

THE CRITICAL NATURE

of MAINE'S WORKING WATERFRONTS
and ACCESS TO THE SHORE

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INTRODUCTION

PURPOSE

The significance of Maine's working waterfront¹ and of preserving and creating access to the shore cannot be overestimated. In a post-pandemic world with incredible pressure on Maine's coastal real estate, **ensuring commercial access to the shore has never been more critical.** Maine rightly touts its "Blue Economy" for economic development purposes; and while there is significant investment in developing the blue economy, to date there has been minimal investment in protecting the access that ensures the growth of the blue economy is possible.

The goal of this report is to provide an overview of the current status of working waterfront and concrete action steps for the protection of Maine's working waterfront and our blue economy.

METHODOLOGY

For this report, in addition to considerable research, and the development of a resource list, there were more than a dozen interviews conducted across a wide spectrum.² Interviewees included marine patrol, aquaculturists, harbor masters, clambers, fishermen, and town councilmen, among others.

This report examines the current state of access in Maine, outlines the need for a broader strategy around access protection and makes recommendations for immediate action steps to preserve and protect Maine's working waterfront.



EXECUTIVE SUMMARY

from *Island Institute*

In the summer of 2021, the Island Institute received numerous calls from landowners, community members and business owners asking for help. Their working waterfronts are at risk, and communities are grappling with both pressures from the sea and pressures from the land.

This significant shift in just three months revealed another example of what we already know about community development: systemic challenges manifest themselves in different ways and they become location-specific problems for specific people. Maine's current system for working waterfront protection does not solve all challenges, nor does it apply to all circumstances or locations. Instead, we have a system that is a kernel of something to build around.

From our work over the past three decades, we know that the loss of working waterfront access can set off a cascade of challenges. For example, a single clammer without access to the working waterfront will use an air boat. The noise will likely lead to bad relations with neighbors and waterfront landowners. This interaction leads to competition for space and resources. Inevitable crowding of boat launches and public wharves will follow because the clammer, fisherman or aquaculturist has nowhere else to go.

The Island Institute commissioned this report to help working waterfront businesses and Maine coastal communities plan for shifts in the ecosystem, economy and fishery. This report identifies and illustrates the need for:

- **long term, systemic interventions** that recognize both the place-based nature of working waterfronts and the significant pressures that working waterfronts face or will face that come from forces beyond the control of any one entity;
- **an entity that is looking holistically** at this challenge, its multiple facets and can help support or drive support to working waterfronts;
- **technical assistance and institutional support** to help coordinate the complexity of the challenges ahead and the resources available; and
- those who care about working waterfronts to start thinking proactively about how to identify **critical working waterfront businesses** that provide a service that is systemically important.

The Island Institute will distribute this report and share resources in hopes that those who care about working waterfronts help us and our collaborators identify **vulnerable locations, businesses and waterfronts**—whether from pressures on land or on the water.



WHAT'S AT STAKE

Economic and Cultural Value of Working Waterfronts

Maine's lobster industry alone is valued at \$1B+³, according to a 2018 Colby College report. And while there is no similar industry (supply chain) data for other wild caught and farmed fisheries⁴, the cumulative value of Maine's landings alone is significant, consistently hitting the \$500mm mark.⁵ In addition, there is evidence to suggest growth in certain wild caught fisheries as well as considerable growth on the aquaculture side. The wild caught Gulf of Maine dayboat scallop fishery, for example, has seen an overall increase in landings and value in recent years.⁶ On the aquaculture side, lease and license applications have soared over the past several years (LPA data).⁷ Groundfishing, clamming, seaweed harvesting, and marine worm digging are also contributors to the overall economic impact of Maine's seafood industry. These numbers are compelling in and of themselves, and they do not reflect the millions of dollars the tourism industry brings in: those who flock to our shores to consume lobster and steamers, to visit our oyster trail, who stand mesmerized as they watch fishermen unload their catch. Moreover, the economic impact numbers do not tell the story of our coastal communities, the small fishing villages

sustained by owner-operated lobster fishing operations, who buy their coffee and lunches at the general store, whose families support the small local businesses and make up the backbone of coastal communities.

Any way you measure, whether raw economic data, heritage and history or community, Maine's working waterfront and our ability to earn a living on the water is integral to who we are, and who we should be. Maine's ability to continue that economic growth, which includes out of state investors in aquaculture farms as well as small mom-and-pop operations and our independent owner-operated lobster fishermen, is at risk as access to the shore disappears at an increasing rate. **Once access points are gone, they do not come back.** The need to protect existing access is both urgent and critical, and while we need to understand more comprehensively the overall economic impact of our seafood industry, we cannot wait for that data to act. Maine needs a statewide action plan to protect its working waterfront and access before it's so diminished as to be irrelevant.



REAL ESTATE SNAPSHOT

Cascading Problems

Maine real estate has come under increasing pressure since the economic downturn in 2008. The rise in pressure on Maine's real estate was vastly increased in 2020 with the pandemic. This pressure is supported by year over year data showing increased value of sales and increased volume of sales. There is also data suggesting more homes are selling to out of state residents, not in and of itself a negative outcome, but as illustrated on the following pages, can have adverse impacts on access that has relied on long standing relationships or understandings. Taken cumulatively, this trend has a considerable effect on Maine's working waterfront given the underlying resource necessary to protect access is real estate.

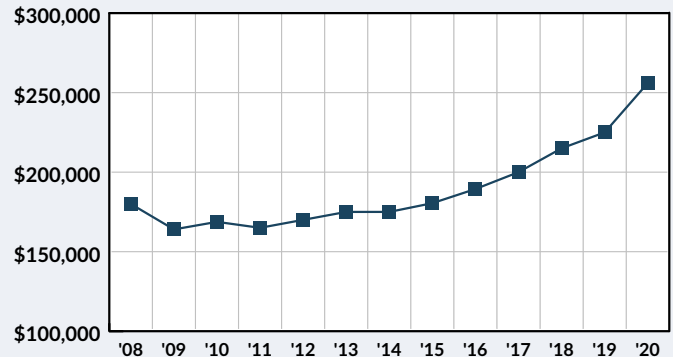
The graph at right, created by the Maine Association of Realtors⁸ demonstrates the increasing value and number of sales of Maine real estate year over year. It's a logical leap from these statistics to increased pressure on Maine's working waterfront. In 2020, 30% of all homes sold in Maine were purchased by out-of-staters; and the median home price jumped from \$225,000 in 2019 to \$256,000. As stated by one real estate professional in a *Mainebiz* article, "Throughout 2021 and beyond we expect that the 'from away' work from home crowd will continue to account for an increasing number of residential sales in Maine."⁹

These statistics underscore a long existing trend of coastal real estate becoming too expensive for local residents to afford, and an influx of people coming to the state who may not understand or appreciate the importance of our marine industries.

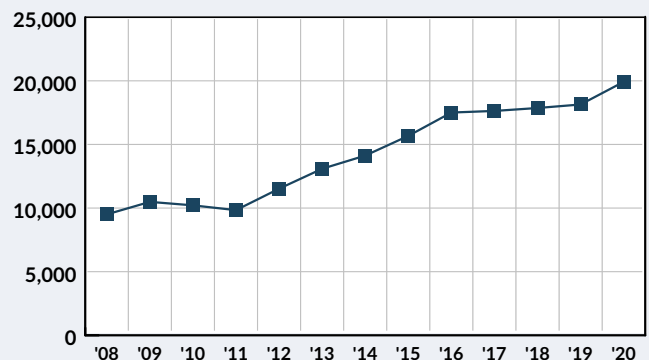
Outlined on the next pages are a few snapshots that illustrate how access is threatened and how its loss impacts those who work on the water creating a number of additional and unintended negative outcomes—a cascade of problems.

STATE OF MAINE SINGLE FAMILY HOME SALES

MEDIAN SOLD PRICE



NUMBER OF SALES



- The median sold price increased 13.8% in 2020.
- The number of home sales increased by 9.8% in 2020.
- All sixteen counties had an increase in median sold price. All sixteen counties had an increase in the number of home sales.
- 2020 recorded the highest number of home sales and highest median sales price since record-keeping began in 1998.
- In 2020, all median sold prices were greater than \$100,000 for the first time.

HOME SALE | LOSS OF OVERLAND INTERTIDAL ACCESS

Shorefront properties that have long provided overland access to the shore (for clamming or marine worm digging) on a handshake or an existing understanding/relationship are disappearing. When these homes are sold to new owners who have no relationship or understanding of what that access means, frequently long-standing access points are lost. In Casco Bay, because clambers have continuously lost access by land, they have resorted to using air boats to access their clamming flats. The airboats have caused further conflict and problems, and they also require clambers to use boat launches, haul their gear, and fight to secure parking at recreational boat launches. This routine complicates what was previously a fairly simple endeavor: walk across an access point to the beach, dig clams at low tide, pack up, bring the clams to a buyer, go home. Without this access, clambers now must vie for a parking spot at a boat launch (where often there are no spots reserved for commercial fishermen), launch their boat, travel by water to their grounds, dig for clams and then do the whole thing in reverse. Protection of these overland access points is critical not just for the immediate users like clambers, but to avoid a cascading array of new problems triggered by the initial loss of access (air boats).¹⁰

COST OF HOUSING | COST OF LIVING IN COASTAL COMMUNITIES

The cost of living is continuing to increase in Maine's coastal communities. With real estate values rising, the cost of buying a home is out of reach for most/many

commercial fishermen. One particular complication for shellfish harvesters is that most municipalities have a residency requirement for clamming licenses; clambers must live in these coastal communities to access the clam flats. Rentals are nearly impossible to come by, and those who have long owned real estate in these towns now face an increased tax burden, causing further financial strain.

More generally, lack of affordable housing within shoreside communities creates a myriad of problems for commercial fishermen. For example, commercial fishing inherently involves considerable amounts of gear: lobster fishermen manage up to 800 traps on a regular basis. As fishermen are forced to move further and further from the shore their burden increases, transporting gear becomes an all-day endeavour rather than a matter of an hour or two. Moreover, though not codified, a lobster fisherman's territory is connected to his/her coastal town residence; but these traditional boundaries do not contemplate fishermen not living in coastal communities, nor do they contemplate fishermen moving from one place to another. Fishermen who are forced to live inland and further from their 'territory' are at an inherent disadvantage. Lack of affordable housing also impacts the ability to find sternmen, wharf operators and employees generally.

In certain areas of Maine, lack of reasonably priced housing is so severe it makes the prospect of finding employees impossible. Consider Mount Desert Island and the Bar Harbor area. There is simply no reasonably priced seasonal housing anywhere close to the shore or on the island. For small aquaculture startups that need seasonal



Merritt Carey

help, (or any business that needs seasonal help) this creates substantial problems. There are people who want to work in aquaculture and small aquaculture businesses who would like to hire but because of lack of housing, there is no way to connect these needs. From a business growth perspective, this has huge consequences; no business can grow without the ability to hire and retain employees. The long-term effect of this scenario means that areas such as Bar Harbor will likely become exclusively tourist destinations with little or no working waterfront/blue economy component.

LACK OF SHORESIDE FACILITIES AND INFRASTRUCTURE

Many commercial fishermen simply have no access to a working wharf. They sell to a “smack boat” which may or may not be able to sell them bait; they get fuel at another facility and unload their gear at municipal facilities that are shared by recreational users. These facilities rarely have infrastructure fishermen need: all-tide access, commercial hoists, forklifts, room to load and maneuver trucks. For fishermen, this means vastly increased amounts of time to manage their gear. For municipalities, this means increased use and competition

among conflicting users at limited public wharves. These infrastructure issues are beyond the scope of this report, but such needs are worth considering in light of the underlying real estate necessary for critical shoreside infrastructure (cold storage, loading docks, bait and gear storage) to support Maine’s blue economy.

These are just three examples of the negative cascading effects that the combined loss of access and increased cost of waterfront real estate have on Maine’s blue economy. In all these cases, it’s important to note how declining access results in challenges experienced first by the water dependent businesses, but then, by a myriad of other residents, municipalities, and community interests. The economic impact of this cascade effect should clearly be measured, but the negative repercussions are well enough known, and accelerating, that immediate action is necessary. Investment to catalyze Maine’s blue economy, those efforts undertaken by Focus Maine, SEAMaine, Alliance for Maine’s Marine Economy, must have a corollary investment in protecting Maine’s working waterfront.



CLIMATE CHANGE SNAPSHOT

In December 2020, Maine published “Maine Won’t Wait”, a Four Year Plan for Climate Action. This initiative is overseen by the Maine Climate Council which consists of a number of working groups, two of which bear mention here: the Coastal and Marine Working Group and the Natural Lands Working Group. Clearly climate change will have a significant impact on our coastal communities and marine based sectors. Strategy E of the four-year plan, entitled “Protecting Maine’s Environment and Working Lands & Waters,” outlines the following goals:

Increase by 2030 the total acreage of conserved lands in the state to 30% through voluntary, focused purchases of land and working forest or farm conservation easements. Additional targets should be identified in 2021, in partnership with stakeholders, to develop specific sub-goals for these conserved lands for Maine’s forest cover, agriculture lands, and coastal areas.¹¹

While Maine’s coastal communities are very much a part of this plan, access issues and real protection of these assets needs to be driven by a thoughtful strategy for protecting access which is currently lacking in Maine. As

outlined more thoroughly below, Maine’s land trusts and the Maine Coast Heritage Trust have done a remarkable job advocating for and protecting Maine’s open lands and farms (Maine Farmland Trust), but there is no similar entity for our working waterfronts.

On a practical level, climate change means coastal maintenance and existing infrastructure will be more expensive to maintain; some of these expenses come in the form of regulatory requirements (e.g. required and more expensive flood insurance) and some of the expenses will be connected to the need for bolstered infrastructure. Other climate change issues are more unknown—what species will exist in the Gulf of Maine in 10, 20, 30 years; does the state of Maine have quota to land those species in state waters; do we have the required shoreside infrastructure and markets to handle these species, how abundant will these species be, how many fishermen can rely on them as part of their annual income? Most significantly, what entity/entities are considering these multiple factors and helping Maine’s coastal communities prepare and become more nimble? Climate change is not the subject of this analysis, but it must be considered going forward as its impact on working waterfronts may outpace all the drivers of change combined.



AN OVERVIEW

Existing Programs that Support Working Waterfronts and Access

There are a handful of state and municipal programs currently in place to support working waterfront access. As noted above, however, taken together these programs only scratch the surface of the real need, and as illustrated in this section, remain disparate, administered by a number of state entities with multiple goals. In no way is this a criticism of existing programs but taken as a whole the cumulative impact of the existing programs does not do nearly enough to protect our working waterfront and access.

WORKING WATERFRONT ACCESS PROTECTION PROGRAM

The most significant working waterfront protection program is Land for Maine's Future, specifically the Working Waterfront Access Protection Program (WWAPP). This program has done more to ensure

working waterfront remains protected than any other initiative. To date it has protected 27 properties, ensuring they will remain working waterfront.¹² This program is funded through bond measures and essentially buys development rights from wharf owners placing a restrictive easement on the property to ensure it will remain working waterfront in perpetuity.¹³ Since the program was created in 2006, roughly \$6 million has been expended on 27 covenants. An additional \$4 million was approved in 2021 to be spent over the next 4 years; providing a fantastic opportunity for increased protection at a critical time. However, the application process is rightfully complicated, the funding is erratic by its nature (bond funded) and, as revealed in interviews with LMF's director, there is no real data or strategy in place driving the selection of properties.¹⁴ The process is a passive one; WWAPP is not adequately staffed to seek out projects in the most at-risk locations, nor does the data for such a selection exist currently.



There is not a comprehensive state-wide plan outlining what geographic areas or what types of working waterfronts are most at risk and in need of protection. This in turn makes the WWAPP not targeted in strategic ways, though the selection criteria is both rigorous and clearly defined. In addition to the program not having adequate strategic direction, a significant issue for WWAPP applicants is that the skill sets required to pursue funding are not the same skill sets required to run and maintain a successful commercial fishing/shoreside business. Simply put, WWAPP requires skills (and time) that most commercial fishermen and wharf owners don't have, and so unintentionally precludes the very people it seeks to assist.

When compared to the support in place for preservation of Maine's open lands the lack of institutional support for the preservation of Maine's working waterfront is astonishing. Maine boasts 84 land trusts; of those, 62 (or 74%) are in Maine's coastal counties.¹⁵ Many of these land trusts are staffed and those that don't have staff have active boards; all of them are in the business of securing and protecting Maine's land for recreational use. By comparison, there is not a single entity in Maine

whose sole mission is to protect and retain working waterfront. Not only do these land trusts fundraise and protect lands, they often apply for funding under Land for Maine's Future—an application process which, as noted above, is complex and not necessarily intuitive for a wharf owner/operator or a commercial fisherman. Protecting Maine's working waterfront falls to individual wharf owners and a handful of entities that are not set up or funded for the role they often find themselves in, providing technical assistance for wharf owners who are applying for WWAPP funds. These entities include Island Institute, Coastal Enterprises, Maine Coast Fishermen's Association, and Gulf of Maine Research Institute (among others). None of these entities, however, is entrusted with oversight and strategic planning for working waterfront access issues. Without institutional support, high level policy and programmatic coordination and sufficient funding to protect access, the future of Maine's working waterfront is dire.

Most significantly, the WWAPP is one tool for protection and while it is a fantastic program, it is not nimble, and it is rightfully proscriptive. The diversity of uses along Maine's working waterfront ultimately requires a broader





toolset than what the WWAPP can offer standing alone. For example, a fund or entity that could purchase properties as they become available, encumber them with a protective covenant, and then resell them, already protected to individuals or businesses that would use them for commercial fishing, would fill in many of the gaps left by the WWAPP. It would also allow for creation of access easements where none currently exist (consider a shorefront property with a good clamming ground, the property could be purchased, and an access easement created, and then resold as an encumbered property). Each investment would likely cost at least 25% of the fair market value of the property, requiring a constant “replenishment” of the fund.

BOATING FACILITY GRANT PROGRAM (DEPT OF AGRICULTURE)

This program is designed to assist towns, cities and other public and private agencies in the acquisition, development and maintenance of public boating facilities on both coastal and inland waters. This program is primarily in support of recreational use; commercial use is allowed but cannot interfere with recreational use.

THE SMALL HARBOR IMPROVEMENT PROGRAM (MAINE DOT)

This program helps with properties that are publicly owned or provide public access. This program promotes economic development, public access, improved commercial fishing opportunities and works to preserve, and create infrastructure at facilities in tidewater and coastal municipalities. It's intended to assist municipalities with improving or creating facilities, such as public wharves, piers, landings, and boat ramps.

RIGHT OF WAY DISCOVERY GRANTS¹⁶

This program is administered by DMR's Maine Coastal Program which helps communities find and assert public rights-of-way to the shore, which may be lost by the passing of generations and changing land ownership patterns. This program enables commercial fishing and other marine industries to continue as a viable component of Maine's economy; and ensures opportunities for recreational use of the water by year-round and seasonal residents, as well as tourists.

COASTAL COMMUNITY PLANNING GRANTS¹⁷

This program, administered by Maine's Department of Agriculture, Conservation & Forestry, is designed to assist with municipal and regional projects in Maine's Coastal Zone. Communities eligible to apply include towns in Maine's coastal zone; groups of towns in Maine's coastal zone; coastal Regional Planning Commissions; and coastal Councils of Government. This program supports projects that:

- Ensure sustainable, vibrant coastal communities
- Restore coastal habitats
- Prepare for coastal storms, erosion and flooding, coastal hazards

SHORE AND HARBOR PLANNING GRANTS

This program, administered by DMR/Maine Coastal Program¹⁸, support sound waterfront planning and harbor management, balanced development of shore and harbor areas, planning for waterfront infrastructure improvements, planning for climate resiliency and access to the shore. Funds may be used for development of plans for waterfront facilities and amenities, harbor and mooring plans, waterfront vulnerability assessments and resiliency plans, development of regulatory and non-regulatory approaches to waterfront conservation and improvement, development of planning studies for public and working access, development of plans and designs for harbor improvements, and development of management plans for municipal waterfront facilities. Notably for purposes of this report is the planning element of the funding.

MUNICIPALITIES

Though municipalities are not a “program” designed to protect working waterfront, on a policy level, protection of working waterfront is primarily left to municipalities. Harbormasters and marine patrol are on the “front lines” of working waterfront and access issues; and the make up of town councils often has a great deal to do with whether a coastal community prioritizes its working waterfront and access. As outlined above, many of the state programs designed to protect working waterfront are available only to municipalities. In short, the role of municipalities is critical, though insufficient, and currently is the primary factor in whether a coastal

community retains a working waterfront. Towns such as Jonesport, which have commercial fishermen on the town council are more likely to make working waterfront and commercial fishing interests a priority, or at the very least part of the conversation. For example, Jonesport recently applied for and received WWAPP funds for a municipally owned pier which will be turned into a commercial access point for those working on the water. Some towns have managed development alongside commercial fishing well. Rockland retains a fairly active commercial fishing fleet, and the waterfront is still largely “working” while at the same time has developed a bustling main street full of art galleries and upscale restaurants.

Kennebunkport and Cape Porpoise are also examples of towns that have, amid incredible real estate pressure, managed to retain their fishing fleet and their working waterfront. According to Harbor Master Chris Mayo, “Cape Porpoise is like a little slice of downeast”. Sadly, this type of preservation is not always the case. Even when municipalities have comprehensive plans that call for protection of working waterfront, the revenue generated from other sources is often too tempting. Boothbay Harbor and Freeport are both examples of municipalities which have lost control of their working waterfront; interviews from these areas reflect that for all practical

purposes, working waterfront access is essentially gone. While the role of protecting Maine’s working waterfront should not be left to individual municipalities, the towns that have and continue to make working waterfront and access a priority distill a critical fact: if the will exists at the municipal level, working waterfront access protection is feasible and will occur.

Taken together, these programs, including the role of municipalities, while significant, do not come close to providing the support necessary to protect Maine’s seafood/blue economy access/infrastructure. As noted above, the landings value only for Maine’s seafood industry is above \$700mm annually. To take one example, the Coastal Communities Grant Program in FY22 is expected to be approximately \$175,000; with a minimum award amount of \$20,000 and a maximum award amount of \$50,000. In its most recent budget, Maine allocated \$40 million (at a rate of \$10 million/year)¹⁹ for Land for Maine’s future (less than ½ of 1% of the overall State budget.). Of that \$40mm a scant 10% (or \$4 million over 4 years) is dedicated to protecting working waterfront. Of significance is the fact that waterfront real estate is the most expensive real estate in the state, and yet its protection receives only a fraction of the general Land for Maine’s Future Funding.





MAINE'S WORKING WATERFRONT

Catalyst for Action

What is most striking in the analysis of Maine's working waterfront is how little is in place for protection of working waterfront and access when considered against the economic impact our working waterfront delivers (not to mention culture, heritage, community). Maine's approach to protecting its working waterfront has not received the funding or attention it deserves from the private sector, particularly when compared to the support garnered for land trusts. While on some levels this makes sense; land trusts preserve land for the larger community, on another level it belies reality. Commercial waterfront users are at the mercy of real estate increases

they themselves cannot control. Maine needs its working waterfront for all the reasons outlined in this report; the state (WWAPP) cannot be solely responsible for funding; it too is at the mercy of real estate costs it cannot control. When WWAPP was initially enacted in 2005 there was a flurry of activity, which included multiple studies regarding economic impact, tax implications, and the critical nature of our working waterfront.²⁰ Since that initial period, however, very little has been done beyond a handful of additional WWAPP grant opportunities. A recent report examining Maine's working waterfront by the Maine Coast Fishermen's Association published in



2020 concludes “it is imperative for coastal towns and the state to proactively plan for a future that includes commercial fishing and the working waterfront.” To date, the state of Maine has not done so, and unless action is taken quickly the opportunity to enact a comprehensive plan and to protect our marine economy will vanish. Solutions lie in a collaborative approach between the state and entities such as the Island Institute to work together and ensure the working waterfront is protected in a comprehensive way, with a variety of tools in the toolbox to address the myriad of needs and uses of our working waterfront communities.

On one level, access is astoundingly simple; on another it is astonishingly complex. It’s simple in that access simply requires underlying real estate. It’s complex because the interests that compete for that underlying resource are

often at odds with vastly different views of what “Maine” is: a pristine getaway for those who can afford it; a tourist destination; a coastline made up of luxury resorts; a place where farmers and fishermen have access to the land and natural resources, where small scale aquaculture businesses can thrive, where generational fishing families can continue to fish? These visions are not inherently in conflict with one another, and can co-exist, but their coexistence requires planning, thought, funding and above all collaboration among entities.

STATEWIDE PLAN TO PROTECT ACCESS

Without a comprehensive, statewide plan to protect Maine’s working waterfront and access to it, Maine will never move beyond its current approach. The result will be what we see now: an inconsistent application at the



municipal level to working waterfront access protection based on the interests of councilmen and women; limited funding and other, competing voices and interests. Even if the LMF working waterfront program continues to be funded, LMF funds will operate to protect projects based on application completion rather than a strategic need or plan. Shoreside real estate will be purchased by those who can afford it, at the expense of our blue economy.

With working waterfront access goes the potential for billions of dollars in revenue. Without access, the touted “blue economy” cannot be realized; or, if it can, only by the largest investors/businesses capable of purchasing access. Our marine economy is largely made up of small-scale businesses; this is partly due to the owner-operator requirement for lobster fishermen, but it is also the nature of who we are as Mainers: individualistic, independent and entrepreneurial. The tourist attraction these small-scale marine businesses have (lobster fishing, oyster farming, etc.) bears consideration in terms of the overall economic impact of the marine sector. Put bluntly: the iconic and individualistic Maine fisherman plays an outsized role in tourism. The value of coastal real estate makes comprehensive protection and planning an expensive undertaking, but what is the real cost to not protecting this asset in terms of economics and community?

ACTION STEPS

As illustrated by this report, the need for working waterfront protection is real and critical. The pandemic and the soaring real estate costs turned the volume up on a simmering issue. By the same token, the pandemic has spurred an opportunity for Maine to act. In the Federal relief funds aimed at infrastructure, CARES Act II, there are opportunities for Maine to leverage existing federal funding to support real action around the protection of our working waterfront. Below are a series of concrete recommendations for action steps.

1. A statewide foundation (or funding for an existing entity) which serves to assess the needs, buy and protect the real estate and otherwise spend time actively protecting Maine's working waterfront. This entity needs a board comprised of fishermen, real estate agents, representatives from DMR and other thought-leaders to guide and support it. Maine Coast Heritage Trust provides a potential model which could be applied to protecting working waterfront. Significantly, SEAMaine commissioned a study on marketing and market development efforts for the seafood industry which raised the need for a statewide promotion council, and Maine's Climate Plan references the founding of a “Seafood Business Council”. Combining these efforts makes sense: a statewide entity that oversees the blue economy with a variety of responsibilities: marketing and market development, access protection, regulatory and policy issues, climate change and infrastructure.
2. A comprehensive, statewide plan to protect Maine's working waterfront and access to it that includes the following:
 - A thorough study of the overall economic impact of our seafood industry, as it exists today and the potential in the future as well as concrete planning for climate change and what the potential impact of different species might mean for our wild caught species fisheries.
 - A needs assessment of coastal communities most at risk for losing access and delineation of fisheries most at risk (i.e., clamming) as a result of loss of access in addition to a list of properties/areas most valuable to the fishing communities.
 - An analysis of the cascade effect of access decline, how it triggers other new problems in coastal communities (e.g., the Casco Bay/clammers/airboats example).
 - A statewide marketing plan educating new home buyers, tourists and residents in general about our working waterfront (PSAs) (similar to these regional efforts in Moosabec and Harpswell).

CLOSING REFLECTIONS

*It's time for a working waterfront advocate;
new funding helps, but more commitment is needed*

*As published in the September 2021 "Fathoming" column of
The Working Waterfront newspaper*

As a girl, I awoke each summer morning to the sound of fishing boats heading out the harbor. My room was small, and the window facing the water looked out onto

a covered porch and a small stand of spruce, giving me a peekaboo view of the harbor. But it was the sounds— the diesel engines turning over in the inner harbor, their low rumble cutting across the water, growing louder as they passed my window on their way out the harbor—that were most vivid. From my perch I could hear men's voices,



the classic rock station WBLM—the Rolling Stones, The Who—rising above the diesel rumble, and smell the salty sweet air of a Maine summer morning. This was my wake-up call. I didn't know it then, but I was listening to the sound of Maine's working waterfront.

That was the mid-1970s, far simpler times in terms of fishing and shorefront access, when the cost of real estate was, if not affordable, at least reasonable. A time when we may have taken our working waterfront for granted or assumed it would always be there.

I have spent a good part of my professional life working with fishermen; I helped found the Tenants Harbor Fisherman's Co-op and worked to create Maine's first aquaculture co-op, I ran a shoreside seafood lobster shack for Luke's Lobster a couple of summers. An attorney by training, I bring a policy and strategy lens to all this work. These experiences taught me two things: how vulnerable Maine's fishing industry is to forces beyond its control; and how critical it is not only for our economy, but to who we are as a state. In a post-pandemic reality, with Maine's property values through the roof, and in high demand, the infrastructure behind the independent and iconic lobster fisherman, the burgeoning oyster grower, the clammer delivering steamers to a local fish market, is all at risk. This infrastructure is not iconic, nor is it picturesque; it's traps stacked on lots, piles of warp, cold storage with loud freezers running; empty oyster cages waiting to be cleaned, trucks, bait, hoists, large blue zactics stacked high, WBLM still playing classic rock, and, occasionally, salty language. Most importantly, it's access to the shore, the place where fishermen and farmers can load and unload, bait up and fuel up. This infrastructure also supports a huge economic driver in Maine, more than \$500 million annually in landings alone. This number does not include the considerable downstream economic impact of our working waterfront—truck drivers, processing plants, wharf workers, all the multipliers that make Maine's working waterfront a substantial economic engine.

Maine's Working Waterfront Access Protection Program is the most significant program we have in place to protect our working wharfs and access points. Funded through bond measures the program buys development rights from owners placing a restrictive easement on the property to ensure it will remain working waterfront in perpetuity. Since the program was created in 2006,

roughly \$6 million has been expended on 27 covenants. An additional 4 million has just been approved to be spent over the next 4 years, providing a fantastic opportunity for increased protection at a critical time.

That is where the good news ends, however. When compared to the support in place for preservation of Maine's open lands the lack of institutional support for the preservation of Maine's working waterfront is astonishing. Maine boasts 84 land trusts, of those, 62 (or 74%) are in Maine's coastal counties. These land trusts are in the business of securing and protecting Maine's land for recreational use. By comparison, there is not a single entity in Maine whose sole mission is to protect and retain working waterfront. A collective group of nonprofits, including Island Institute, CEI, Maine Coast Fishermen's Association, and Maine Center for Coastal Fisheries (among others) do heroic work to support the protection of Maine's working waterfront and its infrastructure as best they can, but none of them have a funding stream dedicated to this important endeavor. It's scattershot and catch as catch can. We cannot afford to lose more access or infrastructure. We cannot tout our 'blue economy' to outside investors and not protect and expand access to the blue part of that equation. Maine needs a mechanism to buy, preserve and protect working waterfront and access points. It's not complicated, it simply requires funding and an entity to hold and oversee it. We need a mechanism to fill the gaps left by the Working Waterfront Access Protection Program, an appropriately cumbersome and time-consuming program.

With the myriad of challenges facing Maine's fishing industry, right whale litigation, climate change preparedness, and offshore wind, to name just a few, protecting access to the shore is something we have control over and can act on. Doing so will be expensive but failing to take action will cost us dearly in ways we cannot fathom—economically and culturally. Simply put, Maine is not Maine without a gritty working waterfront. Do we want to be a coastline of picture perfect million-dollar homes, or a coastline of activity, vibrance and character? The choice is ours, and the time is now.

—Merritt T. Carey, Esq.

Merritt Carey splits her time between Yarmouth and Tenants Harbor. A mother of three, she consults on all things fisheries and working waterfront related.

RESOURCES

REPORTS

Tracking Commercial Fishing Access: A Survey of Harbormasters in 25 Maine Communities, 2004

<https://seagrant.umaine.edu/wp-content/uploads/sites/467/2019/05/2006-maine-waterfront-access-cei-mcp-tracking-commercial-fishing-access.pdf>

Report offers towns guidance to support continued commercial fishing access, illustrating the variety of tools being used. Survey of 25 harbormasters on access and working waterfront related issues; summary of the first follow up to the 2002 harbormaster survey (above).

The Contribution of Working Waterfronts to the Maine Economy, 2004

<https://www.ceimaine.org/wp-content/uploads/2014/02/Colgan-Report-Final.pdf>

Data supporting the economic benefits of supporting Maine's Working Waterfront and a comparison between economic benefits of residential construction and working waterfront contributions

Paths and Piers: A Study of Commercial Fishing Access in Downeast Maine Coastal Communities, 2003

https://www.maine.gov/dmr/mcp/downloads/workingwaterfront/pathsandpiers_jan03.pdf

Establish a baseline of data on waterfront access for downeast communities (from Winter Harbor to Calais)

Preserving Commercial Fishing Access: A Study of Working Waterfronts in 25 Maine Communities, 2002

Maine State Planning Office Study examining access in 25 coastal communities

Access to the Waterfront: Issues and Solutions across the Nation, 2007

https://caseagrant.ucsd.edu/sites/default/files/Waterfront_Access_ME_SG.pdf

In December 2006, Maine Sea Grant, with support from Hawaii Sea Grant and an advisory committee from the National Sea Grant network and Coastal Zone Management programs, surveyed over 140 extension professionals, coastal managers, and other individuals to characterize the scope of coastal access issues nationwide and the effects on coastal communities. Increasing population is resulting in private residential development of the coast, with related pressure on industrial, recreational, and public access infrastructure and the coastal environment. These shifts are impacting everyone from commercial fishermen, tour boat and marina operators, and private property owners, to low-income families, visitors, and entire coastal communities.

Downeast Fisheries Trail

http://www.downeastfisheriestrail.org/fisheries-now/marine-worms/?fbclid=IwAR0RUMtotl-Is_AefU4omZI302ysrVhgrzXOpOOyP-od73KRaNJKowmYg7Q

FUNDING SOURCES

Maine Working Waterfront Access Protection Program (12 M.R.S.A. § 6042, et Seq.)

<https://www.mainelegislature.org/legis/statutes/12/title12sec6042.html#:~:text=The%20Maine%20Working%20Waterfront%20Access,future%20of%20the%20economic%20sector>

Boating Facility Grant Program, Bureau of Parks and Lands (Maine Department of Agriculture)

https://www.maine.gov/dacf/parks/grants/boating_facilities_fund.html

Assist towns, cities and other public and private agencies in the acquisition, development and maintenance of public boating facilities on both coastal and inland waters, allows acquisition by special exception. State may require lease to lands, recreational priority, commercial allowed but cannot interfere with recreational.

Small Harbor Improvement Program

<https://www.maine.gov/mdot/pgs/ship/>

Maine, Maine Department of Transportation. Must be publicly owned or public access. Promotes economic development, public access, improved commercial fishing opportunities and works to preserve and create infrastructure at facilities in tidewater and coastal municipalities. The SHIP program assists municipalities in improving or creating facilities, such as public wharves, piers, landings, and boat ramps. There is a required 50% local share under this program. The SHIP program can provide up to \$250,000 in assistance towards eligible projects.

Boating Infrastructure Grants, Maine Department of Transportation

<https://www.maine.gov/mdot/pgs/>

MaineDOT sends out an announcement each year, typically in the summer, related to a Boating Infrastructure Grant (BIG) Program funding opportunity from the U.S. Fish and Wildlife Service for projects that may benefit 26 feet or larger recreational transient boats. These improvements are eligible for both public and private facilities.

RESOURCES, *continued*

ORGANIZATIONS

Accessing the Maine Coast (website)
 Coastal Conservation Association
 Coastal Enterprises, Inc.
 Grow Smart Maine
 Island Institute
 Maine Coast Heritage Trust
 Maine Harbormaster's Association
 Maine Land Trust Network
 Maine Municipal Association
 Maine's Working Waterfront Coalition
 National Working Waterfront Network
 NOAA ENOW (Economics: National Ocean Watch Program)
 Save our Shores

ENDNOTES

- 1 Typically, "working waterfront" refers to commercial wharfs and piers. However, Maine's working waterfront includes the intertidal zone, as well as smaller access points that service both recreational and commercial users (often municipally owned). This overview examines access to all commercial activities: wild caught, aquaculture, shellfish (clams), worms. It does not consider access for elvers, though access to tidal rivers is also in decline.
- 2 All interviews were recorded and can be accessed by request to the Island Institute.
- 3 See *Lobster to Dollars*, Colby College, 2018 <http://www.colby.edu/economics/lobsters/Lobsters2DollarsFinalReport.pdf>
- 4 There is a current study being undertaken by Maine Aquaculture Association examining, among other things, the economic value of the aquaculture sector. This report is due out in 2024.
- 5 See DMR historical landings value: <https://www.maine.gov/dmr/commercial-fishing/landings/documents/AnnualLandingsValue.graph.pdf>
- 6 See DMR historical landings in value: <https://www.maine.gov/dmr/commercial-fishing/landings/documents/scallop.graph.pdf>
- 7 See DMR LPA leases historical data: <https://www.maine.gov/dmr/aquaculture/data/documents/NewIssuesPerYear2007-2020.pdf>
- 8 See <https://www.mainerealtors.com/wp-content/uploads/2021/02/StateofMaine20Data.pdf>
- 9 See <https://www.mainebiz.biz/article/heres-a-breakdown-on-where-maines-out-of-state-homebuyers-are-coming-from>
- 10 This analysis is not considering ownership of the intertidal land, a question which is relevant and currently being litigated in what is referred to as the "beaches case", see <https://www.mainebiz.biz/article/lawsuit-renews-decades-old-battle-over-maine-public-beach-rights>
- 11 *Maine Won't Wait, a Four Year Plan for Climate Action*, p.76 https://www.maine.gov/future/sites/maine.gov/future/files/inline-files/MaineWontWait_December2020.pdf
- 12 See <https://www.maine.gov/dacf/lmf/docs/completedlmfprojects/wwf-lmf-projects-june2021.pdf>
- 13 Recently, the Legislature approved \$40 million in the state budget to support the Land for Maine's Future (LMF) and includes four million dollars to support working waterfronts through the Working Waterfront Access Protection Program (WWAPP).
- 14 Of note, because there is no requirement that the funds received from the 'sale' of the development rights be used to shore up protected properties, this program does not inherently lead to improved infrastructure. Also worthy of mention is that the WWAPP does not require expansion of access, though application criteria considers number of wharf/working waterfront access users.
- 15 See Maine Land Trust Network, <https://www.mltn.org/trusts/map-of-maine-land-trusts/>
- 16 See <https://www.maine.gov/dmr/mcp/grants/right-of-way-discovery.html>
- 17 See <https://www.maine.gov/dacf/municipalplanning/index.shtml>
- 18 See <https://www.maine.gov/dmr/mcp/grants/shore-and-harbor-planning-grants.html>
- 19 See <https://www.centralmaine.com/2021/07/11/state-budget-includes-huge-boost-for-land-preservation/>
- 20 See a list of reports and studies compiled here: https://docs.google.com/spreadsheets/d/19pYalQ3VhxWFZmvr_WCUpGEpigmeYXXaSQb79wVEh0/edit#gid=0



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