LAND FOR MAINE'S FUTURE FUND

PROPOSAL WORKBOOK

COASTAL ZONE
INFORMATION CENTER

SEPTEMBER 1988

D FOR MAINE'S FUTURE BOARD
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LAND FOR MAINE'S FUTURE FUND

Proposal Workbook

September 1988

Land for Maine's Future Fund
State House Station 38
Augusta, Maine 04333

ACKNOWLEDGEMENTS

The Land For Maine's Future Board wishes to acknowledge key individuals who conceived of and produced the Proposal Workbook.

The Proposal Workbook is the logical extension of the Board's public participation strategy first agreed to at the February 1988 meeting. The Proposal Workbook concept was adopted by the Board in June 1988 as a complement to the first proposal process.

The Proposal Workbook was conceived by James Bernard, LMFB Coordinator. Design and format of the document were a joint effort of Bernard and Lissa Widoff, LMFB staff. Widoff was responsible for production, created the application form, the associated instructions and a summary of the acquisition process. Originally used at the August 1988 LMFB workshops, Bernard developed the questions and answers.

The intent of the Proposal Workbook is to allow the proposal process to be accessible and functional.

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INTRODUCTION TO THE LAND FOR MAINE'S FUTURE FUND

Overview

By an overwhelming vote, the people of Maine created the $35 million Land for Maine's Future Fund in November 1987 to acquire land. The Board overseeing the Fund consists of eleven members (5 MRSA Chapter 353 § 6204), six of whom are private citizens and five of whom are state agency commissioners.

The Board has been meeting monthly since February 1988. The Board and its staff were charged to complete, by June 1988, an assessment of the State's public land acquisition needs. By September 1988, the Board is to develop and present to the Legislature a strategy and guidelines for land acquisition.

The Legislative Mandate

As stated by the companion legislation (5 MRSA Chapter 353), all land acquired by the Board is to be of state significance and contain:

- 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 above.

Whenever possible, the acquisition funds are to be used for land acquisition projects when matching funds are available from cooperating entitites, provided that the proposed acquisition meets all other criteria. The Board will also give priority to projects which conserve lands with multiple outstanding resources or recreation values or a single exceptional value, provide geographic representation and build upon or connect existing holdings.

A maximum of 5 % of the particular property's appraised value can be used for capital improvements. Facilities for organized recreational activities are excluded.

If matching funds are available in cash, up to 20 % of the appraised value of the acquired land can be put into a stewardship account for state agency management of the land. While title to the land acquired has to be vested solely in the state, management responsibilities for the acquired lands may be contracted by the land-owning state agency to cooperating entities.

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

Undertaking the Needs Assessment

The Board's needs assessment was composed of five parts: public participation/outreach; a review of data bases significant to acquisition; an assessment of communications from Maine citizens to the Board; creation of a map of state public lands; and a summary of existing acquisition programs.

Nine workshops were held around the state in April and May 1988 to better determine the interests and needs of the public. A questionnaire for workshop participants was developed and the results entered into a data base. The results and analysis of the workshops are part of a separate Needs Assessment document.

Data significant to land acquisition will continue to be reveiwed by the Board staff. Both public and private sector data bases are being considered.

State and non-profit land acquisition agencies have received several hundred informal nominations of land for acquisition. Follow-up questions are being asked of the nominators to further determine the characteristics of the lands.

A map of federal and State-held public lands in Maine is being generated. Overlay maps of local, land trust and non-profit held lands will also be generated to assist the Board's decision-making process.

Establishing a Strategy and Guidelines

A Strategy and Guidelines for Acquisition has been prepared by the LMFB which outlines the process by which lands can be proposed, nominated and acquired by the LMF Fund. Relevant portions of the Strategy are reproduced in this document.

LAND FOR MAINE'S FUTURE FUND

Questions and Answers

Basic Information

Q. What is the basic emphasis on acquisition for the LMFB?

A. The law and the LMFB are emphasizing lands that are natural. The Land for Maine's Future process is not intended to acquire properties that have been developed.

Q. Who can be a "cooperating entity"?

A. Private nonprofit organization, municipal conservation commissions, local government, and federal agencies can be designated by the LMFB to assist the State in the acquisition or management of conservation lands. Very few cooperating entities will be able to participate in negotiation activities. The LMFB hopes that a larger number of cooperating entities will propose properties for acquisition or engage in management activities.

Q. Who will own the land acquired by the LMFB?

A. Title to all lands acquired must be held by the State.

Q. Who will manage the land acquired by the LMFB?

A. Management responsibilities for the acquired lands are to be undertaken by the State agency holding title or management can be contracted by the land-owning state agency to cooperating entities upon the recommendation of the agency's commissioner and approval of the Land for Maine's Future Board.

Q. What are "matching funds"?

A. Matching funds are any contributions of public and private funds used in conjunction with LMF monies. Matching funds can be:

- private contributions of cash and securities;
- funds from municipal or other public agencies;
- money from a federal matching program;
- real property or an interest in real property that would serve the needs of the LMFB (trade lands);

- in-kind contributions (time spent in management of the land); or
- any combination of the categories above.

Q. What is a "Stewardship Account"?

A. A stewardship account of up to 20% of the appraised value of the land for the purposes of land management can be established when matching funds include cash. Stewardship accounts are to be separate from all other accounts of a State agency holding title.

Q. When is municipal approval of land acquisition required?

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

Uses of the Fund

Q. What land acquisition techniques can be used by the LMFB?

A. The LMFB can use a full range of land acquisition techniques including:

- fee simple acquisition;
- less-than-fee simple interests including, but not limited to, conservation easements, access easements and scenic easements;
- purchase of development rights;
- long-term leases of at least 99 years; and
- eminent domain.

Q. Can the LMF be used to fund capital improvements?

A. The LMF can be used to fund minor capitol improvements on acquired lands to improve accessibility, as long as these improvements do not exceed 5 % of the appraised value of the acquired property.

Priorities and Exclusions

Q. Do all properties considered by LMFB have to be of state significance and how is state significance defined?

A. All properties must be of state significance. State significance is defined by LMFB as a property that "will make a substantial and lasting contribution towards assuring all of Maine citizens, present and future, the traditional Maine heritage of public access to Maine's land and water resources or continued quality and availability of natural resources important to the interests and continued heritage of Maine people". A test of state significance is outlined in the LMFB Strategy for Acquisition and Procedures document.

Q. What are the priorities for LMFB established by law?

A. Priorities set in the law include:

- that whenever possible, the LMF fund is to be used when matching funds are available from cooperating entities;
- that priority is to be given to lands with multiple outstanding resource or recreation values or a single exceptional value;
- projects providing geographic representation; and
- projects that build upon or connect existing holdings.

Q. What does the law exclude from consideration?

A. The law specifically excludes:

- facilities for organized recreational activities;
- capital improvements on any publicly owned facilities; and
- land which primary use value has been and will be as commercially harvested or harvestable forest land.

Land Categories Eligible for Acquisition

Q. What categories of land are identified by the law as eligible for potential acquisition?

A. The law identifies eligible lands as those that contain:

- recreation lands;
- prime physical features of the Maine landscape;
- areas of special scenic beauty;
- farmland or open space;
- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- lands with other conservation or recreation values;
- habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; and
- public access to recreation opportunities or those natural resources identified above.

Land Evaluation

Q. Does the law require lands acquired by LMF to be evaluated?

A. All lands acquired have to 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 LMFB.

Subsequent management by state agencies holding title is to reflect the finding of such an evaluation. It is expected by LMFB that the basic evaluation information will be provided by through the proposal process and then verified through evaluation by LMFB staff.

Making Proposals to LMFB

Q. Who can propose land for acquisition by LMFB?

A. Virtually anyone can nominate or propose land for acquisition by LMFB as long as the basic informational requirements are met.

Q. When can proposals be made?

A. In 1988, proposals can be made during the month of September. In subsequent years, the proposal periods will be open three times annually in January, April and September.

Q. Where should proposals be sent?

A. All proposals should be sent to:

Land for Maine's Future Board
State Planning Office
State House Station 38
Augusta, Maine 04333
(207) 289-3261

Q. How should the proposer identify the land for acquisition?

A. The LMFB has established six categories of land for acquisition consistent with the law. These are:

- Recreational lands;
- Lands Supporting Vital Ecological or Conservation Functions and Values;
- Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitats;
- Areas of Scenic Interest and Prime Physical Features;
- Farmland and Open Space; and
- Water Access Lands.

Examples of specific land types within the categories are listed in the Strategy for Acquisition and Procedures.

Proposers should choose one of the categories for their proposal so that scores can be generated.

Q. Will some land categories be ranked higher than others?

A. Because some land categories will score higher than others, the LMFB will consider the top ten percent overall and top ten percent in each category for additional appraisal or negotiation. The LMFB has also set acquisition priorities for fiscal year 1988-89 in the Strategy. All categories will be considered for acquisition.

Q. How will the proposed properties be scored?

A. After the information in the nominations is verified by the LMFB staff, a score will be developed for each property using a system in the Strategy. Points will be generated based on the property's naturalness, accessibility, proximity to other public lands, significance in its category, the relative need to protect its characteristics, and from other multiple values the property may contain.

Properties making the ten percent threshold cut will be exposed to a secondary scoring criteria based on percent of matching funds and the availability of a management plan.

Appraisal & Negotiation

Q. Who will appraise the lands proposed for acquisition?

A. The LMFB will be responsible for appraising land proposed for acquisition. If an appraisal is available to a proposer, it should be included as part of the proposal process. Appraisals will be undertaken only for properties that have made the scoring cut.

Q. Who will negotiate for the LMFB?

A. The LMFB will designate a lead negotiator for each property. The negotiator would be a representative of the state agency that would hold title or a designated cooperating entity. Cooperating entities should not negotiate with landowners until lead negotiators are designated by the LMFB.

Q. Can a proposer request a specific negotiator to represent their interests?

A. Yes. In some cases, a particular state or cooperating entity negotiator would be more successful than others in negotiating with a particular landowner.

Q. Will letters of support from interest groups or politicians be useful to the LMFB process?

A. Support letters are useful only in the sense that the LMFB will know that public support exists for a proposal. Support letters will not be considered in scoring the properties and will not generate any secondary points.

Q. How will a proposer know if a proposal has made the threshold cut and secondary scoring?

A. A lead negotiator will be designated by the LMFB for those properties making the cut and achieving high secondary scores. All other proposals will be notified of their relative placement in the scoring process and will be invited to leave the nomination on file for future consideration or to revise the nomination package.

DEFINITION OF STATE SIGNIFICANCE

The Land for Maine's Future Board will consider a proposed acquisition to have met the test of "state significance" when the acquisition of the proposed property, either by itself or in conjunction with other property, will make a substantial and lasting contribution towards assuring all of Maine citizens, present and future, the traditional Maine heritage of public access to Maine's land and water resources or continued quality and availability of natural resources important to the interests and continued heritage of Maine people.

A proposed acquisition meets the test of state significance when:

1. It provides public access to outdoor recreational opportunities or natural resources of state importance and which have been recognized as such by information from a data base, by comprehensive published reports, or by credible testimony;

   or

2. It contains multiple outstanding resources or recreational values of state importance in more than one category of the lands identified by the law or the land classification scheme developed by the Board and which values are supported by information from a data base or from comprehensive published reports or by credible testimony;

   or

3. It contains a single exceptional value that is the best or among the best of the representatives nominated or likely to be nominated throughout the state in a category of the lands identified by the law or the land classification scheme developed by the Board and has been recognized as such by a data base, by a comprehensive published report on the subject or is supported by credible testimony.

LAND CLASSIFICATION CATEGORIES FOR LMFB ACQUISITION

Overview

The companion legislation (5 MRSA Chapter 353) in §6207.2. ("Acquisition criteria") requires that in determining whether a proposed acquisition shall be funded, the Board shall consider whether the site is of state significance and contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, wetlands, fragile mountain areas or lands with other conservation or recreation values; is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the state; or provides public access to recreation opportunities or those natural resources previously identified.

In addition, §6200. ("Findings") also identifies the types of lands that should be acquired; these include natural areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions, and scenic beauty. Further, §6209 ("Ownership; title, management") requires that all lands acquired with the fund shall 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 ecological functions ... (Underlining emphasizes additional categories not previously mentioned in the Act, but which are categories that add value to lands acquired and therefore must be maintained and protected by agency management.) In §6200. ("Findings") the Legislature also makes clear that the allocation of funds for acquisition should be for natural areas.

The Legislature intended a two-step process in evaluating proposed acquisitions. The first test is that the proposed acquisition is a site of state significance and second that it falls into one of the categories listed in §6207.2. State significance is defined as a separate item in this document.

Acquisition proposals usually cannot be judged to be signficant in and of themselves, but are significant relative to other possible acquisitions containing similar resources or offering similar recreational opportunities. Consequently, it is important that all acquisition proposals be scored and given a ranking in at least one category. To make comparisons between and among different proposals requires that the Board establish deadlines for submissions so that all proposals received by a certain date can be evaluated. Subsequent deadlines would allow for comparison of later submissions with those previously submitted but not funded.

Acquisition proposals with a single exceptional value of state significance must be scored and ranked against other nominations or likely nominations within the appropriate category of the classification scheme. Those acquisition proposals offering multiple resource values or recreational opportunities will be scored in more than one category and their scores summed. However, they need to be placed in a primary category which best represents the major value of the acquisition. A scoring system to accomplish this has been developed. The categories are necessarily broad, because to categorize in too fine a level of detail would make comparisions between different possible acquisitions less meaningful. The major categories 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.

Land Categories

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 picknicking 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 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, shore and seabird nesting habitats
- Lands representative of ecosystem types of Maine, 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
- Habitat 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* (both coastal, rivers & lakes)
- 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*

- Prime farmlands
- Unique farmlands
- Multiple-use forestland
- Lands near population clusters available for passive or low-intensity active recreation
- Lands geographically and physically capable of being multi-community parklands
- River corridor greenways

The list of categories/subcategories does not include vital information such as the size of the property and its relative vulnerability to development. These are items that are included in additional criteria to be weighed by the LMFB.

The land classification categories also do not reflect the priorities found in §6207(3) Priorities. "Whenever possible, the fund shall be used for land acquisition projects when matching funds are available from cooperating entities, provided that the proposed acquisition meets all other critiria set forth. Priority shall also be given to those projects which conserve lands with multiple outstanding resource or recreation values or a single exceptional value, provide geographic representation and build upon or connect existing holdings". Again, these items are included in a scoring system.

A modified categories list served as a questionnaire vehicle for the nine workshops held around Maine in April and May 1988 (see Needs Assessment).

LEAD AGENCIES FOR LAND CATEGORIES

Recreation Lands	-	Bureau of Parks and Recreation (intensive use, managed land) Bureau of Public Lands (less intensive use, less management) Dept. of Inland Fisheries & Wildlife (wildlife management)
Water Access Lands	-	Bureau of Parks and Recreation (coastal) Bureau of Public Lands (islands) Department of Marine Resources (coastal)
Conservation Lands	-	Department of Inland Fisheries & Wildlife (predominantly habitat), Bureau of Public Lands (multiple use)
Scenic Interest Lands/ Prime Physical Features		Bureau of Parks and Recreation
Rare, Threatened & Endangered Habitat	-	Department of Inland Fisheries and Wildlife
Farmland & Open Space-		Department of Agriculture, Food and Rural Resources (farmland) Bureau of Public Lands (open space)

SCORING SYSTEM FOR LAND CATEGORIES TO BE EVALUATED FOR ACQUISITION BY THE LAND FOR MAINE'S FUTURE BOARD

A scoring system has been devised to enable the Land for Maine's Future Board (LMFB) to decide the priority for acquisition among proposals. The scoring system assigns points according to the relative value of five criteria associated with an acquisition proposal. The five criteria and the maximum point values are: 1) naturalness of the land (20 points); 2) accessibility of the land (8 points); 3) proximity to other state lands (12 points); 4) land category-significance and need (100 points); and 5) multiple values (60 points). For the most part, the scoring system uses those factors stressed by the Legislature as stated in "An ACT to Establish the Land for Maine's Future Fund". The highest possible base score that any proposal could receive is 200 points.

80 additional secondary points are possible covering matching funds and management plans.

The Board has established six major Land Categories that include several sub-categories. The major Land Categories are: 1) Recreational lands; 2) Water Access Lands; 3) Lands Supporting Vital Ecological or Conservation Functions and Values; 4) Rare, Threatened or Endangered Natural Communities, Plants or Wildlife Habitat; 5) Areas of Scenic Interest and Prime Physical Features; and 6) Farmland and Open Space (see Land Classification Categories for LMFB Acquisition for list of major and sub-categories).

All proposals will be scored using the same criteria. Each proposal will be scored using the first three scoring system components, then it will be scored in the major Land Category in which it has been nominated, and last will be scored for up to 6 other multiple values that it may possess. The land's multiple values will be scored by identifying the resource or recreational values that the land possesses in the other Land Categories and adding the scores received for those values to the accumulated score to arrive at a total score.

To make the acquisition process competitive, the Board will establish deadlines by which proposals must be submitted, and then subsequently score all of the nominations that it has received by the deadline.

The top ten percent of all land scored will be eligible for further consideration by the Board. The top ten percent of lands scored in each category will also be eligible for further action.

The Scoring System

		Points
1.	**Naturalness of the Land (Maximum Points = 20)**	
	The land is completely natural and undeveloped and is not adversely impacted from development in the surrounding area	20

The land is largely natural, but is slightly impacted by development on the parcel due to the existence of roads, buildings or other facilities, however, these impacts can be easily mitigated; or the parcel is slightly impacted from similar development in the surrounding area 16

The land is largely natural, but is moderately impacted by development on the parcel due to the existence of roads, buildings, or other facilities, (such as farm buildings),however, these impacts can be mitigated for the most part; or the parcel is moderately impacted from similar development in the surrounding area 12

The land is substantially natural, but is significantly impacted by development on the parcel due to the existence of roads, buildings or other facilities and these impacts can not be easily mitigated, for the most part; or the parcel is significantly impacted from similar development in the surrounding area 4

SCORE _____

2. **Accessibility of the Land (Maximum points = 8)**

Access roads can accommodate, without substantial improvement, the traffic that will be associated with the intended use of the property 8

or

Access is by water to an island and there is adequate water depth to land or moor recreational boats 8

or

The parcel is inaccessible by vehicles, however, because of the intended use of the property this is not a limitation or in fact may be an advantage in protecting the resources values of the property 8

Access to the parcel will require modest improvements to existing roads which will be a minor cost factor in developing the property for its intended use 6

Access to the parcel will require substantial improvements to existing roads which will be a major cost factor in developing the property for its intended use 2

SCORE _____

3. **Proximity to Other Public Lands (Maximum points =12)**

The land connects existing public holdings, (state, federal, town, land trust, is immediately adjacent to existing State holdings, or in an inholding 12

The land can serve as a stopping off point on a recognized recreational route, such as an "island trail", that includes other publicly owned lands 12

SCORE _____

4. **Major Land Category (Maximum Points = 100)**

If the land proposed for acquisition is thought to contain a single exceptional value then it shall be evaluated to determine if it will be awarded 50 points. This is an "all or nothing" award. The parcel also will be scored for the multiple values that it possesses by using the Multiple Values Scoring Procedure to add further points. If the parcel does not have a single exceptional value then it will be evaluated first under the Land Category Scoring Procedure and then under the Multiple Values Scoring Procedure. To be evaluate under the Land Category Scoring Procedure the sub-category that best describes the land's principle intended use will be identified and scoring will take into account two factors: the relative significance, in terms of user demand from a statewide, regional, or local perspective for the resource or recreational activity; and the relative need, based on a deficiency determination, ie., the excess of demand over supply for the resource or recreational activity.

Single Exceptional Value Scoring Procedure (Maximum Points = 50)

The land has a single exceptional value recognized

as being the best or among the best in the state of its type, and which value is supported by a comprehensive published report(s), data base(s), or credible testimony..... 50

SCORE _____

- AND -

Land Category Scoring Procedure (Maximum Points = 50)

Significance Rating (Maximum Points = 30)

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective (1)..... 22–30

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective (2)..... 12–20

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a local perspective (3)..... 2–10

SCORE ___

(1) Significant from a statewide perspective shall mean that the resource or recreational activity associated with the parcel will attract passive or active users to travel to the land from across the state or even from out-of-state to avail themselves of the resource or recreational opportunity offered by the parcel.

(2) Significant from a regional perspective shall mean that the resource or recreational opportunity associated with the parcel will attract passive or active users to travel to the land from a regional area, (that is from an area that is greater than the are included by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

(3) Significant from a local perspective shall mean that the resource or recreational opportunity associated with the parcel will attract passive or active users to travel to the land from a local area, (that is from an area that is primarily encompassed by the towns abutting the town(s) where the land is), to avail themselves of the resource or recreational opportunity offered by the parcel.

- AND -

Need Rating (Maximum points = 20)

The need to protect the type of resource associated with the land or the need for the recreational opportunity provided by the parcel is substantiated by a published report(s) data base(s), or credible testimony as being of:

Great Importance due to the relative rarity of the resource or the deficiency of the recreational opportunity offered by the land when considered from a state or regional (sub-state) perspective..... 14–20

Moderate Importance due to the relative rarity of the resource or the deficiency of the recreational opportunity offered by the land when considered from a state or regional (sub-state) perspective..... 8–12

When a need can not be adequately substantiated as being of state or regional significance it will be assumed that the need is of:

Minor Importance due to the fact that the resource or recreational opportunity offered by the land is only considered rare or deficient from a local perspective 2–6

SCORE ___

5. **Multiple Values (Maximum Points ≈ 60)**

It is recognized that lands will have multiple values. As a response, up to 60 additional points will be awarded for multiple values. The resource values or recreational opportunities for which additional points will be awarded can be selected from categories other than the Land Category in which the land is nominated. This procedure favors those parcels that offer a diversity of resource values or recreational opportunities. Up to six other values from any of the other major categories, or within the same Land Category, may be identified for scoring.

The scores will be awarded on the following criteria:

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a state or greater than state perspective, or the relative rarity of the resource or the deficiency of the recreational opportunity offered by the land is of great importance when considered from a statewide or regional (sub-state) perspective..... 8–10

The land contains a resource or provides a recreational opportunity that is substantiated as being significant from a regional (sub-state) perspective, or the relative rarity of the resource or the deficiency of the recreational opportunity offered by the land is of moderate importance when considered from a statewide or regional (sub-state) perspective 4–6

The land contains a resource or provides a recreational opportunity that can only be substantiated as being significant from a local perspective, or the resource or recreational opportunity offered by the land is only of minor importance because the resource is not considered rare or the recreational opportunity is not considered deficient, except from a local perspective 1–2

SCORE _____

TOTAL SCORE_____

A committee of the Board will be formed to oversee the primary scoring process and ensure that the LMFB staff involved in scoring activities provide proper consideration of all proposals.

Secondary Scoring Criteria

Following the use of the primary scoring criteria, secondary criteria should be used to generate additional points and clarify the need for further action by the LMFB. Matching funds and management considerations are specifically noted as criteria in the legislation and will be used as a secondary scoring system. Additional non-scoring criteria are listed to sharpen the focus of the LMFB concerning individual properties and the relative desire to proceed with appraisal and negotiation efforts.

1. Percent of Matching Funds (Maximum Points = 50)

Matching funds are any contributions of public and private funds used in conjunction with LMF monies. Matching funds can be: private contributions of cash and securities; funds from municipal or other public agencies; money from a federal matching program; real property or an interest in real property that would serve the needs of the LMFB (trade lands); in-kind contributions (time spent in management of the land); or any combination of these.

"Cooperating Entity(ies)" agree to provide matching funds for the acquisition cost of the land amounting to:

50 % or greater 50
1-49 % 1–49

SCORE ___

(One point for each percentage of matching funds)

2. Management Consideration (Maximum Points = 30)

Written commitment of state agency or cooperating entity to manage	2
Statement of ultimate use of the land/ value of the land	2
Public benefits reporting/record keeping (visitor record, work hours expended, progress toward meeting the management plan)	2
Assessment of staff time, salaries, equipment needed to successfully manage	2–6
Public access component	2–6
Resource protection component	2–6
Resource inventory	2–6

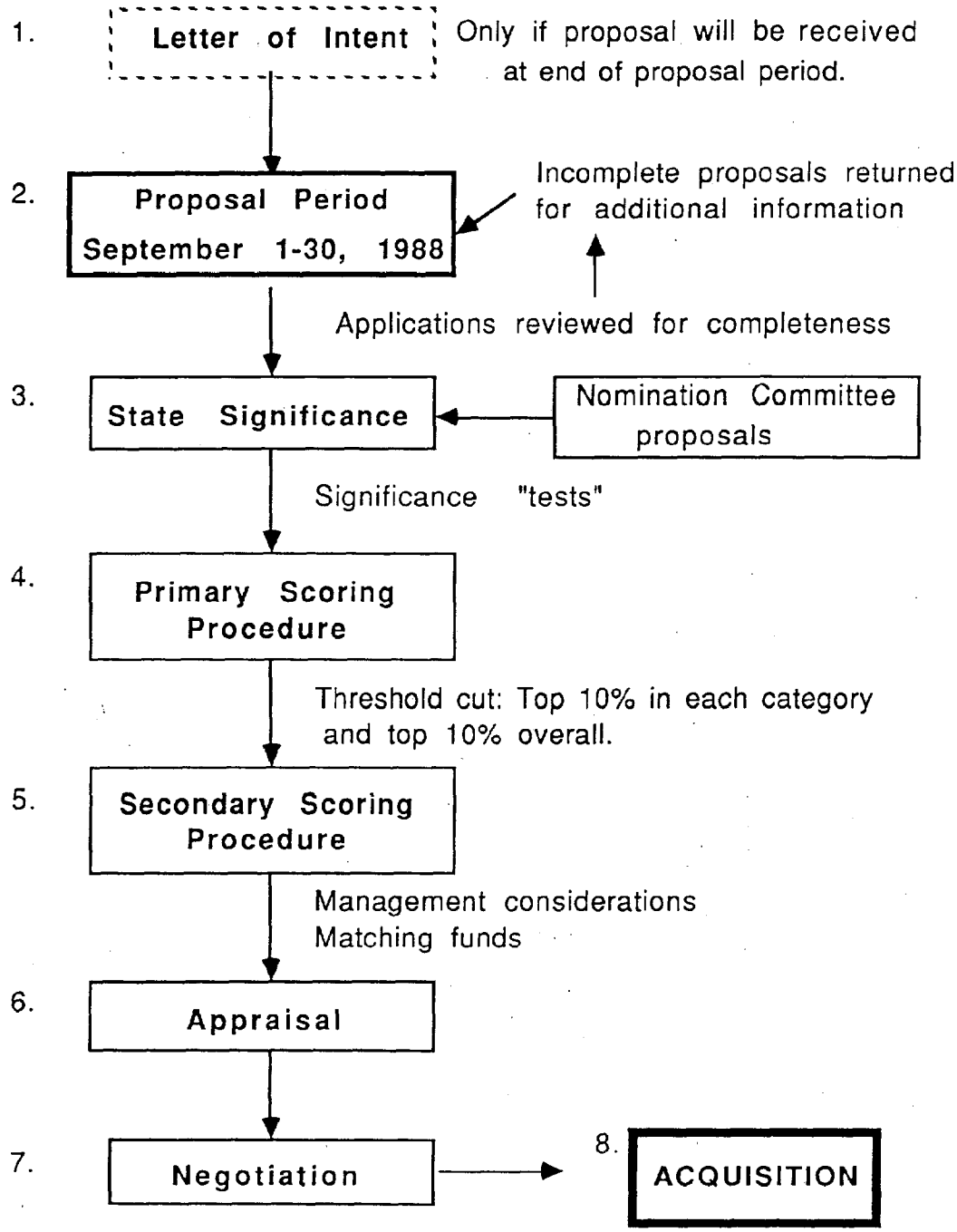
SCORE ___

Other criteria to be weighed by the LMFB

- Property is subject to developmental pressure and/or conversion of existing land use.
- The applicant has the ability to manage the property appropriately.
- Availability and price of the property.
- Suitability of alternate protection techniques.
- Defensibility against future degradation.
- Capacity of the property to accommodate passive/active recreation.
- Intensity and expense of management activities needed to maintain the property's value.
- Ability to use the property for environmental education.
- Identification of the property in a State or local recreation, conservation or open space acquisition plan.

Figure 1.

LAND FOR MAINE'S FUTURE FUND
NOMINATION PROCESS



LMFB ACQUISITION SELECTION PROCESS

The Land for Maine's Future Board has established a process for the public to nominate lands for acquisition consideration. There will be three periods each fiscal year in which proposals may be submitted to the LMFB, during the months of September, January and April.

A nomination must consist of a completed proposal form and any supporting materials or references requested, including maps, photos or slides and credible written testimony. All lands to be considered for acquisition by the LMFB must be of state significance. Complete applications will be ranked according to the major land category that the proposed area fits within and by using the scoring criteria and system outlined in pages 14 through 20. The highest scoring 10% in each category and the top 10% overall will proceed through a secondary evaluation. Based on this analysis a number of sites will be selected for negotiation and potential acquisition. A chart demonstrating the sequence for nomination of land is given in Figure 1. This sequence is described in more detail below.

1. **Letter of Intent** - If a proposer has decided to pursue nomination of a specific site but will not be sending in a proposal until late in the proposal period, a letter should be sent to the Land For Maine's Future Board staff to that effect. A map should be included which identifies the exact location of the property to be proposed. At this point, an active proposal file will be established.

2. **Proposal Period** - September 1-30, 1988 is the first period in which the LMFB will receive nominations for land. Proposal forms must be completed to be scored properly. Incomplete proposals will be returned for additional information. The next proposal period will be January 1-31, 1989. Proposers may nominate more than one parcel of land, but each nomination must have its own complete proposal package.

3. **State Significance** - All sites acquired by the LMFB must be of "state significance". However, this attribute may be difficult to accurately and consistently measure. The LMFB has accepted the definition of state significance as outlined on page 9. To support one or more of the "tests" for state significance, the proposer is asked to submit reference to or supporting information on the values that the proposed area provides, that could be or is of state significance.

4. **Primary Scoring Procedure** - Once the proposal is reviewed by LMFB staff and judged to be complete, it will be scored using the 200 point primary scoring system. The primary scoring criteria evaluates the land itself and includes an assessment of the naturalness of the land, the presence of multiple values, relative state significance, access to the site, any single exceptional values, proximity to other public conservation holdings, and the relative state need to acquire the proposed property. Other factors, such as matching funds or development threats do not come into play here.

The proposer must indicate which of the six major land categories (on pages 11 through 12) the proposed area should be classified within. At the close of the proposal period, all proposals will be scored and reviewed by the Scoring Committee of the LMFB. The top 10% scores of all proposals plus the top 10% scores in each land category will form the first threshold cut of sites to be considered for acquisition. High priority sites recommended by the Nomination Committee of the LMFB will be evaluated using the same process but on a proactive basis.

Sites which do not make the first threshold cut may remain on file until the next proposal period or may be resubmitted with revisions. All proposers will be contacted to be notified of the status of their proposal after scoring.

5. **Secondary Scoring Procedure** - All sites which pass the threshold cut are then scored using secondary criteria: the availability of matching funds and the ability of state agencies or cooperating entities to manage the area. An additional 80 points may be gained through the secondary scoring system and may assist the LMFB in assigning relative priority to sites. Preference will be given to those projects where matching money is available, allowing the LMF funds to be extended. Cash matching funds provided by a state agency or cooperating entity will be given preference under the companion legislation. Only cash contributions can be placed in a stewardship account and disbursed for long-term management and maintenance of the site. Up to 20% of the appraised value of the property may be placed in such an account. Demonstration by the proposer that management issues have been addressed will also result in additional points within the secondary scoring system.

Following the application of the secondary scoring criteria, other factors may be may be used by the LMFB in assigning relative priority to various sites including degree of development threat, the availability and price of the property, the suitability of alternative protection techniques; defensibility against future degradation and the capacity of the property to accommodate passive or active recreation; the intensity and expense of management activities needed to maintain the property's value; the ability to use the property for environmental education; and the identification of the property in a state or local recreation, conservation or open space acquisition plan.

6. **Appraisal** - A working list of the priority sites for the LMFB is provided by the Scoring and Nomination Committees to the Appraisal Committee. The Appraisal Committee will determine which properties require appraisals and review those which have been completed. The Committee will then submit its findings and recommendations to the full LMFB.

7. **Negotiation** - At this point, properties which have been selected by the LMFB for acquisition will be reviewed by the Negotiation Committee of the LMFB. A lead negotiator will be selected for each property and negotiations will proceed until acquisition is consummated or until a determination is made by the LMFB to cease negotiations.

In successive proposal periods, priorities for negotiation may shift as more sites enter the system and as LMFB funding availability changes.

8. **Acquisition** - Properties which are successfully negotiated will be acquired by the State and held by the appropriate state agency.

LIST OF CONTACTS

NOTE: When contacting these agencies and organizations, include a base map with the proposed area clearly outlined on a USGS topographic map or on a DeLorme Atlas map, with the map number identified. Also include your name, address and phone number along with specific questions you would like them to respond to. Remember that these agencies may be receiving many such requests and your requests should be legible and concise.

State Agencies

STATE PLANNING OFFICE - State House Station 38, Augusta, ME 04333

Lissa Widoff, Senior Planner, Land for Maine's Future, 289-3261

Mark Dawson, Coordinator, Maine Coastal Access Program, 289-3261

Hank Tyler, Director, Maine Critical Areas Program, 289-3261

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE - State House Station 41, Augusta, ME 04333

Rusty Sleeper, Realty Division, 289-5210

Regional Biologists (see page 26)

DEPARTMENT OF CONSERVATION - State House Station 22, Augusta, ME 04333

Herb Hartman, Director, Bureau of Parks & Recreation, 289-3821

Tom Doak, Bureau of Public Lands, 289-3061

Rob Johnston, Maine Geological Survey, 289-2801
(National Cartographic Information Center- Affiliate Office. USGS maps, wetland maps, geology maps, aquifer maps, etc.)

DEPARTMENT OF MARINE RESOURCES - State House Station 21, Augusta, ME 04333

Penn Estabrook, Deputy Commissioner, 289-2291

DEPARTMENT OF AGRICULTURE - State House Station 28, Augusta, ME 04333

Esther Lacognata, Director, Bureau of Food and Rural Resources, 289-3511

DEPARTMENT OF ENVIRONMENTAL PROTECTION - State House Station 17, Augusta, ME 04333

Don Witherill, Land Bureau, 289-2111

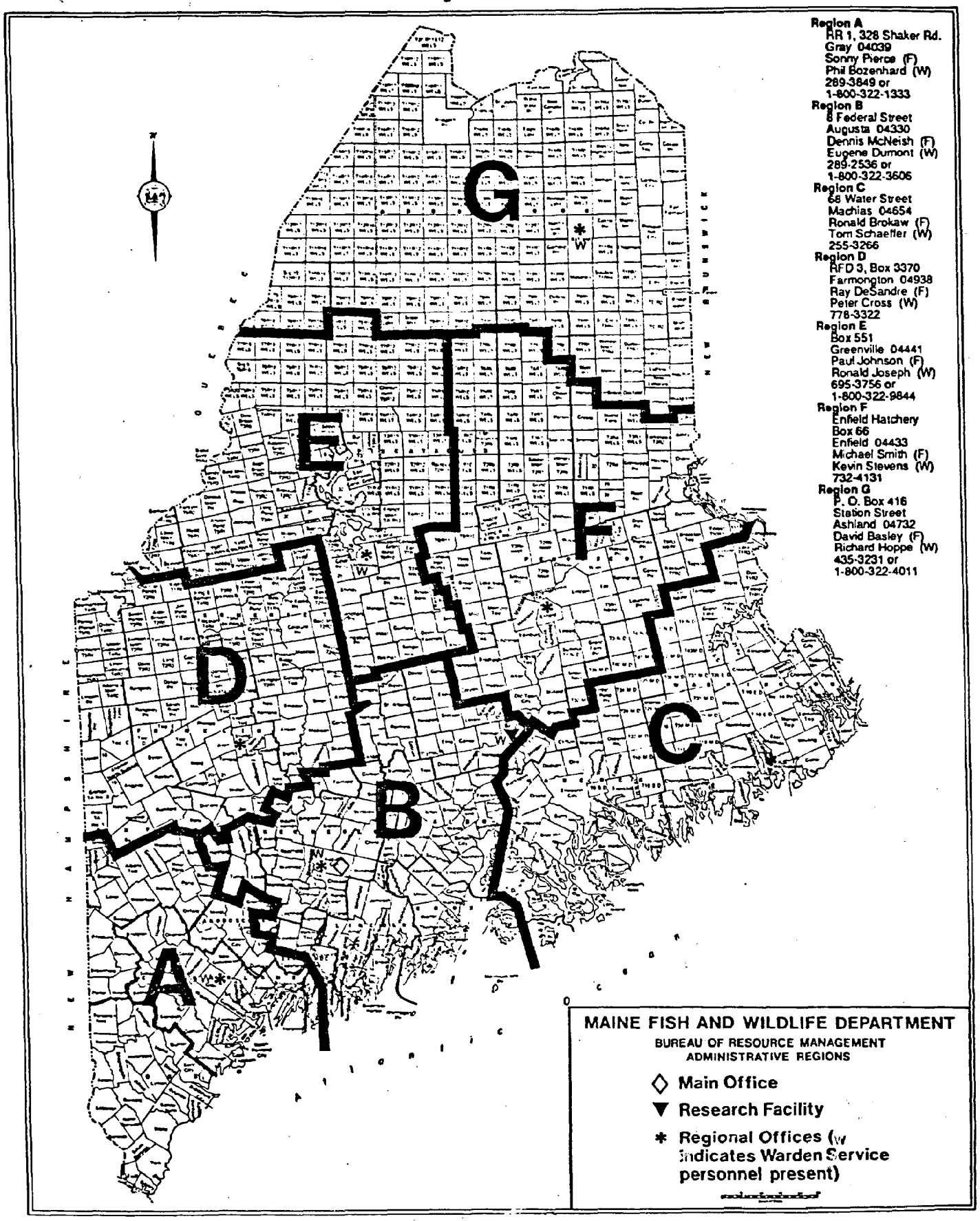
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT - State House Station 130, Augusta, ME 04333

John Picher, Land & Water Conservation Fund, 289-3154

Non-Profit Organizations

Kent Wommack,	The Nature Conservancy 122 Main Street Topsham, Maine 04086	729-5181
John Albright,	Maine Natural Heritage Program 122 Main Street Topsham, Maine 04086	729-5181
Sue Van Hook,	Maine Coast Heritage Trust 167 Park Row Brunswick, Maine 04011	729-7366
Jody Jones,	Maine Audubon Society Gilsland Farm U S Route One Falmouth, Maine 04105	781-2330

Figure 1


Region A
RR 1, 328 Shaker Rd.
Gray 04039
Sonny Pierce (F)
Phil Bozenhard (W)
289-3849 or
1-800-322-1333
Region B
8 Federal Street
Augusta 04330
Dennis McNeish (F)
Eugene Dumont (W)
289-2536 or
1-800-322-3606
Region C
68 Water Street
Machias 04654
Ronald Brokaw (F)
Tom Schaeffer (W)
255-3266
Region D
RFD 3, Box 3370
Farmington 04938
Ray DeSandre (F)
Peter Cross (W)
778-3322
Region E
Box 551
Greenville 04441
Paul Johnson (F)
Ronald Joseph (W)
695-3756 or
1-800-322-9844
Region F
Enfield Hatchery
Box 66
Enfield 04433
Michael Smith (F)
Kevin Stevens (W)
732-4131
Region G
P. O. Box 416
Station Street
Ashland 04732
David Basley (F)
Richard Hoppe (W)
435-3231 or
1-800-322-4011
A
B
C
D
E
F
G
MAINE FISH AND WILDLIFE DEPARTMENT
BUREAU OF RESOURCE MANAGEMENT
ADMINISTRATIVE REGIONS
Main Office
Research Facility
Regional Offices (W indicates Warden Service personnel present)

EXISTING STATE AGENCY LAND ACQUISITION PROGRAMS

A brief description of existing state land acquisition programs is presented with a focus on the current states and criteria for acquisition. Each agency has a much more extensively articulated process. Emphasis is given to the programs acquiring natural lands consistent with the main thrust of the LMFB mandate.

CONSERVATION

Bureau of Public Lands

The Bureau of Public Lands is a classic multiple use mandated agency. The Bureau of Public Lands' land acquisition criteria include:

- - Perhaps foremost, public recreation values e.g. hiking potential; camping opportunities; interesting, varied and scenic topography; frequently water-related features.

- - Wildlife potential - existence of important present or potential wildlife habitat values, including consideration of sites suitable for habitat enhancement such as waterfowl impoundment projects, and riparian zones.

- - Timber potential - for future forest management activities, particularly timber harvesting opportunities which provide raw materials to local mills and generate revenues, to cover the costs of the wildlife management and recreation management and the many other programs the Bureau conducts.

- - Adjacency and Access - opportunities to expand current public holdings by acquiring contiguous parcels or strategic parcels which will increase public access to existing State holdings.

- - Size

- - Location

- - Natural features and values

These criteria are now being reviewed to see if they and the traditional approach to acquisition still remain timely.

Bureau of Parks & Recreation

The Bureau of Parks & Recreation acquires interests in land with the consent of the Governor. The criteria used by the Bureau of Parks & Recreation for acquisition of state park lands are defined in Title 12, MRSA, § 601 in five ways:

"1. any area of considerable extent, but not exceeding 10,000 acres, in which are combined either superlative or distinctive characteristics, with opportunities for active recreation;

2. any area not exceeding 1000 acres, with natural features offering ample opportunities for development and use as an active recreational area;

3. any area meeting either of the above definitions along roads or highways, the primary purpose of which is to preserve the natural beauty along such roads or highways.

4. strips of land needed for ingress or egress to or from any parcel of land meeting the above definition; and

5. any area of land largely in a natural condition and containing natural features of scenic, ecological, or scientific interest or importance."

In 1965, the federal Land & Water Conservation Fund (L&WCF) was established and funds made available on a matching basis to assist states and other public entities with planning for, acquisition and development of public areas and facilities. To qualify for the federally appropriated funds, states have been required to prepare a five-year, State Comprehensive Outdoor Recreation Plan (SCORP) addressing recreational needs.

The Bureau's current acquisition policy is as follows:

"First priority - inholdings or land abutting or contiguous to park properties, whose public ownership:

1. would facilitate or reduce the cost of park management;

2. is necessary for high standard park development and management as determined by the Bureau;

3. would provide for expansion of the facility determined necessary or anticipated as being necessary by the Bureau; and

4. preclude the threat of future development incompatible with the park experience.

Second priority - parcels of at least regional importance which would:

1. provide needed recreational opportunities as indicated by SCORP and which the private sector and local recreation programs are unable to furnish;

2. provide recreational opportunities which will attract users from a wide area, as opposed to from one or two local communities alone;

3. provide an adequate and varied land base capable of sustaining a diversity of multi-seasonal recreation uses; and

4. protect outstanding examples of the State's natural or historical heritage, which would not otherwise be protected, for present and future public enjoyment and education.

Third priority - areas of regional or outstanding local significance, which meet documented SCORP needs, provided local management and maintenance is assured, with evaluation of specific sites in terms of:

1. Signifance

   A. importance of present need as indicated by SCORP;
   B. quality of the intrinsic natural values;
   C. value as a present and future recreation resource;

2. Threat of loss to present or future public use if no action taken;

3. Present availability; and

4. Other state facilities available in the same region.

From time to time, outstanding opportunities for land acquisition may occur. In such instances, the State may be able to acquire through gift or bargain sale, at no direct state acquisition cost other than those necessary for appraisals and the overhead associated with the administration of federal Land & Water Conservation Funds, significant lands for which no present recreational need has been identified by SCORP. In such cases, the desirability of the acquisition of these lands will be evaluated in terms of carrying costs to the Bureau and impact on state and local revenues, in addition to the aforementioned policy considerations."

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

The Community Parks & Recreation Program of the Office of Community Development administers Open Project Selection Process to provide public knowledge of and participation in the formulation and application in the allocation of L&WCF assistance.

The goals of the Program with respect to L&WCF area:

- To provide needed outdoor recreation facilities that appeal to a broad segment of the public;
- To encourage projects that provide for active participation without extensive spectator seating (N.P.S. objective);
- To provide facilities of high quality at reasonable cost, thereby making the best use of limited available L&WCF Funding while seeking to reduce operation and maintenance costs to sponsors;
- To encourage quality site selection and design, and whenever possible to improve the aesthetic quality of the site;
- To provide assistance for the acquisition and development of projects which would not otherwise be undertaken;
- To encourage communities to adequately maintain existing recreation facilities and to plan for the operation and maintenance of proposed new facilities; and
- To preserve quality open space, especially near urban areas.

DEPARTMENT OF INLAND FISHERIES & WILDLIFE

The Department of Inland Fisheries & Wildlife is responsible for the administration of the Wallop-Breaux Amendment to the Dingell-Johnson Act which requires a minimum expenditure of ten percent of all such federal funds for motor boat access.

The IF&W also administers federal Pittman-Robertson Act funds for wildlife habitat restoration. Both federal programs involve specific federal rules and guidelines. These programs can be complementary to the LMFB.

The IF&W administers a state bond of $5 million approved by Maine voters in November 1986. A public working group's recommendations were adopted calling for the funds to be subdivided as follows:

Coastal Region (about $4 million)

access	10 %
wetlands	40 %
upland	40 %
islands & ledges	10 %

Inland Region (about $1 million)

access	10 %
wetlands	40 %
upland	50 %

The working group also suggested an evaluation form be developed which would allow the comparison of parcels within the established habitat groupings. The following criteria were developed:

1. Habitat type

   A. Access
   B. Species Diversity
   C. Habitat Diversity
   D. Adjacent land use
   E. Size
   F. Scarcity of habitat type
   G. Availability
   H. Aquifer and/or Watershed protection potential
   I. Availability of matching funds

DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES

The DAF&RR does not have a formal farmland preservation or acquisition program. However, the DAF&RR sponsored the development of Farmland Evaluation Criteria which was submitted to the LMFB at the May 9, 1988 needs assessment workshop by the Hancock County Soil & Water Conservation District. The Criteria and the DAF&RR need to be consulted concerning current acquisition activities.

DEPARTMENT OF MARINE RESOURCES

The Department of Marine Resources is able to hold and acquire land but does not currently have an established program.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation has acquired Scenic Interest lands in conjunction with highway development.

MAINE COASTAL PROGRAM

Through Waterfront Action Grants administered by the Department of Economic & Community Development, municipalities can purchase and/or develop coastal sites for recreational and commercial access purposes.

The Coastal Program is supporting a full-time professional staff person at the State Planning Office to develop and implement an access strategy. The strategy is comprised of short and long-term objectives that will lead to greater access opportunities, including acquisition.

LMFB PROPOSAL APPLICATION INSTRUCTIONS

PART ONE

1. **Date of Application**

   Date the application is submitted.

2. **Entity Submitting Proposal**

   Name of individual or organization submitting proposal.

3. **Address**

   Address of individual or organization submitting the proposal.

4. **Telephone Number**

   Telephone number of individual or organization submitting the proposal.

5. **Names of persons knowledgeable about site**

   List names of persons who are familiar with the special features on the property being proposed and could be contacted for on-site visits by LMFB staff. Include phone numbers if available.

LOCATION DATA

6. **Site Name**

   Write in the name of the entire site as you will make reference to it in the rest of the proposal.

7. **USGS Quadrangle Name**

   Give the name of the 7 1/2 minute USGS Quadrangle(s) on which the site is located. Give the 15 minute Quadrangle if the 7 1/2 is not available. USGS Quadrangle maps are available from the Maine Geological Survey (289-2801), or local outdoor recreation stores.

8. **Town Tax Map No(s)**

   Give the town (or township) tax map number(s) on which the property is located. Tax maps may be viewed at the Tax Assessors Office in the town where the property is located. For unorganized towns, records are found at the State Bureau of Taxation Office in Augusta.

9. **County**

   Name of county or counties in which the property is located.

10. **Town(s) Township(s)**

    Name(s) of town(s) or township(s) in which the property is located.

Figure 2. Maine Atlas Base Map

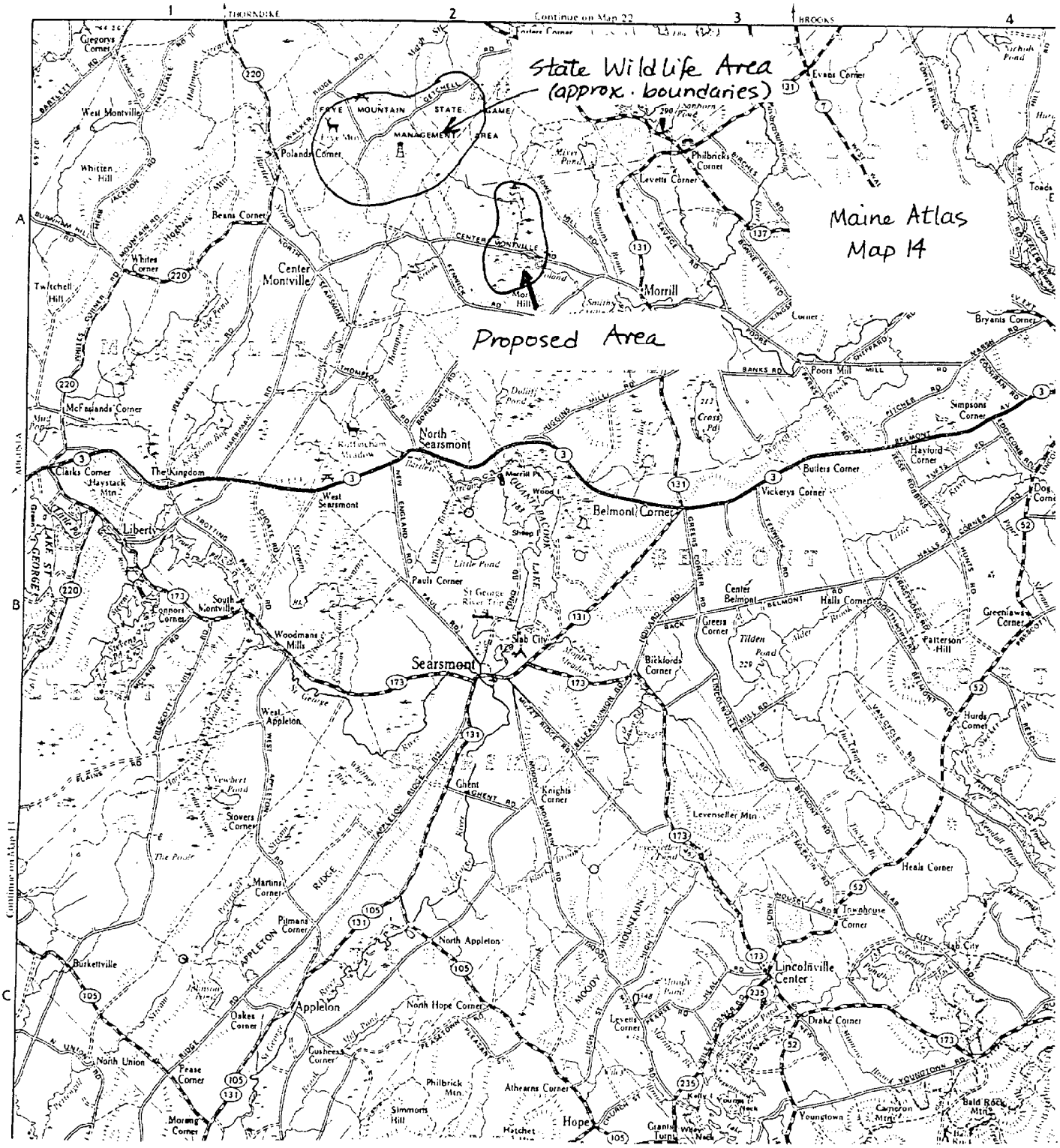


Figure 3. USGS topographic base map

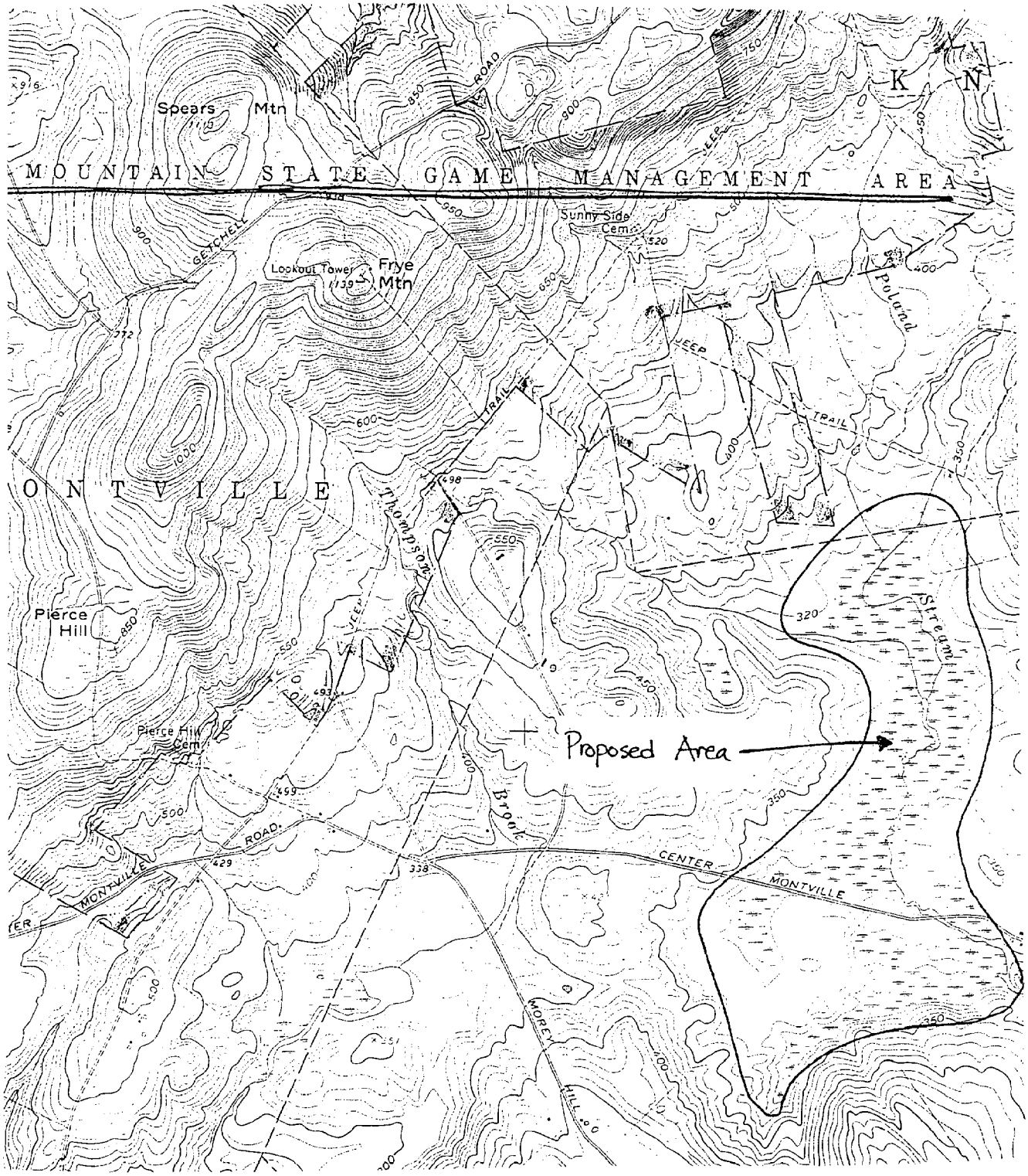
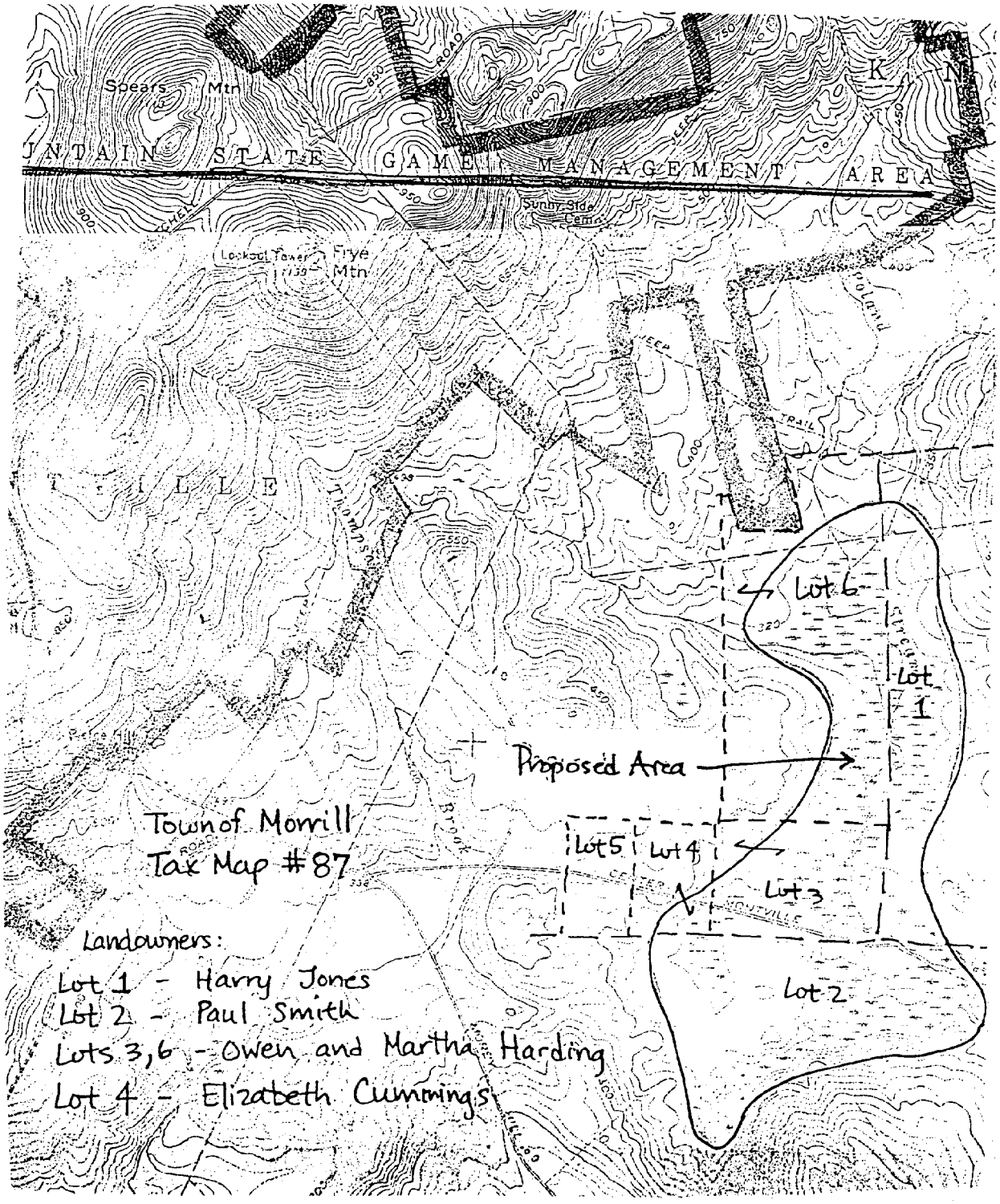


Figure 4. Base map with ownership tract information



11. **Map(s)**

A USGS map or copy, or a DeLorme Maine Atlas Map must be included showing the location of the proposed property. Additional maps or overlays may be used which show the location of special features, other land categories, ownership boundaries, or other relevant information (e.g. access routes, old or discontinued roads, existing structures, etc.).

Figure 2. e.g. of Delorme Atlas Map
Figure 3. e.g. of USGS 7 1/2 minute base map
Figure 4. e.g. of base map with ownership tract information

ACQUISITION DATA

12. **Desired Level of Acquisition**

Indicate the level of acquisition for which you are seeking LMFB support. Various acquisition tools are available such as:

a) fee simple acquisition;
b) less-than-fee simple interests including, but not limited to, conservation easements, access easements, and scenic easements;
c) purchase of development rights;
d) long-term leases of at least 99 years; and
e) eminent domain

These and other acquisition terms are defined in the Glossary. If you are seeking different levels of acquisition for different tracts within the proposed property, indicate the desired arrangements. For example: (1) If a 1000 acre property is proposed for acquisition, the northern 200 acres may most appropriately require a conservation easement from the landowner to allow the State to develop access to the southern 800 acres which may include a wetland and lakefront property that the State could acquire outright (full fee). (2) If a cooperating entity will be acquiring a portion of the land proposed, and use it as a match for the acquisition, describe the intended scenario.

13. **Timetable for Acquisition**

Indicate any time constraints that exist for purchase of the proposed property.

14. **Percent of Matching Funds Available**

Indicate what percent of matching funds would be available from a cooperating entity if the property scored highly enough for acquisition to be pursued. An estimate is fine for now. If the property scores highly in the primary scoring system, and acquisition will be considered, a more specific statement of matching money will be requested from the LMFB.

Matching funds are any contributions of public and private funds used in conjunction with LMF monies. Matching funds can be: private contributions of cash and securities; funds from municipal or other public agencies; money from a federal matching program; real property or an interest in real property that would serve the needs of the LMFB (trade lands); in-kind contributions (time spent in management of the land); or any combination of these.

15. **Proposed Lead Negotiator**

If cooperation from a participating state agency has been secured, indicate the name of that agency, with an explanation of the standing agreement between the proposer and the agency.

If you have not been able to obtain cooperation from a state agency, indicate which agency you consider to be appropriate to hold title and which could serve as lead negotiator for the property if it is selected. See the list of suggested lead agencies for the six land categories on page 13.

You may also propose a lead negotiator which is not a state agency, but is a recognized "cooperating entity".

16. **Degree of Local and Municipal Interest**

Indicate whether there is local interest in either the particular property being proposed or the category of land. Does the town or municipality favor state ownership and/or management?

17. **Degree of Landowner Cooperation**

Describe all contact or correspondence made with the landowner through the proposal date. Does the landowner know of your interest? Is the landowner supportive of state acquisition of the land? Has landowner contact been avoided due to anticipation of a negative response?

18. **Preliminary estimate of market value/availability for sale**

Is the land currently for sale? If so, what is the asking price? If not, what is the value of the land according to assessed value or local market conditions? Indicate the basis of your estimate.

19. **Preliminary estimate of acquisition cost**

Given the information available in item Number 18 and your knowledge of the landowner's interest in selling the land, give an estimate of the acquisition cost, for the land only. (e.g. certain owners may be willing to grant conservation easements which can cost significantly less than full-fee acquisition.)

20. **Other Relevant Information**

Include any other information that is pertinent to the acquisition of the site, e.g. number of landowners, other interested parties, degree of confidentiality that currently exists, chronology of correspondence with landowners, etc.

PROPERTY DESCRIPTION

21. **Brief summary of property, describing its natural features and characteristics that would make it eligible for consideration by the LMFB.**

Use this space to create a "word picture" of the area being proposed. The LMFB will give preference to projects which "conserve lands with multiple outstanding resource or recreational values or a single exceptional value, provide geographic representation and build upon or connect existing holdings." Naturalness of the land is particularly important in the evaluation process, and a verbal description of these qualities could be included here. The presence of other land categories and their values will be described in item # 33.

22. **Describe the State significance of the property, referencing any supporting materials or testimony.**

Indicate whether the property meets any or all of the 3 "tests" of State significance as outlined in the definition of State significance on page 9. Indicate which land category present contains features of State significance, including specific reference to the source of this information.

23. **Major Land Category**

Which land category does the proposed area have as its major value? It is this category in which your proposal will be scored. Additional points will be gained in item number 33 for the presence of other land categories. Choose one of the following categories here for this item.

- o recreation lands
- o water access lands
- o lands supporting vital ecological or conservation functions and values
- o rare, threatened or endangered natural communities, plants or wildlife habitat
- o areas of scenic interest and prime physical features
- o farmland and open space

24. **Single Exceptional Value**

Indicate whether the land has a single exceptional value recognized as being the best or among the best in the state of its type, and which value is supported by a comprehensive published report, data base or credible testimony.

25. **Other Land Categories Present**

From the list of land categories above indicate what other land categories are present in addition to the major land category. (You may describe these more fully in item number 33.)

26. **Acreage**

If known, state the acreage of the property being proposed. Include information if available on the acreage of each of the tracts included in property with multiple owners.

27. **Water Frontage / Road Frontage**

Indicate the length of water frontage and/or road frontage associated with the proposed property.

28. **Access**

This is a very important item which should be described in full detail and supported with maps if possible. If an area is being proposed for high public use, then access may need to be improved to facilitate such use. Conversely, areas proposed for their wilderness character or requiring special protection may be managed more easily with less road access. The desired level of access must be consistent with the intended use of the property if acquired.

In this section please describe current access conditions, i.e. Is the property served by a paved or gravel road? Is it a town maintained or private road? Is it a discontinued road?

If current access conditions are not sufficient to meet the desired end use of the property, are construction or maintenance activities necessary? Are there seasonal constraints for maintenance? These questions can be more fully explained under Management Considerations.

In the case of water access, is there sufficient water depth to accommodate the mooring or landing of recreational boats?

29. **Proximity to other Federal, State, Private or Locally held lands**

Indicate whether the proposed property is located near or adjacent to Federal, State, private or locally owned public lands. If possible, use the base map for the property to indicate the location and ownership of these public or private holdings.

30. **Land Cover**

Describe the land cover of the property stressing vegetation types where known. Use cover types such as: hardwood forest, coniferous or evergreen forest, mixed forest, wetland (swamp, marsh, or bog) agricultural land, old field, gravel pit, lake, pond, etc. If possible, describe amount or proportions of each type found on the property. If known, map the locations of wetlands or other significant habitats on the base map.

31. **Current Land Use**

Describe the activities which currently take place on the proposed property such as: commercial forestry, hunting, fishing, swimming, canoeing, hiking, cross-country skiing, etc.

32. **Site Improvements**

Describe any buildings or structures which currently exist on the site and their condition.

33. **Special features / Land Categories - Describe each land category present**

List each land category present and the special feature or features which are found within it, using the list of Land Categories. Up to six other values from any of the other major categories, or within the same Land Category, may be identified for scoring.

Each land category or feature may be described using additional paper if necessary. More than one feature may be present in a given land category and each should be listed and/or described separately.

34. **Resource Inventories**

State whether there have been any natural resource inventories undertaken on the property and if so, when and by whom. Where can such documentation be reviewed and what resources were identified?

35. **Surrounding Land Cover**

If known, describe the land cover of the adjacent property, using the vegetation types as in item number 30.

36. **Surrounding Land Use**

Describe the activities which are currently taking place on land immediately adjacent to the proposed property. Certain activities may have a negative impact on the ability of an area to be maintained in a natural or desired condition. Conversely, adjacent land may be managed in a manner consistent with the goals for the proposed property, and may even warrant consideration as part of the proposal. Include the occurrence of such activities such as farming, forestry, recreation, private/residential, commercial/industrial, landfills, etc.

37. **Other Relevant Information**

Include any other site specific information, references, documentation or descriptions that could support the site's nomination to the LMFB, or further explain the features of significance. If supporting materials, such as reports, photographs, or slides are included with the proposal, please include a list of submitted materials to ensure that a complete proposal package was received.

PART TWO

MANAGEMENT CONSIDERATIONS

The items in this section will be scored separately from Part I. The purpose of this section is to determine what kind of management activities or site development would be necessary to fulfill the desired end use of the proposed acquisition. The proposer is asked to demonstrate a careful consideration of the factors to be included in a management plan developed by the State for the property if it is acquired.

A state agency must hold title to lands acquired with LMFB funds. Therefore, state agency interest or cooperation at the beginning is favorable. However, it is the land which is scored primarily. Accommodation of management concerns is secondary yet will bear upon the ultimate interest of the State in the project. It is not necessary for the proposer to submit a "management plan" per se, but to demonstrate that management considerations have been thoughtfully addressed. Publicity of land acquisition by LMFB is likely to result in increased use of proposed lands. All proposers should recognize that management may a much larger consideration in the future than at present. The following questions are designed to help the proposer describe long-term management needs and concerns of the proposed site, regardless of the type of land being proposed.

38. Has a State agency or cooperating entity made a commitment to manage the site if acquired? If so, which agency or entity?

State whether or not you have received or will receive formal cooperation from a state agency or private organization to manage the site if acquired by the State. A written statement from the agency or the organization is the best way to demonstrate cooperation. In some cases, the state agency holding title will be the most suitable entity to manage the site. In other cases, a local group, such as a land trust or town may be contracted by the State for maintenance or management responsibility. Funds for management or stewardship are only available when the land was acquired using cash matching funds from an agency or private/local group.

39. What is expected as the ultimate use of the land if acquired by the State?

Describe the purpose(s) for which the site should be managed if acquired by the State? (e.g. hunting and fishing; back-country hiking and camping; skiing; state park and recreation; water access; conservation of endangered species or habitats; etc.)

40. What level of public access would be necessary to accommodate intended public use of the site as proposed? What construction or maintenance activities would be necessary?

Describe the ability of the site to receive the kinds of public use that are intended by state acquisition of the land. For example, is access sufficient? Is there too much access? Are there old roads that could become trail corridors or would new trails need to be cleared? Will trails need annual maintenance? What level of use can the property tolerate and remain in the state that attracted acquisition interest? What is the need for additional parking, toilets, trash receptacles, signs, etc? How is public use to be controlled in order to protect the resources of the area? How are rules to be enforced that may also be necessary for resource protection?

41. **What is the estimated annual cost to successfully manage the site?**

A general accounting should be provided, listing an estimate of the time, materials, equipment and costs associated with managing the site for its intended use. An estimate of cost may include the following items:

- an assessment of staff time for maintenance duties or activities associated management activities such as:
  - clearing or building trails
  - forest management activities for wildlife habitat enhancement
  - trash removal, litter pickup
  - responding to complaints, such as unauthorized camping and firebuilding
- an assessment of salaries for workers to accomplish necessary tasks
- equipment required for management/maintenance activities. A town, local group, or state agency may already have necessary equipment.

42. **What resources are present that would require special protection and how would that protection be achieved?**

If the site contains resources such as rare plant or animal species or natural communities, deer yards, waterfowl breeding areas, aquifers, etc., describe what effort would be made to provide for their long-term protection.

43. **Has there been or will there be a natural resources inventory of the site?**

In some cases, a state agency or private organization may have an historic interest in a particular site and will have undertaken botanical, ecological, wildlife or habitat surveys of the area. Sources for such information include the Maine Critical Areas Program, the Maine Department of Inland Fisheries & Wildlife, or The Nature Conservancy among others. A list of these and other contacts are provided on pages 24-26.

44. **What mechanism will there be for public benefits reporting?**

If the site will be managed by a local group or "cooperating entity", describe how records would be kept for monitoring numbers of visitors to the site, number of work hours expended, progress toward meeting a management plan, etc.

If the site will be managed by the State in all respects, indicate which agency would be responsible.

PART THREE

RAILS - TO - TRAILS PROPOSALS

Proposals for acquisition of railroad rights-of-way will require special considerations and legal analyses. A separate set of questions are provided for rails-to-trails applicants that address characteristics of such lands that must be reviewed by the LMFB. The responses to these questions should be provided by applicants on a separate page and submitted with the proposal.

1. What rail line or portion of a rail line is being proposed?

2. Has this line been officially abandoned or withdrawn from commercial or private use?

3. Is abandonment planned in the near future?

4. Who currently owns the rail corridor?

5. What would be the intended use of the trail corridor if made available for public use and recreation?

6. Are there other tracts of land along the corridor that could be acquired and used as part of a trail corridor or network?

GLOSSARY OF LAND ACQUISITION TERMS

Acquisition of Fee Acquisition of full fee interest in property - all possible uses and rights associated with the land are required. Techniques using fee acquisition include Donation, Bequest, and Purchase. (Compare to Acquisition of Less than Fee.)

Acquisition of Less than Fee Acquisition of part of the full fee interest in property, a partial interest - some of the possible uses and rights of the land are acquired. Techniques using less than fee acquisition include Conservation Easement and Gift of Undivided Interest. (Compare to Acquisition Fee.)

Adjusted Basis Original cost of property plus the value of any capital expenditures for improvements to the property, minus any depreciation allowable or any actually taken. (A conservation easement depreciates the property.)

Alternative Minimum Tax An alternative system of federal income taxation intended to make sure most tax payers will pay at least some federal tax. The alternative minimum tax rate is 21 %.

Appraisal An estimate of the value of property.

Assessment The listing and valuation of property for the purpose of taxing it, either according to its value alone or in proportion to benefits received.

Bargain Sale Sale of property for less than its fair market value.

Basis Cost of property at time of acquisition.

Bequest Personal property left by will.

Bundle of Rights Term referring to property ownership rights (development, mining, fishing, etc.) often thought of as "sticks in a bundle". (See Fee.)

Capital Gains Tax The tax on money gained from the sale of assets of a permanent nature (land, buildings) which have been held for a specified period of time.

Charitable Contribution Tax deductible gift of money or property to a charitable organization or government entity.

Conservation Easement (or Conservation Restriction, Conservation Deed) A negative easement in gross. A legal agreement restricting certain nonconservation uses of the land and establishing an enforcing body to monitor those restrictions. Binding in perpetuity. (See Easement.)

Covenant (or Restriction) A written promise between two or more parties in which each party pledges to the other that something is done or will be done. (Example: Protective covenants among lakeshore owners restricting dock length or restrictive covenants in a development.) A covenant passes with the land to future owners and is enforced by those who benefit by and share in the burden of the restrictions. It may be voided by the Court if outdated or no longer appropriate.

Deed A written document, signed, sealed and delivered, by which property is conveyed from one ownership to another.

Deed Restriction Stipulation in a deed restricting future uses of the property, usually inserted at the time of transfer.

Development Rights Rights of fee-simple owners of both natural and agricultural land to develop, construct on, sell, lease or otherwise improve the land for uses that result in rendering such land no longer available for its existing use.

Devise See Donation of Devise.

Discretionary Easement An agreement between a landowner and the Town. Under this agreement, land that does not meet standard current use criteria can qualify for current use assessment.

Donation by Devise A gift occurring at the time of death, stipulated in one's will.

Donee Recipient of a donation.

Donor One who makes a donation.

Easement A right, or rights, created by grant, reservation, agreement, prescription or necessary implication, which one has in the land of another. Either "positive" or "negative" and "appurtenant" or "in gross"

- Positive: permits the easement grantee certain specified rights to the grantor's property.
- Negative: limits or restricts the grantor's use of his/her property for the benefit of the grantee.
- Appurtenant: relating to the use of nearby land owned by the easement donor.
- In Gross: an interest in, or rights to, the grantor's property without the grantee owning or occupying nearby land.

Estate The interest or nature of the interest which one has in property such as life estate, the estate of a deceased or real estate.

Estate Tax (or Inheritance Tax) Tax (federal and state) placed on assets that have been transferred from a deceased to his/her heirs.

Fair Market Value The price at which property changes hands between a willing buyer and a willing seller, neither being under any complusion to buy or sell and both having reasonable knowledge of relevant facts.

Federal Income Tax Tax placed on income by the federal government.

Fee (or Fee Interest, Fee Simple Interest) The total bundle of rights of property ownership. Land ownership with no interests or rights outstanding. (Compare to Less than Fee.)

Future Interest Entitlement to property in the present with possession to occur in the future.

Grantee One who receives gifts or rights.

Grantor One who gives gifts or rights.

Heir One who inherits the estate of another.

Inheritance Tax See Estate Tax.

In Gross See Easement.

In Perpetuity Forever.
Interest A right in or share of property. Full interest is fee interest. An easement in a partial interest.

Less than Fee A portion of the total bundle of rights in property ownership. Example. If the landowner does not own mining rights or gives a conservation easement he/she owns a less than fee interest in the property.

Life Estate See Reserved Life Estate.

Party One who takes part in the performance of an act, or who is directly interested in a contract.

Property Tax Tax based on the assessed value of property.

Purchase and Resale of Property Purchase of property for resale often subject in resale to restrictions protecting its conservation values.

Purchase of Development Rights Acquisition of development rights, usually by a public entity for the appraised development value.

Remainder An estate which vests in one other than the original grantor, after the termination of an intermediate estate.

Reserved Life Estate Donation or sale of property for conservation purposes with the reservation of its use during the donor's lifetime or the donor's family's lifetime.

Restriction See Conservation Easement and Covenant.

Title The evidence one has of legal possession of property.

Undivided Interest A fraction or percentage of the fee simple interest in property. In a gift of undivided interest in land the donor and donee become tenants-in-common, each owning a percentage of the total property.

LMFB PROPOSAL FORM

1. Date of Application _____

2. Entity Submitting Proposal _____

3. Address _____

4. Telephone # _____

5. Names of persons knowledgeable about site _____

_____

_____

LOCATION DATA

6. SITE NAME _____

7. USGS Quad Name _____

8. Town Tax Map No(s). _____

9. County _____

10. Town(s), Township(s) _____

11. Maps. Attach USGS map or copy showing location of property proposed for LMF. Overlays or additional maps may be used to identify landowner tracts.

ACQUISITION DATA

12. Desired level of acquisition (full fee/easement/development rights)

_____

_____

_____

13. Timetable for acquisition

_____

_____

_____

14. Percent of matching funds available (if known) _____

15. Proposed lead negotiator _____

16. Degree of local and municipal interest

17. Degree of landowner cooperation

18. Preliminary estimate of market value/availability for sale

19. Preliminary estimate of acquisition cost

20. Other relevant information (Use additional paper if necessary)

PROPERTY DESCRIPTION

21. Brief summary of property, describing its natural features and characteristics that would make it eligible for consideration by the LMFB.

22. Describe the state significance of the property, referencing any supporting materials or testimony.

23. Major Land Category

24. Single Exceptional Value

25. Other land categories present

26. Acreage

27. Water Frontage/Road Frontage

28. Access

29. Proximity to other Federal, State, Private or Locally held lands

30. Land cover

31. Current land use

32. Site improvements

33. Special features/Land categories - Describe each land category present.

34. Resource inventories

35. Surrounding land cover

36. Surrounding land use

37. Other relevant information

MANAGEMENT CONSIDERATIONS

38. Has a state agency or cooperating entity made a committment to manage the site if acquired? If so, which agency or entity?

39. What is expected as the ultimate use of the land if acquired by the state?

40. What level of public access would be necessary to accomodate intended public use of the site as proposed? What construction or maintenance activities would be necessary?

41. What is the estimated annual cost to successfully manage the site?

42. What resources are present that would require special protection and how would that protection be achieved?

43. Has there been or will there be a natural resources inventory of the site?

44. What mechanism will there be for public benefits reporting (visitor record, work hours expended, progress toward meeting the management plan, etc.)?

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