

DRAFT Resources for Conserving Commercial Fishing Access

Created by Maine Coastal Program for the Maine Department of Marine Resources Shellfish Advisory Council
March 2022 (version 1)



Photo: Melissa Britsch

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Introduction

During the January 2022 Maine Department of Marine Resources Shellfish Advisory Council (ShAC) meeting, harvesters discussed current concerns about accessing intertidal mudflats in their towns and shared solutions and funding sources that have been helpful in the past.

Issues of concern to ShAC members present at the meeting included the loss of informal walk-in access as properties change hands; increased turnover in land ownership during the COVID-19 pandemic; crowding and parking shortages at municipal facilities; and safety concerns and increased costs related to longer transit times in small boats to harvest areas, especially in winter.

While commercial fishing “access” can include walk-in intertidal access, public boating facilities, the availability of mooring spaces, gear storage, boat maintenance, and commercial fishing licenses, among other things, this document primarily focuses on opportunities for shellfish harvesters at walk-in intertidal access points and public boating facilities.

Based on the discussion during the ShAC meeting, follow-up with its co-chairs, and outreach to other organizations involved in working waterfront access, Maine Coastal Program staff organized the concerns into five primary categories: 1) space, facilities, and use conflicts; 2) ensuring commercial access over time; 3) building and maintaining relationships; 4) tracking change; and 5) municipal capacity limitations. This document provides information about potential funding opportunities, examples of successful solutions, and information about potential governmental, academic, and non-profit partners. A list of previous studies and Maine waterfront access inventories is also included.

We hope that this document is useful for municipal elected officials and volunteer committees, harvesters, landowners, and others trying to find ways to maintain and increase coastal access in Maine. MCP acknowledges that this document is not exhaustive. Please let us know of additional information and help us improve this document by providing comments about ways to make it more useful.

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This report was prepared by the Maine Coastal Program with CZM funding to the Maine Department of Marine Resources for grant year 2022 from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.



Issue 1: Addressing space, facilities and use conflicts

Including a shortage of parking spaces, limits on parking duration, crowding and seasonal use conflicts at public access locations, and a lack of facilities dedicated to commercial fishing activities like fuel, wharves, piers, boat launches, gear storage, maintenance, and mooring access.

Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Create a municipal committee to examine access* issues or task a shellfish/harbor committee, harbormaster, or a subcommittee of a comprehensive planning committee to do so • Write a grant for your town to conduct inventories of access points and facilities and to evaluate current and projected needs • Develop goals for facility maintenance, improvement, and expansion, and/or acquisition and development of new facilities • Ensure that your access plan is formalized/ adopted at the town level and needed investments are reflected in capital improvements plans • Consider adding your access plan and facility goals to existing programs and funding sources • Seek funds for feasibility and design work and cost estimates • Develop and use best management practices for sharing facilities and maintaining good landowner relations 	<ul style="list-style-type: none"> • DMR: Shore and Harbor Grants • DACF: Coastal Communities Grant • Municipal: Community Comprehensive Planning Efforts • Maine Coast Heritage Trust and DACF: Datasets for waterfront access • Maine Island Trail Association, Maine Association of Sea Kayak Guides and Instructors 	<p>Identify access sites with harvesters and take steps to make them permanent (Example: Gouldsboro project)</p> <p>Count harvester participation on committees towards conservation hours or license fees</p> <p>Inventory access points and other locations and rank protection priority (Example: Machiasport Text (pg. 5-9), Map, and Map)</p> <p>DACF conserved lands data: https://www.maine.gov/dacf/mnap/assistance/conslands.htm</p> <p>DMR/MCP is considering conducting statewide survey of needs at public access points.</p> <p>Example Best Management Practice: Identify preferred launch areas for kayaker use to ease conflicts with commercial use and share information at launch sites, on town website, and with local outfitters and land trusts</p>

**Access involves many activities, including walk-in intertidal access, public boat launches, physical access to moorings as well as availability of mooring spaces, gear storage, boat maintenance, and licenses, among other things. While all forms of access are important and deserve attention, this document focuses primarily on opportunities for shellfish harvesters at walk-in intertidal access and public boat launches. Some of the resources mentioned here could also be applied to other access issues.*

Issue 1 Continued		
Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Seek funds for facility construction • Explore protecting town-owned access properties through LMF’s Working Waterfront Access Protection Program or Water Access Program (placing working waterfront covenant or easement on property) and use funds to construct needed facilities and/or purchase adjoining land for facilities 	<ul style="list-style-type: none"> • DOT: Shore and Harbor Improvement Grants • DACF: Submerged Lands Fund • IFW: Boating facilities program • Municipal: Bond issue • Land for Maine’s Future Program: Working Waterfront Access Protection Program or Water Access Program 	<p>Example: Beals Town Landing: The town protected their landing through the Working Waterfront Access Protection Program and used the funds to purchase adjacent land and expand their parking lot</p>

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Issue 2: Ensuring commercial access over time

Commercial access can be on privately-owned properties and may be granted through a verbal agreement. These access rights are easily changed and are especially vulnerable when properties are sold. Other properties may be set aside for public use but do not have formal protection like an easement or waterfront covenant. Creating new access points is expensive and challenging, and it is important to ensure that existing access points are not lost so future generations can access the coast.

Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Permanent protection via ownership of sites by the town, state or federal government, land trust, harvester co-op, etc. • As noted above, LMF will establish covenants or easements on land already owned by towns, generating funds for access improvements • Landowner can develop a formal and recorded access easement over their property • Land trusts or other entities can purchase a conservation easement on private property • Landowner voluntarily agrees to allow access • Town research and identification of Rights-of-Way for public use • Development of a single entity devoted to coastal access and maintaining working waterfronts 	<ul style="list-style-type: none"> • Land for Maine’s Future Program: Working Waterfront Access Protection Program or Water Access Program • Maine Coast Heritage Trust and other local/regional land trusts • Maine Current Land Use Taxation Program • Landowner outreach • DMR: Shore and Harbor Grants 	<p>MCHT land conservation guide: This guide outlines land conservation options for landowners, including easements, donations, and sales.</p> <p>Working Waterfront Access Protection Program: The Spruce Head Fisherman’s Co-op purchased their wharf using funds from the LMF program and also was able to purchase a nearby property to expand their operations.</p> <p>Land purchases in collaboration with land trusts and diverse funding sources: The purchase of Woodward Point in Brunswick resulted in the creation of a public preserve and continued shoreline access for shellfish harvesters.</p> <p>Contact Regional Planning Organizations (many have existing Brownfields Assessment funds/programs) and nominate site for Phase I ESA</p> <p>Right-of-Way rediscovery example: Deer Isle was funded by the DMR Shore and Harbor Planning grant for deed research and legal analysis to establish if the Town had legal rights-of-way in three contested locations.</p>

Issue 3: Building, maintaining and refreshing relationships among industry and municipalities, landowners, the public and others

Highlighting the importance of the commercial fishing industry, understanding future threats, and supporting growth over time will be critical, and it is especially important that municipalities, landowners, and the public are aware of the industry in their local area and the challenges marine-based industries are facing.

Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Connect with local land trusts, library staff, or local paper to work on letters to the editor and articles that promote and celebrate the industry • Use social media to promote the industry • Send letters to coastal residents, and outreach with realtors, public education campaign • Landowner and harvester appreciation day (host an event, offer clam chowder, open and honest discussions with harvesters and homeowners) • Update and distribute Washington County Council of Governments/Maine Sea Grant “Sights and Sounds of the Waterfront brochure,” and work with real estate agents, property management businesses (rentals), and local hotels to share with visitors and prospective coastal home buyers • Meet with local realtors and discuss the location of working access points in town and encourage them to be more explicit regarding the sights and sounds associated with being near a commercial fishing property • Add policies to local harbor and comprehensive plans to encourage celebration/gratitude for landowners who grant access, whether informal or formal (easements); also add policies to encourage purchase of easements and town financial set-asides in Capital Improvement Plans 	<p>Outreach brochures (Sea Grant and MCFA updating as of March 2022):</p> <p>https://seagrants.umaine.edu/wp-content/uploads/sites/467/2019/05/2004-moosabec.pdf</p> <p>https://seagrants.umaine.edu/wp-content/uploads/sites/467/2019/05/2005-harpswell.pdf</p>	<p>Maine Coast Fishermen’s Association is working with the Cundy’s Harbor Library, Harpswell Anchor, Holbrook’s Foundation, and others to offer a panel series that includes fishing and waterfront topics. They also write monthly articles in the local paper.</p>

Issue 4: Monitoring change

Understanding if and how much access opportunities have changed on the coast will be important for identifying areas with the highest need and potential solutions. Tracking changes in the amount of access, the demographic makeup of coastal communities, and conflicts related to access issues will help clarify what is needed in a community.

Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Track loss and gain of access points • Track implementation of harbor plans, comprehensive plans, and capital investment plans • Track conflict and complaints pertaining to the working waterfront • Track spending on shoreline access and related issues • Track economic significance of fisheries harvests and licenses to local/regional income • Track user satisfaction at public facilities • Track land use patterns, property sales trends, and subdivision activity • Track real estate broker perceptions, trends, use of informational materials (like Moosabec and Harpswell brochures), and potential buyer responses 	<ul style="list-style-type: none"> • Collaborative studies among harvesters, non-profits, and others to understand changes in access over time • Work with town offices to track locations of tax bills • Town inventories of use, property sales, planning, and implementation • University researchers • Downeast Institute • Downeast Fisheries Partnership 	<p>Brunswick (as of 2022): 61 miles of coast and 571 lots, and 50% of those tax bills sent out of state</p> <p>Maine Coast Fishermen’s Association and Tidal Bay Consulting building a list of common metrics and indicators used to inventory working waterfronts and marine resources.</p>

Issue 5: Addressing municipal capacity

For many reasons, some municipalities lack the technical capacity to apply to grants, collect data, and identify opportunities to address coastal access problems. Coastal access and management issues are often complex and partnerships among towns, regional councils, non-profits, academic groups, tribes, and governmental agencies can be essential.

Potential Approaches	Resources	Examples
<ul style="list-style-type: none"> • Understand how other organizations can help and seek them out • These organizations and others may offer technical assistance (including grant writing and project management) and financial support to towns at no or nominal costs <ul style="list-style-type: none"> • Regional shellfish committees • Other nearby municipalities • State agencies • Regional Planning Organizations • Non-profits (e.g. Island Institute, Maine Coast Fishermen’s Association, Manomet, Maine Center for Coastal Fisheries, Downeast Institute, Maine Coast Heritage Trust, Gulf of Maine Research Institute) • University groups (e.g. Maine Shellfish Learning Network, Maine Sea Grant,) • Maine Climate Corps 	<ul style="list-style-type: none"> • Ask for expertise and support from town committee members • Maine Municipal Association • Consider fellows from AmeriCorps or Maine ClimateCorps programs • Many universities have school-funded internship and work-study programs 	<p>Maine Coast Fishermen’s Association, Island Institute, and Maine Coastal Program have published reports on the status of working waterfronts in Maine</p> <p>Most recent inventories: https://www.maine coastfishermen.org/working-waterfront https://www.islandinstitute.org/wp-content/uploads/2021/11/WWF-Report_web.pdf</p> <p><i>*See below for a list of working waterfront studies starting in 1985</i></p>

List of published working waterfront inventories

This list shows previous efforts to document the status of coastal access in Maine. Many of these studies are out-of-date but the material may be useful for understanding prior conditions and provide ideas for repeatable studies. These studies are not specific to walk-in or public boat access, but several discuss these issues.

Title	Year	Authors	Link if applicable
Maine Port Development Study	1985	MeDOT	
The Last 25 Miles	1989	Maine Coastal Program	
The Right Tack: Charting your Harbor's Future	1995	Ron Poitras	https://maineharbormasters.org/wp-content/uploads/2016/03/CZIC-tc224-m2-r54-1995.pdf
The Waterfront Construction Handbook: Guidelines for the Design and Construction of Waterfront Facilities	1997		https://www.maine.gov/dmr/mcp/downloads/WaterfrontConstructionHandbook_Jan97.pdf
Maine Port Facilities Inventory and Analysis	1998	Southern Maine Economic Development District and Eastern Maine Development Corporation	
Coastal Water Access Priority Areas for Boating and Fishing	2000	Dest, P. and Inches, S.	https://www.maine.gov/dmr/mcp/downloads/access/coastalwateraccesspriorityareas_oct2000.pdf

Title	Year	Authors	Link if applicable
Preserving Commercial Access: A Study of Working Waterfronts in 25 Maine Communities	2002	Sheehan, E. & Cowperthwaite, H.	Preserving Commercial Access - A Study of Working Waterfronts in 25 Maine Communities.pdf
Paths and Piers: A study of commercial fishing access in Downeast Maine coastal communities	2003	Spruce, C. (Sunrise County Economic Council)	https://www.maine.gov/dmr/mcp/downloads/working_waterfront/pathsandpiers_jan03.pdf
Maine Coastline: News from the Maine Coastal Program	2003	Theresa Torrent and others	https://www.maine.gov/dmr/mcp/downloads/mainecoastline/mc_summer_2003.pdf
Tracking Commercial Fishing Access: A Survey of Harbormasters in 25 Maine Coastal Communities	2004	Sheehan, E. & Cowperthwaite, H.	https://seagrant.umaine.edu/wp-content/uploads/sites/467/2019/05/2006-maine-waterfront-access-cei-mcp-tracking-commercial-fishing-access.pdf
The contribution of working waterfronts to the Maine Economy	2004	Colgan, C. S.	https://www.maine.gov/dmr/mcp/downloads/working_waterfront/workingwaterfrontheconomy_feb04.pdf
Saving Working Waterfronts: Mapping the Maine Coast's Economic Future	2005	Island Institute	
Access to the waterfront: Issues and solutions across the Nation	2007	Springuel, N., Schmitt, C., Tenga-Gonzalez, K.	https://caseagrant.ucsd.edu/sites/default/files/Waterfront_Access_ME_SG.pdf
Mapping Maine's Working Waterfront: A Statewide Inventory by the Island Institute	2007	Conover, S. and Rowan, H.	

Title	Year	Authors	Link if applicable
The last 20 miles: Mapping Maine's working waterfront	2008	Conover, S. and Rowan, H. (Island Institute)	https://www.islandinstitute.org/wp-content/uploads/2020/09/TheLast20Miles_web.pdf
Public Shoreline Access in Maine: A Citizen's Guide to Ocean and Coastal Law	2016	John Duff (Maine Sea Grant and Wells Reserve)	https://seagrant.umaine.edu/wp-content/uploads/sites/467/2019/03/2016-public-shoreline-access-in-maine-standard.pdf
The State of Maine's Working Waterfront	2020	Coombs, M. and Singer, L. T.	https://www.maineoastfishermen.org/working-waterfront
The critical nature of Maine's working waterfronts and access to the shore	2021	Carey, M. (For Island Institute)	https://www.islandinstitute.org/wp-content/uploads/2021/11/WWF-Report_web.pdf