Riparian Notification Determination: Intertidal Lands

Policy: If the 1,000-foot radius around a proposed lease overlaps with intertidal land at mean low water (MLW, 0.0'), the shorefront property owner associated with this intertidal land will receive notification. Using aerial photography to determine an area's mean low water line poses many challenges and MDMR cannot visit every proposed site at a 0.0' tide to determine the exact mean low water line. Given these constraints, and to ensure consistency, MDMR uses the latest version of the NOAA nautical charts as the base map from which to determine the mean low water line.

Optional: Before having your riparian list certified by the town clerk, you may email a copy of your riparian list to DMRAquaculture@maine.gov along with the proposed lease coordinates and tax map(s) for staff to confirm that the list is complete.

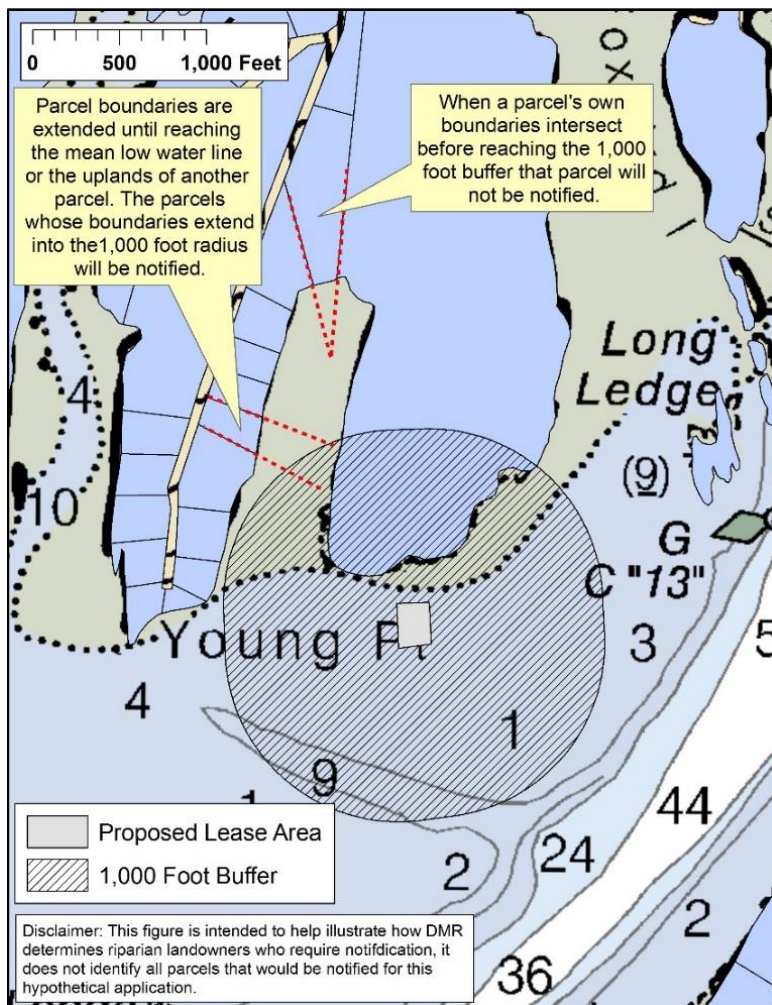## To determine the parcels that should be notified, MDMR uses the following guidelines:

Figure 1

• Riparian parcel lines are extended to the edge of the intertidal on the NOAA chart or the uplands of another parcel. The parcels whose boundaries extend into the 1,000-foot radius around a proposed lease will be notified (Figure 1).

• When a parcel's own boundaries intersect before reaching the 1,000-foot radius around a proposed lease, the parcel will not be notified (Figure 1).

- In areas with extensive tidal flats, the limit of shorefront property ownership extends 1,650 feet into the intertidal from the parcel's uplands at mean low water (per 12 MRS § 571 and depicted in Figure 2). When the 1,000-foot buffer around a proposed lease is more than 1,650 feet away from a parcel's uplands, and therefore outside the limits of riparian ownership, the parcel will not receive notification.
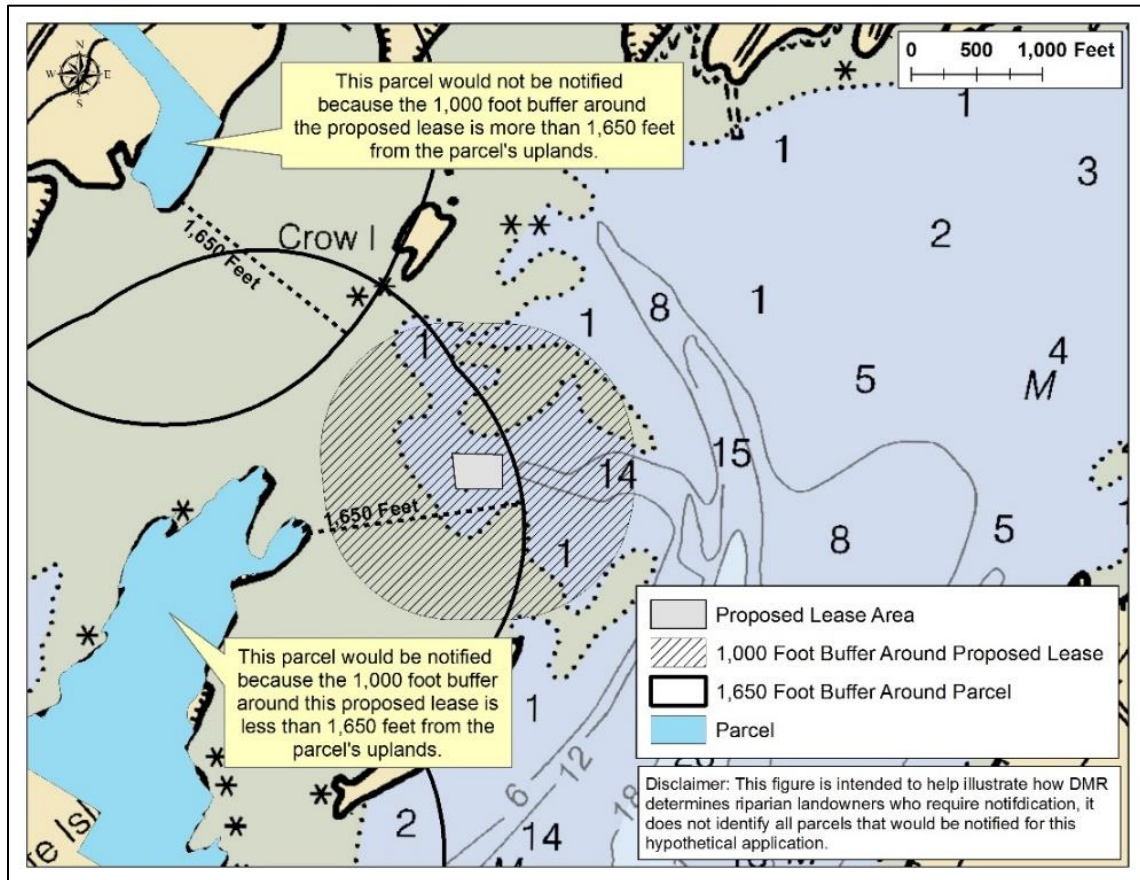

Figure 2

Parcel lines stop when they reach
a river/stream shown on the
NOAA chart that cuts through
the intertidal.

Disclaimer: This figure is intended to help illustrate how DMR
determines riparian landowners who require notifdication, it is
not based on a real scenario.

Figure 3

• Parcel lines are assumed to stop when they reach a river/stream shown on the NOAA chart that cuts through the intertidal (Figure 3).

• In cases where it is difficult to determine if a parcel should be notified, MDMR will err on the side of caution and require notification. Failing to provide notice can result in having to start the application process over, which can create delays.