

MAINE'S WORKING WATERFRONT ACCESS PILOT PROGRAM

Hugh Cowperthwaite, Coastal Enterprises, Inc.

KEYWORDS: working waterfront, commercial fishing, waterfront access, covenant, Maine, sale of development rights, right of first refusal.

ABSTRACT: Waterfront access for Maine's commercial fishermen is a pressing issue. Property values, property taxes and the rising costs of doing business on the coast are contributing to the conversion of commercial fishing properties for residential use. This has resulted in reduced water access for commercial entities along the coast. Today roughly 20 miles of Maine's 5,300-mile coastline is still in service to fishing and marine industries (less than .4%). As these businesses continue to face the unprecedented pressures of rising fuel and bait costs, and low boat prices the current economic conditions continue to tempt commercial waterfront businesses to sell their property. Roughly 70% of the commercial fishing access in Maine is achieved across privately owned property and is vulnerable to conversion to other incompatible uses.

In an effort to reverse this trend, in 2005 Maine designed and created what has now become a \$5M Working Waterfront Access Pilot Program (WWAPP). The program was designed to invest in "economically significant" working waterfront access projects along Maine's coast by awarding applicants a cash grant through a competitive application process. All projects are scored and weighted against the programs 5 core criteria which consider the 1) economic significance of the property, 2) the availability of alternative properties in the vicinity, 3) community support for the project, 4) the threat of conversion to another use and 5) the overall utility of the property. Each project requires the applicant to contribute a 1:1 dollar match and they must agree to enter a "working waterfront covenant" with the state. The covenant is written specific to each property and essentially strips the future development rights from the property to assure that it will remain in commercial fishing use in perpetuity. The working waterfront covenant also gives the state of Maine a right of first refusal if the property is to be sold on the open real estate market.

CEI has been administering the WWAPP program since its inception on behalf of the Maine Department of Marine Resources and the Land for Maine's Future Program. The goal of the presentation will be to share with other states and interested parties the experiences, challenges and lessons learned that Maine has had over the last 3 years with developing this "first of a kind program". The presentation will include a brief summary of the steps taken from working with the Maine legislature to approve a bond allocation and place it on a statewide ballot, passing the referendum, developing the language to enable the state to "hold" properties, developing the pilot program and a look at some of the projects that have been selected for funding. The presentation will also include a brief but in-depth focus on program criteria, program materials, the application process, and ultimately the development of multiple projects with various components that include: real estate appraisals; business plans, financing arrangements, match dollars, an

environmental hazard assessment and a working waterfront covenant that ultimately protects each property from a change in use in perpetuity.

Hugh Cowperthwaite
Fisheries Project Director
Coastal Enterprises Inc.
2 Portland Fish Pier, Suite 206
Portland Maine 04101-4633
Phone 207-772-5356 ext 120
Fax: 207-772-5503
hsc@ceimaine.org
www.ceimaine.org
www.wwapp.org