

Maine's Department of Marine Resources
Working Waterfront Access Pilot Program

Permanent working waterfront access protection through the purchase of development rights

The Maine Department of Marine Resources (DMR), 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 activities. The DMR has contracted a Working Waterfront Team at Coastal Enterprises, Inc. (CEI) to administer and implement the Working Waterfront Access Pilot Program (WWAPP). The Team works closely with fishermen, businesses, communities and other interested parties to identify the projects that best fit the WWAPP's goals and requirements. The Team also guides the planning and application process to help assure that applicants submit a complete and appropriate proposal. Once a project has been allocated funding by the Land for Maine's Future Board (LMFB), the Team continues to assist each project 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 (DMR). The covenant protects all current and future fisheries related uses of the land by prohibiting all conflicting non-fisheries activities (i.e. condos, marinas, restaurants). The covenant does 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 or lease. 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 the DMR wants to see in potential projects. Every application is judged by a quantitative assessment of how it fares within the context of five 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 related economies;
2. Currently located and developed to fully support commercial fishing activities, providing key supports such as all-tide access, fuel, bait, sales, and/or adequate parking;
3. Under current and 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 its 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.

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

1. Willing to develop a business/operating plan; and
2. Willing to enter into 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:

Dick Clime, WWAPP Administrator for Lincoln, Knox, Waldo, Hancock, or Washington Counties. Coastal Enterprises, Inc., P.O. Box 268, Wiscasset, ME 04578, tel. 207-882-7552, ext. 191, rdc@ceimaine.org.

Hugh Cowperthwaite, WWAPP Supervisor for York, Cumberland, and Sagadahoc Counties. Coastal Enterprises, Inc., 2 Portland Fish Pier, Suite 206, Portland, ME 04101, tel. 207-772-5356, ext. 120, hsc@ceimaine.org.

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Process Outline and Timeframe for 2011**

Now that additional funding supports new applications (the November 2010 vote for the Working Waterfront bond referendum passed), potential applicants are strongly encouraged to work closely with the DMR's Working Waterfront Team 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 the team is available to provide support and additional resources as needed to complete all of these pieces.

Upon completion of the application, 20 copies of the packets are to be submitted with all required supporting materials to the DMR's Working Waterfront Team (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 the DMR and Land for Maine's Future (LMF). Financial experts will review and comment on the business/operations plan, while applications will be reviewed and scored by the DMR Commissioner's Review Panel composed of individuals familiar with the fishing industry. The Commissioner will prepare 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).

There are usually three project review periods in twelve months, with rolling deadline dates every four months. 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.

- The first application deadline is July 1, 2011, when mailed or delivered packets are due in CEI's offices by the end of the business day.
- If monies still remain unallocated after the July 1, 2011 round, applications for a second round will be sought four months later by November 1, 2011.

This pattern will continue on a four-month rolling basis until there is no money to allocate.

If the allocation of funds is approved by the LMFB, then the remaining due diligence work will ensue. For example, projects must provide an approved appraisal, a title search, an environment site assessment, an accurate property survey, and a mortgage lenders agreement, among others. How long this will take is dependent on how much was done prior to the application being submitted. It is likely that from allocation to covenant signing and delivery of the funds will take nearly a year, but could be sooner or later. This depends on the complexity of the project and the diligence of the applicant to keep working to complete all the required tasks.

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