

Maine

Forest Legacy Program



Assessment of Need
February 2020

I. FOREWORD

Maine's Forest Legacy Program was established in 1994 at the culmination of the work of the congressionally mandated Northern Forest Lands Council. The council identified over thirty-five actions to reinforce the Northern Forest region's traditional patterns of land ownership and use, the first of which was to ensure the consistent and adequate funding by Congress of the Forest Legacy Program. This recommendation came at a time when both public and private efforts were growing to protect forestland in Maine from conversion to non-forest uses.

Many factors have created uncertainty about the long-term stability of Maine's northern forest, and this has led to a significant increase in land protection efforts in the past 25 years. Land ownership changes began occurring at a rate unseen in Maine's history. Six million acres or one-third of Maine's commercial forestland changed hands between 1998 and 2003. New types of landowners, timber investment management organizations (TIMOs) and real estate investment trusts (REITs), began acquiring significant acreage in Maine. These new landowners carried with them a significantly shorter ownership timeline than prior industrial landowners. At the same time, liquidation harvesting became prevalent, causing widespread public concern over unsustainable forest management practices and ultimately resulting in legislation limiting the practice. Finally, development pressure continued throughout Maine's northern forest, including the establishment of "kingdom lots," large tracts purchased by wealthy individuals for personal use. Although for the most part, fears about kingdom lots have not been borne out, combined these factors raised concerns about the long-term availability of Maine's forestland for traditional forest uses.

As forestland ownership and management have evolved in Maine, so too have land protection efforts. In response to greater pressures over conversion of working forestland to non-forest uses, the state of Maine and non-profit land conservation organizations responded by pursuing increasingly large land protection projects. This resulted in close to 3 million acres of forestland being permanently protected by fee or easement over the past 30 years. In addition to the substantial private dollars that were necessary to achieve this, many state and federal funding sources beyond the Forest Legacy Program have played a crucial role in protecting Maine's forestland, including the North American Wetlands Conservation Act (NAWCA) grants and Maine's Land for Maine's Future Program (LMF) grants, to name only two.

Since 1994, through the Forest Legacy Program alone, Maine has received over \$76 million and has permanently protected by fee or easement the public values and traditional forest uses of over 741,000 acres of Maine's forest. This has been accomplished through the completion of twenty-one projects comprised of 37 parcels located from York County to Aroostook County and ranging in size from the small but strategic Little W Seboomook inholding at 72 acres to the landscape-scale West Branch project at 328,364 acres (see Appendix 1 for a complete list of all Forest Legacy projects completed and underway).

Each State electing to participate in the Forest Legacy Program must assign a lead State agency to oversee FLP administration through a Governor-level designation or pursuant to State law. The State Lead Agency is usually a forestry agency, but may be another natural resource or land management agency. Maine's State Lead Agency, originally designated as the Maine Forest Service, was changed to the Maine Department of Agriculture, Forestry and Conservation, Bureau of Parks and Lands (BPL) by approval of the U.S. Forest Service (see Appendix 2, letter dated July 2, 2001). Maine's State Stewardship Committee established a Maine Forest Legacy Committee (see Appendix 3, letter dated

April 24, 2004 for authorization, and Appendix 4 for Committee purpose and membership) to work with the State Lead Agency on matters related to the Forest Legacy Program.

States interested in participating in the Forest Legacy Program are required to demonstrate eligibility through development of an Assessment of Need (AON) and a State Forest Action Plan. In accordance with FLP Guidelines, Maine has elected to keep its Forest Legacy Assessment document as a separate, standalone appendix to its State Forest Action Plan. Maine's Assessment of Need was modified in 2005, 2010 and 2012. This 2019 Maine Forest Legacy Program Assessment of Need was prepared in response to the Forest Legacy Program Implementation Guidelines requirement that the AON be reviewed at least every 5 years. This AON incorporates only minor changes including: the addition of climate resiliency to the list of Public Values Maine's forests provide; updates to project numbers, acreage and associated tables; minor revisions to the application scoring criteria; and a simplification of emerging policy issues. In February of 2020, an additional amendment was made to include the U.S. Department of Defense in the list of eligible governmental entities outlined in Section VI.

II. DEFINITIONS

1. Traditional Forest Uses – Activities commonly associated with the use of forestland in Maine. These activities could include, but are not limited to: public access, timber harvesting, hunting, fishing, trapping, hiking, camping, cross-country skiing, snowshoeing, horseback riding, picnicking, boating, swimming, bicycling, snowmobiling, foraging, outdoor education and nature study including scientific and archeological research, and nature observation.
2. Commercial Forest Land – Land used primarily to grow trees for the harvest of timber, wood and other forest products for commercial use, but does not include ledge, marsh, open swamp, bog, water and similar areas, which are unsuitable for growing a forest product or for harvesting for commercial use even though these areas may exist within forest lands.
3. Environmentally Important Forests – a parcel that includes multiple public values as described in Section III.
4. Forest Land Threatened by Conversion to Non-Forest Uses – Forest land which contains characteristics which make such land attractive to changes such that the Traditional Uses and values of the property are reasonably expected to be at risk. These characteristics include, but are not limited to: close proximity to roads; short travel time from population centers; habitat and forest degradation; potential for parcelization; the existence of water resources such as streams, rivers, ponds, and lakes; scenic values and the presence of outdoor recreation opportunities.

III. GOALS OF MAINE FOREST LEGACY PROGRAM

The goal of Maine's Forest Legacy Program is to prevent the conversion of Maine's forest to non-forest uses, and thereby protect Maine's Traditional Forest Uses and a wide range of Public Values that Maine's forests provide, including:

- a. the production of timber, fiber and other forest products;
- b. economic benefits from non-timber resources;
- c. public recreation opportunities, including tourism activities;

- d. high environmental value plant and animal habitat as identified by state, regional, or federal programs; habitat for rare, threatened or endangered plant or animal species; and rare or exemplary natural communities;
- e. resilient landscapes that protect the integrity of Maine's forests and critical ecosystem services and the ability to adapt to a changing climate;
- f. large, unfragmented habitat blocks that provide critical habitat needs;
- g. water supply and watershed protection, and/or important riparian areas, wetlands, shorelines, or river systems;
- h. scenic resources (such as mountain viewsheds, undeveloped shorelines, visual access to water, and areas along state highway systems); and
- i. historic/cultural/tribal resources of significance.

IV. ELIGIBILITY CRITERIA USED IN DETERMINING MAINE'S FOREST LEGACY AREA

Maine's Forest Legacy Committee, working in association with the Bureau of Parks and Lands, established the following eligibility criteria for use in determining Maine's Forest Legacy Area. These criteria are based on Maine's historical Eligibility Criteria which were most recently approved as part of the state's 2010 Modified Assessment of Need. Eligible lands are those that:

1. Include forest land threatened by conversion to non-forest uses;
2. Provide opportunities for Traditional Forest Uses and contains some or all of the Public Values defined in Section III; and
3. In compliance with Forest Legacy Program requirements, contain parcels which are at least 75% forested and on which more than 50% of the land meets the definition of commercial forest land (the Maine Forest Legacy Program also assures compliance with the requirement that compatible non-forest uses account for "less than 25% of the total area" as described in the federal Forest Legacy Program Implementation Guidelines).

V. IDENTIFYING MAINE'S FOREST LEGACY AREA

A. LOCATION AND CONSISTENCY WITH ELIGIBILITY CRITERIA

Appendix 5 includes a map of Maine's Forest Legacy Area as well as a complete list of towns and townships included therein. Maine's Forest Legacy Area originally encompassed the entire portion of the Northern Forest Lands Study Area that lay in Maine as this large block of land met the established eligibility criteria outlined in Maine's 1993 Modified Assessment of Need. Since that time, Maine's Forest Legacy Committee has undertaken several reviews of and modifications to the Forest Legacy Area (see Appendix 6).

2018-2019 Review

As part of its 2018-2019 review process, the Forest Legacy Committee considered the fact that most of coastal Maine, and most of Maine's southern counties are not included in the Forest Legacy Area. While these regions face the most pressure of forestland conversion to other uses, the predominance of smaller holdings that often lack professional management better lend themselves to Maine's Tree Growth and Open Space tax laws. These current use taxation programs offer a simpler approach to forestland conservation. Neither program offers permanent

protection from development, but the significant penalties associated with change of use create an effective barrier to development. Communities in this region are increasingly considering the USFS Community Forest Program as a tool for forest land conservation.

Through its review, the committee determined that no changes were needed to the existing area and that the entire Forest Legacy Area is consistent with Maine's eligibility criteria, encompasses environmentally important forests, and is consistent with the original purposes for which Congress established the Forest Legacy Program.

B. IMPORTANT ENVIRONMENTAL VALUES AND HOW THEY WILL BE PROTECTED

The Maine Forest Legacy Committee determined that the Maine Forest Legacy Program will focus on acquiring conservation easements or fee interest in lands in order to protect the Traditional Forest Uses and Public Values of Maine's forests, as defined previously. These Public Values are derived from the environmental assets of Maine's forests and hence, for the purposes of its Forest Legacy Program, Maine's public and environmental values are one and the same. Maine is committed to protecting the Public Values of Maine's Forests through the following means:

1. It is the intent of the Maine Forest Legacy Program to use Forest Legacy Program funds for the purchase of both conservation easements and fee interest in lands. It is understood that the use of conservation easements is an effective means to protect interests in lands while maximizing the use of federal funds. The acquisition of fee interest in lands is also important, particularly for protecting areas of high ecological value. Lands for which a fee interest is acquired will be managed for Public Values.
2. As part of the state's assessment of all lands, the owner of the subsurface rights to the land will be identified, and a determination made as to whether the acquisition of mineral rights is necessary to realize the purposes for which the land is entered into the Forest Legacy Program. Land or interest in land is typically not acquired if the mineral rights have been severed, because those severed rights pose a threat to surface disturbance and the protection of Maine's Forest Legacy Program goals.
3. Where conservation easements are employed as the method of land protection, a forest stewardship plan will serve as the means for describing specifically how easement provisions will be met. BPL, working in concert with its land protection partners as well as the Department of Inland Fisheries and Wildlife, the Maine Natural Areas Program and the Maine Forest Service, will develop easement provisions that meet FLP Guidelines and where applicable:
 - a. seek to protect significant recreational, wildlife and ecological values for public benefit (for example, important deer yards and significant recreational trails may be identified in the forest stewardship plan and protected through the terms of the easement);
 - b. seek to protect rare and endangered species habitat, rare and exemplary natural communities and other significant wildlife values such as fisheries habitats and deer yards, and natural, scenic, educational, scientific, recreational, historical, cultural and tribal resources (for example, as part of the forest stewardship plan, the state will consult with the Maine Natural Areas Program to identify rare, threatened and endangered species habitats and may include special protection provisions for such habitats in the easement);
 - c. seek to protect water supplies and watersheds, riparian areas, wetlands, shorelines and river systems, and maintain soil fertility and quality (for example, the forest stewardship

plan may address how Best Management Practices will be used to protect soils at risk of erosion from timber harvesting; significant wetlands may be identified and an adequate buffer established to ensure their protection; these values may be protected through the terms of the easement);

- d. seek to assure the sustained, natural capacity of the property and its soils to support healthy and vigorous forest growth, and that, so long as the property is managed as a working forest, commercial forest management, if undertaken, will provide a continuing, renewable and long-term source of forest products, maintain a healthy and biologically diverse forest that supports a full range of native flora and fauna, and limit adverse aesthetic and ecological impacts, particularly in riparian areas, high elevation areas and public vistas.

Conservation easement transactions shall require that a Forest Stewardship Plan or multi-resource management plan, prepared in accordance with Maine Forest Service standards, then-current, be approved before or at closing by the State Forester or designee, as required by 2017 federal Forest Legacy Program Implementation Guidelines section V.17.

The post-closing requirements for modification of Forest Stewardship Plans or multi-resource management plans is governed in part by section V.17 of the Implementation Guidelines, but also by procedures dictated by the terms of the conservation easement. Maine shall require that the forest planning documents be kept current and updated pursuant to the terms drafted into the easement. Modification of the forest planning documents must be agreed to by the Holder, but if Holder provides no comments following consultation, the landowner may proceed with adoption of the revised document. Sample easement language used in recent easements approved by state and federal parties under current federal guidance is as follows:

Holder Review (where there is NO Third-Party Certification):

Grantor shall submit the Multi-Resource Management Plan and any updates or amendments thereto to Holder, and Holder shall review the Plan for consistency the Purposes and other terms of this Conservation Easement. Holder shall provide written comments to Grantor within 30 days of receipt of the Plan, identifying and explaining any portion of the Multi-Resource Management Plan that Holder finds may be inconsistent with the terms of this Conservation Easement and that could result in a violation of this Conservation Easement. If Holder has provided no comments within such 30-day period, Grantor may proceed with adoption of its Plan. The Parties acknowledge that the purpose of the Multi-Resource Management Plan is to guide management activities so that they are in compliance with this Conservation Easement, and that the actual activities and outcomes on the Protected Property will determine compliance with this Conservation Easement. Holder's right to provide comments or failure to exercise that right does not constitute a waiver of the terms of this Conservation Easement.

Holder Review (where there IS Third-Party Certification): *Federal Guidance has been interpreted to allow the Third-Party Certification process to suffice for any post-closing consultation or agreement; Third-Party certification suffices as an alternative to the pre-closing requirements for a Forest Stewardship Plan if 1) the State Forester or designee has approved the third-party forest certification the property is part of, 2) the State Forester or designee has had an opportunity to review the plan and 3) there is a contingency plan for the*

creation of a Forest Stewardship or Multi-resource Management plan if the land was no longer to be certified. The easement holder must also have the ability to review overview certification documents over the years to ensure compliance with the easement purposes; and

- e. seek to assure the availability of the property for traditional non-intensive outdoor recreation by the public (for example, access by the public for specifically identified recreational activities may be protected through the terms of the easement). The acquisition of development rights and other rights, and the placing of restrictions on human activities that could impair critical habitat, degrade water quality or harm important vistas, all may be employed to ensure that Maine's environmental values are protected. By requiring guaranteed public access on Maine Forest Legacy Program parcels, Maine's traditional forest uses will also be protected.

C. CONSERVATION GOALS OF MAINE'S FOREST LEGACY AREA

The conservation goals of Maine's Forest Legacy Area are to prevent the conversion of Maine's forest to non-forest uses, and thereby protect Maine's traditional forest uses and a wide range of Public Values that Maine's forests provide, as defined in Section III.

D. PUBLIC BENEFITS DERIVED FROM ESTABLISHING MAINE'S FOREST LEGACY AREA

The public benefits to be derived from Maine's Forest Legacy Program include the:

1. Production of timber, fiber and other forest products;
2. Economic benefits from non-timber resources;
3. Public recreation opportunities and access for Traditional Forest Uses;
4. High value plant and animal habitat as identified by state, regional, or federal programs; habitat for rare, threatened or endangered plant or animal species; and rare or exemplary natural communities;
5. Water supply and watershed protection, and/or important riparian areas, wetlands, shorelines, or river systems;
6. Sequestration of carbon, which reduces greenhouse gas emissions and helps combat a changing climate;
7. Scenic resources (such as mountain viewsheds, undeveloped shorelines, visual access to water, and areas along state highway systems); and
8. Historic/cultural/tribal resources of significance.

VI. **GOVERNMENTAL ENTITIES THAT MAY HOLD LAND OR INTERESTS IN LAND**

As Maine's State Lead Agency, the Bureau of Parks and Lands, has and continues to be the preferred agency to hold right, title or interests in lands protected with Forest Legacy Program funding. Listed below are other agencies that may hold right, title or interests in lands protected with Forest Legacy Program funding. These agencies, including BPL, may enter into management agreements with non-governmental entities to help manage protected lands.

- a. Maine DACF, Bureau of Parks and Lands
- b. Maine Department of Inland Fisheries and Wildlife
- c. Maine Department of Marine Resources

- d. Maine DACF, Bureau of Forestry
- e. U.S. Department of Agriculture Forest Service
- f. U.S. Department of Interior, National Park Service
- g. U.S. Department of Interior, Fish and Wildlife Service
- h. U.S. Department of Defense
- i. Local Governments

VII. PUBLIC INVOLVEMENT PROCESS

Maine's Forest Legacy Program has been guided by the following documents: an original Modified Assessment of Need (AON) adopted March 18, 1994, an updated Modified AON adopted March 25, 2005, and an updated Modified AON adopted in June of 2010. Prior to the adoption of each document, the State undertook a thorough public involvement process to solicit feedback on the proposed Program guidelines. Forest landowners, land conservation organizations and others interested parties were notified by email of the draft document and public comment opportunity. All towns, townships and unorganized territories proposed for addition to or removal from Maine's Forest Legacy Area were notified in writing and provided an opportunity for comment. The draft Statewide Forest Resource Assessment and Strategy document was posted for public comment on the DACF Maine Forest Service website. The general public was notified of the opportunity to comment through a media release to all major Maine media outlets and an email message to all subscribers to the agency's various listservs. This served as a means of publication for the Forest Legacy Program Assessment of Need as well. The draft Forest Legacy Program Assessment of Need was posted on the DACF BPL's website enabling the public to submit comments online.

VIII. MAINE FOREST LEGACY PROGRAM POLICY ISSUES

Maine's Forest Legacy Program seeks to be fully compliant with existing federal guidance on the use of Forest Legacy Program dollars for uses such as communications facilities, transmission lines and other linear non-forest corridors, energy generation infrastructure (including wind power), gravel extraction, and providing ecosystem service markets. These issues are addressed in the Forest Legacy Program Implementation Guidelines (revised May 2017). At the same time, the Maine Forest Legacy Committee seeks to learn more about emerging policy areas that impact Maine's forests so that future guidance about key issues may be developed and incorporated into Maine's Forest Legacy Program policies and procedures, and so Maine can influence consideration of key issues at the Federal program level as appropriate.

IX. APPLICATION AND PRIORITIZATION PROCESS FOR MAINE FOREST LEGACY PROJECTS

With approval from the Governor, each year the Maine DACF submits a prioritized list of potential Maine Forest Legacy Program projects to the U.S. Forest Service in hopes of securing Forest Legacy Program funding. This prioritized list is based on a ranking process undertaken by Maine's Forest Legacy Committee. In order to consider the broadest range of potential Forest Legacy Program projects from throughout Maine's Forest Legacy area, the Forest Legacy Committee issues a Request for Proposals (RFP) once each year.

Projects must be described in a proposal and submitted in five copies to the DACF BPL by the RFP deadline, which is typically in June. Landowners and land protection partners interested in submitting proposals must include the following in a narrative application (each item must comply with page limits, have 1" page margins, single spacing and font size of 11 point or larger):

- A. Summary Information Form (see attached – Maximum of 2 pages);
- B. A detailed description of how the proposed project meets the Minimum Required Criteria of Maine's Forest Legacy Program (see attached list) (Maximum of 2 pages);
- C. A detailed description of how the proposed project addresses each of Maine's Forest Legacy Scoring Criteria (see attached list) (Maximum of 10 pages);
- D. Map(s) of the project area;
- E. Letters of support; and
- F. A budget of the project, including the source and amount of matching funds, and detailing how the project meets Forest Legacy Program match requirements of at least 25% of the total project costs. The project budget should include a line item for a stewardship endowment, and a description of the extent of the applicant's commitment to raise stewardship endowment funds by the date of closing, or an explanation of planned alternative approaches or commitments to stewardship. A signed Memorandum of Understanding between the State lead agency and the applicant concerning the stewardship endowment must be executed prior to submitting the application to the U.S. Forest Service.

Proposals are first evaluated and numerically scored by a Scoring Subcommittee of Maine's Forest Legacy Committee. The Scoring Subcommittee is comprised of two or three other Maine Forest Legacy Committee members. No Maine Forest Legacy Committee member representing an applicant may serve on the Scoring Subcommittee. Numerical scores and a narrative assessment of each project, including a judgment as to the project's readiness, will be forwarded to the full Forest Legacy Committee. This scoring is advisory to the full Forest Legacy Committee and is intended to provide a systematic context for considering the applications. The full Forest Legacy Committee will then make a final recommendation on the selection and prioritization of that year's potential Maine Forest Legacy projects. No Forest Legacy Committee member representing an applicant, the landowner or other partner with a material interest may vote on funding recommendations. The Forest Legacy Committee member representing the DACF BPL may vote and participate in these deliberations. Applicants will be notified of the Committee's project selection and prioritization recommendations within four months of the RFP deadline. Selected applicants will then work with BPL to prepare project briefs to submit to the U.S. Forest Service. The Maine DACF will submit draft project briefs and a prioritized list, including requested funding levels, of potential Maine Forest Legacy projects to the U.S. Forest Service, Eastern Region for funding in the following fiscal year. Following review by the Eastern Region Forest Legacy Program staff, additional edits to project briefs may be made by the applicant and BPL prior to final submission to the U.S. Forest Service Washington Office. The Maine DACF will ensure that all materials are submitted in accordance with the deadlines set forth in the Forest Service call for projects for that year.

A. Maine Forest Legacy Program Summary Information Form

Maine Forest Legacy Program proposals are due once each year, generally June 1st. Proposals in five copies must be sent to the Department of Conservation, Bureau of Parks and Lands, 22 State House Station, Augusta, Maine 04333-0022. An electronic copy of the proposal must also be submitted by pdf. Please provide the following information as part of your Maine Forest Legacy Program proposal (maximum of 2 pages).

1. Date
2. Project Title
3. Project Location (township and county)
4. Name, Address, Telephone Number and Contact Person of Landowner
5. Name, Address and Telephone Number and Contact Person of Partner Organization (if applicable)
6. Land Protection Method (easement or fee) and Management Entity Proposed
7. Abstract of Project
8. Estimated Total Project Cost
 - a. Acquisition cost
 - b. Pre-acquisition costs including, but not limited to, legal, survey and appraisal costs
9. Forest Legacy Funding Request (\$) (must not exceed 75% of the above Total Project Cost)
10. Matching Funds to be provided (\$ and source) (must equal at least 25% of the Total Project Cost)
11. Annual Management Costs and Easement Stewardship Endowment Commitment (see Appendix 7)

B. Maine Forest Legacy Program Minimum Required Criteria

1. Parcels must be within Maine's Forest Legacy Area.
2. Parcels must be at least 75% forested, and more than 50% of the land must meet the definition of commercial forest land (land used primarily to grow trees for the harvest of timber, wood and other forest products for commercial use, but does not include ledge, marsh, open swamp, bog, water and similar areas, which are unsuitable for growing a forest product or for harvesting for commercial use even though these areas may exist within forest lands).
3. Parcels must be threatened by conversion to non-forest use (contains characteristics which make such land attractive to changes such that the traditional uses and values of the property are reasonably expected to be at risk. These characteristics include, but are not limited to: close proximity to roads; short travel time from population centers; habitat and forest degradation; potential for parcelization; the existence of water resources such as streams, rivers, ponds, and lakes; scenic values and the presence of outdoor recreation opportunities). It is recognized that pre-acquisition of land may occur by a land protection partner at the request of the State as part of the land protection strategy for particular parcels. In this case, the parcels must have been threatened by conversion to non-forest use prior to pre-acquisition to meet the Minimum Required Criteria for Maine's Forest Legacy Program.
4. Proposed holder of right, title or interest in parcel must be among those cited in Section VI.

5. To the extent that it has the legal authority to do so, the landowner must guarantee unencumbered foot access to the parcels.
6. Landowner must guarantee access on the parcels for non-motorized recreational uses of the parcels, including but not limited to hunting, fishing, hiking, cross-country skiing and wildlife watching by the general public.
7. Proposal must meet Forest Legacy Program match requirements (the Forest Legacy Program will pay no more than 75% of the total project costs).
8. Proposal must provide evidence of intact mineral rights or demonstrate a plan to acquire them in time for application to the U.S. Forest Service.

C. Maine Forest Legacy Program Scoring Criteria *(for applications that meet Minimum Required Criteria)*

MAXIMUM Total Points: 100

IMPORTANCE CRITERIA (30 points maximum)

1. Identify total size of project: (0 pts if < 10,000 Acres; 2 pts if >10,000 Acres, 5 pts if > 20,000).
2. Describe to what extent the project contains each public value and how it will be protected through the project (maximum of 15 points)
 - a. Economic benefits from timber and potential forest productivity (including landowner commitment to sustainable forest management in accordance with a management plan and whether land is third party certified; whether forestry activities contribute to the region's resource-based economy; and whether the property contains characteristics to sustain a productive forest)
 - b. Economic benefits from non-timber products (such as non-timber forest products and guided outdoor recreation)
 - c. Public recreation opportunities
 - d. High value plant and animal habitat as identified by state, regional, or federal programs, including but not limited to Significant Wildlife Habitat; Beginning with Habitat Focus Areas; habitat for rare, threatened or endangered plant or animal species (including Essential Habitat and Critical Habitat); and rare or exemplary natural communities.¹
 - e. water supply and watershed protection, and/or containing important riparian areas, wetlands, shorelines, or river systems
 - f. scenic resources (such as mountain viewsheds, undeveloped shorelines, visual access to water, areas along state highway system)
 - g. historic/cultural/tribal resources of significance as formally documented or confirmed by a government agency or non-governmental organization

(1 pt for each public value significantly represented by the project; 0 additional pts if project is of primarily regional significance; 4 additional pts if project is of state significance; 8 additional pts if project is of national significance)

¹*Relevant data to this criterion may be obtained from MDIFW, the Maine Natural Areas Program, or the U.S. Fish and Wildlife Service. Other private or non-profit sources or individuals may have additional information relevant to this criterion.*

3. Describe access to the project for recreational purposes: (-5 pts if foot access to the parcel is not being guaranteed and/or vehicle access to project will not be available; 5 pts if foot access to the parcel is being guaranteed and vehicle access to the project will be available; scoring will recognize that vehicle access to certain lands such as high elevation parcels may not be appropriate).
4. Describe the future forest management objectives, what entity will be responsible for future forest management, how the property will be sustainably managed to protect the values identified in #2, and whether the property is or will be certified by a third party. (5 pts for third party certification).

THREATENED CRITERION (20 points maximum)

5. Describe the extent to which the values identified in #2 are under threat of loss or conversion to non-forest uses (or were under threat prior to pre-acquisition). Describe the type, severity and imminence of the threat. Include a description of any legal protections that currently exist on the property; landowner circumstances; adjacent land use; and physical attributes of the parcel that could facilitate conversion: (5 pts if threat of loss or conversion is low; 10 pts if threat of loss or conversion is moderate or long-term; 20 pts if threat of loss or conversion is high or imminent).

STRATEGIC CRITERION (30 points maximum)

6. Describe the property's relevance or relationship to conservation efforts on a broader level. Describe the scale of the broader conservation plan, the scale of the project's contribution to that plan, and the placement of the project within the plan area. Describe whether the project is adjacent to or otherwise located so as to significantly enhance the values of existing conservation land. (0 pts if property is not part of a broader conservation plan and does not substantially connect to other conserved lands; 15 pts if the property makes a modest contribution to a conservation effort and is near already protected lands; 30 pts if the property significantly advances a landscape scale or watershed-based conservation strategy through infill and/or key linkages and supports previous conservation investments.)

READINESS FACTORS AND OTHER CONSIDERATIONS (20 points maximum)

7. Describe the degree of match being provided as a percentage of the Total Project Cost (the Total Project Cost is the sum of acquisition and pre-acquisition costs, but does not include stewardship endowment; do not include funds raised for stewardship endowment as match). (0 pts if percent match is <50%; 10 pts if percent match is 50% or greater).
8. Describe the degree of project readiness including the status of each of the following:
 - a. preliminary appraisal
 - b. agreement on easement or fee acquisition conditions between landowner and state
 - c. cost-share commitment has been obtained from a specified source
 - d. signed option or purchase and sales agreement is held by the state or at the request of the state OR at the request of the state, conservation easement or fee title is held by a third party
 - e. title search is completed and includes statement of minerals determination
 (2 pt for each readiness factor completed, up to 10 pts maximum).
9. Describe the nature of ongoing management and stewardship of the fee or easement parcel. If fee, describe the potential for the parcel to generate revenue through timber harvesting, recreational fees,

or other revenue streams directly connected to the parcel. Describe the annual management and stewardship costs of the parcel and the size of endowment needed to cover these costs using, in the case of easements, the model recommended in Appendix 7. Describe landowner or conservation partner's commitment to raise the necessary endowment. (*No points*)

X. NON-DISCRIMINATION

Maine's Forest Legacy Program complies with all State and Federal statutes relating to nondiscrimination and all applicable requirements of all other State and Federal laws, Executive orders, regulations, and policies. Maine's Forest Legacy Program does not discriminate on the basis of disability, race, color, creed, religion, gender, sexual orientation, age, national origin or ancestry, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act and Executive Order Regarding State of Maine Contracts for Services. Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the ADA Compliance/EEO Coordinators, Natural Resources Service Center, 155 State House Station, Augusta, Maine 04333, 207-287-2214. Individuals who need auxiliary aids for effective communication in program and services are invited to make their needs and preferences known to Bureau of Parks and Lands or Forest Legacy Program staff.

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This document was prepared by Liz Petruska, in consultation with the Maine Forest Legacy Committee. It was reviewed and approved by: the Maine Forest Legacy Committee and by Andy Cutko, Director, Bureau of Parks and Lands, on behalf of the State Lead Agency.