



Submerged Lands Newsletter

A yearly update of developments in the Submerged Lands Program for submerged lands lessees, easement holders and other interested parties.

January 2016

Submerged Lands Lease Revenue At Work

The Submerged Lands Program (SLP) adopted a new policy statement in 2015 that outlines the process by which submerged lands lease and easement revenue is used to maintain, improve or expand public access to Maine's coastal and inland waters. Maine state law requires that SLP funds deposited into the Shore and Harbor Management Fund (SHMF) be used to make grants to municipalities and provide funds to state agencies for the purposes of developing harbor management plans and improving public access facilities. A portion of these funds may also be used for managing state-owned islands under the jurisdiction of the Bureau of Public Lands (BPL). SLP's new policy statement identifies who can receive SHMF funds, how they can be spent, and sets standards for progress reporting to insure lease revenue is spent appropriately and efficiently. SHMF funds can only be used for the following purposes:

- Planning, fiscal or engineering studies for new or expanded public water access facilities;
- Construction of new or expanded public water access facilities;
- Construction or purchase of public water access facility infrastructure (piers, ramps, floats, commercial fishing hoists, fenders, dolphins, and other water dependent infrastructure);
- Development of public water access materials (maps, handbooks, etc.);
- Training for harbor masters, harbor commissions, planning board (harbor management, public trust doctrine, grant programs, ordinance and plan development);
- Prevention of abandoned and derelict vessels;
- Management of state-owned coastal islands, and;
- Planning for municipal harbor management, development of harbor ordinances, mooring plans and other studies related to the efficient and inclusive public use of municipal harbors and waters.

Further, the SLP policy statement lists the State agencies that are eligible to receive SHMF funds and identifies the activities on which these funds may be spent. These are:

Maine Coastal Program (MCP) for the purpose of 1) providing grants to municipalities via MCP's Shore and Harbor Planning Grant Program and 2) providing research, education and technical assistance consistent with the mission of the SHMF;

Bureau of Parks and Lands to provide funding to the Maine Island Trail Association (MITA) for the purpose of maintaining coastal islands owned by the State of Maine for public use;

MaineDOT for the purpose of providing grants via the Small Harbor Infrastructure Program (SHIP) and the Boating Infrastructure Grant (BIG);

Bureau of Parks and Lands, Real Property Management and Engineering for the purpose of maintaining state-owned piers, boat ramps and associated water dependent infrastructure in coastal waters and Great Ponds;

Bureau of Parks and Lands, Boating Infrastructure Program for the purpose of improving public water access facilities on Great Ponds and coastal waters, and;

Department of Inland Fisheries and Wildlife for the purpose of providing match to leverage federal funds for the construction of new public access facilities on Great Ponds and coastal waters.

See the attached sheet for a list of funded projects.

Finally, the Submerged Lands Fund is the SLP's operating fund but also contributes lease revenue to support shellfish monitoring efforts by the Department of Marine Resources, annual training and certification of municipal harbor masters by the Maine Harbor Master Association and BPL's Abandoned and Derelict Vessel Program.

Abandoned and Derelict Vessels

Abandoned and Derelict Vessels (ADV) are a perennial problem for all coastal and Great Lakes states. The approach to dealing with the removal and prevention of ADVs varies from state to state. Currently, if a vessel is abandoned or sinks in the intertidal zone and the rightful owner cannot be found, removal of the vessel may fall to the adjacent landowner. The cost of removing an abandoned vessel can increase exponentially once the vessel sinks or is at risk of leaking hazardous materials such as fuel oil.

While it is illegal to abandon a vessel in Maine waters, the State does not have any program in place to prevent ADVs or reduce the likelihood of a vessel from becoming abandoned or derelict. The SLP, in an effort to help solve this problem, has agreed to provide limited funding to the Maine Coastal Program to develop policy recommendations for addressing this important issue.

The Department of Agriculture, Conservation & Forestry offices are located in the Harlow Building on the East Side Campus, off Hospital Street (Route 9) in Augusta. The physical address is 18 Elkins Lane. We advise you to call ahead if you would like to meet with the Submerged Lands Staff.

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Annual Reminders

Sale of Property

If you have sold or are planning to sell your property, please remember that your submerged lands lease or easement must be transferred or assigned to the new owner. To transfer a lease, please send us a written request, including the new owner's name and address. There is also a \$100 processing fee that can be paid by either party. Notification may be provided by an attorney or real estate broker involved in the transaction, or even the new owner, provided they submit a copy of the new deed and transfer fee.

If you hold an easement, please provide the name and mailing address of the new owner. They will need to provide us with a copy of their deed to the property so that the easement can be assigned to them.

Renewals

Most leases and easements are issued for a 30-year term. Several months prior to the end of the term, the Bureau sends notice that you will need to apply for a new 30-year conveyance. This is sent during the summer months when it is easier to check measurements and take photographs.

Modifications

Please keep in mind that any changes to your structure, including the addition of floats (seasonal or permanent), may require your lease or easement to be updated. If you are planning any changes, please contact us.

2015 SUBMERGED LANDS PROGRAM ACTIVITY SUMMARY

The Bureau of Parks and Lands processed 141 applications in 2015. Seventy-seven (77) new leases and easements were granted, including 17 amendments to existing conveyances and 18 renewals of expiring conveyances. The Bureau also reviewed 64 applications and determined that no conveyance was required. The following list indicates the types of leases and easements approved (or amended) in 2015 and the total number of leases and easements in the Submerged Lands Program.

	Leases	Easements
Private residential piers/floats	13	15
Private recreational facilities	4	0
Utility cables and pipelines	11	1
Commercial marine facilities	7	8
Commercial non-marine facility	1	0
Public service or public facilities	10	2
Dredging (including one log salvage lease)	5	NA
TOTALS	<u>51</u>	<u>26</u>

PROGRAM TOTALS: LEASES - 1,233 EASEMENTS - 753 DREDGING LEASES - 12

Projects Receiving Submerged Lands Funding in 2015

This year, the SHMF provided nearly \$600,000 to help fund harbor improvements through planning, engineering and construction of public water access facilities throughout Maine's coastal waters and Great Ponds. Below is a list of projects that protect or enhance the public's trust rights to the waters of Maine and are made possible by combining SHMF funds with other private, local, state and federal investments.

Planning and Engineering Projects Receiving SHMF Funds:

- **City of Bath - Guilford Lot Cooperative Fishing Pier:** engineering and design to develop a city owned vacant lot on the Kennebec River into a cooperative fishing pier.
- **Town of Brunswick – Brunswick Public Mooring Field Opportunities:** identify options for creating a town mooring field for non- residents.
- **City of Calais – Expansion of Municipal Pier:** engineering and design for expansion of the City's municipal pier.
- **Town of Cumberland – Payson Pier Replacement Project:** engineering and design of a new public pier.
- **Town of Ogunquit – Replacement of Existing Pedestrian Bridge:** engineering and design of a new pedestrian bridge to provide safer access to Ogunquit Beach.
- **City of Portland – East End Beach Non-Motorized Boating Facility:** design new floats and dockage for non-motorized watercraft on East End Beach.
- **Town of Sedgwick – Benjamin River Harbor Design and Engineering:** engineering and design of improvements or replacement of the existing town pier and conceptual design of the entire municipal facility.
- **City of Belfast – Rangeway Management Plan:** identify and develop management plans for 17 public rangeways (right-of-ways) to shore.
- **Maine Coastal Program:** develop an online version of the Coastal Access Guide.
- **Maine Island Trail Association:** provide management of coastal islands owned by the State of Maine for public use.

Construction Projects Receiving SHMF Funds:

- **Department of Inland Fisheries and Wildlife:** provide federal match to construct two new public boat launch facilities on Savade Lake in Windsor and on Sebec Lake in Willimantic.
- **City of Eastport via MaineDOT/ BIG and SHIP:** construct new access ramp and parking area at former McNichols Wharf.
- **City of Biddeford via MaineDOT/ BIG:** construct new transient floats, power pedestals, water, pumpout facility, restrooms at Rumery's Boat Yard.
- **Town of Richmond via MaineDOT/ BIG and SHIP:** expand existing float system, shoreline stabilization at Richmond public boat launch facility.
- **Town of Bar Harbor via MaineDOT/ SHIP:** construct new floats at municipal pier.
- **Town of Jonesboro via MaineDOT/ SHIP:** construct new public water access facility.
- **Colonial Pemaquid Historical Site via Bureau of Parks and Lands:** complete construction and placement of new floats.