition required?**

Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition with funds from the Land for Maine's Future Program. Similarly, approval by the County Commissioners is required if the land proposed to be conserved lies within unorganized territory and constitutes more than 1% of the state valuation of the unorganized territory within that county.

**Q7. What interests in land may be purchased by the Program?**

The LMF can support acquisition of a full range of interests in land including:

- fee simple acquisition; and
- less-than-fee simple interests including, but not limited to, permanent conservation easements, permanent access easements, and other permanent interests in land.
- Long-term leases of at least 99 years, provided that those acquisitions are primarily natural lands meeting LMF criteria

**Q8. Can the LMF Trust Funds be used to fund capital improvements?**

The LMF Board may use these funds to support minor capital investments in the stewardship and management of acquired land and minor capital improvements to improve public access, as long as these investments/improvements do not compromise the original intent for which the property was purchased. See [Appendix I](#) for more information on these Access Improvement Grants and [Appendix J](#) for more information on Stewardship and Awards.

**Q9. What does the law exclude from consideration?**

The law specifically excludes the use of LMF funds to acquire any of the following:

- land for facilities or organized recreational activities; (e.g. ballparks, tennis courts, or playgrounds).
- capital improvements on publicly owned facilities, other than to improve accessibility on lands acquired by proceeds from the Conservation and Recreation Fund or the Public Access to Maine Waters Fund; and
- fee purchase of land of which the primary use value will be as commercially harvested or harvestable forest land.

**Q10. What types of land are identified by the law as eligible for potential acquisition?**

Eligible lands include:

- recreation lands;
- prime physical features of the Maine landscape;
- areas of special scenic beauty;
- open space;
- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- habitat for plant or animal species or natural communities considered rare, threatened, or endangered in the State;
- wildlife or fish habitat including deer wintering areas;
- public access to recreation opportunities or those natural resources identified above;
- lands providing public water supply protection;
- lands with other conservation, wilderness or recreation values; and
- property abutting fresh or coastal waters when public access to those waters does not exist or are not sufficient

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Potential applicants are strongly encouraged to review the LAPAC report for further discussion on conservation priorities among these resources. The report is available from the LMF staff and is on the LMF website.

**Q11. Who can propose land for acquisition by the Program?**

Anyone can nominate or propose land for acquisition by LMF Program, when sponsored by a Designated State Agency as long as the threshold criteria, the criteria of the sponsoring State Agency, and proposal requirements are met. The proposal must include a written statement from the landowner with their consent that the property is being proposed to the Program. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

**Q12. When can proposals be submitted?**

Conservation & Recreation proposals must be received by LMF **no later than 5:00 p.m. on March 22, 2024**. Inquiries will be accepted on a continuous basis from **November 29, 2023 to January 19, 2024**, (see Inquiry Forms provided in [Appendix A](#)). There is a separate proposal process for Water Access projects, which may be processed at any time (see [Section III](#)).

**Q13. How will the proposed properties be scored?**

Program Staff review and score Conservation and Recreation proposals. The staff score is submitted to the LMF Board with the proposal for their review and initial scoring. Applicants present their proposal(s) to the LMF Board, and LMF Board Members adjust their scores if they wish. The Board then meets to review their adjusted scores, consider Other Board Considerations, and determine a consensus Board score. The Board then enters into executive session to determine preliminary allocations. The Board then votes in a public session to select finalists. See Scoring System in [Section II](#) for Conservation and Recreation scoring criteria.

**Q14. Who will appraise the lands proposed for acquisition?**

Any appraisal must be an arm's length appraisal conducted by a Maine certified general real estate appraiser and must conform to the standards outlined in [Appendix E](#). If an appraisal review is required by other funders, LMF requires this review report to be submitted with the appraisal.

**Q15. Will LMF support projects when the landowner wants a price higher than the appraised value?**

The LMF Board will not generally participate in purchases which exceed fair market value as established by independent appraisal. This policy applies even where the extra funds are drawn from other sources. Such sales can make future conservation projects more expensive. In extraordinary cases, the Board will consider exceptions to this policy.

**Q16. How will an applicant know the status of their Inquiry Form and/or proposal?**

Within two weeks of submitting an Inquiry Form, the applicant will be notified whether their project has been determined to be consistent with the LMF program objectives and selected for DSA sponsorship. In the event that a project is not selected to submit a full proposal, applicants will receive feedback from the Inquiry Review Committee outlining the



justification for their decision. After the submission on a proposal, LMF Staff will inform the applicant of the day/time that their proposal will be reviewed by the LMF Board. All applicants will be notified of the status of their proposals when the scoring and evaluation process is complete. An applicant may call the Program staff to inquire about the status of their proposal.

**Q17. What considerations does the Board want to see reflected in conservation easements?**

The Board may fund acquisition of conservation easements on parcels of land to protect key public values. Any easement proposal considered by the Board is expected to address the following elements:

1. Conservation purpose of the easement and description of natural resources to be protected,
2. Restrictions on development and subdivision (building, mining, road construction, etc.) that are inconsistent with the conservation purposes,
3. Provisions for public access (pedestrian, water access, vehicle access, etc.),
4. Accommodations for public use/recreation,
5. Private uses to be maintained/continued, and
6. See also [Appendix G](#) "Guidance for Working Forest Easements"

**Q18. Are pre-acquired properties eligible for reimbursement?**

Lands or interest in lands acquired within 2 years of the date of project proposal may be considered for reimbursement. LMF contribution will be no more than at the Board approved amount, not to exceed the actual purchase price or appraised value whichever is less. Any duly appraised value in excess of actual purchase price may be used as match.

**Q19. What timeline should applicants selected for LMF funding expect?**

With the acceptance of public funds comes a great responsibility to ensure that every LMF funded property delivers exemplary public benefits. Before LMF funds can be released, applicants need to complete the due diligence items outlined in [Section IV](#) with guidance from your LMF project manager. This can be a lengthy process and it is important that the applicant communicate this to the seller in order to avoid unrealistic expectations. Specific information that may help inform a project's timeline is below:

Appraisal: Once complete, the appraisal (and associated appraisal review, if applicable) should be submitted to LMF for review by the LMF Appraisal Oversight Committee (AOC). Once the appraisal has been submitted and accepted by the AOC, the project requires the LMF Board to vote on a final allocation. AOC and LMF Board Meetings occur routinely and are posted on the LMF website.

Due Diligence: Once an appraisal has been accepted by the AOC, LMF Staff and Counsel will begin to review a project's due diligence. Please submit due diligence items well-ahead of any project deadlines as Program Staff and Counsel are likely working on a number of projects at any one time.

Fund Disbursement/Closing: Once the due diligence review is complete, it may take as many as six weeks for LMF funds to be disbursed.