

Maine's Working Waterfront Access Protection Program

Permanent working waterfront access protection through the purchase of development rights

The Maine Department of Marine Resources (DMR), Maine Coastal Program (MCP), working with the Land for Maine's Future (LMF) program, provides funds to help purchase development rights in order to preserve and protect key properties on the coast that provide access to and support commercial fisheries and aquaculture activities. Once a project has been allocated funding by the Land for Maine's Future Board, DMR and LMF staff will assist each applicant with project management and to completion.

When a project receives funding, the working waterfront property's development rights are extinguished through the sale of a working waterfront covenant, a legally binding deed restriction held by the Department of Marine Resources. The covenant protects all current and future fisheries related uses of the land by prohibiting all conflicting non-fisheries activities. The covenant may allow a degree of mixed uses that are compatible with the primary fisheries use and provides the property owner with the flexibility to manage the property as needed to remain financially viable. The property owner also retains all other rights of ownership; that is, they are free to sell, lease, or collateralize, make their own business decisions, and enforce trespass violations. If and when the property owner chooses to sell the property, the State has a "right of first refusal" to assure that the land will be valued at its working waterfront value and thus remain affordable to those who would purchase it with the intent to continue commercial fishing activities.

There are certain criteria that DMR is looking for in potential projects. Every application is judged by a quantitative assessment of how it fairs within the context of six criteria. A highly scored project is one that is:

1. An active working waterfront which is strategically significant to the local, regional and state fisheries and aquaculture related economies;
2. Currently located and developed to fully support commercial fishing and aquaculture activities; providing key supports such as all tide access, fuel, bait, sales, and/or adequate parking;
3. Under current or emerging threat of conversion to uses incompatible with commercial fishing activities by development and changing population dynamics;
4. In a community with a clear desire to maintain and support their commercial fishing enterprises as evidenced by zoning, comprehensive plans, or written support and;
5. A critical part of the local fishing infrastructure providing key access for the area.
6. Poised to create new shoreside jobs with proposed investments described in a business plan.

Additionally, DMR is seeking individuals, businesses, coops, or communities that are:

1. Willing to develop a business/operating plan.
2. Willing to enter a permanent deed restriction to be held and monitored by the DMR assuring the prohibition of all competing non-fishing uses of the property.

For more information or to receive a complete application packet please contact:

Matthew Nixon, Maine Coastal Program, 21 State House Station, Augusta, ME 04333
tel. (207) 287-1491 | Matthew.E.Nixon@Maine.gov

Maine's Working Waterfront Access Protection Program Process Outline and Timeframe for 2019

Potential applicants are strongly encouraged to consult with DMR and LMF Staff to assure that their project meets all the program criteria and that their application is complete. There are many individual facets to the application and staff is available to provide support through consultation as needed. If additional support is needed private consultants are often willing to assist for a fee.

A new step for this and all proceeding rounds will be the requirement that all potential applicants submit a Letter of Intent prior to submission of a full proposal. Letter of Intent content details can be found in the WWAPP Workbook. DMR will use this letter to determine project eligibility and whether or not the agency will sponsor an application.

Upon completion of the application, an electronic copy and 10 copies of the packets are to be submitted with all required supporting materials to the DMR's Working Waterfront Coordinator (see the WWAPP Workbook pages for explanation of how to write an application). Application packets will then be checked for completeness and distributed to independent reviewers, and to staff within DMR and LMF. Applications will be reviewed and scored by the DMR Commissioner's Review Panel composed of individuals familiar with the fishing industry. The Commissioner will present final recommendations for funding to the Land for Maine's Future Board (LMFB) based on the Review Panel's scores and comments combined with an assessment of the business/operation plan. The LMFB will thoroughly discuss the project proposals, and vote on recommended allocations (award amounts).

In order for projects to be reviewed, scored and presented to the LMFB for approval, applicants should be aware of and keep the following timeframe in mind.

- A deadline of **January 4th, 2019** has been set for receipt of Letters of Intent from all potential applicants for sponsorship evaluation by DMR staff. Please note that DMR/MCP will continue to accept LOI's after the deadline of January 4th, however projects that meet this deadline will be given priority over projects that do not.
- A deadline of **March 22nd, 2019** as been set for the next round of applications.
- If monies remain unallocated, further rounds will be scheduled.

After the allocation of funds is approved by the Land for Maine's Future Board, the applicant must complete all required due diligence work in order for LMF funds to be released. Applicants must provide:

- An appraisal done to the standards outlined in the WWAPP workbook
- Title commitment and copies of exceptions listed in the commitment
- An environment site assessment,
- Survey of the property to be encumbered with the Covenant
- A mortgage lenders agreement if applicable.

These required due diligence items are the responsibility of the applicant. How long this will take to complete is dependent on how much was done prior to the application being submitted. It is likely that from project selection to covenant signing, delivery of funds will take nearly a year, but could be sooner or later depending on the complexity of the project and the timeliness of the applicant in completing all the required tasks.

For further information or to submit an application, please contact:

Matthew Nixon, Maine Coastal Program, 21 State House Station, Augusta, ME 04333
tel. (207) 287-1491 | Matthew.E.Nixon@Maine.gov