

Working Waterfront Access Protection Program

Purpose

The Working Waterfront Access Protection Program (WWAPP) protects commercial working waterfront properties. It **guarantees** they cannot be developed or used in ways that are incompatible with commercial fishing or aquaculture activities, and maintains accessible and affordable working waterfronts for Maine's marine economy.

Property owners who are willing to permanently restrict their right to develop their property may apply (development supporting commercial fishing or aquaculture activities is allowed). This is a **permanent** relinquishment of these rights. For simplicity, this is often referred to as the sale or extinguishment of your development rights. If the application is accepted and program requirements are completed, the property is encumbered by a Working Waterfront Covenant. The covenant gives Maine Department of Marine Resources (DMR) the right to preserve the property as a working waterfront, although property owners retain their legal rights of ownership over the property. The covenant also includes a Right of First Refusal that allows DMR to review future sales of the property and limits its resale value to its value as a working waterfront.

A specialized appraisal (purchased by the applicant) determines the owner's compensation by considering potential activities and the value of the property with and without the covenant in place. The difference between the values is the applicant's compensation (and the value of the rights they will relinquish). After the covenant is in place, the land is forever subject to the agreements and requirements of the covenant.

Eligibility

Private businesses, cooperatives, municipalities, non-profits, or other qualified parties engaged in and/or directly supporting commercial fishing and aquaculture may apply. The properties must provide permanent access for these activities, and the applicant must own or plan to purchase the property. The applicant must also be willing to place the working waterfront covenant on the property and abide by the right of first refusal.

Property Types

Waterfront wharves, piers, small boat, or walk-in access properties are eligible. They may be entirely commercial or have mixed uses. There is a strong preference for projects that protect and secure existing facilities and access sites over projects that involve speculative plans to develop new access sites and facilities.

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Takeaways

The WWAPP protects commercial fishing and aquaculture properties by ensuring they remain accessible and affordable for future commercial use, especially if they are sold to new owners.

When can I apply?

The WWAPP periodically accepts applications. Please check with Maine DMR and the Land for Maine's Future Program to see when the program will be open.

How it works

1. Potential applicants submit a Letter of Intent to Maine DMR
2. DMR encourages appropriate applicants to prepare full applications
3. Applicants follow the steps outlined in the [WWAPP Workbook](#). DMR staff are available to assist with application preparation.
4. Applications are scored by an external review panel. The DMR Commissioner makes funding recommendations to the LMF Board, who allocate funding.
5. If applications are funded, the applicant begins the due diligence phase and completes the following steps, with assistance from LMF staff:

- Full working waterfront appraisal (to determine covenant value)
- Phase I Environmental Site Assessment
- Property boundary survey
- Deed evaluation and other legal work
- Covenant drafting

6. When all due diligence steps are completed and the covenant is finalized, the sale and extinguishment of the development rights occurs when the covenant is recorded at the applicable registry of deeds and the property owner is paid for the sale.

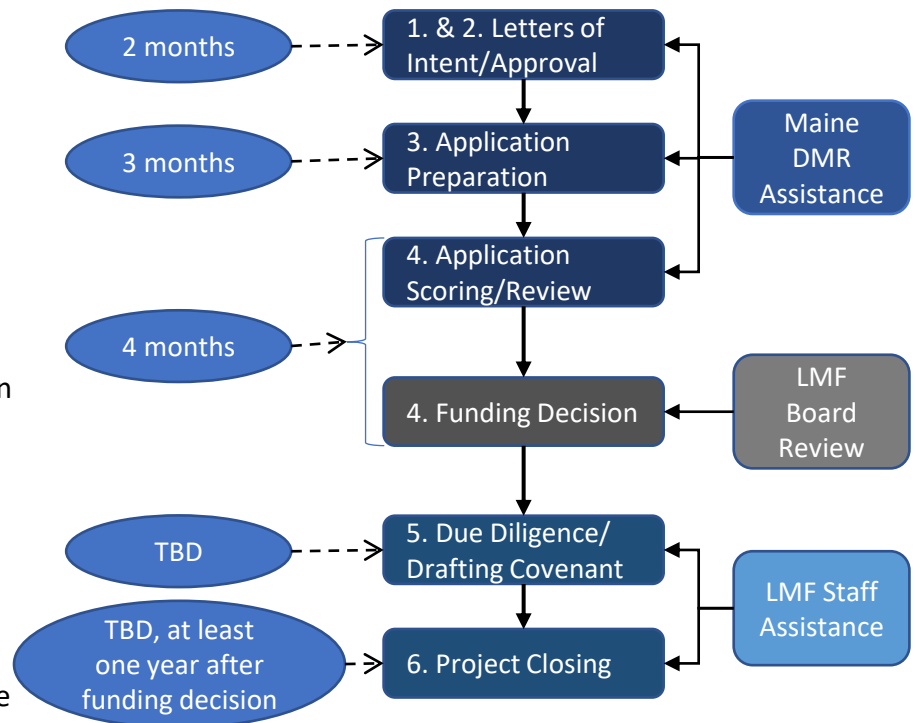


Figure 1: Approximate timeline (left), WWAPP steps (center), and the groups providing assistance during each phase (right)



Questions?

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