



Land for Maine's Future Program
Minutes of the Meeting
November 19, 2013

Department of Agriculture, Conservation & Forestry
Maine Forest Service Bolton Hill Facility, Augusta, Maine
Meeting called to order at 1:15 pm

Board Members Present:

Bill Vail, Chairman

Norman Gosline, Chandler Woodcock, James Norris, Walter Whitcomb, Patrick Keliher, Ben Emory

Board Members Absent:

James Gorman, Jr. Diane Doyle

Staff Members Present:

Ed Meadows Sam Morris Tom Miragliuolo R. Collin Therrien

Others

Don Marean, State Representative, House District 131

Rick Murphy, Prospect Holdings LLC

Bob Marvinney, DACF Bureau of Resource Information and Land Use Planning

Kathy Eickenberg, DACF Bureau of Parks and Lands

Jeff Romano, Maine Coast Heritage Trust

Ryan Robicheau, ME Inland Fisheries and Wildlife

Sarah Demers, ME Inland Fisheries and Wildlife

Gregg Caporossi, Trust for Public Land

Stephanie Gilbert, DACF, Bureau of Agriculture, Food and Rural Resources

Dick Clime, Coastal Enterprises Inc.

1. Welcome and Introductions

Chairman Vail called the meeting to order, welcomed everyone and asked for introductions around the room.

2. Minutes of the Previous Meeting

Motion: by Commissioner Whitcomb, to accept the September 17, 2013 minutes of the meeting.

2nd by Commissioner Woodcock. **Vote:** Passed unanimously.

3. Proposal Workbook for review and adoption

Ed Meadows provided background, context and synthesis of changes to the Proposal Workbook. He noted key changes since the last draft reviewed by the Board as follows:

- Changes to the Workbook since last edition (2011) are summarized on pages 3-5.
- Restatement and clarification of Board policy on allocation of funds. Funding may be adjusted for projects that change in scope.
- Clarification on requirement that property proposed for conservation must have clear title
- Applicants for projects that require agency sponsorship must notify the designated sponsoring agency (DSA) at least 8 weeks prior to the deadline for proposals to enable the DSA to have time to evaluate the request
- Scoring Economic Benefits category increased from 5 to 10 points with new sliding scale
- Scoring for Deer Wintering Area (DWA), a new category; increased from the previous version of 15 points to 23 points, following review by the DWA Work Group of the LMF Board
- Farmland LMF scoring process unchanged; Bureau of Agriculture, Food and Rural Resources proposal evaluation process was revised
- Summary of changes to the appendices, described in introduction to appendices section

Mr. Meadows continued with description and summary of a "tiered approach" for appraisals. In this procedure, the most basic appraisals involving parcels less than 50 acres and less than \$100,000 value could be done by more appraisers and the format of the report is simplified. The required appraisal standards remain in place, as specified by USPAP. A memorandum outlining the tiered approach was included in the materials for this meeting.

[NOTE: Following the meeting, based on additional review of the language via email communication, the Appraisal Oversight Committee concurred with staff recommendation to delete from the proposal the following sentence: "Or, LMF funding contribution toward the purchase price is equal to or less than 20% of the value, up to \$100,000 of LMF funds."

This leaves the following as parcels eligible for the streamlined report format:

"Subject parcel size is equal to or less than 50 acres and a value of equal to or less than \$100,000."

The AOC concurs that this makes a cleaner set of criteria for testing this approach in the new round of proposals.]

The approach will undergo a trial period during this funding cycle with stated goal to broaden pool of appraisers and reduce time and costs. There was a discussion of how to evaluate the approach. The Board indicated approval of the test project content, objectives and goals.

There was discussion of the DWA process, with the plan still being finalized. The DACT and DIFW continue to develop the protocol for how DWA would be managed, as stipulated in Chapter 696, the statute that authorized the 2012 bond. Additional information will be provided by the next board meeting. Commissioner Woodcock stated there is good cooperation between agencies on developing the wording of the "DWA Habitat Management Agreement" (HMA). Ed Meadows provided an explanation of the bond language, its interpretation and a summary of the outstanding issues including LMF review of the interagency protocol.

Motion: by Commissioner Woodcock, to adopt the workbook with the provision that the DWA Habitat Management Agreement language is yet to be finalized and will be brought back the Board at the February meeting, prior to the application deadline. 2nd by Norman Gosline. Vote: Passed unanimously.

4. Summary of Funds (cash and bonds to be sold) as of September 31, 2013

Ed Meadows summarized current cash bond fund positions, commitments, and closings.

One change on Attachment C2: increase in the Beal's Landing allocation to \$160,750.00.

Jim Norris inquired as to current time line for Forest Legacy Projects. Kathy Eickenberg from Bureau of Parks and Lands answered that the current federal deadline is to complete the projects by June 30, 2014. However, the US Forest Service has not as yet made a decision on how to address the issue of wood supply agreements for the properties under consideration.

Mr. Meadows summarized information on water access funds for possible action by the board to reaffirm a vote at the July 11, 2011 Board meeting to reserve \$.6 million in Conservation & Recreation funds from the PL 2009 CH 645 bond for water access projects. The board concurred to not continue with that previous allocation, and instead allocate \$500,000 from the 2011 (Ch. 696) bond for water access projects in the next round of proposals.

There was discussion and board consensus that any funds generated from lapses in projects in the future would be reallocated within the same category (e.g. C & R, WWF, etc.).

5. Allocations of 2012 Bond Funds to Specific Categories

There was a discussion on how to approach allocating funds from the Chapter 696 bond. Unlike previous bonds, Ch. 696 did not designate specific amounts for the various categories, such as conservation, farmland, working waterfront protection, etc. Key points in the Board discussion were the need to consider: legislative intent; will

of the voters; availability of funds remaining from 2009 Ch. 645 bond for C&R, WWF, and Farmland; how to balance Board desire for flexibility with the funds, with potential applicant need for guidance in the amount available for each program category.

Motion: by Commissioner Keliher, for the Chapter 696 \$5 million bond fund to allocate funds as follows: \$2.5 million for Conservation & Recreation projects, \$1 million for Working Waterfront Protection, \$1 million for Farmland Protection and \$.5 million for water access projects. 2nd by Ben Emory. Vote: Passed unanimously.

Following the vote; there was discussion on the distinct bond language and the legal distinctions between the 2009 and 2012 bonds. Commissioner Keliher recommended a distinct scoring process be used for proposals specific to the acquisition of a DWA. The DWA projects would be funded from the \$2.5 million allocated for C & R projects.

Commissioner Woodcock stated that the board has latitude to fund additional public access to water projects at any time from remaining C & R funds in the Ch. 645 (2009) bond.

No action taken at this time on this discussion.

Together with funds available from Ch. 645, plus funds not needed from projects that lapse, it is estimated there will be approximately \$10,450,000 available for the new round of proposals.

Based on current projections net, uncommitted funds will be available for the following categories:

	Chapter 645	Chapter 696	Lapses	Total
C & R	\$4,300,000	\$2,500,000	~\$500,000	\$7,300,000
Farmland Protection	350,000	1,000,000		1,350,000
Working Waterfront	300,000	1,000,000		1,300,000
Water access		<u>\$500,000</u>		<u>500,000</u>
Total	<u>\$4,950,000</u>	<u>\$5,000,000</u>		\$10,450,000

These numbers will continue to be refined as we get closer to the time for the Board to make decisions for funding Round 8 projects.

6. Timeline for New Round of Proposals

The Board had been presented with options for the timeline for new proposals. Following introduction, **Motion: by Commissioner Whitcomb, to approve Option 1. 2nd by Commissioner Woodcock. No discussion. Vote: Passed unanimously.**

Option 1	Proposals due March 28.
Nov. 19	Board input and adopt Workbook
Nov. 20-26	Staff insert Board comments; finalize
Dec. 12	Announce new round (press release, etc.)
March 28	Proposals due; Staff review, finalize, prepare summary sheets
April 28	Scoring Workshop; provide proposals to Scoring Committee
May 15	Scoring Committee meets
May 20	Board meeting as scheduled
June 5	Proposals and scoring recommendations to Nominations Committee
June 26	Nominations committee meets
July 15	Schedule Board meeting; selection of projects

Staff will distribute the new schedule immediately after the Board meeting and post to DACF/LMF website.

7. Draft of Working Waterfront Proposal Workbook for review and adoption

Tom Miragliuolo presented a summary of changes to the workbook.

Motion: by Commissioner Woodcock, to adopt WWF workbook. 2nd by Norman Gosline. No discussion.

Vote: Passed unanimously.

8. Conservation and Recreation Project to be Voted On

Sam Morris presented a summary of the Expanding the Androscoggin Greenway Project, Town of Jay, Franklin County, Spruce Mt. parcel.

Motion by Norman Gosline, to accept appraised value \$70,000 for Spruce Mt. and release the remaining \$71,185 of funds allocated to this multi-phase project. 2nd by Jim Norris.

Discussion ensued on whether this was an easement or fee purchase. Mr. Morris clarified that Spruce Mt. is a fee purchase and the final parcel to be purchased for the project. It was noted that the LMF funds would not be used for that portion of the property that had once contained a settling pond from the discharge of paper mill process water.

Vote: Passed unanimously

9. Working Waterfront Project to be Voted On

Tom Miragliuolo presented an update on the Prospect Holdings project, Town of Gouldsboro, Hancock County.

Motion: by Ben Emory, to approve the recommendation of the LMF Appraisal Oversight Committee to find that there is adequate documentation in the Prospect Holdings appraisal report to justify the LMF allocation of \$264,000.

Norm Gosline initiated a discussion on the reasonableness of the appraisal and the separate, independent appraisal review. He presented a summary of some of the data in the report, and offered comments regarding the much higher per square foot values of the building, pier and adjacent lands of the .7 acre parcel under consideration vs. the value of the 10 acre larger adjoining parcel. Commissioner Keliher responded that this latest rendition of the proposal attempted to carve out and secure only the most critical parts of the subject property. These are the pier and the vacuum equipment supporting the herring landing area. He stated this is the parcel of highest value for the investment of state funds, and that the allocation is justifiable for its economic value to fisheries enterprises in that part of the state. There was further discussion of the value and geography of the remaining shore frontage and the importance of the pier's deep water location. Ben Emory stated that the motion reflected the AOC position to opt for the middle ground on the appraisal, that being the AOC found adequate documentation to support the investment of public funds. Commissioner Keliher noted that the allocation is not based only on the appraisal but on past practice of the Board, and in this case, is less than 25% of the value of the acquisition.

Following discussion, **Commissioner Keliher restated the motion to accept the AOC recommendation to accept the appraised value. 2nd by Jim Norris. Vote: Passed 6- 1. Mr. Gosline opposed.**

A discussion ensued on the economic value of this facility to the business of the herring bait operation and to the lobster processing operation.

Motion: by Ben Emory, to approve \$264,000.00 in LMF Working Waterfront funds to support the Department of Marine Resources acquisition of a working waterfront covenant on a portion of the Prospect Holdings property, subject to standard conditions. 2nd by Commissioner Whitcomb. No discussion.

Vote: Passed unanimously

10. Staff Updates presented by Ed Meadows

1. 2014 Board Schedule: LMF staff will email new clean copy of 2014 schedule to board members, reflecting the timeline adopted for the new round of proposals
2. Updated Committee List: LMF staff will email current committee assignments and openings
3. China Lake Water Access Site: the town is reviewing its options in light of recent town vote to not borrow funds to complete purchase of the subject property.
4. Royal River Conservation Trust's Pisgah Hill Preserve project will not move forward with remaining parcel. The remaining balance of approximately \$147,844 will lapse to the 2007 C & R fund category.

5. Public member Diane Doyle's term expires January 31, 2014. She has indicated willingness to continue until a successor is confirmed by the Maine Senate.
6. Recent Closings: Sousa Property and Maine Fresh Lobster closed since the September Board meeting.
7. Brunswick -Topsham Land Trust's Scammon Farm project is ready to close.
8. Ed Meadows gave a summary of an event hosted by the town of Carrabassett Valley to celebrate the completion of the Crocker Mt acquisition attended by Commissioner Whitcomb, DACF officials, partners and many others.
9. Ed gave a report on his recent presentation to the Maine Chapter of the Appraisal Institute; as part of LMF outreach to build bridges between LMF, the land trust network and appraiser the community. One goal of this outreach effort is to increase the pool of qualified appraisers interested in appraising conservation transactions. The Institute has asked Mr. Meadows to develop continuing education classes for appraisers. Norman Gosline applauded the outreach and concurred with the positive results of Ed's presentation, helping the land trust community and the appraisal community get to know each other.

Board Per Diem. The expense reimbursement forms were available for public Board members to submit.

Next Board meeting February 18, 1:00 pm

Adjournment: Motion by Norman Gosline; 2nd by Commissioner Woodcock.
Adjourned at 3:55 p.m.

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