



Submerged Lands Newsletter

A yearly update of developments in the Submerged Lands Program for submerged lands lessees, easement holders and other interested parties.

January 2020

Upland Uses and

the Submerged Lands Program

Maine's waters are a finite resource that must accommodate many uses such as commercial and recreational fishing, recreational boating, commercial shipping, aquaculture and other users that compete for limited space in Maine's Great Ponds and coastal waters. Floating structures such as floating cabins or camps will not be approved under the State's submerged lands statute because the floating cabin or structure is not a water-dependent structure and thus they are not a protected public trust right.

Maine's lakes and coastal waters are held in trust for all the public to use, and managed to remain open and available for certain Public Trust Rights that include fishing, fowling and navigation. Private water-dependent structures, such as wharves, piers and floating docks, are allowed provided they do not unreasonably interfere with the public's use of these public waters. Some small, seasonal docks and floats typically seen along coastal waters and lakeshores are allowed without a formal agreement. Permanent structures of any size and large temporary structures require a lease or easement issued by the Bureau for the right to be placed on or over publicly owned submerged lands. Permanent is defined as occupying submerged lands owned by the State of Maine during seven consecutive months during any one calendar year. These leases may only be granted if the structure is a water-dependent use, and can be located so that it does not interfere with Public Trust Rights or access to waterfront properties. New non-water-dependent structures including, but not limited to, residences, restaurants and fill are not a Public Trust Right and thus, are generally not permitted regardless of size.

Submerged Lands Program (SLP)

Funding Activities 2019

Municipal Grants: The third round of Harbor Management and Access (HMA) grants have been selected, funded and, in some cases, completed. The SLP, after evaluating all eligible applications, selected five for funding through the HMA. Four of the grants will go toward coastal waters while one grant has been awarded for a project located in a Great Pond. Project types ranged from construction of public float replacements to boat ramp reconstruction. Please see the table on the reverse side for a summary of the 2019 HMA grant awards.

Other Funding Activities: SLP provided funding to our partner agencies for improvements to projects located in both coastal waters and Great Ponds. Examples of projects and funding support provided by the SLP include repairs to public boat launch facilities, the Maine Pilotage Training Fund and Pilotage Commission, pier rehabilitation including ADA improvements at Fort Popham Historic Site and dock replacement at Lily Bay State Park on Moosehead Lake. The SLP also funded three engineering projects under the Maine Coastal Program:

Swans Island-Fish Pier Rehabilitation

Southwest Harbor- Manset Dock

**Jonesport-New Public Boat Launch and
Pier for Commercial Fishermen**

**Harbor Management and Access Grant
FY20**

Town	County	Project	HMA Grant Award	Waterbody	Waterbody Type	Type of Use
Belfast	Waldo	Float Replacement	\$12,000	Penobscot Bay	Coastal	Commercial/ Recreational
Blue Hill	Hancock	Float Replacement	\$5,000	Blue Hill Bay	Coastal	Commercial/ Recreational
Lubec	Washington	Pier Repair	\$11,250	Johnson Bay	Coastal	Commercial
Northport	Waldo	Float Replacement	\$15,000	Penobscot Bay	Coastal	Commercial
Waterford	Oxford	Boat Launch Reconstruction	\$3,600	Keoka Lake	Great Pond	Recreational

Annual Reminders

Sale of Property

If you have sold or are planning to sell your property, please remember that your submerged lands lease or easement must be transferred or assigned to the new owner. To transfer a lease, please send us a written request, including the new owner's name and address. There is also a \$100 processing fee that can be paid by either party. Notification may be provided by an attorney or real estate broker involved in the transaction, or even the new owner, provided they submit a copy of the new deed and processing fee.

Modifications

Please keep in mind that any changes to your structure, including the addition of floats (seasonal or permanent), may require your lease or easement to be updated. If you are planning any changes, please contact us.

Renewals

Most leases and easements are issued for a 30-year term. Several months prior to the end of the term, the Bureau sends notice that you will need to apply for a new 30-year conveyance. This is sent during the summer months when it is easier to check measurements and take photographs. The renewal process includes sending notification to the municipality and, in certain situations, to others within close proximity to the site, informing them that a renewal application is being reviewed by the Bureau.

Submerged Lands Staff

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2019 SUBMERGED LANDS PROGRAM ACTIVITY SUMMARY

The Bureau of Parks and Lands processed 223 applications in 2019. One hundred and four (104) new leases and easements were granted, including 14 amendments to existing conveyances and 15 renewals of expiring conveyances. The Bureau also reviewed 121 applications and determined that no conveyance was required. The following list indicates the types of leases and easements approved or amended in 2019 and the total number of leases and easements in the Submerged Lands Program.

	Leases	Easements
Private residential piers/floats	28	13
Private recreational facilities	0	2
Utility cables and pipeline	10	4
Commercial marine facilities	15	11
Public service or public facilities	17	2
Dredging (including one log salvage lease)	2	NA
TOTALS	<u>72</u>	<u>32</u>

PROGRAM TOTALS: LEASES - 1448 EASEMENTS - 809 DREDGING LEASES - 6