Maine Natural Resource Conservation Program
Annual Report – February 1, 2009-January 31, 2010

1. INTRODUCTION

In 2007, the State of Maine developed an In Lieu Fee Compensation Program (ILFP) to augment its regulatory program, and the Maine Natural Resource Conservation Program (MNRCP) to allocate the funds collected. An agreement for services between the Maine Department of Environmental Protection (DEP) and The Nature Conservancy (TNC) was signed on October 3, 2007 outlining TNC's responsibility to administer MNRCP. A Memorandum of Agreement between the New England District of the U.S. Army Corps of Engineers ("Corps"), the DEP, and TNC was signed on January 31, 2008. This report outlines the MNRCP activities from February 1, 2009 to January 31, 2010.

Mitigating adverse environmental impacts is an integral part of the Maine Natural Resources Protection Act (NRPA), administered by DEP, and the federal Clean Water Act (CWA) and the Rivers and Harbors Act (RHA), administered by the Corps. In general, mitigation is a sequential process of avoiding adverse impacts, minimizing impacts that cannot practicably be avoided, and compensating for those impacts that cannot be further minimized. Both state and federal agencies may require appropriate and practicable compensatory mitigation as part of their permitting process. The goals of ILFP and MNCRP are to: substantially increase the extent and quality of restoration, enhancement, creation, and preservation of protected natural resources over that typically achieved by other forms of compensatory mitigation for activities that impact significant wildlife habitat, wetlands and other waters of the State of Maine; reduce the extent of cumulative adverse impacts to resources that are considered protected natural resources under NRPA and /or the federal Clean Water Act and Rivers and Harbors Act; and provide DEP and Corps permit applicants greater flexibility in compensating for adverse impacts to protected natural resources. Protected resources in Maine include not only freshwater and coastal wetlands but also rivers, streams and significant wildlife habitat, which includes significant vernal pools, seabird nesting islands, high and moderate value waterfowl and wading bird habitats, and high or moderate value shorebird nesting, feeding, and staging areas.

In most situations, applicants for permits to impact protected natural resources apply to the DEP, which determines if the applicant has taken the required steps to avoid and minimize impacts to resources and whether the project can use the ILF Program to offset remaining unavoidable impacts. If ILF is chosen for mitigation, DEP assesses the applicable fee, based on the schedule attached as Appendix A, and accepts the payment of those fees from the applicant. Fees are paid at the beginning of the application process and are not refundable. In some situations, during the Corps review of an application for which DEP did not require an ILF payment, the Corps may determine that an ILF payment is the appropriate compensation for an impact to waters of the United States. In those situations the Corps will notify the applicant of the applicable fee amount but the applicant will send the fee to DEP for deposit.

Once the fee has been paid, the DEP fills out a "Project Summary Form", attached as Appendix B, and sends this form plus a map, a copy of the invoice reflecting the fee amount, a copy of the check, and a copy of the final permit to TNC, generally in advance of a state-issued check for the fee amount. TNC inputs this information into a database which tracks impacts, income from fees, and compensation project information, including expenditures. Each impact site is located

in GIS using the map provided by DEP in their project summary packet. Once the check is received from the state by TNC, it is placed in an account specific to the biophysical region in which the impact took place for subsequent allocation through MNRCP (see Appendix C for a map of the biophysical regions and the impact sites). For the period of this Annual Report, five percent of the fee was set aside for administrative and overhead expenses incurred by TNC in running the program, as stipulated in the agreement for services between TNC and DEP[1].

2. IMPACTS and FEES RECEIVED

During the period of this annual report, 19 ILFP payments were received into the MNRCP fund. (Two additional permit applications for wetland impacts were processed by DEP during the reporting period, but the funds were not transferred to TNC by January 31, 2010.) Because the first round of MNRCP awards took place during this reporting period, the available funds included 10 ILFP payments that had been received previously (between January 1, 2008 and January 31, 2009). Also included were $120,500.00 from a Natural Resources Damages Act settlement for groundwater impacts in the Sheepscot River watershed that were placed in the MNRCP Casco Bay Coast Biophysical region for award in the Sheepscot Watershed.

Table 1 gives a breakdown of the ILFP payments received by TNC and available for MNRCP award as of January 31, 2010 and the biophysical region in which the impacts took place. Table 2 provides a breakdown of square footage of impacts and resulting fees by general habitat category and Table 3 further breaks down the impacts by specific habitat types. Finally, Table 4 lists the details for all ILFP payments received by TNC for MNRCP award.

Table 1: Number of ILFP Payments and Funds Available for Award by Biophysical Region

Biophysical Region	Number	ILFP Payments	Overhead	Funds Available for MNRCP Award
#03 - Casco Bay Coast	5	$221,568	($11,078)	$210,490
#04 - Central Maine Embayment	8	$480,204	($24,011)	$456,193
#07 - Gulf of Maine Coastal Lowlands	10	$933,550	($46,678)	$886,872
#13 - Maine Eastern Interior	1	$47,861[2]	($2,393)	$45,468
#14 - Maine-New Brunswick Lowlands	1	$8,072	($404)	$7,668
#15 - Penobscot Bay Coast	1	$218,880	($10,944)	$207,936
#16 - Sebago-Ossipee Hills and Plain	3	$699,788	($34,989)	$664,799
Totals	**29**	**$2,609,923**	**($130,497)**	**$2,479,426**

[1] An amendment to this Agreement was signed by TNC and DEP in March 2010, increasing the administrative fee to 8% to more accurately capture the full costs of program management.
[2] This ILFP payment was received after the MNRCP Request for Proposals process was completed, so this Biophysical Region was not included in this round of funding.

Table 2: ILFP Impacts and resulting Funds by Biophysical Region & General Habitat Category

Biophysical Region	General Habitat Category	Total Sq. Ft. Impacted	Acres	Funds Available
Casco Bay Coast	Coastal/Marine	11,877	0.27	$83,721
Casco Bay Coast	Freshwater and Coastal/Marine	1,397	0.03	$12,293
Casco Bay Coast	Groundwater (ME Yankee)	0[3]	0.00	$114,475
Central Maine Embayment	Freshwater	124,145	2.85	$353,620
Central Maine Embayment	Freshwater &Sig. Wildlife Hab	253,067	5.73	$102,574
Gulf of Maine Coastal Lowlands	Coastal/Marine	6,000	0.14	$45,144
Gulf of Maine Coastal Lowlands	Freshwater	219,324	5.03	$756,096
Gulf of Maine Coastal Lowlands	Freshwater and Coastal/Marine	6,884	0.16	$35,554
Gulf of Maine Coastal Lowlands	Significant Wildlife Habitat	6,789	0.16	$50,078
Maine Eastern Interior	Freshwater	17,341	0.40	$45,468
Maine-New Brunswick Lowlands	Significant Wildlife Habitat	16,988	0.39	$7,668
Penobscot Bay Coast	Freshwater and Coastal/Marine	63,528	1.46	$207,936
Sebago-Ossipee Hills and Plain	Freshwater	101,246	2.32	$399,172
Sebago-Ossipee Hills and Plain	Freshwater & Sig. Wildlife Hab.	63,360	1.45	$265,627
Totals		**891,946**	**20.40**	**$2,479,426**

[3] These funds resulted from the NRDA enforcement settlement for impacts to groundwater for award in the Sheepscot River watershed. No specific impact amounts were given.

Table 3: Impacts to Specific Habitat Types by Biophysical Region

Biophysical Region	Habitat	Sq. Ft. Impacted
#03 - Casco Bay Coast	Groundwater Resources in Sheepscot Watershed (ME Yankee Settlement)	
	Freshwater wetland Scrub-Shrub	176
	Marine intertidal	5,085
	Marine subtidal	8,013
#04 - Central Maine Embayment	Freshwater wetland Emergent	22,576
	Freshwater wetland Forested	93,841
	Freshwater wetland Scrub-Shrub	11,105
	Vernal pool critical terrestrial habitat	249,960
	Estuarine intertidal	6,746
#07 - Gulf of Maine Coastal Lowlands	Freshwater wetland Emergent	45,916
	Freshwater wetland Forested	157,907
	Freshwater wetland Scrub-Shrub	21,639
	Vernal pool	3,252
	Vernal pool critical terrestrial habitat	3,537
	Freshwater wetland Forested	17,341
#13 - Maine Eastern Interior	Vernal pool critical terrestrial habitat	16,988
#14 - Maine-New Brunswick Lowlands	Freshwater wetland Emergent	5,463
#15 - Penobscot Bay Coast	Freshwater wetland Forested	26,171
	Freshwater wetland Scrub-Shrub	28,113
	River/Stream	3,338
	Vernal Pool	443
	Freshwater wetland Emergent	10,592
#16 - Sebago-Ossipee Hills and Plain	Freshwater wetland Forested	98,825
	Freshwater wetland Scrub-Shrub	45,919
	Lake, Littoral	646
	River/Stream	8,488
	Vernal pool	136
	Total	**891,946**

Table 4: DEP Applications Generating ILFP Payments by Biophysical Region

Biophysical Region	Applicant	TNC Rec'd Date	DEP Project	DEP and Corp Permit Number	Town	Habitat Category	Impact Type	Total Sq Ft Impact	Funds Available
3 - Casco Bay Coast	Washburn & Doughty Associates	7/30/2008	Washburn & Doughty Shipyard Expansion	L-20207-4E-C-N, L-20207-4E-E-M, Corps NAE-2008-1157	Boothbay	Coastal/ Marine	Fill	3,864	$27,237.34
3 - Casco Bay Coast	Maine Yankee	9/1/2008	Natural Resources Damages Restoration Plan & Settlement		Wiscasset	Groundwater (ME Yankee Settlement)		0.00	$114,475.00
3 - Casco Bay Coast	Washburn & Doughty Associates	9/1/2008	Washburn & Doughty Laydown Area	L-20207-4E-D-N, Corps NAE-2008-1157	Boothbay	Coastal/ Marine	Fill	7,833	$55,214.95
3 - Casco Bay Coast	Town of Chebeague Island	4/30/2009	Wharf Rd. Reconstruction	L-24345-4E-A-N	Yarmouth	Freshwater and Coastal/ Marine	Fill	1,397	$12,293.59
3 - Casco Bay Coast	Washburn & Doughty Associates	6/11/2009	Washburn & Doughty Drydock Platforms	L-20207-4E-F-N, Corps NAE-2008-1157 mod 2	Boothbay	Coastal/ Marine	Fill	180	$1,269.20
4 - Central Maine Embayment	Hannaford Brothers Co.	9/1/2008	Winthrop Hannaford Supermarket & Pharmacy	L-24222-TE-B-N, Corps NAE-2007-3386	Winthrop	Freshwater	Fill	27,284	$87,349.73
4 - Central Maine Embayment	Husson College	10/29/2008	Husson College Metting House and Access Road	Corps NAE-2008-2072	Bangor	Freshwater	Fill	11,055	$31,086.66
4 - Central Maine Embayment	Dirgo Pines Development Company	12/12/2008	Dirigo Pines	L-17404-26-O-A	Orono	Freshwater	Fill	295	$779.10
4 - Central Maine Embayment	City of Waterville	2/24/2009	Messalonskee Trail	L-24114-L6-A-N	Waterville	Freshwater	Fill	3,630	$11,621.35
4 - Central Maine Embayment	Bangor Hydro Electric Co.	3/5/2009	Bangor Hydro Keene Rd Substation	L-20972-24-E-A, L-20972-TC-F-N, Corps NAE-2008-3073	Chester	Freshwater and Significant Wildlife Habitat	Fill and Vegetation conversion	253,067	$102,574.16
4 - Central Maine Embayment	University of Maine	7/29/2009	AEWC Building Expansion	L-19408-TC-BX-N	Orono	Freshwater	Fill	11,890	$31,401.49

Biophysical Region	Applicant	TNC Rec'd Date	DEP Project	DEP and Corp Permit Number	Town	Habitat Category	Impact Type	Total Sq Ft Impact	Funds Available
4 - Central Maine Embayment	Maine DOT	9/30/2009	Route 1A reconstruction - 2	PBR 47777, Corps NAE-2009-00823	Ellsworth	Freshwater and Coastal/ Marine	Fill	58,394	$159,211.24
4 - Central Maine Embayment	University of Maine	11/16/2009	AEWC Building Expansion Modification	L-19408-TC-CB-M	Orono		Fill	11,597	$32,170.08
7 - Gulf of Maine Coastal Lowlands	Central Maine Power Co	1/10/2008	CMP Mussey Road Substation	L-20588-TE-K-N, Corps NAE-2007-206	Scar-borough	Freshwater	Fill	29,376	$110,512.55
7 - Gulf of Maine Coastal Lowlands	Park North Development	10/29/2008	Park North Development	L-23647-TE-G-N	Saco	Freshwater	Fill	289	$1,002.11
7 - Gulf of Maine Coastal Lowlands	Central Maine Power Co	11/25/2008	CMP Line 197 Upgrade	L-24199-VP-B-N, L-24199-TE-A-N, L-24199-IW-C-N	South Berwick	Significant Wildlife Habitat	Vegetation conversion	6,789	$50,078.30
7 - Gulf of Maine Coastal Lowlands	MC Portland LLC	2/24/2009	Morrill's Crossing	L-23925-TE-B-N	Portland	Freshwater	Fill	19,025	$68,860.75
7 - Gulf of Maine Coastal Lowlands	Three Diamonds Realty	2/24/2009	Haigis Parkway Professional Center	L-24060-TE-B-N, L-24060-39-A-N	Scar-borough	Freshwater	Fill	21,344	$77,254.61
7 - Gulf of Maine Coastal Lowlands	Central Maine Power	5/7/2009	CMP South Gorham Substation Expansion	L-17618-TH-E-N, Corps NAE-2008-03010	Gorham	Freshwater	Fill	45,468	$164,571.35
7 - Gulf of Maine Coastal Lowlands	Kennebunk Sewer District	5/19/2009	Kennebunk WWTP Flood Mitigation Berm	L-024457-4C-C-N, Corps NAE-2009-00616	Kenne-bunk	Freshwater and Coastal/ Marine	Fill	6,884	$35,553.75
7 - Gulf of Maine Coastal Lowlands	Town of Falmouth Public Schools	6/5/2009	Falmouth Athletic Fields	L-19593-TE-H-N, Corps NAE-2009-00612	Falmouth	Freshwater	Fill	20,623	$74,644.95

Biophysical Region	Applicant	TNC Rec'd Date	DEP Project	DEP and Corp Permit Number	Town	Habitat Category	Impact Type	Total Sq Ft Impact	Funds Available
7 - Gulf of Maine Coastal Lowlands	Maine DOT	9/30/2009	I-95 Exits 3 & 4	PBR 44921, Corps NAE-2007-03377	South Portland	Coastal/ Marine	Fill	6,000	$45,144.00
7 - Gulf of Maine Coastal Lowlands	University of New England	11/16/2009	UNE Campus Expansion	Corps NAE-2009-01365	Biddeford	Freshwater	Fill	83,199	$259,250.25
13 - Maine Eastern Interior	Maine DOT	11/16/2009	Calais-St. Stephens Border Crossing amendment	Corps NAE-2006-00704	Calais	Freshwater	Fill	17,341	$45,468.10
14 - Maine-New Brunswick Lowlands	First Wind/ Evergreen, LLC	11/13/2008	Stetson Mountain Wind Farm Transmission Line	L-23774-TH-B-N, L-23774-24-A-N/L	Chester	Significant Wildlife Habitat	Vegetation conversion	16,988	$7,668.40
15 - Penobscot Bay Coast	Maine DOT	9/30/2009	Route 1A reconstruction - 1	PBR 47529, Corps NAE-2008-03622	Ellsworth	Freshwater and Coastal/ Marine	Fill	63,69563 ,528	$207,936.52
16 - Sebago-Ossipee Hills and Plain	Maine DOT	3/27/2009	Route 26 Upgrade	PBR 47161, Corps NAE-2008-02836	Poland	Freshwater	Fill	100,719	$397,264.78
16 - Sebago-Ossipee Hills and Plain	Maine DOT	7/29/2009	Route 117 Reconstruction	PBR 47530, Corps NAE-2009-00226	Norway	Freshwater	Fill	63,360	$265,626.73
16 - Sebago-Ossipee Hills and Plain	Dana Lampron	7/29/2009	Lampron Pit Stop Building Addition	L-17170-TE-I-N	Standish	Freshwater	Fill	527	$1,907.60

3. MNRCP AWARDS and COMPENSATION PROJECTS

The inaugural round of MNRCP funding awards commenced with a Request for Letters of Intent, released July 31, 2009, and concluded on January 4, 2010 with the approval of 16 awards, totaling $1,769,083, for compensation projects. The MNRCP project selection process is deliberately divided into two stages. The Letter of Intent stage is a short-form process which allows applicants to briefly outline their project to determine if it will meet the program requirements prior to completing a more intensive Full Proposal. Since this program has very specific requirements that differ from most other funding programs with which applicants may be familiar, and many applicants are small land trusts with limited budgets, the Letter of Intent stage gives applicants the opportunity to have their project pre-screened for suitability before investing additional time in a more lengthy application. Applicants determined to meet the program's criteria are then invited to submit Full Proposals.

For this reporting period, 34 Letters of Intent were submitted, of which 29 were invited to submit Full Proposals. (Of the five applicants not invited to submit a Full Proposal, four were already owned by a conservation entity and thus deemed not eligible for this program. In the fifth proposal, the applicant did not control the land surrounding the proposed project area and could therefore not assure that the proposed restoration would be maintained in perpetuity, as required by the program.) Seven of the 29 applicants invited to submit Full Proposals stage ultimately decided not to apply, and another opted to combine two invited projects into one Full Proposal package. The result was the submission of 21 Full Proposals.

Table 5 summarizes the funds available for each biophysical region, the total funds requested by applicants, and the difference. The Scoring Criteria used by the Review Committee and Approval Committee to evaluate the Full Proposals can be found in Appendix E. The Committees also followed three general funding principles to determine the level of funding awards: 1) Awards should be sufficient for project to succeed; 2) Funding levels should reflect project rankings; and 3) Funded projects should meet a minimum threshold for suitability, regardless of funds available. Table 6 presents the results of the fund allocation process, including the status of each proposal received. Because no grant funds were released to applicants during this reporting period, and no funded compensation projects had been completed by January 31, 2010, no compensation results are included here. Subsequent Annual Reports will include summary tables that integrate the results of compensation projects, allowing a comparison by biophysical region of impact and compensation by habitat type.

Table 5: Funds Available for Mitigation Projects vs. Funds Requested

Biophysical Region	Available	Funds Requested	Difference
03 - Casco Bay Coast	$210,490	$611,903	($401,413)
04 - Central Maine Embayment	$456,193	$959,730	($503,537)
07 - Gulf of Maine Coastal Lowlands	$886,872	$695,342	$191,530
15 - Penobscot Bay Coast	$207,936	$249,000	($41,064)
16 - Sebago-Ossipee Hills and Plain	$664,799	$942,081	($277,282)

Table 6: Proposals Received and Status

Invited to Full	Submit Full	Biophysical Region	Project Title	Applicant Name	Conservation Type	Total Project Cost	Funds Requested from MNRCP	Funds Awarded
Yes	Yes	3 - Casco Bay Coast	Brookings Bay	Maine Department of Inland Fisheries and Wildlife	Preservation	$403,640	$66,903	$66,903
Yes	Yes	3 - Casco Bay Coast	Maquoit Bay - Laskey	Maine Coast Heritage Trust	Preservation	$1,246,000	$100,000	$50,000
Yes	Yes	3 - Casco Bay Coast	Montsweag Brook Restoration Project	The Chewonki Foundation	Preservation, Restoration, Enhancement	$718,490	$125,000	$75,000
Yes	Yes	3 - Casco Bay Coast	Ocean Point Preserve Acquisition	Boothbay Region Land Trust	Preservation	$385,000	$100,000	$0
Yes	Yes	3 - Casco Bay Coast	Pisgah Hill Conservation Area - Hobson	Royal River Conservation Trust	Preservation	$179,126	$20,000	$0
Yes	Yes	3 - Casco Bay Coast	Williams Property Acquisition	Harpswell Heritage Land Trust	Preservation	$1,000,000	$200,000	$0
Yes	Yes	4 - Central Maine Embayment	Argyle Wetlands and Deer Wintering Area	Maine Department of Inland Fisheries and Wildlife	Preservation, Restoration	$115,250	$115,250	$115,250
Yes	Yes	4 - Central Maine Embayment	Blackman Stream	Atlantic Salmon Federation, Maine Council	Restoration	$282,906	$20,000	$20,000
Yes	Yes	4 - Central Maine Embayment	Howell Family Trust Wetland Preservation	Howell Family Trust	Preservation, Restoration	$236,740	$649,480	$0
Yes	Yes	4 - Central Maine Embayment	Whitten Hill Project: Sheepscot Headwaters Wildlands	Sheepscot Wellspring Land Alliance	Preservation	$669,100	$175,000	$175,000
Yes	Yes	7 - Gulf of Maine Coastal Lowlands	Benjamin Farm	Maine Department of Inland Fisheries and Wildlife	Preservation, Restoration, Enhancement	$3,064,000	$250,000	$250,000
Yes	Yes	7 - Gulf of Maine Coastal Lowlands	Falmouth Conservation Corridor	Town of Falmouth	Preservation	$125,200	$72,700	$72,700
Yes	Yes	7 - Gulf of Maine Coastal Lowlands	Gervais Property, Scarborough Marsh	Maine Department of Inland Fisheries and Wildlife	Restoration	$6,342	$6,342	$6,342
Yes	Yes	7 - Gulf of Maine Coastal Lowlands	Highpine Phase I	Stantec Consulting	Preservation	$217,700	$300,000	$0
Yes	Yes	7 - Gulf of Maine Coastal Lowlands	Mount Agamenticus Wetlands	Great Works Regional Land Trust	Preservation	$198,600	$66,300	$66,300
Yes	Yes	15 - Penobscot Bay Coast	Branch Lake	Trust for Public Land	Preservation	$2,704,000	$100,000	$100,000

Invited to Full	Submit Full	Biophysical Region	Project Title	Applicant Name	Conservation Type	Total Project Cost	Funds Requested from MNRCP	Funds Awarded
Yes	Yes	15 - Penobscot Bay Coast	Clark Island Wetlands Restoration Project	Maine Coastal Habitat Foundation	Restoration	$149,000	$149,000	$107,937
Yes	Yes	16 - Sebago-Ossipee Hills and Plain	Crooked River - Watkins	Western Foothills Land Trust	Preservation	$426,280	$416,280	$208,000
Yes	Yes	16 - Sebago-Ossipee Hills and Plain	Maloney	Maine Department of Inland Fisheries and Wildlife	Preservation	$260,500	$167,851	$167,851
Yes	Yes	16 - Sebago-Ossipee Hills and Plain	Northwest River	Maine Department of Inland Fisheries and Wildlife	Preservation, Restoration	$772,500	$125,000	$125,000
Yes	Yes	16 - Sebago-Ossipee Hills and Plain	Walnut Hill	Three Rivers Land Trust	Preservation	$258,940	$232,950	$162,800
					Totals for Full Proposals Submitted	**13,419,314**	**3,458,056**	**1,769,083**
Yes	No	3 - Casco Bay Coast	Thwings Point, Lund	Maine Department of Inland Fisheries and Wildlife	Preservation, Restoration, Enhancement	$120,000	$120,000	$0
Yes	No	4 - Central Maine Embayment	Madawaska Bog	Maine Department of Inland Fisheries and Wildlife	Preservation	$52,500	$52,500	$0
Yes	No	4 - Central Maine Embayment	Prairie Rd Wetlands I	Friends of Unity Wetlands	Preservation	$67,700	$60,200	$0
Yes	No	5 - Central Maine Foothills	Piscataquis Preserve Project	Northeast Wilderness Trust	Preservation	$1,943,500	$5,000	$0
Yes	No	7 - Gulf of Maine Coastal Lowlands	Seavey Landing	Scarborough Land Conservation Trust	Preservation of upland buffer	$940,000	$250,000	$0
Yes	No	14 - Maine-New Brunswick Lowlands	Grand Lake Stream	Maine Department of Inland Fisheries and Wildlife	Restoration	$7,000	$7,000	$0
Yes	No	15 - Penobscot Bay Coast	Wallamatogus	Blue Hill Heritage Trust	Preservation	$240,000	$60,000	$0
No	No	3 - Casco Bay Coast	Lowells Cove Lobster Habitat	The Lobster Conservancy	Restoration Enhancement	$21,600	$11,600	$0
No	No	4 - Central Maine Embayment	Abagadassett	Maine Department of Inland Fisheries and Wildlife	Preservation	$95,000	$95,000	$0
No	No	15 - Penobscot Bay Coast	Patten Stream	Blue Hill Heritage Trust	Preservation	$166,066	$30,000	$0
No	No	16 - Sebago-Ossipee Hills and Plain	Black Pond	Maine Department of Inland Fisheries and Wildlife	Preservation	$136,000	$92,720	$0
No	No	19 - White Mountains	Amos Mountain	Greater Lovell Land Trust	Preservation	$253,534	$60,000	$0

Appendix A

In Lieu-Fee Compensation Fees
July 1 2009-June 30, 2011

In Lieu compensation fees are based on the sum of the cost to restore or create a resource area with functions or values similar to those impacted by the activity plus the average land acquisition costs per square foot. The resource creation cost and land acquisition cost are established on a county by county basis and shall be adjusted once during each biennium.

County	Resource Creation Cost	Land Acquisition Cost	Total Fee per sq ft
Androscoggin	$3.28	$0.34	$3.62
Aroostook	$2.74	$0.22	$2.96
Cumberland	$3.28	$0.68	$3.96
Franklin	$2.74	$0.22	$2.96
Hancock (coastal property)	$2.74	$0.57	$3.31
Hancock (non-coastal property)	$2.74	$0.22	$2.96
Kennebec	$3.28	$0.34	$3.62
Knox	$3.28	$0.57	$3.85
Lincoln	$3.28	$0.57	$3.85
Oxford	$3.28	$0.34	$3.62
Penobscot	$2.74	$0.22	$2.96
Piscataquis	$2.74	$0.22	$2.96
Sagadahoc	$3.28	$0.57	$3.85
Somerset	$3.28	$0.22	$3.50
Waldo	$3.28	$0.34	$3.62
Washington (coastal property)	$2.74	$0.57	$3.31
Washington (non-coastal property)	$2.74	$0.22	$2.96
York	$3.28	$0.68	$3.96

Resource mitigation fees are assessed at a 1:1 ratio based on the amount of resource area altered as part of the permitted activity except for the following resource types, which are assessed at a 2:1 ratio:

1) Wetlands areas containing at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments;
2) Peatlands dominated by shrubs, sedges and sphagnum moss;
3) Coastal wetlands; and
4) Significant wildlife habitat

Example 1: a project impacting 74,052 sq. ft. of wetland in Kennebec County would be assessed a fee of, as rounded to the nearest whole dollar: 74,052 sq. ft. x ($3.28 + $0.34) = $268,068

Example 2: a project impacting 18,250 sq. ft. of coastal wetland in Hancock County would be assessed a fee of, as rounded to the nearest whole dollar: 18,052 sq. ft. x (2) x ($2.74 + $0.57) = $119,504

Projects eligible for the ILF wetland mitigation program will be required to pay the wetland mitigation fee in full prior to the issuance of the DEP permit.

Appendix B

IN-LIEU-FEE (ILF) PROJECT DATA WORKSHEET

DEP Invoice # _____

[*Note: Will be filled in by ILF Administrator in Augusta]*

Project name: _____

Applicant (s):_____

DEP/Corps permit #:_____

[*Note: Please attach a PDF copy of the permit]*

DEP ATS #: _____

ILF Contribution Amount _____

[*Note: Please attach a PDF copy of the check]*

Project address: _____

[Note; Please attach a PDF map of project location]

Biophysical region: _____

Size of total impact subject to compensation: _____

Resources Impacted: [*The resource table on page 2 MUST be filled in with all resource types impacted, amounts and functions.]*

Project manager: _____

Note: The ILF Project Data Worksheet must be filled out by the PM within 3 days of receiving a contribution to the "Natural Resource Mitigation Fund" and faxed along with a copy of the check to James Cassida in Augusta at 287-7826. The distribution of ILF contributions is time sensitive.

The PM should also double check to make sure that the check has been routed to Augusta with the correct account number reference. The account # for the ILF program is 014.06A.1776.14

Resource(s) Impacted:

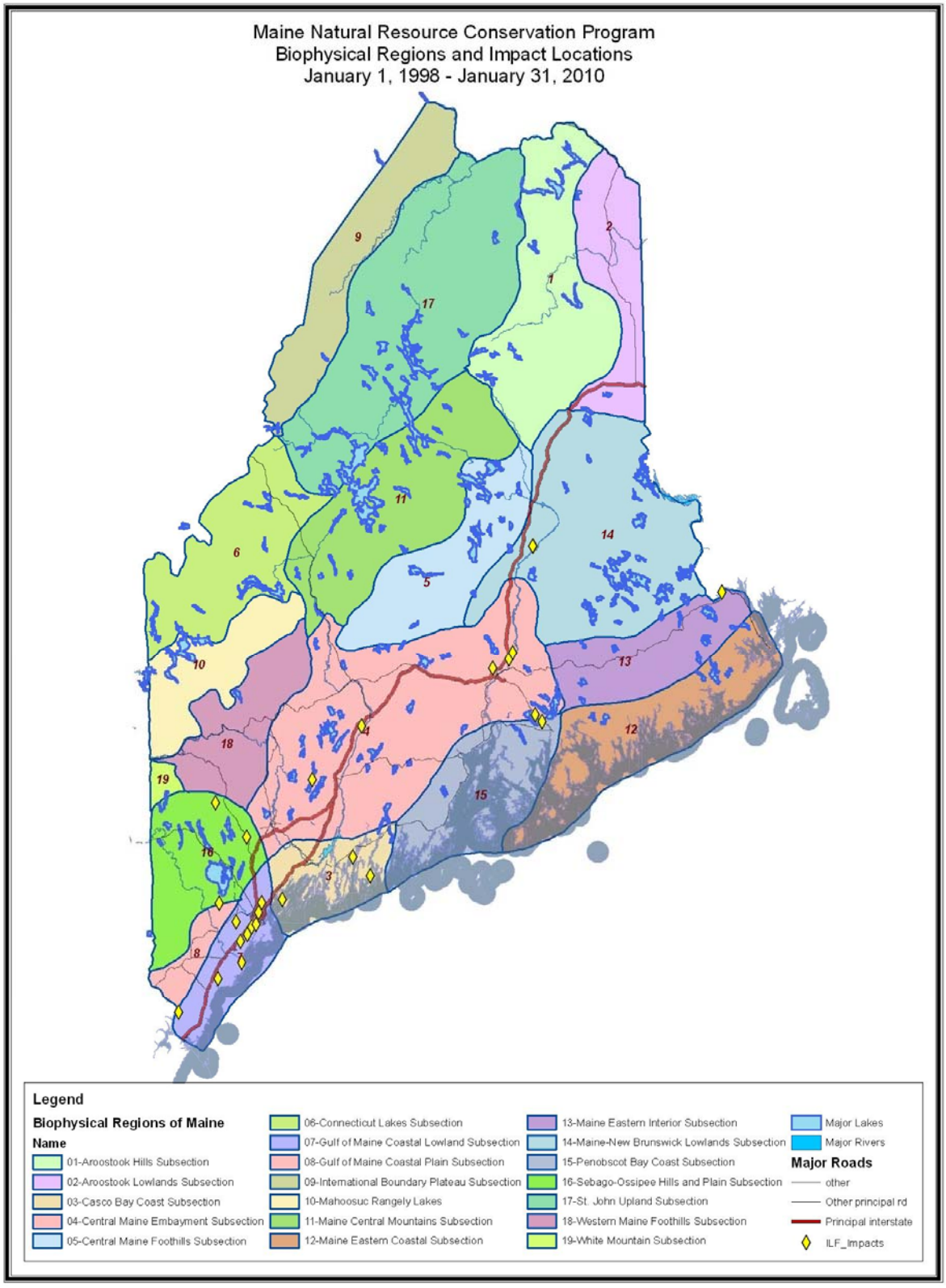
Resource Type: (Wetlands by NWI Type (PFO, PSS, M1, M2, E1, E2, etc), significant vernal pool (SVP), shorebird feeding & staging habitat (Shorebird), inland waterfowl & wading bird habitat (IWWH), tidal waterfowl & wading habitat (TWWH), and river, stream, or brook (RSB).

Wetland Functions & Values: Groundwater recharge/discharge (GWR); **f**loodflow alterations(FF); fish & shellfish habitat(FSH); sediment toxicant retention (STR); nutrient removal (NR); production export (PE); sediment/shoreline stabilization (SS); wildlife habitat (WH); recreation (R); education/scientific value (ESV); uniqueness/heritage (UH); and visual quality/aesthetics (VQ).

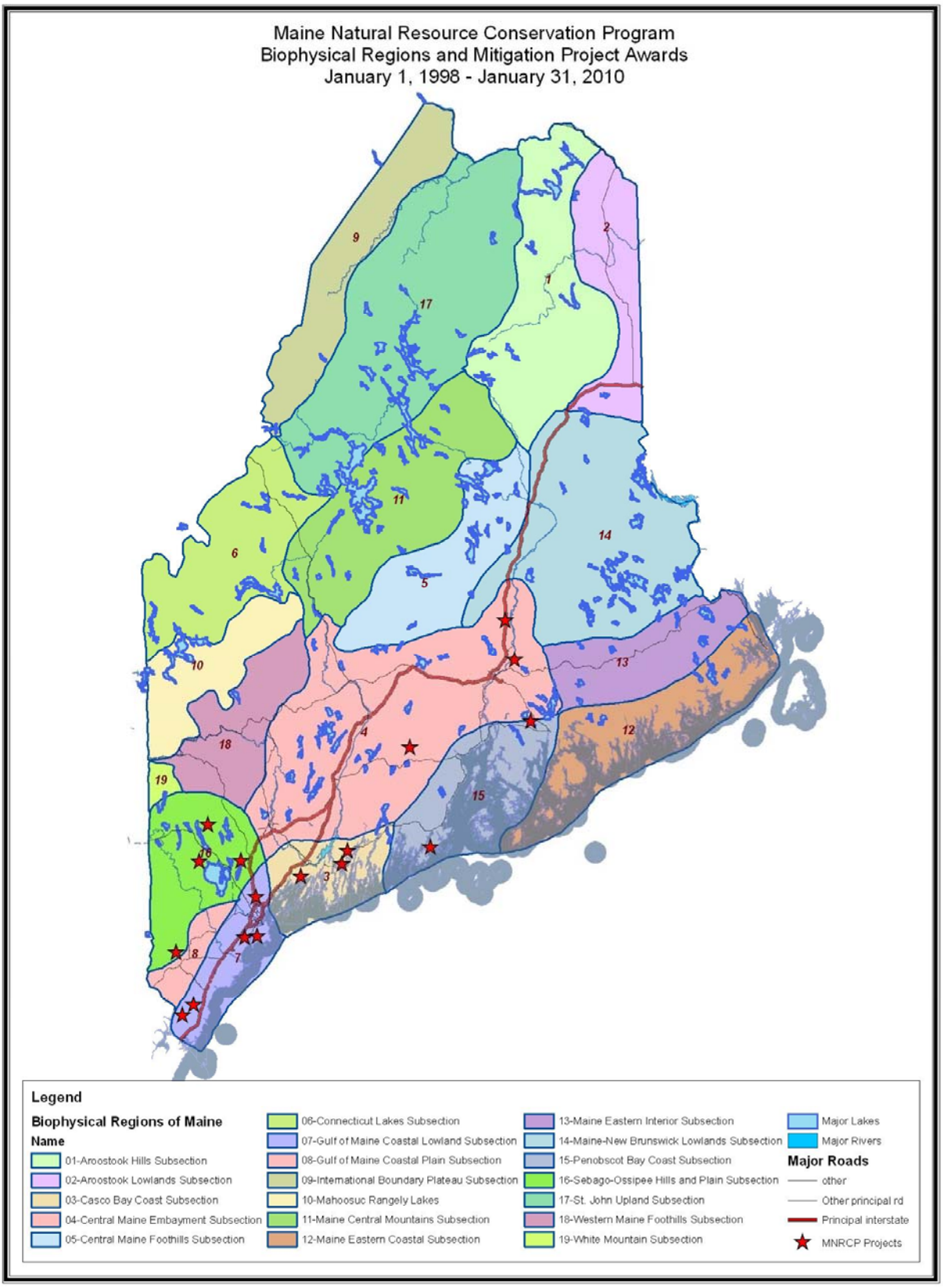
Types of impacts: may include filling, dredging, vegetation conversion (e.g. forested to shrub/scrub), others.

Resource type (list all that apply)	**Functions (for wetland impacts)** (list all that apply, by resource type)	**Type of Impact** (by resource type)	**Sq Feet Impacted** (by resource type)
		Total amount of impact area	

Appendix C


Maine Natural Resource Conservation Program
Biophysical Regions and Impact Locations
January 1, 1998 - January 31, 2010
Legend
Biophysical Regions of Maine
Name
01-Aroostook Hills Subsection
02-Aroostook Lowlands Subsection
03-Casco Bay Coast Subsection
04-Central Maine Embayment Subsection
05-Central Maine Foothills Subsection
06-Connecticut Lakes Subsection
07-Gulf of Maine Coastal Lowland Subsection
08-Gulf of Maine Coastal Plain Subsection
09-International Boundary Plateau Subsection
10-Mahoosuc Rangely Lakes
11-Maine Central Mountains Subsection
12-Maine Eastern Coastal Subsection
13-Maine Eastern Interior Subsection
14-Maine-New Brunswick Lowlands Subsection
15-Penobscot Bay Coast Subsection
16-Sebago-Ossipee Hills and Plain Subsection
17-St. John Upland Subsection
18-Western Maine Foothills Subsection
19-White Mountain Subsection
Major Lakes
Major Rivers
Major Roads
other
Other principal rd
Principal interstate
ILF_Impacts

Appendix D


Maine Natural Resource Conservation Program
Biophysical Regions and Mitigation Project Awards
January 1, 1998 - January 31, 2010
Legend
Biophysical Regions of Maine
Name
01-Aroostook Hills Subsection
02-Aroostook Lowlands Subsection
03-Casco Bay Coast Subsection
04-Central Maine Embayment Subsection
05-Central Maine Foothills Subsection
06-Connecticut Lakes Subsection
07-Gulf of Maine Coastal Lowland Subsection
08-Gulf of Maine Coastal Plain Subsection
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11-Maine Central Mountains Subsection
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15-Penobscot Bay Coast Subsection
16-Sebago-Ossipee Hills and Plain Subsection
17-St. John Upland Subsection
18-Western Maine Foothills Subsection
19-White Mountain Subsection
Major Lakes
Major Rivers
Major Roads
other
Other principal rd
Principal interstate
MNRCP Projects

Appendix E

Review Criteria

Full Proposals are evaluated by a multi-agency Review Committee that includes representatives from the Maine Department of Environmental Protection, U.S. Army Corps of Engineers, Maine Department of Inland Fisheries and Wildlife, Maine Department of Conservation, Maine Natural Areas Program, Maine State Planning Office, Maine Department of Transportation, Maine Department of Marine Resources, Maine Audubon, the Maine Association of Conservation Commissions, and The Nature Conservancy, which is a non-voting member. The Review Committee evaluates Full Proposals using the criteria described below.

1. Potential to Meet MNRCP Goals (30%)

Assesses the extent to which the proposal meets the core program requirement that a project restore, enhance, preserve, or create wetlands or other resources determined by the Maine Natural Resource Conservation Program to be Priority Resource Types. Considerations include:

- The type(s) of conservation proposed (restoration, enhancement, preservation, creation) and the acreage affected. All else being equal, projects that accomplish multiple types of conservation (e.g., restoration and preservation) will be assessed more favorably.
- The resource types restored, enhanced, preserved or created and the degree to which the proposed project replaces the functional benefits of impacted resources in the Biophysical Region based on a functional assessment of the project.
- Inclusion of upland areas sufficient to protect, buffer, or support identified resource functions and ecological connectivity to other conservation areas or undeveloped large blocks of habitat.
- Current and proposed condition of the property, and "functional lift" provided by project (e.g., proposed change in habitat quality, contribution to functioning biological systems, water quality,level of degradation, etc.).

2. Landscape Context (20%)

Assesses the extent to which the proposal meets the core program requirement to consider the location of a potential project relative to statewide focus areas for land conservation or habitat preservation identified by a state agency, or other regional or municipal plans. Considerations include:

- Presence within or adjacent to habitat areas of statewide conservation significance or other natural resource priority areas.
- Presence within or adjacent to public or private conservation lands.
- Presence of natural resources of significant value and/or rarity within the project site boundaries.

3. Project Readiness/Feasibility (20%)

Assesses the extent to which the proposal meets the core program requirement to demonstrate project readiness and likelihood of success, where success is defined by the ability of the project to meet MNRCP goals as stated in the proposal. Considerations include:

- Landowner willingness to participate in proposed project, including conveying a conservation easement or fee title, with conservation covenants, to property (for projects not on public or private conservation lands).

- Level of project urgency (e.g., area of rapid development or on-going site degradation, other available funding with limited timing, option to purchase set to expire, etc.)
- Degree to which proposal demonstrates understanding of resource conservation issues and needs.
- Soundness of the technical approach of the conceptual plan presented in the application.
- Initial progress (e.g., planning, fundraising, contracting, site design, etc.).
- Likelihood that the project will meet proposed schedule and/or required deadlines.
- Likelihood that the proposed actions will achieve the anticipated ecological benefits and results.
- Completeness and feasibility of long-term stewardship and monitoring plan, including endowment.
- Potential for adverse impacts (such as flooding or habitat loss) associated with the project.
- Conformance with any applicable Army Corps of Engineers and state mitigation policy, guidance and permitting requirements, including appropriate financial assurances for any construction activity.

4. Project Sponsor Capacity (15%)

Assesses the extent to which the proposal meets the core program requirement to provide for long term management and/or stewardship by a responsible state or federal resource agency, or conservation organization. Considerations include:

- Presence of qualified, capable conservation entity willing to sponsor and/or maintain the project.
- Level of support and involvement of other relevant agencies, organizations, and local community.
- Degree to which project sponsor, and any associated partners, demonstrate the financial, administrative, and technical capacity to undertake and successfully complete the project.
- Legal and financial standing of the project sponsor.
- Quality and completeness of proposal materials.

5. Cost Effectiveness (10%)

Assesses the extent to which the proposal meets the program requirement that a project represent an efficient use of funds expended given the condition, location and relative appraised values of properties. Considerations include:

- Clarity and detail of budget submitted.
- Sufficiency of funds available in the applicable biophysical region.
- Availability and source of matching funds necessary to complete the project.

6. Other Benefits (5%)

Assesses the potential for this project to support economic activity, job creation, recreational access, scenic enhancements or other contributions to “Quality of Place” in the town or region where the project is located.