

Maine Coastline

News from the Maine Coastal Program

Spring 2005



Bay Management Planning

The coves, harbors, and bays that lie just off Maine's shore constitute the state's nearshore or coastal waters (within 3 miles of shore)—the most valued and vulnerable region of the marine world. Humans rely on this nearshore area for food, recreation, commerce, energy and waste assimilation. Other species depend heavily on these waters, too—for food, shelter and the nurturing of new generations.

Growing human demands on these waters are prompting conflicts among those who use its resources. Maine's aquaculture siting process, in particular, revealed the depth and complexity of competing uses, prompting the Legislature to call for a broader investigation of ways the State might better manage nearshore waters.

This "bay management" study, now underway, challenges people to consider coastal waters—not in terms of isolated uses or species—but as a whole ecosystem. "It's a way of looking at the big picture on a small scale," explains Maine Coastal Program Director Kathleen Leyden, who helps to staff the bay management study. "In this process, we're asking ourselves as coastal managers how we might best address the unique ecological, economic and cultural circumstances of a particular area. We need to accommodate local interests while fulfilling our obligation to maintain these waters in the public trust."

Leyden questions whether bay management might in some ways parallel the comprehensive planning process that many Maine communities have undertaken. "A local or regional bay management process could afford an opportunity to generate local dialogue about what's working well and what's not," she notes. "Combining those local insights with the best available science could help us create strategies to sustain coastal ecosystems over the long-term."

Those who critique current management approaches often focus on the need for better coordination among different levels of government, for local communities to have a stronger voice in decision-making, and for more streamlined review of coastal activities. "With multiple levels of governmental oversight in this nearshore zone (see diagram pages 4-5), it can be hard for people to determine where to go for answers and guidance," Leyden says. "Any new management efforts should make it easier for people to navigate their way through the regulatory system."

Preliminary research and planning began last fall and public input is being sought this year (see workshop schedule page 8). A final report outlining options for managing Maine's nearshore waters will be presented to the Legislature in January 2007.



Director's Column

May 2005

If you routinely read this newsletter, chances are you care about the Maine coast, and about certain coves and bays in particular. Your affinity for these settings may have grown through decades of lobstering, or quiet times spent paddling, cruising or walking the shoreline. Over time, you've undoubtedly observed changes in the place as more people came to share in its resources.

Given the diverse array of folks who rely on coastal waters, conflicts are inevitable but most communities sort these out over time. Unspoken rules about turf, parking spaces, and boat launches sometimes work better than formal conflict resolution or regulations. As the late Ed Myers used to say, the key to resolving water-use conflicts may simply be to "get there first."

Waters that lie within three miles of shore are managed by the State "in trust" for the public to use for navigation, recreation, fishing, marine commerce and other purposes. It's a tall order balancing these uses, and the challenge grows daily—as more and more people frequent these popular near-shore waters.

How well is the State managing its coastal waters? What should it do differently? How can it best plan for new and increased uses as coastal populations grow? To answer these and other questions, Maine has embarked on a two-year "bay management" study featured in this issue of *Maine Coastline*.

The success of this study depends on accurately identifying problems and inadequacies in the current management scheme and devising effective solutions. Some approaches may involve expanding existing programs in which the State is working with citizens to effectively steward coastal waters. Other approaches may be modeled after creative initiatives that function well in other regions.

We welcome your thoughts on what is working, what is not working, and what needs to change in terms of managing Maine's nearshore waters. Public workshops are planned in the late summer and fall (see page 8) and the Bay Management Steering Committee (see page 3) welcomes written comments. To learn more about getting involved in the bay management process, please visit <http://www.maine.gov/dmr/baystudy/baystudy.htm> or contact Vanessa Levesque at vanessa.levesque@maine.gov or 287-9979.

Kathleen Leyden
Maine Coastal Program Director

Maine Coastline

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Taking Notes: Potential Lessons from Related Programs

One of the first tasks of Maine's Bay Management Steering Committee has been to review comparable programs in other regions to determine what tools and techniques might be useful to replicate. Programs that have been doing bay management for some time (see case studies on page 7) provide many useful insights. The following practical pointers, while far from comprehensive, may be worth heeding:

- Mobilize diverse constituents and make sure that the decision-making process is locally driven.
- Create a framework flexible enough to accommodate the specific needs of each region.
- Seek to foster practical projects "on the ground" that provide both ecological and economic benefits.
- Set a time frame for each plan, and specific benchmarks for program goals. Adhere to them. Review and revise the strategic work plan at regular intervals.
- Forge strong partnerships with watershed organizations working in upland areas.
- Compile thorough baseline data at the outset and create indicators to gauge how conditions change over time.

Thanks to Vanessa Levesque for these pointers.



Maine may benefit from management strategies adopted in regions with similar resource conflicts, such as the coast of British Columbia.

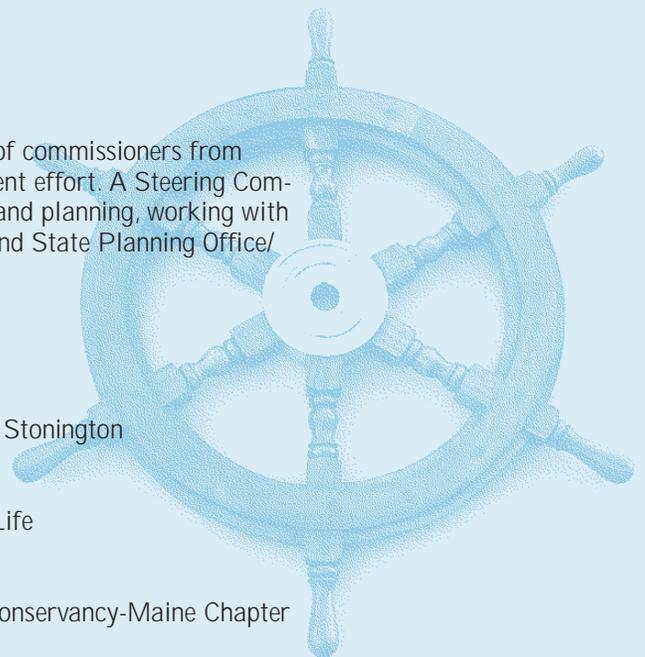
Graham Winterbottom, BC MSRM

Who's at the Helm

The Land and Water Resources Council (a standing body made up of commissioners from Maine's natural resource agencies) is overseeing the bay management effort. A Steering Committee of eight public volunteers coordinates much of the research and planning, working with several staff members from the Department of Marine Resources and State Planning Office/ Maine Coastal Program.

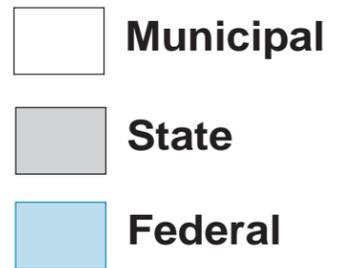
Bay Management Steering Committee:

Paul Anderson, Director, Maine Sea Grant
Kathleen Billings, Chair, Soft Shell Clam Advisory Council, Town of Stonington
Heather Deese-Riordan, Science Director, University of Maine
Dewitt John, Director of Environmental Studies, Bowdoin College
Evan Richert, Program Director, Gulf of Maine Census on Marine Life
Jim Salisbury, Retired CEO, Supreme Alaska Seafoods
David Schmanska, Harbormaster, St. George
Barbara Vickery, Director of Conservation Programs, The Nature Conservancy-Maine Chapter



Who's Minding the Bay?

When considering ways to improve management, it helps to understand the current framework of programs and entities that oversee activities along the shoreline and in coastal waters. This diagram helps map those multiple layers, stretching from upland portions of the watershed out to 3 miles offshore (where state jurisdiction ends and federal authority begins).



Inland Fisheries & Wildlife

- ♦ manages populations & habitats
- ♦ protects coastal seabirds
- ♦ provides recreational public access
- ♦ responds to oil spills
- ♦ manages sea-run brook, brown, and rainbow trout fisheries

Atlantic Salmon Commission

- ♦ manages Atlantic salmon populations
- ♦ manages inland and tidal areas of historical salmon habitat

Municipalities

- ♦ regulate land use through ordinances and zoning
- ♦ manage harbors
- ♦ establish soft-shell clam ordinances
- ♦ manage intertidal leases

Department of Transportation

- ♦ oversees shipping, ports, ferries, surface water quality, coastal access

The Public Trust Doctrine provides that public trust lands, waters, and living resources are held by the State in trust for the benefit of all the people of Maine.

Department of Environmental Protection

- ♦ regulates water quality
- ♦ issues discharge permits
- ♦ issues land-use permits

Department of Conservation

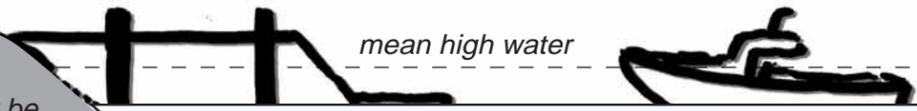
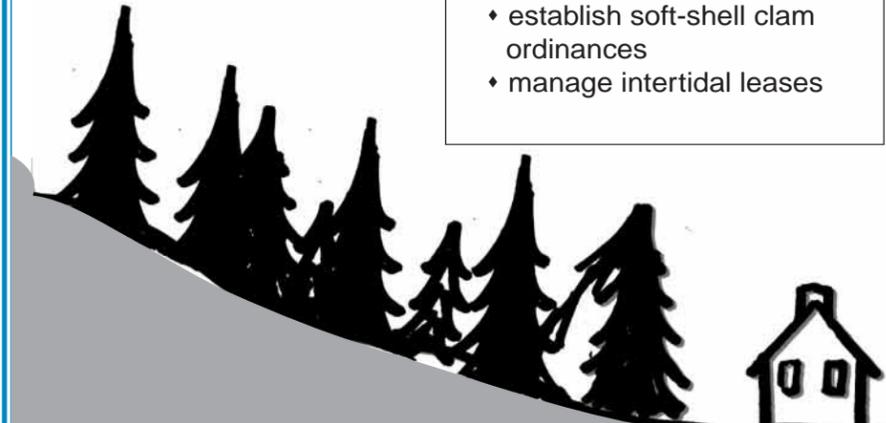
- ♦ Bureau of Parks & Lands leases state-owned submerged lands for structures (except aquaculture)
- ♦ The Land Use Regulatory Committee covers unorganized territories

Maine Coastal Program

- ♦ ensures federal projects (dredging, military, etc.) adhere to state environmental rules
- ♦ coordinates coastal initiatives working with state and federal partners

Department of Marine Resources

- ♦ manages fisheries, aquaculture, and other marine resources
- ♦ restores anadromous fisheries
- ♦ advises state and Federal agencies on proposed development projects affecting marine resources



U.S. Fish & Wildlife Service

- ♦ manages National Wildlife Refuges
- ♦ manages endangered and threatened species
- ♦ manages migratory birds

Intertidal zone: may be privately owned, subject to public easement for "fishing, fowling, and navigation"

Environmental Protection Agency

- ♦ regulates water quality

Coast Guard

- ♦ ensures safe navigation
- ♦ oversees boating safety
- ♦ search and rescue in water

National Marine Fisheries Service

- ♦ manages fisheries and protected resources
- ♦ manages "Essential Fish Habitat"

State Waters extend to 3 miles from shore; Federal waters extend 3-200 miles

Federal Energy Regulatory Commission

- ♦ regulates interstate transmission of natural gas, oil, and electricity

Army Corps of Engineers

- ♦ issues permits for projects on intertidal and submerged lands
- ♦ oversees dredging
- ♦ constructs breakwaters

Piloting Bay Management at the Regional Level

This past winter the State awarded grants to two regional nonprofit organizations that will conduct year-long pilot projects-providing valuable lessons in how bay management plays out in the field.

Taunton Bay, Hancock County

For Steve Perrin, president of Friends of Taunton Bay, bay management represents a radical approach that just might bolster the health and integrity of an ecosystem he's cared about for more than 60 years. "In the late 1930s," Perrin recalls, "there was one shorefront cottage here. Now there are a hundred houses in the vicinity. Yet the place has not lost its wild integrity: you still routinely see eagles, loons and seals and know that something good is happening here."

Many area residents and local officials already recognize that the Taunton Bay ecosystem is vulnerable. The Friends group plans to build on that awareness, reaching out to all Bay users and mapping existing uses. They also plan to identify indicators of Bay health that can be monitored over time.

"This year-long pilot project may give us a better sense for what State-level framework could best support local ecosystem management," Perrin observes. "It's going to take new ways of doing things, and few people know just what those are. But there's certainly a strong desire to see this effort succeed." Finding ways to incorporate personal knowledge and values into the bay management process will be critical to success, Perrin believes. "Giving local people more say in managing the inshore waters they know and care about," he says, "would put new life into the 'public trust' doctrine."

"In the late 1930s there was one shorefront cottage here. Now there are a hundred houses in the vicinity. Yet the place has not lost its wild integrity: you still routinely see eagles, loons and seals and know that something good is happening here."

—Steve Perrin, Friends of Taunton Bay



Steve Perrin

Muscongus Bay, Lincoln and Knox Counties



Candace Cochran

"Muscongus Bay is not a pristine resource," says Jennifer Atkinson, Director of the Marine Program at QLF/Atlantic Center for the Environment. QLF helped found an ad hoc committee of local residents interested in protecting the Bay's quiet beauty, productivity and traditional working character. "It's not the largest bay, the busiest bay, or the most remote bay, but we think is special. We want to figure out how to work with the changes that are coming so we don't lose the unique character we have here."

The committee sought to become a bay management pilot project in order to engage more people in their process. They plan to distribute a written survey assessing public perceptions and concerns, and to map existing uses of Muscongus Bay to better understand where conflicts and management needs are greatest. "We're not testing some preconceived model here," Atkinson says. "We just want to hear what decision-makers and bay users need in the way of support, science and information, and then try to provide that."

Atkinson sees the pilot project as a means of improving management from the bottom up: "There are ten towns around the bay, and currently there's little cooperative planning or resource-sharing as far as we know. We hope that this process will strengthen the local role and local voice, increasing the capacity of people at that level to make sound decisions."

Bay Management: Models from Other Shores

As planners in Maine begin shaping a strategy for bay management, they are looking to see what comparable efforts are underway. Two successful initiatives in the Pacific Northwest may hold valuable lessons for this region.

British Columbia

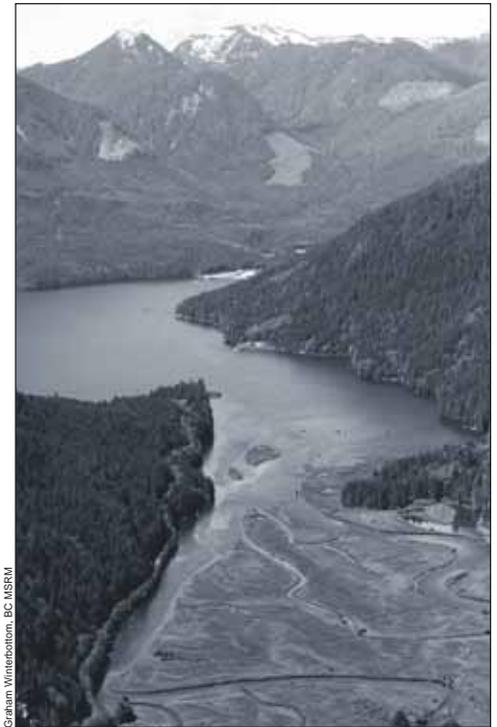
<http://srmwww.gov.bc.ca/rmd/coastal/>

The convoluted shores of British Columbia (BC) span 18,319 miles, more than triple the length of Maine's shoreline. Managing active forestry, fishing and aquaculture interests at this geographic scale can be daunting, but planners at BC's Coastal Program have created a framework to minimize conflicts in nearshore waters. They engage area residents and coastal resource users in crafting marine plans within distinct coastal regions.

The process begins with a study of existing uses and one-on-one consultations with environmental and industry groups. "We're clear up front with people about what is and is not negotiable," says Coastal Manager Rob Paynter. The Program also hosts informational open houses, inviting local residents to join an advisory committee. "We've found this participatory structure fosters greater community engagement in planning," Paynter notes. "We make a commitment to have each plan meet the region's needs, be completed within 12-18 months, and be reviewed every three years."

Following focused consultations with other levels of government, interest groups, and First Nations, provincial planners draft recommendations with input from the local advisory committee-taking into account interactions among uses, resource sustainability and levels of community support. The Coastal Program then co-hosts additional open house meetings with the local advisory committee, inviting people to review plans before they are approved.

Embracing the principle of adaptive management, the Coastal Program continually refines its approach based on lessons learned. Planners now are working to calculate more precisely the environmental footprint of each use, and map areas of greatest conflict to enhance public understanding. The latest plans also strive to coordinate coastal recommendations with related planning in upland areas of the watershed.



Graham Winterbottom, BC MSRM

Phillips River Estuary in British Columbia.

Northwest Straits Marine Conservation Initiative

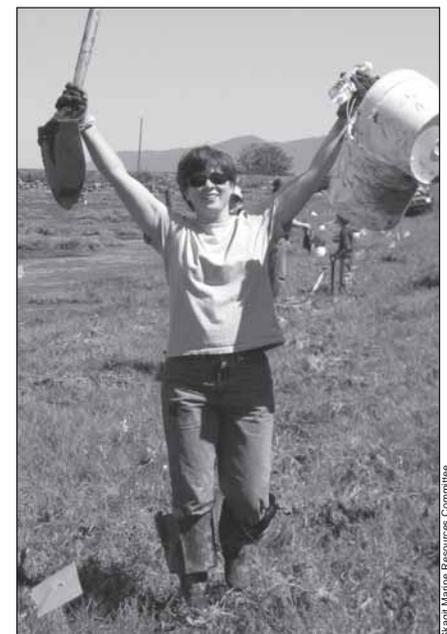
www.nwstraits.org

The Northwest Straits, in Washington, have resource uses and conflicts similar to British Columbia, their northern neighbor. Once a thriving fishing center, the Straits now support shipping, tourism and a rapidly increasing population. Pollution, habitat degradation and overfishing have diminished ecosystems and economic returns and created conflicts among those who rely on the bay's resources.

In response, the federal government proposed creating a National Marine Sanctuary but all seven adjoining counties opposed the measure. They did agree to an alternative approach that seeks to blend "well-founded science with grassroots consensus-building." A network of county-based Marine Resources Committees (MRCs) formed, along with a coordinating Commission with one member for each county.

DeWitt John, a Bowdoin College professor who served on a national team that evaluated this initiative, gives it high marks. "Through this collaborative structure," he says, "they've established extremely cooperative relationships and produced visible improvements—including an inventory of fish spawning habitat and a marked reduction in fishing gear debris."

The MRCs act like a Council of Governments, responsive to elected county officials and operating independently of other agencies with no regulatory or enforcement authority. They consider proposals for scientific research and restoration projects and help to implement those. The Commission, in turn, coordinates their efforts, guides research priorities, and provides funding to the MRCs. The success of this system lies in its capacity to build partnerships at every level of the community and to leverage additional resources.



Seagrass Marine Resources Committee

Community involvement has helped make the Northwest Straits initiative a success.

Public Input Key to Bay Management Planning

A series of public meetings held this winter and spring helped to launch the bay management study process, gathering citizen input about nearshore water uses and conflicts at gatherings in Eastport, Ellsworth, Rockland, Portland and Wells. Community members weighed in on a wide range of issues, but most concerns fell into one of the following five categories:

- 1) navigation concerns (e.g., conflicts between different types of vessels);
- 2) ecological issues (e.g., impact of declining water quality on shellfish);
- 3) resource harvesting (e.g., conflicts between clambers and wormers);
- 4) recreation and tourism (e.g., swimmer safety in areas with boat traffic); and
- 5) water access (e.g., loss of working waterfronts).



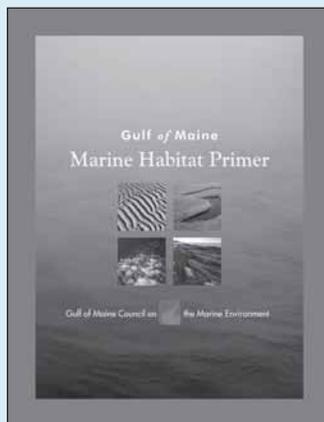
Ellsworth public meeting.

Participants described how current management of nearshore resources works (and falls short) in their communities, often noting the need for greater local input and control of decision-making. Feedback gathered at these community discussions was shared with Bay Management Steering Committee members, helping to guide their research and discussions.

For more information and to get involved in the study, visit <http://www.state.me.us/dmr/baystudy/baystudy.htm> or contact Vanessa Levesque at 207.287-9929 or at vanessa.levesque@maine.gov.

Gulf of Maine Marine Habitat Primer

Those interested in Bay Management and coastal conservation will appreciate an attractive new guide produced by the Gulf of Maine Council on the Marine Environment. Illustrated with color photographs and drawings, the 56-page primer provides an overview of coastal and offshore habitats in the Gulf of Maine (stretching from Massachusetts to Nova Scotia) - including habitat characteristics, ecological functions, economic and recreational values, human impacts and management considerations. Download the primer (in PDF format) at <http://www.gulfofmaine.org/habitatprimer> or contact Theresa Torrent-Ellis at the Maine Coastal Program (207-0287-1486) for a copy.



Aquaculture Regulations Amended

In response to the Aquaculture Task Force and resulting legislation, the Department of Marine Resources has amended its aquaculture regulations (effective May 1, 2005) to reflect the legislative changes and other recommended changes by the Task Force. The amendments include a change to the lease process that requires an informal public meeting prior to submitting an application. To read the aquaculture regulations in their entirety, please visit <ftp://ftp.maine.gov/pub/sos/cec/rcn/apa/13/188/188c002.doc>.



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The Maine Coastal Program represents a partnership of local, regional and state agencies that work collaboratively to enhance management of the state's diverse coastal resources. Housed at the State Planning Office, Coastal Program staff work extensively with governmental agencies and community organizations such as local land trusts and regional economic development groups. Planning and outreach focus on such issues as watershed management, development issues, fisheries management, water quality monitoring, marine education, citizen stewardship, coastal hazards, marine infrastructure and habitat protection.

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