

MAINE LAND CONSERVATION TASK FORCE

DRAFT RECOMMENDATIONS

JANUARY 7, 2019

The Maine Land Conservation Task Force is releasing its draft recommendations and is asking the public for feedback. The Task Force is calling for a new Land for Maine's Future (LMF) bond issue along with other actions designed to strengthen land conservation and enhance public access to the outdoors across the state. These draft recommendations reflect the Task Force's best ideas on initiatives that can foster comparable achievements in the years ahead. Also included is a list of the many things that are being done well that have led to tremendous achievements in land conservation over the past generation.

The Land Conservation Task Force, a diverse group of twenty individuals and organizations, is co-chaired by David Trahan, Executive Director of the Sportsman's Alliance of Maine, and Tim Glidden, President of Maine Coast Heritage Trust. The group began meeting last May and plans to issue its final report to Governor Mills and the Maine Legislature in February.

Task Force Members

John Banks, *Department of Natural Resources, Penobscot Indian Nation*

Adam Bishop, *Maine Farmland Trust*

Cathy Breen, *State Senator (D)*

John Bryant, *American Forest Management*

Patrick Corey, *State Representative (R)*

Hugh Cowperthwaite, *CEI*

Lee Dassler, *Western Foothills Land Trust*

Jim Douglas, *Healthy Oxford Hills*

Tim Glidden, *Maine Coast Heritage Trust*

Julia Harper, *Good Food Council of Lewiston-Auburn / Androscoggin Land Trust*

Doug Kane, *ATV Maine*

Dennis Keschl, *Town Manager - Belgrade*

Don Kleiner, *Maine Professional Guides Association*

Alex Koch, *Student - Unity College*

Janet McMahon, *Ecologist*

Austin Muir, *Chewonki Foundation*

Nancy Smith, *GrowSmart Maine*

Alison Sucy, *Maine Tourism Association*

Wolfe Tone, *Maine Huts & Trails*

David Trahan, *Sportsman's Alliance of Maine*

Chris Winstead, *Piscataquis County Economic Development Council*

THINGS THAT WE ARE DOING RIGHT

The tremendous achievements in land conservation over the past generation did not occur by accident. They were a result of thoughtful strategies, sound policy and concerted efforts in both the public and private sectors. The recommendations included in this report reflect the Task Force's best ideas on initiatives that can foster comparable achievements in the years ahead. However, this report would not be complete without recognizing the many things that we are doing right. Here are just a few of those things:

- ✓ **The Land for Maine's Future Program:** While most state land acquisition programs are structured with a top-down approach, LMF was structured as an open process allowing land trusts, municipalities, landowners and the public to put forward proposals. This approach has fostered creativity, partnerships and maximum leverage for state dollars.
- ✓ **The Nation's Strongest Landowner Liability Law:** Maine's important tradition of public access to private lands is dependent upon this law which provides effective liability protection for landowners who permit the public to recreate on their lands.
- ✓ **A Robust Network of Land Trusts:** With over 80 organizations, Maine is blessed with one of the strongest land trust communities in the country. The majority of the fee and easement acres acquired over the past 30 years are held by land trusts, most the result of leveraging public funds with private donations. The effectiveness of Maine's land trusts relies upon partnerships, such as a current initiative with the Wabanaki tribes to assist with the acquisition of sacred lands and allow tribal members to harvest culturally important resources on conservation lands.
- ✓ **High Quality Natural Resource Databases:** MDIF&W's Beginning with Habitat Program and the State Wildlife Action Plan and the Maine Natural Areas Program, along with other state and non-profit databases have provided a sound informational foundation for guiding land conservation efforts to ensure that the state's most valued natural resources are protected.
- ✓ **Maine's Current Use Tax Laws:** By taxing lands at their current use, the Tree Growth, Farm and Open Space Tax Laws have enabled landowners to continue stewardship of their lands which are essential to Maine's forest products and agricultural industries. Recurring legislative efforts to tinker with these proven programs undermines landowner confidence and can deter participation in these important programs.
- ✓ **Enthusiastic Volunteers:** Maine's growing assemblage of conservation lands has greatly expanded the need for volunteers to monitor easements, construct and maintain trails, lead educational programs and generally be good stewards of these treasured resources. Maine's land trusts, motorized and non-motorized trail organizations, Friends groups and others have stepped up their volunteer programs to care for these lands and expand public access and enjoyment.
- **National Leader in Conservation Easements:** Conservation easements account for much of Maine's conserved lands, proving to be an effective way of permanently protecting land while fostering private land stewardship and supporting working farms and forests. Maine is one of only a few states with a statewide easement registry that facilitates oversight of easement monitoring through annual reporting. This commitment to stewardship is shared by state agencies and land trusts alike, who dedicate substantial resources towards monitoring and legal defense of conservation easements.

Recommendation #1: Take proper care of our treasured public and private conservation lands and ensure that they meet the needs of Maine people into the future.

Key Findings and Challenges

Over the last generation of land conservation, the acres of permanently conserved lands have grown four-fold. That tremendous success has led to a formidable challenge – making the commitment to stewardship of the lands and conservation easements that we already own and ensuring that these lands are available for the public to enjoy.

Public Lands

- ❖ Maine State Parks have an approximately \$50 million backlog of basic infrastructure maintenance (roads, bathrooms, campgrounds, administrative buildings, etc.). The last parks bond for capital improvements was in 2010 and current sources of capital improvement funding, are only sufficient for band-aid remedies. The State Park System, like any business, must continue to invest in its physical structure in order to be successful over the long-term.
- ❖ Maine State Parks has not built a significant new facility, such as a new campground, in 40 years. Maine’s Park facilities are considered “antiquated,” while many other states are providing new and different facilities to attract and meet the changing needs of residents and visitors—for example ATV parks, mountain-bike parks and overnight cabin accommodations. The large response to last summer’s waiver of State Park fees for Maine residents demonstrated a need to examine the fee structure for State Parks. There has not been any big-picture planning initiative for Maine’s parks and public lands in recent memory. These lands are important to Maine’s tourism economy as well as the quality of life for Maine residents, and needs and expectations are changing.
- ❖ Public Lands operates on dedicated revenues derived primarily from timber harvest revenues which has generally been successful in providing sufficient and stable funding for operations and capital improvements. However, BPL is constrained in the use of its dedicated revenues for staffing by legislative authorization of personnel positions. For example, BPL has only six seasonal ranger positions for their entire 632,000-acre ownership. Some of the more heavily used Public Lands have strained the recreational management abilities of BPL. In addition, BPL does not have the personnel available to manage recreational use on large forest ownerships where it holds conservation easements.
- ❖ Maine’s Department of Inland Fisheries & Wildlife owns over 100,000 acres of Wildlife Management Areas around the state which are designated to be managed for wildlife habitat and, secondarily, for recreation where appropriate. MDIF&W must fund management of these lands out of their dedicated revenues from license fees and other sources, which are not sufficient for science-based habitat management and expanding public access – consequently the Department is not able to keep up with habitat management plans for these areas or promote their public use.
- ❖ There has been public criticism that BPL doesn’t do enough to make Public Lands known and accessible to the public. Lack of sufficient signage and information is a common complaint; one which BPL is actively working on improving. Certain popular public lands units, such as Tumbledown and the Cutler Coast attract large numbers of users which can result in overuse of existing facilities. Unlike Parks, Public Lands provide very limited developed facilities, mostly primitive facilities. However, there is a growing demand for more developed facilities on Public Lands units ranging from universally accessible trails and boat launches to recreational vehicle camping areas.

Private and Municipal Conservation Lands

- ❖ Over the past thirty years, Maine's land trusts have taken on a leading role in conserving the Maine landscape. Today, Maine's land trusts own over 600,000 acres of fee lands and hold conservation easements on an additional 1,900,000 acres of land (the bulk of this acreage is in a small number of large landscape working forest easements). With these acquisitions has come a tremendous perpetual stewardship responsibility. A recent survey of land trusts indicates that future stewardship costs and staffing is a top concern.
- ❖ Expanded land and easement acquisitions has resulted in land trusts focusing resources on taking care of what they already own and putting more effort into educational and community programing; in some cases resulting in a slowing of new acquisition efforts. Similarly, many municipalities are reluctant to consider conservation acquisitions due to the ongoing costs of stewardship.
- ❖ The public's desire for more and better trails on conserved lands continues to grow including universally accessible trails which are very expensive to construct and mountain-biking trails which require ongoing maintenance. Funding from the Recreational Trails Program has not been able to keep up with demand.
- ❖ The Land for Maine's Future Program has the legislative authority to provide Access Improvement Grants to construct or improve roads, trails, boat access, etc. for LMF acquisitions up to 5% of the appraised value of the property. However, current LMF policy limits access improvements grants "to an amount up to 2% of the LMF board's financial contribution." Under the statutory limit, for a land acquisition valued at \$300,000, LMF could provide an Access Improvement Grant of \$15,000. Under current LMF policy, in the best-case scenario, the most that could be provided for an Access Improvement Grant would be \$6,000.

Changing Populations and Landscape

- ❖ Maine's demographics are changing. Maine is the oldest state in the nation and its percentage of residents with a disability is higher than the national average. The state is also home to a growing immigrant community that now makes up 3% of the population. As a result, the State's conserved lands and recreation infrastructure must serve a population whose needs are increasingly diverse.
- ❖ Invasive species, including forests pests and pathogens, are a threat to Maine's natural and working landscapes, a problem which is being exacerbated by climate change. They can outcompete native species and significantly impact wildlife habitat by changing sources of food and cover. The aggressive growth of invasive plants can increase the costs of agriculture, decimate fisheries, undermine forest regeneration, and even impact recreational experiences.

Proposed Actions

Action Item 1.A: Initiate a planning effort (involving DACF, DECD, IF&W, land trusts and others) to develop a clear vision for the state's conserved lands that includes:

- A State Park System, Public Lands and IF&W Wildlife Management Areas that reflect the diversity of the state and offers clear guidance on such matters as natural resource protection, facilities, accessibility, accommodating changing recreational demands, access, amenities and fee structure.
- Determines additional management needs on State lands for activities such as easement monitoring, invasive species mapping and control, and science-based habitat management that considers the impacts of a changing climate.
- How private and municipal conservation lands compliment the State's public ownership and where gaps and shortcomings remain in Maine's conservation lands holdings; both in terms of natural resources and availability of lands for public use.

- How best to cooperatively provide information about conserved lands and promote their use by Maine residents and visitors.
- How best to make public lands available to hunters in a manner that is safe for other users.

Action Item 1.B: Provide State Parks with necessary resources to replace aging infrastructure and invest in new facilities through passage of a \$10 million dollar bond issue and creating a dedicated source of revenue to address ongoing capital needs such as dedicating a percentage of annual Park fees or a small percentage of the non-dedicated portion of the Meals & Lodging Tax.

Action Item 1.C: Have the Legislature authorize more recreational management positions for Public Lands (to be paid for through existing dedicated revenues)

Action Item 1.D: The Land for Maine's Future Program should dedicate the maximum amount allowed under statute (5% of appraised value) to Access Improvement Grants to facilitate public access to acquired lands.

Action Item 1.E: Land trusts and philanthropic interests should work together to create a "Stewardship Forever Fund" at the Maine Community Foundation which would secure substantial private funding from a range of sources to be granted to match stewardship endowment contributions for land trust and municipal conservation properties.

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Recommendation 2: Create land conservation opportunities that connect people with the land and water.

Key Findings and Challenges

- ❖ In both heavily populated and rural regions of the state, there is strong public interest in conserving more lands closer to where people live and work. In addition to traditional conservation benefits, these lands can serve a variety of local needs including public health, education, alternative transportation and economic development.
- ❖ The amount and availability of conserved lands varies greatly among Maine towns. The residents of many Maine communities have limited access to lands within walking distance or accessible by public transportation.
- ❖ Maine's tribal communities need access to land and water to teach and practice their traditional culture, and to cultivate and harvest natural resources important to their traditions.
- ❖ Protecting the quality of public drinking water supplies depends in great measure on the quality of land in the watershed. Land conservation can be an effective tool to reduce treatment costs and control land-use activities for water quality protection.
- ❖ Helping Maine children access the outdoors will provide physical and mental health benefits, provide opportunities for hands-on learning, and foster a broad stewardship ethic that will inspire the next generation of conservation leaders.
- ❖ Maine's coastline and inland waterways are a finite resource that is threatened by increasing development pressures on waterfront properties. With a diminishing amount of access to the water for both recreational and commercial uses, securing public access to the coast and inland lakes and rivers is increasingly important.

Proposed Actions

Action Item 2.A: Amend the LMF statute or create bond language to create a separate category for "Community Projects" that:

- are located near where people live and work;
- provide diverse public benefits including public health, alternative transportation, and local economic development;
- provide opportunities for place-based learning;
- benefit underserved populations including low-income residents, seniors, immigrants, and the disabled;
- provide links between conserved lands and connect conserved lands with village centers;
- provide nearby opportunities for wildlife watching, fishing and hunting;
- protect the forested watersheds of key public drinking water supplies;
- protect lands to be used as community forests and gardens; and

- ensure access to coastal and inland waters for fishermen and recreational users, particularly in areas facing high development pressures and areas where communities lack secure access.

Action Item 2.B: Support opportunities to partner with Native American Tribes to conserve areas of particular cultural significance, and for native American uses of conserved lands and waters for traditional uses that support their place-based cultures.

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Recommendation #3: Revive funding for land conservation and ensure that LMF can effectively meet the challenges of the next generation.

Key Findings and Challenges

- ❖ While the past generation of land conservation brought about tremendous successes, there remain many critical land conservation needs across the state ranging from coastal access, to habitat protection to local open space. Availability of conservation lands is an increasingly important factor in competing with other states for potential employers, residents, and tourists who value proximity to public lands and outdoor recreational amenities when deciding which destinations to start businesses, move to, raise their families, and visit.
- ❖ Maine ranks 26th nationally in terms of state dollars spent on land conservation. The largest contributor source of state funding, by far, is the Land for Maine's Future Program which has contributed \$132 million over the past 30 years protecting over 600,000 acres. LMF is not only the most important state funding source in terms of dollars, it is a critical catalyst for attracting local, federal and private contributions and providing credibility for projects. Over the past generation, LMF's has contributed about 25% of total acquisition dollars, but has leveraged much of the remaining 75%.
- ❖ Maine voters have strongly supported public funding for land conservation through LMF bond issues. The last LMF Bond was a \$5 million bond in 2012 which has largely been spent or committed. No bond issues have occurred over the past six years due to political differences in Augusta. States around the country use a variety of mechanisms to fund land conservation including sales tax, real estate transfer taxes and recording fees, and oil/gas royalties. That said, Maine citizens appear comfortable with, and supportive of, relying primarily on LMF bonds.
- ❖ Maine conservation projects have been very successful in attracting federal funding from a wide range of programs utilizing state funds as match. Until recently, Maine was the national leader in securing Forest Legacy funds. In recent years, the Administration chose not to take advantage of many of these federal funding opportunities for land acquisition reducing their availability for important projects.
- ❖ There is a growth opportunity for private conservation philanthropy because Maine's land resources are plentiful and exceptional. This is particularly true for projects addressing climate change because Maine has an important resilient landscape, as well as for philanthropy focused on underserved rural and urban populations for projects that highlight connection between community and conservation. Conservation is a significant and growing interest for donor advised funds, a philanthropic source which has grown dramatically in recent years. Availability of public dollars is important to leverage these funding sources.
- ❖ LMF was designed to be a collaborative process by which the LMF Board, staff and applicants had the common goal of successfully completing land conservation projects in an expeditious manner, while assuring high quality projects that makes wise use of taxpayer dollars. However, in recent years it has become increasingly challenging to navigate the LMF process in a clear, timely, and consistent manner creating uncertainty for landowners, land trusts and other LMF partners. This

challenge has resulted from a combination of inadequate LMF staffing, legal assistance and state agency support along with increasing or changing requirements for applicants.

Proposed Actions

Action Item 3.A: Put forward a bold new \$65 million Land for Maine's Bond Issue that will provide stable funding for the program over the next five years.

Action Item 3.B: Leverage all available land conservation funding sources to the maximum extent possible. In particular, ensure that all funding opportunities available through federal programs such as the Forest Legacy Program and the Agricultural Conservation Easement Program are actively pursued.

Action Item 3.C: Increase LMF Program staffing and legal assistance (at least to previous levels) and provide related state agency support (from DACF, DIF&W and DMR) in order to eliminate the backlog of acquisition projects now in the pipeline and adequately handle those to be created through new bond funding.

Action Item 3.D: Have the next LMF Board work with stakeholders to identify opportunities to streamline, clarify, and make consistent the LMF process so that applicants can navigate projects forward in a timely manner with reasonable expectations and to effectively coordinate LMF acquisitions with federal acquisition programs that can leverage state dollars.

Recommendation 4: Work cooperatively with landowners to support good stewardship and ensure that Maine's tradition of public access to private lands is maintained.

Key Findings and Challenges

- ❖ Roughly 94% of Maine's forestland is in private hands and close to 80% of private lands are not permanently conserved.
- ❖ Maine's private landowners provide significant benefits to the public by allowing access and use of their lands for hunting, fishing and recreation. This long-standing tradition of public use of private lands is increasingly threatened by illegal dumping and other unauthorized uses, development pressures, tax burdens, and pressures to maximize financial return from investments in land.
- ❖ Additional resources are needed to educate the public about the recreational use of private lands and to help manage conflicts between landowners and users. The current staffing and funding levels of Maine's Landowner Relations Program are inadequate to meet program objectives, and the problem is one that affects multiple state agencies as well as private stakeholders.
- ❖ Engaged private landowners are key to future land conservation efforts and to good stewardship of shared natural resources, yet there is a lack of understanding by interested landowners about who can help them and limited funding for technical assistance.
- ❖ Donated easements and conservation lands are an important tool for leveraging additional financial resources for land conservation yet funding direct costs for land transactions is an ongoing challenge for landowners and conservation organizations. Landowners who are willing to donate land or a conservation easement face a financial barrier when they are unable to fund the cash transaction costs, resulting in important lands remaining vulnerable when they would otherwise have been conserved.
- ❖ Maine's Landowner Liability Law offers critical protections for landowners who make their lands open to the public for recreational uses and is a critical tool for ensuring the tradition of public use of private lands.
- ❖ For nearly fifty years, Maine's Current Use Taxation Programs have protected working lands and open space, both integral to the State's rural character and economy. However, proposed legislative changes, in every legislative session, make many landowners wary of these programs and threaten the effectiveness of these current use taxation programs.
- ❖ Hundreds of thousands of acres of farm and forestland will change hands over the next decade, thanks to an aging landowner population. Choices regarding taxes, land management activities, public use and inheritance issues can have a major impact on the future availability of these lands for natural-resource based economies, recreation and habitat protection.

Proposed Actions

Action Item 4.A: Strengthen Maine's Landowner Relations Program:

- Provide the program with 5 additional Deputy Wardens, supported by new monies from the General Fund.

- Ensure the program integrates resources from other state agencies (including DACF, DMR, DECD) and nonmotorized user groups in order to increase the capacity of the program and to spread the burden of addressing issues with public use of private lands.

Action Item 4.B: Using the good work of the Landowner Relations Program as a catalyst, create a new public-private program (based upon the concept previously known as Landshare) to promote greater understanding and cooperation between owners and users of land by:

- providing recognition to private landowners who offer public access;
- promoting high standards of courtesy, respect and responsibility by outdoor recreationists (both from Maine and visitors) in their relations with landowners;
- developing informational resources, including signs, that can better educate recreational users and assist landowners in managing access; and
- providing assistance to landowners whose properties have been adversely impacted by public use (e.g. illegal dumping)

Action Item 4.C: Connect family and private forest owners with the tools they need to manage their land sustainably by:

- providing easy access to the right tools, resources and professionals, through the Maine Forest Service, NRCS and private programs such as My Maine Woods; and
- continuing support for state, federal and private programs that provide financial assistance for management planning and for implementation of sustainable land management practices.

Action Item 4.D: Expand privately-funded programs, such as those currently offered by the Maine Mountain Collaborative, Downeast Conservation Network, Maine Woodland Owners, and Maine Farmland Trust, that offer succession planning resources and financial assistance to cover transaction costs for landowners wishing to donate land or a conservation easement.

Recommendation 5: Target land conservation efforts to effectively protect critical natural resources and help Maine combat and adapt to a changing climate.

Key Findings and Challenges

- ❖ The climate is changing. Maine's forested landscape provides an important means to combat climate change through the sequestration of carbon both in the forest and in products derived from the forest. Moreover, certain areas and ecosystems have been identified as critical to future adaptation to climate change in Maine such as the undeveloped corridor running along Maine's Western Mountains and coastal wetlands subject to rising sea levels.
- ❖ A landscape fragmented by roads, energy infrastructure, dams, and development presents a barrier to many species whose range may shift. Maintaining landscape-scale connectivity and conserving a network of ecological reserves within a matrix of undeveloped land (including working forests and farmland) offers the best chance of retaining a variety of plants and animals.
- ❖ It is difficult for most private landowners to access financial incentives for managing their forests in a manner that would increase carbon sequestration. Furthermore, many smaller landowners and citizens are unaware of the important role forests play in tackling climate change.
- ❖ The State Wildlife Action Plan, prepared by MDIF&W, has identified important areas throughout southern Maine as important for preserving the state's rich biodiversity. However, it is the part of the state which has the least conservation ownership and where such ownerships tend to be smaller and not connected to one another.
- ❖ Land conservation can be an essential tool in preserving Maine's exceptional water resources including pristine lakes, major river systems, intact watersheds, native brook trout waters, and coastal estuaries.
- ❖ High-quality and user-friendly data provided by the Maine Natural Areas Program, Beginning with Habitat, and the Maine Office of GIS is essential for helping to guide land acquisition and stewardship efforts.
- ❖ We have access to robust data and tools that can help us understand vulnerability to climate change including The Nature Conservancy's Resilient and Connected Landscapes project, and the Maine Natural Areas Program's information on invasive species and highly resilient coastal sites.

Proposed Actions

Action Item 5.A: As part of a broader development of state climate policy, amend the LMF statute and create bond language to support projects that promote resiliency and connectivity and will help Maine's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate.

Action Item 5.B: Support public-private partnerships that facilitate monitoring, sharing information and developing stewardship strategies for addressing and adapting to climate change at local, regional and statewide scales.

Action Item 5.C: Place priority on utilizing available wildlife, aquatic and ecological assessment data to help increase conservation of land and water resources in areas of high biodiversity, seeking representation of all habitat types in each region of the state

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Recommendation 6: Ensure that land conservation benefits Maine's economy and communities.

Key Findings and Challenges

- ❖ The conservation of working forests, farmland and working waterfronts helps sustain industries that are integral to the state's economy. In the next decade there will be a major turnover in the ownership of these lands and businesses. Protecting the lands that support these industries is necessary for their viability into the future.
- ❖ Facing cuts to state revenue sharing and education funding at levels below the approved statutory goal of 55%, municipalities are under increasing financial pressure to provide existing services and balance their budgets without increasing property taxes. In some towns, the state's unwillingness to meet its financial obligations has heightened concerns about the impact of conserved lands on municipal revenues.
- ❖ With greater investment in infrastructure and better integration of planning related to tourism, transportation and economic development, communities could realize greater economic benefits from conserved lands.
- ❖ Maine's rural communities must continue to attract new residents in order to thrive. Conserved lands and recreational assets, including parks, trails, and access to water, can be among Maine's competitive advantages, yet often these amenities are not available or adequately publicized.
- ❖ Maine's prime farmland soils have the quality, growing season, and moisture needed to produce high yields of crops, but they are limited in supply. Conservation of productive soils can help ensure the availability of farmland and a local food supply for the future.

Proposed Actions

Action Item 6.A: LMF should continue to place a high priority on lands that support Maine's vibrant forestry, farming, fishing and tourism industries. The State should be aggressive in seeking funds from the Forest Legacy Program, the NRCS Agricultural Conservation Easement Program and other non-state dollars that support working lands conservation.

Action Item 6.B: Land Trusts should work closely with communities to plan for future land conservation and community recreational assets and should support policies that help municipalities address their fiscal pressures such as bolstering state revenue sharing and educational funding.

Action Item 6.C: Continue funding for the newly created Office of Outdoor Recreation. Encourage better integration of land conservation in state and regional planning efforts related to tourism, transportation, energy and economic development.

Action Item 6.D: Broaden awareness of the conserved land assets of the state. Support Maine Trail Finder and other resources that help the public learn about recreational assets. Encourage coordination to ensure promotion is targeted at sites with adequate infrastructure.