

Downeast Forum on Coastal Access
January 19, 2006
Machias, Maine

Forum Notes

Evaluation deadline February 15, 2006: If you haven't already, please send your feedback now about the Downeast Forum on Coastal Access by filling out this simple on-line evaluation at: <http://www.surveymonkey.com/s.asp?u=827731629461> by February 15, 2006.

Note: We recognize this is a lengthy document and some of you might have preferred a simpler summary. The planning committee chose instead to provide you with the full benefit of panelist and breakout session comments, and much of the Q&A. Forum participants received a CD with many of the presentations and relevant materials. This material is often referenced in these notes and is available upon request (see contact listings for planning committee at the end of this document).

PROBLEM STATEMENT: Recent, widespread shifts in coastal land ownership and uses are bringing about change in the traditional patterns of coastal access in Maine. These changes have important impacts on water-dependant industries as well as recreational and private property users.

WORKSHOP PURPOSE: To bring together people with diverse coastal access interests to encourage: sharing of perceived problems; finding common ground; sharing resources and tools; developing cooperative, collaborative, and mutually-beneficial solutions in Downeast Maine.

Opening Address - Senator Dennis Damon, District 28, Trenton, Maine

Sorry that he could not attend in person. Instead Senator Damon's presentation came to us though a video. Forgive some references to 2 years ago, the film was made initially for "The Working Waterfront Access Forum 2004", held in Walpole Maine. Major message is still relevant even though from 2 years ago. Contact planning committee (listed at the end) for transcript.

Data Sharing and Mapping Overview

Using Geographic Information Systems (GIS) and other inventories for mapping and managing coastal access resources.

Hugh Cowperthwaite, Coastal Enterprises, Inc.
Will Hopkins, Cobscook Bay Resource Center
Shey Veditz, Island Institute

Hugh Cowperthwaite, Coastal Enterprises, Inc.

Fisheries, waterfront projects as they relate to fishermen

- Several studies on the CD (See Coastal Access Studies folder).
- PowerPoint presentation on CD (WWF Coalition PowerPoint) as well – including many stats on changes in number of harvesters and accesses over last several years.

Will do the same study in 2006 to track these changes over time.

Comments/Questions:

Q; Where is the study available – on the CD and on CEI and SPO web sites

Q: Name of studies? – Preserving Commercial Fishing Access
Follow up – Tracking Commercial Fishing Access

Q: Amendment in Nov that allows variable assessment – are you working with those same groups?

A: Yes, pushed really hard on that issue on bond funds and current use taxation.

C: In Gouldsboro – worked on new pier on private property – very difficult, very expensive; also in Gouldsboro there is a general unwillingness to admit that there is a problem

Will Hopkins Cobscook Bay Resource Center in Eastport

Monitor for fecal coliform on clam flats

Monitor for red tide

Support education and fishermen associations

Conduct marine research *(track current)

Host an annual conference

Partnerships and alliances

Web site for more info: www.cobscook.org

Survey of access in Cobscook Bay (data today);

changes in property ownership and municipal leadership cause losses of access

build on work mapping work of SCEC and CEI

interviews preparing large format maps – Heidi Leighton

worked with Libra working group at UMaine Machias.

Presentation from Will Hopkins not on CD but can be acquired by contacting planning committee listed at the end of document.

Feb 11, 2006 Cobscook Fisheries Forum in Eastport: data will be presented

Q: web site again please for World Wind (web site through NASA)

A: www.worldwind.arc.nasa.gov

Q: data great; do you work with towns to buy access

A: no, we are in the survey stage; the data helps to identify public landings that have been taxed as private land but the municipality still owns the right of way; the only thing that is going to keep some of these accesses is whether these accesses are used.

Shey Vedis Island Institute

Working WaterFront Mapping Project – This entire presentation is on the CD and refers to an in depth mapping project conducted by Island Institute to inventory existing coastal access along whole coast..

See Shey's summary slides

Q: which towns are complete?

A: much of Wash Co started, not finalized

Panel 1– Identifying Issues and Sharing Perspective Relating to Coastal Access

Tess Ftorek, Cobscook Hikes and Paddles, Robbinston, Maine

Kristan Porter, Commercial Fisherman, Cutler, Maine

Sebastian Belle, Maine Aquaculture Association, Hallowell, Maine
Skip Rogers, Federal Marine Terminals, Eastport, Maine
Brian Beal, University of Maine at Machias, Machias, Maine
Oscar Look, Municipal Officer, Addison, Maine
Julie Farris, Jonesport Realty, Jonesport, Maine

Tess Ftorek: Cobscook Hikes and Paddles, Robbinston, Maine. happy to be here as a recreation business; run sea kayak tours; day trips; native Eastporter; access now is drying up; sea kayak access is 2 things: need put ins, launch sites with boats, gear, trailers, clients and their vehicles; Also places to haul out during our 4 hour tour (need places along the paddle route to take out along the way to stretch legs, eat, camp if overnight); becoming increasingly more difficult to find those places as the land is being bought up; within the past 2 years have lost 3 islands for camping in Cobscook Bay; have lost St. Croix Island because we now have to pay a fee as a commercial user; also can't go on the island because we are commercial; can't land even for educational purposes; spend a lot of time searching for places to put in; many are gated or no longer available; efforts to purchase accesses have not kept pace with the residential purchase and development; we share our accesses with other recreational and commercial users – many users, growing congestion; need more accesses, need to educate those who use accesses so their abuse will not jeopardize use by future users; need resources to purchase access from state and federal

Kristan Porter – commercial fisherman from Cutler; fisheries management, co-management; coastal access is extremely important Downeast; ocean is major part of the economy, most access is private (75%); if abused will be lost; commercial fishermen need more facilities especially Downeast given significant size of tides; accesses need facilities including bait , smell of which may affect nearby residential owners; need parking for traps, trailers, congestion with certain seasonal catches; need access to fuel especially now for larger boats; privately owned piers are essential for commercial fishermen; also essential private roads down to the clam flats (may just be a dirt track); private owner may be ok with the fishermen but if some abuse the privilege then the access is lost; towns need to buy rights of way to secure these accesses; biggest problem is increasing real estate values; cant blame people for selling when it pays their retirement; problem is coming; this way; solutions will be discussed to day; need to ensure that commercial fishing stays viable

Sebastian Belle: Maine Aquaculture Association, Hallowell, Maine: observe first: we are on a rising tide now; changes are more hopeful now; recognize 2 politicians Senator Damon – works very hard; also Senator Raye – has done, continues to do many things behind the scenes; aquaculture relatively new in the debate.

4 facts to keep in mind:

1. ME is 2nd most popular state in nation to retire
2. between 1990 and 1998 immigration accounted for 81% of population growth in 5 out of 7 coastal communities
3. in 2000, for the first time in 100 years, immigrants accounted for more of the population growth in the state than live births (this means that coastal community residents increasingly have no personal or family linkage or history to those communities exceed live births;
4. in the year 2003 the top 4 real estate firms in Maine had almost 70% of their working capital invested in property in Washington and Hancock Counties

4 key points to keep in mind:

1. the best way to preserve working waterfront is to ensure economic viability of those who rely on the resource
2. ensuring economic viability requires hard choices and therefore certain groups need to be given preferential treatment;

3. rate of change is so fast that we can't wait until we can ensure economic viability of resource users,
4. difference between aquaculture and commercial fishing; all the same in terms of loading, moorings, local bylaws are changing quietly and slowly (not being tracked) except that aquaculture needs a broader definition of access – need access to lease sites, long expensive process to get one (7 criteria), aquaculture is the last group to get access; Therefore to ensure economic viability on the coast we need to balance interests.

Skip Rogers: our turf (Federal Marine Terminal and Port of Estes Head in Eastport) is public but you can't go there; if this was pre-9/11 and we were still loading on the breakwater, we would have a lot to say; but now we are prescribed a great deal by the federal rules; Federal Marine Terminals have a good relationship with the coast guard; we have to restrict access to our facilities, especially when there is a ship in port; Estes Head now completely separate from the breakwater; when we were on breakwater with everyone else the key was communication between users (recreational, kids cruising, commercial boats); we need to remember as we move forward, especially on an international border that the federal gov't is involved and we will not always get to call our own shots; Portland captain does recognize that we are a unique place.

Maryann Clancy – Downeast Institute: formerly Beals Island regional shellfish hatchery; 6 years ago; 1st clam hatchery in Maine; currently looking into applied research – essential for any fishery particularly clams in Washington County; soft shell clams 2nd only to lobsters; 30% of clams come from Washington County; \$4.2 million business for Washington County; Maine's commercial licenses 37% held in Washington County therefore critical that we have an applied research center; now have a facility; applied .ie. practical applications; in process of purchasing a facility on Great Wass island, will have 8.5 acres; deep water, 2 lobster pounds; surrounded by people who have purchased everything they can get and are building huge homes; Beals has seen 300% increase in values in last 5 years; fortunate to be there; lots of support, particularly Senator Raye; in addition to a research facility it will be a community education center, a business incubator and a stock growing facility; access to the shore is critical for clams; traditional paths to the shore are being lost with changes in ownership;

Oscar Look – Addison Harbor Master; commercial fisherman; very gratified to see people from Addison recreation committee; Harbor Committee, select board; we are a success story; we have three public accesses; 4 other private sites with mooring sites; Addison has many miles of frontage and includes a major salmon river; 182 moorings at public sites – 52 non-residents (residents pay less); mooring fees are insufficient to pay for improvements that are needed given intensity of use; grant money came from many sources to obtain our accesses including lots of volunteer support; can't anticipate everything – size of boats have increased, windjammers need room to move around; need to make room for pleasure boaters and commercial fleet; have to give preference to the commercial fleet or you just become a mooring field; parking a big issue; education of the next generation essential

Julie Farris – Milliken Realty, native to Downeast; left the area for 12 years; appreciate being here; can't imagine this area without access to the coast; never thought about it being taken away for a child's fun or a commercial use; from real estate industry perspective in last few years – we know we have an adequate amount of access, but we are not realizing there is a problem; will become one if we don't act now; like going to the dentist need to act before there is a problem; our job is to obtain the highest price we can and give the buyer the entire bundle of rights; our job to also let buyers know if there are any easements or prescriptive rights eg. for clamming. When there is access across a piece of property it does decrease value; flip side non-waterfront property with deeded access has greater value; frequently we are seen as the culprits for selling waterfront property; hear it every day, we are blamed and newcomers are shunned;

yet property rights need to be respected; we can't discriminate wherever they come from; earn a living selling real estate but my husband and father are lobster fishermen; need to focus on how to secure access into the future, negotiate access rights now; abandoned rights of way need to be identified and maintained, formalized and improved; work in Eastport (Cobscook Bay Resource Center presentation) needs to be done in all towns; we need to get our hands on the bond money to maintain what we already have; Moosabec brochure an essential tool to make prospective buyers aware of what they need to know; a remarkable tool for the real estate industry to use; use the real estate industry as an asset in this cause; we have established relationships and networks with landowners

Q to Julie: what is the responsibility to reveal customary uses to a prospective buyer

A: our responsibility to disclose anything in or on the property; I take it a step further; the more information you provide the better; people do not do well when they find out after the fact

Q to Julie: any data that if a town were to develop access that the overall values would rise?

A: there is a study on resource CD about the contribution of working waterfront to the states economy; there is no date about the exact question

Q for Tess: is sea kayaking use growing? Also do you associate as a user group?

A: we are seeing a growth trend; more boats on roofs of cars; in our area not many guides but it is growing; there is more unification Down state with a higher concentration of guides, there I an association of sea kayak guides we can join; our problems are not unique; it would benefit us to find out and learn from their experience

Q: public shoreline access – colonial ordinance rights (see publication on the CD – Public Shoreline Access in Maine A Citizen's Guide to Ocean and Coastal Law. This is also available on Maine Sea Grant website at <http://www.seagrant.umaine.edu/pub/pubmet.htm>) – use of inter-tidal by right; if this is the case why is there still an issue with access to the tidal flats?

A: High and low water mark is the area that the rights are allowed; but it is how one gets to that area that is at issue. A landowner does not have to grant access across property to get to the inter-tidal area.

Q: Wasn't it the Wells decision that disallowed people from moving from a public inter-tidal beach to a private inter-tidal?

A: This is also covered in the above publication; know as the Moody case, it did recognize the colonial rights but they are limited to specific uses such as fishing, the colonial rights do not allow recreational uses.

Q for Tess: what is the implication LNG terminals do for your business?

A: our location in relation to the 3 proposed terminals – we are in the middle of them; we have concerns about being able to access the water when the ships come in an out;

A: Sebastian: we have taken no position as a group (Aquaculture) but we are concerned about the security zones and that we will not be able to continue to operate; we are reluctant to come out against another group who is also using the water commercially as we do

A: (Skip) thanks to Canadian neighbors we have an excellent traffic control program (Fundy Traffic); you can contact them and coordinate schedules to address multiple use needs.

Q for Tess: please expand on the problem with launch sites – what are they?

A: bottleneck with parking; we are extremely cautious to allow commercial fisherman to get in and get out before we get in. Bottle necks from trailers; no fists flying but a bottleneck as we have to catch the tides; need more sites and more parking at them

C: communication, communication, communication

Q: leave no trace issue and the abuse of private sites- this is an education issue but can they be held liable? Kayakers – do they sign a form to “leave no trace”

A(Oscar): property damage; as harbor master get in between disagreements; local clam wardens mediate, we encourage change and better behavior

A (Tess): feel very strongly about leave no trace ethics; we are both Maine Guides; could have our licenses revoked if we do not adhere to highest standards; education essential

A (Kristan): one bad quahog ruins the load for everyone; some users clean up after those who abuse; very difficult to enforce

C: need access to some tools

Q: can someone clarify what the bundle of rights that are attached to a wharf or property?

A (Julie): like a bundle of sticks; a deed that is free of any encumbrances give you the entire bundle; whenever you take away from some ones rights – deeded right of way - that takes away one of those rights

Q: are there different ways of manipulating the bundle to gain some access? What is for sale when you sell a property? Are there different levels?

A (Julie): you can have the entire bundle but still have regulations that you adhere to.

C (Nancy from Downeast Coastal Press): there can also be something in the chain of title that was in the deed from the past that were not extinguished

Q for Tess): when you come to launch with more than one kayak; sometimes you get in the way of the commercial fleet – do you call the town or the harbor master ahead of time to check on use

A: no we don't call the harbor master, we untie all kayaks further up not at site; we are ready to launch when we back down, we watch for commercial fisherman and give them the right of way; we make room if we can, we untie as fast as we can. Biggest problems come from recreational users who are not in the business and don't fully understand the needs of the commercial users.

C: my suggestion is to coordinate with harbor master as well

C (Sebastian): many aquaculture users use launch sites; 99% of conflicts and complaints are not with the professional guides; but with the recreational users – it ranges from incompetence to not being respectful or understanding; many users have minimal or no training; this is a big and growing issue as demographics change

Q (to Julie): thanks for your input and presentation, great comments, happy to hear realtors can be an ally; can you give us a pulse on the real estate community regarding their interest/ability in doing the disclosure that you see as important;

A (Julie): we live in our communities and are very aware; do they all have the same sense? Probably not, because all do not specialize in waterfront property; look at this issue in terms of education; don't want another law governing us; but it comes down to disclosure; we need to educate realtors about how they can help preserve this access when they see property changing hands; we need to educate sellers also to reserve the right when they sell.

Q: Is there a recent case history using eminent domain to secure access by a municipality?

A (Oscar) : yes in Addison, simple but not easy, it is the last thing you want to do; best way to secure an access is to get someone to give it to you; the second best way is to buy it; the last way is to use eminent domain; it seemed the right thing to do when we used it in Addison but it still tore the town in half.

Panel 2 – Solutions: Different ways that Maine people have addressed coastal access issues.

Judy East, Washington County Council of Governments, Calais, Maine

Robin Alden, Penobscot East Resource Center, Stonington, Maine

Kathy Messier, Harbor Master, Belfast, Maine

Cindy Smith, Department of Marine Resources

Lee Hudson, Taunton Bay- Bay Management Study Pilot Project, Hancock, Maine

Hugh Cowperthwaite, Coastal Enterprises, Inc., Wiscasset, Maine

Alan Brooks, Quoddy Regional Land Trust, Whiting, Maine

1. Judy East: Washington County Council of Governments, Calais Maine

We had a story to tell and we came up with a brochure about a Downeast fishing community. How it has been received how we made it: The genesis of the idea occurred with a comprehensive plan and conversations talking about fishing access, natal resources, multiple users and people in the committee that lived there all their lives and people that moved there just recently. It started out as an “us vs. them”.

We had to address this issue of this conflict – we had to name it – how do we bridge this that gap of “they are coming they are here”. We designed a brochure to describe what these communities are like based on the 5 senses approach – what it smells like what it tastes like, what it is like to touch.

We wanted to get away from the “us and them” we were careful about the tone that we used - learn about us before you change us.

MCF- to create a regional brochure – this was a pilot project – we tried to do has been useful to hand out to house buyers – received requests along the lines of: can you send me that relocation brochure – creating another brochure for all of WA county – written up in Downeast magazine

2. Robin Alden, Penobscot East Resource Center, Stonington Maine

Glad to be part of the solutions panel - I am here today to talk about PERC (Penobscot East Resources Center). There have always been conflicts, we need to recognize that decisions need to be made and we can't assume that everyone can have everything they want.

I bring a long-term approach to the Resource Center to energize and facilitate the mission.

This has emerged due to something that is fragile: people going fishing. We are not dealing with shore access or shore schedules. Fishing is in danger with modern culture. Fishing culture has to morph into something that is still it's own, but fits into the modern world. At the Resource Center we keep it going by asking what are the questions.

What we are doing: a lot of talking to the retired community and to the summer community to have a panel discussion about fishing in the community. They want to learn about fishing and how they can help, how to volunteer to make a difference.

Understanding that Stonington is a fishing town, we have 300 boats in the harbor from Deer Isle and Stonington and want to continue fishing.

The subtle thing I discovered that there are traditional noises from lobster boats that are now new noises on land. New noises are not ok to some folks and we need to think about our business in the future as well now. Communication has to be learned in all these communities, so that they can continue going fishing and not worry about all their neighbors all the time - I think it is possible.

3. Kathy Messier, Harbor Master, Belfast Maine

I have been the harbormaster in Belfast for 13 years as well as working for the Harbormaster Association

Harbor management planning: The entire coast is going to be seeing this and wish they had a harbor plan in place before now. It isn't easy for a group to sit down to look at a chart and ask what do we want to do with our harbor. It needs to be done at the local level, there were a lot of harbors that didn't have a harbor plan or ordinances, now more do.

Need to get locally involved, you have some knowledge, have plans to come up with a plan and have people involved who know about the maritime. Make a list of who are using the harbor and what their needs are: fisherman, commercial users, charters, recreation users, etc. Know what your boundaries are. Contact state and federal agencies to know and have to understand your waters. Find out what you can and cannot do –

Check with Coast Guard for issues of discharge and what you do or don't have for anchorage. Find out about state moorings, what leases or easements there are. Contact Maine DEP to find out if you have eel-grass. What local zoning for shore land or municipal rights do you already have?

Know your geography, ledges, sand bars, deep areas, what dredging would you need to have done. Know where to put moorings where to develop where to put aquaculture - think ahead to the future. Have bathymetric charts done so you will know how far out you can put your piers. What do you want to do in the future – change is coming and you can balance things.

4. Cindy Smith, Department of Marine Resources

The DMR for the last few years has been working with off shore fisheries. We have also been a liaison to the Working Waterfront Coalition and with the SPO and are now charged with the \$2 million bond program.

Selection criteria for the bond: That a property is economically significant. That it is available for alternative working waterfront access that is near this property, property that is under the threat of conversion. Does this property already have the need and what is needed to keep it going for the long-term commitment?

Also important:

1. Geographically and well distributed covering the entire coast.
2. Cover a diverse array of fishing business - for access from clamming to co-ops for lobstermen.
3. Should have a solid business plan that is well coordinated and works together.
4. We are going to hire a service contractor for the public request for proposals. They will help people go through business planning to get their proposals put together.

The commissioner will have a review panel that will contain members of the fishing community, real estate, bankers, lender etc. Proposals will be scored and the LMF board will make the final decision. The

service provider will then work with the awardees to see the proposal all the way through. This 2\$ million will not go very far and a successful pilot project will lead to further funding in the future.

5. Lee Hudson, Taunton Bay- Bay Management Study Pilot Project, Hancock Maine

We have an active with Taunton Bay Management Study Pilot Project. Most of the time we are trying to define what is a management plan. We were charged to address a wide variety of conflicts in our bay and access is a major issue.

One issue is that this is a tiny bay and many fishermen want it to remain unknown. There are also not enough active stakeholders. We need to have a balance and scale and we are looking for more guidance from the state.

6. Hugh Cowperthwaite, Coastal Enterprises, Inc., Wiscasset Maine

Talk about 2 topics:

1. CEI loan fund has three programs.
 1. Fishery loan program: helping fisherman to buy boats, gear and traps.
 2. Working Waterfront loan fund for pilings, docks and dredging
 3. Shellfish aquaculture loan fund for oyster and mussel farming

CEI has a team approach to help with working waterfront projects: a business counselor to help develop a business plans, a loan officer for logistics to close a loans, and an attorney to help with legal advice.

We now have a Portland and Downeast officer, Jeremy, to represent the loan funds out of Sunrise County. The past 3 years we have fielded 80 different inquires for different access issues form small goat paths to forming a co-op and closing loans. The needs and problems are very different, however there is a common theme.

2. The Working Waterfront Coalition formed 3 years ago to form a formal coalition and went from 12 to 150 members that pull resources organizations, industry, agencies, legislators, to work on policy and education. We have an executive committee that is an internal distinction to keep things moving. Anyone interested in joining please contact me. We have been very effective over the years with research projects, we also hired some consulting firms to find out “What do Maine people want?” to set our goals of what we could accomplish. The Current Use Taxation and \$2 million bond came from the Working Waterfront Coalition.

7. Alan Brooks, Quoddy Regional Land Trust, Whiting Maine

In the mid 80s I was aware there would be a lot of changes to the land base.

Those with low incomes have been telling me that they are being cut off from access and have lost a way to remain connected to the water and have lost their ability to use the waterfront.

The Land Trust was formed in 1987 and coastal access was as an important direction. We are very small with only a staff of 2. We have the ability to buy land or people donate their land to be put in an easement. Land trusts can enforce the easements and provide access. We own land that we don't prohibit access.

Breakout Groups: Four topic areas from the previous panel discussion will focus on broadening opportunities for success with coastal access initiatives. These sessions are intended to be discussion-oriented.

Acquisition breakout group: Ways to acquire coastal access including topics such Right of Way Discovery grants, purchase, working with land trusts, Land for Maine's Future, Maine Coast Protection Initiative, etc.

Alan Brooks, Quoddy Regional Land Trust

Pat Watson, Maine Coast Heritage Trust

Cindy Smith, Department of Marine Resources

Alan Brooks opened the session by asking if participants had any pressing questions to begin with. Will Hopkins (Cobscook Resource Center) asked about right of way rediscovery grants through the State Planning Office. How can they be used? And how does one apply?

According to Alan, the best thing to do is contact Jim Connors (287-8938 or jim.connors@maine.gov). He believes that the grants are capped at \$2500 and can be used to defray costs associated with deed research and legal work. Nonprofits can apply, but all applications need to be supported by the municipality.

Barbara Welch (Frenchmen's Bay Conservancy) asked, in reference to the new LMF funds, who will be authorized to hold covenants? When the money will be available? Etc... Cindy Smith (DMR) who has been working on the authorizing legislation, said that the final allocations will be made by the LMF board. They will be probably be looking at proposals next fall. They want to make sure people have time to get solid proposals together. However, they're also looking at ways to deal with the threat of conversion. (i.e. how can money be made available in a timely enough fashion for land trusts to react when vulnerable parcels come on the market?). The current legislation will also address the issues of definitions. Specifically, what will constitute a working waterfront property? It was not clear exactly who would be authorized to hold covenants under the current legislative language.

Chris Leach (UMM) asked if there are existing studies of need for access facilities at the municipal level. Alan answer that in his experience a lot of coastal access planning can't be done on a town by town basis anymore. Piers & wharves draw on catchment areas that don't line up well with municipal boundaries. In his opinion the kind of work that is being done by the Cobscook Resource Center is critical.

Donna Kausen (Addison) asked if it would be possible to have too much coastal access. After a lengthy discussion, it was decided that in certain areas, too much coastal access can be threat to certain resources; however in most cases we're a long way from that point. Barbara Arter (BSA Environmental Consulting) expressed the opinion that comprehensive planning should deal with these kinds of issues, looking at where access is currently available, where it has historical been available, where it might be threatened, and how developing more access in specific locations might affect existing resources.

Will Hopkins (Cobscook Bay Resource Center) asked what experience land trusts have with providing access for clambers. Marty Anderson (Great Auk Land Trust) said that his organization had some experience early on; then they kind of moved away, but are now renewing their focus on this area. They are looking for these type of opportunities and trying to identify disused rights of way for protection. One of their first easement in 1994 protected two access points on the same property: a boat launch and a

marine harvester access path. Pat Watson (Maine Coast Heritage Trust) chimed in saying that their organization general does fee simple purchase projects (rather than holding easements), but that they are interested in protecting coastal access for marine harvesters where possible. Barbara Welch (Frenchman's Bay) said they have a new conservation plan. Water access is a new priority for them. They're not looking to buy wharves; but they might look toward properties with intertidal areas. For commercial projects they are looking to be a facilitator to help towns put together projects and access other sources of funding. Alan Brooks (Quoddy Regional Land Trust) chimed saying that for traditional use, access rights are not just dependent on things like picking up trash (as alluded to earlier in the day) but also on cost sharing (e.g. maintenance of roads) and that this might be any area of opportunity for land trusts.

This lead into a long discussion on taxes. Do land trusts pay municipal taxes? How does selling to a land trust affect the municipal fisc? What are the costs and balances? Each of the land trusts present had a different policy toward municipal property taxes, with some not paying any municipal taxes (but rather making detailed decisions about the costs and benefits of how their acquisition of a property would affect a town financially and in other ways before they buy) to others making various use of conservation tax exemptions and PILTs. Alan Brooks closed the session by saying that in his opinion the land trust movement would be best served by state level legislation to reimburse towns for land in open space in the same way that towns are currently reimbursed for lands held in tree growth.

Facilities breakout group: Improving the access facilities that you have with external funding opportunities.

Mike Bush, Eastern Maine Development Corporation
Kevin Rousseau, Maine Department of Transportation
Hugh Cowperthwaite, Coastal Enterprises, Inc.

Mike Bush welcomed everyone to this session and invited participants to introduce themselves. Mike asked for people to share their facility needs that the group could address. These needs included:

- Parking related to coastal access locations
- Dredging
- Not enough all-tide access points
- Congestion at current access facilities
- Separating commercial and recreational access for fairness and safety
- Repairs to wharves and piers

In response to this discussion of facility needs, Kevin Rousseau explained the Small Harbor Improvement Program (SHIP) which supports municipalities that promote public access to the waterfront. To date, SHIP has funded 80 projects state-wide such as boat ramp development, installation of floats, and pier restoration.

Kevin stated that SHIP funding is awarded through a competitive grant process and that there will be approximately \$700,000 available in next funding cycle. Projects require at least 50% matching funds. He welcomed participants to contact him regarding the application process and suggested that applicants consider factors such as: Do you have reasonable cost estimates for the project? . How does this project help the local economy, businesses, and community? Kevin also strongly recommended that you have consensus for the project at local level.

Next, Mike Grondin gave an overview of two USDA Rural Development programs. The Community Facilities Program is available to municipalities and non-profits with public uses and offers funding through direct loans, guaranteed loans, and grants. \$28 million was awarded in Maine during the last funding cycle.

The Rural Business Program also provides assistance through a variety of loans and grants. For example, guaranteed business and industry loans can provide up to 80% of a loan made by a commercial lender, which helps to secure a fixed rate. Mike distributed a handout for the Rural business enterprise grants, which are awarded to public entities and non-profits for financing private, small businesses. In 2005, Maine applicants received \$2million in grants and \$16 M in loans through USDA Rural Development.

Hugh Cowperthaite discussed three different loan funds offered by Coastal Enterprises, Incorporated, which are Working Waterfront, Fisheries, and Shellfish Aquaculture, Waterfront Loan Fund, three different loan fund. Hugh distributed a handout on CEI's loan application process and discussed his organization's commitment to investing in businesses that contribute to the local economy, equity to others, and are environmentally responsible. He stated that, generally speaking, CEI works with local banks to provide loans ranging from \$10,000-200,000 over a 5-15 year period at a fixed rate.

Mike Bush spoke about Eastern Maine Development Corporation's assistance with Community Development Block Grants in the Downeast area, which included waterfront improvement projects in Beals and Machiasport.

An open discussion about planning for waterfront facility improvements followed. There was general agreement among the group that projects require consensus of all interested stakeholder groups and that good planning is essential to success.

In terms of dredging needs, Kevin Rousseau stated that the U.S. Army Corp. of Engineers (ACOE) and the Maine Dept of Environmental Protection oversee dredging activities in the State, with ACOE having jurisdiction in federally designated channels. In general, dredging projects are expensive, disposing of the spoils can be complicated, and the planning process may take 5 years to complete.

There was a general discussion on the interest and applicability of regional waterfront facility projects instead of individual community projects.

The difficulty of collecting user fees for maintenance was also raised as a concern, with many pier facilities lacking a mechanism to fund basic upkeep after the initial funding for construction/improvement. Assessing fees to recreational and/or non-residential users was mentioned as a being needed in some towns.

Conflicts over commercial businesses using public facilities to the disadvantage of other businesses was also raised as a concern. As an example, a fuel truck that uses the municipal pier to service boats may take business from the private lobster pound that also sells fuel.

The cost of coastal properties for the development of new facilities was raised as a growing concern in Downeast Maine. One option would be to zone properties for commercial use only, which helps to keep the selling price down and makes subsequent purchases viable.

In closing, Mike thanked everyone for their participation and encouraged people to contact the resource personnel here today for additional information and assistance.

Bridging of cultures breakout group: Conflict resolution initiatives and solutions that look at diverse waterfront users.

Ted Hoskins, Maine Sea Coast Mission
Judy East, Washington County Council of Governments
Robin Alden, Penobscot East Resource Center

Unlike the other break-outs that highlighted existing programs that can help protect access, this break-out group explored the bigger picture of cultural perspectives and how they affect coastal access issues today.

Ted opened this session by reminding us that everyone is a resource person, then asked everyone to introduce themselves, and invited initial comments from the group.

There are two sides, like everything... Ruta explained that Delorme has a map called coastal Maine and it only goes to Ellsworth. As a person involved in tourism, she first thought this was a bad thing but today she wonders if maybe we don't want the tourists? .

This led to a discussion about what the coast of Maine means to tourists versus locals versus waterfront landowners. Summer tourist activity doesn't keep going beyond Ellsworth. A challenge faced by Gouldsboro (for example) is that tourist traffic is changing. That map shows the way it has been and we should decide if we want to show the way things are and were vs the way they should be. There is a sense that a place NOT being on a map will protect us, but that is a large impediment because it fosters a sense of complacency...

Robin spoke of the Stonington experience and that her group is based on a community set of principles. Short term visitors don't have a connection to place. Long term residents, summer or year round, fishermen and aquaculture are affected by the change that we are here to address. What will allow us to address the conflicts: we need to understand what we believe in. The movement of community based resource management happens in the 3rd world, but is less known here... you take a set of principles and talk them over, like protecting juveniles and spawning areas, participation is required to have responsibility for something... fundamental beliefs get talked through to have a grounding (like the US Const). Robin doing this work with fishing-based groups, it is essential to community groups to have knowledge beyond own self interest. It is hard work. For recreational interests, real estate etc, we have a limited resources and have to face we can't have endless people on an eagle island, profit from land without losing, living within limits.

For example, Robin would like the tourist map to end at outside of Stonington but knows Bill B sitting near who (who runs Old Quarry Ocean Adventures) wouldn't want that. We only have limited resources... The fisheries concerns are one of the constellations of concerns about access... commercial fishermen are used to having rules and limits, but land use and recreational use are not as used to it. How do you get at that? Share, get peer to peer connections. Penobscot East (Robin's group) exists to do this.

There is an issue of carrying capacity, the fishing industry has learned to live with it already, ANP has used this, is it scientific (birds) and political (people)

Vanessa (From Taunton Bay Study) raised the question of how principles play out on the ground. For example Taunton bay management study, that group established principles but then it became complicated because the basic issue of multiple users and different types of perspectives, it was hard.

Develop principles apart from specific situations, so that they are there to come back to, and don't get stopped by existing situation, and get everyone to agree on the principles, before you get specific. SFA (Stonington Fisheries Alliance) developed principles in abstract, now dealing with a question about nets and mesh, and now they are going back to the principles, they provide a framework to keep themselves honest, but admit that there are situations where there are winners and losers, sometime there will be losers. With the concept of establishing baseline values: economically there will also be winners and losers

In terms of land use and recreational use: fisheries have been forced by limits, but limits is not something humans naturally do, if you are thinking about other uses, remember humans don't like to be regulated. Re priorities: who gets priority in communities? For example, ask communities where they want aquaculture and most of them wouldn't know how to answer and there wouldn't be an aquaculture rep in that group. So if an existing use is going to occur, you want them to be there.

Merchant Row off Stonington and along coast, diversified use, fishing, recreational, sailors, motor boats, kayaking especially in last 20 years... several organizations have gotten together (among other through Maine Island Trail stakeholder process) to talk about self regulation of recreational use. Example: campsite capacity group for state owned islands set voluntary limits that lowered the numbers of the outfitters, who agreed because they were involved in the stakeholder process. Have people together to talk the issues together.

This led to a general discussion about conflict and that, in order to solve a theory, you need a bone of contention, conflict is good. But you need to have something to focus on to deal with the conflict. If people who are in conflict are willing to listen, then compromise happens and both sides win.

There are two factions that are absent today: summer people, this should happen in the summer and all of them should be invited. The other group is the people who dump their refrigerators and other junk. A woman explained that she owns land on the water and this behavior makes her want to close off access "we don't want to limit access but we are tired of picking other's trash..." This led to an extensive discussion on people's behavior on private property and the conflicted and challenging relationship between newcomers and long-term residents and how that links to access.

How do you address the people who miss-use privilege

Within AQ group, there were folks who also were lazy about dumping etc, it took getting the principles in place and getting members involved, to get them to shift behavior through an association ... To the landowners, you need to earn your stripes with that user group (the ones who dump on your land)

It is a population density issue, it is a cultural thing, it is not until folks come in who have a different ethic, that comes with a cultural change, that takes time... get to know the people who know the people who are doing the dumping, get them to help... In the meantime think of it as maintenance fee to pay for the trash to be removed. It is also about economics: these folks cannot afford to dispose any other way (ie disposal fees are steep because of env consciousness).

Jonesport community visioning process was successful, 6 years ago but now there are all new people who were not part of that process and the issues are resurfacing. Change is so rapid that it needs to be an ongoing process. Education between groups. Summer people who buy the homes and tourists: don't overlook them assuming that they are short term users, because they keep coming back. Our economy is a service economy more and more. Lubec there are 40 weekly summer rental homes. Part of the process is educating those folks, don't overlook them, they have a big impact on our communities.

We need to get people who are making a living on the water to get out and communicate with the summer folks etc... (Ex Aquaculture group has a CD that they have their members show to local clubs and local groups...)

There is a dimension of engagement when you talk about new arrivals: how do you engage them in the community? To change them from the “suburban” culture where you DON’T engage, and take that tendency to their new home in Maine. How do you get beyond that culture? Preponderance of people who are not engaged, and are not at town meeting... only here part of the year...

Woman who has renters has a brochure similar to Moosabec, which she gives to renters... new people who buy homes and move here want that info, but they do things differently, when they go to a meeting, they want efficiency. When locals go to a mtg, they want time to think through, sit back, mull it over, different cultures, different ways to go about talking and meeting and interacting... Speakers group is great idea, Moosabec brochures good idea too... Sensitivity to cultural differences...

How can we get all these ideas out to each other... Maybe this is a role for Sea Grant and Extension.

How can we communicate this to the broader community? The new UMaine Centro or Center for Tourism Research and Outreach would like to have text about each of you to have info to put up on the website. The site is intended for industry and public who want economic dev’t through tourism., . It is NOT a marketing tool, our role is to communicate back to the industry. These problems are not unique to this area, the Center wants to help create solutions. Its about community finding what it has of value and deciding what to prioritize: People come because they want to live within that culture (not everyone is like this) but some would value having someone (clammer ex) working they waterfront... Part of the culture and heritage of the state is this value. We don’t want to have fishermen to become part of “flora and fauna”... Ex: Native Americans. Make it real;, genuine.

In Lubec, folks are opening channels of communications through tours, local people help new people understand environment, they are telling people who come to town about all of these issues, about their family, how they grew up, what is going on.

Concerned with statistics with youth being in coastal Maine, stats say Maine youth are moving out. A student expressed that he cannot afford to pay 250,000 to buy a house next to his parent’s house who paid \$60,000. In order to have culture, you need to have a future, and in order to have a future you need to be able to co-exist, and include future generations.

Planning breakout group: Ways to address harbor management planning, including introductions to supporting organizations and discussion of the current use taxation of commercial waterfront properties

Jim Connors, Maine State Planning Office/Maine Coastal Program
Kathy Messier, Harbor Master
Lee Hudson, Taunton Bay- Bay Management Study Pilot Project

Summary

A diverse group of town officials, harbor and comp planning committee members, business entrepreneurs, professors and students, and governmental agencies (and an observer from North Carolina) gathered to

discuss community and harbor planning experiences in coastal towns from Stockton Springs to Machiasport.

Potential impacts of the new Current Use Taxation Program for working waterfront property used to support commercial fishing activities, authorized by Maine voters as a constitutional amendment in the November elections, was discussed. It was noted that the details of the program are being worked out in the current session of the Legislature. A number of key aspects of the program will need to be worked out, such as defining what properties will qualify, how property values will be established, and the process local tax assessors will use to qualify properties and apply a current use tax assessment.

The group shared a variety of local planning experiences, lessons and insights in response to questions about harbor planning. The Town of Machiasport is embarking on a new harbor planning effort with grant support from the Shore and Harbor technical assistance program of the Maine Coastal Program.

The group shared the importance of developing local community support for harbor management and waterfront planning in general. Harbor masters, harbor committees, and town managers have to work closely with citizens, developers, and harbor users to make sure plans and ordinances will work for the best interests of the town. It is vitally important to seek the input of those earning a living from the sea and dependent on adequate water access facilities.

Discussion Points:

Richard Avery - Current use taxation questions, concerned about impact of reducing by 1/2 tax revenues on high profit seafood businesses on the Stonington waterfront. Is the program necessary??

Jim – Need to define commercial fishing businesses as small fishing families – if stay true to intention “fair taxation for current use”. How set value of property? What’s been passed is authorization for legislature to consider process for developing current use policy – policy specs not yet dev’d. Need for planning process to precede tax policy to inform it.

Ron – Town does not have enough input on assessed value.

Richard/Jim – Town does have input, approved by state. Penalties will emerge in draft policy from state.

Larry/Joe – Need for ME model harbor management plans.

Art – Machiasport affected by salmon pens, to come under jurisdiction of harbor master and need define area of water jurisdiction boundaries with border towns.

Kathy – Cautions against jurisdiction into water.

Jim – Belfast could be considered a newer ME model, also Harpswell (Cundy’s harbor).

Lee - Need for integration of comp plan and harbor plan.

Art – Has used Belfast harbor ordinance as boilerplate.

Kathy – Each harbor so diff, can ordinance be easily transferred? Difficulty with establishing plan around existing uses – make changes gradually, not suddenly.

Don – Need for outreach to comm. groups for education on harbor planning to help establish community held vision – needs slow process of bringing community on board. Make them part of process to own process.

Joe – Stockton has active community participation in harbor planning – need for early, honest communication for buy-in.

Ron – Need focus on protecting WWF access to private lands.

Gary – If subdivision, need negotiate with developer for retained access and parking provisions. Need for coop with the local planning board to build solutions into review.

Jim – This is part of zoning review. If community is on board with vision, they’ll be more willing to use tools such as zoning. Portland good model.

Kathy – Used contract zoning in Belfast to meet multiple needs. Changed existing zoning to meet needs – created slip facility. Need for negotiation between all parties to understand all needs.

Lee – Do any plans address marine resources?

Larry – Stockton addresses entire waterfront including marine resources, vegetation – not tasks of harbor master.

Jim - Comp plan, harbor plan, harbor ord, clam management plan ideally should be embedded in each other.

Joe – Once town of Stockton owns waterfront land, it cannot be sold.

Art – Machiasport built its public pier with local public support \$ supplemented by state grants.

Jim - Discovery Grants and LMF funding available through state, can also be used for parking development. But most important support comes from bottom up.

Denny – Need to recognize locally that there is a problem.

Paul – Consider tax acquired property and potential for trade.

Jim – Consider Tax Increment Financing (TIF) as tool.

Don – Floor Area Ratio (FAR) can be used to get kinds of industry in area where you want it.

Jim – Quote from developer on need to tell then through zoning and planning how to develop in this town.

Joe – Impact fees?

Jim/Art – Use of these sophisticated tools difficult for small towns with little staff support.

Ron – No one wants change - it will come by default.

Denny – Need for access to housing for their children – all housing values too high for affordability, not just shorefront. How balance establishing pier when fisherman can't afford to live in town?

Jim – Need to consider relationship between access and affordable housing.

Kevin – Isn't this a discussion about Zoning?

Ron – Lack of trust in state, local control of private property rights causes opposition to zoning.

Richard – Cultural conflict between those familiar with planning/zoning and those unfamiliar.

Lee – Notes lack of participation in discussion today by harvesters – due to this cultural conflict??

Forum Adjourned!

Evaluation deadline February 15, 2006: If you haven't already, please send your feedback now about the Downeast Forum on Coastal Access by filling out this simple on-line evaluation at: <http://www.surveymonkey.com/s.asp?u=827731629461> by February 15, 2006.

Planning Committee

This forum was organized by a planning committee representing several organizations including:

- University of Maine Sea Grant/Cooperative Extension (Natalie Springuel, nspringuel@coa.edu; Chris Bartlett, cbartlett@maine.edu; Kristen Whiting-Grant, kristen.whiting-grant@maine.edu)
- University of Maine at Machias (Mike Kimball, mkimball@maine.edu)
- Island Institute (Jen Litteral, jlitteral@islandinstitute.org; Jeremy Gabrielson, jgabrielson@islandinstitute.org)
- Sunrise County Economic Council (Jeremy Gabrielson, jgabrielson@islandinstitute.org)
- Maine Coastal Program, (Jim Connors, Jim.Connors@maine.gov)
- Maine Sea Coast Mission (Ted Hoskins, tedhoskins44@verizon.net)
- Washington County Council of Governments (Judy East, jceast@wccog.net)
- Coastal Enterprises Inc (Hugh Cowperthwaite, hsc@ceimaine.org)