

Section III

Public Access to Maine Waters Fund



Overview

Purpose

The Public Access to Maine Waters Fund is designed “to get people to the water.” The Board will accomplish this by acquiring fee simple or public access rights on small parcels of land to create or enhance access points to lakes, ponds, rivers, and coastal waters. Lands for access could support a facility for trailered boats and/or small, hand-launched craft (canoes, kayaks, for example) and provide bank fishing (shoreline angling and wading), swimming, clamming, worming, or other water contact opportunities. Access is primarily intended for general public use but may be used for commercial purposes, provided that such commercial use does not exclude other uses by the general public.

Use of the Fund

Anyone proposing a project to be funded by the Public Access to Maine Waters Fund should determine if a project fits under the narrow and well-defined purpose of the Public Access to Maine Waters Fund or if it is more appropriate in the Conservation and Recreation Land category. Refer to the purpose statement above to make this distinction and determine which proposal category you should use.

State Agency Involvement

The majority of public water access sites are acquired, developed, and managed by - or with assistance from - the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife. These departments often need to act quickly to acquire water access sites for the following reasons: the scarcity of good sites; the high level of demand for the sites; and the time required to carry out appraisals and site suitability assessments. Recognizing these factors, the Board created an expedited process allowing State agencies and cooperating entities to take quick action to secure water access sites. State agencies use established priority lists and other qualifying criteria to select sites. The Board will review funding requests and determine the amount of funds it will contribute to the project. See [“List of Contacts”](#).

Who Can Apply

DACF and MDIFW have the primary responsibility for public water access projects. However, this process is open to any party qualified to receive LMF funding. Any applicant (municipality, land trust or other cooperating entity) wishing to take advantage of this expedited process must work with one of these State agencies in advance of their proposal to the Board. An applicant may take the lead, and hold title to the land, but must seek the guidance and support of the appropriate State agency.

Access to Maine's Waters Fund Proposal Process

The Departments use the lists of priority water bodies developed in the *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (MDIFW and DOC, 1995) and *Coastal Water Access Priority Areas for Boating and Fishing* (SPO and DMR, 2000). These lists are updated periodically as new information becomes available. Applicants should consult with the appropriate agency to determine if the potential water access site is in one of the priority areas or otherwise meets the Agency criteria for water access needs. LMF staff can assist in this process.

Priorities for inland and coastal water access sites are determined based on the following:

- * Location of the water in relation to population centers and other water access sites;
- * Size of the water body and the diversity of recreational opportunities it offers;
- * Level of and proximity to existing public access sites and access needs;
- * Value of fisheries opportunities based on MDIFW and/or DMR's evaluation;
- * Expected demand and diversity of uses of the site, current or anticipated;
- * Threat of conversion to other uses, such as development.

Inquiry Form

When a water access acquisition opportunity becomes available and it conforms to the LMF criteria, the agency or cooperating entity will notify the LMF Program Director and submit an Inquiry Form. This short form can be submitted at any time (see [Appendix A](#)). The Inquiry Form is used by LMF and Designated State Agency (DSA) staff to evaluate project eligibility and appropriate DSA sponsorship. The applicant will be informed of sponsorship decisions.

Proposal

If the project is sponsored by a DSA, the applicant may submit a proposal to the LMF Director following the [Proposal Format and Instructions](#). This proposal must be submitted at least 30 days in advance of a scheduled Board Meeting, so LMF Board Members are able review the information prior to their meeting discussion. At the Board meeting, the agency or cooperating entity will present the proposal to the Board.

Expedited Process Guidelines for Applicants

- Applicant complete appraisal(s) ahead of negotiations and makes the appraisal(s) available to the Appraisal Oversight Committee (AOC), so that if issues arise, they can be addressed prior to an offer. This review can be done even before the project becomes a proposal to the Board.
- Use an appraiser who follows the Land for Maine's Future [Appraisal Standards](#).

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- If a Purchase and Sales contract must be in place before Committee and Board discussions take place, make sure it is conditioned on AOC and Board approval. It is also important that you make it clear to the seller that it is the Board's policy not to participate in projects where the purchase price exceeds fair market value as determined by an appraisal.
- When presenting a proposal to the full Board, be familiar with the Board's policies and guidelines, anticipate questions, and work with staff to review your proposal. Staff can assist you in anticipating questions and designing proposal materials which will contribute to an expeditious Board review.

Water Access Proposal Format and Instructions

Please use the following proposal structure and numbering sequence to provide information. If not applicable, please indicate by placing a N/A.

Submit an electronic PDF and one printed copy of your proposal to:
Land for Maine's Future
22 SHS / 18 Elkins Ln. / Harlow Building Augusta, ME 04333-0022
LMFSubmissions.DACF@maine.gov

1) Applicant

Name, address, and phone number of the applicant and the primary contact person. The entity that will hold the property in fee or easement must be listed as an applicant or co-applicant on the proposal.

2) Agency Sponsor

Indicate which of the following is the project sponsor and include a letter from the sponsoring agency:
Department of Inland Fisheries & Wildlife, Department of Agriculture, Conservation and Forestry, or Department of Marine Resources

3) Date of Proposal

Indicate the date you submitted your proposal.

4) Project Title - Body of Water

This is the title by which your proposal will be catalogued by Program staff.

5) Location of Project

Provide the name of the municipality/township and county. Provide the numbers of Senate and House Districts.

6) Status of Title

Clear title is required prior to closing. Provide a brief status of title and documentation if available. Include a copy of the recorded deed, including book and page reference of subject property.

7) Interest to be acquired

Indicate if your project is an acquisition in fee, an easement, or a combination.

8) Size

Indicate how many acres your project encompasses and identify fee acres versus easement acres if appropriate.

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9) Owner(s)

Include name and address of the current landowner(s). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the proposal.

10) Partners

List other entities participating in this project. Include address, phone, and e-mail.

11) Proposal Budget

Use the form in [Appendix C](#). Note: the Board will not consider a proposal with an incomplete budget.

12) Project Description

Include a narrative description of the project as well as the context surrounding it.

13) Location Information

Provide a selection of easy-to-read maps including:

- 1) A map showing project location and regional perspective;
- 2) A USGS Topographic Base Map - showing entire boundary of proposed project, legal access and proximity to other public and private conservation lands.
- 3) A GIS-compatible shapefile;
- 4) Other Maps as Appropriate

14) Demonstration of Need

Indicate whether the project has been designated as a priority water access site, and by which agency. Contact the sponsoring agency for further information. If it is not, provide documented, credible evidence that supports the need for public access to the lake, river or coastal area. The sponsoring agency must support this need.

15) Suitability for Intended Use

Demonstrate that the property has no legal constraints preventing its development and use for the intended access, and that the physical characteristics of the site are suitable for the intended access and development needed.

16) Impact on Natural Resources

Describe what, if any, impact the proposed access will have on the natural and cultural resources of the water body and the surrounding land. This assessment is to be performed by the appropriate natural resource agency (DACF, MDIFW, DMR), and in consultation with the Maine Natural Areas Program and the State Historic Preservation Office.

17) Existing Public Access on Proposed Water Body

List and describe all other public access sites that exist on the lake or pond along which your parcel is located. If the site is along coastal or riverine waters, list the closest public water access site and the type of site (e.g., boat launch site, place for shoreline angling).

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18) Value of Fisheries Opportunities

List and document any significant fisheries that are currently or will be enjoyed by future users of this access site.

19) Expected Demand and Diversity of Uses

Describe the type of use - either current if it is an existing privately owned site, or anticipated - at the proposed site and the number of different user groups that will benefit from the proposed site.

20) Threat of Conversion to Other Uses, Especially Development or Non-Water-Dependent Uses

Indicate the degree of threat to development, or the conversion to other non-water dependent uses, of the proposed site.

21) Estimate of monitoring and management costs

Provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the proposal involves acquiring an interest in property, the proposal must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Estimates of the costs to the State or cooperating entity of managing the land for the uses proposed in the proposal. Please indicate if you are applying for a LMF Stewardship Award as part of the proposal (if yes, Stewardship Award request information must be entered in the [Project Budget](#)); and
- Estimates of the costs associated with monitoring compliance with an easement when an easement is acquired.

22) Project Readiness

To ensure that the project can be completed in a timely manner, the LMF Board considers how many due diligence items are completed at the time the proposal is submitted.

- The property is under contract, or will be under contract at the time the LMF Board meets to review proposals;
- For conservation easement projects, the applicant is able to provide a complete conservation easement or conservation plan meeting LMF's requirements;
- The applicant will have match funds secured by the time the LMF Board meets to review proposals. If match funds are not secured at the time of the proposal, the proposal should include a description of fundraising and/or grant application efforts; and
- The applicant has a plan for completing LMF's due diligence requirements.

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23) Organizational Capacity

Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. Land trusts that have been accredited by the Land Trust Accreditation Commission may submit proof of accreditation as proof of capacity. Non-profit applicants without proof of accreditation must submit their most recent financial audit if one exists and the most recent financial statement that represents the organization's current financial condition. The Board may consider all relevant factors including without limitation: organizational debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Be sure to describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.