

Fees

LEASES

Application processing fee - \$100.00

Type of Use	Annual rental rate
1) Public	No Fee
2) Commercial Fishing	\$.025/square foot(sf) base rate + 0.1% of Upland SFV* x lease area
3) Water Dependent without slips	\$.05/sf base rate + 0.2% of Upland SFV x lease area
4) Water Dependent with slips	\$.05/sf base rate + 0.2% of Upland SFV x non-slip lease area + 2-4% of gross income
5) Upland Uses & Fill	0.2-0.4% of Upland SFV x lease area, or by appraisal
6) Pipelines, Cables <1 ft. diameter	\$.02/linear foot
>1 ft. diameter	same as 3) above

Rates listed above subject to minimum annual rent of \$150/year.

7) Dredging Incremental one-time fee: \$100-\$1,000 plus fair market value of materials removed for profit or used in another location

*Upland Square Foot Value (SFV) is the municipally assessed value of the shorefront property divided by the square footage.

EASEMENTS

Application processing fee - \$100.00 plus \$50.00 registration fee every 5 years.

Public Trust Rights

Most of the land in Maine that is covered with water is publicly owned. Historically, this public ownership dates back to Colonial times when these lands were reserved as a public trust. That is, everyone had a right to use them for “fishing, fowling (hunting), and navigation.” These were considered essential public rights.

The State of Maine has retained these rights, and included public access and recreation, as have most other states. Piers and other structures located on submerged lands may be privately owned; the land and water beneath them are not.

Lease and Easement Fees at Work

Lease and easement revenue is used to maintain, improve and expand public access to Maine’s coastal and inland waters by providing grants to municipalities and state agencies. These funds are used to develop harbor management plans and improve public access facilities.

The Bureau of Parks and Lands is responsible for the management of state-owned parks and historic sites, Public Reserved Lands, coastal islands, and submerged lands.

For More Information Contact:

Submerged Lands Program
Maine Bureau of Parks & Lands
22 State House Station
Augusta, Maine 04333
(207) 287-3821

www.maine.gov/dacf/submergedlands

Submerged Lands

A Public Resource in Maine

- *Building along Maine’s coast, tidal rivers or lakeshores requires special care and planning.*
- *Construction projects on Submerged Lands may require a lease or easement.*

Frisbee Pier at Kittery Point, ME photo by C. DiBello, 2019



Submerged Lands

What are they?

Definitions:

The State of Maine defines publicly owned submerged lands as:

Coastal waters (including islands): All land from the mean low-water mark out to the three mile territorial limit. Where intertidal flats are extensive, the shoreward boundary begins 1,650 feet seaward from the mean high-water mark.

Tidal Rivers: All land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides.

Great Ponds: All land below the natural low-water mark of ponds that in their natural state are 10 or more acres in size.

Boundary Rivers: Land lying between the banks of rivers that form Maine's border with Canada.

State ownership does not include beaches or other shore land that is covered only at high tide, land that has been flooded by dams, land beneath ponds that are less than 10 acres in size, or land beneath non-tidal rivers that do not border Canada. Some of these areas have been acquired for public parks and other uses, but they are administered separately.

See also: *Title 12 M.R.S.A. Section 1801 & 1862*

Leases and Easements Are Needed When:

- The existing use is being changed;
- The size of an existing structure is being changed;
- A new structure will be permanent; or
- A seasonal structure will be larger than 2,000 square feet and used for commercial fishing related purposes, or will be larger than 500 square feet for any other purpose.



The size and nature of the project will determine whether a lease is needed, which requires an annual rental fee, or an easement, which requires periodic registration fees.

Leases or easements are also required for pipelines, utility cables, outfall/intake pipes, and dredging.

The Bureau will rarely approve leases or easements for activities that could take place on the upland such as:

- | | |
|-------------|---------------|
| Offices | Residences |
| Restaurants | Parking space |

What is Involved in the Application Review?

The application review period for a lease or easement generally takes from 45 to 60 days if no significant issues are raised.

A lease or easement may be granted if the proposed use would not have adverse impacts on:

- Access to or over the waters of the State;
- Public trust rights: fishing, waterfowl hunting, navigation, and recreation; and
- Services and facilities for commercial marine activities.

The Bureau may place special conditions on the terms of a lease or easement when traditional and customary public uses are diminished. Projects may be required to include:

- Public walkways or boat ramps;
- Navigational improvements;
- Publicly accessible space for fishing, sight-seeing, waterfowl hunting, or recreation; and/or
- Protection of important commercial fishing and water dependent activities.