

STRATEGIC PLAN

For Providing Public Access
To Maine Waters For
Boating and Fishing

Prepared by:

The Maine Departments of
Conservation
And
Inland Fisheries and Wildlife

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EXECUTIVE SUMMARY

This Strategic Plan focuses on one aspect of Maine's outstanding water resources: public access for recreational boating and sport fishing¹. State-owned or state-assisted access sites provide a vital link for people to enjoy the state's lakes, ponds, rivers, and ocean waters.

Maine waters are among the most extensive and diverse in the country. People value their beauty, tranquility, fisheries, and recreational benefits. Development of public access to the water is both a challenge and an opportunity: a challenge because of issues related to siting; an opportunity because access to many waters can disperse boating use and thereby lessen conflict and nurture recreational and economic benefits for Maine.

This Plan identifies the goals, priorities, objectives, policies, allocation of funds and the responsibilities and strategies that will guide the Departments of Conservation and Inland Fisheries and Wildlife in providing for public recreational boating and sport fishing access on Maine waters over the next ten years. These agencies have dedicated funds specifically for providing boating access. Together they will coordinate their activities, consult and work with others involved in public access, and target state investment toward the most critical acquisition, development, management, and renovation needs.

The plan reviews the status of Maine's recreational boating and sport fishing access sites. It also discusses trends that will influence their future availability.

The plan comes at a critical time. Demand for public access appears to be rising as participation in boating and sport fishing grows while traditional access sites and affordable shorefront lands suitable for access diminish. People in southern and central Maine seem most concerned about the abundance of boats on inland waters, the resulting decline in the quality of the setting, and relative lack of enforcement of boating laws. People in northern Maine express concern that new access sites may adversely alter the existing remote and unspoiled character of water in the northern woods; some are unhappy because of the need to pay fees to gain access to waters that once used freely.

The siting of public access facilities has never been more difficult because of regulatory requirements and siting conflicts. And funds for access sites, primarily derived from the percentage of gas tax revenues attributed to motor boat use, have

¹ Sport fishing includes recreational fishing from a boat or canoe, from shore, or by wading in inland or coastal waters.

leveled off at the same time that the oldest sites, those developed or assisted by the Department of Conservation, require renovation. Because of these factors, growth in public fishing and boating access sites will probably no keep pace with demand unless additional funding becomes available.

While the Departments recognize people are also interested in access for swimming, picnicking, and other recreational uses, this plan focuses only on boating and fishing access. Other programs within the Department of Conservation are responsible for creating opportunities for swimming and other uses, and the boating and fishing access programs will make every effort to coordinate with them.

Plan highlights include:

1. **Accomplishments:** On average, state agencies, municipalities, and private landowners and organization have developed ten state sponsored or state assisted public boating sites a year since 1963. Now totally 321, these sites are geographically dispersed around the state and among its lakes, rivers, and tidal waters, with heaviest emphasis on lakes. Just over three quarters of the state have ramps and 55 provide all-tide ramps to the ocean. In addition, many of the state's parks, public lands, and wildlife management areas provide access for fishing from the shore or while wading. Navigational aids are placed in 24 water bodies.
2. **Agency Responsibilities:** While the agencies will take their mutual cues from the goal, priorities, policies, strategies, and guidelines presented in this plan, they will concentrate on attaining different objectives as outlined below. They will work together on important issues such as planning for the disabled, developing a unified and strategic database, collaborating on access sites of mutual interest, and deciding priority among sites for renovation.

The departments will encourage municipalities and regional organizations receiving grants from the Department of Economic and Community Development to plan for public access in their growth management programs; and give priority for financial and technical assistance to communities with state-certified programs and consistent plans as required by law. The agencies will work with the Department of Transportation to aggressively identify and pursue opportunities for public access along highway rights of way adjacent to the water. They will work with hydropower producers planning for public access to impoundments and tail races as part of the Federal Energy Regulation Commission licensing and re-licensing process. They will also encourage the Department of Marine Resources to suggest potential sites for sport fishing on tidal waters.

3. Goal: The primary, long term goal of state fishing and boating access programs is to ensure, legal, appropriate, adequate, and equitable means of public access to waters where recreational opportunities exist.
4. Priorities: The Department of Conservation and Inland Fisheries and Wildlife will concentrate on three top priorities. These include preventing the loss of traditional sites to other uses, dispersing demand among priority waters², and maintaining the serviceability of existing sites. Second order priorities include expanding access on water with inadequate public access and diversifying will also endeavor to assist local projects that coincide with state priorities. At any given time, the priorities of the two agencies may vary, depending upon the age and condition of the sites for which they are responsible, trends in fishing, boating, and access use, the availability of federal funds, and the mix of access opportunities available to the public.
5. Ten Year Objectives: Over the next decade and with expected funds, the agencies hope to:

By the year 2005, the Department of Conservation will:

- a. acquire or develop up to 50 new boating access sites;
- b. allocate 20% of the funds reserved for acquisition or development for carry-in or non-motorboat use; and
- c. renovate up to 50 existing boating sites.

By the year 2005, the Department of Inland Fisheries and Wildlife will:

- a. acquire land providing access to 40 lakes valuable for fishing where traditional access is threatened or unavailable;
- b. acquire 8 sites on stretches of navigable rivers valuable for fishing without suitable public access; and
- c. acquire access for bank fishing along 50 miles of streams with valuable fisheries.

² Priority waters are those supporting regionally-significant recreational opportunities, especially those near population centers or areas of high seasonal demand or on the coast; or supporting, or capable of supporting, moderate to high value fisheries.

6. Program Policies: The detailed policies described in the plan will guide the agencies in:
- managing Maine's boating and fishing access programs;
 - providing sites in a manner that complements other state goals, laws, and regulations, and local, state-certified growth management plans;
 - ensuring accessibility to sites for persons with disabilities, as well as equal and permanent access to all;
 - establishing user fees where intensive management is necessary to maintain the condition and orderly use of a site;
 - ensuring appropriate site selection, development, and management practices;
 - managing fisheries for the benefit of the public; and
 - limiting water bodies marked with navigational aides by the state to those presently in the program and allowing lake associations and communities to mark hazards on other water bodies following guidelines established by the Bureau.
7. Program Funding: The Boating Facilities Fund is expected to accrue \$1.5 million a year in gas tax revenues. Another \$210,000 a year is expected from the federal Sport Fish Restoration Act Fund. Approximately \$70,000-\$80,000 a year of the Boating Facilities Fund will be transferred to the Department of Inland Fisheries and Wildlife to match the federal fund. The remaining Boating Facilities Funds will be used by the Department of Conservation to maintain and renovate existing sites, maintain navigational aids, and, to the extent that funds allow, acquire and develop new sites.
8. Strategies For Addressing Site Acquisition, Development, and Management Issues: Strategies are proposed to make the Program more effective and efficient. The issues addressed include:
1. lack of suitable land for new sites;
 2. lack of human resources to identify sites on priority waters;

3. complex acquisition and permitting requirements;
 4. limited rights for public access to flowing waters;
 5. opposition to public sites because of perceived surface use conflicts;
 6. sensitivity of water with remote values and primitive recreational opportunities;
 7. inadequate enforcement of boating laws;
 8. limited funds for acquisition and development of new sites; and
 9. boating impacts on wildlife.
9. The Future: This plan should result in a more unified and focused effort. It provides clear information about the goals, priorities, policies, and other aspects of state boating and fishing access programs. It identifies specific objectives the Departments plan to attain over the next ten years.

The targeted number of new sites will not be enough to keep pace with the continued loss of traditional access and increased demand for new public sites. These larger needs can only be met through additional financial and human resources. This past session, the Legislature established the Public Access to Maine Waters Fund to be financed through bonding and other sources, but no funding is presently available. If funding does become available, this Plan can assist policy makers in accelerating the provision of new access sites.

INTRODUCTION

Purpose and Scope of the Plan

This Strategic Plan identifies the goal, priorities, objectives, policies, and strategies that will guide the Department of Conservation and Inland Fisheries and Wildlife in providing for public recreational boating and sport fishing³ access on Maine waters over the next ten years. These two agencies have the primary responsibility for the provision of Maine's state owned and state assisted water access sites. Together, they will coordinate their activities, consult and work with others having an interest in public access, and direct state investment toward the most critical acquisition, development, management, and renovation needs.

The plan reviews the status of Maine's recreational boating and sport fishing access sites. It also discusses trends that will influence the future availability of this important public resource. The Departments of Conservation and Inland Fisheries and Wildlife will update the plan periodically to reflect changing needs and circumstances.

The plan is divided into four sections: The INTRODUCTION presents the purpose, need, and scope of the plan; the HISTORY AND PRESENT STATUS OF MAINE'S BOATING AND FISHING ACCESS PROGRAMS describes public rights of access, the history and present status of the program, and accomplishments to date; the TEN YEAR STRATEGIC PLAN outlines the program goal, objectives, priorities, policies, agency responsibilities, funding allocation, and strategies for addressing specific issues; and THE FUTURE concludes with a discussion about funding options.

The Term "Access Site"

For the purposes of this plan, an access site means a specific location where the public had the legal right and physical means to get to the water to launch a boat or to fish while standing on the shore or in the water. The plan focuses on recreational boating and fishing although it recognizes the importance of access for commercial boating and fishing. It refers to sport fishing from the shore or while standing in a stream or the surf as "bank fishing".

³Sport fishing includes fishing from a boat or canoe, from shore, or by wading in inland or coastal waters.

While the Departments recognize that people are also interested in opportunities for swimming, picnicking, and other recreational uses, this plan focuses only on boating and fishing access. Other programs within the Department of Conservation are responsible for creating opportunities for swimming and other shoreland uses. Boating and fishing access programs staff will make every effort to coordinate other shoreland uses with them.

A boating and fishing access site may be unimproved, or enhanced to varying degrees. To be considered state assisted, a site must be made available to public use with financial or technical assistance from the state. It may be owned and operated by a state agency, or it may be owned by, or leased to, a local government, private organization such as a salmon club, or other shore front landowner. Hydropower operators provide public access sites in fulfilling federal and state hydropower licensing and relicensing requirements. No matter what the ownership or operational arrangement, availability to the public must be guaranteed for a specific time through formal agreement or legal instrument.

Need For the Plan

Maine has an extensive and diverse water resource: nearly a million acres of lakes and ponds, 32,000 miles of rivers, brooks and streams, and over 3,000 miles of coastline. While the state ranks only 39th among states in land area, it ranks 9th in total water area not counting small water bodies⁴. It places 4th in miles of tidal shoreline⁵, 4th in lake acreage, and 11th in river miles⁶. The value of this resource goes well beyond quantitative statistics: few states have water resources of the quality found in Maine.

Water, along with the recreational opportunities it supports, is central to the state's quality of life and economic well being. It is the very core of Maine's "Vacationland" identity. Mainers and visitors alike value leisure time near and on the water. The state's tourism and outdoor recreation industries have been built upon this outstanding resource. In 1988, freshwater fishing alone generated an estimated total economic impact of \$351.8-\$498 million⁷. In 1992, boats,

⁴ Source: Frits van der Leeden, F.L. Troise, and D.K. Todd, 1990. The Water Encyclopedia. Lewis Publishers. This includes lakes, reservoirs, and ponds having an area for 40 acres or more; streams, sloughs, estuaries, and canals one-eighth statute mile or more in width; deeply indented embayments and sounds, and other coastal waters behind or sheltered by headlands or islands separated by less than one nautical mile of water, and islands under 40 acres in area.

⁵ Source: Frits van der Leeden, F.L. Troise, and D.K. Todd, 1990. The Water Encyclopedia. Lewis Publishers.

⁶ Source: State of the States, Renew America Project, 1988. Note river and lake data for some states was not included in the report so the ranks are only approximate.

⁷ Boyle, Kevin J., Stephen D. Reiling, Mario Teisl, and Martha L. Phillips. 1990. A study of the impact of game and non-game species on Maine's economy. Dept. Agri. And Res. Econ., Univ. of ME., Staff Paper ARE 423: 122pp.

outboard motors, boat trailers, and marine accessories generated an estimated total sale of \$43.3 million in Maine⁸. Private sales and services associated with sport fishing and recreational boating are expected to grow as “baby-boomers” age and pursue less physically-demanding recreational activities in their retirement years.

The benefits people gain from taking a few hours, a day, weekend, or longer to enjoy Maine waters, and the associated economic activity generated, are often the result of state agencies, local governments, and private organizations working together to provide access for the public. The state acquired and developed its first site exclusively for boat launching in 1963. Since then, on average, ten public boat launch or landing facilities have been acquired and developed each of the last 30 years. Maine now has 321 state-owned or assisted recreational boating sites (see Appendix A-1).

The state also owns extensive shorelands where anglers and boaters can put in their boats and fish from the shore or while wading. Some of the waters where the state has purchased or received gifts of shorelands for angler access include the Roach River in Piscataquis County, the East and West Branches of the Penobscot River, the Allagash River, and Gaddis Pool on the East Machias River.

A look at DeLorme’s *Maine Atlas* may give one the impression that boating access is extensive. But the public is guaranteed access to only a relatively small percentage of the state’s water. The public’s right to many of the sites shown is subject to the continued goodwill and commitment of private landowners. A closer look at the Atlas also shows many waters where no apparent public access is available.

Of the approximately 1,982 lakes⁹ in the Department of Inland Fisheries and Wildlife’s Lakes Inventory, 107 are considered unavailable to the general boating public because of gated roads, exercise of property rights by owners, or because no simple way exists to gain access over developed property (Appendix B-1). A total of 257 lakes do not have guaranteed access or need additional access according to IF&W fisheries biologists (Appendix B-2). Table 1 on page 10 summarizes the present status of access available to the public, both publicly and privately-owned, on lakes in the inventory (see map of regions on page 11).

⁸Source: The National Marine Manufacturers Association.

⁹ Maine had 5855 lakes and ponds; 2787 are greater than 10 acres and are legally designated Great Ponds. Source: MAINE LEGISLATURE Final Report of the COMMISSION ON MAINE LAKES, to the Joint Standing Committee on Energy and natural Resources, 1990.

Table 1: STATUS OF ACCESS ON 1,982 LAKES IN DIF&W INVENTORY EXPRESSED AS A PERCENTAGE OF TOTAL NUMBER

IF&W Region ¹⁰	Deeded public right-of-way present ¹¹	Boat landing present ¹²	Landowner User fee charged ¹³	General public access prohibited ¹⁴
A	31.6	27.7	4.3	7.1
B	42.0	71.4	0.7	2.6
C	21.8	54.0	0.8	6.1
D	12.5	25.4	2.8	16.5
E	6.4	15.6	12.3	3.3
F	32.5	32.5	10.6	1.1
G	9.4	30.3	53.6	1.9
State	21.5	35.4	12.2	5.3

State boating and fishing access programs cannot keep pace with the loss of traditional access sites and the need for additional public sites. Many waters remain an untapped opportunity for recreation and tourism where public access is yet to be guaranteed. This condition is not likely to change unless funding for Maine’s boating and fishing access programs is expanded. The reasons for this are:

1. Increased participation in recreational boating and sport fishing has driven up demand for public access.

In the opinion of many Inland Fisheries and Wildlife wardens and other observers, boating activity has markedly increased during the last two decades despite little change in the number of Maine boat registrations. This observation is supported by a recent study by the Bureau of Parks and Recreation showing that canoeing, kayaking, shore and pond fishing, and pleasure boating all enjoyed modest growth in user days between 1976 and 1991/92, and the trend is expected to continue¹⁵.

People seem to be using their boats more frequently, reflecting national trends that show Americans are taking shorter and more frequent vacation closer to

¹⁰ See map provided on next page.

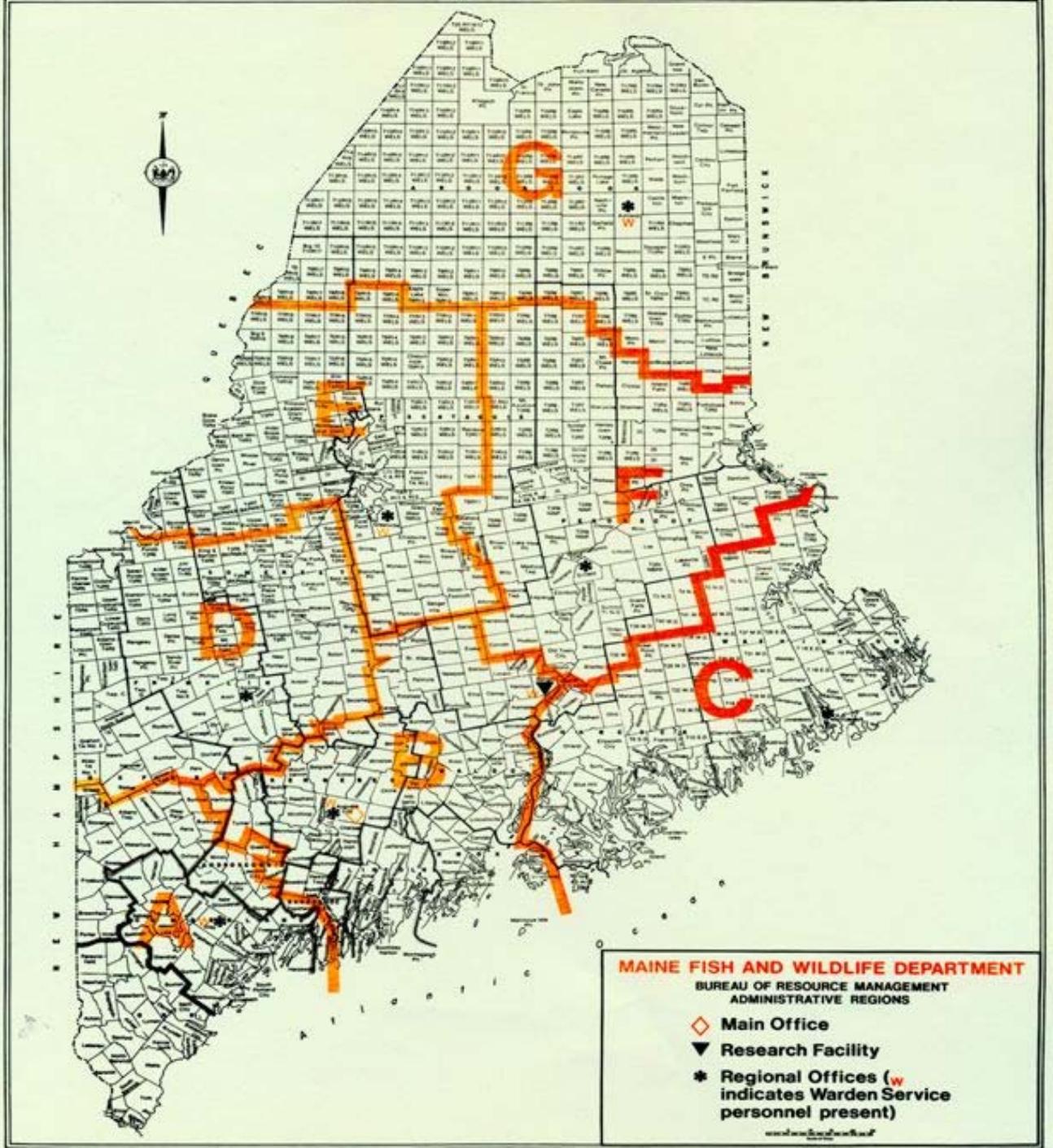
¹¹ Where public access has been guaranteed by a deeded, publicly owned right-of-way.

¹² Includes all access sites in both public and private ownership where it is “reasonably” possible and permitted to back a boat trailer to the water.

¹³ Where fees are charged by landowners at landings or as a general land-use fee charged at a road gate.

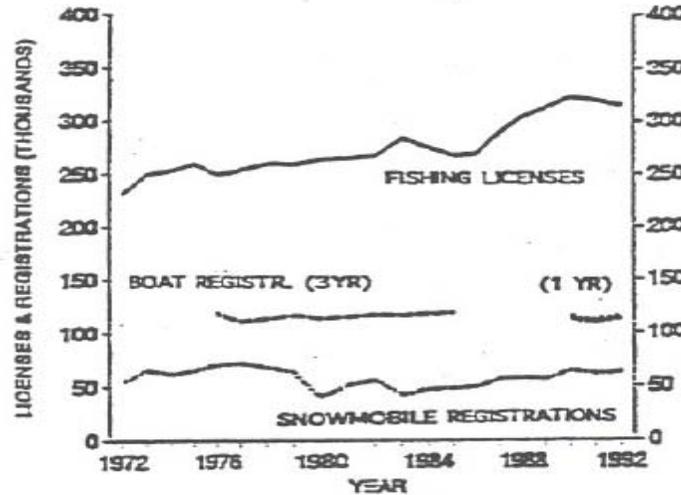
¹⁴ Where landowners who control the only available road or pathway purposely deny access for the general public by maintaining tight gates or by threatening exercise of ownership rights against trespass.

¹⁵ Maine Bureau of Parks and Recreation 1994. Maine Outdoor Recreation Activity Participation and Trends. Department of Conservation.



home. Boaters from other states are also believed to be a significant factor in increasing boating activity in Maine. The rising popularity of recreational boating, kayaking, canoeing, and angling contribute as well. Annual fishing license sales have increased over the last two decades, reaching an all time high in 1990¹⁶.

Figure 1: Number Of Fishing Licenses, and Boat and Snowmobile Registrations From 1972-1992.



Note: Due to a change from a 3-year to an annual registration system and accounting discrepancies, a reliable count of boat registrations is not available for the years 1985-1989.

2. Increased interest in boating and fishing comes at a time when changing ownership patterns and development are eliminating many traditional access sites, and rising shore front land values are making it expensive for Maine people and state agencies and municipalities to acquire land on the water. The finite supply and availability of shorefront land makes finding land for suitable sites difficult.

For generations, numerous shore landowners have allowed the public to cross their property to launch boats and fish from the shore. Often these sites are small and informal, yet taken as a whole, they are important to providing access and dispersing recreational opportunities throughout the state. In the last few decades, however, many informal access sites, especially those near population concentrations, have been eliminated by seasonal or year-round homes, or closed to public use in anticipation of development or because of new ownership philosophy. East Pond in Smithfield and Square Pond in Action are

¹⁶ Maine Bureau of Parks and Recreation 1994. Maine Outdoor Recreation Activity Part

but two examples of this. That is especially disturbing because waterfront land for public purchase to replace lost sites is becoming increasingly scarce and costly. And while it is becoming more difficult for the public to purchase access sites, more people are turning to public sites to gain access to the water since they, too, can no longer afford to own or pay taxes on shore front property.

3. People perceive the access problem to be different by region.

At public meetings and in review comments and surveys returned regarding an early draft of this plan, people generally agreed there is a need to avoid the ongoing loss of sites used traditionally for boating and fishing access. A few reviewers suggested specific waters where they would like to see public access sites developed.

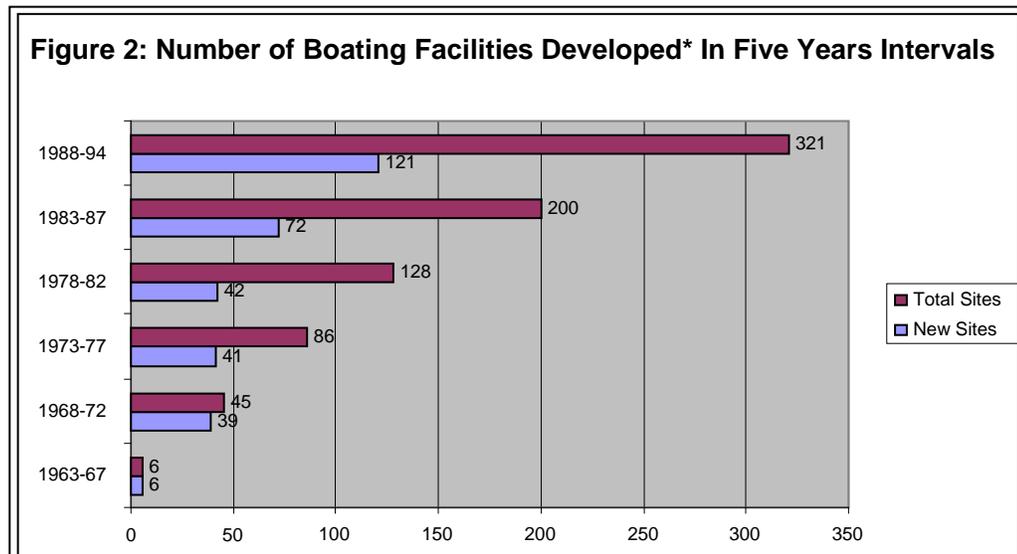
In southern and central counties where the state's population concentrates, people seemed to be most concerned about the abundance of boats on inland waters, the resulting decline in experiential quality, and relative lack of enforcement of boating laws. Some expressed concern that new drinking water regulations are putting ponds and lakes used by public water supplies off limits to public access. In Kennebec County, one reviewer indicated boating access is adequate and priorities should shift to providing access for swimming and picnicking. A 1990 report by the State Planning Office entitled, *Coastal Public Access in Maine*, adds additional perspective on the access issue for the coast. It concluded boating access needs are greatest in the South Coast Region, followed by the Mid-Coast.

In Northern Maine, some reviewers of the draft plan expressed concern that new publicly owned and advertised access sites could adversely alter the existing remote and unspoiled character of waters in the northern woods by the increased use generated. Those waters upon which sporting camps depend were frequently mentioned in this regard. Others expressed concern they now have to pay higher fees (or any at all) for road access, or are shut off from, waters they once used because of gated roads or changes in ownership. They perceive some of Maine's prime waters are now open only to an exclusive few camp owners or sports.

Throughout the state, many people and organizations expressed concern about existing and potential threats to water quality and fisheries resources and the need to manage waters comprehensively.

4. An increasing proportion of funding available to the Department of Conservation for access will be needed for the renovation of existing sites so they remain open, safe, and attractive.

Parking area surfaces and concrete ramps, floats, docks, green space, and other features eventually wear out and must be replaced. Experience shows that the most heavily used sites need to be renovated about twenty years after they are put in service. Fifty four (54) of the sites owned or assisted by the Department of Conservation are already 20-30 years old, and some are in poor condition, resulting in increasing difficulties in launching and damage to boat trailers.



*The inventory was expanded in 1988-93 to include preexisting carry-in sites at dams, thus accounting for about a third of the increase in this time period.

A portion of the funds available for the boat access program is needed to renovate sites that would otherwise become unsafe or unavailable for use. At the same time, some of these sites will also need to be made barrier free and accessible to people with disabilities so that a variety of opportunities and broad geographic distribution of sites are available to this group of the boating public. This will increase renovation costs.

5. The siting of boating access facilities is now more difficult, if not impossible, on some waters, particularly in the more populated part of the state.

People without shoreland property want equal access to public waters, but good public access sites, at a reasonable cost, on favored waters are frustratingly few. Rising land values limit the state's ability to buy land, particularly on the coast and on heavily developed lakes. Often, the best land on these waters has already been earmarked for development. This leaves few options for public purchase, unless the state can put together a costly package of small or already developed lots. Affordable coastal land, suitable for "all-tide" facilities, is especially elusive.

Even when suitable land can be found, owners and organizations frequently oppose new facilities. Seasonal and year-round residents are concerned about over-use by, and impacts from, day users such as increased traffic on poorly built camp roads. Shore owners and day users alike complain about the noise and speed of some crafts. Many individuals and organization are concerned about safety, fishing pressure, loss of Maine's special character, disturbance of wildlife, and water quality degradation.

Regardless of the specific issues that come up when an access site is proposed on a particular water body, the process often becomes a lightning rod for controversy because the state has not yet developed measures for managing boating and other activities in relation to the size and character of the waters. The process of formulating this plan has made it apparent that there is a need for a process to assess and recommend appropriate policy to address the many competing surface uses.

Even when a site escapes controversy, time requirements for environmental permitting and real estate appraisals can jeopardize the outcome, if the owner is in a hurry to sell. It is sometimes difficult to complete simultaneously a variety of applicable permits and assessments for local, state, and federal regulators (e.g. U.S. Army Corps of Engineers, Maine Department of Environmental Protection and/or Land Use Regulation Commission, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service); collect adequate data and appraisals; and meet other administrative requirements within a timeframe that is acceptable to a willing seller of suitable access property.

6. Since revenues for boating facilities from the gas tax and federal and local sources are not expected to increase significantly, the state must set clear and focused priorities for boating and fishing access sites.

Until recently, the state has been able to develop or assist in the development of nearly every well-conceived proposal for a new site. But now a backlog of "approved" sites awaits development because of the limited funds. Existing funding sources will cover only a portion of this backlog and provide limited monies for new future opportunities in addition to the renovation needs of many sites.

No specific funding is available for small boat carry-in or bank fishing access sites. Existing funds are targeted primarily for motor boat access. The Department of Inland Fisheries and Wildlife is required by federal law to use 12.5% of its Sport Fish Restoration funding solely for motorboat-related access projects. The remaining 87.5% of these funds, without such use

limitations, is further divided between the fishery initiatives of both the Department of Inland Fisheries and Wildlife and Department of Marine Resources. While no explicit statutory requirements and Department of Conservation's use of the state's Boating Facilities Fund, the department interprets the intent of the enabling legislation as directing funding primarily towards projects for motorboat use because the revenues are derived from the tax paid on gasoline for motorboats. The lack of a specific funding source for non-motorized boats limits the establishment of new opportunities solely for people who enjoy canoeing, kayaking, and bank fishing in Maine's smaller ponds and rivers.

In conclusion, the need for public access demands clear priorities and policies for administering the state's boating and fishing access programs, and making the most of existing funding. OF Maine is to continue to address the specific needs of non-motorized access and thereby enhance the state's quality of life and economy, is also will require additional sources of funding for this specific purpose.

HISTORY AND PRESENT STATUS OF MAINE'S BOATING AND FISHING ACCESS PROGRAMS

Public Rights of Access

The public has enjoyed extensive use of Maine waters for generations through tradition and by law. The public's right to use the surface of inland and coastal waters and gain pedestrian access to Great Ponds is assured. But pedestrian access to flowing and intertidal waters is not guaranteed.

The Massachusetts Bay Colonial Ordinance of 1641-47 and subsequent court decisions, enable the public to fish, hunt waterfowl, and engage in other accepted forms of recreation on the surface of Great Ponds, tidal waters, and flowing waters large enough to navigate or float a log.¹⁷ The right to float pleasure craft on any stream or pond large enough is likewise guaranteed by law, providing that the water body is capable of being used for the floating of vessels, boats, rafts, or logs.¹⁸

In contrast, the public's right to pass over private land to get to these waterbodies is limited. The most liberal rights are associated with Great Ponds. A person can legally walk across private property to reach a Great Pond unless the land is in "tillage or mowing land." In contrast, a person cannot legally walk to a stream or intertidal area, or walk along a stream bank or on the bottom of a stream, if the landowner objects.

Landowner generosity has made the majority of the state's waterways accessible. Increasingly, however, traditional public access is being lost to development and posting. Even in unorganized areas where landowner receptivity to public use of private land has been exemplary, no guarantee exists that access will remain open.

History of Boating and Fishing Access Programs

The Maine Legislature established the Boating Facilities Program in 1963, within the Bureau of Parks and Recreation, to provide public boat launch sites for

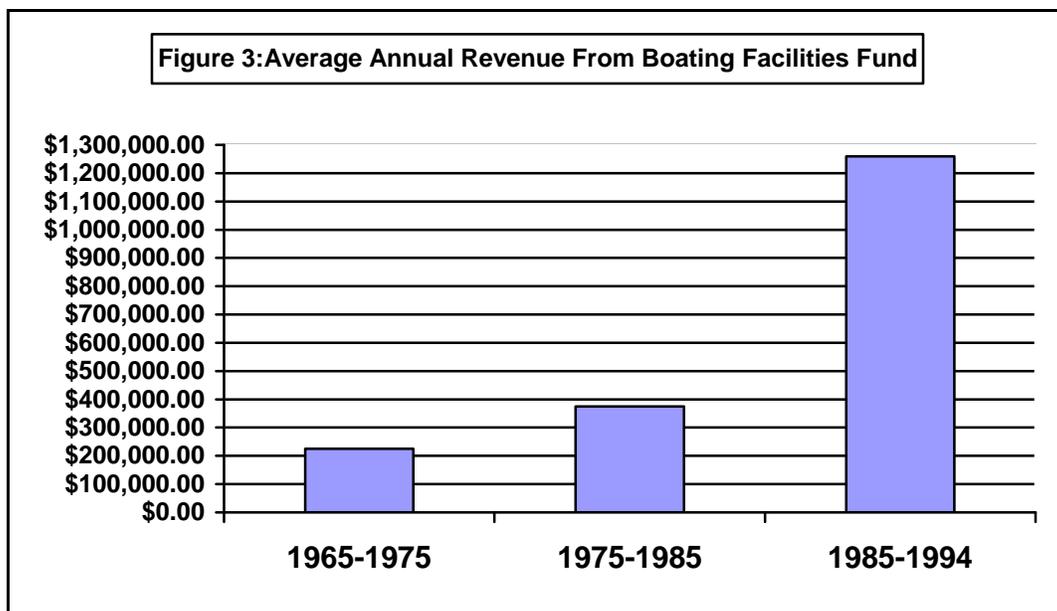
¹⁷ University of Maine Cooperative Extension Service; The Land and Water Resources Center, UMO; The Maine Municipal Association; The Maine New Hampshire Sea Grant College Program. 1988. Access to coastal and inland waters. Information digest pamphlet.

¹⁸ Waite, G. Graham. 1965. Public rights in Maine waters. Law Review. pp.161-204.

recreational boaters. This program provides public launching ramps, parking areas, and access roads for inland and coastal sites. Where sites are intensively used, the Bureau provides hard ramps, floats, toilets and trash receptacles.

The Bureau is also responsible, within the resources available, for the placement of navigational aids and regulatory markers in the waters of the State, when, in the opinion of the Director, hazards to navigation exist (Appendix A-4).

These activities are supported by revenues from the percentage of the state gasoline tax attributed to recreational motor boat use¹⁹. From 1966 to 1986, federal Land and Water Conservation Grants were also available to match state and or local funds for a boating access facility.



Over the years, the Bureau of Parks and Recreation has worked closely with other state agencies, municipalities, corporate landowners, and the public in providing funding and technical assistance for boating facilities. In recognition of the large number of boaters who fish, the Bureau has worked especially closely with the Department of Inland Fisheries and Wildlife in providing access to waters with high quality natural fisheries or stocking programs.

Over the past decade, the Department of Inland Fisheries and Wildlife acquired a limited number of water access sites through bond issues and other

¹⁹ In 1989 the Legislature reset the percentage of the excise tax on internal combustion engine fuel earmarked for the Program at 2 percent with a cap of \$2,000,000. Of this amount, the Fund actually receives approximately 1.5%, with the remaining dedicated to pay refunds to commercial motorboat users and fund certain activities of the Department of Marine Resources.

sources. In 1986, to take advantage of expanded funds earmarked for boating access projects from the Wallop-Breaux Amendment to the federal Sport Fish Restoration Act²⁰, the Department of Inland Fisheries and Wildlife initiated its own "Aquatic Access Program" and began acquiring water access sites more aggressively. The Bureau of Parks and Recreation supports the Department of Inland Fisheries and Wildlife's efforts by providing the state match and up front money from the Boating Facilities Fund so Maine can participate in the federal program.

Other agencies and funding sources have also played a role in providing boating and fishing access for the general public. Many of Maine's sites are part of the amenities provided within state parks, on lands in the jurisdiction of the Bureau of Public Lands, wildlife management areas, and highway water crossings and rights of way. Maine's Coastal Program has directed federally-funded Waterfront Action Grants to six coastal communities for boating sites, and the Land For Maine's Future Board has purchased several parcels with shore frontage.

Many municipalities, industries, and non-profit organizations have also expanded opportunities for public access in collaboration with the state. Hydropower providers, under Federal Energy Regulation Commission (FERC) requirements, have developed sixteen access sites to date for boating, and provided many shoreline access areas for fishing in conjunction with dam projects. Under state review of hydropower licensing and relicensing applications, the Bureau of Parks and Recreation and the Department of Inland Fisheries and Wildlife make recommendations regarding the adequacy of public boat access, canoe portages, and bank fishing. They assist applicants in assessing existing sites and evaluating potential new ones, and review their development plans for providing new sites or upgrading old ones.

²⁰ The Department of Inland Fisheries and Wildlife and the Department of Marine Resources currently receives about \$1.7 million annually in federal Sport Fish Restoration Act funds derived from an excise tax on fishing equipment and a portion of the federal gasoline tax. A minimum of 12.5% of this allocation, currently about \$210,000 annually, must be dedicated for motorboat access.

History of Maine's Boating and Fishing Access Programs

1963	Boating Facilities Program established in BPR funded by non-refunded taxes on gasoline fuel used in pleasure boats.
1965	Legislature set percentage of gas tax paid by motorboat users at 1.25%; divided among Boating Facilities Fund, Dept. of Marine Resources, and refunds to commercial boat users.
1966-present	DIF&W biologists advise on waters needing access.
1966-1986	BPR used Federal Land & Water Conservation Funds for public boat access sites.
1976	BPR surveyed users and developed a <i>Public Facilities For Boats Plan</i> .
1983	Legislature transferred support for Songo Locks operation from General Fund to Boating Facilities Fund.
1986	Congress required Federal Energy Regulation Commission to consider recreational facilities in issuing hydropower licenses.
1986	DIF&W developed water access priorities by fishery region.
1986-present	DIF&W receives expanded funds from Wallop-Breaux Amendment to federal Sport Fish Restoration Act for public boat access sites.
1987	BPR surveyed coastal communities to identify potential sites.
1988	BPR surveyed recreational boaters about access needs and gasoline consumption.
1989	Legislature increased percentage of gas tax to 2% not to exceed \$2,000,000 per year, with about 1.5% for Boating Facilities Fund.
1990	American Disabilities Act enacted by Congress.
1990	State Planning Office surveyed coastal communities regarding access needs (<i>Coastal Public Access in Maine</i>).

History of Maine's Boating and Fishing Access Programs: continued

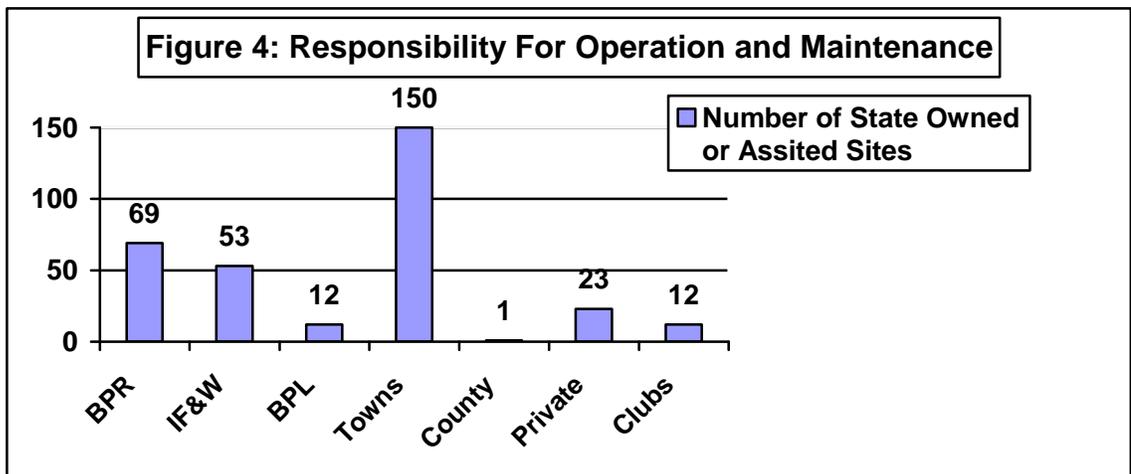
- 1990 DIF&W updated water access priorities by fishery region.
- 1991 BPR surveyed recreational boaters about needed sites.
- 1993 State Outdoor Recreation Plan Task Force recommended development of a consolidated strategic plan for boat access sites.
- 1993 DIF&W developed and presented to F&W Advisory Committee a *Strategic Plan For Angler Access* (to the year 2000).
- 1994 DIF&W updated water access priorities by fishery region.
- 1994 DIF&W surveyed people who fish about access needs as part of fishing pressure survey.
- 1995 BPR and DIF&W developed a combined *Ten Year Strategic Plan For Fishing and Boating Access*.

Accomplishments to Date

For many resources, measuring the impact of public policy and investment on the condition and availability of the resource can be difficult. This is not so with public access for boating and fishing. Although no analysis has been done of the actual patterns of use at specific sites, tangible gains for the Program are easy to count:

1. Ten sites a year on average have been developed since 1963.

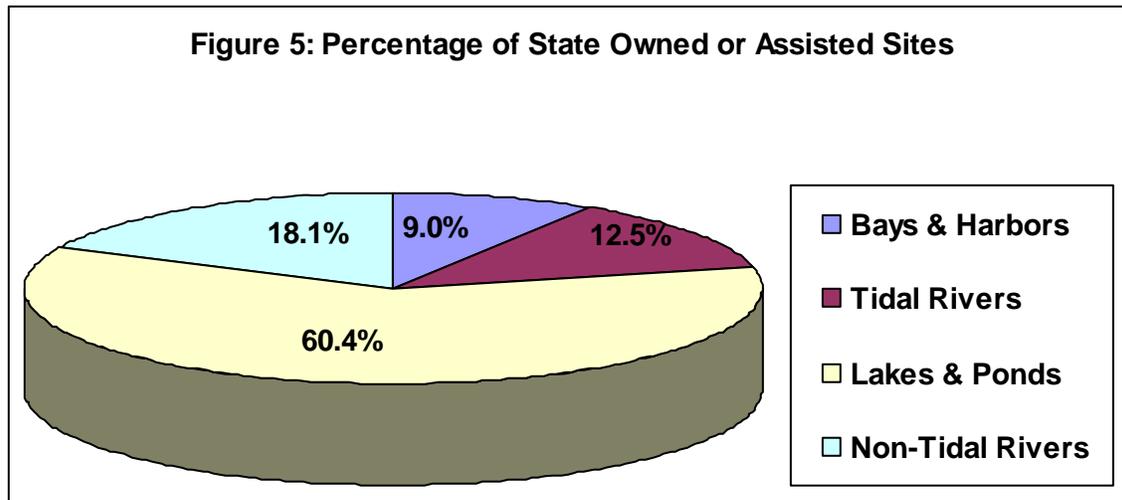
State agencies operate and maintain 135 of the 321 state owned or assisted boating facilities. Local entities including municipalities, dam owners, nonprofit organizations, and one county operate and maintain the remaining 186 facilities (Appendix A-3). Eleven additional sites have been acquired by the state (9 sites) or municipalities (2 sites), but they have not yet been developed (Appendix A-2).



2. Access sites are dispersed among lakes, rivers, and coastal waters, although inland sites predominate.

The location of boating facilities on salt or fresh water tends to mirror where people boat (Table 2, page 24). In 1993, almost 60% of boaters registering said they boat only on fresh waters, while 14% stay strictly on the ocean; another 27% indicated they use both waters. This compares with the location of public boating facilities. Almost 80% are on inland waters (194 sites on inland lakes, ponds, and wetlands, and 58 sites bordering freshwater rivers and streams).

Twelve percent are located on tidal rivers (40 sites); and almost one in ten (29) are on coastal bays, coves and harbors. Almost two out of five (122 lakes-38%) of the state's 315 lakes sized 500 acres or more now have facilities. The number of privately-owned sites available for use by the public throughout the state is unknown, although Table 1 on page 10 provides information about lake sites.



3. Public boating sites are dispersed geographically around the state.

While less than 21% of the sites provide access to tidal waters, just under half (143 sites) are located in coastal counties²¹ where just over half (51%) of the state's population resided in 1990. While state boating and fishing access programs have provided sites near population centers and a basic level of service in all parts of the state, they have especially targeted counties containing the state's most outstanding waters and recreational areas (see Table 3 and Figures 6-9, pages 25-29);

4. While just over three quarters of the public boating sites have ramps accessible by vehicles with trailers, many offer opportunities for smaller boats and bank fishing and access to shore from the water (Table 2, page 24).

Sixty one (61) are carry-in sites and 7 offer boat landings. Boat landings offer access only from the water to the land. Fifty five coastal sites offer all-tide ramps, while another 14 provide access at high tide. Motorboat access has received the greatest attention because Maine's chief funding source is the portion of the gasoline tax related to motorized pleasure boat use.

²¹ This does not include Kennebec and Penobscot Counties which have tidal rivers but no ocean frontage.

5. While the state has purchased only one site specifically to ensure public access for bank fishing (Roach Rived, it owns or has easements for public access to many waters where people can fish from shore or while wading.

In addition to the many state parks, public lands, and highway rights of way offering access to the water for bank fishing, the state also has easements ensuring public access to outstanding rivers such as portions of the East and West Branches of the Penobscot. Agencies also maintain or lease to campground operators campsites on the shore, such as those on the Saco River and Eagle Lake.

6. Navigational aids are placed and maintained on 24 water bodies (see Appendix A-4).

Table 2: STATE SPONSORED OR ASSISTED BOATING SITES BY COUNTY

COUNTY	Total Sites	Type of Water				Type of Site		
		Bays & Harbors	Tidal Rivers	Lakes & Ponds	Non-Tidal Rivers	Ramps	Carry-In	Landing
Androscoggin	8	NA	NA	4	4	7	1	
Aroostook	25	NA	NA	19	6	20	5	
Cumberland	19	4	4	11	0	17	1	1
Franklin	14	NA	NA	13	1	9	5	
Hancock	28	9	2	16	1	22	5	1
Kennebec	38	NA	6	30	2	30	6	2
Knox	13	5	3	4	1	11	2	
Lincoln	8	2	4	2	0	8	0	
Oxford	23	NA	NA	17	6	14	9	
Penobscot	26	NA	3	13	10	21	4	1
Piscataquis	23	NA	NA	17	6	18	5	
Sagadahoc	8	0	6	1	1	6	1	1
Somerset	21	NA	NA	15	6	16	5	
Waldo	16	4	2	9	1	13	2	1
Washington	36	5	6	15	10	28	8	
York	15	0	4	8	3	13	2	
	321	29	40	194	58	253	61	7

NA: Not applicable

Table 3: COMPARISON OF STATE SPONSORED AND ASSISTED BOATING FACILITY DISTRIBUTION BY COUNTY

RANK	NUMBER OF TOTAL SITES	AMOUNT OF WATER*	TOTAL SITES PER TOTAL WATER	1990 POPULATION (thousands)	TOTAL SITES PER 1000 PEOPLE	TIDAL MILES	TIDAL SITES PER TIDAL MILE	NON-TIDAL RIVERS (miles)	NON-TIDAL RIVER SITES PER MILE	LAKE AREA (sq. miles)	LAKE SITES PER SQ. MILE
1	Kennebec (38)	Aroostook (6906)	Kennebec (.0414)	Cumberland (243)	Piscataquis (1.200)	Washington (927)	Kennebec (.133)	Aroostook (6779)	Androscoggin (.0087)	Piscataquis (398)	Sagadahoc (.500)
2	Washington (36)	Piscataquis (4096)	Androscoggin (.0168)	York (165)	Washington (1.000)	Hancock (903)	Penobscot (.115)	Somerset (3843)	Knox (.0044)	Washington (196)	Waldo (.400)
3	Hancock (28)	Somerset (4003)	Waldo (.0151)	Penobscot (146)	Hancock (.598)	Knox (579)	York (.016)	Piscataquis (3698)	Washington (.0037)	Somerset (160)	Knox (.364)
4	Penobscot (26)	Washington (3819)	Cumberland (.0129) Knox (.0129)	Kennebec (116)	Franklin (.448)	Lincoln (454)	Waldo (.035)	Penobscot (3331)	Penobscot (.003)	Penobscot (140)	Kennebec (.359)
5	Aroostook (25)	Penobscot (3497)	Sagadahoc (.0121)	Androscoggin (105)	Waldo (.424)	Cumberland (451)	Cumberland (.018)	Oxford (2759)	York (.00264)	Aroostook (127)	York (.333)
6	Piscataquis (23)	Oxford (2848)	Hancock (.0115)	Aroostook (87)	Oxford (.415)	Sagadahoc (391)	Sagadahoc (.015)	Washington (2696)	Kennebec (.00268)	Hancock (99)	Franklin (.255)
7	Oxford (23)	Hancock (2440)	York (.0093)	Oxford (53)	Somerset (.388)	York (246)	Hancock (.012)	Franklin (2254)	Oxford (.0022)	Oxford (89)	Androscoggin (.211)
8	Somerset (21)	Franklin (2301)	Washington (.0092)	Somerset (49)	Kennebec (.310)	Waldo (143)	Washington (.011)	Hancock (1438)	Somerset (.00156)	Kennebec (78)	Oxford (.180)
9	Cumberland (19)	Waldo (1478)	Oxford (.0077)	Hancock (47)	Knox (.306)	Kennebec (45)	Knox (.010)	York (1135)	Piscataquis (.00126)	Cumberland (76)	Hancock (.162)
10	York (15)	York (1399)	Penobscot (.0074)	Knox (36)	Aroostook (.276)	Penobscot (26)	Lincoln (.009)	Cumberland (951)	Waldo (.0013)	Franklin (47)	Cumberland (.145)
11	Franklin (14)	Knox (13)	Waldo (.0070)	Washington (35)	Sagadahoc (.212)			Waldo (765)	Aroostook (.0009)	Waldo (20)	Aroostook (.142)
12	Androscoggin (8)	Kennebec (869)	Piscataquis (.0056) Franklin (.0056)	Sagadahoc (33) Waldo (33)	Lincoln (.200)			Kennebec (745)	Hancock (.0007)	Androscoggin (19)	Lincoln (.111)
13	Sagadahoc (8)	Lincoln (859)	Somerset (.0047)	Lincoln (30)	Penobscot (.178)			Androscoggin (457)	Franklin (.0004)	Lincoln (18)	Penobscot (.093)
14	Lincoln (8)	Knox (853)	Aroostook (.0035)	Franklin (29)	York (.079)			Lincoln (387)	Cumberland (0)	York (18)	Somerset (.081)
15		Sagadahoc (580)		Piscataquis (19)	Cumberland (.078)			Knox (253)	Lincoln (0)	Knox (11)	Washington (.077)
16		Androscoggin (476)			Androscoggin (.076)			Sagadahoc (187)	Sagadahoc (0)	Sagadahoc (2)	Piscataquis (.043)

* Amount Of Water was calculated by adding river miles and lake square miles to give a unit measure.

Figure 6: Distribution of State Owned and Assisted Boating Facilities By County

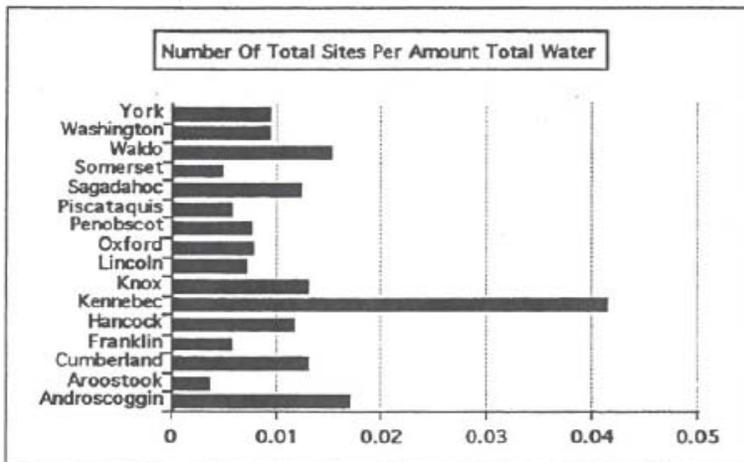
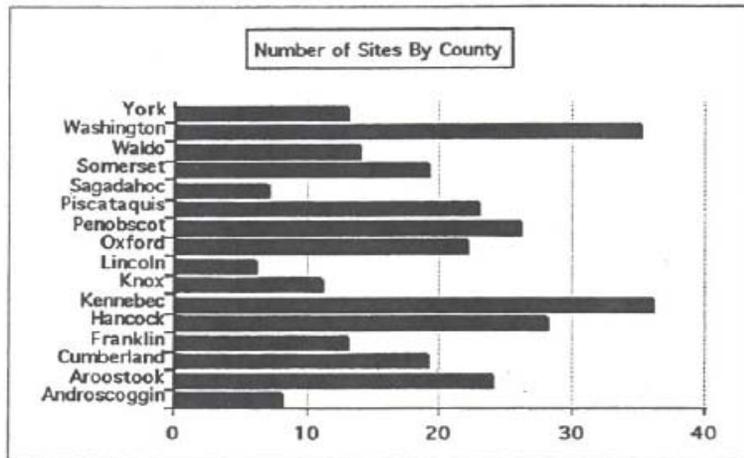


Figure 7: Distribution of State Owned and Assisted Boating Facilities On Tidal Waters By County

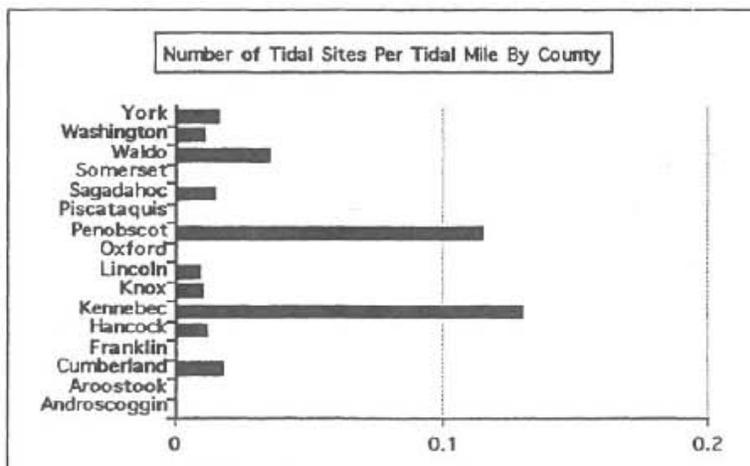
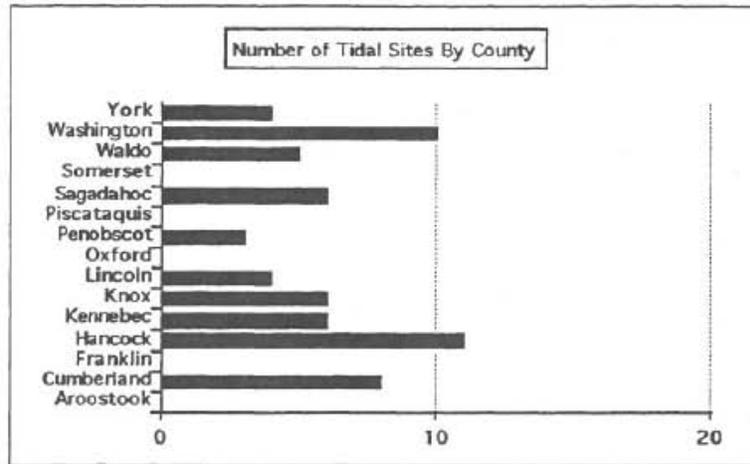


Figure 8: Distribution of State Owned and Assisted Boating Facilities On Non-Tidal Rivers By County

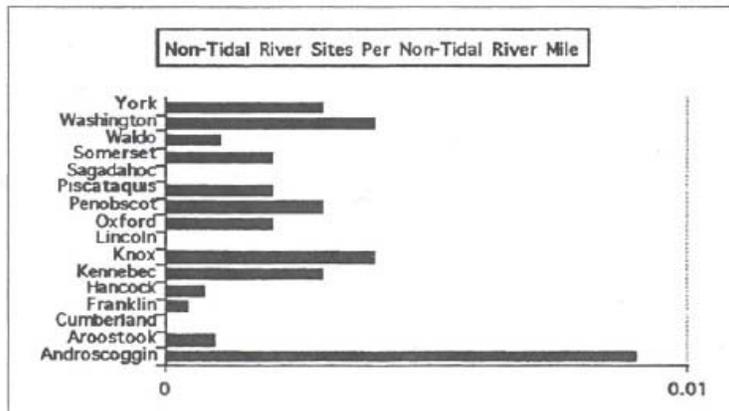
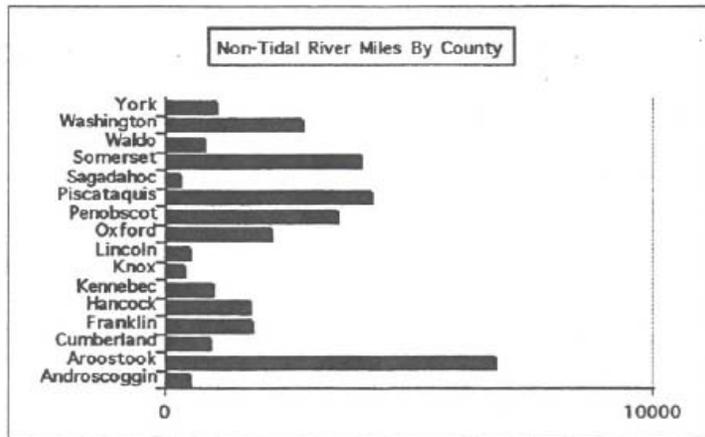
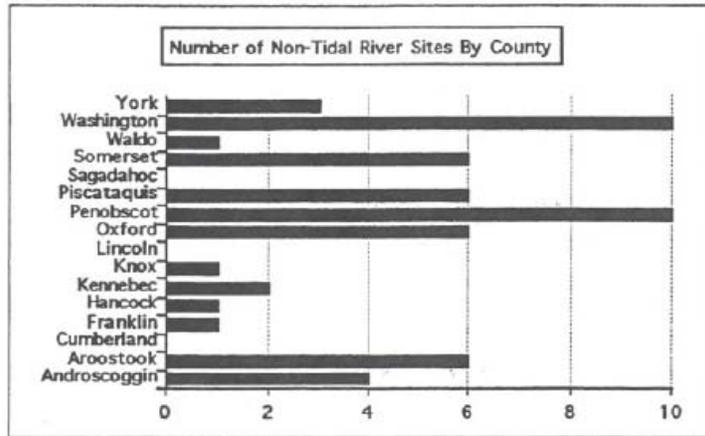
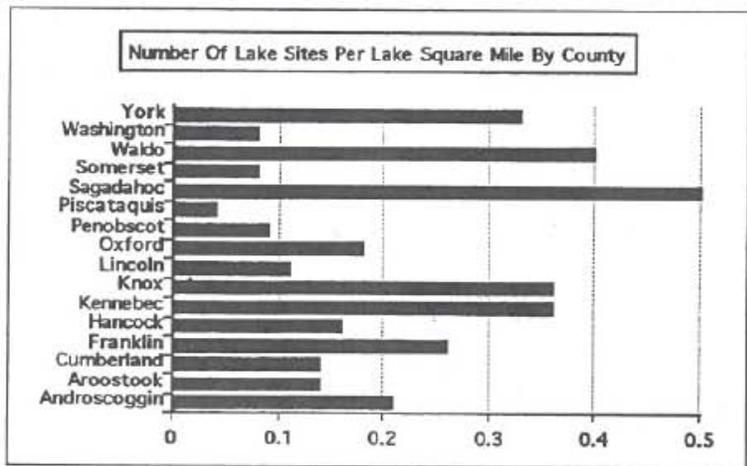
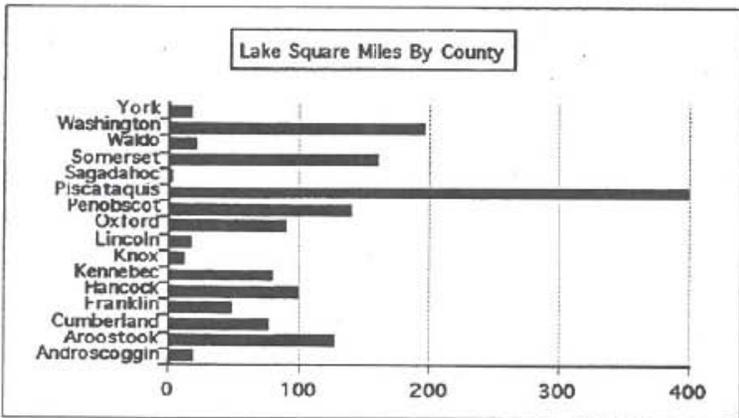
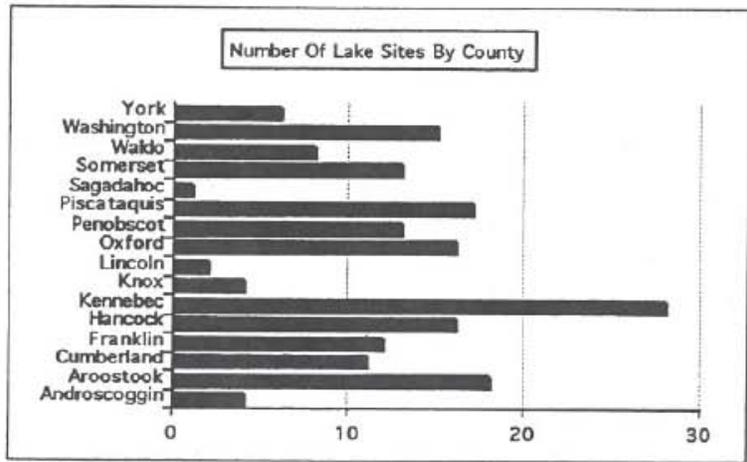


Figure 9: Distribution of State Owned and Assisted Boating Facilities On Lakes By County



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TEN YEAR STRATEGIC PLAN

Introduction

This Strategic Plan establishes the goals, priorities, objectives, policies, and allocation of state responsibilities and funds that will guide and integrate the activities and decisions of Maine's boating and fishing access programs over the next ten years. It also includes strategies for overcoming difficulties that stand in the way of an effective and efficient effort.

Agency Responsibilities

The Departments of Inland Fisheries and Wildlife, Conservation, Economic and Community Development, Transportation and Marine Resources shall, work cooperatively with one another, and with other state agencies, municipalities, organizations, and corporations in providing public sites for boating and bank fishing access. In general, this means the following allocation of responsibilities:

The Department of Conservation will:

1. take the lead, or assist others, in providing regionally-significant recreational boat access projects designed for intensive use. These are usually large projects sited on Maine's larger lakes and rivers and on coastal bays and harbors;
2. assist agencies, municipalities, organizations, dam owners, and corporations in providing state sponsored or assisted access sites on priority waters;
3. administer the Boating Facilities Fund, provide funds to the Department of Inland Fisheries and Wildlife to match federal Sport Fishing Restoration Act access funds, and within the time available, provide technical assistance to assist others with land acquisition or facility development; and
4. administer the Navigational Aids Program and review requests from lake associations or communities for permission to locate and maintain navigational aids.

The Department of Inland Fisheries and Wildlife will:

1. take the lead in providing, or assisting others to provide, access where fisheries management opportunities or problems exist;
2. administer Maine's federal Sport Fishing Restoration Act Access Funds; and
3. provide comments on access projects pertaining to impacts on fish and wildlife.

The Department of Economic and Community Development will:

1. act as a liaison for Maine's Coastal Program and Growth Management Program and work with communities and regional planning organizations to identify access needs and address these needs in local growth management programs;
2. work with other state agencies in integrating local and regional access needs with state program priorities; and
3. administer federally-funded Waterfront Action Grants, when available.

The Department of Marine Resources will:

1. assist in identifying access needs for marine sport fishing and work with other agencies in integrating these needs with other program priorities.

The Department of Transportation will:

1. routinely identify opportunities for boating and fishing access in association with construction, resurfacing, or reconstruction projects for bridges or roads adjacent to water bodies; provide aprons, rights of way, or other elements as funding and legal requirements allow; and request the Departments of Conservation and Inland Fisheries and Wildlife to assist in planning, designing, and financing such projects.

Together, the Departments of Conservation and Inland Fisheries and Wildlife will:

1. consult to ensure state boating and fishing access programs, when viewed as a whole, comply with the Americans with Disabilities Act;
2. continue to closely coordinate in carrying out access initiatives;
3. develop a unified data management and analysis system for boating access

- sites and boating use activity, in conjunction with the State Planning Office and other agencies as appropriate;
4. coordinate in working with other agencies and dam relicensing applicants to ensure public access for boating and fishing is planned as part of transportation and energy projects; and
 5. work together to implement the strategies indicated in this plan.

Boating and Fishing Access Goal

The primary, long term goal of state fishing and boating access programs is to ensure legal, appropriate, adequate, and equitable means of public access to waters where recreational opportunities exist.

Boating and Fishing Access Priorities

. The following priorities emphasize the activities the Departments of Conservation and Inland Fisheries and Wildlife consider most important overall to maintaining the value of existing sites and keeping pace with access loss and demand for new sites. At any given time, the priorities of the two agencies may vary, depending upon the age and condition of the sites for which they are responsible, trends in access loss, federal funding sources, and the mix of access opportunities available to the public.

In general, boating and fishing access programs will give highest priority to:

- preserving existing public access sites by:
 - a. operating and maintaining existing state owned or assisted sites as required to keep them safe, attractive and accessible, and to extend their design life; and
 - b. renovating existing state owned or assisted sites to the extent needed to keep them safe, attractive, accessible, and available for public use (note: keeping renovation to a minimum is important to provide as much money as possible for acquisition while land is still available and affordable); and
- preserving traditional access sites and dispersing demand among sites by:

- a. acquiring land on priority waters where public access is currently unavailable or traditional access is in danger of being lost. Priority waters are those supporting regionally-significant recreational opportunities²², especially those near population centers or areas of high seasonal demand, or on the coast²³; or supporting, or capable of supporting, moderate to high value fisheries²⁴.
- b. ensuring that hydropower relicensing applicants provide or upgrade sites for public use on rivers in compliance with Federal Energy Regulation Commission requirements.

Boating and fishing access programs will give second priority to:

- expanding and diversifying opportunities for public access by:
 - a. acquiring and/or developing sites on priority waters where public access exists but is inadequate for meeting current needs;
 - b. providing access to any waters where land sales or gifts present windows of opportunity that will help ensure a diversity of settings and recreational opportunities, and a geographic distribution, of public access sites for boating and bank fishing throughout the state.

Within these priorities, the agencies will give preference to sites and site designs requiring minimal maintenance and to those projects where state or federal assistance funds will leverage local funding and/ or encourage local responsibility for operation and maintenance. In assisting local projects, greatest preference will be given to communities with state-certified growth management programs or plans consistent with Maine's Growth Management goals as required by law.

²² Regionally significant waters are generally those that are located near population centers or those of great size, such as: lakes over 500 acres in size (see Appendix B-4); the state's larger rivers or those offering specialized opportunities such as for white water running, overnight canoe routes, or ready access to the ocean; and, on the coast, harbors and bays.

²³ For the first six years of the Program (1963-1976), about 40% of the sites acquired and developed were on coastal waters. Since then, lake and inland river sites have received greater attention, primarily because they have been easier to find and less costly to develop. Sites on coastal waters now comprise only 21% of the total.

²⁴ Appendix B-2 identifies lakes with high or moderate fisheries values that DIF&W identifies as being in need of guaranteed public access or additional public access development. Fisheries values were determined as part of the Maine Lakes Study conducted by the Land Use Regulation Commission and State Planning Office. DIF&W based the ratings upon habitat, species, and use values. Habitat value criteria included water quality, available spawning sites, substrate, and feeding sites. Species value criteria addressed species abundance, diversity, rarity, and reproduction. Public use value criteria considered fishing quality, aesthetic experience, fishing pressure, and economic importance. Lakes acquiring more than 24 points were ranked "outstanding"(high)and those receiving 14-24 points were ranked "significant"(moderate). Finally, regional fisheries biologists reviewed and adjusted the results based upon their professional judgment. Appendix B-3 identifies rivers with high or moderate fisheries values that are of priority to DIF&W.

Ten year Objectives

This plan also provides measurable targets for the number of sites the agencies intend to acquire, develop, or renovate over the next ten years. The objectives listed below assume existing levels and sources of funding will continue and reflect the priorities discussed above.

By the year 2005, the Department of Conservation will use up to:

- 50% of the funds allocated under the Boating Facilities Fund for boating access acquisition, renovation, and development to acquire and/ or develop up to 50 boating access sites on regionally significant waters, including at least one large, or several small (locally-significant) coastal sites located between Brunswick and Kittery, with twenty percent of these monies for carry-in or non-motorboat access sites; and
- 50% of the funds allocated under the Boating Facilities Fund for boating access acquisition, renovation, and development to renovate up to 50 existing boating access sites so they will remain open, safe, and attractive for public use.

By the year 2005, the Department of Inland Fisheries and Wildlife will acquire:

- land for boating access to 40 lakes of moderate-to-high fisheries value, giving highest priority to those without guaranteed public access, especially those where traditional access is threatened;
- 8 public boat and canoe access facilities at strategic locations on navigable rivers with the highest fisheries values currently without suitable public access; and
- land or easements for bank fishing access along 50 miles of stream supporting moderate-to-high value fisheries currently without guaranteed public access.

Boating and Fishing Access Policies

The following policies will guide decisions about the acquisition, development, management, repair, and renovation of state owned or assisted public boating and fishing access sites.

Some of these policies may overlap with those to be developed by Maine's Great Ponds Task Force. Acting upon the recommendation of the Commission on Maine Lakes, the Legislature called for the creation of the Task Force in 1992 when it passed An Act to Further Enhance and Protect Maine's Great Ponds. The Great Ponds Task Force's authority is due to expire in the near future and needs to be extended by legislation. The Task Force is charged with developing guidelines for siting and designing public access facilities; classifying great ponds according to intensity of use and development; regulating surface uses; and strengthening enforcement on and around Great Ponds, among other responsibilities.

The State Planning Office only recently began the process of convening the Task Force, delayed by a lack of funds for this purpose. The Boating and Fishing Access Policies presented below may provide a helpful starting point for the Great Ponds Task Force in tackling a portion of its charge. And the Task Force can help fill a critical gap this plan cannot fill by presenting recommendations for the more effective regulation and enforcement of surface uses on lakes. The Legislature should extend the authority to the Task Force so it can develop policy recommendations on these important issues.

Overall Management

1. Maine's boating and fishing access programs will be administered in a way that:
 - a. provides the greatest opportunity for continued and expanded access opportunities;
 - b. efficiently uses staff time and funding resources;
 - c. promotes citizen involvement and intergovernmental cooperation, especially in the identification and evaluation of potential sites;
 - d. maintains existing facilities in good condition;
 - e. minimizes adverse impacts on existing uses; and
 - f. ensures safe and environmentally compatible access facilities for public use.

Coordination of State Goals, Policies, and Regulations

2. Boating and fishing access sites will be planned, sited, and managed in a manner that complements other state goals, plans, laws, and regulations such

as the Land Use Regulation Commission's Comprehensive Land Use Plan and the Department of Environmental Protection's Natural Resources Protection Act Regulations, Best Management Practices, and Phosphorus Control In Lake Watersheds Manual; and local state-certified growth management programs, especially plans and regulations related to water quality and lake protection.²⁵

3. State agencies and local governments planning public works projects adjacent to public waters, such as road projects crossing streams or rivers, should consider providing enhancements for public water access within each project, or, at the very least, to design the project so as not to preclude opportunities for public access, and to coordinate the implementation of access improvements with boating and fishing access staff.

Access For Persons With Disabilities

4. The Americans with Disabilities Act of 1990 requires that each state program, when viewed in its entirety, provide access for persons with disabilities. Maine's boating and fishing access programs will continue to serve persons with disabilities by providing a geographic and demographic distribution of accessible sites throughout the state. The Departments intend to develop a spectrum of opportunities by providing accessible components for persons with disabilities on a variety of access sites.

The nature and intent of Maine's boating and fishing access programs is to provide public access for boating and fishing to lakes, rivers, and coastal waters. The physical topography associated with many water bodies prevents making all sites fully accessible according to the present Americans with Disabilities Act Accessibility Guidelines standards; however, not providing boat launching sites for this reason alone would be inconsistent with the intent of the Program. All attempts will be made to provide accessible components, where feasible, as existing sites are scheduled for renovation and to acquire new sites that have the fewest possible natural obstructions and constraints to full accessibility. This approach will ensure Maine's boating and fishing access programs, when viewed as a whole, comply with the Americans with Disabilities Act.

Examples of accessible components that shall be considered are parking, accessible routes, docks and boarding floats, toilet structures, stairways, and signs.

Consistent with each Department's overall policy plan, boating and fishing

²⁵State regulation such as Shoreland Zoning and Phosphorus Control Standards need to be revised to balance public interests where access sites are concerned. See Issue3, pages 45-46.

access programs will communicate current site information to users through publications, Telecommunications Devices for the Deaf, large print format, or other appropriate media as these become available to each department. Accessible sites will be identified on the list of State owned or assisted sites distributed to the public.

Equal and Permanent Access

5. Boating and Fishing Access Funds will be used to support projects that provide equal access among users without regard to town or state residency.
6. Funding priority will be given to projects where public access rights are established in perpetuity. Projects where public use is guaranteed over the design life of the facility will also be considered for development or lease, providing that the amount of state funding devoted to the project is commensurate with the public benefits to be realized.

User Fees

7. Wherever possible, state boating and fishing access programs will endeavor to provide public access sites at no charge to users. When the cost to manage a high use access site becomes too great a burden on the state or local entity responsible for the site, a fee for its use will be considered. When local entities or others receiving state assistance propose establishing a user fee, the user fee shall be approved by either the Bureau of Parks and Recreation or the Department of Inland Fisheries and Wildlife. Parameters for approval of user fees may be found in Appendix C-1. It should be recognized that maintenance and operation expenses reduce the level of funding available for the establishment of new sites or renovation of existing sites. Every effort will be made to design and construct sites requiring a minimum of maintenance so that Program efforts may concentrate on acquiring new sites to meet current and future needs.

Site Selection, Development, and Management

8. Each site being considered for development will be evaluated for physical suitability, legal feasibility, environmental impacts, and social impacts using guidelines contained in the "Handbook for the Location, Design, Construction, Operation, and Maintenance of Boat Launching Facilities"²⁶. Preference will be given to sites with favorable site characteristics for:
 - a. enabling safe access for recreational boating and/or sport fishing

²⁶ Prepared for the States Organization for Boating Access by Waterways Development Public Sector Consultants, Inc. , March 1989. and funded by a grant from the U.S. Fish and Wildlife Service.

- opportunities,
 - b. protecting the environmental and aesthetic qualities of the site and water, including environmental stabilization both on land and in the water,
 - c. providing accessibility for individuals with disabilities,
 - d. buffering site activities from neighboring uses, and
 - e. ensuring low maintenance and operation costs.
9. Sites will be designed and developed using Maine's Best Management Practices, or equivalent standards, for erosion and sedimentation control. Sites may incorporate vegetative buffers, minimized impervious surfaces, and optimized drainage designs to reduce water quality impacts. On waters that are remote or characterized as undeveloped, where only small, low-powered or carry-in boats are appropriate, sites will be designed to discourage access for large boats and high intensity use, in keeping with policies adopted by the Land Use Regulation Commission, Bureau of Public Lands, or communities with state-certified growth management programs;
10. Site management guidelines shall include:
- a. toilet facilities will be placed at existing or new sites when high use is expected and occurring, or when adverse impacts on water or land quality become, or are expected to become, a significant problem;
 - b. bulletin boards advising the public of state regulations, site use hours and restrictions, and concerns about the water body, will be provided at heavily-used facilities. Boaters will be advised to clean their boat propellers and other gear before leaving lakes to avoid infestation by the nuisance macrophyte Eurasian watermilfoil;²⁷
 - c. provisions for protecting neighboring properties against vandalism and trespass will be included;
 - d. site identification signs recognizing Maine's boating and fishing access programs with a uniform logo will be provided for each facility, acknowledging the parties participating in the provision of the site; and
 - e. agreements with municipalities and local organizations will be developed wherever possible to encourage active oversight.
11. While sites may be acquired to ensure public access in the event private sites are closed to public use, every effort will be made to develop projects where they will not compete with private sector facilities that provide reasonable, adequate, and appropriate public access.
12. Where sites border flowing waters and where public ownership will be limited to only one side of the water, sufficient land will be acquired to ensure

²⁷ This plant has invaded to varying degrees waters in all other New England states.

ownership to the thread of the stream wherever possible.

Fisheries Management

13. Public funding for fisheries stocking programs will only be invested by the Department of Inland Fisheries and Wildlife in waters where the public at large has a reasonable opportunity to gain access to the water and benefit from the recreational opportunities associated with the public investment. Whenever fish stocking programs are terminated because public access has been lost, denied, or unfairly restricted, adjustments to fishing regulations will be implemented where needed to protect and conserve the existing fishery resources of that water.
14. Requests from the Department of Inland Fisheries and Wildlife for private permits for fish stocking in public waters to be conducted with either private or public funds will be denied when no public access to the water is available or the public is unfairly restricted in its access to that water.

Navigational Aids

15. Existing navigational aids placed and maintained in Maine 'Water bodies by the Bureau of Parks and Recreation's Navigational Aids Program shall be inspected on a regular basis to ensure they are on station and kept in satisfactory repair. No additional waters shall be added to the state's Navigational Aids Program; monies required to mark additional waters will be spent on access-related facilities²⁸. Lake associations and communities, however, will be allowed to mark hazards on other waters providing they notify the Bureau and follow its guidelines established for marking waters.

Boating and Fishing Access Expenditures

The Boating Facilities Fund is projected to accrue about \$1.54 million a year to support boating and fishing access. This amount is directly related to the amount of state gas tax revenues.

In fiscal year 1994-95, in addition to the \$1.54 million, the Department of Conservation will receive \$30,000 from fees for boat passage through the Songo Lock. It will transfer approximately \$70,000-\$80,000 to the Department of Inland Fisheries and Wildlife for matching with \$210,000 in federal Sport Fish Restoration Act funds earmarked for access. Inland Fisheries and Wildlife will also receive about \$14,850 from the State's General Fund to support staff time devoted to access projects. The remaining Boating Facilities Funds will be used by the

²⁸ See Appendix A-4 for a list of the 24 waters currently marked with navigational aids.

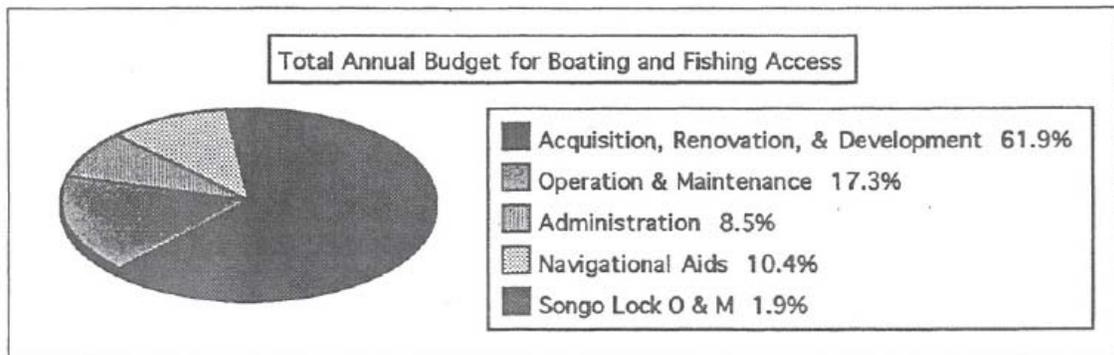
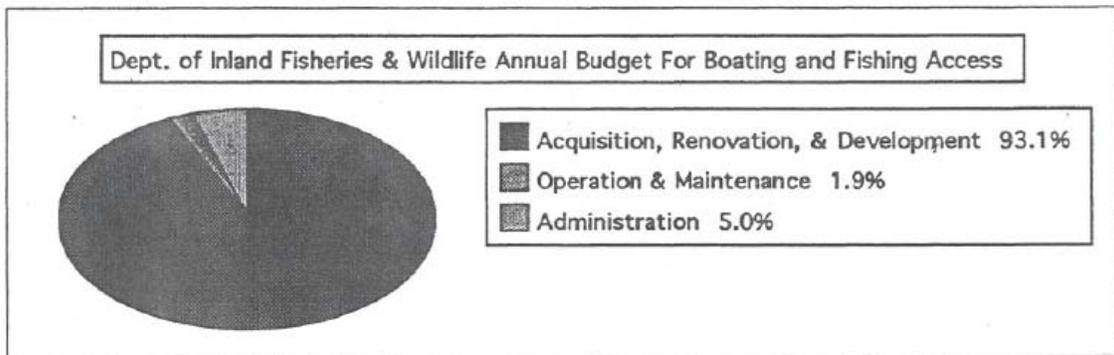
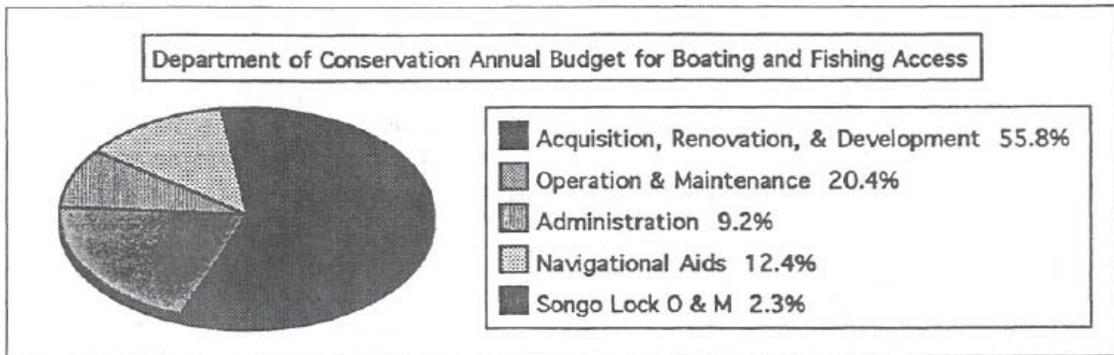
Department of Conservation to acquire and develop new sites, maintain and renovate existing sites, and maintain navigational aids on currently marked water bodies.

The Departments expect to allocate boating and fishing access funds on an annual basis as shown in Table 4 below and Figure 10 on page 42. The relative proportions of funds are expected to remain stable, although amounts may vary. As mentioned elsewhere, the amount devoted to acquisition and development of new sites will decline as existing sites age and require renovation.

Table 4: ANNUAL AGENCY EXPENDITURES

	DOC	DIF&W	Total
Navigational Aids	\$185,798	\$0	\$185,798
Administration	\$137,287	\$14,850	\$152,137
Operation and Maintenance	\$305,789	\$5,600	\$311,389
Songo Lock Operation & Maint.	\$34,375	\$0	\$34,375
Acquisition, Renovation, and Devel.	\$836,751	\$274,400	\$1,111,151
Total	\$1,500,000	\$294,850	\$1,794,850

Figure 10: Projected Budget Allocations



Strategies For Addressing Site Acquisition, Development, and Management Issues²⁹

Issue 1: Lack of suitable land makes finding suitable access sites on certain highpriority waters difficult.

Analysis:

Suitable sites are hardest to find adjacent to lakes and the ocean. The problem has already become acute on highly popular lakes where most of the good land has already been developed for seasonal or year-round residences. The undeveloped land remaining is usually of poor quality and presents severe physical constraints to boating site development. Older and smaller subdivision lots require negotiations with two or more landowners to obtain sufficient land for a public access site. This complicates the process and increases the acquisition costs.

Finding land on lakes is also aggravated by the condition and ownership of roads leading to lake shores. Many roads are privately owned, substandard, and unsafe for general public use. Because ownership is either unknown or distributed among numerous adjacent landowners, it takes a considerable amount of time and money to research road ownership and negotiate or otherwise obtain adequate rights-of-way. This can only be done at the expense of other projects, thus many potential lake waterfront sites are precluded from consideration. When waterfront land includes deeded rights-of-way, legal concerns may exist about the amount of traffic that is appropriate and acceptable.

Property providing all-tide access to the ocean poses a great challenge because of substantially higher land values on the coast. Much of the shore on tidal waters has already been subdivided. Finding a piece of undeveloped land large enough for an access facility at an affordable price is very difficult. Because few sites are available, the Program has focused on large sites that can serve regional needs and provide ample parking. Demand for such sites is very high.

Strategies:

1. Acquire partial land interests in larger lots/ and or share the use of the site (i.e. buying land with reserved life estate or buying easements leaving existing uses in place). Purchase developed properties adjacent to waters where access has been difficult to obtain.
2. Search for access sites only in those areas where the land is adjacent or in close proximity to public roads where legal access can be acquired.

²⁹ The Departments will work together to implement the strategies indicated in this plan.

Issue 2: Limited staff time to search for suitable land makes focusing siting efforts on high priority waters difficult.

Analysis:

Public access is guaranteed in perpetuity on only a small portion of Maine's public waters. It is especially important to provide public access sites on lakes with moderate to high fisheries values and regionally important waters. Unfortunately, boating and fishing access programs staff limitations prevent comprehensive exploration of shore fronts for potential sites. Most new site suggestions come from communities, landowners, agencies, or other interested individuals and organizations who bring a site to the staff's attention. These leads do not necessarily correspond with high priority needs, however.

The Department of Inland Fisheries and Wildlife has one person working a third of his time on managing the Department's access program. He is assisted by regional field personnel who identify potential sites.

The Bureau of Parks and Recreation has one supervisor and two other persons who work a portion of their time on site acquisition in the Boating Facilities Division. The staff has limited time for identifying new sites; even in high priority areas such as the southern coast.

Strategies:

1. Periodically identify the top 10 lakes and rivers, and Kittery to Brunswick coastal region where access sites are sought (from the lists of high priority waters) and ask communities, agencies, and organizations (as specified below) to nominate candidate sites. The Departments will provide technical and/or financial assistance for acquisition and/ or development of suitable candidate sites.

Department of Transportation

1. Assist the Department of Transportation in coordinating and planning for public access at all bridge crossings or along roads adjacent to public waters where public access can safely and cost effectively be provided. Seek ways to cooperate financially to acquire adjacent land wherever necessary to improve such access opportunities.
2. Provide Department of Transportation staff with a list/ map of high priority waters so they can focus on providing access on the highest priority areas, if resources do not allow them to consider public access for all projects adjacent to water.

3. Obtain an inventory of Department of Transportation lands adjacent to public waters and ask the Department of Inland Fisheries and Wildlife field personnel to review and identify access opportunities. Obtain management control of lands suitable for access from MOOT for boating and fishing access programs oversight.

Coastal Program

1. Request the Coastal Program to assist in identifying potential sites in their upcoming access project to be conducted in Fiscal Year 1994-1995.

Bureau of Public Lands

1. Ask the Bureau of Public Lands to add the Bureau of Parks and Recreation to the list of regular reviewers of submerged lands applications to help identify problems with traditional access sites that may be created by proposed projects (DIF&W already participates). Assist in helping the Bureau of Public Lands work out details with applicants concerning the design and placement of ramps to maintain traditional access sites.

2. Work with the Bureau of Public Lands in its ongoing efforts to provide dispersed boating and fishing access opportunities present on lands in the jurisdiction of the Bureau of Public Lands. Such sites generally favor the use of small sporting craft, according to Bureau of Public Lands policy.

Land Use Regulation Commission

1. Request that LURC develop specific land use permit review criteria for ensuring public access where traditional use has occurred (note: new LURC rezoning guidelines require public access to be considered as part of the rezoning process). Place higher priority on permitting public access and streamline the permitting process concerning public access.

Local Governments

1. Send a list of high priority inland waters to local governments (especially recreation committees) and regional planning organizations and ask for assistance in locating potential public access sites.

2. Ask the Office of Community Development in the Department of Economic and Community Development and regional planning organizations to request communities conducting growth management programs to consider the need for public access on high priority waters in their plans.

3. Identify deficiencies in the Comprehensive Planning Process related to access problems and strategies and work with the Office of Community Development and communities engaged in growth management planning to achieve better results.

Other Organizations

1. Send a list of high priority waters to fishing and other outdoor clubs and request assistance from volunteers in identifying potential sites.
2. Develop an effective way of working with real estate agents, especially buyer's brokers, in targeting sites on high priority waters.

Landowners

1. Encourage landowners in the unorganized area, along with other interested parties, to voluntarily protect numerous and small informal sites now made available for public use by the landowners.
2. Investigate the possibility of assuming liability insurance costs of landowners willing to allow the public access to their land for boating and fishing.

Issue 3: Complex administrative and permitting requirements frequently prevent moving forward with a site acquisition in a timely and cost effective manner.

Analysis:

The most significant problem associated with acquiring an adequate access site is trying to complete administrative and permitting requirements within time constraints acceptable to the seller. The time involved in completing simultaneously a variety of applicable permits and assessments for state and federal regulators (e.g. U.S. Army Corps of Engineers, Department of Environmental Protection and/ or Land Use Regulation Commission, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency), collecting data and appraisals, and meeting other administrative requirements is considerable and often cannot be done within the time constraints of the seller.

The most significant aspect of the problem is the lack of flexibility in federal real estate regulations. It is impossible to purchase an option on a property with federal funds without first obtaining an Appraised Value. The use of federal funds also requires a Review Appraiser to review the initial Appraisal Report and to concur with that report before an offer can be made to the landowner. These regulations have significantly delayed the delivery of appraisals and greatly increased site acquisition costs. The initial Appraisal Report takes 6-10 weeks and the review of that report may take an additional 6-10 weeks. If problems are identified in fact or method, their resolution takes even more time. In the meantime, the seller may not be able or may chose not to wait for the six to twelve months it takes to complete the process. In some cases, the time for making a decision about purchasing the site can take even longer. And the process is costly: appraisal reports are \$600-\$1,200; appraisal review is \$200-\$300, topographic surveys are \$1,500; boundary surveys are \$1,000-\$2,000; title review is \$1,000-\$1,500; and professional services for design and permit preparation are up to \$5,000 or more for full-service facilities. If the seller isn't interested in renewing an option when it expires, the state can be out \$7,000-\$13,000 or more.

Sometimes the acquisition process is derailed because sellers do not want to go through the subdivision process. Both the Site Law and Land Use Regulation Commission Law already exempt gifts to government agencies, but the Municipal Subdivision Law exempts only a gift to a municipality. None of the laws exempt lots from a subdivision when they are sold to a government agency providing public access.

The fact that the state's Shoreland Zoning and Phosphorus Control Standards were not developed with public boat launch facilities in mind can also be a problem

when potential sites cannot meet minimum frontage or amount of impervious surface requirements. The states's boating and fishing access programs try to locate and design sites to meet state regulations. However, this cannot always be accomplished to the letter, especially on waters that are so heavily developed only marginal sites remain available for public use or those where land values are so high the state cannot afford to purchase large-sized parcels.

Strategies:

1. Consider purchasing options without a formal appraisal on those properties already providing informal access to high priority waters where all public access will be lost unless the property is purchased. Ordinarily the state would want to thoroughly investigate a site, obtaining formal appraisals and permit approvals before making an offer to a seller. However, in cases where time is of the essence and it is clear the site provides access regardless of whether permits can be obtained for site improvements~ it is important to have the flexibility to act quickly when necessary .
2. Consider amending the Maine Municipal Subdivision Law, State Site Location of Development Law, and Maine Land Use Regulation Commission Law to exempt the gift, in the case of Municipal Subdivisions, or "sale of a lot to government bodies or non-profit organizations from triggering jurisdiction as a subdivision if the lot will provide public access in perpetuity.
3. Seek assistance from state congressional representatives to relax or modify federal acquisition and appraisal standards to accelerate the federal project approval process.
4. Work with the Department of Environmental Protection, Land Use Regulation Commission, and Bureau of Public Lands in revising regulations to take into account the unique requirements of public boat launch facilities and streamlining associated permit review procedures.

Issue 4: The public's right to use rivers and streams for fishing and other forms of recreation is too limited and insufficiently defined.

Analysis:

Public ownership of Great Ponds and assurance of limited access to them has been firmly established by colonial laws. Unfortunately, no similar rights exist enabling access to flowing waters for fishing from the shore or while wading in the water on private lands, except in cases where a permit considers such matters. For example, though the public may own trout stocked or occurring naturally in a stream, the right to dam and manipulate water levels affecting the survival of those fish may be in private hands, and the land under the surface of the stream that the angler must walk on to fish for the trout may belong to still another private owner. Sometimes landowners illegally erect fences across navigable streams under which they own the land making it impossible for boaters to navigate the waters.³⁰

Strategies:

1. Explore opportunities to obtain greater access and use rights over flowing waters and land beneath them.
2. Explore opportunities for creating incentives for landowners to donate land below flowing waters to the state.
3. Inform the public and landowners about public rights to use and gain access to public waters.

³⁰ Personal communication, Alison Rieser, Marine Law Institute.

Issue 5: Lack of public consensus about the level and type of public use that should be allowed on public waters has sometimes created controversy delaying or preventing the provision of public access sites.

Analysis:

When boating was less popular and shorelines more sparsely developed, siting a public access site to meet angling and boating demand was far easier. But times have changed: boats have become bigger, noisier, faster, and used into the night; surface use conflicts have arisen; and the shores of many Maine lakes, bays, and harbors have become more heavily developed, contributing to increased boating pressure.

Many people who use and care about Maine's waters are worried about inadequate enforcement of boating laws, declining water quality, increasing winter use, increasing land and water use restrictions as a result of the requirements of the Safe Drinking Water Act, and that Maine's special natural character quality is threatened or being lost due to overdevelopment and overuse.

None of these issues has been resolved to the point where the public is comfortable with the outcome. In fact, there is a widespread sense that Maine's waters are under managed (see Issue 7). As a result, many people and organizations believe the number of public access sites should not be expanded, especially on highly sensitive or high value waters, until more effective management and protections are put in place. Unfortunately, these kinds of waters are generally the very places to which the boating and fishing public would like to gain access.

Even on less sensitive waters, opposition to boating access sites can arise. Sometimes opponents believe the state will not do a good job in protecting water quality when constructing or maintaining the site, protecting neighbors from disturbances, and providing toilets to avoid unsightly or unhealthy conditions. It takes considerable time to assure them the state will follow best management practices and be a good neighbor.

When the public can not gain access to waters used freely by shorefront owners, the public interest is not well served. Everyone should have equitable access to public resources regardless of their income or residency. Since owning seasonal property on the water or staying at sporting camps has become increasingly expensive, and out of reach to many of Maine's population, many people will not be able to enjoy the state's waters unless public access is provided.

Strategies:

1. Assist the Great Ponds Task Force in developing a classification system for managing Maine lakes, criteria for guiding decisions about access, and strategies for regulating surface uses as charged by the Legislature. In the interim, site new access facilities according to the siting policies listed on page 38-39.
2. Publish a pamphlet to inform the public better about the most commonly raised issues of access sites and describe the facts and interrelationships that apply in the decision making process.
3. Combine boating use counts and boating access site use counts to gain a better understanding of the origin of surface use traffic on heavily used waters. Institute non-angler boat counts as standard data collection in on-going angler surveys where possible, and refine the current data analysis methods to include non-angling boating surface use trends and impacts on resources. Analyze this information to improve surface use management strategies and access facility planning.

Issue 6: On lakes and rivers away from population and recreation centers, especially in the unorganized areas of the state, public access improvements need careful consideration to preserve remote values and primitive recreational opportunities.

Analysis:

Many of Maine's lakes and rivers are unique in their relative isolation and remoteness. For anglers and boaters who seek a wilderness experience with little development and low levels of motorized boating activity, these lakes and rivers offer unparalleled recreational opportunities. In pursuing its public access policies and strategies, the state should ensure that these qualities are not compromised, especially on the most remote lakes and ponds. Although some access improvements may be appropriate on such ponds, resources for fully improved boat launching facilities are generally best spent on waters closer to population centers or recreational hubs, where increased access is most likely to meet high demand and disperse use.

Most of these more remote lakes and rivers are located in the unorganized areas of the state, although some exist in organized areas that are distant from population centers. The Maine Land Use Regulation Commission (LURC), a bureau within the Department of Conservation, is responsible for land use planning and regulation within the unorganized areas, which includes over 3,400 lakes over one acre in size, and many outstanding river segments, including the Allagash, St. John, and East and West Branches of the Penobscot.

One of the central responsibilities of the Commission is to maintain the natural character of areas within its jurisdiction having significant natural values and primitive recreational opportunities. LURC's *Comprehensive Land Use Plan* further directs the Commission to protect remote, undeveloped and other significant areas, including such areas around rivers, streams, trails, ponds, and lakes, to protect their natural character for primitive recreational activities such as canoeing, hiking, fishing, and nature study.

Toward this end, the Commission has developed a lakes planning program, which has been incorporated into its *Comprehensive Land Use Plan*. The program classifies 1,500 of the larger lakes of the jurisdiction according to their nature resource values, ownership, level of accessibility and development, and proximity to services. Based upon this information, lakes are grouped into management classes that are intended to guide future lake management decisions. Two classes, "High Value, Inaccessible Ponds" (Management Class 1) and "Remote Ponds" (Management Class 6), prohibit vehicular access for other than land management activities and most forms of development. Another class, "High Value, Accessible Ponds" (Management Class 2), allows low density development and vehicular

access, but requires public access facilities to meet several stringent conditions.

On other lakes within LURC's jurisdiction, public access improvements are also reviewed for appropriateness and site impacts.

While the goals of expanding public access and preserving remote recreational resources sometimes conflict, the number and diversity of inland waters in Maine can allow for both goals to be realized. But the qualities that make an experience in a remote setting so special are sensitive to change, and any expansion in access to a selected group of waters in the unorganized areas should be taken with extreme care. Early interaction with the LURC staff and consideration of the Commission's planning and zoning policies affecting public access can reduce potential conflicts and facilitate smooth permitting of appropriate access sites.

Strategies:

1. Ensure that site selection and development of public access sites are consistent with LURC's *Comprehensive Land Use Plan*, particularly its *Amendment to the Comprehensive Land Use Plan Regarding the Development and Protection of Lakes Within Maine's Unorganized Areas*.
2. On lists of priority waters, or revisions to these lists, indicate lakes that are in Management Classes 1 or 6, or Management Class 2.
3. As part of the public access site selection process, inform the LURC planning staff of lakes and ponds within the unorganized areas being considered.
4. Work with the Commission and other organizations in developing practical options for carry-in access sites and strategies for limiting site impacts.

Issue 7: People frequently oppose the development of public access sites on the grounds that public access should not be provided or improved until enforcement activities are considered adequate on the water.

Analysis:

People link access and enforcement for two reasons. First, many perceive that access only aggravates an existing problem created by the great numbers of boats on some waters and relative lack of enforcement capacity. They argue that until enforcement is conducted effectively, additional access should not be provided.

Others are concerned that more and bigger boats plying waters will negatively impact water quality, especially in shallow areas, in lakes where phosphorus recycling from bottom sediments is a threat, and where boat pump-out facilities are unavailable.

Complaints about enforcement reach their peak between June 15 and September 15 each year' when angling and recreational boating activity are heaviest.

The Legislature has tried to address these complaints by authorizing locally appointed inland harbor masters and giving them the authority to enforce state water craft laws. Since only the town of Naples has appointed an inland harbor master, this potential remedy has not addressed the problem.

Curtailing the provision of access sites will not provide an effective stopgap measure either because violations cannot be attributed directly to the transient boating public. It would be unfair to restrict public access when shore owners continue to boat and contribute to Boating Law violations.

Strategies:

1. Continue to focus warden service patrols on the peak boating/ angling days of the year and most heavily used waters.
2. Make law enforcement activities more visible in the media.
3. Educate all boaters about applicable laws and responsible and ethical boating activity by making the Boating Law Book more understandable and user friendly, and posting and publicizing information about how to be a "low impact" boater. The Maine Inland Trail Association's handbook is a good model for this kind of information. It informs members about how to minimize impacts when using coastal islands.
4. Provide incentives and training so more communities will appoint harbor masters or use local police or county sheriffs to strengthen enforcement of Boating Laws.

5. Work with the Department of Economic and Community Development, presently administering a grant from the u.s. Fish and Wildlife Service to install pump-out facilities on lakes and the coast, in identifying where these facilities are most needed and can be located.

6. Review complaint and enforcement records of wardens, state and local police, county sheriffs, and local harbor masters to identify trends, problem waters, and needed changes in the enforcement system.

Issue 8: Management and maintenance of public access sites is becoming increasingly costly, limiting resources available for the acquisition and development of new access sites.

Analysis:

Public access sites require varying levels of annual management and maintenance. Most sites developed for intensive use will have to be renovated in approximately 20 years, the expected design life of these facilities. Keeping sites in good condition on an on-going basis will help extend the useful life of the capital improvements. Attentive oversight cultivates good will among abutters and local residents and instills confidence in the public as a good neighbor.

The amount of management and maintenance needed depends upon the size of the facility, its volume of use, and the type of use it receives. Remote bank fishing or carry-in access sites may require as little as one annual inspection. Developed sites may require monthly or weekly oversight. High volume or multipurpose developed sites usually require daily attention. Low maintenance sites may be more expensive to develop, but cheaper in the long run to maintain.

The Departments of Inland Fisheries and Wildlife and Conservation have used volunteer and agreements with local governments to maintain the less developed sites, but active management and maintenance of more heavily used state-owned sites requires the attention of state personnel.

The cost of management and maintenance has increased yearly as new sites have come on line, adding to the overall operation and management budget expended for existing projects. This will consume, along with renovation costs, an ever increasing portion of the overall boating and fishing access programs' budgets, leaving fewer funds for the acquisition and development of new sites.

Currently, the Department of Conservation charges user fees at some of its sites, primarily at state parks. The Department of Inland Fisheries and Wildlife does not presently have statutory authority to do so.

Strategies:

1. Expand the involvement of local organizations in providing volunteer services for oversight and minor maintenance of sites where such delegated responsibility can provide adequate management.
2. Continue to solicit shared management of state-owned access sites with local governments and improve management agreements between state and local governments.
3. Consider establishing a user fee system at all improved access sites receiving

high use (i.e. 200 or more launchings per week). For sites where using the honor system is appropriate, collect fees using "iron rangers or wardens". Use fees exclusively for sites in the fee system, but not exclusively targeted for the site at which the fee was collected.

4. Develop legislation for charging user fees where appropriate at sites owned by the Department of Inland Fisheries and Wildlife.

Issue 9: Existing boating activity and increased boating use resulting from new or expanded access may adversely impact sensitive wildlife species.

Analysis:

Individuals and organizations have raised concern about the impacts of boating activity on wildlife. For instance, boating noise and wakes can disturb nesting loons. Often public comments in opposition to new or improved access sites focus on this issue, especially on lakes where boating traffic is perceived to be excessive or the size of the facility inappropriate to the character of the water body.

Some suggest that the way to prevent additional wildlife impacts is to prevent increased boating activity by not providing more access.

Strategies:

1. Give regional wildlife biologists the opportunity to review the list of priority waters for access development and specific sites under consideration for development. Ask them to identify any potential conflicts with the protection of sensitive wildlife species and their habitat.
2. Post notices for advising boaters about appropriate boating "manners" on waters where loons nest or other important wildlife is known to frequent.

THE FUTURE

Maine can no longer add new public boating facilities at the present pace of 10 sites a year given present funding and staffing levels. In fact, the number of new sites added each year will gradually decline as more of the older sites require renovation.

At the same time, the demand for sites will increase as the average age of users increases and less intensive activities such as fishing and boating increase. Competition for shore front land will continue to escalate land values, making it more difficult for the state to find and purchase suitable sites. New owners and use patterns are expected to continue closing off traditional access sites, especially in the most populated and heavily used areas, thus diverting more boating pressure to public sites.

Coupled with this anticipated demand for public access is the opportunity to take even greater advantage of the outstanding quality and abundance of Maine waters, by promoting their use as a sustainable element of Maine's economy. This does not mean opening all waters up to high intensity use, but offering a variety of types of facilities and settings for public access and dispersing demand among appropriate waters.

All of Maine's needs cannot be met within the present level of funding and staffing. Unfortunately, the need to renovate existing sites and open new ones comes at a time when state revenues are severely limited, and gas tax revenues are unlikely to grow substantially.

The measures outlined in this Plan are aimed at creating a more unified and focused approach to providing boating and fishing access, but this will not be enough. Basically, future needs and opportunities will not be met unless additional revenues are found. Recognizing this need, the Legislature established the Public Access to Maine Waters Fund last session to be financed through bonding and other sources. No funding is yet available.

Several sources of funding could be tapped, although interest in expanding state expenditures has been limited in recent years, to say the least. If the situation changes, this Strategic Plan can provide valuable direction for targeting new water access funds.