

**LAND CONSERVATION TASK FORCE
BACKGROUND PAPER: LANDOWNERS**

I. Introduction

Many of the landscapes and habitats we value today are the outcome of generations of farming and forest management, and of a land ethic that gave individual landowners great responsibility for caring for the state's natural resources. Few other states demonstrate both the breadth and depth of private land stewardship that is found in Maine. An overwhelming majority of Maine's land base continues to be owned and managed by private landowners, with more than 250,000 families and individuals owning more than a third of Maine's forest. As a whole, they represent the largest share (6.2 million acres) of the state's forest. Whether large or small, engaging private landowners and sustaining a connection with them is critically important because of the many roles they play: landowners provide food and fiber by actively managing our farms and forests, they offer safeguards for endangered species through partnerships with state and federal agencies, they allow public access for hunting and traditional recreation. Engaged private landowners are key to future land conservation efforts and to good stewardship of shared natural resources.

II. Existing Public Programs, Laws and Resources

Recreational Access and Landowner Relations Program

Managed by the Department of Inland Fisheries and Wildlife, this program provides resources for landowners and land users, with a goal of helping to maintain good relationships and to encourage good public stewardship of private lands and resources. Two wardens are tasked with working with large and small landowners to address issues that arise. The program is guided by the Landowners and Sportsmen Relations Advisory Board, which was created in 2003 by the Maine legislature and includes a variety of landowners and recreational users.

Outdoor Partners Program

Managed by IF&W, this program helps provide funding to protect Maine's longstanding tradition of public access to privately owned land. Funds from the Outdoor Partners Program go to enhanced law enforcement resources in areas where problems occur.

ME Landowner Liability Law (Title 14 §159-A. Limited liability for recreational or harvesting activities)

Maine has a strong law that protects landowners from liability, should someone become injured while using their land – considered by many to be among the best in the nation. The Maine Landowner Liability law limits the liability of landowners who allow access to their land for recreational or harvesting purposes, such as clamming.

USDA Natural Resources Conservation Service (NRCS) provides leadership, technical assistance and funding to address natural resource conservation issues on private land and support wise stewardship practices. NRCS employees work to improve and protect natural resources in partnership with Maine's sixteen Soil and Water Conservation Districts, federal, state and local agencies, farmers, landowners and communities. Programs such as the Environmental Quality Incentives Program (EQIP) provide grants to farm and forest landowners to deliver environmental benefits such as improved water, reduced soil erosion and improved wildlife habitat.

Partners for Fish and Wildlife

This US Fish and Wildlife Service program was established in 1987 with a core group of biologists and a small budget for on-the-ground wetland restoration projects on private lands. This successful, results-oriented program has garnered support through the years and has grown into a larger and more diversified habitat restoration program assisting thousands of private landowners across the Nation.

Maine Forest Service

The Maine Forest Service has ten District Foresters who provide technical assistance and educational services to landowners, loggers, schools and educational institutions, municipalities and other stakeholders. Field Foresters conduct educational workshops, field demonstrations, media presentations and provide limited one-on-one contact with individual landowners. In addition, the WoodsWISE Incentives program currently offers cost-share assistance for forest management planning known as a Woodland Resource Action Plan.

Maine Soil and Water Conservation Districts

Soil and Water Conservation Districts (SWCDs) are subdivisions of State Government, governed by locally-elected Boards of Supervisors. There are sixteen SWCDs in Maine which generally correspond to county boundaries. SWCDs establish local priorities for conservation efforts. Emphasis is on agriculture and forestry although urban development is a priority in some districts. SWCDs hold workshops, set up demonstrations, offer educational programs, review development plans, and set priorities for one-on-one technical assistance, at the request of land occupiers.

Maine Current Use Taxation Programs

Maine has four "current use" programs that offer property owners a reduction in assessed value: Farmland, Open Space, Tree Growth, and Working Waterfront. The programs establish valuation of property at its current use, rather than at market value, and have been important for maintaining Maine's rich traditions of forestry, farming, fishing and recreation.

Farmlink

Maine FarmLink, a program of Maine Farmland Trust, is a linking service that helps connect people who are seeking farmland, with farmland Owners (or their representatives) who are looking to sell, lease or work out non-traditional tenure arrangements, based on their respective interests, needs and goals.

III. Landowners and the Land for Maine's Future Program

Working with Willing Sellers - The Land for Maine's Future Program states that one of its keys to success is respecting landowner rights by acquiring land only from willing sellers. Applications for LMF funding must include a written statement from the landowner with their consent that the property is being proposed to the Program. However, landowners seeking LMF funding need to be prepared for a process that can take up to several years, depending on the complexity of the project, the pace of due diligence investigations and the State review and approval process.

Public Access – Public recreational access is a core purpose of the Land for Maine's Future Program. All lands conserved with LMF funding are required to be open to the public. In addition, hunting, fishing, and trapping may not be prohibited on conservation and recreation lands acquired with bond proceeds, except to the extent of applicable state, local and federal laws and regulations.

Exceptions include farms and commercial working waterfronts, where public access and hunting may not be feasible or desirable.

IV. Progress over past thirty years and any major shortcomings.

- Maine's landowners have many resources available to them including a network of more than 75 land trusts who offer options for conserving private lands, and a range of local, state and federal agencies and organizations who provide technical assistance for managing land and financial incentives for good stewardship. Despite this, practitioners report there's still an incredible lack of understanding by landowners about who can help them. And studies show that limited funding for staff and technical assistance makes it difficult for agencies to communicate consistently with landowners.
- Protection of rare, threatened and endangered species is often reliant on the cooperation of landowners. Maine IF&W biologists report that "endangered species such as the piping plover, New England cottontail, and Northern Black Racer would have a much harder time than they already do" without the help of private landowners. In Maine, private landowners also provide important access for researchers studying the Big Four game species: black bear, moose, wild turkey, and white-tail deer.
- Hundreds of thousands of acres of farm and forestland will change hands over the next decade, thanks to an aging landowner population. Programs like Maine Farmlink have helped many farmers transfer their land and business to a younger generation who will keep the land productive. But the challenge persists. Maine Woodland Owners reports that the "generational transfer is probably the biggest change related to forests that there is. But it's hidden. It happens 20 and 50 and 300 acres at a time." Sales of large tracts of forest get most of the attention, but they generally transfer to another large landowner, and the use as forestland continues. MWO says this "isn't necessarily so when you're talking family forestland, which is concentrated in the southern, and more populated, two-thirds of Maine." In addition, forestland is often used by the public for hunting and recreational access. "Choices regarding taxes, regulations, forest management activities, public use and inheritance issues all require careful thought. Each decision can have a major impact on the future of the forest, as well as the people and wildlife who enjoy and depend upon it."
- Finding a conservation outcome can be challenging when a landowner's timeline conflicts with a slower conservation acquisition process. When a landowner must move quickly to meet an immediate financial need, a funding or acquisition process that takes several years won't meet their needs.
- Maine's long-standing tradition of public use of private lands is increasingly threatened. A recent study by the University of Maine found that more than 50% of landowners are considering restricting recreation on their lands in the future. Many groups including snowmobile clubs, the Maine Forest Rangers, Maine Island Trail Association, Conservation Commissions and other groups host annual clean-ups and landowner appreciation days. But the challenge of building and maintaining positive relationships with landowners is bigger than a once-a-year event, and many groups and agencies lack sufficient resources to devote to more robust programs. Studies show the value of investing in face-to-face interactions and relationship building and underscore the importance of trust

V. Some key issues and questions for the future

- What role does good stewardship by private landowners play in helping achieve landscape-level conservation goals? Are there additional tools we can use to incentivize landowners for engaging in long-term and sustainable land management?
- How can we better engage landowners as conservation partners? What tools and resources are needed to support them as they plan for the future of their land?
- Is Maine's long-standing tradition of public use of private lands sustainable into the future? How can we help ensure it continues?
- Are there ways that the acquisition process for LMF and other conservation programs can be more landowner-friendly?

Suggested resources for those who want to dig deeper

Maine IF&W Recreational Access and Landowner Relations Program

<https://www.maine.gov/ifw/hunting-trapping/accessing-private-land/index.html>

Maine: Private Landowners Key to Success of Wildlife and Fisheries

<http://www.thefishingwire.com/releases/7ea9a1a5-0c07-4eda-ae22-754e905e8eeb>

Maine's Landowner Liability Law

<http://www.mainelegislature.org/legis/statutes/14/title14sec159-A.html>

Effects of biological monitoring and results outreach on private landowner conservation management

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0194740>

BDN – Warden Service Expands Landowner Relations Program

<http://georgesoutdoornews.bangordailynews.com/2018/04/08/environmental-issues/warden-service-expands-landowner-relations-program/>

Aging forest owners: What will become of their woods?

<http://www.forestsformainesfuture.org/fresh-from-the-woods-journal/aging-forest-owners-what-will-become-of-their-woods.html>

Maine Forest Service Information Sheets

https://www.maine.gov/dacf/mfs/publications/information_sheets.html

Maine Natural Resources Conservation Service

<https://www.nrcs.usda.gov/wps/portal/nrcs/site/me/home/>

Maine Soil and Water Conservation Districts

https://www.maine.gov/dacf/about/commissioners/soil_water/index.shtml

Partners for Fish and Wildlife – Maine Factsheet

https://www.fws.gov/northeast/EcologicalServices/pdf/partners/me_2010_pffw_program_final.pdf

Maine's Current Use Taxation Program

https://www.maine.gov/revenue/propertytax/propertytaxbenefits/current_use.htm