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Dear Senator Dill, Representative Landry and members of the Joint Standing Committee on Inland Fisheries and Wildlife. I am submitting this letter in order to provide input on those portions of L.D. 404 that have an impact on the Land for Maine's Future Program.

Just over 30 years ago, the Maine Legislature established the Land for Maine's Future Program and declared: **"that the future social and economic well-being of the citizens of this State depends upon maintaining the quality and availability of natural areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions and scenic beauty and that the State, as the public's trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to assure that this Maine heritage is passed on to future generations."** (5 MRS §6200)

The Legislature directs the LMF Board to consider many factors when making project selections and has set the following priorities, among others, for LMF funding:

- Projects with matching funds,
- Projects that conserve lands with multiple outstanding values or a single exceptional value,
- Projects that protect deer wintering areas,
- Projects that provide geographic representation and
- Projects that build upon or connect existing holdings.

Some components of L.D. 404 strengthen or have a neutral effect on the State's ability to increase protection of deer wintering areas, while other components could have the unintended consequence of making the protection of deer wintering areas more difficult.

- **Sec. 2. of L.D. 404** (5 MRSA §6207, sub-§2) effectively elevates projects that protect deer wintering habitat identified by MDIFW to projects of statewide significance. This means the proposal will be scored and compared with all other projects identified as having resources of statewide significance. This change has a neutral effect, assuming the proposal meets all other LMF criteria.
- **Sec. 7. of L.D. 404** directs DIFW to determine the requirements for and cost of funding a new position to coordinate the acquisition and management of deer wintering areas. If funded, this position is the single-most effective means of ensuring the Department has the resources to work with willing sellers to cultivate land acquisition opportunities that could be brought to the LMF Board for funding. Action Item 3.C from the Maine Conservation Task Force's 2019 report, *Shaping the Next Generation of Land Conservation in Maine*, recommends increasing staffing

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support to DACF, DIFW and DMR in order to adequately handle land conservation opportunities created through new bond funding. Without additional capacity, no amount of new funding or elevation of priority will make acquisition of deer wintering areas happen more quickly.

- The amendment in **Sec. 1.** (5 MRSA §6203, sub- 3) is redundant with the provisions of L.D. 65, which was unanimously approved by the ACF Committee and has been signed by the Governor. L.D. 65 was introduced this session to ensure that a small investment (5% or appraised value) from the Land for Maine's Future Program could be applied toward the stewardship and management of lands acquired with LMF funding. This supplemental award will be available to all applicants and will be held in the applicant's dedicated stewardship account for the specific purpose of stewardship, defense, and management of the LMF funded property.
- **Sec. 3.** (5 MRSA §6207, sub-§3) expands upon the existing language that identifies deer wintering habitat as a priority for LMF funding. With the passage of the 2011 LMF bond, which identified the protection of deer wintering areas as a priority for funding, the LMF Board, in conjunction with DIFW, developed scoring criteria to address this priority. This criteria has been used in the last 2 calls for proposals.

The second sentence of this section, "Any lands acquired with proceeds from the Land for Maine's Future fund as a result of this preference must be acquired by or conveyed to the Maine Department of Inland Fisheries and Wildlife..." may present challenges for a number of reasons. The suggested amendment:

- Gives one applicant preference over all others. This is precedent setting for LMF and opens the door for other applicants to seek preferential treatment. Prioritizing resources, not applicants, ensures we maintain a fair and equitable process;
- Takes away the Department's ability to engage private landowners that may have an interest in selling a conservation easement to the Department with a required habitat management agreement, but who are not willing to sell the property in fee;
- Takes away the ability for a municipality or cooperating entity from acquiring a town forest or working forest with deer wintering habitat from being eligible for preferential scoring; and,
- Takes away the opportunity for those landowners that do not want to sell to a governmental organization.

This section could be amended to increase the number of options available to landowners. **Suggested change to Sec. 3 sentence 2:**

Any land or interest in land acquired with proceeds from the Land for Maine's Future fund as a result of this preference must be managed under a Cooperative Agreement approved by the Department of Inland Fisheries and Wildlife, with deer conservation as the highest management priority.

Deer wintering habitat has been a priority of the LMF Program. The primary way to ensure more deer wintering habitat projects come to LMF for funding is to increase capacity at MDIFW for cultivating these opportunities and engaging conservation partners in their protection. Any changes made to the LMF statute should be aimed at giving as many landowners and conservation partners as possible the opportunity to participate in protecting this priority resource.

Sincerely,
Sarah Demers