

## **Maine Working Waterfront Access Pilot Program**

Passage of the \$12 million Land for Maine's Future Bond in November of 2005 established a unique working waterfront protection program, funded by a \$2 million set-aside for projects that protect strategically significant working waterfront properties whose continued availability to commercial fisheries businesses is essential to the long-term future of this economic sector.

### **Purpose**

The Maine Working Waterfront Access Pilot Program is aimed at protecting waterfront land with the facilities, capacity, and services needed to support commercial fisheries businesses. Commercial fisheries businesses are defined as enterprises directly or indirectly concerned with the commercial harvest of wild or aquacultured fish or shellfish, including commercial fishermen, aquaculturist, fishermen's cooperatives, municipalities, owners of private piers, and businesses providing direct services to commercial fishermen and aquaculturists.

### **Appropriate Use of the Funds**

Financial grants up to 50% of the acquisition costs for the property will be available to private businesses, cooperatives, municipalities, organizations qualified to hold conservation easements under Maine law, or other qualified organizations for projects that will provide permanent access use by commercial fisheries businesses.

Property acquisitions can include conservation easements, access easements, development rights, full title or other permanent interests in the land. To assure the access use is permanent and secure, the grant will include a provision that the property may not be used, altered or developed in a manner that precludes its use by commercial fisheries businesses. In addition, the State will retain a permanent right of first refusal on the property through a working waterfront covenant.

To support the protection of working waterfront the Maine Legislature has enacted a bill creating a Working Waterfront Covenant under Maine law for use with this pilot program and other efforts to secure working access to tidal waters. The working waterfront covenant is an agreement in recordable form between the owner of working waterfront real estate and one or more qualified holders that permits a qualified holder to control, either directly or indirectly, the use, ownership and sales price of working waterfront real estate for the primary purpose of making and preserving the permanent availability and affordability of that real estate for commercial fisheries businesses. (33 MRSA c.6-A)

### **Program Implementation**

The Department of Marine Resources (DMR) is administering the pilot program in conjunction with the Land for Maine's Future Board. The State Planning Office and Maine Department of Transportation are providing technical assistance. To aid in the

implementation of the program the Commissioner of DMR has organized a Review Panel to provide advice and guidance on the operation of the program, including evaluating and recommending applicants for participation in the funding program. While the DMR is responsible for running the pilot program the actual grant awards will be made by the Land for Maine's Future Board.

The Department of Marine Resources has retained the services of a program consultant to provide the capacity and expertise to help carry out the program. The consultant team is comprised of a partnership of Coastal Enterprises Inc. and the Island Institute. This program team is available to assist and advise project applicants with program details and the application process.

## **Project Selection Criteria**

The enabling statute creating the working waterfront access pilot program establishes a set of selection criteria to be used to evaluate projects for funding support. These criteria are:

1. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole;
2. The availability of alternative working waterfront properties in the same vicinity;
3. The degree of community support for the proposed investment;
4. The level of threat of conversion to uses incompatible with commercial fisheries businesses; and
5. The utility of the proposed protected property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure.

In addition to the five statutory selection criteria, the Review Panel and program staff have established the following considerations that may be used to evaluate the significance and impacts of projects. These are:

- the geographic distribution of projects to assure coastwide benefits,
- support for an array of projects that reflect a wide variety of project types,
- the strategic importance of the property to specific commercial fisheries,
- the viability of the proposal and the applicants capacity to carry out the project,
- demonstration of a strong and long-term commitment to the fishing industry,
- the level of effort or leveraging with matching funds, and
- the necessity for public funds needed to assure a successful project.

## **Program Requirements**

- Matching funds, at least equal to the amount of the grant, a 1:1 ratio.
- Working Waterfront Covenant, which is an agreement in recordable form between the owner of working waterfront real estate and one or more qualified holders that permits a qualified holder to control, either directly or indirectly, the

use, ownership and sales price of working waterfront real estate for the primary purpose of making and preserving the permanent availability and affordability of that real estate for commercial fisheries businesses. (Sec 1. 33MRSA c.6-A newly enacted)

- Willing Seller only
- Purchase price determined by appraised values
- Business Plan, to support grants to commercial fishing businesses.

## **Program Timeline and Application Process**

Given the limited funds only a few projects will likely be funded over the next two years. As a pilot program an effort will be made to fund exemplary projects that fulfill the purposes of the program. The program is intended to support existing fishing businesses that can permanently provide working access for fishermen, including cooperatives and fishing related businesses such as commercial wharfs and marinas. The program is also available to municipalities working to protect and secure fishing access sites and facilities.

Program announcements and a “call for proposals” will be issued by June 2006. Project proposals will be due at the end of October 2006. Project applications will be evaluated and scored by the Review Panel created by the Department of Marine Resources. The Review Panel will advise and recommend to the Department applicants for participation in the pilot program. The Commissioner of DMR, in turn, will make recommendations for project support to the LMFB early in 2007.

Project applicants are encouraged to work with the program consultant team to assure the development of sound projects and complete applications. The project team is available to advise and assist applicants with the application and project review process.

### **For more information contact:**

Cindy Smith, Department of Marine Resources (Tel#624-6558, email [cindy.smith@maine.gov](mailto:cindy.smith@maine.gov) )

Jim Connors, State Planning Office (Tel#287-8938, email [jim.connors@maine.gov](mailto:jim.connors@maine.gov) )

Hugh Cowperthwaite, Coastal Enterprises Inc. Contractor for the Department of Marine Resources (207) 772-5356 ext 120

Email: [hsc@ceimaine.org](mailto:hsc@ceimaine.org)