

**Task Force to Help Shape the Next Generation of Maine Land Conservation**  
**Meeting Summary**  
**December 11, 2018**

**Task Force Members Present:** John Banks, Adam Bishop, Patrick Corey, Lee Dassler, Tim Glidden, Julia Harper, Don Kleiner, Janet McMahon, Nancy Smith, Wolfe Tone, David Trahan, Chris Winstead

**Task Force Members Absent:** Cathy Breen, Hugh Cowperthwaite, Jim Douglas, Doug Kane, Alex Koch, Dennis Keschl, Austin Muir, Alison Sucusy

**Others Present:** Jerry Bley (co-coordinator), Liz Petruska (co-coordinator)

**Public:** Tom Abello (TNC), Kaitlyn Bernard (AMC), Lucy Quimby, Jeff Romano (MCHT), Rodney Kelshaw, Warren Whitney (MCHT)

The sixth meeting of the Task Force to Help Shape the Next Generation of Maine Land Conservation (Task Force) took place on Tuesday December 11, 2018 at 9 am, at the Sportsman's Alliance of Maine in Augusta.

**I. Welcome and Overview**

The meeting was called to order by co-chairs Tim Glidden and David Trahan, who gave a brief overview of the meeting goals which included reviewing the suggested structure and refining draft recommendations. They stressed the importance of not getting too tied up in wordsmithing, but instead to make sure that the important ideas are captured by the end of the meeting. Jerry explained that the intent is to develop a report around this that makes a case for the recommendations being reviewed today. Liz and Jerry will develop report language in January while the public has the draft recommendations for consideration. The recommendations and action items are not random – they're what seemed to flow well – but the order can be revised. It probably makes sense to do that after revising the recommendations. If the Task Force wishes to signal significance through the order, it should be very intentional.

There was consensus by the Task Force in support of the 6 proposed broad recommendations with associated actions. The plan for the day is to take them one by one, starting with comments on the Challenges. There are a lot of actions and suggestions for winnowing are welcome. Task Force members suggested lifting up the ten or so most important recommendations and including an executive summary. The deadline for submitting bill titles for the next legislative session is December 31<sup>st</sup> and this needs to be kept in mind for recommendations geared towards the legislature.

**II. Review of Proposed Recommendations**

**1. Taking Care of Conservation Lands**

Context for this recommendation – the state has acquired a tremendous amount of land and is now faced with the reality of caring for this land and enhancing access to lands that are already in the public conservation domain.

Challenges - Task Force members provided the following input on the draft Challenges:

- IF&W struggles to adequately maintain the lands they already have, and the challenges should reflect this

- The report should include examples of public lands that are being used heavily and should help the public understand the different agencies and their holdings.
- Sportsmen are concerned with rules that restrict hunting within 300 feet of trails on public lands – not across the board, but rule-making might be more flexible to allow for things such as an educational hunting/fishing trail. This could be added as part of the 1.C action item.
- Provide context that the stewardship problem is a problem of success and be consistent with the numbers being used to describe the current easement and fee ownership is.
- The 1,900,000-acre figure is somewhat misleading since much of the acreage is in a few large-landscape easements. Make this clear in the report.
- While stewardship is a growing concern, the statement that acquisition has slowed is not true across the board.
- Not all of the Challenges read as challenges – the group discussed several alternatives and ending up leaning towards rewording this section to Key Findings and Challenges

### Action Items

- **1.A** Context – this recommendation tries to address both the infrastructure/maintenance backlog and regular ongoing maintenance needs. Parks get their funding through the general fund – this tries to address the backlog but also suggests a source of additional dedicated funds for ongoing maintenance.
  - There’s no nexus between the fees generated by park fees and the amount they get from the general fund. Parks get more from the general fund than they generate in fees.
  - Should note somewhere that we’re not in this situation by accident. There has been a lack of support from the administration and the Legislature on this, which trickles down to the department. Maine’s Parks are almost a little embarrassing. They’re never going to turn a profit, but for the broader state vision, there’s a problem. State Parks, like any business, must continue to invest in infrastructure in order to be successful over the long-term. The report should be clear that the Task Force feels this should be a budget priority.
  - What’s the legislative history in addressing this problem? The backlog is estimated to be between 40 and 50 million. Because of the lack of funds to date it’s mostly been dealt with on an emergency basis.
  - In terms of a bond figure – even though there’s a \$40 million need doesn’t mean they could spend that immediately to address the backlog. But having a bond for this helps address critics who are saying we’re not doing enough on conserved lands. It strengthens the argument for LMF bonds. The group decided to propose a \$10 million bond.
  - The group discussed setting aside a percentage of the meals and lodging tax for ongoing maintenance. Policy-wise it’s directly connected to what happens on the land. It’s unfortunate that we don’t use that tax to support the related industry. It would be a fight but it’s not unreasonable. The best approach would be to recommend reallocating a small percentage from the general fund portion – that way it wouldn’t come out of what already goes to Tourism and it wouldn’t be an additional tax.
  - Should think about the language we use – terms like “investment” and “leverage” are stronger and more positive than “maintaining” and “aging”
  - It’s a bit of a balancing act – don’t want to be too prescriptive but need to give them something specific in the recommendation that they can hold on to. The group agreed to

suggest a few ideas as part of the recommendation including the meals and lodging reallocation and allowing parks to keep a larger portion of the fee.

- **1.B** Context – BPL’s recreation management is currently limited by its number of positions. BPL has enough revenue, but they need the positions authorized. This situation is mostly a result of the current administration
  - Task Force members were okay with this action item as written.
- **1.C** Context – This encompasses much of what has been discussed already. It’s a recommendation to do some big picture planning – to go beyond the conversations that are only happening now around the water cooler.
  - This should be the lead – talk about creating a vision before asking for money. Also should have “natural resource protection” as the first item in the list.
  - Be clear who this is directed at – could ask the new administration should convene these players
  - There are big changes coming in energy. Should this be integrated into the broad planning effort? Probably makes better sense in Recommendation 6 – this is really geared towards parks and public lands
- **1.D** Context – The current policy limits funding to a percentage that’s below what is allowed by statute. The goal of this recommendation is to allocate more money for access.
  - Is 5% enough, especially with the costs of ADA projects? It was clarified that currently projects that have an ADA component are eligible for the 5% award. What’s the right number? The way it works now, a project could have a very small amount – just a few hundred dollars – available to them. Could there be an exception to fund up to 8 or 10% where the need for access can somehow be qualified? A statute change could provide an exception to the 5% cap.
  - There was some disagreement with the premise that more than 5% should be available. Applicants are being given a lot of money for acquisition and should take responsibility for bearing much of the cost of access improvements, which are often easier to raise funds for.
  - The group decided not to recommend increasing funds above 5% but agreed that the board should reestablish a policy of funding at the 5% level.
- **1.E** – This recommendation is in recognition of the fact that land trusts have conserved more land and are being asked to do more their properties. It doesn’t involve public money – it recommends raising private money, presumably at the Maine Community Foundation, to match stewardship endowment funds for land trusts and municipalities; maybe with no match requirement for municipalities. The idea is to set it up as an endowment – not a grant for small projects – but it could also be a repository for court settlements. The group was okay with this as written.

**2. Create Land Conservation Opportunities that Connect People with the Land and Water**  
Challenges - There were no suggested changes

Action Items

- Recommendations should include a request for an inventory of what towns currently have for access; it’s somewhat covered in the first recommendation, but it could be more explicit
- Incorporate something about protecting surface water quality – for recreation and tourism.

- Clarify that “farms” here is intended to be community gardens – this is not the section for working farmland easements. Also clarify that “community centers” means village centers. The term “New Mainers” is confusing – use immigrants instead.
- Refine the language to be clear that the community piece is not directed only at urban and suburban places, that it also includes rural regions of the state. Make it clear that we understand the need for accessibility applies throughout the state.
- Should the creation of a community category be done through a statute amendment? Does this open the door for unintended consequences and other changes that might be recommended by legislators that are much less desirable? The current language has been interpreted to allow funding of local and regional projects, but it’s not a great fit. A statute amendment would say definitively that this is an important part of the program. Could try it out first through bond language.
- If a new category is created, how would funds then be allocated? Community projects have the potential to be more expensive. Should a cap be considered? The idea behind having a separate category is to encourage a fair process where community projects aren’t competing against working waterfront or farmland or other projects.

### 3. Revitalize Funding for Land Conservation

#### Challenges

- Make sure the numbers for acreage are consistent throughout the report. Consider a different term than “revitalize”

#### Action Items

- **3.A** Context – the \$50 million bond figure came from previous Task Force discussions
  - Bigger numbers were thrown out during public listening sessions
  - Asking for \$100 is probably beyond the realm of plausibility, but given the past 8 years, something in the vicinity of \$60 million would be good – it would catch LMF up with the historical rate
  - Given the bond “cap”, is there room for a \$60 million LMF bond? The transportation bond will likely be around \$100 million- should an annual bond be considered instead of a large bond package? It’s expensive to run a bond campaign – better off to spend the money on a campaign once
  - What’s the biggest LMF Bond to-date? \$50 million in 1989; there are currently no unsold bonds
  - Putting the draft recommendations out for public comment is a way to get feedback on whether the number is too small or large
  - The group agreed to recommend \$65 million.
- **3.B** Context – this is a response to the reality of the last 8 years, when money was left on the table
  - Need to see if this affects RTP funding too? If so, mention.
- **3.C and 3.D** Context – staffing has been cut back from previous levels and this creates a challenge with workload. 3.D has more to do with the process – are there ways to streamline things to make things less challenging for applicants
  - Money for LMF staff currently comes from the general fund. There are no unfilled positions because a position was eliminated under the current administration, so this is an ask for additional funds. Position counts are hard to get, but this is crucial in order to effectively use new bond monies.

- Instead of staying “return to previous levels” use wording like “provide adequate levels”
- Have other staffing scenarios been considered – contractors or shared staff? The AG’s office gave an interpretation that bond funds could not be used to pay for contract staff. Conversations about shared staff will likely happen under new leadership – for now it’s important to put the overall need out there.
- It’s also important to have sufficient staff at the Designated State agencies (DACF, DMR and IF&W) to help get projects to the finish line.
- The Task Force discussed whether to make a specific recommendation on bond allocations but ultimately it decided it wasn’t comfortable doing so.

#### **4. Work Cooperatively with Private Landowners to Maintain Public Access & Encourage Good Stewardship**

- Draft recommendations related to landowner relations were reviewed by the Landowner Relations Advisory board. They were supportive and pleased to have additional support for strengthening the program but emphasized their interest in making sure that any requests for new resources don’t come out of other existing programs.

##### Action Items

- **4.A** Context – The background is that there is a tremendous heritage of public access to private lands that will take a concerted effort to maintain into the future. While there are many ways to address the issue, these items have the potential for the greatest impact.
  - The idea is to develop regional deputies, with enforcement powers, but who could also have an educational and relational presence out in the field.
  - The second part of the recommendation recognizes that resources are currently focused at IF&W but should be broadened. Should the recommendation suggest that department funding meet the 18% threshold? It’s a lot to ask just IF&W to foot the bill for 5 new positions – make sure it’s clear this would come from additional monies from the general fund and not dip into the baseline
- **4.B** Context – this recommendation was informed by a Maine Forest Products Council event on landowner relations. The idea is bringing back the Landshare program, which wasn’t perfect in its first iteration, in a new form. Wouldn’t necessarily be a public program, but the agencies would participate.
  - The Task Force discussed how this effort might relate to the existing Landowner Relations Program. The issue is really broader than just one agency, so a program with broader ownership, including landowners and the private sector, would be significant. It’s related to some of the work of the Outdoor Recreation office, but that’s very new. Recommendation should be tweaked to be clear that this is not a replacement of the Landowner Relations Program, which is a wonderful starting point for a huge issue.
  - Make sure to mention challenges with illegal dumping. Waste Management is currently a big corporate sponsor of the IF&W clean-up day, but they can’t clean up the woods forever- need broader support.
- **4.C** Context – The goal of this item is getting more assistance to forest landowners in light of the fact that lands are transitioning.

- Need to be careful here that the action item doesn't suggest using public funds for things that landowners, especially wealthy ones, should be responsible for. It shouldn't be geared towards service foresters.
- Emphasize the need to connect landowners with information and professionals in the private sector. Sounds similar to an effort in Western Maine with the RCPP program. Maybe there's a way to reference the federal resources going into this.
- The Task Force was hesitant to get too far into details with this item. It was suggested that Liz speak with the American Forestry Foundation about this, and to reshape the action item to be much more general.
- **4.D** – there was agreement that this is an important item, but it should be clear that it's not to be publicly funded and not intended for wealthy landowners.
- **4.E**
  - The group was not comfortable asking for municipal reimbursements for properties enrolled in farmland and open space. It was included as a way of being sensitive to the impact of conservation and municipal budgets. But revenue sharing is included in another recommendation, so the report is not silent on it if this is removed here.
  - There was agreement that the program is an essential tool, and recognition that there is little the Task Force can do to prevent bills aimed at destabilizing the program.
  - It was suggested that this item be included on a list of "things that are going right."

## 5. Target Land Conservation to Protect Critical Natural Resources and Address a Changing Climate

- This is something the public brought up frequently.
- Under Challenges – add "energy infrastructure" after roads.

### Action Items

- **5.A**
  - Task Force members raised questions about how this integration might be done. Look for things like increased diversity and connectivity, consider sea-level rise? The concepts of resiliency and adaptability resonated with everyone. There was agreement that the goal was to provide a climate change overlay to the LMF process and leave it up to the program to develop specific scoring strategies.
  - The Task Force recognized the challenge for LMF to integrate additional criteria, along with all the others that are already part of the workbook. Where LMF relies on agencies and experts for information to set priorities, it would be helpful to identify some of the data sources that could be used. TNC has its climate resiliency data and there's a data source that looks at sea-level rise along the coast. This data could be used by LMF to help develop criteria.
  - In the context of climate change being a politically charged topic, Task Force members debated wording, ultimately deciding to use "change in climate" instead of "climate change" as a way to be sensitive to this without sweeping it under the rug.
- **5.B**
  - The group discussed who this is addressed to – its audience is intended to be quite broad.
  - Is this happening already? If so, change language to "supporting" instead of "developing."
- **5.C**
  - This might fit better into the "things we're doing well" category.

- Important somewhere to highlight the need to support MNAP and Beginning with Habitat.
- **5.D**
  - This item is not really limited to climate change. The hope was to make this action item highlight climate change but also the need to continue protection of critical natural resources. It reflects what the Task Force heard from panelists and the public about the importance of water resources. Examples could include protecting native brook trout waters and the protection of watersheds and aquifers.
  - Water resources are already considered through the LMF scoring process. In the past agencies such as BPL and IF&W had identified water access spots, but that information is now outdated. Those kinds of priority lists are useful to LMF as it considers how to incorporate criteria into the scoring rubric. LMF is designed to be transactional – it relies on the agencies and partners to bring expertise.

#### **6. Ensure Land Conservation Benefits Maine’s Economy and Communities**

- Make sure to include tourism in the list of land-related industries.
- There was disagreement as to whether to include a specific action related to revenue sharing. Some saw it as a valuable step, some thought it was too pointed. The intent was to call upon land trusts to take some action in a positive way to help communities deal with fiscal issues; to be an ally. The group decided to honor that sentiment, but to include a few examples of how this could be done, instead of just singling out support for revenue sharing.
- The action item under 6.C should be split into 2 sentences
- Action item 6.D should focus less on mapping and more on broadly making the public more aware of the conserved lands available for recreation.

### **III. Next Steps**

- Last comments on the first draft of recommendations should be sent to Jerry and Liz by December 14<sup>th</sup>. They will then revise the set of Findings and Recommendations and send them back out to the Task Force around December 19<sup>th</sup>. Final comments from Task Force members should be sent back to them by January 2<sup>nd</sup>.
- The revised recommendations will be posted for public comment from January 7 – 23<sup>rd</sup>. Public comments will be compiled and distributed to the Task Force prior to the January 29<sup>th</sup> meeting. At that meeting, the Task Force will consider public comments and review a draft of the full report. The report will be finalized in February for distribution to the Mills Administration, the Legislature and the public.
- A list of bill titles should be compiled in time for the December 31<sup>st</sup> legislative deadline.
- A meeting summary for the November meeting was distributed a few weeks prior. There were no comments or questions on those.

### **IV. Public Comments**

The Task Force welcomed comments from the public. Comments were made by Lucy Quimby (Bangor) who spoke about the importance of LMF funding and shared her own land trust’s experience in working to help local tribes utilize Bangor Land Trust preserves.

### **V. Adjourn**

The meeting was adjourned at approximately 1:30 pm.