

**Task Force to Help Shape the Next Generation of Maine Land Conservation**  
**Meeting Summary**  
**November 1, 2018**

**Task Force Members Present:** Adam Bishop, Cathy Breen, John Bryant, Hugh Cowperthwaite, Lee Dassler, Tim Glidden, Julia Harper, Don Kleiner, Alex Koch, Janet McMahon, Austin Muir, Nancy Smith, Wolfe Tone, David Trahan, Chris Winstead

**Task Force Members Absent:** John Banks, Patrick Corey, Jim Douglas, Doug Kane, Dennis Keschl, Alison Sucy

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

**Public:** Tom Abello (TNC), Kaitlyn Bernard (AMC), Donna Bissett (MCHT), Eliza Donoghue (Maine Audubon), Lucy Quimby, Jeff Romano (MCHT), Matt Scott, Warren Whitney (MCHT)

The fifth meeting of the Task Force to Help Shape the Next Generation of Maine Land Conservation (Task Force) took place on Thursday November 1, 2018 at 9 am, at the Sportsman's Alliance of Maine in Augusta.

I. Welcome

The meeting was called to order by co-chairs Tim Glidden and David Trahan, who gave a brief report on the activities since the last meeting. Two Public Listening Sessions were held, with around 100 people in attendance. Task Force members who attended were thanked. Dozens of online submissions have also been submitted, an indication that the Task Force's work is catching attention. A meeting summary for the September meeting was distributed a few weeks prior. There were no comments or questions on those.

II. Process Overview

The Chairs presented an overview for the day, saying that the Task Force has been in listening mode for the past few months. This meeting is intended to begin to make sense of what the Task Force has been hearing, from panelists and the public, and to begin to shape recommendations. A lot of winnowing and prioritizing has to happen, and the goal of this meeting is to give Jerry and Liz enough guidance to generate initial findings and recommendations – the intent is not to wordsmith. It will be hard not to say yes to all the many important things that have been brought up, but the Task Force will do a service to the public and the legislature if a clearly refined list of priorities can be agreed upon. The Chairs thought it important to note that a lot of what has been shared, especially by the public, is support for the work that's already happening, and that should be incorporated into the report, alongside the ideas for enhancements and new initiatives.

The first step of the day is to split into 5 small groups, one for each of the topic areas reflected in the materials sent out to the Task Force in advance. Groups will be selected through a random count-off and each group will have a facilitator and a recorder. The goal of the small group session is to prioritize and massage the themes on each topic, with the goal of coming up with no more than five priority themes to be discussed with the larger group. The public is welcome to listen and observe these sessions but will not be able to participate. Time is set aside at the end of the day for public comments.

### III. Small Group Breakouts

The Task Force split up into 5 groups to discuss five different topic areas for the next hour. No official summary was recorded, but each group was asked to report back to the full Task Force for the next portion of the agenda.

### IV. Full Task Force Discussion on Topics

The full Task Force reconvened to hear reports from each group and to shape its initial priorities.

#### Land Acquisition Priorities

##### **Small Group Report** (Tim Glidden, Adam Bishop, Don Kleiner)

- The group reported that they did not think any themes were missing from the theme sheet. They felt some of the themes are potentially in conflict and recognized that some of the priorities will be more expensive in the future.
- The themes indicate a clear hunger for lands that are closer and more accessible to people. At the same time there's a need for balance – to have places for people, but also places for solitude and for ecologically sensitive resources to remain undisturbed. Connectivity is important for both categories, but especially around trails. It's possible to do a lot of work to create trails that people never get to. Just because you build it, doesn't mean people will come. LMF should examine a project's commitment to building access infrastructure.
- The group agreed that Climate Change is happening and thought LMF and land conservation efforts should be thinking about how to respond that. And that no matter which way the science goes, finding lands that are "resilient" is important for the future.
- The group discussed the issue of scale, finding that large-scale conservation has already been a great success. It would be a disservice to do "community" conservation at the expense of "traditional" conservation. There's room for both.
- But to some extent land conservation has "flexed one muscle" a lot. Much of the conserved lands to date have been working forests. They serve multiple goals, but not all. Visitation to northern Maine is down, and people are not using that resource as they have in the past – this needs to be addressed. This brought up a question – are we at risk of losing the next generation because they do not have access to lands to make those formative memories? Not all numbers are down – Baxter and Appalachian Trail numbers are up – but we need to ensure there are places where people form a connection to the land.
- Following discussion of these ideas, the small group ended up with the following priorities:
  - Working Lands
  - Recreation and Traditional uses
  - A more specific focus on community (mostly conserving lands where people are)
  - A continuing need for ecological/rural lands
  - Overarching: for all categories, LMF should consider how land conservation projects can build the state's resilience in terms of climate change
  - Came back to the balance question and decided that "conservation for the sake of conservation" and "conservation that connects people to the land and benefits communities" are both important and not necessarily mutually exclusive

## Full Task Force Discussion

- The Task Force was asked if the small group missed anything important in their suggested priorities:
  - Task Force members felt that water was an important issue that was missing. While it could be related to climate change, to community, or to ecological lands – no fine point was put on it. It was suggested that it's a theme that really applies to all of the priority areas that were identified.
  - A request was made to be careful using the term "rural" and suggested that "remote" might be more appropriate.
- The Task Force spent some time revisiting the history of LMF and its original intent to protect the state's "crown jewels". At that time, it was just for state agency projects and very focused pieces – not large landscapes. Over time the operating environment shifted and there was a recognition that state agencies weren't equipped to meet all the land protection needs – which is when land trusts and municipalities became involved with local and regional projects. Although state agencies still do projects, it's often in partnership with an NGO. The group talked about whether moving forward "community-oriented projects" need to be elevated more.
- The Task Force discussed Climate Change and Water as potentially overarching themes – a driving thing instead of just a few points in LMF Scoring. Task Force members emphasized the importance of keeping land in forests to mitigate climate change and for providing connectivity. And water is integral now to land conservation efforts – don't really think of them separately any more. Some members suggested that these types of themes and criteria shouldn't be applied uniformly to all projects. For instance, a farmland project shouldn't be penalized if it doesn't have water and climate components.
- The intersection of land conservation, economic development and planning efforts was discussed. It was suggested that land conservation could more effectively be integrated with Comprehensive Economic Development Strategies (CEDS). It could be a way to help community identify priorities and to tie into an existing framework. However, integration with regional planning gets tricky because there are so many different "regions" between the various agencies and counties. A State Planning Office would be a helpful vehicle for facilitating this type of integration. Currently LMF provides a "regional" category, but it's left up to the applicant to provide a definition of the region.
- The question came up of whether a project should be prioritized by based on whether it "delivers economic benefit." The group discussed how although this is part of the current LMF scoring, it is extremely difficult to demonstrate a tangible impact. The idea was tabled to move onto the other topic areas.

## Stewardship

### **Small Group Report** (Nancy Smith, Austin Muir, Julia Harper)

- Stewardship is a problem of success – because we've conserved so many places – and a problem related to expectations.
- The small group felt that 2 items were missing from the theme sheet:
  - There's a need for land trusts to collaborate with others when it comes to stewardship and connectivity

- Municipalities are constrained by their resources. This matters because there are instances where they don't want to acquire ore land because they don't have the resources to take care of it.
- The group discussed many of the themes including the fact that LMF has money set aside for access improvements, the need to enhance basic infrastructure (signs, trail maps), and the need for volunteers to manage lands and trails. Issues related to LUPC permitting and protecting lands from changes in use did not rise as high priorities for the group.
- The group considered a few questions – whether the different funding mechanisms for State Parks and Public Lands are the right fit? And what's the role of LMF, state agencies and the private sector in setting and managing public expectations? They agreed a big challenge is that many people don't understand the difference between State Parks, Public lands and land trust holdings.
- Following discussion of these ideas, the small group ended up with the following priorities:
  - State parks need more resources just to deal with their maintenance backlog (either through a bond or a % of fee revenue allocated to capital projects)
  - The state should create a vision for state parks which would identify audiences and be clear about the different audiences for state parks and public lands. It should also address whether it is a state role or private sector role to meet the increasing demand for “creature comforts”
  - Public Lands needs more positions and more signage and interpretative materials
  - Theme – make conservation land more accessible to Maine people. This is critical because of the benefits conserved lands provide, but also because it fosters connection and long-term support by the public for conserved lands. Need to make conserved lands easy, affordable and popular.
  - Climate change is bringing extreme weather, invasive species and different infrastructure needs which is creating an increase in stewardship challenges.

#### **Full Task Force Discussion**

- The Task Force discussed how the responsibility of perpetual stewardship seems so much greater today. It's no longer just about walking the boundaries. Easements are complex and require regular monitoring. More severe weather is creating more management issues on the ground. The group agreed that consideration of stewardship needs should be a greater consideration during acquisition – both in terms of financial and human capacity.
- The issue of infrastructure for Working Waterfront projects was discussed. Should there be consideration of climate impacts for these LMF projects? Some background on the process for Working Waterfront projects was given. Projects are required to have a plan, which gives applicants an opportunity to think about maintenance of infrastructure into the future. There's also an evaluation as to whether it's a viable business and applicants are required to provide financial projects. It's a balance to design a process where the State isn't involved in running the business, but the public is assured that public funds are going to a project with a clear, viable plan. This applies to other LMF projects as well. The state should be doing considerable due diligence to ensure that public funds are well-invested.
- The Task Force discussed the impending generational transfer of land and the related transfer of wealth. Is there a way to educate financial advisors and estate planners so that people are aware of

the need for stewardship funds. The Maine Rural Partners had a program on this. Maine Community Foundation might have thoughts on this. The group agreed the idea needs elevation and emphasis – could make it a “Maine thing” to protect what we have – instead of making it a separate issue for state parks and for land trusts.

### Community and Economic Concerns

#### **Small Group Report** (Cathy Breen, Hugh Cowperthwaite, Lee Dassler)

- The small group reported that it discussed all of the themes on the sheet and did not find any additional ideas that were missing. Because there were so many important considerations, the group worked to identify priority categories that might encompass many of the themes. The priorities they identified included:
  - Aging – the aging Maine population is both a threat and an opportunity; it presents a different type of threat to the landscape than we faced 30 years ago, but it is nonetheless a significant impending transfer of land
  - Local lands – it is clear there is growing demand for locally conserved lands that support active living, healthy communities and place-based education
  - Tribal lands – the small group felt this was important to address but didn’t feel comfortable making a recommendation on what to prioritize without more input from tribal representatives
  - Working lands – the group spent a lot of time discussing how to ensure that working lands were treated fairly through the LMF and other public funding processes, and emphasized the importance of having a range of options for public access that was sensitive to the other values that working lands projects provide
  - Tourism – the group discussed the many ideas they had heard from panelists over the past few months, but concluded that the Task Force should focus on the idea of creating more opportunities for tourism for Mainers on public lands; the private market can take care of the fancy amenities, but public resources should be devoted to make lands accessible to Mainers of all means
  - Projects that better engage communities and communicate about the financial implications of land conservation – the group felt that the recent focus on land trusts and property taxes was largely a product of the current administration; however, they agreed that overall projects and organizations that engaged municipalities would be stronger in the long run

#### **Full Task Force Discussion**

- The Task Force discussed whether LMF should maintain the economic benefit requirement. While it addresses an important project component, it’s difficult for applicants to provide real measurable evidence that can be useful in determining impact. There was also discussion about how to build in the flexibility for a business to modify itself as it goes forward – are easements and project agreements too restrictive, to the point that they dilute economic benefits over time.
- There is agreement on the need for real data on which towns need for access to conserved lands. The stewardship small group talked about having the state do some sort of survey. Groups like Chewonki and Maine Huts and Trails are being deliberate in finding ways to make

their own work accessible – can be difficult when missions are oriented around remote and backcountry experiences.

- The issue of engagement with municipalities was discussed at length. Task Force members offered many examples where towns and land trusts were communicating well, and even where Conservation Commissions and joint land management committees were effective. When communication happens early, you don't hear the same concerns. Nonetheless, there was acknowledgement that towns feel collectively put upon. Task Force members discussed the importance of encouraging communication with towns early in the acquisition process. People felt confident in the LMF process – where towns are notified when an application is submitted for their community, and where projects receive additional points if the municipality supports the project. The concern was more towards ensuring this type of engagement across the board and encouraging best practices for land trusts working at the local level. This would only work if it's a set of recommended practices – need to consider how it affects landowner confidentiality, and how it impacts projects where the public benefits are not necessarily public access. It might also be more applicable when public money is used. Whatever recommendations are made, it will be important to distinguish between “community” and “municipal” engagement.
- For tribal lands, the Task Force agreed it was important to get further input from tribal representatives, and to indicate an openness to listening, but not necessarily to prescribing. There has been discussion about having community projects have equal footing in LMF, and certainly cultural lands could be integrated into that recommendation.

#### Promoting Public Access and Stewardship on Public Lands

##### **Small Group Report** (John Bryant, Janet McMahon, Wolfe Tone, David Trahan)

- The group reported that they talked a lot about relationships, access and the generational change in ownership. There is a great need for fostering respect when the public uses private lands. Taxation and Tree Growth are also related to this – are there tools to provide financial incentives to landowners who do provide public access.
- Following discussion of these ideas, the small group ended up with the following priorities:
  - Strengthen landowner relations – it seems like there is a good program in place, but that there is insufficient funding and that the program will not be sustainable without additional resources. This issue has been brought up previously, but it never gets enough legislative momentum.
  - Establish a steering committee to help coordinate these discussions – might include ATV and snowmobile groups, as well as non-motorized users and landowners too, including public landowners. The group could also include tourism representatives so that there's coordination between where tourism directs use and where there are overuse issues.
  - Need to strengthen the Open Space program – this is a really important program for public access and it would be helpful to increase awareness of it. It is more powerful around public access than Tree Growth and might be a more suitable current use taxation program for landowners/properties where public access is important
  - Increase funds for stewardship; LMF has an Access Improvement grant, but people get busy or don't know that these funds are available. The sustainability of conserved lands will be challenged over time and having funds available for long-term stewardship is key.

- Get more data about who uses the land; how can we use the new Office of Outdoor Recreation to build capacity and understanding around recreational trends and needs

### **Full Task Force Discussion**

- The Task Force discussed the challenges associated with data on public access and use. On one hand, we need more information about where there are problems and issues with over-use. On the other hand, there's not enough information about what conserved lands opportunities are available to the public. There's a danger with making information about private trails/access points public. There's a great need to educate the public about the lands they're using. It wouldn't be surprising if most people don't know that the North Maine Woods is private. It's important to coordinate efforts so that tourism agencies and organizations aren't directing people to the wrong places.
- The small group was asked to clarify whether they were talking about increasing dollars or people – they were mostly talking about people. The Task Force agreed that landowners shoulder great risk by providing access – especially when they're asked to foot the bill for clean-up. This may mean we need to provide funds to address this issue, which means asking for more money, but the risk of losing so much access makes it worthwhile. The Task Force discussed targeting disposal fees as a source of clean-up funds but felt that would probably mean taking money away from somewhere else.
- The Task Force agreed that the Current Use Taxation programs and Maine's landowner liability law are essential to securing public access into the future. The report should include an explicit recommendation about keeping these strong. There also needs to be greater public education about Current Use taxation and a way to build trust in the programs. Landowners are way because every few years there are proposals in the legislature to change things.
- Turnover in the legislature and in state agencies means there's not necessarily a lot of institutional memory. Means we need to keep educating the public and government officials about these issues and programs. The Task Force might want to flag things – like the Current Use Taxation Program, and the Office of Outdoor Recreation – to say yes, these existing resources are very important and also to consider a way to encourage better interagency coordination.
- The impending generational transfer of land is a big concern. Is there an opportunity to help the new generation of landowners understand long-standing traditions of access and stewardship? There are efforts underway through Maine Woodland Owners and FarmLink, but it seems like there is a broader opportunity. It's important to provide mentorship and opportunities for younger generations to find a connection to the land. Also need money for programs and workshops on succession planning, and also to help offset transaction costs. Are there other models out there – like a home buying course that gets you a closing credit – that we could look to for ideas of how to encourage the younger generation to embrace a stewardship ethic?

### Funding for Future Land Conservation

#### **Small Group Report** (Alex Koch, Chris Winstead)

Following discussion of the themes provided, the small group came up with the following priorities:

- Strengthen LMF Bond funding – this would involve asking for a significant bond package, but also streamlining the LMF process and providing adequate staffing

- No money left behind – federal dollars have been left on the table and we need to leverage and capitalize on all funding sources; should leverage every single dollar possible
- State meets municipal obligations – it’s important for the state to fulfill its revenue sharing
- Maine should make a case for increased private philanthropy focused on its underserved remote and urban populations for projects that highlight connection between community and conservation
- Consider new revenue sources that tie in to related uses
  - TIF – have a portion of TIF funding go into conservation
  - Outdoor gear tax
  - A screen tax tied into broadband pole connections – would offset the couch potato by supporting things that get people outdoors
  - The small group considered other sources (lottery, vehicle registrations), but didn’t think them as suitable since there was not a direct link to the outdoors
- The small group also felt that money shouldn’t just be for acquisition but also for stewardship, sustainability and staffing.

#### **Full Task Force Discussion**

- The Task Force discussed whether more funding should be allocated to different regions and community issues and whether land conservation could tap into related sources of money. Should underserved communities get more LMF money? Could funds be found in the public health arena? The Task Force considered whether a more diverse bond that engaged natural partners (public health, education, community development) would be helpful. It would have to include something for everyone in terms of dollars, but it might help build a broader coalition. People liked this idea, especially because there are so many natural partners, but felt that given the success rates of LMF bonds and the clear public support for continuing LMF, sticking with a simple land acquisition bond was more appropriate. Maine Outdoor Heritage Fund might be a vehicle for broader funding in the future.
- There was additional discussion about how bonds compete against each other. There were 37 proposals for bonds in front of appropriates for the 128<sup>th</sup> Legislature. Finding a more diverse and sustainable mix of funding for transportation would help make room in the bond package for other issues.
- The Task Force discussed how to make the public funding process more user friendly. The Task Force has heard that the process can be onerous for landowners – developing easement terms, commissioning appraisals, developing stewardship plans and conducting due diligence can be time consuming and complicated. For working waterfront projects, applicants used to have the assistance of CEI. For CBDG grants, applicants work with a technical advisor to develop a proposal. Historically LMF staff provided greater support, but with limited capacity that support is less available. A new bond package needs to address staffing issues but also be sufficient in size so that it’s worthwhile for landowners to participate in the process. Having a multi-year authorization will help create stability for the program. If there’s sufficient staffing in place, \$10 million/year could easily be spent.
- There was some discussion about new revenue sources, but the Task Force felt it needed more information to quantify what might be possible with the various sources. A potential transfer tax was discussed – some thought this would be an easier sell than an outdoor gear tax, but others

thought this had been tried and failed. The discussion ended with a question of whether it's worth a big political battle for just a few million dollars.

#### V. Next Steps

- The Chairs thanked Task Force members for their good work, and thanked Tom Abello, Kaitlyn Bernard, Donna Bissett, Eliza Donoghue, Jeff Romano, and Warren Whitney for their help in recording the small-group breakout sessions.
- Jerry and Liz will take the work from today and prepare a set of draft findings and recommendations for the Task Force to consider at its December meeting. Following any revisions from that meeting, the findings and recommendation will be made available to the public for comments.
- The next meeting will be December 11<sup>th</sup> at 9 am, at the SAM office.

#### VI. Public Comments

The Task Force welcomed comments from the public. Comments were made by Lisa Turner (Freeport) and Lucy Quimby (Bangor).

- In general, there are too many restrictions in farmland easements. Farming is not a hobby and easements should not restrict structures and activities that make the farm business viable. Public access should also not be a requirement – you can't have someone's dog wandering around in your fields. Farms need flexibility to shift with markets and climate. It's not outrageous to think of a farm shifting from dairy to vegetables – but then it will require very different infrastructure and needs. It would be helpful to get more people to the table to ensure LMF easements and the process is more user-friendly. Viewshed language is bad for farmland easements. Don't see any farmers at the Task Force table – Maine Farm Bureau is sometimes in conflict with land acquisition. Mostly they just want a pat on the back for the conservation work they do.
- Access for recreation – we should make sure to equally support all types of recreation. We often think about snowmobiles and ATVs, but not necessarily trucks – there's only so far you can drag a deer out of the woods. Need to make sure we're not limiting access to only those people who can afford a four-wheeler or those people who are physically able to walk far. Also need to make sure we don't create scenarios where particular landowners are burdened unfairly.
- There's been a shift in the community's willingness to embrace language about climate change. 15 years ago, people thought it would be a big turnoff, but now there's broad agreement that change is happening. The Task Force shouldn't be scared to sell land conservation as part of the climate change solution. The southern part of the state has more people, but it's also where more of the biodiversity is. So, conservation here will provide important access, but also help protect key concentrations of biodiversity.
- The conversation about fostering connections is important. We should encourage the next generation to have the kinds of connections that will sustain the natural environment rather than being consumptive or even destructive. There is work being done in the state to connect tribes with land trust preserves and it's exciting to think about conserved lands being used for sustenance and to continue rich cultural traditions.
- Need to stay after the legislature about revenue sharing and not ignore the concerns from small towns about taking lands off the tax rolls. Regarding the Task Force discussion about TIFs – need

to be careful that these funds aren't changed to exclude conservation. Before exploring as a strategy need assurance that TIF money can be used for conservation.

VII. Adjourn

The meeting was adjourned at approximately 3:00 pm.